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PREM 19/648

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PART 6
CABINET TWO

M.T

C

TOP SECRET

CONFIDENTIAL FILING

Handling of the Falklands
Islands Crisis.

ARGENTINA

PART 1 APRIL 82

PART 6 MAY 82

Referred to	Date	Referred to	Date	Referred to	Date	Referred to	Date
16-5-82							
18-5-82							
19-5-82							
20-5-82							
PREM 19/648 ← M.C.H. →							

PART 6 ends:-

20 / 5 / 82

PART 7 begins:-

20 / 5 / 82

TO BE RETAINED AS TOP ENCLOSURE

Cabinet / Cabinet Committee Documents

Reference	Date
OD (SA) (82) 35 th Meeting, Minutes	16.5.82
OD (SA) (82) 54	17.5.82
OD (SA) (82) 36 th Meeting, Minutes	17.5.82
OD (SA) (82) 53	17.5.82
CC (82) 27 th , Item 1, and Limited Circulation Annex	18.5.82
OD (SA) (82) 55	18.5.82
OD (SA) (82) 37 th Meeting, Minutes	18.5.82
C (82) 24	18.5.82
OD (82) 40	19.5.82
OD (SA) (82) 38 th Meeting, Minutes	19.5.82
CC (82) 28 th , Item 1, and Limited Circulation Annex	20.5.82
ODO (SA) (82) 41	20.5.82
ODO (SA) (82) 43	20.5.82
OD (82) 41	20.5.82
OD (SA) (82) 39 th Meeting, Minutes	20.5.82
OD (SA) (82) 56	20.5.82

The documents listed above, which were enclosed on this file, have been removed and destroyed. Such documents are the responsibility of the Cabinet Office. When released they are available in the appropriate CAB (CABINET OFFICE) CLASSES

Signed Wayland

Date 10 May 2012

PREM Records Team

Published Papers

The following published paper(s) enclosed on this file have been removed and destroyed. Copies may be found elsewhere in The National Archives.

1. House of Commons Hansard, 20 May 1982, columns 477-561

Signed AWayland Date 10 May 2012

PREM Records Team



The National Archives

LETTERCODE/SERIES <i>PREM 19</i>	Date and sign
PIECE/ITEM <i>648</i> (one piece/item number)	
Extract/Item details: <i>Letter from Omand to Coles dated 20 May 1982 (folio 39)</i>	
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MS

PRIME MINISTER

c Sir Robert Armstrong

Falklands: OD(SA) on 21st May

Your meeting tomorrow morning will of course be largely concerned with any overnight military news, diplomatic developments eg in the Security Council and political reactions to the House of Commons debate. But there are also two comparatively minor items of business which it would be useful to tidy up.

a. Administration of the Falklands. The Foreign and Commonwealth Secretary's paper OD(SA)(82) 44 proposed that the Financial Secretary (an Islander) should be sworn in as Officer Administering the Government as soon as possible after Argentine rule is brought to an end by surrender or withdrawal. Mr Pym would like to settle the point soon; but he will be in Brussels early next week and could of course also need to go to New York.

b. Astiz. The expected letter from the Foreign and Commonwealth Secretary's Private Secretary commenting on the Defence Secretary's Private Secretary's letter to Mr Coles of 18th May, has been delayed but should issue tonight. It is now uncertain whether this will advocate his early repatriation or holding him a bit longer; there are public relations arguments either way. The Attorney General's view is that it would be legal to hold him until the end of hostilities, if we so wish, and to do so in the United Kingdom; but not to extradite him. The Defence Secretary will need to devise the practical arrangements either for holding him or for repatriation.

2. Finally, the Sub-Committee will need to decide on any weekend meeting plans.

R.L.G.

20th May 1982

R L WADE-GERY

PS/MR HURD
 PS/MR ONSLOW
 PS/PUS *Ps/Ld Balstead 1*
 MR BULLARD
 SIR I SINCLAIR
 MR GIFFARD
 MR WRIGHT
 MR GILLMORE
 MR URE
 MR BARRETT
 HS/S AM D
 HD/DEF D
 HD/PLANNING STAFF
 HD/UND
 HD/NEWS D
 HD/ERD
 HD/ECD(E)
 HD/PUSD

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PS/NO 10 DOWNING STREET (2 copies)
 PS/S OF S DEFENCE
 PS/HOME SECRETARY
 PS/HOME SECRETARY (c/o NO 10 DST)
 PS/ATTORNEY GENERAL
 PS/CHANCELLOR DUCHY OF LANCASTER
 PS/SIR R ARMSTRONG)
 PS/SIR M PALLISER,)
 PS/SIR A DUFF) CABINET
 MR WADE-GERY)
 MR FULLER) OFFICE
 MR O'NEILL HD ASSESS-)
 MENTS STAFF)

EMERGENCY ROOM
 RESIDENT CLERK

FLASH

SECRET
 GRS 144

DIO
 MR J M STEWART AUSD STAFF / MOD
 ADMIRAL SIR ROY HALLIDAY DGI MOD
 DIRECTOR G.C.H:Q. (via Room 8).

FM SANTIAGO 201500Z MAY
 TO FLASH FCO
 TELEGRAM NUMBER 249 OF 20 MAY
 AND TO FLASH MODUK , TFC RELAY

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CHILE/FALKLANDS

1. FOREIGN MINISTER ROJAS HAS JUST SUMMONED ME TO DELIVER NOTE OF PROTEST AT THE DISCOVERY OF A BURNT OUT RN SEAKING HELICOPTER MARKING ZA.290 ON LAND BUT CLOSE TO SHORE SOME 18 KMS SOUTH OF PUNTA ARENAS QUOTE INDICATING THAT BRITISH UNITS HAD ENTERED CHILEAN TERRITORY AND VIOLATED CHILEAN SOVEREIGNTY UNQUOTE. NOTE ASKS FOR AN EXPLANATION OF THE CASE AND THAT NO FURTHER INCIDENTS OF THIS KIND WILL OCCUR.

Paragraph 2 deleted and retained under Section 3(4).

Wayland

11 September 2012

3. MFA WILL BE ISSUING A DECLARATION ON INCIDENT SHORTLY TODAY, AND HAVE I GATHER ALREADY INFORMED ARGENTINES.



CONFIDENTIAL

Foreign and Commonwealth Office

London SW1A 2AH

20 May 1982

Prime Minister

A. J. C. 20/5

Dear John,

Falkland Islands: Interim Agreement

In his letter to you of 19 May, Henry Steel noted that the FCO had misgivings about the Prime Minister deploying publicly the information in paragraphs 4, 5 and 6 of the Attorney-General's Note which he enclosed.

There is certainly a risk of criticism of the restrictive nature of the Ordinances referred to in the Note. This might not be too difficult to rebut. The regulations concerning immigration and electoral franchise are broadly similar to those which obtain in the UK and many other countries. The Aliens Ordinance (which has been effective in its present form since 1950) is more controversial, since it has allowed the Falkland Islands Government to prevent any acquisition of land by Argentine nationals. It is more restrictive than similar regulations in other territories (eg Switzerland, the Channel Islands). But it could be defended as a necessary and understandable bulwark against Argentines taking over the Islands by the back door. It has reflected the particular circumstances of the sovereignty dispute: and the need for it has been amply demonstrated by the Argentine insistence in the present negotiations on unrestricted access during the period of an Interim Agreement. The right time to regulate the question of land acquisition would be in negotiations on a final settlement.

Nevertheless, at a time when we wish to make much of Argentina's intention to 'flood' the islands in the interim period, details about apparently unduly restrictive practices on our side would only muddy the waters. We therefore continue to see a need for considerable caution in making use of the points covered in the Note enclosed with Henry Steel's letter, unless this is in response to particular lines of questioning.

I am copying this letter to Henry Steel.

(J E Holmes)
Private Secretary

Yours ever
John Holmes

A J Coles Esq
10 Downing Street

CONFIDENTIAL

London 2000 2411

20 MAY 1982



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[PLEASE RETURN COPY TO TYPISTS]

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FALKLANDS SELECTIVE ADVANCES (38)

PS
 PS/MR HURD
 PS/MR ONSLOW
 PS/PUS
 MR BULLARD
 SIR I SINCLAIR
 MR GIFFARD
 MR WRIGHT
 MR GILLMORE
 MR URE
 MR BARRETT
 HS/S AM D
 HD/DEF D
 HD/PLANNING STAFF
 HD/UND
 HD/NEWS D
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 HD/PUSD
~~EMERGENCY ROOM~~
 RESIDENT CLERK

FLASH
 Ps/Ld Belstead 1

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PS/NO 10 DOWNING STREET (2 copies)

PS/S OF S DEFENCE

PS/HOME SECRETARY

PS/HOME SECRETARY (c/o NO 10 DST)

PS/ATTORNEY GENERAL

PS/CHANCELLOR DUCHY OF LANCASTER

PS/SIR R ARMSTRONG)

PS/SIR M PALLISER)

PS/SIR A DUFF)

CABINET

MR WADE-GERY)

MR FULLER)

OFFICE

MR O'NEILL HD ASSESS-)

MENTS STAFF)

DIO

MR J M STEWART AUSD STAFF MOD

ADMIRAL SIR ROY HALLIDAY DGI MOD

DIRECTOR G.C.H:Q. (via Rosu 8)

SECRET

FROM UKMIS NEW YORK 201439Z MAY 82

TO FLASH F C O

TELEGRAM NUMBER 795 DATED 20 MAY 82

INFO FLASH WASHINGTON

YOUR TELNO 442: FALKLANDS

1. I SPOKE AS INSTRUCTED TO THE SECRETARY-GENERAL AT 1410Z TODAY (20 MAY). I SAID THAT WE APPRECIATED THE POSITIVE ASPECTS IN HIS AIDE MEMOIRE. BUT IT DIFFERED IN IMPORTANT RESPERCTS FROM OUR BOTTOM LINE. A FORTIORI IT DIFFERED FUNDAMENTALLY FROM THE LATEST ARGENTINE POSITION. EVEN IF ACCEPTABLE TO BOTH SIDES AS A BASIS FOR NEGOTIATIONS IT WOULD TAKE DAYS IF NOT WEEKS TO KNOW WHETHER SUCCESS COULD BE ACHIEVED. I HAD EMPHASISED THE IMPORTANCE OF OUR DEADLINE OF MID-DAY ON 19 MAY.

