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MO 5/21

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*New Robin,*

THE SINKING OF THE BELGRANO

We spoke about the background to the Defence Secretary's speech opening Monday's Debate, and about press reports of further inquiries following Mr Ponting's trial.

/ I attach a draft of Mr Heseltine's speech which he has yet to consider in detail. I should be grateful for any comments which you or copy addressees of this letter may have by not later than midday on Monday. I should, of course, be happy to receive these on the telephone.

I am copying this letter and the attachment to Len Appleyard (FCO), Hugh Taylor (Home Office), David Morris (Lord Privy Seal's Office), Henry Steel (Attorney General's Chambers) and Richard Hatfield (Cabinet Office).

*Yours etc,*

*Richard Mottram*

(R C MOTTRAM)

F E R Butler Esq

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Second Draft

THE SINKING OF THE BELGRANO

Mr Speaker, The House will understand that I must make a lengthly and detailed speech on what is an important issue involving the rights of Parliament and the duties of Ministers, national security, and the relationship between Ministers, their colleagues, and Civil Servants.

It may be helpful if I summarise at once the ground I intend to cover and the approach I intend to adopt.

I do not intend to do more than outline the background that led the the decision to sink the Belgrano.

I will set out rather more fully the events that surrounded the decision itself, although this is for completeness rather than because I have anything new to say.

I was not involved in the decision to prosecute Mr Ponting. Neither I nor John Stanley had any contact directly or indirectly with the Law Officers or their officials in this context. The Attorney General has set out the position to the House in the clearest language.

I have nothing to add to his statement.

My only involvement in the matter came many months later when it was necessary to consider requests from Mr Ponting's lawyers that classified documents belonging to my Department should be disclosed to the Court.

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I was consulted over the disclosure of one of these documents - the one now known as the "Crown Jewels".

The disclosure of a number of internal Ministry of Defence documents to the Court creates a most unusual situation.

Advice to Ministers on policy matters is disclosed to this House only in carefully defined areas, such as the outcome of studies related to efficiency.

It is a wholly desirable position carefully to restrict such disclosures.

If Civil Servants are to be protected in the views they express, if the concept that advice given to one Government is not made available to another is to be maintained, and if the proper accountability of Ministers - and not Civil Servants - to Parliament is to be preserved, we must maintain this position.

However, the essence of this debate centres on the allegations made by a Civil Servant about the behaviour of Ministers.

Mr Ponting has made the most serious allegations on oath about my conduct in discharging my responsibilities as the Secretary of State for Defence.

Most extreme allegations have been made about the Prime Minister and about my Rt Hon Friend, the Minister for the Armed Forces.

In these quite deplorable circumstances, the Government has decided - exceptionally - to reveal the advice given to Ministers by officials, which was quoted largely in open Court.

I shall quote from the advice Mr Ponting gave me.

When I do so I shall make available the full text of his advice to the Select Committee on Foreign Affairs and place copies in the Library of the House.

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I further intend to enable members of the Foreign Affairs Committee to have access to the document known as the "Crown Jewels" under appropriate security arrangements, and I propose to discuss how this can best be done with the Chairman of the Committee.

The House will want to judge Mr Ponting's assertions about integrity in the light of the advice he gave to Ministers at the time.

The House will be better able to judge then to what extent it is upon Mr Ponting's concept of truth that we should rely.

I shall specifically deal with the events associated with the letter written on behalf of the Shadow Cabinet by The Rt Hon Member for Llanelli, the letter I received in March from the Hon Member from Linlithgow, the preparation in the light of these letters of the document known as the "Crown Jewels", and the subsequent handling of Mr Dalyell's questions.

I shall want to deal also with the events that occurred later arising from a request from the Foreign Affairs Committee for a note of all changes in the Rules of Engagement issued to HM Forces in the South Atlantic during the Falklands campaign. Our response to that request, which has popularly become known as the "Stanley Memorandum" although the reply was approved personally by me, is the specific subject of the Opposition amendment today. It is this memorandum that is supposed to have tipped Mr Ponting over and to have driven him to leak.

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On this basis the Opposition have been persuaded, I presume, to draft their rather narrow amendment.

We shall see if the House believes that they were any better served by Mr Ponting than I was.

