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6 April 1982

CABINET

DEFENCE AND OVERSEA POLICY (OFFICIAL) COMMITTEE

SUB-COMMITTEE ON THE SOUTH ATLANTIC

ARGENTINIAN INVASION OF THE FALKLAND ISLANDS

Note by the Secretaries

Attached for information are the minutes of Meetings of officials held in the Cabinet Office on Friday 2 April (Annex A), Saturday 3 April (Annex B) and Monday 5 April (Annex C) to consider the implications of the Argentinian invasion of the Falkland Islands.

Signed G R G MIDDLETON
C H O'D ALEXANDER

Cabinet Office

6 April 1982

IMMEDIATE IMPLICATIONS FOR CIVIL DEPARTMENTS OF AN
ARGENTINIAN INVASION OF THE FALKLAND ISLANDS

MINUTES of a Meeting held in
Conference Room F, Cabinet Office, on
FRIDAY 2 APRIL 1982 at 2.30 pm

PRESENT

Mr R L L Facer, Cabinet Office (In the Chair)
Mr A Howard, Home Office
Mr C Hulse, Foreign and Commonwealth Office
Mr R S Reeve, Foreign and Commonwealth Office
Mr R M Hastie-Smith, Ministry of Defence
Mr N J Beaumont, Ministry of Defence
Group Captain J L Dillon, Ministry of Defence
Mrs E M McLoughlin, Ministry of Defence
Commander A J Bannister, Ministry of Defence
Mr F H Elders, Department of Transport
Mr J D Henes, Department of Trade (Shipping)
Mr A Fortnam, Department of Trade (Civil Aviation)
Mr R B M Williams, Department of Trade (Civil Aviation)
Mr S S Holness, Department of Trade (Shipping)
Mr P Abbott, Central Office of Information
Mr C H O'D Alexander, Cabinet Office (Secretary)
Cdr G R G Middleton, Cabinet Office (Secretary)

1. DIPLOMATIC AND MILITARY SITUATION

THE FOREIGN AND COMMONWEALTH OFFICE reported that there had as yet been no confirmation of the report, received via the British Antarctic Survey Office in Cambridge at about 12.45 pm that an Argentinian invasion of the Falkland Islands had taken place. There had been no reports of a landing in South Georgia although an earlier intelligence report had suggested that an Argentinian warship was due there at 5.00 pm in the afternoon with instructions to round up British civilians. Communications with Port Stanley had not been achieved since 8.00 am in the morning, and had ceased with HMS Endurance at about 1.00 pm.

THE MINISTRY OF DEFENCE reported that HMS Endurance was now half way between South Georgia and Port Stanley and that, following discussions between the Prime Minister, the Foreign and Commonwealth Secretary and the Defence Secretary on the evening of 1 April, considerable military preparations were being made on a contingency basis. The 3rd Commando Brigade, comprising three Commando Groups, an Headquarters element and logistic support had been placed on standby and the Army was now involved in outloading the force's war maintenance reserve. A naval Task Force was being formed, partly from ships currently in Gibraltar and partly from those in United Kingdom ports. All these naval and military forces would be at four hours notice to move from the afternoon of Sunday, 4 April. No decisions on their deployment had been taken. Eleven Hercules aircraft had already started to deploy with the aim of delivering three helicopters and a small ground detachment to Ascension Island where they would be embarked in a Royal Fleet Auxiliary en route to the island.

2. ACTION BY CIVIL DEPARTMENTS

In discussion the following points were made -

- a. British merchant shipping had been warned through the General Council of British Shipping not to enter Argentinian territorial waters and to keep clear of the Falkland Islands. British ships in Argentinian ports had similarly been advised to leave. British Caledonian, the only British airline operating a scheduled service to Argentina, had cancelled the day's flight and suspended further services.
- b. It was too early to consider what action might be taken in respect of Argentinian citizens in the United Kingdom except that Argentinian Embassy personnel, who could be expected to be trying to gather information on any British military preparations, should be kept under surveillance.
- c. A separate meeting of officials, under Treasury chairmanship, was examining the question of what economic sanctions could be applied to Argentina.

d. The position on any shipments of military equipment and spares to Argentina needed to be established. Applications for export licences for such items and for high technology equipment which could be of military value were not being processed.

e. One Argentinian merchant ship was in a United Kingdom port, at Newhaven, and was under observation. Two more were due to arrive at Heysham. A flight by an Argentinian aircraft to the United Kingdom scheduled for the previous day had been cancelled for what they had described as technical reasons.