2. PEREZ DE CUELLAR INTERRUPTED TO SAY THAT HE KNEW THE IMPORTANCE OF OUR DEADLINE. HIS IDEA HAD BEEN TO WORK TODAY WITH THE ARGENTINES IN ORDER TO SEE WHETHER HE COULD PERSUADE THEM TO PREPARE A COMPREHENSIVE PAPER FOR PRESENTATION TO US IN PLACE OF THEIR UNSATISFACTORY DOCUMENT OF 18 MAY.

RECORDED THEM TO PREPARE A
COMPREHENSIVE PAPER FOR PRESENTATION TO US IN PLACE OF THEIR
UNSATISFACTORY DOCUMENT OF 18 MAY.

3. I WENT ON TO SAY THAT EVEN IF WE WERE PREPARED TO NEGOTIATE ON THE BASIS OF HIS PAPER, WE WOULD FIRST NEED TO SEE DETAILED COMMENTS FROM THE ARGENTINES ON EVERY SINGLE POINT IN IT. WE WOULD FOR INSTANCE NEED WRITTEN CONFIRMATION THAT THEY AGREED WITH EVERY WORD OF THE FORMULATIONS ON THE POINTS WHERE HE HAD CONCLUDED THAT THE PARTIES WERE IN ESSENTIAL AGREEMENT.

4. PEREZ DE CUELLAR SAID THAT THAT COINCIDED EXACTLY WITH HIS OWN THINKING

5. I THEN REPEATED THE POINTS I HAD ALREADY MADE, AND WENT ON TO SPEAK ABOUT MILITARY PLANS AS IN PARAGRAPH 2 OF YOUR TELEGRAM UNDER REFERENCE. PEREZ DE CUELLAR SAID ON THE LATTER POINT THAT THAT HAD BEEN HIS UNDERSTANDING FROM THE VERY BEGINNING.

6. IN CONCLUSION PEREZ DE CUELLAR SAID THAT HE HAD TOLD THE PRESS THAT HE HAD NOT PRODUCED A PLAN, JUST CONFIDENTIAL IDEAS WHICH HE HOPED WOULD ASSIST THE PARTIES TO REACH A NEGOTIATED SETTLEMENT. HE HAD NO INTENTION OF PUBLISHING THESE: IT WOULD BE DISHONEST TO DO SO.

PARSONS

NNNN



The National Archives

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MINISTRY OF DEFENCE
MAIN BUILDING WHITEHALL LONDON SW1A 2HB

Telephone 01-218 2111/7 (Direct Dialling)
01-218 9000 (Switchboard)

MO 5/21

20th May 1982

Dear John,

A.C. 29/5

f.a.

Depending on the course of this afternoon's debate you may wish to have available a general piece on military options which might be used in the Foreign Secretary's winding up speech. I now attach a draft.

I am copying this letter to John Coles (No 10), Michael Arthur (FCO), Jim Buckley (Lord Privy Seal's Office) and to David Wright.

Yours ever

Michael Evans

(N H R EVANS)

J Holmes Esq

PIECE FOR INSERTION IN WINDING-UP SPEECH: 20 MAY

MILITARY OPTIONS

The House will know that I cannot comment in detail on the military options now open to the Government or the operations that could be conducted now that the hopes we had of a peaceful solution have diminished. The Task Force was deployed to do two things: to enable us to negotiate from a position of strength, and to apply military pressure directly on the Argentines. The military pressure has been exerted in a number of different ways - mainly and most recently in connection with the enforcement of the Total Exclusion Zone.

Our forces will continue to enforce the Total Exclusion Zone. We may expect more attacks on Argentine surface supply vessels, like those spotted by our Sea Harriers in the Falkland Sound on 16 May, and attacks on Argentine aircraft trying to break the blockade. Coupled with these operations, there may be more raids, like the one on Pebble Island on 15 May. Such daring and skilfully executed raids reduce the military resources available to the forces of

occupation and damage the morale of the Argentine troops.

I will not be drawn further, Mr Speaker, on military options. The long blockade and the direct assault on the Islands remain in the range of possibilities. Military decisions will be taken, as they have been, when they need to be. There is no question of our negotiating posture having been constrained by a military timetable. Nor, indeed, of our military actions having been restricted by our diplomatic efforts. The two activities have proceeded in tandem. Our forces have been able to take the measures necessary for their self-protection and for the fulfilment of their mission. If the Argentines had shown a serious willingness to seek a peaceful solution through the UN Secretary General, the talks would be now have borne some fruit.

20 MAY 1992



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ND 20
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h-a.

Private Secretary

cc: Mr Mallaby, Planning Staff
Mr Coles, 10 Downing St

FALKLANDS: PRIME MINISTER'S SPEECH

Sir Michael Palliser telephone me just before lunch to say that he had been unable to speak to anyone at No 10 about the latest version of the Prime Minister's speech. He made two points to me:-

(a) He thought that it would be a mistake for the Prime Minister to say that our own proposal was 'withdrawn' today, though she need not specifically say that they remained on the table.

(b) He also thought that if the Prime Minister did not say something about the latest UN suggestions the Prime Minister could be accused later of having misled the House.

20 May 1982

A handwritten signature in dark ink that reads "R. A. Burns".

R A Burns
PS/PUS

CONFIDENTIAL



Foreign and Commonwealth Office

London SW1A 2AH

20 May, 1982

Dear John,

Lieutenant Commander Astiz

Nick Evans' letter to you of 18 May sets out the background to this case. I would add only that the International Red Cross (ICRC) have asked for access to Astiz, as they are entitled to do under the Geneva convention. They have said they are willing to wait a day or two while we decide about his movements.

As Nick Evans makes clear the Attorney General has confirmed that there can be no question of extraditing Astiz to France or Sweden or of compelling him to submit to interview. The Attorney General's view is that Astiz should be asked whether he would be willing to be questioned and if he declines he should, ideally, be repatriated as soon as possible. But he has added that if early repatriation is ruled out for some other reason, the retention of Astiz in custody until the cessation of hostilities would not in itself be a violation of the Geneva Convention, though we would have to be careful not to be drawn publicly on our reasons for treating him as an exceptional case.

The next step, in the continued absence of any response from Buenos Aires, is to ask Astiz himself whether he is willing to be interviewed. This could either be done in Ascension Island or in the UK. I take it from Nick Evans' letter that they would prefer Ascension. The question could be put by a senior British military officer. In our view it would be desirable for this to be done in the presence of a representative of the ICRC, thereby meeting their request for access to Astiz.

On the assumption that Astiz declines to be interviewed, the question of whether he is repatriated forthwith or continues to be held in military custody as an officer prisoner of war is essentially a political judgement. The Argentines have already protested to the ICRC about our decision not to release Astiz and have even said that unless we do release him fairly promptly they may well reciprocate by holding on to one or more British prisoners later on a similar basis. This is a threat we should take seriously, on the assumption that there is a reasonable likelihood that the Argentines will take further British prisoners of war. We must also reckon with the possibility that if Astiz were held in the UK he might make an application for habeas corpus in order to secure his release, although the Attorney General considers it unlikely that any such proceedings would succeed.

Since the decision to hold Astiz back while the French Government's request was under consideration, public opinion and press coverage have been favourable to HMG's position, while highlighting Astiz' alleged misdeeds. But we need to show that we have not gone to sleep on the issue, and we must expect press

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and Parliamentary interest to persist. Opinion will probably be receptive to the need for HMG to respect obligations under the Geneva Convention on prisoners of war. But there will also be criticism if we now return him to Argentina without further ado, even if it is accepted that neither extradition nor compulsory interrogation is legally feasible. We know that the Argentines feel vulnerable to the bad image typified by Astiz and they may therefore be inhibited from pressing for his release too strongly. We also need to bear in mind the political implications of letting Astiz go while three prominent British journalists are still being held in Buenos Aires, even if the cases are in other respects quite different.

Having weighed these considerations, Mr Pym inclines to Mr Nott's view that we should repatriate him in accordance with our legal obligations, but with no great hurry. We shall in any case need to explain to the French and the Swedes the legal reasons which preclude further judicial recourse on their part. If the decision is to repatriate Astiz, we shall have to repeat these arguments publicly; and to make the most of the fact that Argentina and Astiz himself evidently could not face any approach on behalf of France or Sweden, even if arranged in the presence of a representative of the ICRC.

I am copying this to the Private Secretaries to the other members of ODSA, the Attorney General, Sir Robert Armstrong, and to Sir Michael Palliser.

Yours ever,
John E. Holmes
John E Holmes
Private Secretary

A J Coles Esq
Private Secretary
10 Downing Street

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PM/82/37

PRIME MINISTERFalklands: New York Initiative

1. This minute summarises developments since yesterday evening and the new proposals put forward by the UN Secretary-General during the night.