Mr Speaker, when I first became personally involved in this matter I had no first hand knowledge of the events which had taken place in the South Atlantic, save as a member of the Cabinet involved in general policy discussions and as a member of the public able to read the media reports.

I recall that the decision to send the Task Force was given all-Party support by this House in 1982.

But this House will also remember that the Hon Member for Linlithgow never agreed with that judgement.

Some would regard that independence of mind on his part as an act of personal courage.

No-one would question his right to such a view however much they disagreed with it.

But during my early days as the Defence Secretary from the beginning of 1983 it was he alone who pursued a campaign based upon this hostility and with changing centres of attack.

[ Page 5 yet to be drafted ]

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The Government's position was clear.

Towards the end of April 1982 the first elements of the Task Force were moving towards the Falkland Islands.

As they moved southwards from Ascension Island they were vulnerable to attack.

While an Exclusion Zone had been established around the Falkland Islands to avoid Argentina consolidating her illegal occupation, measures to defend our own forces had overriding priority.

On 23rd April the Government issued a warning to the Argentine Government making it clear that, notwithstanding the imposition of an Exclusion Zone, 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 would encounter the appropriate response.

At the end of April, the Task Force was close to the Falkland Islands.

It had limited defences against attack, particularly from the air.

It was operating 8000 miles away from home against forces operating close to their own mainland.

Argentina could bring to bear both land-based aircraft and those on the aircraft carrier the 25 de Mayo which greatly increased the reach and flexibility of the Argentine air threat.

Argentine ships could move quickly from the safe haven of areas close to the Argentine coast to positions where they could threaten our forces.

The Royal Navy had no such easy options.

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On 2nd May, after hostilities had already commenced, there were clear and unequivocal indications that the Task Force was under further threat from a strong and co-ordinated pincer movement by the major units of the Argentine Navy, including the cruiser - the General Belgrano - and the aircraft carrier. On the advice of their most senior military advisers, Ministers decided at 1pm that day that the Rules of Engagement should be changed to permit attacks on all Argentine naval vessels on the high seas.

The General Belgrano was attacked just before 8pm that day. Following that attack, the Argentine Navy played no further part in the Falklands campaign.

On 4th May John Nott described to the House the circumstances of the attack on the Belgrano.

He said that the Belgrano had been detected at 8pm on 2nd May and that the group of which she was a part was closing on elements of our Task Force.

Both the White Paper "The Falklands Campaign: The Lessons" and Admiral Sir John Fieldhouse's official despatch also referred to detection on 2nd May.

We now know that these statements were inaccurate and I will return the Government's present view on this matter later.

Interest in these and other questions was heightened by the publication of a book on the sinking of the Belgrano by Messrs Gavshon and Rice.

From the time of publication in March 1984 a range of details was available that raised a host of new issues and questions.

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Two particular issues emerged.

First the date on which the Belgrano was detected.

Secondly the course of the Belgrano and the orders under which she was operating from the time when she was first picked up by HMS Conqueror to that when she was sunk.

It was understandable that for the first time the Shadow Cabinet should become involved as a result of the claims being made.

I must also tell the House, that with the intervention of the Shadow Cabinet in this matter, I too decided that it was necessary for me to take a close interest in the precise events which had occurred in the South Atlantic, in a way in which the allegations made by the Hon Member for Linlithgow had never persuaded me was necessary.

The Rt Hon Member for Llanelli wrote on behalf of the Shadow Cabinet to the Prime Minister on 6th March.

His letter focussed on the issue of when the Belgrano had first been located and sighted, but also asked about the ship's course when it was sunk.

His letter was referred to Mr Ponting, as the Head of the appropriate Division, for advice and for a draft reply.

I gave no guidance to Mr Ponting about the advice he should provide, but the Minister for the Armed Forces went further and asked that the option of admitting for the first time that the Belgrano was sighted on 1st May and not 2nd May should be addressed.

Mr Ponting submitted his advice through the Minister for the Armed Forces and it reached my office on 21st March.

I intend to quote from Mr Ponting's advice and also from the Minister for the Armed Forces' manuscript note written on that advice.

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I will, as I have said, make these documents available.

