

3

① 1st Meeting Agenda including formal appointment minute from the Prime Minister

dfb
D. J. SMITH

② Secretary's Brief to the Chairman for the 1st Meeting

dfb

③ Minutes of 1st meeting.

To: *Asks...*
Lord: *Asks...*
Mr Newthorne }
Mr Moulson } *Asks...*

3

FIRC 1st Meeting Minutes

FALKLAND ISLANDS REVIEW COMMITTEE

Minutes of a meeting held on Monday 26 and Tuesday 27 July 1982 in Room 1/95, Old Admiralty Building.

Present: Lord Franks (Chairman)
 Lord Barber
 Lord Lever of Manchester
 Sir Patrick Nairne
 Mr Rees
 Lord Watkinson

Mr Rawsthorne)
 Mr Moulson) Secretariat

I. INTRODUCTORY REMARKS BY THE CHAIRMAN

After the Committee had assembled for photographs, the Chairman welcomed the members of the Committee to its first meeting. He referred to his preliminary discussion at Oxford with Sir Patrick Nairne, about which he had already written to the other members. He had thought it right to set some work in hand before he went into hospital for his eye operation. He was sorry that it had not been practicable to consult the other members in advance, but hoped that they were content with the action taken.

2. Over the last four weeks, at the instigation of the Secretary of the Cabinet, the Government Departments concerned had been collecting relevant papers for the Committee to consider. Most, but not all, of these had been received. The Chairman said that, without prejudice to other members' views, the date of President Galtieri's accession (22 December 1981) had seemed to Sir Patrick Nairne and him to provide an appropriate starting point for the period of most concern to the Committee. He had therefore asked that the FCO's and MOD's original files for that period should be deposited in the Committee's offices. In addition, Departments had been asked for copies of relevant documents covering the earlier period from 1965, when formal negotiations between the British and Argentine Governments began following United Nations Resolution 2065. The Intelligence Agencies and No. 10 were also providing the Committee with papers,

and these would, of course, need to be handled with particular care. The folders provided by No. 10 were in effect the Prime Minister's personal papers, and the Chairman suggested that they should be handled with special consideration in addition to the normal arrangements for classified material. It was agreed that copies should not be taken of the Prime Minister's papers, and that they should be held in a cabinet in the Secretary's room.

II. ARRANGEMENTS FOR THE COMMITTEE'S WORK.

(i) Written and oral evidence

3. The Chairman referred to correspondence he had received from several MPs, including Mr Michael English and Mr Julian Amery, which he would arrange to be circulated. Letters were also being received from the general public, some of which the Committee ought also to see. In a short discussion it was agreed that it would be inappropriate to send more than short acknowledgements at this stage. The Secretary was asked to draft appropriate replies.

4. The Committee considered whether to issue a general invitation to submit written evidence. It agreed that it should, in order to avert subsequent criticism from those who might have relevant information that they had not been given an opportunity to present it to the Committee. The statement should also make clear that the Committee would not be in a position to make further public statements about its programme of work for some time. (This would provide the MPO press office with a clear line and might help to avoid persistent press enquiries about progress.)

5. A public statement would also be helpful to those who might be expecting to give evidence to the Committee, although it was of course not possible for the Committee to give any firm guidance at this stage as to who would be invited and when. The Committee agreed on the text of a press notice which was issued on Monday 26 July in the following terms:

"The Committee held its first meeting today (26 July 1982). It has a further programme of meetings. It does not intend at this stage to issue any further statements about the progress of its work.

"The Committee will in due course be taking oral evidence at its own invitation. But it also invites anyone who has information which might assist it in considering its remit to submit evidence in writing by 30 August 1982 to the Secretary, Falkland Islands Review Committee, Old Admiralty Building, Whitehall, London, SW1."

The statement received very little press coverage and, in order to put it on parliamentary record, the Committee agreed the following day to invite the Prime Minister to repeat the text of the statement in reply to a Parliamentary Question. (The reply was given on Thursday, 29 July.)

(ii) Security

6. The Secretary outlined the arrangements which had been made for the safekeeping of documents both in the Committee's offices and at home. A note explaining the arrangements in detail (FIRC 3) was circulated. The Committee agreed that, owing to the sensitivity and high security classification of many of the documents, it would be desirable to retain them when not in use in the Registry, where they would be the responsibility of the Secretariat. Arrangements would be made for Committee members to draw papers from the Registry as they needed them. It was agreed that no Cabinet and Cabinet Committee papers and no intelligence material should be taken out of the office.