Developments in New York

2. Sir A Parsons asked the Secretary-General at lunch (New York time) yesterday to inform Argentina that HMG found the Argentine response to our proposals of 17 May totally unacceptable. There was no hope of reaching agreement. We had therefore drawn a line, following the Argentine failure to accept our draft interim agreement by the deadline of 5 pm London time yesterday.

3. The Secretary-General spoke by telephone to General Galtieri and yourself. He was delighted with his conversation with you, although he appears to have misunderstood your expression of willingness to look at totally fresh proposals. Galtieri told the Secretary-General that the British were being inflexible and that Argentina was prepared to continue negotiating under the Secretary-General's auspices. At an informal (ie private) meeting of the Security Council, Sir A Parsons said that our proposals of 17 May had represented our final position. The Argentine response was unacceptable. In order to avoid provoking wider debate and possibly a public session of the Council, Sir A Parsons thought it better not to say explicitly in the Council that the present round of negotiations had ended as far as we were concerned. The Secretary-General said that urgent efforts for peace must continue. The other members of the Council who spoke encouraged the Secretary-General to continue his efforts and expressed the hope, with varying degrees of emphasis, that the parties would meanwhile exert restraint. This

/appeal

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discussed at ODSA.

MR 20/5

f.c.



appeal for restraint is echoed in the summing up by the President of the Council at the end of the meeting.

4. In a public statement after the meeting, the Secretary-General said that substantial progress had been made in the last two weeks and that he had suggested "certain ideas" which might be of assistance in overcoming the remaining points of difference.

The Secretary-General's Proposals

5. Senor Perez de Cuellar has asked for a reaction to his new proposals as early as possible today, New York Time. His paper, which is attached, argues that there is a great deal of common ground in the negotiations. It identifies four major problems where agreement has not been achieved:

- (a) Certain aspects of the interim administration;
- (b) Provision for the extension of the target date for completion of negotiations and the related duration of the interim administration;
- (c) Certain aspects of withdrawal;
- (d) The geographic area to be covered by the interim agreement.

6. On interim administration, the Secretary-General borrows language from our draft interim agreement to say that the UN Administrator "shall discharge his functions in consultation with the representative institutions in the Islands" and provides, also like our draft, for the addition to each of the councils of one representative from the Argentine population of the Islands. The Secretary-General's paper uses the same language as we did in our draft agreement to avert an influx of Argentine people and businesses, namely to say that the UN Administrator "shall exercise his powers in accordance with the terms of this agreement and in conformity with the laws and practices traditionally obtaining in the Islands". This provision is partially balanced by a statement that communications and cooperative arrangements with the mainland in economic and other fields shall continue as before the invasion "and be



promoted further as appropriate"; and by a provision for consideration to be given to the "relaxation of restrictions on residence and acquisition of property", but only "keeping in mind the necessity to respect and safeguard the customs, traditions and way of life of the inhabitants of the Islands". There is also a sop to Argentina in a provision that the two parties shall establish small liaison offices which can fly their flags.

7. On the question of what happens if no definitive agreement can be implemented by 31 December, the Secretary-General adapts our position. Instead of saying that the interim agreement will remain in effect until a definitive settlement can be implemented, he says that Argentina and Britain would be bound by the interim agreement until a negotiated settlement came into effect. While this avoids saying directly that the UN administration would remain in place until a final settlement could be implemented, it binds Argentina to observe all of the interim agreement, ie including the provisions about withdrawal, until a final settlement is implemented.

8. On withdrawal, the Secretary-General skirts around the issue by suggesting that the UN should be entrusted with the modalities of withdrawal within the framework that the withdrawal should be simultaneous and phased and with a view to its completion within a two-week period. However, the Secretary-General's list of points on which agreement exists confirms that the initiation of the various parts of an agreement, including ceasefire and mutual withdrawal, shall be simultaneous. There seems to be a loophole in that the Secretary-General does not provide for non-reintroduction of forces to the Islands in the interim period.

/9. On the



9. On the dependencies, the Secretary-General suggests that they be included in long-term negotiations but not be covered by the provisions of the interim agreement on withdrawal and administration. We were at one time willing to do this (paragraph 5 of FCO telegram No 391 to UKMIS New York).

RECOMMENDATION

10. These proposals are close to the position in our draft interim agreement. The significant problems are the omission of a requirement about non-reintroduction of forces and the vague suggestions of relaxation of restrictions on residence etc. Assuming that we could get the Secretary-General to reinstate a provision about not reintroducing forces, it would be impossible for us to argue convincingly that the proposals were intrinsically unacceptable to us: they are close in wording and very close in substance to what we ourselves proposed on 17 May. To argue that they were unacceptable because we could not hold back military action in the South Atlantic would of course be to invite strong international criticism and, I should have thought, considerable criticism in Britain.

11. My immediate recommendation therefore is that we should decide in principle to accept the substance of the Secretary-General's proposals. One of the advantages of this would be that it should greatly increase our chances of getting an American guarantee of the Falkland Islands in the interim period, and we should probably address the Americans on this today. The difficulty is that the Secretary-General's proposals do not cover in treaty language many of the elements in an agreement. I therefore recommend that I should be invited by OD(SA) to have prepared this morning a draft telegram to Sir A Parsons which would deal with this aspect as well as the others. One of the purposes in working this

/out



out will be to ensure that no delay is unnecessarily caused to our military options. We should certainly set a deadline of a matter of hours for Argentine acceptance of whatever we now advance.

12. I am copying this minute to all members of OD(SA).

(FRANCIS PYM)

Foreign and Commonwealth Office

20 May 1982

AIDE MEMOIRE FROM THE SECRETARY-GENERAL OF THE UNITED NATIONS

The Secretary-General believes that, at this critical point in the exchanges which he has been having with the parties concerning the continuing crisis, it is useful to set down those issues on which agreement seems to exist and those on which differences remain.

In the Secretary-General's judgement, the two parties are in essential agreement on the following points:

1. The agreement being sought is interim in nature and will be without prejudice to the rights, claims or position of the parties concerned.
2. The agreement will cover (a) a cease-fire, (b) the mutual withdrawal of forces, (c) the termination of exclusion zones and of economic measures instituted in connexion with the conflict, (d) the interim administration of the territory and, (e) negotiations on a peaceful settlement of their dispute.
3. The initiation of these various parts of an agreement will be simultaneous.
4. Withdrawal of forces will be phased and will be under the supervision of the United Nations observers.
5. The interim administration of the territory will be under the authority of the United Nations. The United Nations flag shall be flown. Argentina and the United Kingdom will establish small liaison offices, on which their respective flags may be flown.
6. The parties will enter into negotiations in good faith under the auspices of the Secretary-General of the United Nations for the peaceful settlement of their dispute and seek, with a sense of urgency, the completion of these

/negotiations

negotiations by 31 December 1982, taking into account the Charter of the United Nations and the relevant resolutions of the General Assembly. These negotiations shall be initiated without prejudice to the rights claims or position of the parties and without prejudgement of the outcome. The negotiations shall be held in New York or at a mutually acceptable location in the vicinity thereof. Those points on which full agreement must still be achieved, in the Secretary-General's judgement, are the following:

1. Certain aspects of the interim administration of the territory.
2. Provision for the extension of the time frame for completion of negotiations and the related duration of the interim administration.
3. Certain aspects of mutual withdrawal of forces.
4. The geographic area to be covered by the terms of the Interim Agreement

It is evident from this review that the extent of agreement is substantial and important. If it can be incorporated in the text of an Interim Agreement, the requirements of Security Council Resolution 502 would be met. The Secretary-General is deeply concerned, however, that unless the remaining points are resolved in the very immediate future, all that has been accomplished will be lost and prospects for the early restoration of peace will be frustrated.

In the desire to be of assistance to the parties in overcoming these differences, the Secretary-General is appending to this Aide Mémoire two informal papers containing formulations which, in the Secretary-General's view, might satisfactorily meet the objectives of the parties with regard to an Interim Agreement. These formulations deal with the time frame of diplomatic negotiations and the form which the interim

administration of the territory under the authority of the United Nations might take.

With regard to the question of the geographic area covered by the terms of an Interim Agreement, the Secretary-General would suggest, as a practical approach, that the status of the Dependencies be included within the scope of the negotiations foreseen on a diplomatic settlement on the same basis as was provided in the Joint Communiqué issued by Argentina and the United Kingdom on 26 April 1977. In this understanding, and without prejudice to the issue of the status of these islands, the force withdrawal and interim administration provisions would not be applicable with regard to the Dependencies.

The Secretary-General would suggest that the United Nations be entrusted with the modalities of mutual force withdrawals in the framework of the agreement between the parties that the withdrawals will be simultaneous and phased. This responsibility would be undertaken with a view to completion of the withdrawals within a two-week period.

The Secretary-General wishes to emphasise that the time left for agreement must be measured now in hours. It is, therefore, his earnest hope that the parties will find it possible to agree to the proposed formulations and suggestions as a means of reaching the agreement which cannot, without great peril, be longer delayed.

The Secretary-General feels obligated, in the interest of peace and the preservation of human lives, to make clear that this may be the last chance for agreement through negotiations.

19 May 1982

FORMULATION OF TERMS OF REFERENCE FOR NEGOTIATIONS ON A
DIPLOMATIC SETTLEMENT

The parties undertake to enter into negotiations in good faith under the auspices of the Secretary-General of the United Nations for the peaceful settlement of their dispute and to seek, with a sense of urgency, the completion of these negotiations by 31 December 1982, taking into account the Charter of the United Nations and the relevant resolutions of the General Assembly. These negotiations shall be initiated without prejudice to the rights, claims or position of the parties and without prejudgement of the outcome. The negotiations shall be held in New York or at a mutually acceptable location in the vicinity thereof.