Mr Ponting wrote:

"You asked for a draft reply to send to No 10 for the Prime Minister to send to Denzil Davies and the Shadow Cabinet. Minister(AF) asked me to prepare a draft admitting for the first time that the Belgrano was sighted on 1st May and not 2nd May, this is draft 2 attached. I have however prepared an alternative reply, draft 1, which maintains the existing public line. There are no operational or intelligence reasons for withholding the 1st May date and the choice between the drafts is therefore essentially political."

Mr Ponting went on to set out the advantages and disadvantages of each alternative course but left the issue to me.

He said the choice was "essentially political".

The Minister for the Armed Forces added a manuscript note making it clear that he had sought drafts on both bases and referring the matter to me.

It is clear beyond doubt that the Minister for the Armed Forces was determined that I, not him, should be able to make a proper judgement about how the Prime Minister should be advised to reply to the Shadow Cabinet.

In practice, Mr Speaker, I did not put either of Mr Ponting's alternative drafts to the Prime Minister.

The explanation is simple.

On March 19th, the Hon Member for Linlithgow wrote to me a letter

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asking 9 questions.

These concerned the date of the detection of the Belgrano as had the letter from the Rt Hon Member for Llanelli.

But Mr Dalyell went on to ask a number of other questions concerning the course followed by the Belgrano, the details of the attack on her, and others relating to the Argentine aircraft carrier.

I decided that, as a result of the events I have described, I could not properly discharge my duty to Parliament unless I had before me an account of events in the South Atlantic that no-one until that time had considered necessary.

I had played no personal part in those events and could therefore review the evidence entirely dispassionately.

Mr Ponting was asked to prepare that document - the document known as the "Crown Jewels".

I must now read to the House the instructions that were sent to Mr Ponting about what was required.

The House will remember that the central issue of this debate is whether Ministers sought to cover up the events we are discussing.

My Private Secretary, Richard Mottram, wrote to Mr Ponting on 22nd March.

I quote the third, fourth, and fifth paragraphs of his minute:

"The Secretary of State wishes to know the substance of what happened at the beginning of May 1982 in relation to the Belgrano and the Argentine aircraft carrier in order to judge how much of this can properly be made public without security implications.

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For the purpose of considering the substance, he would be grateful for a detailed chronology of the events leading up to the sinking of the Belgrano. This should cover the answers to the questions raised by Mr Dalyell in his latest letter together with those to the following questions:

- a. What rules of engagement in relation to attacks on Argentine ships were in force prior to 2nd May?
- b. What was the nature of the intelligence which showed that the Belgrano group was a threat to the Task Force, when was it first available and when was it drawn directly to the attention of Ministers?
- c. What was the precise sequence of events and their timings which led to the change in the rules of engagement enabling Conqueror to sink the Belgrano? When was the request initiated, what chain did it pass through, when was it put to Ministers? What was the nature of the decision communicated to HMS Conqueror?
- d. What was the sequence of events in relation to the Peruvian peace initiative and when and in what form was this available to Ministers in London?
- e. Was any intelligence received which might have suggested that the Argentine Navy had been ordered on or about 1st May to return to port? If so, when was it received and what happened to it?

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f. Do we know why the then Secretary of State referred in his statement to the House on 4th May 1982 to the Belgrano being detected at 8pm London time on 2nd May?

This list of questions is simply those which occur to me and is not meant to be exhaustive. What the Secretary of State is seeking is a comprehensive account of events which covers all the information and not just that which underpins the main defensive line we have used hitherto. I would be happy to have this in log form with the relevant documents enclosed - given the possible sensitivity of some of the information involved there would be no need of course to copy it widely within the Department.

Additionally, I should be grateful for a draft reply to Mr Dalyell's latest letter together with advice on whether the line proposed to be taken with Dalyell affects the line proposed to be taken with Denzil Davies."

Mr Ponting's reply to this minute is the now famous document, the "Crown Jewels".

It consists of Mr Ponting's advice, an unclassified draft reply to Mr Dalyell's letter, and a log and supporting documentation dealing with highly sensitive operational and intelligence aspects of the sinking of the Belgrano.

The document is classified TOP SECRET, CODEWORD.

That classification would have been applied by Mr Ponting reflecting the classification of some of his source material.

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Let me deal first with the conclusions which Mr Ponting reached. He concluded, as was disclosed in open Court, that on the basis of the information in the "Crown Jewels" the arguments put forward by Mr Dalyell and his supporters could be refuted. But because of the classification of the material it was not possible to use it in public to refute detailed allegations.

