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Argentina



10 DOWNING STREET

*From the Principal Private Secretary*

SIR ROBERT ARMSTRONG  
CABINET OFFICE

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Falkland Islands Inquiry

I have shown the Prime Minister your minute A08677 of 15 June 1982 about access for the Committee conducting the Falkland Islands Inquiry to Cabinet and Departmental papers of previous Administrations.

She is content that we should proceed in the way you suggest. She has, however, commented ... "Mr. Foot cannot give access to the papers of a previous Labour Administration. Only Mr. Callaghan and Sir Harold Wilson can do that. We shall have to write to them".

JHW.

16 June 1982

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Ref: A08677

*N.P. The Book cannot  
give access to papers  
No previous adm. Only*

*Prime Minister.*

*Agree x/1 and 7/1*

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*How ?*

MR. WHITMORE

*The Callaghan - Dr. Wilson  
can do that. We*

*15/11*

*shall have to write to  
them.*

*Yes*

Falkland Islands Inquiry

If and when the Prime Minister sees Opposition Leaders, I think that she will need to consult them about access for the Committee to Cabinet and Departmental papers of previous Administrations.

2. The Committee is bound to seek access to Cabinet and Cabinet Committee papers dealing with Ministerial discussions of the Falkland Islands not only by this Administration but also by the Callaghan Administration, and probably also by the Wilson and Heath Administrations. There can presumably be no question of withholding these papers. They will show the nature of the propositions which successive Administrations were prepared to consider. Those propositions could of course have implications for future dealings with Argentina and the Falkland Islanders, and it might well be argued that it would be prejudicial to international relations that they should be made public. They could also have considerable domestic political implications. Since Dr. Owen was Foreign Secretary when the Callaghan Administration was considering these matters, it is not only the official Opposition which is affected.

3. I have not been able to discover any exact precedents to guide us in this situation. I believe that the right course will be that the Committee should (as a group of Privy Counsellors) be given access to Cabinet and Cabinet Committee documents of the present and previous Administrations relating to the Falkland Islands, that that access should be on Privy Counsellor terms, and that the Committee should not in any document for publication include any material, the publication of which would be prejudicial to national security or international relations. In the end the Government of the day has to be the judge of what is prejudicial to national security or international relations. If the Committee needs to consult during the course of its proceedings on what it would or would not be prejudicial to disclose, the

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Secretary of the Cabinet is the natural point of contact for the purpose; he can consult as necessary within Government. The Government will have to retain the right to withhold publication of any parts of the report which seem to them likely to be prejudicial; but it will clearly be preferable, if possible, to avoid having to do that.

4. Such an arrangement would not wholly preclude the possibility of domestic political embarrassment from the publication of positions adopted or decisions taken by the present or a previous Administration which were not announced at the time. In the nature of the case I see no practicable or acceptable way of avoiding that, by means of guidance to the Committee or by restrictions placed upon its right of access to or use of Cabinet and Cabinet Committee papers. It has in effect to be left to the discretion and good sense of the Privy Counsellors who serve on the Committee: one of the purposes of adopting this form of inquiry is to ensure that it is undertaken by people who are sensitive to that kind of problem and who understand the need for the exercise of this kind of discretion.

Y | 5. It may be suggested that, once the Committee's report is available, it should be shown to Opposition Leaders on Privy Counsellor terms as a basis for discussion on whether any part of the report should be withheld from publication. Any such arrangement would create obvious scope for political embarrassment; it would be better not to volunteer it and to avoid it if possible.

REA

Robert Armstrong

15th June 1982