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London SW1A 2AH

10 January 1983

Sir Robert Armstrong GCB CVO
CABINET OFFICE

My dear Robert,

THE FRANKS REPORT: OTHER COMMITTEES OF ENQUIRY

1. Robin Butler's minute to you of 4 January summarising the decisions on handling the Franks Report which were reached at the Prime Minister's meeting at Chequers that day, asked the FCO to prepare a historical note on which major episodes in our international relations in the present century have and have not been the subject of subsequent enquiries. I attach a note prepared by the FCO's Library and Records Department. This seems to me to cover the ground extremely well, but I should be grateful if you or Robin Butler could let me know if there is anything further which you would like from us on the subject.

2. I am copying this letter and enclosure to Robin Butler and to Clive Whitmore.

Yours ever

Antony

Antony Acland



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From the Secretary of the Cabinet: Sir Robert Armstrong KCB, CVO

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11th January 1983

Thank you very much for our letter of 10th January and the note on other Committees of Enquiry into international relations in the twentieth century.

I think that the note which has been prepared is extremely useful. There is only one supplementary point which it would be interesting to know. Has any of the previous Committees or Commissions of Enquiry concerned itself with intelligence aspects of the matters into which they have enquired? I think that Franks may be unique in that as in other respects.

I am sending copies of this letter to Clive Whitmore and Robin Butler.

ROBERT ARMSTRONG

Sir Antony Acland, KCMG, KCVO

INTERNATIONAL RELATIONS IN THE TWENTIETH CENTURY: MAJOR EPISODES AND NOTES ON A NUMBER OF ENQUIRIES

1. The Franks Committee is unusual in being composed entirely of Privy Counsellors. In the main committees of Privy Counsellors have been appointed to look into questions of procedure or principles rather than particular incidents. Two fairly recent examples are the Radcliffe committee on ministerial memoirs which followed the publication of the Crossman diaries, (Lord Franks was a member) and the Houghton committee on Cabinet document security. There does not appear to be any Privy Counsellor enquiry parallel with the present Franks Committee.

2. During the present century it has not generally been the practice for the Government to appoint public enquiries into military campaigns or diplomatic incidents. Domestic and colonial rather than international affairs have been the subject of major investigation during the past 80 years and only the following eight enquiries can be considered as relating to major episodes in our international relations.

A. SOUTH AFRICAN WAR, REPORT 1903

By a Royal Warrant of September 1902 a Commission was appointed to 'inquire into the military preparations and other matters connected with the War in South Africa'. The Commissioners seem to have been in some doubt as to the main purpose of the inquiry but decided that it was to discover inefficiency or defects in the administration of the Army and to indicate their causes wherever possible. The Commission heard evidence from 114 witnesses and the Minutes of Evidence, together with some of the more important documents submitted, were published.

The Commission's report was critical of defects in government organisation which lead to our military unpreparedness for war in South Africa, and the fact that there was no preparation for utilising the reserves of military strength in the United Kingdom, colonies and dependencies. The structure of the War Office and its Intelligence Department were also found to be defective.

B. DARDANELLES COMMISSION, REPORT 1917

A Special Commissions (Dardanelles and Mesopotamia) Act was passed in 1916 which provided for the appointment of a Commission to be appointed 'for the purpose of inquiring into the origin, inception and conduct of operations of war in the Dardanelles and Gallipoli,

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including supply of drafts, reinforcements, ammunition and equipment to the troops and Fleet, the provision for the sick and wounded, and the responsibility of those departments of Government whose duty it has been to minister to the wants of the forces employed in that theatre of war'. The Commission took evidence in secret session from 26 witnesses including the Prime Minister, Cabinet Ministers and military and naval commanders and had access to papers of the Cabinet and War Council.

The Commission found that it had been a mistake to confine the first attack to a naval bombardment rather than an amphibious attack on the Gallipoli Peninsula and were critical of the Prime Minister, the First Sea Lord and the members of the War Council for coming to decisions without much fuller investigations being made.

C. MESPOTAMIA COMMISSION, REPORT 1917

Under the provisions of the Special Commission (Dardanelles and Mesopotamia) Act of 1916 a second Commission was appointed with similar terms of reference to inquire into the war in Mesopotamia. The Commission held 60 meetings and interviewed over 100 witnesses including the Secretary of State for India and the Viceroy. They obtained evidence on oath, enforced the attendance of witnesses and examined all official documents relevant to their inquiry.

The Commission reported that the expedition to Mesopotamia was a justifiable military enterprise but was administratively mishandled by the India Office and the Indian Government. Individual officers, government officials and ministers were criticised for their part in this military misadventure and for the inadequacies of equipment, transport and medical provision.