7. Lord Watkinson suggested, and the Committee agreed, that it might be desirable, when the time came to take oral evidence, to arrange for witnesses and Committee members to enter and leave the building privately. It was likely that the main entrance would attract press attention, particularly when oral evidence was being taken from Ministers and former Ministers and from others in the public eye, such as the Captain of HMS Endurance.

(iii) Intelligence Matters

8. The Committee was briefed on intelligence matters by the Principal Establishment Officer, Government Communications Headquarters (GCHQ).

9. The Secretary explained that Sir Robert Armstrong had suggested that the Committee might find it helpful to have specialist advice on intelligence matters. Sir Leonard Hooper, former Director of GCHQ and Intelligence Co-ordinator, was ready to assist in this way. In a short discussion the Committee agreed that it might prove helpful to be able to call on such advice, probably ad hoc. It would not be possible, however, to say to what extent such advice would be necessary until the Committee had itself examined the intelligence material. The Committee asked the Secretary to thank Sir Robert Armstrong for this offer of assistance and to explain to him the Committee's preliminary view of the matter.

III. THE COMMITTEE'S TERMS OF REFERENCE

10. The Committee had a preliminary discussion of its terms of reference. It agreed that President Galtieri's accession provided an appropriate starting point for the main focus of its attention, although there would no doubt be other landmarks before that event which deserved careful attention. It would also be necessary to put the most recent period in its historical context. Sir Patrick Nairne suggested that the Committee might find it helpful to view events against the background both of successive defence reviews from 1965, and of the reactions of successive British Governments to the various incidents which had given rise to particular concern about the Falkland Islands. It was agreed that the Committee would need to examine all the important papers from at least 1976.

11. The Committee noted the inclusion of the Dependencies in the terms of reference and the reference to the responsibilities of Government.

IV. DOCUMENTATION

12. The Secretary gave an account of the documents being made available and the papers being prepared by Departments, indicating which had been received and --- which were still in the course of preparation. (A provisional checklist is attached at Annex A.) During this presentation the following points were made:

- (i) copies of papers on which members of the Committee had made notes should not be returned to Departments when the Committee had completed its work, but destroyed;
- (ii) it would be necessary to understand precisely how and to whom key papers, particularly intelligence reports and assessments, were distributed, in order to ascertain through what channels and how quickly important intelligence reached senior Ministers during the period leading up to the invasion;
- (iii) the Committee would wish to be assured that it had been provided with all the papers relevant to its work in order to meet possible criticism on this score. Since it would not be possible for the Committee to prove that no relevant papers had escaped attention, it would be necessary to place the onus for this on the Departments and agencies concerned. One possibility would be to ask for a formal undertaking in writing from the Head of each Department or agency that to the best of his knowledge his Department had produced all documents of relevance to the Review. There was a difference of

opinion as to when these undertakings should be required, either immediately while the task of collecting the papers was still fresh in Departments' minds, or at a later stage when the Committee had had an opportunity to examine the papers. It was agreed to return to the point at a later meeting;

- (iv) Mr Rees suggested that the Committee should examine whether the papers disclosed any evidence to support allegations that had been made that Departments had pursued their own policies without sufficient regard for the views of Ministers. It would be important to look closely at the briefing given to Ministers, particularly in advance of significant Cabinet and Cabinet Committee meetings, although not all the relevant briefing would be retrievable from written records. This might be an area to explore in oral evidence;
- (v) the Committee endorsed the Chairman's request for a note by the FCO giving its account in narrative form of the key events and assessments made in the period from 22 December 1981;
- (vi) the Secretary should expedite the submission of outstanding papers which were awaited from the FCO, MOD, GCHQ and possibly the Department of Trade, which was still checking its files;
- (vii) the Secretary was asked to make available to the Committee Hansard extracts of recent Falkland Islands debates and of the exchanges and debates about the Committee's terms of reference; and copies of published articles relevant to the events of 1982.

V. THE PRIME MINISTER'S LETTER OF 12 JULY 1982 (FIRC 1).

13. The Committee considered the letter sent by the Prime Minister to the Chairman on 12 July (circulated as FIRC 1).

(i) Making papers available to witnesses

14. It was agreed that it should be the responsibility of the Departments concerned to make available to witnesses who were no longer Ministers (or serving officials) relevant papers from their periods of office. The Secretary undertook to raise this matter with the group of officials shadowing the Committee.

