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DSG/tcl

sent to Sussex
address on 6/7

10 DOWNING STREET

THE PRIME MINISTER

5 July 1982

Dear Mr. Hamilton

I have, as you know, been consulting the Leaders of Opposition parties in the House of Commons about the nature and scope of the proposed Falkland Islands Review. Following those consultations I shall be announcing tomorrow that the Review is to be entrusted to a Committee of Privy Counsellors. The terms of reference will be directed to the way in which the responsibilities of Government were discharged in the period leading up to the Argentine invasion of the Falkland Islands on 2 April 1982. But the events of that period can be rightly viewed only in the context of the history which led up to them, including the decisions and actions of previous Governments, in so far as they are relevant, and their relations with successive Argentinian Governments. The Committee will therefore be invited, in reviewing the events of the most recent period, to take account of all such factors in previous years as are relevant.

We propose to make available to the Committee all the papers relating to the most recent period. The fact that the Review is being entrusted to a Committee of Privy Counsellors will make it possible for it to be given access to all the relevant documents, including Cabinet and Cabinet Committee papers and intelligence assessments and reports, while ensuring protection from disclosure for information which ought to be protected in order to avoid prejudice of national security or of the conduct of international relations.

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In so far as the Committee needs to take account of matters which arose and events which happened under previous administrations it will need to have access to the relevant official documents of the time. How far it will need to go for that purpose, only the members of the Committee itself can say; but I should like to be able to assure them that, in so far as they need access to the official documents of previous administrations, that will be available to them on exactly the same basis as documents of the present administration.

I hope therefore that you will be able to agree that the Committee should have access to any relevant documents of the administration for which you were responsible, subject to the following conventions, which follow or are consistent with the precedents of what has been done in the past in such circumstances, namely that:

- a. the documents will be made available to all members of the Committee by virtue of their being Privy Counsellors and solely for the purposes of this Review;
- b. any member of a previous administration who is invited to give evidence to the Committee will be able to exercise his normal right to see documents which he saw as a member of that administration;
- c. officials and former officials invited to give evidence to the Committee will be able to see documents which they saw as advisers to Ministers on matters covered by the Review;
- d. documents of previous administrations will not be disclosed to members of the present administration or of other previous administrations (other than those who are members of the Committee), or to any other persons not entitled to see them;

- e. the documents made available to the Committee, and any copies made of those documents for the use of members of the Committee, will be returned to the Departments from which they came as soon as they are no longer required for the purposes of the Committee's Review;
- f. while it is understood that the Committee may need to describe in their report the gist or purport of documents made available to them, so far as is consistent with the protection of national security and the conduct of international relations, Cabinet and Cabinet Committee documents and documents which carry a security classification will not be reproduced in the Committee's report or otherwise published without the agreement of the Government, who will consult the former Prime Minister of the administration concerned as to whether such agreement should be given.

If you would like to inspect the Cabinet and Cabinet Committee documents of your own administration, in so far as they dealt with matters which are or may be relevant to the Committee's Review, the Secretary of the Cabinet would of course be ready to make the necessary arrangements for you to do so.

I am writing in similar terms to Alec Home, Harold Wilson, Ted Heath and Jim Callaghan.

I have been very grateful for your support and advice - which I have followed throughout the campaign.

Yours sincerely

The Right Honourable Harold Macmillan, O.M., F.R.S.

Raymond Shubert