D. DISTURBANCES IN THE PUNJAB, REPORT 1920

In October 1919 a Committee was appointed by the Government of India to 'investigate the recent disturbances in Bombay, Delhi and the Punjab, their causes, and the measures taken to cope with them', with Lord Hunter as president. The Committee heard evidence at Delhi, Lahore, Ahmedabad and Bombay and all but four of the witnesses were heard in public. Some of the witnesses were represented by counsel who were permitted to cross-examine

/witnesses

witnesses put forward by the authorities and call witnesses of their own. In its report the Committee was highly critical of General Dyer on whose orders troops opened fire at Amritsar on 13 April 1919, killing at least 379 people.

E. PALESTINE ROYAL COMMISSION, REPORT 1937

The Commission was appointed on August 1936 to ascertain the underlying causes of the disturbances which broke out in Palestine in the middle of April, to enquire into the implementation of the Mandate in Palestine in relation to Britain's obligations towards the Jews and the Arabs respectively and ascertain whether either had any legitimate grievance. The Commission took evidence in Jerusalem and heard 60 witnesses in public and a further 53 in camera. It was decided not to admit counsel. A further 10 witnesses were examined when the Commission returned to London. As the Commission had been directed to establish the underlying causes of the disturbances and not to apportion blame its recommendations were mainly concerned with improvements in the machinery of government in Palestine. It also made detailed proposals for a lasting settlement in Palestine.

F. CYPRUS SELECT COMMITTEE, REPORT 1976

A Select Committee of the House of Commons was appointed in August 1975 to consider the situation in the Republic of Cyprus with particular reference to the current position of United Kingdom residents there. The Committee took evidence in London from Ministers and officials, visited Cyprus and Greece for discussions with members of the respective governments, but were unable to produce their report before the end of the Parliamentary Session. The Committee was re-established in January 1976 and heard further evidence in London. Their Report, published in April 1976 is however largely based on information obtained during the visit to Cyprus and Greece in September 1975. In the view of the Committee Britain had a legal right, a moral obligation and the military capacity to intervene in Cyprus at the time of the Turkish invasion during July and August 1974, but did not intervene for reasons which the Government refused to give. The Committee also found that the decision by the Foreign Secretary to move Turkish Cypriot refugees from the Sovereign Base Area was an error of judgment and that the British Government had failed to cope adequately with the problem of Cypriot refugees coming to the United Kingdom in 1974.

/G. BINGHAM

G. BINGHAM REPORT, 1978

Mr T H Bingham, QC and Mr S M Gray, FCA were appointed in May and July 1977 respectively by Dr David Owen, then Foreign Secretary, to conduct an investigation to establish the facts concerning operations whereby supplies of petroleum reached Rhodesia since 17 December 1965; to establish the extent to which persons and companies within the scope of the Sanctions Orders have played any part in these operations; and to obtain evidence of evasion of the Sanctions Orders. The investigation heard oral evidence from 40 witnesses and had access to a large volume of government papers. These included a small number of Cabinet Committee papers for the years 1966-1968 which were passed inadvertently to Mr Bingham. Those who were the subject of criticism in the draft report were given the opportunity to challenge criticisms and rebut adverse findings of fact.

The report found that BP and Shell subsidiaries had effectively supplied oil to Rhodesia for most of the period of sanctions. The British Government were content to be able to say that no oil was being sent by British owned companies to Rhodesia, an assurance that was repeated after it had ceased to be true. On 15 December 1978 the Prime Minister announced that subject to the approval of both Houses after the Christmas recess a commission of enquiry composed of MPs or Peers, with a Lord of Appeal as Chairman, would be set up to consider, following the report of the Bingham inquiry, the part played by those concerned in the development and application of oil sanctions against Rhodesia with a view to determining whether Parliament or Ministers were misled, intentionally or otherwise, and to report. The commission would have access to Cabinet and other official papers if the former Prime Ministers concerned agreed. It would sit in private, but its report would be published. In the event although the proposal to set up a joint commission was approved by the House of Commons early in 1979 it was rejected by the House of Lords on 9 February and was never appointed.

H. CROWN AGENTS TRIBUNAL, REPORT 1982

The Tribunal to inquire into certain issues arising out of the operations of the Crown Agents as financiers on own account in the years 1967-74, was appointed by Mr Merlyn Rees, then Home Secretary, in March 1978 and

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reported in March 1982 (HC 364 of 1981/82). The members of the Tribunal heard oral testimony for 260 days from 98 witnesses and accepted written evidence from a further 8 witnesses. Legal representation of those called as witnesses was permitted with discretion and 27 parties were so represented. Before being called to give evidence each witness was sent a list of questions likely to arise which might result in criticism of his conduct.