(ii) Guidelines on the content of the report

15. The Committee noted the Government's concern that the Committee's report should exclude information prejudicial to international relations as well as to national security. Secret negotiations between the British and Argentine Governments were a possible example of an event, detailed reference to which the Government might wish to avoid, in order to maintain the confidence of other Governments in HMG's regard for confidentiality.

(iii) References to classified papers

16. There was a short discussion of the likely effect of the restrictions imposed on references in the Committee's report to official documents. It would be desirable to look closely at the nature of Mr Heath's objections in the House of Commons to the disclosure of papers of a previous administration. It might prove difficult to report the gist of documents sufficiently accurately for the purposes of the report without infringing the prohibition on quoting from them. It would be for consideration how far any areas of likely sensitivity should be discussed with those concerned before finalising the report. Summing up the discussion, the Chairman said that, while the Committee would, of course, need to observe the Government's guidelines, which were clearly set out in the Prime Minister's letter, it would have to take care to avoid allowing others to influence the substance of its report.

VI. WITNESSES

17. The Committee discussed various aspects of the procedure for examining witnesses. It was agreed that legal representation should be avoided if possible, although circumstances might arise where it was unavoidable. The purpose of legal representation was to present a witness's case better than he could present it himself. Legal representatives would be likely to insist on advance notice of the precise questions to be asked. This would seriously inhibit free discussion of events. It might be necessary to give witnesses an assurance about the confidentiality of the proceedings and of the transcripts of evidence. On the other hand, it was possible that the Committee's investigations would disclose evidence of negligence or incompetence by individuals. The Committee would then need to consider the position of the individual concerned, and the possibility of legal representation. As far as officials were concerned, the Committee noted that Sir Robert Armstrong's guidelines for Departments envisaged that the Permanent Secretary would represent the Department in the first instance, accompanied by other officials of his choice; and would be entitled to accompany - or depute a senior officer to accompany - any of his officials whom the Committee asked to see.

In concluding the discussion, the Chairman said that the Committee clearly could not reach a firm view on these matters in the abstract, but should return to them in relation to individual cases.

18. In considering who might be invited to give oral evidence, the Committee envisaged that it would be necessary to interview at least the present and former Prime Ministers, the three Ministers who had resigned, and current Ministers and heads of the principal Departments and agencies concerned. Other likely candidates were the Ambassador and Defence Attaché in Buenos Aires, the Governor of the Falkland Islands and the Captain of HMS Endurance. It might be appropriate to see the Prime Minister towards the end of the programme of interviews. The Committee authorised the Secretary to say in response to enquiries that the Committee was unlikely to take oral evidence before the second half of September, but the Chairman would ask Sir Robert Armstrong to give to the Ministers who had resigned an indication of the Committee's intentions in this regard and would himself write to the former Prime Ministers.

VII. CONSIDERATION OF THE COMMITTEE'S REMIT

19. The Committee considered a note by Sir Patrick Nairne (FIRC 3) prepared as a personal view of how the Committee might structure its examination of the issues. The Chairman invited other members of the Committee if they wished to put forward in due course their own views based on their reading of the papers.

20. In discussion, the following were suggested as some of the important points for the Committee to consider:

- (i) what contingency plans had been made given the known difficulties of defending the Falkland Islands and the known ambitions of Argentina. A distinction was drawn between contingency plans aimed at preventing Argentine action and those aimed at the post-invasion recovery of the Islands;
- (ii) HMG's reaction to previous "incidents", including any warnings about Argentine intentions that received attention in the Argentine or British press;
- (iii) the Government's attitude to the cost of the defence of and investment in the Islands. The decision not to extend the airfield was relevant in both respects.