In discussion of the civil support which might be required for any military deployment it was noted that civil aircraft were unlikely to be required: the Royal Air Force transport fleet could be fully committed. If merchant ships were needed, freighters could be chartered but passenger carrying vessels would need to be requisitioned. An Order in Council would be required to enable the Royal Prerogative to be used for requisitioning.

In further discussion it was suggested that an approach should be made to the International Committee of the Red Cross (ICRC) to invite them to see to the needs of any casualties resulting from an Argentinian invasion. In practice the facilities on the Falkland Islands might already be adequate; this would not necessarily be so on South Georgia. It was difficult to make an immediate judgement on an approach to the ICRC. But besides the humanitarian aspect of such a move, it would provide scope for embarrassing the Argentinians on whose facilities the ICRC would be dependent for access to the Falkland Islands and South Georgia.

THE CHAIRMAN said that, as regards the handling of urgent issues over the weekend, the Foreign and Commonwealth Office and the Ministry of Defence would each be manning their offices on a 24 hour basis. Such matters as obtaining overflight clearances would be dealt with using the normal channels. It seemed unlikely to be necessary to convene meetings of officials in the Cabinet Office, but arrangements had been made to do so at very short notice if the need arose.

The Meeting -

1. Invited the Ministry of Defence and the Department of Trade to establish the position on military equipment and spares awaiting shipment to Argentina, and noted that no further processing of export licence applications would take place.
2. Noted that if the Ministry of Defence needed to make use of passenger carrying merchant ships, they would have to be requisitioned and an Order in Council would be required to enable the Royal Prerogative to be used for this purpose.
3. Invited the Foreign and Commonwealth Office to pursue the question of an approach to the International Committee of the Red Cross in relation to possible casualties on the Falkland Islands or South Georgia.
4. Invited the Cabinet Office to arrange for the Security Service to place members of the Argentinian Embassy in the United Kingdom under surveillance.

Cabinet Office

2 April 1982

Distribution

Those present plus

Mr Coles, Prime Minister's Office
Sir Robert Armstrong, Cabinet Office
Mr J P McIntyre, HM Treasury

ARGENTINIAN INVASION OF THE FALKLAND ISLANDS:
ACTION IN THE FINANCIAL AND ECONOMIC FIELDS

MINUTES of a Meeting held in
Conference Room A, Cabinet Office, on
SATURDAY 3 APRIL 1982 at 8.30 am

PRESENT

Mr R L L Facer, Cabinet Office (In the Chair)
Mr J G Littler, Treasury
Mr A Fortnam, Department of Trade
Mr J V Hagestadt, Department of Trade
Mr S S Holness, Department of Trade
Mr R Williams, Department of Trade
Mr C J Farrow, Department of Industry
Mr G Bridge, Export Credits Guarantee Department
Mr H Steel, Law Officers' Department
Mr G A Hosker, Treasury Solicitors' Department
Mr M J Balfour, Bank of England
Mr C H O'D Alexander, Cabinet Office (Secretary)

INVASION OF THE FALKLAND ISLANDS: FINANCIAL AND ECONOMIC ISSUES

Previous Reference: U0456 dated 2 April 1982

THE CHAIRMAN said that the purpose of the meeting was to review the progress being made on the actions in the economic field agreed by the Cabinet on the previous evening and following on from the previous afternoon's meeting of officials.