The Tribunal had access to all relevant departmental files but not, so far as is known, to Cabinet papers. Its report was highly critical of the Crown Agents staff but concluded that the Ministry of Overseas Development, the Treasury and the Bank of England were also culpable.

An earlier Committee of Inquiry was appointed by the Minister of Overseas Development in April 1975 to inquire into the circumstances which led to the Crown Agents requesting financial assistance from the Government in 1974. The Committee took evidence from 46 witnesses but had no authority to demand information, whether documentary or oral, from anyone. The report was intended to establish what the Crown Agents had, or had not, done, and did not attempt to apportion blame.

3. Episodes in British international relations in the present century which were not subsequently subjected to public enquiry include:

- a. The Chanak crisis, 1922, which led to the fall of Lloyd George's government.
- b. The Zinoviev letter, 1924, which contributed to the fall of the first Labour government.
- c. Munich, 1938.
- d. Fall of Singapore, 1942.
- e. End of the mandate on Palestine, 1947/48.
- f. Nationalisation of British oil interests in Iran 1951/53.
- g. Suez 1956 (apart from an investigation by Sir Edwin Herbert into the number of Egyptian casualties and the extent of physical damage in Port Said).
- h. Britain's failure to join the EEC in 1963.
- i. Rhodesia's Unilateral Declaration of Independence, 1965.
- j. The collapse of the Shah's regime in Iran. 1978/79.

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4. It may also be of interest to refer briefly to some other enquiries which, though not in the field of international relations, have all been concerned with the actions and responsibilities of ministers and officials.

a. LYNKEY TRIBUNAL

Established in October 1948 to inquire into allegations reflecting on the official conduct of Ministers of the Crown and other public servants. 58 witnesses gave evidence and were allowed to be represented by counsel, and were themselves cross examined by the Attorney General or one of the Counsel appearing with him. The report, while rejecting as baseless rumours of the payment of large sums of money to Ministers or public servants, found there was justification for some of the allegations against Mr John Belcher, Parliamentary Secretary to the Board of Trade, and Mr George Gibson, Chairman of the North Western Electricity Board and a director of the Bank of England.

b. CRICHEL DOWN

In November 1953 Andrew Clark QC was appointed by the Minister of Agriculture, Sir Thomas Dugdale, to enquire into the disposal of land at Crichel Down. Mr Clark heard oral evidence of 28 witnesses and examined in detail all relevant departmental correspondence and minutes. In his report various civil servants were severely censured for a variety of errors and improprieties. They had displayed unjustifiable hostility to the heir of one of the previous owners of the land at Crichel Down and had deliberately sought to deceive the Minister as to the financial prospects of the scheme on which they proposed to embark. During the course of a debate on the Crichel Down report on 20 July 1954 Sir Thomas Dugdale announced his resignation.

c. PROFUMO ENQUIRY

In June 1963 Lord Denning was appointed by the Prime Minister to examine the operation of the Security Service and the adequacy of their cooperation with the police in matters of security in the light of the circumstances leading to the resignation of the former Secretary of State for War, Mr J D Profumo. Lord Denning interviewed 160 witnesses in secret including the Prime Minister, 8 Cabinet Ministers, 7 other Ministers, 20 Members of the Houses of Parliament and numerous civil servants.

/Counsel

Counsel were not admitted. His report found that there had been no breach of security in the affair but it revealed a failure of coordination between the police departments in their early enquiries into Miss Keeler's activities. Lord Denning also questioned ministerial responsibility for Mr Profumo's impropriety.

d. VASSALL CASE

A tribunal with Lord Radcliffe as chairman, was appointed in November 1962 by Mr Henry Brooke, the Home Secretary to inquire into the circumstances in which offences under the Official Secrets Acts were committed by W J C Vassall. Because of the sensitive nature of the enquiry many of the 142 witnesses who gave oral evidence were examined in camera, but some hearings were in public. Legal representation was granted to those who might be subject to adverse reflection from anything said in the report. The Tribunal also had access to the relevant documents.

In its report the Tribunal cleared Lord Carrington, First Lord of the Admiralty, and Mr Galbraith, Civil Lord, of any suspicion of complicity in or knowledge of Vassall's espionage and homosexual activities, but discovered a number of security lapses in the Admiralty.

e. POULSON ENQUIRY

A Select Committee of the House of Commons was appointed in November 1976 to 'inquire into the conduct and activities of Members of this House in connection with the affairs of Mr J G L Poulson'. The Committee sat in camera and examined 9 witnesses. In its report the Committee commented unfavourably on the conduct of three MPs: Mr John Cordle, Mr Reginald Maudling and Mr Albert Roberts and found that Mr Cordle's conduct amounted to a contempt of the House.

LIBRARY AND RECORDS DEPARTMENT
FOREIGN AND COMMONWEALTH OFFICE

7 January 1983