It would be necessary to assess the respective responsibilities of the Treasury and spending Departments, in the light of Departments' views of relative expenditure and defence priorities on the one hand and of repeated public commitments to the Falkland Islands by successive Governments on the other;

- (iv) the decision to pay off HMS Endurance;
- (v) in the context of negotiations between the British and Argentine Governments over the period, the extent to which leaseback was a new idea (at least to the Argentinians);
- (vi) the extent to which President Galtieri's accession at the end of 1981 led to a quickening of the pace in Argentina towards a show-down, signs of which were said to have been reported in the press. Contemporary press reports would need to be examined, together with more recent articles such as those published in the "Listener", the "Times" and the "Guardian" in June. Some of the questions to be answered were:
 - (a) how much overt and covert intelligence got back to the Government?
 - (b) what attempt was made by the Government to respond to this new situation?
 - (c) what attempt was made by the Government to make clear to President Galtieri the consequences of belligerent action?
 - (d) was an assessment made of the likely deterrent of such action? (Press reports suggested that both the Prime Minister and President Galtieri were taken by surprise by the other's actions.)
- (vii) the general attitude of the United States (both the Government and more generally) immediately before the invasion in particular. The FCO should be asked to provide details of reports received from our representatives in Washington and New York on US attitudes. American relations with the Argentine Government, which appeared from press reports to be improving in 1981 and 1982, might also be relevant.

21. The Chairman said that it would clearly be necessary to go into the events of the days leading up to the invasion in considerable detail. The Committee invited the Secretary to prepare a day-by-day account of events from the South Georgia incident on 19 March and in increasing detail from about a week before the invasion. The account should include intelligence made available by the various agencies (and to whom); the assessments made of it; and the decisions taken by the Government as a result.

VIII. TIMETABLE OF FURTHER WORK

22. The Committee agreed on a programme of meetings up to 15 October (the details of which have been circulated separately), allowing most of August for members to familiarise themselves with the papers ready to start an intensive programme of meetings in September.

23. The next meeting would be held on Thursday 5 August, beginning at 10.30 am.

30 July, 1982.

(A R Rawsthorne)
Secretary.

CABINET OFFICE

2 volumes of copies of Ministerial papers, 1966-76 (31 docs) and 1976-82 (30 docs), comprising Cabinet and Oversea Policy Committee and miscellaneous papers. Secret and Confidential.

1 volume of copies of Official papers, 1965 (1 doc) and 1969 (2 docs), comprising Defence and Oversea Policy (Official) Committee: Defence Review Working Party and Defence and Oversea Policy (Official) Committee papers. Secret and Confidential.

FCO

21 original files covering 1982 up to 2 April. Secret and Confidential

Copies of 4 files covering December 1981 (5 documents). Secret and Confidential

1 Top Secret file (2 docs.)

17 folders of copied papers:

Folder A: Summary of main developments in Anglo-Argentine negotiations 1965-1982 (1 doc.) Secret.

Folder B: Research Department Memoranda on developments between 1965 and 1974 (2 docs). Secret

Folder C: List of FCO files on Falkland Islands and on Argentina covering 1965-1975 (1 doc.). Unclassified.

Folder D: Research Department Memorandum on developments between 1974 and 1978 (2 docs.). Secret.

Folder E: Chronology of main developments between 1976 and April 1982 (1 doc.) Secret.

Folder F: List of "Category A and B" files on Falkland Islands and on Argentina covering 1976-1982 (1 doc.) Unclassified.

Folder G: 7 folders of copies of selected documents from FCO files in each year 1976-1982. Secret.

Folder H: List of "category C" files on Falkland Islands and on Argentina covering 1976-1982. (1 doc). Unclassified.

Folder I: List of intelligence material bearing on the Argentine invasion (1 doc). Secret.

Folder J: Background papers (27 docs.) Some Secret.

Folder K : List of FCO Ministers and Senior officials between 1965 and 1982 (1 doc). Unclassified.

MOD

9 original files covering 1982 up to 2 April. Top Secret (3 files) and Secret (6 files)

Catalogue of relevant papers held by MOD, covering period between March 1979 and April 1982 (1 doc.). Secret.

Copies of MOD-originated papers during period of present Administration (c. 60 docs). Top Secret (2 docs), Secret and Confidential.

Informal report by Naval Attache BA dated 14 April 1982 (1 doc). Secret.

Defence Review synopsis (1 doc). Confidential.

TREASURY

Copies of selected papers covering period between November 1966 and 31 March 1982 (84 docs). Secret and Confidential.

List of above documents. Unclassified.

List of relevant files. Unclassified.

HOME OFFICE

Memorandum on citizenship of Falkland Island inhabitants. Confidential.

14 folders of copies of papers covering period between March 1967 and November 1981. Secret and Confidential.

Summary of material contained in above folders. Confidential.