In discussion the following points were made -

- a. The Cabinet had decided the previous evening that the Chancellor of the Exchequer in consultation with the Governor of the Bank of England should consider the freezing of Argentinian banking deposits in the United Kingdom. While the United Kingdom was a substantial creditor of Argentina, and the freezing of bank deposits would not damage their economy, these particular assets were very mobile and it would be necessary to act immediately if

their withdrawal was to be prevented. Ministers were concerned that the removal of Argentina's bank deposits from the United Kingdom would give them a free hand with British assets in Argentina. There were powers under Section 2 of the 1964 Emergency Laws (Re-enactment and Repeals) Act to prevent anyone from carrying out financial transactions with a specified group of people. A Statutory Instrument had been drawn up to bring these powers into effect. Although there was only the remotest possibility of the Argentinian assets in question being transferred to other ownership over the weekend, it would be prudent to take the opportunity of laying the Statutory Instrument before Parliament during its session that day. One of the effects of this action would be that payments for current trade would be in doubt for a period. It would be particularly important to the administration of the powers sought whether the Government's intention was to work for a return to normality.

b. The Export Credits Guarantee Department (ECGD) had since Thursday 1 April suspended consideration of any new credit for exports to Argentina. This measure applied only to credit cover for new business. ECGD were not in a position to break existing contractual obligations to United Kingdom exporters. No case had come to light where further credit was required for existing business.

c. A letter to Departments from Mr Bayne, Foreign and Commonwealth Office, addressed the question of the treatment of exports of military equipment and spares. Action to deal with applications for export licences to Argentina for military equipment and spares had been suspended. It had been thought that this action might be extended to other goods of strategic importance, but nothing of the kind had been discovered. Nothing further was known about the question remitted to the Ministry of Defence and the Department of Trade by the meeting of officials on 2 April (U0456) concerning the possibility that export licences might have been granted for consignments of military equipment and spares to Argentina which had yet to be shipped. Nor was it clear what was the legal position in this matter. These questions needed to be pursued urgently.

d. The one Argentinian ship which had been in a British port (Newhaven) the previous day had been exported to move to London River. The ship's whereabouts were now unknown. Two Argentinian merchant ships which had been due to call at Heysham over the weekend had been diverted. It was still not clear whether there were powers under the Merchant Shipping Act 1974 to take any action against Argentinian merchant ships. It might be preferable to deal with them administratively by taking advantage of customs regulations. The position as regards merchant ships in Argentinian waters appeared to be that there was one ship 48 hours up river from Buenos Aires and two further ships en route for Argentinian ports. The first of these ships was on charter to the Russians and had decided to go about its business. The others had been warned to keep clear of Argentinian waters but had decided to make no change in their plans: both were on charter to Argentinian firms and one had an Argentinian crew.

e. It would be possible formally to suspend air services between Argentina and the United Kingdom. In practice, air services had already ceased.

f. (Confirmed by the Secretary immediately after the meeting) Argentina did have a civil nuclear power programme. But there were no major contracts with British Nuclear Fuels Ltd for the supply of nuclear fuel for this programme; and neither was it thought that there were any minor contracts. The Argentinians were aiming to establish their own nuclear fuel reprocessing facilities and their existing reactors had been installed and fuelled by the Germans and Canadians. There would be no difficulty in suspending any British involvement in this programme.

The Meeting -

1. Invited the Treasury and the Department of Trade to prepare draft passages for Ministers' speeches that morning in Parliament on financial and economic points, to be considered at the immediately following meeting of Ministers.

2. Renewed the invitation to the Ministry of Defence and the Department of Trade urgently to establish the position on the shipment of military equipment and spares already granted export licences but not shipped to Argentina, and related legal questions.
3. Invited the Department of Energy to confirm that there was no British involvement in the Argentinian civil nuclear power programme or that any such involvement was being placed in suspense.

Cabinet Office

5 April 1982

FALKLAND ISLANDS CRISIS

MINUTES of a Meeting held in
Conference Room B, Cabinet Office on
MONDAY 5 APRIL 1982 at 11.00 am

PRESENT

Sir Robert Armstrong
Secretary of the Cabinet
(In the Chair)