Should the Secretary-General, after taking account of the course of negotiations and the views of the parties, determine that the achievement of a negotiated settlement will not be possible within the time frame envisaged, he may establish a new target date which will be in keeping with the urgency of a diplomatic solution to which the parties are committed by this Agreement.

The Government of Argentina and the Government of the United Kingdom of Great Britain and Northern Ireland shall be bound by the provision of this Agreement until the negotiated settlement provided for above comes into effect.

AN INTERIM ADMINISTRATION FORMULATION

The United Nations Representative shall assume, on behalf of the United Nations, full and exclusive authority to administer the territory. He shall discharge his functions in consultation with the representative institutions in the Islands with the exception that one representative from the Argentine population normally resident on the Islands shall be appointed by the Representative to each of the two institutions. The United Nations Representative shall exercise his powers in accordance with the terms of this Agreement and in conformity with the laws and practices traditionally obtaining in the Islands.

The United Nations flag shall be flown in the territory.

The Government of Argentina and the Government of the United Kingdom will, in consultation with the United Nations Representative, establish small liaison offices to maintain contact with the Representative. The flags of the Republic of Argentina and of the United Kingdom may be flown on their respective liaison offices.

During the period of interim administration, all communications and other cooperative arrangements in the economic, social, cultural and scientific-technological fields in effect on 31 March 1982 shall continue and be promoted further, as appropriate.

Relaxation of restrictions on residence and acquisition of property will be considered, keeping in mind the necessity to respect and safeguard the customs, traditions and way of life of the inhabitants of the Islands.

20 May 1982

I enclose a copy of a paper, relevant to this afternoon's debate on the Falkland Islands, which the Government will be making available in the Vote Office today. It will also be released to the press. The Prime Minister thought that you might find it helpful to have an advance copy.

M A PATTISON

The. Rt. Hon. David Steel, M.P.

20 May 1982

I enclose a copy of a paper, relevant to this afternoon's debate on the Falkland Islands, which the Government will be making available in the Vote Office today. It will also be released to the press. The Prime Minister thought that you might find it helpful to have an advance copy.

M A PATTISON

The Rt. Hon. David Owen, M.P.

20 May 1982

We spoke this morning about the document which the Government is making available to Members as background to this afternoon's debate.

The paper will be available in the Vote Office at about the time you receive this letter, and will be released to the press shortly thereafter.

M A PATTISON

Sir Tom McCaffrey

20 May 1982

I enclose a copy of a paper, relevant to this afternoon's debate on the Falkland Islands, which the Government will be making available in the Vote Office today. It will also be released to the press. The Prime Minister thought that you might find it helpful to have an advance copy.

M A PATTISON

The Rt. Hon. Donald Stewart, M.P.

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file B



10 DOWNING STREET

From the Private Secretary

20 May 1982

PH

Future of the Falkland Islands

As I told you on the telephone yesterday, I think it would be useful, in view of the Prime Minister's interest in independence as a possible solution for the Falkland Islands problem, if the paper which I understand is under preparation in the Foreign and Commonwealth Office could reach Mrs Thatcher with the least possible delay. It would be particularly convenient if it were available for her weekend box.

I am sending a copy of this letter to Sir Michael Palliser.

answered as OD (54) 56

J. COLES

John Holmes, Esq.,
Foreign and Commonwealth Office.

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FINAL



THE FALKLAND ISLANDS: NEGOTIATIONS FOR A PEACEFUL SETTLEMENT

Argentine Aggression

1. It is now almost 7 weeks since Argentina invaded the Falkland Islands. This unlawful use of force in unprovoked aggression threatened not only to destroy the democratic way of life freely chosen by the Falkland Islanders but also the basis on which international order rests. The invasion was also a singular act of bad faith: it took place when Britain and Argentina were engaged in negotiations in accordance with requests from the United Nations.

2. On 1 April the President of the United Nations Security Council had formally appealed to Argentina not to invade the Falkland Islands. Yet on 2 April Argentina invaded. On 3 April, the United Nations Security Council passed its mandatory resolution 502, demanding a cessation of hostilities and an immediate withdrawal of all Argentine forces from the Islands. The same day, Argentina took South Georgia. In the ensuing weeks she has shown no sign of complying with the Security Council Resolution: on the contrary, she has continued a massive build up of the occupying forces on the Falkland Islands. There could hardly be a clearer demonstration of disregard for international law and for the United Nations itself.

The British Response

3. Britain need have done nothing more than rest on the mandatory resolution of the Security Council. Indeed Britain's inherent right of self-defence under Article 51 of the United Nations Charter would have justified the Government in adopting



a purely military policy for ending the crisis. But in pursuit of a peaceful settlement, Britain adopted a policy, frequently explained by the Government in Parliament, of building up pressure on Argentina. Military pressure was exerted by the rapid assembly and despatch of the British naval task force. Diplomatic pressure, first expressed in Security Council Resolution 502, was built up by the clear statements of condemnation of Argentine aggression which were made by many countries across the world. It was widely recognised that aggression could not be allowed to stand, since otherwise international peace and order would be dangerously prejudiced in many regions. The members of the European Community, Australia, New Zealand, Canada and Norway joined Britain in rapidly imposing economic measures against Argentina, as did the United States a little later.

Efforts for a Negotiated Settlement

4. Britain dedicated her maximum diplomatic efforts to the search for a negotiated solution, and the Government kept Parliament as fully informed as the confidentiality of difficult negotiations would allow. Efforts for an interim agreement to end the crisis were first undertaken by the United States Secretary of State, Mr Alexander Haig. His ideas for an interim agreement were discussed repeatedly with Argentina and Britain. The Government expressed their willingness to consider Mr Haig's final proposals, although they presented certain real difficulties. Argentina rejected them. The next stage of negotiations was based on proposals originally advanced by President Belaunde of Peru and modified in consultations between him and the United States Secretary of State. As the Foreign and Commonwealth Secretary

/informed



informed Parliament on 7 May, Britain was willing to accept the final version of these proposals for an interim agreement. But Argentina rejected it.

5. Since then, the Secretary-General of the United Nations, Senor Perez de Cuellar, has been conducting negotiations with Britain, represented by our Permanent Representative at the United Nations, Sir Anthony Parsons, and Argentina, represented by the Deputy Foreign Minister, Senor Ros. In these negotiations, as in earlier ones, Britain made repeated efforts to establish whether Argentina was willing to be sufficiently flexible to make a reasonable interim agreement possible. But it became increasingly clear that Argentina was not seeking an agreement but was playing for time in the negotiations in the hope of holding on to the fruits of aggression, with all that this would imply for the international rule of law. There was an important meeting of British Ministers, attended by Sir Anthony Parsons and the British Ambassador in Washington, Sir Nicholas Henderson, on Sunday 16 May. On the following day, Sir Anthony Parsons returned to New York and handed to the United Nations Secretary-General two documents:

- a draft interim agreement between Britain and Argentina which set out the British position in full;
- a letter to the Secretary-General making clear the British position that the Falkland Islands Dependencies were not covered by the draft interim agreement.

The draft agreement is in Annex A to this Paper and the letter is in Annex B.



6. Sir Anthony Parsons made clear to the Secretary-General that the draft agreement represented the furthest that Britain could go in the negotiations. He requested that the Secretary-General should give the draft to the Argentine Deputy Foreign Minister. The Secretary-General did this, and asked for a response within two days. Argentina's response, which the Government received on the evening of 19 May, represented a hardening of the Argentine position and amounted to a rejection of the British proposals.

Britain's Fundamental Principles in Negotiations

7. The Government's approach in all the negotiations has been based on important principles, which Ministers have set out repeatedly in Parliament:

- a. International Law. Argentina's unlawful aggression must end and Security Council Resolution 502 must be implemented. Aggression must not be rewarded, or small countries across the world would feel threatened by neighbours with territorial ambitions.

- b. Freedom. The Falkland Islanders are used to enjoying free institutions. The Executive and Legislative Councils were established with their agreement and functioned with their participation. Britain insisted that any interim administration in the Falkland Islands must involve democratically elected representatives of the Islanders, so as to enable the latter to continue to participate in the administration of their affairs and to ensure that they could express freely their wishes about the future of the Islands, in accordance with the principle of self-determination.



c. Sovereignty. Britain has no doubt of her sovereignty over the Falkland Islands, having administered them peacefully since 1833. Nevertheless, successive British governments have been willing, without prejudice, to include the question of sovereignty in negotiations with Argentina about the future of the Falkland Islands. In the recent negotiations, the Government have been willing that an interim agreement should provide for new negotiations about the future of the Islands, which likewise could discuss sovereignty in good faith, so long as there was no prejudgement as to the outcome of negotiations.

8. Britain upheld these principles in the draft agreement which we presented on 17 May to the United Nations Secretary-General:

- The agreement provided for complete Argentine withdrawal from the Falkland Islands within 14 days, thus terminating the aggression and upholding international law.
- It provided that the Legislative and Executive Councils representing the Falkland Islanders would continue in existence and be consulted by the UN interim Administrator, thus maintaining the democratic structure of the Administration.
- It provided explicitly that the outcome of negotiations about the future of the Islands was not prejudged, thus safeguarding the British position on sovereignty.

9. In the Secretary-General's negotiations, Britain has insisted that the Falkland Islands Dependencies should not be

/covered



covered by an interim agreement to end the crisis. South Georgia and the South Sandwich Islands are geographically distant from the Falkland Islands themselves. They have no settled population. The British title to them of which the Government have no doubt, does not derive from the Falkland Islands, and these territories have been treated as Dependencies of the Falkland Islands only for reasons of administrative convenience.