TRADE

- 1 folder containing:
1. a memorandum. Confidential.
 2. copies of papers covering period between October 1969 and March 1982 (20 docs). Secret and Confidential.
 3. list of above papers. Unclassified.

ENERGY

Memorandum (Confidential).

Copies of papers covering period between March 1979 and March 1982 (30 docs).
Secret and Confidential.

List of above papers. Unclassified.

List of relevant departmental files from 1979.

Photographs

We have arranged for photographs to be taken at 11.00 am on 1/10. It is not possible to take them in the normal meeting room because of the security arrangements. The table has been set up with eight places, including Mr. Neilson and myself, but if the Committee would prefer the photographs to be of the members only this could easily be arranged.

Introductory Remarks by the Chairman

You will, no doubt, wish to welcome the members warmly at the beginning of the meeting. It would also be appropriate at this point to mention the preliminary meeting that you had with Sir Patrick Abernethy and me, of which you have already told the other members in the letter you sent them. The object was simply to get matters under way, to agree to meet them, and not in any way to present the Committee's approach to the work.

Remarks by the Chairman

Remarks

You may like to say a few words about this letter yourself. There are two aspects:

(i) the security of the material that the Committee will be considering; and

(ii) the confidentiality of the Committee's discussions.

LORD FRANKS

FALKLAND ISLANDS REVIEW COMMITTEE
FIRST MEETING

1. The first meeting of the Committee will start on Monday, 26 July at 11.00 am. The agenda and the Prime Minister's letter to you of 12 July have been circulated. All the members will be present, although Mr Rees will have to go to the House on Monday afternoon for Questions. He should be back by tea time. None of the members of the Committee have been to the office yet, but Lord Watkinson is coming in tomorrow to have a look round.

Photographs

2. We have arranged for photographs to be taken at 11.00 am in Room 1/60. It is not possible to have them in the normal meeting room because of the security arrangements. The table has been set up with eight places, ie including Mr Moulson and myself, but if the Committee would prefer the photograph to be of the members only this could easily be arranged.

Introductory Remarks by the Chairman

3. You will, no doubt, wish to welcome the members orally at the beginning of the meeting. It would also be appropriate at this point to mention the preliminary meeting that you had with Sir Patrick Nairne and me, of which you have already told the other members in the letter you sent them. The object was simply to get matters under way, in order to save time, and not in any way to pre-empt the Committee's approach to its work.

Domestic Arrangements

Security

4. You may like to say a few words about this item yourself. There are two aspects:

(i) the security of the material that the Committee will be considering; and

(ii) the confidentiality of the Committee's discussions.

The nature of the Committee makes both these aspects particularly important, the first because of the highly sensitive nature of much of the material, and the second not only because of the intense interest that there will be in the Committee's work, particularly when it starts to reach some conclusions, but also because of the fact that it may feel constrained to criticise individuals. If this were so, it could be extremely damaging if any information about such possible criticism leaked out prematurely.

- 5. We have prepared the attached note about the physical security arrangements in the office, at members' homes and for transit between them. If you agree, I will give copies to the members at the meeting. Lord Watkinson gave me notice that he also intended to raise the question of security and asked that the Committee room should be electronically "swept". This has now been done. You also asked in this connection about the Secretariat, and I attach a separate note on this point.

Offices, Staffing, Etc.

6. If you wish, I can briefly outline what facilities are available to the Committee. The members may have some questions, too.

Provision of Specialist Advice to the Committee on Intelligence Matters

7. As you know, Sir Leonard Hooper, former Director of GCHQ, has been approached and has indicated that he would be pleased to assist the Committee on intelligence matters, if it required such assistance. Sir Robert Armstrong had it in mind, I think, that the Committee might find difficulty in interpreting some of the intelligence material without the help of someone experienced in these matters. If the Committee would like Sir Leonard's assistance as an assessor, they may like to consider on what basis this would be. One possibility would be for us to arrange for him to see all the intelligence papers that we have collected and then to set aside a meeting for the Committee to discuss them with him. There might also be a role for him in advising the Committee before it took oral evidence from the relevant agencies. If the Committee agrees to this, I shall make the arrangements.