Sir Douglas Wass
Treasury

Sir Antony Acland
Foreign and Commonwealth Office

Mr P J Weston
Foreign and Commonwealth Office

Mr A E D Chamier
Department of Education and Science

Mr R M Hastie-Smith
Ministry of Defence

Mr J G Kelsey
Ministry of Agriculture, Fisheries
and Food

Mr G Moseley
Department of the Environment

Mr A Peat
Welsh Office

Mr R Andrew
Home Office

Mr N Bayne
Foreign and Commonwealth Office

Sir Peter Preston
Overseas Development Administration

Colonel A Harley
Ministry of Defence

Captain M J G Howitt RN
Ministry of Defence

Mr P Parkhouse
Ministry of Agriculture, Fisheries
and Food

Mr G Murray
Scottish Office

Sir Peter Carey
Department of Industry

Mr M D M Franklin
Department of Trade

Sir Kenneth Stowe
Department of Health and Social Security

Mr D J Colvin
Cabinet Office

*Mr R S Pridde
Department of Energy*

Sir Peter Baldwin
Department of Transport

Mr D B Smith
Department of Employment

Sir Antony Duff
Cabinet Office

Brigadier A B D Gurdon
Cabinet Office

SECRETARIAT

Commander G R G Middleton
Mr C H O'D Alexander

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1. IMPLICATIONS FOR CIVIL DEPARTMENTS OF THE SITUATION IN THE SOUTH ATLANTIC

The Meeting considered the diplomatic and military situation in the South Atlantic arising from the Argentinian invasion of the Falkland Islands and South Georgia, and reviewed the action contemplated in the diplomatic and economic fields and in support of the deployment of United Kingdom forces to the South Atlantic.

SIR ANTONY ACLAND said that the United Nations Security Council had passed a mandatory resolution demanding Argentinian withdrawal from the Falkland Islands and South Georgia. This was a major achievement for the United Kingdom and would provide the basis for further action in the diplomatic and economic fields. We would now be asking our EC partners and our other friends and allies to take action collectively or singly in support of our position, with the objective of bringing pressure to bear on Argentina. We, for our part, had already broken off diplomatic relations with Argentina, frozen Argentinian banking assets in the United Kingdom, instituted what in effect was an arms embargo, and decided to issue no further new export credit. The aim would be to persuade friendly countries to follow suit. It had to be recognised, however, that as the precedent of the seizure of American hostages in Iran had shown, the freezing of assets would present difficulties for friendly countries. There was EC competence in the matter of restrictions on trade with Argentina. Beside these immediate measures, it would be necessary to carry out further contingency planning for the later stages of the crisis. It could be expected that various proposals would emerge in the international community for a peaceful settlement of the crisis.

THE MINISTRY OF DEFENCE gave the Meeting a resumé of the military situation. The Argentinians had invaded the Falkland Islands at first light on Friday, 2 April with a marine battalion followed by army units with armoured vehicles. The total Argentinian strength in the Falklands was expected to have reached 3,000 men. The Argentinians had also taken control of South Georgia, the previous afternoon. These two invading forces appeared to have suffered 5 fatal casualties; there was no information on the extent of any British casualties. The Governor of the Falkland Islands and the Royal Marines who

were there at the time of invasion had arrived in the United Kingdom earlier in the morning. It was thought that the Royal Marines and the British Antarctic Survey party on South Georgia had been taken aboard an Argentinian ship. Also the whole of the Argentinian Navy was at sea, and were continuing to reinforce their troops on the Islands. They had also established control of shipping up to a line 50 miles north of the Falklands. The United Kingdom force being assembled to deploy to the South Atlantic comprised a fleet of 2 carriers, 1 assault ship, 6 destroyers, 4 frigates and 15 support ships, as well as some submarines. Elements of the fleet had sailed for the South Atlantic on 5 April and the whole of the fleet would be at sea in the course of the day. With the fleet would be 3 Commando Brigade plus Sea Harriers and helicopters. They would be followed on 8 April by the 3rd Parachute battalion. The Americans had given their permission for the use of Ascension Island as a forward base for supplies and fuel; Royal Air Force Hercules aircraft had been flying in stores and equipment since Saturday 5 April. The options for the operational tasks for the fleet when it arrived in the South Atlantic were being prepared for consideration by the Cabinet.

MR HASTIE-SMITH, MINISTRY OF DEFENCE (MOD), added that the MOD were also taking up ships from trade. An Order in Council had been signed to enable the Royal Prerogative to be used to requisition the P & O ships Canberra and Elk. They would be sailing on Thursday, 8 April, with troops in Canberra and their vehicles in Elk. The MOD had also chartered 3 tankers from British Petroleum for the carriage of fuel supplies. The need to resort to requisitioning had arisen not because of any unhelpfulness on the part of P & O, the owners of the two ships, but because it would be easier to deal with consequent questions of compensation.