Mr Ponting's

As to what should be said to Mr Dalyell, / advice was that the draft reply was simple because whatever general line was taken these issues related to detailed operational and intelligence information.

He submitted a draft reply to Mr Dalyell.

His draft reads as follows:

"Thank you for your letter of 19th March.

As I expect you know the Prime Minister has, in a letter to Denzil Davies, confirmed that the Belgrano was sighted on 1st May. However, the other questions you have raised in your letter all concern detailed operational and intelligence matters on which I am not prepared to comment."

That represents Mr Ponting's advice to me on 29th March as to how I should reply to Mr Dalyell.

It presented me starkly with an agonising choice between national security and public accountability.

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Mr Ponting's role in the "Crown Jewels" is clear.

He informed me that -

- the long running arguments of the hon Member for Linlithgow did not stand.
- that an effective negation of his case was incompatible with national security.
- that the hon Member for Linlithgow should be sent a six line reply closing down that line of inquiry;

I could simply have accepted Mr Ponting's advice that day and sent a reply on the basis he proposed.

I refused to do so.

I was scheduled to leave for a NATO meeting the following Monday.

There was therefore great urgency.

I called a series of meetings on Friday 30th March and on Sunday 2nd April.

Their purpose was to address how far information could be disclosed in answer to Mr Davies and Mr Dalyell without security implications.

We had before us Mr Ponting's advice which leaned towards disclosure over the question of when the Belgrano was sighted but was quite clear about Mr Dalyell's questions.

At the end of the first long meeting on this matter I reached a preliminary conclusion which was recorded at the time and made known amongst others to Mr Ponting.

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The issue was where we should draw a proper line upon which we could stand absolutely firmly on the argument that to disclose any more information would be contrary to national security. The conclusion I reached was that it might well now be possible to reveal that the Conqueror first detected the Belgrano group on 30th April 1982 and first sighted the Belgrano itself on 1st May but that the Government should not allow itself to be driven beyond that point whatever the pressures. Mr Ponting at no stage during those discussions dissented from that conclusion.

Before implementing it I decided to hold another meeting on Sunday 2nd April at which, at my request, the Head of the appropriate intelligence agency and other intelligence experts were present.

That meeting addressed in full the intelligence background to the action taken by the Government on 2nd May 1982 and what might be said in response to the claims about the interception of Argentine orders to her fleet which were being made by Mr Dalyell, Messrs Gavshan and Rice and others.

The House will of course appreciate that the information with which we were confronted was largely the product of Argentine sources anxious beyond doubt to probe the scale of our understanding of their activities.

It was obvious that once the Government had confirmed that the Belgrano had reversed course at 9am on 2nd May and had headed for a number of hours in a westerly direction, the focus of attention would be on the intelligence assessment which led to

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the decision to sink the ship and allegations about Argentine orders to recall her fleet to port as part of the so-called Peruvian peace initiative.

As events have shown, the disclosure of information about the movements of the Belgrano has led precisely to detailed questions of this kind.

The advice put to me at the time by those responsible was that, in accordance with long-standing precedents, it would not be possible safely to comment on these matters.

I concluded therefore that the preliminary judgement I had reached on Friday 30th March should stand, that is we should not enter into debate with Mr Dalyell about events at the beginning of May 1982.

It has now been alleged that this decision was all to do with political embarrassment.

I refute this allegation.

At that time any political embarrassment that might be said to exist concerned the date when the Belgrano had been detected. I concluded that to maintain this statement made originally to the House by John Nott was no longer defensible.

I so advised the Prime Minister.

She immediately and without qualification agreed.

The Prime Minister replied to Mr Denzil Davies on 4th April essentially on the basis of the advice that I had given her the previous Friday.

Her reply was in much fuller terms than Mr Ponting had originally suggested and along the lines that I myself suggested.

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The despatch by the Prime Minister of her letter to Denzil Davies opened the way for me to deal with Mr Dalyell's original 9 questions in his letter to me of 19th March.

I was about to do so when Mr Dalyell himself wrote to the Prime Minister pursuing issues raised in her letter to the Rt Hon Member for Llanelli.