The Committee's Terms of Reference

8. The agenda picked out three fairly obvious points in the terms of reference. On the first it would be helpful if the Committee could decide at a fairly early stage what it regards as the period leading up to the invasion. We have suggested General Galtieri's accession, but the members may not wish to go firm on this

until they have seen some of the papers. Another important question is how much attention the Committee wishes to give to the earlier period, but it might be as well to defer extended discussion of this aspect until Tuesday.

9. As originally drafted, the terms of reference referred to "Departments" rather than "Government". The significance of the change is two-fold:

- (a) to make it quite clear that the actions of Ministers as well as of officials are to be reviewed; and
- (b) to indicate that the Committee should look at the overall stance of the Government and not just the policy of each Department concerned.

The inclusion of the Dependencies is, I imagine, for completeness, but the landing on South Georgia in March was obviously a significant event.

Lunch

10. Lunch has been arranged in Room 3/83.

Documentation

11. I shall explain what documents we have so far received and what is still in the course of preparation, on the lines we discussed on Tuesday. At the moment it looks as if most of the Departments will meet our deadline, at least for some of the material they are producing. So far we have had some contributions from the FCO, MOD, the Cabinet Office, the Treasury, the Home Office, the Department of Energy, and one or two others. We may not have by the time the meeting starts the GCHQ's contribution or the original files from the MOD, but if not they will follow very shortly.

Briefing by Mr Marychurch

12. This briefing, which we have been asked to lay on, is standard procedure for people who are to have access to certain categories of documents. It has, however, been agreed that in the case of the Committee the normal travel restriction that is imposed will be waived. The briefing will, I understand, take about twenty minutes to half an hour. It would, no doubt, be desirable for us not to start until Mr Rees has returned from the House.

The Conditions Governing certain aspects of the Committee's Procedure

13. The Prime Minister's letter is, I think, self-explanatory, and the main purpose of this item is formally to draw the Committee's attention to the contents of it. I doubt whether there will be any argument about the conditions on which documents, particularly Cabinet and Cabinet Committee papers, are made available to the Committee. The suggested procedure that the Committee might follow if it considers it necessary to criticise an individual is in accordance with the requirements of natural justice; and it is for the Government to decide the basis on which the Committee's report should be published. (The reference to material that may be damaging to international relations is, however, an addition to the original formulation, which referred only to material prejudicial to national security.)

Consideration of the Committee's Remit

14. It would be difficult to try to plan this discussion, which will, I imagine, be fairly wide-ranging. It will give the members an initial opportunity to indicate the views they have brought with them, uninformed by detailed reading of official documents. At the end of the day's proceedings it might be helpful to have identified, at least provisionally, the main questions that the Committee thinks it should try to answer. The central one is, I suppose, why the invasion was allowed to happen, but this, of course, raises a large number of subsidiary questions. Among the more obvious ones are:

- (i) what information was available (either from intelligence or non-intelligence sources) that indicated the likelihood of an invasion?
- (ii) should there have been better intelligence of Argentine intentions?
- (iii) could more have been done to deter the invasion? For example, had it been made sufficiently clear to Argentina what the British response to an invasion would be?
- (iv) has Government action, both over the years and in the period immediately preceding the invasion, given the impression that the Government might relinquish sovereignty?

15. You suggested that it would be helpful to have a word with Sir Patrick Nairne at the end of Monday's business to discuss how to structure the discussion on Tuesday, and I have alerted him to this.

Timetable of Further Work

16. If the Committee accepts a time limit of six months, it will be necessary to start drafting the report in November. This suggests holding interviews in October or, if possible, at the end of September. But much will depend on how quickly the Committee can familiarise itself with the papers. If there is any work that the Secretariat can do to ease the burden, we would naturally be glad to do so.

Date of Next Meeting

17. You had it in mind to try to fit in another meeting early the following week before one or two of the members go on holiday. Mr Rees and Sir Patrick Nairne should be available and Lord Lever up to 5 August. Lord Watkinson said that he would not be available at the beginning of the week, but did not say what his engagements were. Lord Barber plans to be in Yorkshire, but could probably come down for a meeting. Whether or not it is possible to fix a meeting then, it would be helpful, while the members are together, to fix another one in September as soon as they are available again, and to consider what other work they would like done by then.

ARR
A R Rawsthorne

22 July, 1982.

FALKLAND ISLANDS REVIEW COMMITTEE

LORD FRANKS

Meeting of the Committee will be held on Monday 26 and Tuesday 27 July
at the Old Admiralty Building, starting at 11.00 am on Monday, 26 July.

