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FALKLAND ISLANDS REVIEW COMMITTEE

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Chairman: Lord Franks OM GCMG KCB CBE PC
Secretary: A R Rawsthorne (01-273 5106)

The Rt Hon Margaret Thatcher, MP

31 December, 1981.

Dear Prime Minister,

On 6 July 1982 you announced the Government's decision to set up a Falkland Islands review under my chairmanship. In your speech in the House of Commons on 8 July on a motion to approve this decision, you said that the review needed to be carried out as quickly as possible and expressed the hope that it could be completed within six months.

I am happy to say that the Committee has been able to complete its work in just under six months, and I submit its unanimous report.

Yours sincerely

Franks

(Franks)

Blair Hilton

*mid-afternoon
1 eddy - handling/dirt, etc.*

31 December 1982

FALKLAND ISLANDS REVIEW COMMITTEE

The Falkland Islands Review Committee has today submitted its unanimous report to the Prime Minister. Publication is a matter for the Prime Minister. The Committee does not intend to make any further statement at this stage.

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Falkland Islands Review

3.57 pm

The Prime Minister (Mrs. Margaret Thatcher): I beg to move,

That this House approves the decision of Her Majesty's Government to set up a Falkland Islands review as announced by the Prime Minister in her reply to a Question by the right honourable Gentleman, the Leader of the Opposition, on 6th July 1982.

Mr. Speaker: I have not selected any amendments.

The Prime Minister: As early as 8 April, I announced in reply to the right hon. Member for Orkney and Shetland (Mr. Grimond) that there would be a review of the way in which the Government Departments concerned had discharged their responsibilities in the period leading up to the invasion of the Falkland Islands.

Since then, although a few have argued that it is not necessary, there is widespread agreement that a review of some sort should be conducted and that there should be prior consultation with the Leader of the Opposition and the leaders of other opposition parties in the House who are Privy Councillors. It would be fair to say that the consultations led to broad agreement on the nature, scope and composition of the review.

Accordingly, I set out the form of the review and its terms of reference in my reply of Tuesday to the Leader of the Opposition, and I welcome the opportunity to explain to the House today the reasons why the Government have decided to appoint a Committee of six Privy Councillors to conduct the review and to give it the terms of reference set out in my answer to the right hon. Gentleman.

I wish to deal in turn with the nature of the review, its scope and its composition. As to its nature, the overriding considerations are that it should be independent, that it should command confidence, that its members should have access to all relevant papers and persons and that it should complete its work speedily. Those four considerations taken together led naturally to a Committee of Privy Councillors. Such a Committee has one great advantage over other forms of inquiry. As it conducts its deliberations in private and its members are all Privy Councillors, there need be no reservations about providing it with all the relevant evidence—including much that is highly sensitive—subject to safeguards upon its use and publication.

A Committee of Privy Councillors can be authorised to see relevant departmental documents, Cabinet and Cabinet Committee memoranda and minutes, and intelligence assessments and reports, all on Privy Councillor terms. Many of these documents could not be made available to a tribunal of inquiry, a Select Committee or a Royal Commission.

The Committee will also be able to take evidence from any Ministers or officials whom it wishes to see, and I hope that former Ministers or officials and others who may be invited to assist the Committee will think it right to do so.

There are several precedents for a Government setting up a Committee of Privy Councillors to look into matters where the functioning of the Government has been called in question and sensitive information and issues are involved.

I will refer to just one. A conference of Privy Councillors was established in November 1955 to examine security procedures in the public services as a result of the defection of Burgess and Maclean. The results of the inquiry were reported to the House by the then Prime Minister on 8 March 1956, although he stated that it would not be in the public interest to publish the full text of the report or to make known all its recommendations.

In the case of the present review, 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 protected. The Government will therefore suggest to the Committee that it should seek to avoid including 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.

In the last resort the Government must retain the right 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. But I very much hope that the arrangements that I have just described will make it unnecessary for the Government to do that. However, should it be necessary I can give the House the following assurances.