Mr Dalyell said referring to the Prime Minister's own letter:

"You stressed that on 2nd May we had indications about the movements of the Argentine fleet which led to Admiral Woodward's request for a change in the Rules of Engagement."

He asked:

"What precisely were those indications?"

He went on to say:

"My information is that the Argentine fleet was by that time under orders to return to base and you knew that. Gavshon and Rice in their book set precise times (2000 hours on 1st May and 0119 hours on 2nd May) when those orders were sent by Admiral Allara, and by the Naval Command in Buenos Aires. The text of one of those messages is included in their book."

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Mr Speaker, what the Hon Member for Linlithgow was doing within one day of the Government's response was to attempt to draw us precisely into those areas of security which we had anticipated and on which we knew we could not comment.

In line with the approach which I has previously discussed with the Prime Minister, it was suggested that she should reply very briefly to Mr Dalyell making it clear that his purpose in asking these questions was in order to establish his contention that the attack on the Belgrano was related to the Peruvian peace proposals and in these circumstances it was not useful to prolong these exchanges. *Mr. Ponting was asked to advise and did not dissent from this suggestion. The Prime Minister* ~~she~~ replied along these lines on 12th April.

Before the Prime Minister replied, Mr Ponting as the responsible official was invited to comment on the approach she should adopt. He said, and I quote from his minute of 10th April:

"I would not dissent from the suggestion in the letter from John Coles (who was one of the Prime Minister's Private Secretaries at the time) that the Prime Minister should avoid detailed exchanges with Tam Dalyell and that a general reply would be sufficient."

The House will realise that, because Mr Dalyell had written on 5th April to the Prime Minister and attention was focussed on her reply, I had still at this stage yet to reply to Mr Dalyell's earlier letter of 19th March which had been at the heart of the "Crown Jewels" exercise from which Mr Ponting had already submitted to me one draft reply that I have already read to the House.

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On 12th April Mr Ponting submitted further advice on these questions.

The advice he gave was diametrically opposed to his earlier draft.

While he had told me on 29th March that it was not possible to answer Mr Dalyell's questions because they touched on operational and intelligence matters, he now told me on 12th April that the answers were not classified and could not properly be denied to Parliament.

The Minister for the Armed Forces, having read Mr Ponting's advice, minuted me to point out that it was inconsistent with the line which the Prime Minister had just taken with the agreement of all concerned, including Mr Ponting, in her own reply to Mr Dalyell.

The Minister for the Armed Forces could not have behaved more properly or more speedily.

But it would have made no difference if he had not minuted me because I was already fully aware of the background to these issues and that for no apparent reason Mr Ponting had changed his advice and now sought to reverse my earlier decision.

I therefore replied in general terms to the Hon Member for Linlithgow on 18th April along lines consistent with the decision the Prime Minister and I had taken in the light of the advice of our most senior advisers on matters affecting national security and in conformity with Mr Ponting's own original advice.

Mr Ponting made no protest about my answer through any established channels of complaint open to members of Her Majesty's Civil Service.

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We should now move on to the heart of the Opposition's amendment - that in connection with the memorandum to the Foreign Affairs Committee I submitted a misleading account of changes in the Rules of Engagement during the Falklands campaign.

We should move on not only because it is specifically referred to in the Opposition's amendment but also because it is my handling of that incident that Mr Ponting has produced as the justification for the leak by him of what is known as the "Legge Memorandum".

I say we should move on, Mr Speaker, but Mr Ponting's position does not seem to me to fit quite so conveniently with what I know of his explanations.

He says, I believe, that he leaked for the first time after Ministers had given advice to the Select Committee which was a cover-up which he could not tolerate.

I think words about truth and honour are involved.

He has in this connection indulged in unforgiveable assertions about my Rt Hon Friend the Minister for the Armed Forces, whose behaviour, he has hinted, persuaded him to take so serious a step.

I must take the House back to my rejection of Mr Ponting's inconsistent advice on 12th April.

On 19th August 1984 Mr Dalyell is quoted in the Observer as having received three documents.

The first was postmarked 24th April and sent to him at the House of Commons in a plain envelope similar to that containing the other papers which he subsequently received in mid-July.

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The House will appreciate that on 24th April neither I nor my Rt Hon Friend, the Minister for the Armed Forces, had ever had to deal with the question of what should be said concerning Rules of Engagement.