10. Throughout the negotiations, Britain, while being firm on the essential principles, has been willing to negotiate on matters where these principles were not breached. In particular:

- a. In return for Argentine withdrawal from a zone of 150 nautical miles radius around the Falkland Islands and an undertaking in the agreement that no forces would return, Britain was willing (Article 2(3)) to withdraw her Task Force from the zone and not return during the interim period. She proposed international verification (Article 6(4)) of the mutual withdrawal, in which the United Nations might have made use of surveillance aircraft from third countries.
- b. Britain was willing that the exclusion zones (Article 3) declared by herself and Argentina, and the economic measures (Article 5) introduced during the present crisis, should be lifted from the moment of ceasefire, although these actions would give more comfort to Argentina than to Britain.

/c.



- c. Britain was prepared to accept the appointment of a UN Administrator (Article 6(3)) to administer the Government of the Falkland Islands. Britain wanted him to discharge his functions in consultation with the representative institutions in the Islands - the Legislative and Executive Councils - which have been developed in accordance with the terms of Article 73 of the UN Charter. (This makes clear that the interests of the inhabitants of non-self-governing territories are paramount and refers to the need to take due account of the political aspirations of the peoples.) It is inconceivable that Britain, or any other democratic country, could accept that her people should be deprived of their democratic rights. Britain was nevertheless willing to accept that one representative from the Argentine population of the Islands (some 30 people out of 1800) should be added to each of the Councils. Additionally, Britain was willing to accept the presence of up to 3 Argentine observers on the Islands in the interim period.
- d. Britain was willing (Article 7) to agree to re-establishment of communications, travel, transport, postage, etc, between the Falkland Islands and the Argentine mainland, on the basis existing before the invasion.
- e. Britain was willing to enter into negotiations (Article 8) under the auspices of the UN Secretary-General for a peaceful settlement of the dispute with Argentina about the Falkland Islands and to seek the completion



of these negotiations by the target date of 31 December 1982. Our position was that no outcome to the negotiations should be either excluded or predetermined.

11. Argentina's final position in the negotiations speaks for itself. In particular:

- a. Argentina insisted that South Georgia and the South Sandwich Islands be covered by the interim agreement. One effect of this would be that British forces would have to withdraw from the British territory of South Georgia.
- b. Argentina wanted thirty days for the completion of the withdrawal of forces. She wanted all forces to return to their normal bases and areas of operation, thus requiring British forces to be enormously further away than Argentine ones.
- c. Argentina wanted the Administration of the Islands to be exclusively the responsibility of the United Nations. There would have been Argentine and British observers. The Administration would have been free to appoint advisers from the population of the Islands, in equal numbers from the Argentine population and from the population of British origin. The flags of Britain and Argentina would have flown, together with that of the United Nations.
- d. Argentina wanted free access for her nationals to the Islands, with respect inter alia to residence, work and property. Argentina also opposed a provision in the

/British



British draft agreement (end of Article 6(3)) about the UN Administrator exercising his powers in conformity with the laws and practices traditionally observed in the Islands. It was evident that Argentina hoped to change the nature of Falklands society and its demographic make-up in the interim period, and thus prejudice the future.

- e. Argentina proposed a formula about negotiations on the future of the Islands which stated that they should be 'initiated' without prejudice to the rights and claims and positions of the two parties. Argentina would not accept an additional phrase stating also that the outcome would not be prejudged. Argentine leaders continued in public to say that Argentina insisted on having sovereignty. In the negotiations Argentina also resisted a provision in the British draft (beginning of Article 9) which would have ensured that the interim arrangements should stay in place until a definitive agreement about the future of the Islands could be implemented. Argentina's evident aim in resisting this was that, if no definitive agreement had been reached by the target date of 31 December 1982, the interim administration would cease to exist and a vacuum be created which Argentina could hope to fill.

12. The present crisis was brought about by Argentina's unlawful act of aggression. In their subsequent attitude the Argentine government showed that they had no respect either for democratic principles nor for the rule of law. Britain stands firmly for both.

FALKLAND ISLANDS: PROPOSED INTERIM AGREEMENT

The Government of the Republic of Argentina and the Government of the United Kingdom of Great Britain and Northern Ireland,

Responding to Security Council Resolution 502 (1982) adopted on 3 April 1982 under Article 40 of the Charter of the United Nations,

Having entered into negotiations through the good offices of the Secretary-General of the United Nations for an Interim Agreement concerning the Falkland Islands (Islas Malvinas), hereinafter referred to as 'the Islands',

Having in mind the obligations with regard to non-self-governing territories set out in Article 73 of the Charter of the United Nations, the text of which is annexed hereto,

Have agreed on the following:

Article 1

(1) No provision of this Interim Agreement shall in any way prejudice the rights, claims and positions of either Party in the ultimate peaceful settlement of their dispute over the Islands.

(2) No acts or activities taking place whilst this Interim Agreement is in force shall constitute a basis for asserting, supporting or denying a claim to territorial sovereignty over the Islands or create any rights of sovereignty over them.

Article 2

(1) With effect from a specified time, 24 hours after signature of this Agreement (hereinafter referred to as Time 'T'), each Party undertakes to cease and thereafter to refrain from all firing and other hostile actions.

(2) Argentina undertakes:

(a) to commence withdrawal of its armed forces from the Islands with effect from Time 'T':

(b) to withdraw half of its armed forces to at least 150

/nautical

nautical miles away from any point in the Islands by Time 'T' plus 7 days; and

(c) to complete its withdrawal to at least 150 nautical miles away by Time 'T' plus 14 days.

(3) The United Kingdom undertakes:

(a) to commence withdrawal of its armed forces from the Islands with effect from Time 'T';

(b) to withdraw half of its armed forces to at least 150 nautical miles away from any point in the Islands by Time 'T' plus 7 days; and

(c) to complete its withdrawal to at least 150 nautical miles away by Time 'T' plus 14 days.

Article 3

With effect from Time 'T', each Party undertakes to lift the exclusion zones, warnings and similar measures which have been imposed.

Article 4

On the completion of the steps for withdrawal specified in Article 2, each Party undertakes to refrain from reintroducing any armed forces into the Islands or within 150 nautical miles thereof.

Article 5

Each Party undertakes to lift with effect from Time 'T' the economic measures it has taken against the other and to seek the lifting of similar measures taken by third parties.

Article 6

(1) Immediately after the signature of the present Agreement, Argentina and the United Kingdom shall jointly sponsor a draft Resolution in the United Nations under the terms of which the Security Council would take note of the present Agreement, acknowledge the role conferred upon the Secretary-General of the United Nations therein, and authorize him to carry out the tasks entrusted to him therein.

(2) Immediately after the adoption of the Resolution referred to in paragraph (1) of this Article, a United Nations Administrator, being a person acceptable to Argentina and the United Kingdom, shall be appointed by the Secretary-General and will be the officer administering the government of the Islands.

(3) The United Nations Administrator shall have the authority under the direction of the Secretary-General to ensure the continuing administration of the government of the Islands. He shall discharge his functions in consultation with the representative institutions in the Islands which have been developed in accordance with the terms of Article 73 of the Charter of the United Nations, with the exception that one representative from the Argentine population normally resident on the Islands shall be appointed by the Administrator to each of the two institutions. The Administrator shall exercise his powers in accordance with the terms of this Agreement and in conformity with the laws and practices traditionally obtaining in the Islands.

(4) The United Nations Administrator shall verify the withdrawal of all armed forces from the Islands, and shall devise an effective method of ensuring their non-reintroduction.

(5) The United Nations Administrator shall have such staff as may be agreed by Argentina and the United Kingdom to be necessary for the performance of his functions under this Agreement.

(6) Each Party may have no more than three observers in the Islands.

Article 7

Except as may be otherwise agreed between them, the Parties shall, during the currency of this Agreement, reactivate the Exchange of Notes of 5 August 1971, together with the Joint Statement on Communications between the Islands and the Argentine mainland referred to therein. The Parties shall accordingly take appropriate steps to establish a special consultative committee to carry out the functions entrusted to the Special Consultative Committee referred to in the Joint Statement.

/Article 8

Article 8

The Parties undertake to enter into negotiations in good faith under the auspices of the Secretary-General of the United Nations for the peaceful settlement of their dispute and to seek, with a sense of urgency, the completion of these negotiations by 31 December 1982. These negotiations shall be initiated without prejudice to the rights, claims or positions of the Parties and without prejudgement of the outcome.

Article 9

This Interim Agreement shall enter into force on signature and shall remain in force until a definitive Agreement about the future of the Islands has been reached and implemented by the Parties. The Secretary-General will immediately communicate its text to the Security Council and register it in accordance with Article 102 of the Charter of the United Nations.

Done in
in the English and Spanish languages, in a single copy.

For the Republic of Argentina

For the United Kingdom of
Great Britain and Northern
Ireland

ARTICLE 73 OF THE UNITED NATIONS CHARTER

Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories, and, to this end:

- a. to ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses;
- b. to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement;
- c. to further international peace and security;
- d. to promote constructive measures of development, to encourage research, and to co-operate with one another and, when and where appropriate, with specialized international bodies with a view to the practical achievement of the social, economic, and scientific purposes set forth in this Article; and
- e. to transmit regularly to the Secretary-General for information purposes, subject to such limitation as security and constitutional considerations may require, statistical and other information of a technical nature relating to economic, social, and educational conditions in the territories for which they are respectively responsible other than those territories to which Chapters XII and XIII apply.

TEXT OF LETTER DATED 17 MAY 1982 FROM THE UNITED KINGDOM
PERMANENT REPRESENTATIVE TO THE UNITED NATIONS TO THE
SECRETARY-GENERAL OF THE UNITED NATIONS

You will note from the text of the Interim Agreement which I have given you on behalf of the United Kingdom that it concerns "the Falkland Islands (Islas Malvinas) hereinafter referred to as 'the Islands' ".

