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10 DOWNING STREET

5 September, 1984

From the Private Secretary

Thank you for your letter of 21 August. I am sorry to have taken some time in replying but I was on holiday and subsequently very much occupied with other matters.

The Prime Minister was very pleased to hear that you are able to take part in the Seminar on 1 October. I now enclose a copy of a paper which is intended to serve as background for the discussion. I shall be grateful if you would treat it as solely for your personal information and use.

I hope the paper will in fact provide answers to, or at least shed light on some of the questions in your letter.

1. The rather circumlocutory title of the Seminar in my original letter stems from my discretion. The purpose of the seminar is better expressed in the title of the paper "Is Intervention Ever Justified?".
2. I do not want to attempt too precise a definition of small states. But what we have in mind are independent Third World countries particularly vulnerable to outside intervention. I agree that being small is not a necessary qualification for being at risk. But on the whole the risks are particularly acute in smaller, poorer countries.

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3. The threat to sovereignty could be any of the varieties you mention and the objective to bring about changes in the political system and alignment of the state in question. And it is not just the threat itself which is of interest but how others should respond to it.

4. It is certainly not the purpose of the discussion to draw up categories of small states but rather to see how far one can arrive at general principles and rules which apply irrespective of the nature of political systems, strategic importance etc.

5. On your question 5, the answer is yes, it is the threat to sovereignty which is at issue and what can be done to counter or pre-empt it. This will emerge more clearly from the paper than from my original letter.

6. The object of the discussion is to examine the issues raised in the paper, to consider how far they give rise to a conflict of principles and if so, how that conflict should be resolved. The idea of an an "initiative" is too ambitious, but the construction of the soundest possible intellectual basis for future policy would be a fair aim.

I hope that my replies - which are mine and nobody else's - are not too delphic! Please let me know if I can shed any further light: or speak to Percy Cradock, whom I am sure you know.

Mrs. Goodchild will shortly be writing to you with details of how to get to Chequers and of accommodation where this has been requested.

(C.D. Powell)

Dr. Elihu Lauterpacht, Q.C.

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CP o/r

21 August 1984

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Private Secretary,
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CONFIDENTIAL

Dear Mr Powell,

I telephoned to David Barclay last week, thanked him for your invitation to the Chequers meeting on "Small States" and said I would be happy to attend.

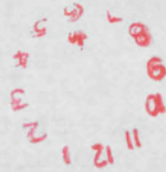
Naturally, my thoughts have since turned with curiosity and interest to the problem as stated in your letter. Though I note that a discussion paper will be circulated early in September, I hope that it will not be thought out of place if I attach to this letter a few questions of a threshold kind to which it would be helpful, for at least this participant, if some answer could be provided before the meeting. Please do not read them as reflecting anything other than a constructive attitude on my part.

Yours truly
E. Lauterpacht

Some questions prompted by the problem of the "legal, moral and intellectual issues which arise when the sovereignty of small states is threatened".

1. What is the purpose of the question?
 - Why is it expressed in terms of "legal, moral and intellectual issues" rather than, say, the more comprehensive form of "political and legal" issues?
2. What is meant by "small states"?
 - I assume that "state" means "independent state". But what is the measure of smallness - territorial area, population or economic strength? Are we concerned with Switzerland, Israel, Malta or Kiribati?
3. What is meant by "when ... sovereignty ... is threatened"?
 - Is the threat that of internal insurrection, external armed attack or foreign economic pressure?
 - What is the objective of the threat - seizure of control (long-term or short-term), annexation or merely exposure to influence?
4. As to "moral issues", is it contemplated that we should distinguish between various categories of small states, e.g. those that there are near us, are "democratic" in the Western sense, are "stable" or are strategically important? Are all, or only some, to be "helped" or "ignored"?
5. Given that the problem is concerned with "small" States, is it correctly focussed in emphasizing the threat to sovereignty? Is not an actual problem of importance that of their position in and impact on international organizations?
6. What is the object of the discussion - simply to air the problem or to assist in identifying elements in a political initiative?

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