SECURITY

1. You asked, in connection with the Committee's security arrangements, about the position of the staff. There are at present four members of the Secretariat: Mr Moulson, Miss Frank, Mr Smith and myself. They have, of course, all been positively vetted, and the PV files have been examined personally by the Principal Establishments Officer at the Cabinet Office before staff were allocated. The same procedure would be followed for any additional members of the Secretariat. In addition, Mr Moulson and I have received further briefing of the kind the Committee will receive from Mr Marychurch.

2. Our own messengers have been assigned to us from the Cabinet Office.

3. The note we have prepared about security arrangements generally covers the procedures for transmitting material to and from members at home.

ARR

(A R Rawsthorne)

22 July, 1982.

FALKLAND ISLANDS REVIEW COMMITTEE

2.00 pm 5. Documentation.

The first meeting of the Committee will be held on Monday 26 and Tuesday 27 July in Room 1/95 Old Admiralty Building, starting at 11.00 am on Monday, 26 July.

3.30 pm 6. Briefing by Mr. [unclear], Principal Establishment Officer, Government Communications Headquarters.

AGENDA

Monday 26 July

- 11.00 am. 1. Photographs.
2. Introductory remarks by the Chairman.
3. Domestic arrangements:
- (i) Security arrangements.
 - (ii) Offices, staffing, etc.
 - (iii) Provision of specialist advice to the Committee on intelligence matters.

Tuesday, 27 July

(The Committee will meet at 10.00 am)

- 10.00 am 4. The Committee's terms of reference (Annex to FIRC 1)
5. Aspects of the terms of reference which the Committee may wish to discuss include:
- (i) their main, but not exclusive, focus on the period leading up to the invasion (General Galtieri's accession on 22 December 1981 provides a possible starting point for this period);
 - (ii) the reference to the responsibilities of "Government" (rather than of "Departments"); and
 - (iii) the inclusion of the dependencies.

1.00 pm Lunch
1.00 pm Lunch.

2.00 pm

Further consideration of item 5.

2.00 pm 5. Documentation.

(Oral presentation by the Secretary on documents being made available and papers being prepared by Departments).

3.30 pm.

6. Briefing by Mr P. Marychurch, Principal Establishment Officer, Government Communications Headquarters.

7. Date of next meeting.

7. The conditions governing certain aspects of the Committee's procedure (Prime Minister's letter of 12 July 1982 - FIRC 1 attached):

- (i) the basis on which documents are made available to the Committee:
- (ii) the procedure to be followed in relation to possible criticism of individuals;
- (iii) the arrangements for considering publication of the report (avoidance of material prejudicial to national security or damaging to international relations).

21 July 1982.

Tuesday, 27 July

(The Committee will meet at 10.00 am)

10.00 am

8. Consideration of the Committee's remit:

- (i) the procedures it should follow in order -
 - (a) to identify the main issues;
 - (b) to examine them and reach conclusions.
- (ii) the extent to which a knowledge of the period from 1965-1981 may assist wisdom of judgment about events in the later, crucial, period leading up to the invasion.

1.00 pm

Lunch

FIRC 1.

2.00 pm Further consideration of item 8.

9. Timetable of further work.

10. Any other business.

11. Date of next meeting.

(The meeting is expected to finish at about 5.00 pm)

ARR

A R Rawsthorne
Secretary

21 July 1982.

Old Admiralty Building,
Whitehall.

ARR
A R Rawsthorne
Secretary

21 July 1982.

10 DOWNING STREET
FALKLAND ISLANDS REVIEW COMMITTEE

12 July 1982

The attached letter from the Prime Minister, to which is attached the Committee's formal minute of appointment, sets out the terms on which documents, including Cabinet and Cabinet Committee papers and minutes, are made available to the Committee; the procedure that the Committee might follow in the event of its feeling obliged to criticise an individual's performance or judgment; and the arrangements for eventual publication of the Committee's report. The Prime Minister also expresses the hope that the Committee will work "with as much expedition as is consistent with thoroughness and fairness".

Offices have been made available for the Committee's use in the Old Admiralty Building, and I have instructed the Secretary of the Cabinet to ask *ARR* that whatever facilities the Committee needs to carry out its task are provided.