I wish to confirm the understanding of the British Government that this description excludes the Dependencies. I should be grateful if you would be good enough to acknowledge receipt of this letter and its terms.

- 1) MR COLES
2) PRIME MINISTER

Eric Odgen writes suggesting that HMG should provide some financial support to enable the Falkland Islands Governor and other Islanders to run an effective office in this country until matters are resolved.

I will let you have a draft reply.

MAP

19 May 1982



The National Archives

LETTERCODE/SERIES <i>PREM 19</i>	Date and sign
PIECE/ITEM (one piece/item number) <i>648</i>	
Extract/Item details: <i>MODUK INTSUM No. 92, 20 May 1982</i>	
CLOSED FOR YEARS UNDER FOI EXEMPTION	
RETAINED UNDER SECTION 3(4) OF THE PUBLIC RECORDS ACT 1958	<i>10 May 2012 Wayland</i>
TEMPORARILY RETAINED	
MISSING ON TRANSFER	
MISSING	
NUMBER NOT USED	

MFJ

19 May 1982

I enclose a copy of a letter to the Prime Minister from Mr. Eric Ogden, MP, in pursuit of his earlier claims that the Governor and other Falkland Islanders are not being provided with adequate facilities for their necessary operations in this country.

The Prime Minister will wish to reply as soon as possible, and I hope that you can let us have a draft reply within a few days.

MAP

John Holmes Esq
Foreign and Commonwealth Office

MFJ

19 May 1982

I am writing on behalf of the Prime Minister to thank you for your letter of 18 May.

I will place your letter before the Prime Minister and a reply will be sent to you as soon as possible.

MAP

Eric Ogden Esq MP



The National Archives

LETTERCODE/SERIES <i>PREM 19</i>	Date and sign
PIECE/ITEM <i>648</i> (one piece/item number)	
Extract/Item details: <i>Letter from Fall to Coles dated 19 May 1982 (folio 30A)</i>	
CLOSED FOR YEARS UNDER FOI EXEMPTION	
RETAINED UNDER SECTION 3(4) OF THE PUBLIC RECORDS ACT 1958	<i>10 May 2012</i> <i>W Dayland</i>
TEMPORARILY RETAINED	
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NUMBER NOT USED	

SUBJECT
cc Master



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10 DOWNING STREET

From the Principal Private Secretary

19 May 1982

See Bonin

The Prime Minister and the Foreign Secretary saw Mr David Steel and Dr David Owen at 1620 today in the Prime Minister's room in the House of Commons to discuss the present position on the Falkland Islands.

The Prime Minister said that there was very little she needed to say about military developments. At the moment there was little military action taking place. On the other hand, there had been a succession of major events in the diplomatic field. The Government had recalled Sir Anthony Parsons and Sir Nicholas Henderson for consultations to help them decide how best to handle the present, very delicate stage. Prior to the Ambassadors' return we had considered six sets of proposals. Every time we had come up against the same problems with the Argentines. They wanted asymmetrical withdrawal of forces. They were seeking interim arrangements which would allow them to flood the islands with Argentinian immigrants who would be so numerous that they would change the character of the islanders' way of life. Their aim was to have negotiations on the long term future of the islands which led quickly and ineluctably to a transfer of sovereignty to the Argentine. They also wanted a terminal date for the negotiations with no provision to deal with the situation where no agreement had been reached by that date.

In the light of these Argentinian objectives the Government had decided that we would communicate to them through the UN Secretary General written proposals which represented the limit of what we could offer. We had handed over our paper to the Secretary General on Monday, making it clear that this was our final position and that we could not accept amendments of substance to it. We had asked for a very rapid response from the Argentine. Although we had not yet received their full reply to our proposals, we had now got a preliminary indication of their response. This suggested that they had gone back to the position they had adopted during Mr Haig's second visit to Buenos Aires. It looked as though they would produce counter amendments which were designed to cause confusion and delay.

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Their approach to the negotiations appeared to be exactly as it had been to the Beagle Channel arbitration. We hoped to receive their full response in writing later that day. Once we had their answer, the Government proposed to publish its proposals as quickly as possible. We hoped to do this before the debate in the House the following day. In her opening speech she would make as full a statement about the British proposals as possible.

Dr Owen asked whether the Argentines appeared to be demanding that they should be allowed to purchase land in the Falkland Islands and settle in unlimited numbers in the interim period. He also wondered whether they would accept the involvement of the islanders in the interim administration.

The Foreign Secretary said that it did indeed appear to be the Argentinian's objective to send large numbers of their people to settle in the islands. The question of the involvement of the islanders in the interim administration had cropped up constantly in the negotiations, but there was no sign that the Argentines were ready to accept that the islanders should have some say in their own government. As regards the long term future, the Argentines had earlier accepted a formula which provided that negotiations should be conducted with no pre-judgment about their outcome. But it was not clear whether they would stand by this formula. His own view was that they found it politically impossible to reach agreement internally on a negotiated settlement, notwithstanding their growing military anxieties.

Mr Steel said that the Government's problem presumably was that it could not let negotiations drag on indefinitely. He wondered whether the UN Secretary General would produce proposals of his own.

The Foreign Secretary confirmed that we could not let the Argentines procrastinate endlessly. It was possible that Senor de Cuellar would produce his own proposals: at the moment we simply did not know whether he would.

Dr Owen said that he was not absolutely clear why the Government had offered a debate the following day. How did the Government hope the debate would end? Was it their aim to carry the House of Commons a little further down the road towards accepting large scale military action? There was a risk that the House of Commons was getting into a situation where it continually held interminable debates which had no conclusion.

The Prime Minister said that the proposals which we had put to the Secretary General were a new step in the negotiations. Once the Government published them, it was right that they should be debated. This was likely to be a critical week. The Government would be accused of bad faith by the Labour Party if no debate was offered. She was anxious to preserve as much unity

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in the House of Commons as possible at the present juncture, and she believed that it would help greatly to that end to have a debate on the Government's proposals. What she was not prepared to do, as she had made clear repeatedly, was to accept Mr Foot's argument that there should be a debate before the Government decided upon major military action. That was constitutionally wrong.

Dr. Owen said that he agreed with the Prime Minister about the constitutional aspect of Mr. Foot's request for a debate. More generally, he was worried about the public perception of the longer-term outcome of the Falklands crisis. The Government intended to publish its proposals following the Argentinian rejection of them. Presumably, British forces would land in the Islands shortly thereafter and repossess them. Then all previous proposals for a negotiated settlement would be at an end. Our forces might sustain extensive casualties. Sooner or later we could well be engaged once more in negotiations with the Argentine. People would then ask what we had fought for. He believed that before any attempt to regain the Islands was made, the Government should say publicly what its long-term aim was, difficult though he realised this matter was. One of our problems would be that in the eyes of many other countries it would appear that our objective was to reassert colonialism in the Falkland Islands. In this context he wondered whether it would be helpful to look again at the idea of UN trusteeship.

The Foreign Secretary agreed that at this stage it was very difficult to be clear about the long-term future of the Islands. None the less, after we had repossessed the Islands, we would be in a much stronger position physically and morally than the Argentine. Plainly, in taking decisions on the long term, the Government would take fully into account the wishes of the Islanders themselves. They would have the right of self-determination. It was possible that we might wish to try to arrange a multi-national guarantee of the security of the Islands, though it was worth mentioning in passing that Mr. Haig thought it inconceivable that the Argentine would ever attempt to reinvade once they had withdrawn from the Islands.

The Prime Minister added that Ministers had looked very carefully at the idea of UN trusteeship, but it contained a number of difficulties. For example, it was unlikely that, under a trusteeship, there would be any barrier to prevent Argentines settling in the Islands in such numbers that the present way of life of the Islanders was radically changed.

I am sending copies of this letter to John Halliday (Home Office), David Omand (Ministry of Defence), Keith Long (Office of the Chancellor of the Duchy of Lancaster) and David Wright (Cabinet Office).

Yours *was*,

Anne Whitmore.

Brian Fall, Esq.,
Foreign and Commonwealth Office.