In discussion it was suggested that, in view of uncertainty as to how the situation would develop and the wide range of options which lay ahead, Departments should use the Government War Book as a check list of measures to

to be considered. For example, it might be necessary to make contingency plans in respect of the treatment of Argentinian nationals in the United Kingdom, or to consider whether threats might arise at key points in the United Kingdom. A problem of immediate relevance was the supply of arms to Argentina. The Foreign and Commonwealth Office (FCO) had sent a telegram to a large number of posts on this question, with the object of enlisting support for an arms embargo against Argentina. The MOD would identify what military equipment and spares the Argentinians might be seeking. There was a particular problem over a large order in the Federal Republic of Germany; the three ships concerned were building in Hamburg.

In further discussion the following points were made -

a. The basis in international law on which the Government's response to the invasion would rest was Article 51 of the United Nations Charter which entitled us to exercise rights to repel invaders and to recover territory. The difference between this and a state of war was broadly speaking that if war was declared, the Government would be obliged to take certain actions such as the internment of Argentinian nationals in the United Kingdom, and the termination of bilateral agreements. Article 51 might suffice as the basis for a wide range of action, even though it was conceivable that legislation would be required in some areas. Although there were already wide powers to take action of the kind contemplated in the economic field, and nothing was being proposed at the moment which would require new powers, the FCO and the Department of Trade should identify what measures could not be taken within existing powers. Questions in which there was EC competence were also likely to arise.

b.

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OF THE PUBLIC RECORDS ACT

- c. Ministers would be invited within the next two days to consider rules of engagement for United Kingdom forces in the South Atlantic, which could affect the status of the conflict.
- d. The action already taken to freeze the bank deposits in the United Kingdom of Argentinian residents would not prevent British residents paying Argentinians: this would require the restoration of the Exchange Control Act, together with a provision exempting all but Argentinian residents from its application. It was not proposed to do this since such an action on physical trade would be more effective. Our EC partners and other allies would find great difficulty in following our lead on the freezing of assets. But they might be prepared, if only for commercial reasons, to advise their banks to make no further commercial loans to Argentinians.
- e. There were three United Kingdom merchant ships in Argentinian waters. They all had Argentinian crews and had decided to take no action in response to advice from the General Council of British Shipping. The one Argentinian ship in United Kingdom waters had left over the weekend; and two others heading for British ports had diverted. Air services between the United Kingdom and Argentina had in practice ceased; there was no need formally to suspend air services. Action to suspend the processing of applications for export licences to Argentina was in hand. The Department of Trade had issued advice to British businessmen. There was no proposal to introduce a general ban on exports to Argentina: it was thought likely to be preferable to institute a general ban on imports, leaving it to the Argentinians - if they so decided - to ban imports from the United Kingdom.
- f. The British Ambassador in Buenos Aires would be contacting the leaders of the British communities in Argentina, advising them to encourage those who had no reason to remain to leave if they could. Similar advice would be passed to British firms and to the British Interests Section in the Swiss Embassy in Buenos Aires. The object of this discreet action was to avoid the risk of precipitating action against the British community in Argentina, while at the same time preparing for a later and tenser phase in the crisis by seeking to reduce their numbers. More immediately here was the problem of the British Antarctic Survey (BAS) party in South Georgia. The FCO were in touch with the Swiss about this. HMS Endurance

had left the area. It was important to try to get the people out, because the weather was closing in and they had limited supplies. It had been hoped that the BAS vessel Bramsfield would attempt to pick them up, but the Chairman of the Natural Environment Research Council, Professor Sir Herman Bondi, was opposed to the use of their vessel for this purpose. The basis of this opposition appeared to be the value of the equipment on the ship. Although this factor hardly weighed in the balance when lives were at stake, it would in practice be better if the Bramsfield left the area as soon as possible.