We had not been asked any questions about this and neither of us served in the Ministry of Defence during the Falklands campaign. The Foreign Affairs Committee had made no request to my Department about this matter.

When Mr Dalyell's reference to an anonymous letter appeared in August, there was little my Department could be expected to do. No-one knew from where it had come.

The night of Mr Ponting's acquittal, that is Monday 11th February, the News at Ten carried an interview with Mr Ponting which, I believe, was a shortened version of one shown earlier that evening on Channel 4.

I am placing in the Library a transcript of part of that interview made at my request by my staff.

The film appeared to show Mr Ponting typing an anonymous letter which was sent to Mr Tam Dalyell.

It showed the envelope in which it was sent which is postmarked 24th April.

I will place in the Library a copy of the contents of that letter transcribed from the copy shown on the television screen.

I will now read the contents of that anonymous letter to the House:

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[ TRANSCRIBED FROM THE NEWS AT TEN, 11TH FEBRUARY 1985 INTERVIEW  
WITH MR PONTING ]

" Dear Mr Dalyell,

For what I hope will be obvious reasons I cannot give you my name but I can tell you that I have full access to exactly what happened to the Belgrano. You have probably seen by now that Michael Heseltine has not covered any of the questions that you posed in your letter in March. This was against the advice of officials but in line with what John Stanley recommended. None of the information is classified and to get answers you should put the questions down as <sup>P.Qs</sup> ~~Parliamentary Questions~~. The answers will be quite interesting. In addition you might like to consider another linked question. Did the change in the rules of engagement on 2nd May refer only to the Belgrano or did they go wider? When were the rules of engagement changed to allow an attack on the 25 de Mayo? Was this on 2nd May or was it earlier? If so, when?

You are on the right track. Keep going."

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You will see, Mr Speaker, that this letter, if Mr Ponting is as he appears to claim, the author, is not consistent with Mr Ponting's argument that he was driven to leak by my behaviour or by the behaviour of my Rt Hon Friend, the Minister for the Armed Forces, in connection with the matter which is the subject of the Opposition's amendment.

We were still some 11 weeks away from the submission of my memorandum to the Foreign Affairs Committee.

No questions about Rules of Engagement had yet been put to us. That is not to say that questions had not been drafted. They had.

By Mr Ponting.

Not for Ministers, but in an anonymous letter to Mr Dalyell.

And, sure enough, on 27th May Mr Dalyell wrote to me and there, as large as life, were Mr Ponting's questions.

So the constitutional novelty that this House is expected to support, if the Opposition have their way, is that the most trusted Civil Servants in the most secure parts of our Defence Establishment should be free anonymously to draft questions for Opposition backbenchers to submit to Ministers so that the self same leaking Civil Servants may brief the Ministers on the answers which they consider appropriate.

The Opposition may perhaps be beginning to wonder, Mr Speaker, if they have been any better served by Mr Ponting than I have.

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I now come finally, Mr Speaker, to the issue of the memorandum I submitted to the Foreign Affairs Committee on Rules of Engagement.

I say "I submitted" deliberately because that memorandum has come to be called the "Stanley Memorandum".

I made clear to the Foreign Affairs Committee, when I gave evidence to them, that it was a memorandum which I approved and which is therefore my responsibility.

My Rt Hon Friend, the Minister for the Armed Forces, certainly advised me.

That is what he is there to do.

But I decided to send in the memorandum and I am wholly responsible for what happened.

So what did happen?

The Foreign Affairs Committee were not investigating the sinking of the Belgrano.

The terms of reference of their inquiry are clear.

They were and I quote:

"To examine progress towards the restoration of diplomatic and commercial relations between the United Kingdom and Argentina since June 1982; to examine the future constitutional and economic development of the Falkland Islands; and to examine the prospects for a negotiated settlement of the UK/Argentine dispute over the Falkland Islands in the light of the establishment of a democratic regime in Buenos Aires and in the light of previous failures to secure such a settlement."

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In his letter of 28th June, The Clerk the the Foreign Affairs Committee asked for:

"a note of all changes in the Rules of Engagement issued to HM Forces in the South Atlantic between 2nd April and 15th June 1982 and confirming the accuracy of Mr Pym's statement to the Committee on 11th June that changes in the Rules of Engagement: "happened quite a number of times in the course of the war."