A R Rawsthorne
Secretary

The Committee will be given access to all relevant papers and records of Government, including Cabinet and Cabinet Committee memoranda and minutes, and intelligence assessments and reports, on Privy Counsellor terms and subject to the following conventions which have been agreed with the former Prime Ministers concerned:

- 21 July 1982.
- (1) documents will be made available to members of the Committee by virtue of their being Privy Counsellors and solely for the purposes of this review;



10 DOWNING STREET

THE PRIME MINISTER

12 July 1982

Dear Lord Franks,

I am very pleased that you have been able to accept my invitation to be the Chairman of a Committee of Privy Counsellors to undertake what has come to be known as the Falkland Islands Review.

I enclose a formal minute of appointment of the Committee.

Offices have been made available for the Committee's use in the Old Admiralty Building, and I have instructed the Secretary of the Cabinet to make sure that whatever facilities the Committee needs to carry out its task are provided.

The Committee will be given access to all relevant papers and records of Government, including Cabinet and Cabinet Committee memoranda and minutes, and intelligence assessments and reports, on Privy Counsellor terms and subject to the following conventions which have been agreed with the former Prime Ministers concerned:

- (i) documents will be made available to members of the Committee by virtue of their being Privy Counsellors and solely for the purposes of this review;

/ (ii)

- (ii) 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;
- (iii) 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;
- (iv) documents of previous administrations will not be disclosed to members of the present administration or to any other persons not entitled to see them;
- (v) 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;
- (vi) 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 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 in the case of a document of a previous administration that of the former Prime Minister concerned.

The Committee will be able to take evidence from any Ministers or officials whom it wishes to see. I hope that

/former

former Ministers and officials and others who may be invited to assist the Committee will think it right to do so.

The Committee will be concerned with reviewing the way in which the responsibilities of government were discharged. It will, I believe, find it necessary to conduct its proceedings in private. Nevertheless, it is possible that in its report the Committee may feel obliged to comment adversely on the performance or judgement of particular individuals, and it may be that some of those who are invited to give evidence may be inhibited in doing so by the fear that they make themselves vulnerable to criticism in the Committee's report which they may think unjustified and which they might not have had an opportunity of rebutting before the Committee. I suggest, therefore - though it is for the Committee to determine its own procedure - that, if the Committee does find itself obliged to criticise any individual, it should, before incorporating that criticism in its report, give him 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. The knowledge that the Committee had adopted a procedure of this kind should serve to reassure anyone giving evidence that he 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 an opportunity to answer and comment on it.

The Committee will report to me, and it will be the Government's 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 protected. The Government therefore suggests 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

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.

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. I very much hope that the arrangements I have proposed in the foregoing paragraph will make it unnecessary for the Government to do that. Should it be necessary, I have assured the House of Commons that:

- (i) the government will make no deletions save strictly on the grounds of protecting national security or international relations;
- (ii) the Government will consider any proposals for deletions individually and critically, and will accept such proposals only on the grounds I have specified;
- (iii) You will be consulted if any deletions have to be proposed.

The Committee must take and will of course be given the time it needs to carry out its review thoroughly. You will, however, be aware of the views that have been expressed as to the need for the review to be completed as quickly as possible, and I hope that the Committee will be able to work with as much expedition as is consistent with thoroughness and fairness. The Government will do whatever it can to enable the Committee to do so.

In conclusion, I should like to thank you and your colleagues for your readiness to undertake this important task.

Yours sincerely
Raymond Shute

FALKLAND ISLANDS REVIEW

The Prime Minister, with the concurrence of the Cabinet and the approval of the House of Commons, appoints a Committee, to consist of

The Rt. Hon. The Lord Franks, OM, GCMG, KCB, CBE
(Chairman)

The Rt. Hon. The Lord Barber

The Rt. Hon. The Lord Lever of Manchester

Sir Patrick Nairne, GCB, MC

The Rt. Hon. Merlyn Rees, MP

The Rt. Hon. The Lord Watkinson, CH

with terms of reference

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.

The Queen has been graciously pleased to approve that Sir Patrick Nairne be sworn a member of Her Majesty's Privy Council.

The Secretary of the Committee will be Mr. A.R. Rawsthorne.

The Prime Minister instructs the Secretary of the Cabinet to ensure that all necessary arrangements are made to give effect to these decisions and to facilitate the work of the Committee in carrying out this review.

ROBERT ARMSTRONG
Secretary of the Cabinet

12 July 1982