g. There were thought to be about 6,000 Argentinian Nationals in the United Kingdom on a permanent or semi-permanent basis, plus about 10,000 temporary visitors. The Home Office were considering the question of internment. If war was declared, Argentinian nationals in the United Kingdom would automatically be liable to be interned. They could be interned without a declaration of war. But there were very real practical problems in finding the accommodation for internment and staff to administer internees. The scale of this potential problem would be much reduced if as many Argentinian citizens as possible could be deported. Many of the temporary visitors could be expected to leave of their own accord. If it were decided to deport Argentinian citizens, and there were powers available to do this, there would remain the question of how to treat those who might wish to be treated as refugees. No action had yet been taken to prevent Argentinian nationals entering the United Kingdom, but this could be done at short notice if necessary. The Security Service were preparing an assessment of the risk to key points in the United Kingdom it seemed unlikely that any of these installations would be found to be particularly at risk.

h. The introduction of a ban on imports from Argentina was not expected to result in a severe interruption of supplies of initial foodstuffs. Less than 5 per cent of the United Kingdom's meat supplies came from Argentina. It might in any case be necessary to suspend imports of Argentinian meat because the Ministry of Agriculture, Fisheries and Food's Veterinary Inspectors were having to be withdrawn, as part of the British Diplomatic community in Argentina, and it would therefore no longer be possible to certify that the Argentinian exporter was meeting British standards.

i. The Overseas Development Administration had 45 officers, with a total of 52 dependents, in the Falkland Islands.

j. It was likely that cultural visits or exchanges would not continue. But the FCO should consider the issuing of general guidance on the subject.

SIR ROBERT ARMSTRONG, summing up the discussion, said that a number of points requiring action had been identified. The question of co-ordination in Whitehall would be dealt with under the next agenda item.

The Meeting -

1. Invited the Foreign and Commonwealth Office, in consultation with the Ministry of Defence, to carry forward the effort to dissuade other countries from supplying arms to Argentina.
2. Noted that the Foreign and Commonwealth Office, would arrange to bring the attention of No 10 to the problem of responding to Chilean offers of assistance.
3. Noted that the Ministry of Defence would shortly be seeking decisions from Ministers on the rules of engagement for British forces in the South Atlantic.
4. Noted the action in hand with respect to the British community in Argentina.
5. Invited the Foreign and Commonwealth Office to pursue the question of recovering the British Antarctic Survey party from South Georgia.
6. Invited the Home Office to carry forward contingency planning in respect of Argentinian citizens in the United Kingdom.
7. Noted that the withdrawal of the Ministry of Agriculture, Fisheries and Food's Veterinary Inspectors was likely to lead to the halting of food imports from Argentina, irrespective of a decision to ban imports.
8. Invited -
 - i. the Foreign and Commonwealth Office to consider issuing general guidance on cultural visits and exchanges;
 - ii. the Cabinet Office to establish with the Office of Arts and Libraries how cultural visits and exchanges should best be discouraged.

[SECRETARIES' NOTE: after the meeting, the Home Office reported that the total number of Argentinian nationals in the United Kingdom was now estimated at 5,000, including temporary visitors. It was no longer clear that Argentinians could be interned if there had been no declaration of war. The Home Office will be preparing a note for the Defence and Overseas Policy (Official) Committee, Sub-Committee on the South Atlantic (ODO(SA)).]

2. FUTURE CO-ORDINATING MACHINERY IN WHITEHALL

SIR ROBERT ARMSTRONG said that officials would need to meet regularly in support of the Ministerial Group which would be dealing with the day-to-day issues arising from the crisis. The Transition to War Committee would not be an appropriate official body. Instead, a smaller body would be established* under Mr Wade-Gery's chairmanship with regular representation at Deputy - or Under-Secretary level from the Treasury, the Home Office, the Foreign and Commonwealth Office, the Ministry of Defence, the Departments of Trade, Industry, and Transport; other Departments could be represented as necessary. The first meeting would take place later in the day, to consider a minute from the Foreign and Commonwealth Secretary to the Prime Minister. The Ministry of Defence and the Foreign and Commonwealth Office were already working on a 24-hour basis. While there was no need to activate the Cabinet Office Briefing Room facilities, all Departments should ensure that staff were available at all times to enable questions which arose to be dealt with speedily. He would make a brief report to the Prime Minister and those of her colleagues who were concerned on the conclusions of the Meeting.

The Meeting -

Took note.

* Defence and Overseas Policy (Official) Committee, Sub-Committee on the South Atlantic (ODO(SA))

Cabinet Office

5 April 1982