

FROM: SIR Ewen Broadbent KCB CMG
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2nd PUS/DP/292/84

17 August 1984

P Le Cheminant Esq CB
MPO

Dear Peter

LEAK INVESTIGATION

In my letter of 10 August to Robert Armstrong I promised to forward a fuller damage assessment once it was available.

I now attach a comprehensive assessment which is in the form of an internal MOD note. It has been discussed within the department, including the Naval Staff, and it is generally agreed that neither of the documents sent Mr Dalyell contain any material, the disclosure of which would be damaging to national security.

You will appreciate that this assessment refers only to the national security aspect. It does not address the question of potential or actual embarrassment to HMG; nor does it cover the separate highly important issue of breach of trust by a senior civil servant.

I have copied this to Robin Butler, Antony Acland, Tony Hetherington, John Jones and (for his return) Robert Armstrong.

Anthony Acland
Travis

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16 August 1984

DUS(N)Copy to:
DUS(P)C: 2nd BUS
17/8GENERAL BELGRANO

You asked me to examine two recent papers relating to the sinking of the General Belgrano and to let you know whether they contained any classified information. The documents in question, attached for ease of reference, are:

- a. draft letter to Mr Tam Dalyell MP, enclosed with Head of DS5's loose minute D/DS5/9/9/46-85 dated 9 May 1984 (Document A); and,
- b. Head of DS11's loose minute (minus attachments) D/DS11/10/6/7 to PS/Minister(AF) dated 6 July 1984 (Document B).

2. I have interpreted "classified" in the strict, security, sense: that is, information the public disclosure of which would be prejudicial to national security. In other words, I have not considered whether disclosure might prove politically embarrassing in domestic terms (although I have touched in para 5c below on one point that could conceivably attract attention abroad); nor have I taken into account the possibility that publication of the material in question might make it less easy to resist demands for further, possibly classified, information. Finally, I have of course conducted this exercise within the present day context: information which can safely be regarded as unclassified today might well have had to be protected, for obvious reasons, during the Falklands campaign.

Document A

3. The draft letter to Mr Dalyell sought to answer nine questions posed by the MP in his letter to Secretary of State of 19 March this year. By definition, the draft is unclassified, as was the covering minute. It does not, of course, necessarily follow that it does not contain classified material, although I have established that Head of DS5 cleared the draft with the Naval and Intelligence Staffs before submitting it. I have, however, analysed the nine proposed answers at Annex A and discussed them with the Naval Staff. In my view, although much of the information has not previously been published officially, there is nothing in the draft which can today be said to be classified. It will be seen that in reply to the one question (9) which touched on intelligence matters, which constitute as sensitive an area today as they did in 1982, it was proposed to refuse an answer precisely for that reason.

Document B

4. This minute is stamped 'CONFIDENTIAL' and therefore prima facie might be thought to contain classified material. It was in fact given a 'CONFIDENTIAL' marking in accordance with the normal convention applying to advice to Ministers on material destined for a House of Commons Committee: the minute enclosed a draft MOD note to the Foreign Affairs Committee. The minute explains why it would be inappropriate to provide the Committee with an itemised list of changes to Rules of Engagement (ROE) during the Falklands campaign, not least because the ROE are themselves classified and some are still in force in and around the Falkland Islands. It does not however quote any of the ROE verbatim and the 'CONFIDENTIAL' marking should be seen as tantamount to 'IN CONFIDENCE' rather than as implying that the information contained in the minute is sensitive in security terms.

5. Three points in para 2 of Document B deserve special mention:

a. the fourth sentence (page 1) refers to the "Fleet Operational and Tactical Instructions", which is the source document for the ROE. Although, as said above, the actual Rules are classified the existence of the publication and its title are not;

b. the penultimate sentence (page 2) discusses specific changes in the ROE: that relating to the aircraft carrier 25 DE MAYO on 30 April 1982 and that on 2 May as a result of which HMS CONQUEROR was permitted to attack the BELGRANO. The latter change has long been in the public domain. This would be the first official mention of the former; but the actual wording of the Rule is not quoted and there is no security objection at this juncture to the publication of the sentence;

c. the final sentence states that there was a delay until 7 May 1982 before the "appropriate warning was issued for the 2 May change". This is not entirely consistent with what has been said before and the sentence, if published, could conceivably attract attention not only at home but also abroad. The word "appropriate" is ambiguous. The sequence of events is as follows. On 23 April 1982, HMG issued a warning to the effect that:

"Any approach on the part of Argentine warships, 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".