First, the Government will make no deletions save strictly on the grounds of protecting national security or international relations. Secondly, Ministers will consider any proposals for deletions individually and critically and will accept such proposals only on the grounds I have specified. Thirdly, the Chairman of the Committee will be consulted if any deletions have to be proposed. The fact that the Committee would know what deletions had been made from its report offers the best assurance to those who might believe that the Government would try to make unjustified deletions.

Nevertheless, I repeat that it is the Government's aim to present to Parliament the report of the Committee in full.

So much for the nature of the review.

I turn now to its scope. First, geographically, it includes the dependencies—that is, South Georgia and the South Sandwich Islands. Secondly, the review will be directed to the events leading up to the Argentine invasion of the Falkland Islands on 2 April. If these events are to be fairly viewed, they must be seen against the background of negotiations, actions, intelligence and other assessments over the years. For that reason the terms of reference given to the Committee empower it to take account of all such factors in previous years as are relevant.

For this purpose the Committee will need to have access to any relevant documents of previous Administrations, as well as to documents of the present Administration. I have consulted Mr. Harold Macmillan, my noble Friend Lord Home, the right hon. Member for Huyton (Sir H. Wilson), my right hon. Friend the Member for Sidcup (Mr. Heath) and the right hon. Member for Cardiff, South-East (Mr. Callaghan), and they have agreed that the Committee should have access to the relevant documents of their Administrations, subject to the following conventions, which are consistent with what has been done in the past.

First, documents will be made available to members of the Committee by virtue of their being Privy Councillors and solely for the purposes of this review.

Secondly, 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.

Thirdly, serving and former officials and members of the Armed Forces 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.

Fourthly, documents of previous Administrations will not be disclosed to members of the present Administration or to any other persons not entitled to see them.

Fifthly, 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.

Sixthly, it is understood that the Committee may need to describe in its report the gist or purport of documents made available to it, so far as that can be done consistently with the protection of national security and the international relations of the United Kingdom. But no part of Cabinet or Cabinet Committee documents or other documents which carry a security classification may be reproduced in the Committee's report or otherwise published without the agreement of the Government and that of the former Prime Minister of the Administration concerned.

So that there is absolutely no misunderstanding on this point, I repeat that no member of the present Government can or will see any documents of any previous Administration, unless he or she, himself or herself, was a member of such an Administration and is entitled for that reason to see those papers.

There is one other procedural matter on which I should say a few words. Although it will be for the Committee itself to determine its own procedure, it will be suggested to the Chairman that should the Committee wish to criticise any individual, it should, before incorporating that criticism in its report, give the person concerned details of the criticism, 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.

Even though the review will be conducted in private, it is important that individuals should not be inhibited in giving evidence to the Committee through fears of making themselves vulnerable to criticism which they may think unjustified and which they might not be given an opportunity of rebutting before the Committee.

Mr. Tam Dalyell (West Lothian): The Prime Minister has outlined a massive amount of work for the Committee. Will she tell us about its staff? Are they to be drawn exclusively from the Cabinet Office and the Civil Service, or may members of the staff be brought in from outside?

The Prime Minister: The staff of the Committee are being provided under the leadership of the Home Office. The Home Office civil servants have not been connected either with Foreign Office work or with Ministry of Defence work, but they have been accustomed to handling

intelligence. It seems right and proper to make arrangements for them to provide the secretarial assistance to the Committee.

Finally, I turn to the composition of the review—the membership of the Committee.

Mr. Andrew Faulds (Warley, East) rose—

The Prime Minister: I shall, with your permission, Mr. Speaker, be replying to the debate this evening and will hope then to answer any questions that have arisen. Does the hon. Gentleman still wish to persist?

Mr. Faulds: Is it intended that the inquiry should be free to examine the political advisability of the Prime Minister's recent exercise in the South Atlantic? That is very important.

