

FROM THE CHAIRMAN



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FOREIGN AFFAIRS COMMITTEE

25 July 1984

*Dear Secretary of State,*

Falkland Islands Inquiry

On 16 July John Stanley wrote to me, enclosing a note about changes in the Rules of Engagement issued to HM Forces in the South Atlantic between 2 April and 15 June 1982, which had been prepared in response to an earlier request from the Committee to the Foreign and Commonwealth Office for a list of changes in the ROEs during that period.

At its meeting today the Committee considered the note submitted by the Ministry of Defence and concluded that, in the light of other information which had become available to them (which is referred to below), it would be desirable for the Ministry of Defence to be questioned further on this matter. The Committee have accordingly instructed me to invite you, or such other Minister as you think appropriate, to attend to give evidence, in private, soon after the House reassembles in the autumn. If you agree to this request, no doubt your office will liaise with the Clerk of the Committee about a convenient date and time.

The Committee also considered certain documents which were submitted as evidence to the Committee last week. Under the general authority granted to Select Committees by Mr Speaker, the Committee agreed that, as a potential witness before the Committee, you should be supplied with these documents. They are enclosed. The Clerk of the Committee has taken one photocopy of the documents, which will be retained by him under secure conditions. The Committee expect the originals to be returned in due course.

In view of the delicacy of this matter, I have not formally communicated with the Defence Select Committee on the subject, but I have privately briefed Humphrey Atkins on what has occurred.

I should stress that our original interest in this subject only arose in the context of that part of our inquiry which relates to allegations about the effect of the sinking of the Argentine cruiser **Belgrano** on the so-called Peruvian peace proposals in early May 1982, and our request for a paper on the ROEs was intended to seek confirmation of Francis Pym's statement to us that the ROEs had been frequently changed during the course of the South Atlantic conflict. Our reasons for now wishing to take further private evidence on this matter will be self-evident from the contents of the first of the two documents submitted to us.

Yours ever,  
Anthony Kershaw

Sir Anthony Kershaw MC MP

Rt Hon Michael Heseltine MP  
Secretary of State for Defence  
Ministry of Defence  
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CONFIDENTIAL SOUTH ATLANTIC ROE

Following evidence from Mr Francis Pym on the sinking of the

ARA Belgrano, the Foreign Affairs Committee asked Lady Young to provide a note listing the changes made to the Rules of Engagement during Operation Corporate. I attach copies of the relevant extracts from the transcripts of the evidence and the note from the Clerk to the Committee.

2. We have discussed the form of our response with the Defence Commitment's Staff, DSJ and DMR who had particular responsibility for ROEs during Operation Corporate. We have also borne in mind the statements made to date by Ministers on the subject of the Belgrano. Our advice is that we should not provide the Committee with a note listing all the changes. There are a number of reasons for this. Firstly the ROE themselves are classified, and are drawn from the Fleet Operating and Tactical Instructions which is a classified document. The Committee have indicated that they would prefer the note to be unclassified. Secondly some of the ROE are

... their effectiveness if they were published and made  
openly by the FAC. Thirdly, the production of a full list of all  
changes would be an extremely time-consuming exercise, not only  
because of the difficulty of assembling the information from  
departmental records, but also because the ROE would have to be  
paraphrased at some length since their format would be almost  
incomprehensible to the layman. In addition, a full list of changes  
would provide more information than Ministers have been prepared  
to reveal so far about the Belgrano affair. For instance, the list  
of changes in the period 20 April-7 May would show that the engage-  
ment of the Argentine aircraft carrier 25 DE MAYO outside the Total  
Exclusion Zone was permitted from 30 April, and that the change  
on 2 May was not restricted to BELGRANO but included all Argentine  
warships over a large area. It would also reveal that whilst the  
public warnings and ROE changes for the MBZ and TBZ were simultaneous,  
there was a delay until 7 May before the appropriate warning was  
issued for the 2 May change.

