

File 46



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c/o Emergency Rooms
Foreign and Commonwealth Office

RESPONSE TO AN ARGENTINE DECLARATION OF WAR

We spoke earlier this evening when I said that Patrick Wright had spoken to Robert Wade-Gery on the question of the response to any Argentine declaration of war. The legal aspects of this are addressed in notes by Sir Ian Sinclair and the Attorney-General which were circulated as ODO(SA)(85)15 and 17; copies are held in the Emergency Rooms. Government War Book Measure 15.18 is also relevant. The purpose of this letter is to invite the Foreign and Commonwealth Office to set in hand urgently the preparation of a draft Government statement as specified in Sir Ian Sinclair's note (answer to Question 3), together with guidance essentially of a procedural kind which Ministers ought to have before them, in case the need to consider making such a statement arises at short notice. All this could conveniently take the form of a Note by FCO Officials which can be circulated to OD(SA) under a covering note by the Secretaries.

As to the context of the note, may I offer some suggestions -

- a. It should draw attention to the Attorney-General's advice that the terms of any Argentine statement would need to be carefully scrutinised before a decision was taken on how to respond to it;
- b. It should highlight the need, in the event of a decision to acknowledge the existence of a state of war, to clear the terms of the statement with the Palace before it is issued;
- c. The terms of the draft statement would have to be regarded as provisional, ie subject to revision in the light of circumstances and the actual terms of the Argentine statement;
- d. The drafting of any response rejecting an equivocal Argentine statement could only be done at the time;

/As

- e. As OD(82)34 makes clear, the Emergency Powers (Falkland Islands) Bill would not need to be put to Parliament immediately.

On a purely technical point, the references to the papers in the Ministerial series circulating the views of Sir Ian Sinclair and the Attorney-General are OD(SA)(82)8 and 11 respectively.

I am sorry to have to ask that the note is ready by mid-morning tomorrow Saturday 1 May.

C H O'D ALEXANDER