The Prime Minister: The Committee will act within its terms of reference as it construes them. The terms of reference are:

"To review the way in which the responsibilities of Government in relation to the Falkland Islands and their dependencies were discharged in the period leading up to the Argentine invasion of the Falkland Islands on 2 April 1982, taking account of all such factors in previous years as are relevant; and to report."

Judging by the distinction of those who have agreed to serve on the review, I think that we can leave them to interpret the terms of reference as they think best fitted to the discharge of their duties.

I come to the membership of the Committee. As I announced in my reply to the right hon. Gentleman on Tuesday, Lord Franks has agreed to be the Chairman. I know that that choice is acceptable and indeed welcome to those whom I have consulted. Lord Franks will bring an unrivalled breadth of experience to the work of his Committee, and we are fortunate that he is ready to take on the task.

As I also announced on Tuesday, the other members of the Committee will be my noble Friend Lord Barber, Lord Lever of Manchester, Sir Patrick Nairne, the right hon. Member for Leeds, South (Mr. Rees) and my 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. The right hon. Gentleman the Leader of the Opposition proposed the names of the right hon. Member for Leeds, South and Lord Lever. I hope that the House will share my view that a Committee with this membership gives us the best possible assurance that the review will be carried out with independence and integrity.

Mr. Dick Douglas (Dunfermline): Does the right hon. Lady agree that there might be an outside impression that this coterie is comfortable, conservative and clubbable, as there is no female member on the Committee? Do only males understand war and its events? Why does not the right hon. Lady appoint someone suitable from her own sex to the Privy Council such as Mary Goldring, who might bring in an outside view, away from the claustrophobic atmosphere of Westminster and Whitehall?

The Prime Minister: All those concerned with choosing those who should be on the Committee have been anxious to select people who have the right experience, sagacity and integrity to conduct the review. I believe that that is how it will be seen outside.

Mr. Dalyell rose—

Mr. Speaker: Order. The hon. Gentleman must not keep interrupting. The Prime Minister has not given way, as far as I know. Is the Prime Minister giving way?

Mr. Bob Cryer (Keighley): Of course she is.

Mr. Speaker: Order. The Prime Minister can speak for herself.

Mr. Dalyell: The Prime Minister is a lawyer. Is there not a case for having either an international lawyer or a Queen's Counsel on the Committee? Is there not a case for having someone representing the view of what one might call the awkward squad?

The Prime Minister: My noble Friend Lord Barber is a distinguished lawyer, who practised for many years. Lord Lever is also a barrister. They will be well able to sift the facts from the opinions and to make a judgment upon the evidence and not upon the imagination.

The Committee must be given the time it needs to carry out its work thoroughly. But the review also needs to be completed as quickly as possible, and it is my hope that it can be completed within six months.

I have confined my comments to the setting up of the review, because that is the subject of the motion. We are not concerned today with the substance of the events that led up to the invasion of the Falkland Islands. That is for the review itself and for the debate that will follow publication of the Committee's Report. I hope that hon. Members will welcome the review, and I commend the motion to the House.

4.14 pm

Mr. Michael Foot (Ebbw Vale): Since a review of the matter that we are debating was first raised in the House and outside, the Opposition have taken a view about the way in which it should be approached. We have believed from the beginning that there should be an inquiry or a review. We have believed that it should be directed predominately to the events leading to the invasion at the beginning of April. We have believed that it should be reasonably swift in making its report to the House and the country. We have believed that the review must be likely to secure general support in the House. In particular, we have believed that the House should support the way in which the final publication of the review is to be made.

I shall respond to the Prime Minister's remarks. I shall say how far we think those requirements that we have always thought to be right have been fulfilled and how far we may proceed along those lines. The House would be wise to accept the Government's motion, and I shall give the reasons.