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FALKLANDS SELECTIVE ADVANCES (38)

- PS/MR HURD
- PS/MR ONSLOW
- PS/PUS
- MR BULLARD
- SIR I SINCLAIR
- MR GIFFARD
- MR WRIGHT
- MR GILLMORE
- MR URE
- MR BARRETT
- HS/S AM D
- HD/DEF D
- HD/PLANNING STAFF
- HD/UND
- HD/NEWS D
- HD/ERD
- HD/ECD(E)
- HD/PUSD
- EMERGENCY ROOM
- RESIDENT CLERK

Ps/Ld Belstead 1

FLASH

~~PS/NO 10 DOWNING STREET (2 copies)~~

- PS/S OF S DEFENCE
- PS/HOME SECRETARY
- PS/HOME SECRETARY (c/o NO 10 DSt)
- PS/ATTORNEY GENERAL
- PS/CHANCELLOR DUCHY OF LANCASTER
- PS/SIR R ARMSTRONG)
- PS/SIR M PALLISER,)
- PS/SIR A DUFF) CABINET
- MR WADE-GERY)
- MR FULLER) OFFICE
- MR O'NEILL HD ASSESS-)
- MENTS STAFF)
- DIO
- MR J M STEWART AUSD STAFF MOD
- ADMIRAL SIR ROY HALLIDAY DGI MOD
- DIRECTOR G.C.H.Q. (via Room 8)

GR 210
 UNCLASSIFIED
 FM UKMIS NEW YORK 200113Z MAY 82
 TO FLASH FCO
 TELEGRAM NUMBER 792 OF 19 MAY
 INFO IMMEDIATE WASHINGTON

FALKLANDS: SECRETARY-GENERAL'S INITIATIVE

1. THE FOLLOWING IS A STATEMENT ISSUED BY THE SECRETARY-GENERAL FOLLOWING THE INFORMAL CONSULTATIONS OF THE SECURITY COUNCIL THIS EVENING (19 MAY) (SEE MY TEL NO 790):

" I MUST STATE THAT WE ARE AT A VERY DANGEROUS POINT IN THE EFFORTS FOR AN AGREEMENT BETWEEN ARGENTINA AND THE UK. THE TIME LEFT FOR NEGOTIATIONS MUST NOW BE MEASURED IN HOURS. IN MY JUDGEMENT SUBSTANTIAL PROGRESS HAS BEEN MADE OVER THE PAST TWO WEEKS. THIS WILL BE LOST IF THE PRESENT OPPORTUNITY FOR NEGOTIATIONS DISAPPEARS. I HAVE SUGGESTED CERTAIN IDEAS WHICH I BELIEVE MIGHT BE OF ASSISTANCE IN OVERCOMING THE REMAINING POINTS OF DIFFERENCE. THIS AFTERNOON, I HAVE SPOKEN TO BOTH PRESIDENT GALTIERI AND PRIME MINISTER THATCHER TO EXPRESS MY VIEWS AND MY VERY GREAT CONCERN. THE COST OF FAILURE IN TERMS OF HUMAN LIFE AND SUFFERING IS TOO HIGH TO PERMIT US TO GIVE UP OUR EFFORTS.

HIGH TO PERMIT US TO GIVE UP OUR EFFORTS.

AT THIS DECISIVE MOMENT, THE LAST URGENT EFFORT IS NEEDED TO REACH THE ACCOMMODATION NECESSARY FOR A REASONABLE SETTLEMENT. I AM PERSUADED THAT THIS CAN BE DONE WITHOUT PREJUDICE TO THE RIGHTS, CLAIMS OR POSITION OF EITHER PARTY. WE MUST CONTINUE TO WORK FOR PEACE WITHOUT JEOPARDY TO PRINCIPLE."

PARSONS

NNNN

20/0157

Ref: B06500



29

PRIME MINISTER

c Sir Robert Armstrong

Falklands: OD(SA) on 20th MayMilitary Issues

The meeting should begin with the usual briefing from the Chief of the Defence Staff.

2. It should then tidy up two loose ends from today's meeting.

a. Public presentation of the Landing (OD(SA)(82) 55).

The Sub-Committee liked the Defence Secretary's plan for initially fluffing whether what happens is the Landing or merely a landing (like Pebble Island); but they wanted to consider it further. Internationally this plan should be helpful to the Foreign and Commonwealth Secretary. The Chancellor of the Duchy may also have views. It would follow from the plan that no early statement would be made to Parliament. Does the Home Secretary consider that practicable?

b. Astiz. The Foreign and Commonwealth Secretary should speak to a letter which his Private Secretary is expected to send yours tonight. This will support - on public relations grounds - the Defence Secretary's proposal to repatriate him soon, once it is clear that he is not going to answer questions emanating from the French or Swedes. The Defence Secretary, as you know, wants to be rid of an administrative nuisance; and is also worried about possible retaliation against any future British prisoners. But if it is decided to hang on to him, the Attorney General can confirm that this is legal up to the end of hostilities; and that extradition would not be. The Defence Secretary would then need to advise on where and how to accommodate him.

3. Finally, you should tell OD(SA) how far you intend to go in informing the Cabinet of the military prospects. If you are content with the advice in Sir Robert Armstrong's Cabinet brief, for a middle course between candour and disingenuousness, you will need to ensure



that no one (eg the Defence Secretary) goes further than that in answering the Cabinet's questions; ie they should not reveal that we expect the Landing tomorrow night or as soon thereafter as weather permits.

Diplomatic Issues

4. The Foreign and Commonwealth Secretary or Sir Antony Acland should report overnight developments in New York:

- whether the breakdown of negotiations was announced by the Secretary General late tonight as planned;
- whether we are still on track to publish our draft agreement at noon tomorrow, with a commentary;
- what Argentine documents have been published, or will be before the Parliamentary debate.

The Foreign and Commonwealth Secretary should also advise on Security Council prospects; and on whether any new peace initiative is to be expected.

19th May 1982

A handwritten signature in blue ink, appearing to read 'R L Wade-Gery'.

R L WADE-GERY



Ref. A08463

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PRIME MINISTERCabinet: Falklands

It would be convenient for the Cabinet discussion tomorrow to focus first on diplomatic and political issues and then on military prospects.

2. The Foreign and Commonwealth Secretary could report on the diplomatic situation and on preparations for the Parliamentary debate. He should cover:

- (a) The breakdown of negotiations in New York, as announced there (we hope) late this evening London time.
- (b) Plans to table in Parliament at noon tomorrow the British draft agreement, now rejected and therefore withdrawn, and the proposed commentary thereon.
- (c) What Argentine document(s) will have been published by the time of the debate in Parliament.
- (d) Prospects for action in the Security Council.
- (e) Any unforeseen New York or other developments overnight.
- (f) American and European attitudes.
- (g) Plans for the debate in Parliament.

3. Initially you will need to handle military prospects yourself, keeping the Secretary of State for Defence in reserve for answering (or parrying) questions. The Cabinet have come a long way since their initial wish to be consulted before a landing was authorised. Yesterday, I gather, most members seemed glad not to be in the full military picture. This suggests that you should not tell them tomorrow that the landing is expected tomorrow night or as soon thereafter as local conditions allow. To do so would burden them with too much secret knowledge, not only during the debate in Parliament but also perhaps (if the weather is bad) for some days to come; and it would run counter to the Secretary of State for Defence's wish to fluff in public, at any rate initially, the fact that the landing is D-Day rather than another Pebble Island raid.

4. But you can hardly say nothing at all about OD(SA)'s decision to authorise the landing, without later seeming to have been unjustifiably disingenuous.

5. I therefore recommend a middle course. You could say that Pebble Island illustrates our policy of steadily tightening the military screw. With the arrival of the amphibious force on station, a full-scale landing in due course is now practicable; and, given the breakdown of negotiations in New York, the Force Commander's instructions extend to a full-scale landing when the time is right. He now has OD(SA)'s authority to proceed as his military judgment and local conditions (including weather) dictate. There could be more Pebble Islands, followed by a permanent landing later; or a permanent landing more immediately.

6. Against this background you could suggest that the Cabinet should not ask probing questions about what is expected to happen when. But the Secretary of State for Defence, as appropriate, could answer more general questions about the general strategy; e.g. worries about the air threat or the submarine threat or the danger to Falklander lives or the handling of the media. There may also be questions to the Foreign and Commonwealth Secretary about international reactions as fighting escalates; or about the chances of further negotiations starting before it does.



ROBERT ARMSTRONG

19th May, 1982

TOP SECRET

Ref: B06501



COPY NO *Argentina*
OF 5 COPIES

27

MR COLES

I attach a draft speaking note for
tomorrow's Cabinet, as requested.

R.L.W.

19th May 1982

R L WADE-GERY

c Sir Robert Armstrong



Draft Speaking Note for the Prime Minister's use at Cabinet

The Chiefs of Staff were consulted on the basis that it was for the Ministers most closely concerned - ie the OD(SA) Sub-Committee - to decide whether to authorise military operations to repossess the Falklands; but that it was for the Chiefs of Staff to advise on whether such operations were militarily feasible, and if so on how best they should be conducted.

The advice received from the Chiefs of Staff was unanimous. They agreed with the Force Commander (ie the Commander-in-Chief Fleet, Admiral Sir John Fieldhouse) that repossession was militarily feasible, and that the plan which he had devised for achieving it represented the best option available; and they were confident it could be successfully carried through. They agreed with him that a prolonged blockade of the Islands was not a viable option; that a landing in force would therefore be necessary; and that this should take place at an early moment of his choosing, in the light of local circumstances including the weather. Once ashore they were confident that our forces would be able to press ahead in order to achieve either satisfactory conditions for a ceasefire and Argentine withdrawal or the surrender of the Argentine garrison. // They hope that an Argentine collapse following the landing will make it unnecessary to use force to complete repossession of the Islands; but they are satisfied that the latter course would if necessary be possible. They are aware that once landing and repossession operations begin there will be intense international and other pressure for a ceasefire; and therefore that the longer such operations take, the harder it will be to secure the objectives desired.

The Chiefs of Staff have not sought to disguise that risks will be involved, as in all military operations. But they regard the risks as militarily acceptable. The risks will be most severe at the time of the landing, with air attack as the main danger. Attrition of



Argentine air and naval forces has been less than was hoped, because they have so largely stayed in or near their bases. If the Argentines launch an all-out air offensive against the landing, when British ships will be in a known position and within range, full air defence of British forces cannot be guaranteed; some aircraft would be liable to get through and further naval losses could occur. But the landing plan takes full account of this danger and is designed to minimise it. Because air superiority is one of the principles of modern war and has not yet been achieved, the Chiefs of Staff see larger risks in the early stages of the landing than would normally be considered appropriate in an operation of this sort. But they believe that these risks should be taken and any resulting casualties to troops and ships accepted. The Chiefs of Staff cannot tell us what losses we shall in fact suffer; but they believe that these will be militarily tolerable.

Once the landing is established the Chiefs of Staff expect the the risks to decrease markedly, although in certain circumstances British forces could face problems of attrition, both on land and in enforcing the Total Exclusion Zone to prevent Argentine resupply.

