



Ref. A08914

MR WHITMORE

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Falkland Islands Review

I attach a first draft of a speech for the Prime Minister to make when opening the debate on the Falkland Islands Review in the House of Commons on Thursday 8 July.

2. As you will see, it is based on the draft statement which I prepared before the weekend. It incorporates comments on that draft received from the Foreign and Commonwealth Office. It also includes a section (paragraphs 13, 14 and 15) on the protection of officials who give evidence to the Review. There are some signs of concern on this particular point, and it has been represented to me that it would be useful if the Prime Minister could say something about it in her speech.

3. I am circulating copies of this draft to the Departments principally concerned, with a request for urgent comments. If the Prime Minister has a chance to look at the draft either overnight, or on her way to Rome, you could perhaps let me have her thoughts and comments too, so that I could aim at having a revised draft ready, either to telegraph out to Rome, so that the Prime Minister could look at it on her way home, or to await her return in the evening.

4. I am also sending a copy of the draft to Lord Franks.

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ROBERT ARMSTRONG

6 July 1982

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DRAFT SPEECH BY THE PRIME MINISTER

Falkland Islands Review

Mr. Speaker, I beg to move the motion standing in the name of my Rt. Hon. Friends and myself about the Falkland Islands Review.

2. There has been much discussion both in this House and outside about the need for and possible form of a review of the events which led up to the Argentine invasion of the Falkland Islands on 2 April and the decision to dispatch a Task Force to repossess the Islands, as we have now successfully done.

3. I welcome this opportunity of giving the House an account of the reasons why the Government has decided to set up the inquiry in the form and with the terms of reference which I indicated in my answer to the Rt. Hon. Gentleman the Leader of the Opposition the day before yesterday.

4. I should say by way of introduction that I have consulted the Rt. Hon. Gentleman the Leader of the Opposition and Privy Counsellor Leaders of other parties represented in the House, and I think that, without wishing to hold them to every detail of what I am about to propose, I can fairly say that I have reached broad agreement with them on the nature, scope and composition of the review.

5. As to the nature of the review, the overriding considerations are that it should be independent and authoritative and that it should

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other evidence
have access to all relevant documents and persons. I have repeatedly made it clear to the House that I am willing and anxious to have every single bit of evidence before the body which undertakes this review. It will of course need to ~~have powers to~~ *see the relevant* ~~have access to~~ Departmental documents, Ministers and officials.

? But this is unlike other inquiries in that it will not be complete unless those conducting it are able also to see the relevant Cabinet and Cabinet Committee memoranda and minutes and intelligence assessments and reports. This will include much highly sensitive information: I want the nature of the review to be such that all the relevant evidence can be made available to it without reservation.

6. With these requirements in mind the Government has considered the various forms of review that might be envisaged. We thought of course about a Parliamentary Select Committee. We thought about a Tribunal of Inquiry. Either of those could have been given the formal powers to call for persons and papers that are available to such bodies. But we have come down clearly in favour of a Committee of Privy Counsellors.

7. In my judgment the requirement that all the relevant evidence should be available without reservation can be satisfied only if the review is entrusted to a Committee of Privy Counsellors ~~appointed by and~~ reporting to the Government. In no other way can sensitive information be given the protection it requires. Only if it is given that

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protection can it be freely forthcoming to the review.

8. The independence and authority of the review will be ensured by the composition of the Committee, which I will come to later. As a Committee of Privy Counsellors it will consist of people who have had wide experience of handling public affairs. They will be able to judge, with the benefit of that experience, whether and if so in what respects and at what points the machinery of government failed to function effectively, and whether and if so where errors of judgment occurred. They will have access, on Privy Counsellor terms, to all the relevant documents of this Administration. They will be able to take evidence from anybody in Government, Minister or official, whom they wish to summon. All concerned will be instructed or encouraged to give the Committee every document and access to any person as may be required for it to carry out its task. And I am sure that no former Minister or official who may be invited to assist the Committee will decline to do so.

9. It will be the Government's desire and firm intention to present the Committee's report to Parliament in full, as it is submitted. At the same time information made available to the Committee whose disclosure would be prejudicial to national security or damaging to the international relations of the United Kingdom will need to be

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protected. The Government will therefore suggest to the Committee that its object should be not to include any such information in its main report which is to be published, and that, if it needs to draw conclusions or make recommendations which if published would entail the disclosure of such information, it should submit them to the Government in a confidential annex which will not be published.