Major constitutional questions are involved in the establishment of a Committee of this nature. If in any quarter of the House there were any doubt on such a point, the possibility of misunderstanding was removed by the intervention of the right hon. Member for Sidcup (Mr. Heath) a few days ago when he gave a fine display of his customary perception and bonhomie. In the manner in which he presented his case he showed that there was an important background to such reviews and that we should examine it carefully. In the main, I agree with what the right hon. Gentleman implied in his intervention. Important constitutional matters are involved. I do not seek to minimise them. The speech by the Prime Minister showed that she, too, accepted the importance of those constitutional questions.

There is the question of rummaging in the pigeon holes and other places where the work and deliberations of previous Governments may be found. I agree with what the right hon. Member for Sidcup implied. It would be an inhibition to good Government if every incoming Administration were to spend considerable time examining what the previous Administration did, with special access to matters that the previous Administration had been most eager to keep quiet. That would not assist the processes of good Government, although I know that some people think that that would be advantageous. In centuries gone by that was the practice of British Governments.

At the beginning of the eighteenth century incoming Governments spent a considerable part of the beginning of their period in office drawing up the measures of impeachment or Bills of attainder that they wished to make against their predecessors. No doubt they had good grounds to do so. I am not saying that any such possibilities have evaporated now.

In the early part of the eighteenth century a great barrier was placed against the way in which the Government conducted their affairs. Over a period, particularly in this century, not by any precise enactment—that does not make it any worse under our constitution—but by the general usage of Cabinet Government, there grew up the practice that Governments should not have access to the documents of their predecessors. That is a good rule. If it is to be abandoned, it should be done so only if there is a clear statement of proceedings, in circumstances that are fully understood.

There remains the issue that the right hon. Member for Sidcup underlined in his intervention—ministerial responsibility in these matters. If the proceedings of previous Governments are ransacked, ministerial responsibility to the House will be injured. I strongly favour sustaining ministerial responsibility. It is essential to parliamentary Government. Ministers should not be allowed to shelter behind the claim that civil servants have offered them incorrect advice. They should take absolute responsibility for what they say. That principle could be injured if matters are not dealt with in the scrupulous way that the right hon. Gentleman suggested.

Civil Service responsibility may arise in the inquiry. Civil servants are not necessarily absolved from the advice that they give. Ministers who accept advice must take responsibility for it, but, in an incident such as this, it is right that the advice, suggestions and propositions about a course of action that a civil servant may have suggested should be examined. I do not refer to civil servants in any one Department, although I noticed that the Prime Minister was diffident about clearing the Foreign Office a little earlier. I hope that she will be a little more generous as we proceed.—[SEVERAL HON. MEMBERS: "Why?"]—Because I favour being generous to everyone if I can—even the Foreign Office.

We are debating a matter of great concern to the whole country, as was demonstrated by the debates on 2 and 3 April. We are concerned to a considerable extent about the type of intelligence that was provided for the Government and what judgment was made on it by both Ministers and civil servants. There is no absolution for Ministers in the proposed inquiry. If we are to use any information that may be discovered about the failures of the intelligence service, it will involve civil servants. The matter must be examined. It is one of the central features of such an inquiry.

Q16. Mr. Christopher Price asked the Prime Minister if she will list her official engagements for Tuesday 19 October.

Q17. Mr. Whitney asked the Prime Minister if she will list her official engagements for Tuesday 19 October.

Q18. Mr. Cryer asked the Prime Minister if she will list her official engagements for Tuesday 19 October.

Q19. Mr. Tilley asked the Prime Minister if she will list her official engagements for Tuesday 19 October.

Q22. Mr. Pitt asked the Prime Minister if she will list her official engagements for Tuesday 19 October.

Q23. Mr. Home Robertson asked the Prime Minister if she will list her official engagements for Tuesday 19 October.

Q24. Mr. Hardy asked the Prime Minister if she will list her official engagements for Tuesday 19 October.

Q25. Mr. Greenway asked the Prime Minister if she will list her official engagements for 19 October.