This request presented my Department with a difficulty. A comprehensive list of all the changes in the Rules of Engagement would have been classified, but we were advised that the Committee would prefer the note to be unclassified. Ministers therefore received a draft addressing the issue that had provoked the original enquiry but in a document which was not in itself classified.

The memorandum was not misleading.

It never purported to be a comprehensive list of all the changes in the Rules of Engagement and could never have been read as such.

If the Foreign Affairs Committee wished in the light of our advice still to receive a comprehensive list, they had a simple remedy open to them and that was to ask again for such a list.

I would have supplied it on a classified basis.

This I subsequently did.

The House will realise that I have discussed this matter with the Foreign Affairs Committee when I appeared before them.

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It would be quite wrong for me to anticipate their views.

But I must provide for the House my views about the significance of the so-called the "Legge Memorandum".

Paragraph 1 of that memorandum sets-out the basis of the request from the Committee.

Paragraph 2 sets out 5 reasons why I should not comply with the Committee's request in full.

The first reason is in itself decisive.

I will read it to the House.

I quote:

"Firstly, the ROE themselves are classified, and are drawn from the Fleet operating and tactical instructions which is a classified document. The Committee has indicated that they would prefer the note to be unclassified."

The second reason leaves no responsible Secretary of State any discretion.

I will read it to the House:

"Secondly, some of the ROE are still in force for our Falklands garrison. We run the risk of undermining their effectiveness if they were published and debated openly by the Foreign Affairs Committee."

The third and fourth reasons are about the time involved and the problems of converting the rules to layman's language.

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They are not compelling.

The fifth reason is presumably that which motivates the Opposition today.

It reads:

"In addition, a full list of changes would provide more information than Ministers have been prepared to reveal so far about the Belgrano affair."

Taken out of context by someone unaware of the circumstances it sounds damaging.

But in the context of the first two reasons it is clearly not the reason why I did not give the Foreign Affairs Committee a full list of ROE changes.

My duty is first and foremost national security.

The House will realise that in this case Ministers followed the official and expert military advice of the Department. I have never doubted that it was right.

The House will know that as soon as the memorandum had been sent to the Select Committee, Mr Ponting leaked to Mr Tam Dalyell, who took the document to the Foreign Affairs Committee, the advice of his colleague, Michael Legge.

Mr Ponting's explanation is that this was the straw that broke the camel's back.

His sense of integrity no longer permitted him/ <sup>to hold back</sup> from sending the papers he leaked to a wider world.

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Mr Speaker, there is one small gap in the logic of Mr Ponting's position.

Mr Ponting's position would perhaps have a momentary credibility if his first exposure to his colleague's work was when it was presented, beyond his influence, to the Foreign Affairs Committee. The facts are diametrically opposed to this version of events.

Michael Legge's name appears at the bottom of the Legge Memorandum. Michael Legge was the Head of Defence Secretariat 11 at the time. But the memorandum was not the sole product of Michael Legge's Division.

It was the joint work of two civilian divisions, together with military advice.

Michael Legge's was one of those Divisions.

Mr Ponting's was the other.

Michael Legge submitted his first advice to the Minister for the Armed Forces on 6th July.

He sent a copy to me on the same day.

He also sent a copy to Mr Ponting.

Ministers made no change to the basic approach in the draft memorandum.

It was ready for issue to the Foreign Affairs Committee on 16th July.

And Mr Ponting, upon whom I was entitled to rely for advice, spent 10 days agonising with his conscience - in total and absolute silence.

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He made no protest to the Minister for the Armed Forces.

He made no protest to me.

He made no protest to any of his senior Civil Service colleagues.

And so, Mr Speaker, we have a constitutional novelty.

That senior and trusted Civil Servants, upon whom Ministers are entitled to rely for their loyal and conscientious service, are now allowed to sit silent, tortured in agonies of guilt, whilst they watch Parliament deceived, so that the moment it happens they may leak anonymously the advice of their own Civil Service colleagues which they did nothing to influence.

Mr Speaker, this Government, this Prime Minister, my Rt Hon Friend the Minister for the Armed Forces, myself, those official advisers with whom we have worked in a spirit of trust and mutual loyalty, have fully discharged our duties and have misled no-one. The House will judge whether Mr Ponting can say the same.

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