The scope of the warning was not confined to the Total Exclusion Zone (TEZ) (or, more properly, the Maritime Exclusion Zone which was in force on 23 April but expanded into the TEZ on 30 April). Reference has been made to that announcement in answer to allegations that the ship was attacked outside the TEZ without warning.


The warning issued on 7 May was more categoric,
viz:-

"Any Argentine warship or military aircraft which are (sic) found more than 12 nautical miles from the Argentine coast will be regarded as hostile and are (sic) liable to be dealt with accordingly".

It would be necessary to bear this point in mind should the reference to the 7 May warning be picked up in the international - let alone national - press and the inference drawn that the attack on the Belgrano was carried out without warning. Security is not, however, at issue.

Conclusion

6. In sum, my considered view is that neither Document A nor Document B contains any material, the disclosure of which would be damaging to security.


N H NICHOLLS
AUS(D Staff)

DOCUMENT A - QUESTIONS POSED BY MR TAW DALYELL, MP IN HIS LETTER TO SECRETARY OF STATE DATED 19 MARCH 1984

1. At what time on 30 April 1982 did HMS Conqueror first detect the Belgrano on its sonar? What was the estimated position, course and speed of the Belgrano at the time?

Proposed answer:-

"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."

Comment

This answer draws on wording from the Prime Minister's letter to Mr Denzil Davies MP of 4 April 1984. ["HMS Conqueror, on patrol south of the Falkland Islands, detected an Argentine oiler auxiliary which was accompanying the Belgrano on 30 April. She sighted the Belgrano for the first time on 1 May when it was accompanied by two destroyers armed with Exocet missiles."] The Prime Minister went on to explain that these comments about the first contacts with the Belgrano group went further than the Government had been prepared to do hitherto. She had only felt able to do this now "as, with the passage of time, those events have lost some of their original operational significance".

2. At what time did HMS Conqueror come into visual contact with the Belgrano on 1 May 1982 and what was the course, speed and position of the Belgrano at the time?

3. At what time on 1 May 1982 did HMS Conqueror observe the RAS involving the Belgrano and an oiler and what was the course, speed and position of the Belgrano at the time?

Proposed answer:-

"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."

Comment

The first sentence draws on the first of the two sentences from the Prime Minister's letter of 4 April quoted in square brackets under Question 1 above. The fact that the Belgrano was refuelling when first sighted by HMS Conqueror together with its position have not previously been published but there is no security objection to the disclosure of this information. (I have not been able to establish how Mr Dalyell obtained the information that the Belgrano was in company with an oiler when she was first detected).

4. What was the course followed by the Belgrano throughout the period in which it was being tracked by HMS Conqueror?

Proposed answer:-

"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"

Comment

This information is derived from periscope sighting by HMS Conqueror throughout 2 May 1982. It has not been published previously; nor has the fact, evident from the table, that the cruiser made a major change of course during 2 May, hitherto been officially confirmed. There is, however, no security objection to publishing this information at this remove.

5. What was its speed when it was attacked?

Proposed answer:-

"11 knots".

Comment

This information has not been published previously, but there is no security objection to doing so.

6. Why were Mk 8 torpedoes used in preference to Mk 24s and can both of these weapons be set for proximity detonation?

Proposed answer:-

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

Comment

There is no security objection to this answer: the characteristics of the Mk 8 torpedo are already public knowledge, as is the fact that a Mk 8 torpedo was used to sink the Belgrano. The latter point has, in fact, been confirmed officially.

7. At what time was the order to sink the Belgrano sent from Northwood on 2 May? Were any signals sent or received by HMS Conqueror between the issuing of that order and its execution?

Proposed answer:-

"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".

Comment

Although there have been previous Ministerial statements (including the Prime Minister's letter to Mr Denzil Davies of 4 April referred to above) on the timing both of the decision on 2 May to change the ROE (as a consequence of which HMS Conqueror was enabled to engage the Belgrano) and of the actual attack, this is the most detailed account yet of the communication between the UK and HMS Conqueror on the day of the attack. There is, however, no security objection at this stage to its publication, nor to the explanation of the difficulties in making contact with a submarine in these circumstances

8. When did HMS Splendid first detect the Argentinian CVA on 1 May, for how long did it maintain contact and what was the course and speed of the CVA during this time?

Proposed answer:-

"HMS Splendid did not detect the Argentine CVA".

Comment

This is the first time that this information would have been given. But there is no security objection to doing so.

9. Was the CVA under surveillance by aircraft or satellite at any time on 30 April to 2 May? If so, what information concerning course, speed and signals exchanges was obtained during this period?

Proposed answer:-

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

Comment

The answer follows the normal practice of refusing to comment on intelligence matters.

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

anti-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.