Q27. Mr. Skinner asked the Prime Minister if she will list her official engagements for 19 October.

Q28. Mr. Brotherton asked the Prime Minister if she will list her official engagements for Tuesday 19 October.

Q29. Mr. Tom Clarke asked the Prime Minister if she will list her official engagements for 19 October.

Q30. Mr. Cook asked the Prime Minister if she will list her official engagements for Tuesday 19 October.

Q31. Mr. Ray Powell asked the Prime Minister if she will list her official engagements for Tuesday 19 October.

Q32. Mr. Beith asked the Prime Minister if she will list her official engagements for Tuesday 19 October.

Q33. Mr. Geraint Howells asked the Prime Minister if she will list her official engagements for Tuesday 19 October.

Q34. Mr. Newens asked the Prime Minister if she will list her official engagements for Tuesday 19 October.

Q35. Mr. Duffy asked the Prime Minister if she will list her official engagements for Tuesday 19 October.

Q36. Mr. Lofthouse asked the Prime Minister if she will list her official engagements for Tuesday 19 October.

Q37. Mr. Geoffrey Robinson asked the Prime Minister if she will list her official engagements for Tuesday 19 October.

Mr. Gwilym Roberts asked the Prime Minister if she will list her official engagements for Tuesday 19 October.

The Prime Minister: This morning I had meetings with ministerial colleagues and others, including one with the Chief of the Defence Staff. In addition to my duties in the House I shall be having talks with the Chancellor of the Federal Republic of Germany.

Falkland Islands

Q9. Mr. Dalyell asked the Prime Minister when she now expects the Franks committee on the Falklands to report.

The Prime Minister: At this stage I cannot say when it will report, but I continue to hope that the report can be completed within six months from the date on which it began its work.

Q13. Mr. Ioan Evans asked the Prime Minister when she intends to publish the report on the inquiry relating to the Falkland Islands.

The Prime Minister: Until the Committee of Privy Counsellors has reported, no date for publication can be fixed. It remains my hope that its report will be completed within six months from the date on which it began its work.

Q20. Mr. Latham asked the Prime Minister whether she will make a statement on the latest progress in reconstruction on the Falkland Islands.

The Prime Minister: My hon. Friend the Minister of State, Foreign and Commonwealth Office, the hon. Member for Woking (Mr. Onslow), visited the islands earlier this month to review the situation. Considerable progress has been achieved but many problems remain. About £8.5 million has been committed from the initial rehabilitation allocation of £10 million.

Much has been done to restore essential services. The power station is in full operation and can meet the demands of Port Stanley. Preparations are in hand to install a new generator. The water filtration plant is also just meeting demands and extra pumps are on order. As regards mines, the area of Stanley common has been cleared and the Stanley to Darwin road is open. Other mined areas have been fenced off and clearly marked. A map showing progress with mine clearance is regularly revised and made available to the civil population.

The present airport has been repaired and extended so that regular supplies of urgent reconstruction material can be delivered by Hercules flights. The runway has been extended to 6,100 feet and can also now be used by Phantom aircraft.

Large quantities of building materials are being ordered and shipped. They are being used to repair private and Government-owned houses which were damaged during the occupation, and will also be used to repair public buildings. A project for 54 new houses has been launched to replace homes destroyed during the occupation and to house additional personnel attached to the Falkland Islands Government.

Replacement vehicles and plant for various departments of the Falkland Islands Government have been ordered and shipped. Large consignments of solid fuel, kerosene, gas and aviation fuel have been sent to the islands. Three replacement aircraft for the islands' internal air service have been shipped. Thirty-four additional personnel for the Falkland Islands Government have been recruited.

Longer term rehabilitation requirements, such as the more permanent restoration and expansion of water, power, sewerage and road systems, and the harbour facilities and internal communications, are now being actively considered.

Scotland

Q12. Mr. Strang asked the Prime Minister if she has any plans to visit Scotland.

The Prime Minister: I hope to do so later this year.