10. The Government must retain the right in the last resort to delete from the Committee's report before publication any material whose disclosure would be prejudicial to national security or damaging to the international relations of the United Kingdom. That is a duty which no Government could set aside or put in commission. But I very much hope that the arrangements I have already described will make it unnecessary for the Government to do that. If it were to prove necessary, I can give the House the following categorical assurances:

- the Government would make no deletions save strictly on the grounds of protecting national security or international relations;
- the Chairman of the Committee would be consulted if any deletions had to be proposed;
- Ministers would make no deletions other than those recommended to them on the grounds that I have specified;
- any recommendations for deletion would be considered individually and critically: we should not regard ourselves as bound to accept such recommendations automatically.

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11. So much for the nature of the review. As to its scope, as will be clear from the terms of reference set out in my reply to the Rt. Hon. Gentleman the Leader of the Opposition the day before yesterday, the review will be directed to the events leading up to the Argentine invasion of the Falkland Islands on 2 April this year. If, however, these events are to be viewed rightly, they have to be seen in the context of the history which led up to them, including the decisions and actions of ^{previous} successive Governments on the administration, development and defence of the Falkland Islands and the dependencies, and their relations with successive Argentine Governments. It is for that reason that the terms of reference given to the Committee invite it, in carrying out its review of events in the period immediately preceding the invasion of the Falkland Islands, to take account of all such factors in previous years as are relevant. These terms of reference will enable the Committee to examine, as far back and in as much detail as is ^{they believe} ~~necessary~~ and relevant, the historical background to recent events, the handling of issues relating to the Falkland Islands and their dependencies, and relations with successive Argentine Governments concerning the islands.

12. For this purpose the Committee will need to have access to any relevant documents of previous Administrations, as well as to documents

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of the present Administration. I have consulted my Right Hon. Friend Mr Harold Macmillan, my Right Hon. and noble Friend Lord Home of the Hirsell, the Right Hon. Gentleman the Member for Huyton, my Right Hon. Friend the Member for Bexley Sidcup and the Right Hon. Gentleman the Member for Cardiff South East, and they have agreed inviting them to agree that the Committee should have access to the relevant documents of the Administrations for which they 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) 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;

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- (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) 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 that can be done consistently 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.

13. There is one other procedural matter on which I should say a few words. This review will not be a Tribunal of Inquiry. If it were, it would

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have to have all the procedures appropriate for such a tribunal, and it would inevitably take a lot longer than we would all wish. It will be primarily concerned, as I have already said, with judging whether there were shortcomings or failures in the machinery of government and whether there were errors of judgment. It will conduct its proceedings in private. Nevertheless, we cannot exclude the possibility that in its report the Committee may feel obliged to comment adversely on the performance or judgment of particular individuals, and it may be that some of those who are invited to give evidence will be apprehensive that in doing so they may make themselves vulnerable to such criticism in the Committee's report.

14. Ministers and former Ministers are of course able to defend themselves, and to reply publicly to any criticism of that kind to which they may be subject. Officials, and particularly those still serving, have no such opportunity. It is important that they should not be inhibited in giving evidence to the Committee by fears of being vulnerable to criticism which they may think unjustified but which they cannot publicly counter or rebut.

15. ~~It will of course be for the Committee to decide whether its findings require it to criticise or blame particular officials.~~ We shall suggest to the Chairman that, if the Committee does find itself

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obliged to criticise any individual official, it should before incorporating that criticism in its report give the individual concerned details of the criticism which it proposes to make, and an opportunity to make representations, orally or in writing. At that stage the Committee would have to decide whether to allow the individual concerned to be legally represented. That should reassure any official who is concerned that he or she will not be the subject of criticism in the Committee's report without having been told in advance of the nature of the criticism and given the opportunity to answer or comment upon it.

16. Finally, Mr. Speaker, I come to the membership of the Committee. As I said in my reply to the Rt. Hon. Gentleman's question on Tuesday, the Right Honourable Lord Franks has agreed to be the Chairman. I know that that choice is entirely acceptable to those whom I have consulted, as indeed it is to the Government. I believe that the whole House will agree that we have been very fortunate in being able to persuade this great servant of his country, with his unchallengeable integrity and his unrivalled experience of public affairs, to undertake this further task of public service.

17. The other members of the Committee, all of whom have been invited and have agreed to serve, will be (in alphabetical order): my Right Hon. and noble Friend Lord Barber; the Right Honourable

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and noble Lord, Lord Lever; Sir Patrick Nairne; the Right Hon. Gentleman the Member for Leeds South; and my Right Hon. and noble Friend, Lord Watkinson. The Queen has been graciously pleased to approve that Sir Patrick Nairne be sworn a member of Her Majesty's Privy Council.

18. I hope that the House will share my view that a Committee constituted as I have indicated gives us the best possible assurance that the review will be authoritative and balanced, and will be carried out with the utmost independence and integrity. It must be given the time it needs to carry out the review thoroughly. But this review needs to be completed as expeditiously as possible, and it is my hope and belief that it can be completed within six months.

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