3. I therefore recommend that we should avoid these difficulties  
by providing the Committee with a more general narrative, explaining  
broadly when changes were made to ROE, but emphasising that changes  
were a continual and routine process, thus confirming the thrust  
of Mr Pym's evidence. I attach a draft on these lines. Since it  
does not actually specify any ROEs it would pose no problems from  
a security point of view. It is consistent with previous public  
statements by Ministers and others, including Admiral Woodward,  
about the change of ROE which led to the sinking of the Belgrano.  
The draft deliberately avoids any reference to the underlying system  
of ROEs or the mechanism for their approval, since neither aspect  
was touched on by Mr Spearling.

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Lady Young will be submitting a note on 10 July to the  
Committee for Reports for Brazil on Wednesday 11 July. If  
Minister(AF) is content to clear the attached draft by that stage  
then Lady Young will submit it together with the other notes. If  
clearance by Tuesday evening 10 July is not possible it will be  
necessary for MOD to submit the note direct to the PAC; you will  
see that the Clerk to the Committee has in any case asked for receipt  
of material by 13 July. The ESCO are quite content for MOD to submit  
direct if necessary.

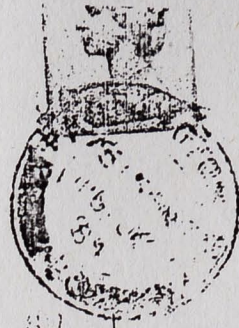
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Mr. Dalryell MP  
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LONDON.

B.7



Thank you for your letter of 1 May about the sinking of the General Belgrano. As you know the Prime Minister has already written to Denzil Davies setting out the background to the sinking of the Belgrano and the reasons why that decision was taken. Perhaps I could reply to your more detailed questions about the events as you have set them out.

1. As the Prime Minister has pointed out, HMS Conqueror did not detect the General Belgrano on its sonar on 30 April 1982; it made contact with an accompanying oiler auxiliary.

2&3. Again as the Prime Minister has already said, the first visual contact with Belgrano was at 2pm London time on 1 May. At the time Belgrano was conducting a RAS with the oiler. The position at 3pm London time was 54.07S 064.24W - Course 125, Speed 8 knots.

4. There is no continuous log of the Belgrano's movements but its position is known at certain times:-

<u>London time</u> (2 May)	<u>Position</u>	<u>Course</u>	<u>Speed (knots)</u>
5am	55.20S 060.14W	090	13
9am	55.20S 057.22W	reversed course	
3pm	55.16S 060.18W	270	14
8pm	55.27S 061.25W	280	11

5. 11 knots.

6. This was an operational decision taken by the CO of HMS Conqueror. He chose the Mk 8 torpedo because he considered it to have a better chance of penetrating the cruiser's armour and

1-torpedo bulges. The Mk 8 is an impact weapon. TIGERFISH has both impact and proximity fuses.

7. No order was sent from Northwood to sink the Belgrano. The change in the Rules of Engagement agreed by Ministers was signalled by Northwood at 1.30pm London time on 2 May. The message was first received by HMS Conqueror at 3pm London time but because the transmission was garbled it was not decoded by the submarine until 5pm. The only messages sent by HMS Conqueror were at 3pm London time reporting the position of the Belgrano at 9am and 3pm and at 5pm saying that it was about to attack the Belgrano. As you will appreciate from this outline communications with a nuclear submarine, submerged and in contact with the enemy on the other side of the world are extremely difficult. Conqueror was only in contact with the UK for very short periods and at extended intervals.

8. HMS Splendid did not detect the Argentine CVA.

9. I am afraid that it is not possible for me to answer this question since it deals with intelligence matters.

I would also emphasise a crucial point made by the Prime Minister. The primary responsibility of the Government was to protect the Task Force. The exact position and course of the Belgrano at any moment were irrelevant to the decision to alter the rules of engagement. Ships by their very nature can quickly change their course and speed and throughout the 2 May Belgrano, in conjunction with other units of the Argentine fleet, posed a major threat to the Task Force which it would have been irresponsible for Ministers to ignore.