The Attorney General's advice is that the military operations now contemplated are legally compatible with the self-defence provisions of Article 51 of the United Nations Charter and with Security Council Resolution no. 502.

19th May 1982



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CABINET OFFICE
70 WHITEHALL
LONDON SW1A 2AS

01-~~XXXXXXXX~~ 233 8378

Ref: B06499

19th May 1982

A.J.C. 20/5
f.a.

Dear David,

Robert Armstrong wrote to you on 13th May about post-OD(SA) discussion that day on a particular proposal for special action.

2. I should now record two further developments which for obvious reasons have not been minuted in the normal way.
 - a. On 14th May, OD(SA) authorised both phases of the operation in question, ie both intelligence gathering and offensive action, at the Force Commander's discretion.
 - b. On 18th May, at OD(SA), the Chiefs of Staff were asked whether their advice that the landing and repossession operations should proceed was conditional on the success of this special operation and/or of others of a comparable nature. They replied that it was not; ie that they would stand by their advice even if no success were achieved by special action of this kind.
3. There has also been discussion between Terry Lewin, Frank Cooper, Antony Acland and Robert Armstrong about a rather different method of carrying out the special operation in question; and about the possibility of applying that method elsewhere. No agreement was reached and nothing has been put to Ministers collectively. It was left that these ideas are still undergoing military evaluation and it will be for the Ministry of Defence to decide whether to put any of them forward for decision.
4. I am sending copies of this letter to John Coles and Brian Fall.

James even
Robert

R L WADE-GERY

D B Omand Esq.
Ministry of Defence,
SW1



Foreign and Commonwealth Office

London SW1A 2AH

19 May 1982

na MD

Dear John,

Paper for Parliament on the Falkland Islands

I enclose a copy of what we now propose to lay before Parliament at noon tomorrow. It will be in typed form, not printed. It will not be an advance copy of a White Paper but an unnumbered Command Paper with a top page as in the enclosed copy.

The text of the paper, which you have discussed separately with us, is of course subject to amendment early tomorrow morning in the light of overnight developments. Once the text is absolutely final, we will arrange distribution to both Houses of Parliament in appropriate numbers, with special arrangements for the opposition parties to receive copies slightly in advance of their general distribution.

I am copying this letter to the Private Secretaries of the other members of OD(SA), the Attorney-General and Sir Robert Armstrong, and to Sir Michael Palliser.

Yours ever

John Holmes

(J E Holmes)
Private Secretary

A J Coles Esq
0 Downing Street



THE FALKLAND ISLANDS
NEGOTIATIONS FOR A PEACEFUL SETTLEMENT

Presented to Parliament

by Command of Her Majesty

MAY 1982

THE FALKLAND ISLANDS: NEGOTIATIONS FOR A PEACEFUL
SETTLEMENT

Argentine Aggression

1. It is now almost 7 weeks since Argentina invaded the Falkland Islands. This unlawful use of force in unprovoked aggression threatened not only to destroy the democratic way of life freely chosen by the Falkland Islanders but also the basis on which international order rests. The invasion was also a singular act of bad faith: it took place when Britain and Argentina were engaged in negotiations in accordance with requests from the United Nations.

2. On 1 April the President of the United Nations Security Council had formally appealed to Argentina not to invade the Falkland Islands. Yet on 2 April Argentina invaded. On 3 April, the United Nations Security Council passed its mandatory resolution 502, demanding a cessation of hostilities and an immediate withdrawal of all Argentine forces from the Islands. The same day, Argentina took South Georgia. In the ensuing weeks she has shown no sign of complying with the Security Council Resolution: on the contrary, she has continued a massive build up of the occupying forces on the Falkland Islands. There could hardly be a clearer demonstration of disregard for international law and for the United Nations itself.

/The British Response

The British Response

3. Britain need have done nothing more than rest on the mandatory resolution of the Security Council. */indeed*
~~Furthermore,~~ Britain's inherent right of self-defence under Article 51 of the United Nations Charter would have justified ^{*The government*} Britain in adopting a purely military policy for ending the crisis. But in order ^{*to permit of a peaceful settlement*} to avoid, if possible, a military confrontation and the attendant loss of life, Britain adopted a policy, frequently explained by the Government in Parliament, of building up pressure on Argentina ~~to withdraw and accept a negotiated settlement.~~ ^{*of the*} Military pressure was exerted by the rapid assembly and despatch of the British naval task force. Diplomatic pressure, first expressed in Security Council Resolution 502, was built up by the clear statements of condemnation of Argentine aggression which were made by many countries across the world. It was widely recognised that aggression could not be allowed to stand, since otherwise international peace and order would be dangerously prejudiced in many regions. The members of the European Community, Australia, New Zealand, Canada and Norway joined Britain in rapidly imposing economic ^{*measures against*} ~~sanctions on~~ Argentina.

Efforts for a Negotiated Settlement

4. Britain dedicated her maximum diplomatic efforts to the search for a negotiated solution, and the Government kept Parliament as fully informed as the confidentiality of difficult negotiations would allow.

Efforts for an interim agreement to end the crisis were first undertaken by the United States Secretary of State, Mr Alexander Haig. His ideas for an interim agreement were discussed repeatedly with Argentina and Britain. The Government expressed their willingness to consider Mr Haig's final proposals, although they presented certain real difficulties. Argentina rejected them. The next stage of negotiations was based on proposals originally advanced by President Belaunde of Peru and modified in consultations between him and the United States Secretary of State. As the Foreign and Commonwealth Secretary informed Parliament on 7 May, Britain was willing to accept the final version of these proposals for an interim agreement. But Argentina rejected it.

5. Since then, the Secretary-General of the United Nations, Senor Perez de Cuellar, has been conducting negotiations with Britain, represented by our Permanent Representative at the United Nations, Sir Anthony Parsons, and Argentina, represented by the Deputy Foreign Minister, Senor Ros. In these negotiations, as in earlier ones, Britain made repeated efforts to establish whether Argentina was willing to be sufficiently flexible to make a reasonable interim agreement possible. But it became increasingly clear that Argentina's ^{was playing for time} aim ^{in the hope of} in the negotiations, ^{holding} was merely to hold on to the fruits of aggression, with all that this would imply for the international rule of law, and ~~was playing for time in the talks in New York rather than~~

/seeking

was not
seeking an
agreement
but

There was an important meeting of British Ministers, attended by Sir Anthony Parsons and the British Ambassador in Washington, Sir Nicholas Henderson, on Sunday 16 May. On the following day, Sir Anthony Parsons returned to New York and handed to the United Nations Secretary-General two documents:

- a draft interim agreement between Britain and Argentina which set out the British position in full;
- a letter to the Secretary-General making clear the British position that the Falkland Islands Dependencies were not covered by the draft interim agreement.

The draft agreement is in Annex A to this ~~White~~ Paper and the letter is in Annex B.

6. Sir Anthony Parsons made clear to the Secretary-General that the draft agreement represented the furthest that Britain could go in the negotiations. He requested that the Secretary-General should give the draft to the Argentine Deputy Foreign Minister. *The Secretary General did this and asked for a* ~~Government's~~ response within two days. Argentina's first response to the Secretary-General, late on 18 May, was equivocal and contained points known to be unacceptable to the United Kingdom. Early on 19 May, Sir Anthony Parsons pointed this out to the Secretary-General and requested that Argentina's final position should be conveyed within the two day period originally set for a reply to the British draft agreement.

7. [to be completed]

Britain's Fundamental Principles in Negotiations

8. The Government's approach in all the negotiations has been based on important principles, which Ministers have set out repeatedly in Parliament:

- a. International Law. Argentina's unlawful aggression must end and Security Council Resolution 502 must be implemented. Aggression must

not/

must not be rewarded, or small countries across the world would feel threatened by neighbours with territorial ambitions.

Councils

b. Freedom. The Falkland Islanders are used to enjoying free institutions, ^{*The Executive and Legislative*} which were established with their agreement and ~~which~~ functioned with their participation. Britain insisted that any ^{*Interim*} agreement ^{*Administration in*} ~~to end~~ the Falkland Islands ~~crisis~~ must involve democratically elected representatives of the Falkland Islanders, and ~~the continued existence of the Legislative and Executive Councils~~, so as to enable the ^{*latter*} Falkland Islanders to continue to participate in the administration of their affairs and ^{*ensure that they could*} to express freely their wishes about the future of the Islands, in accordance with the principle of self-determination.

c. Sovereignty. Britain has no doubt of her sovereignty over the Falkland Islands, having administered them peacefully since 1833. Nevertheless, successive British governments have been willing, without prejudice, to include the question of sovereignty in negotiations with Argentina about the future of the Falkland Islands. In the recent negotiations, the Government have been willing that an interim agreement should provide for new negotiations about the future of the Islands,

/which

which likewise could discuss sovereignty in good faith, so long as there was no prejudgement as to the outcome of negotiations. Although Argentina seemed, at one point in the United Nations Secretary-General's negotiations, to ^{be} ~~have~~ ^{ing} accepted a formula about ^t ~~not~~ pre-judging the outcome of future negotiations, she continued to insist on other provisions running counter to this, thus casting grave doubt on the seriousness of this acceptance. This doubt was reinforced by ^{repeated} ~~a~~ number ^{of} ~~of~~ ^{public} ~~of~~ statements ^{by} ~~coming from~~ Argentine leaders.

9. Britain upheld these principles in the draft agreement which we presented on 17 May to the United Nations Secretary-General:

- the agreement provided for complete Argentine withdrawal from the Falkland Islands within 14 days, thus terminating the aggression and upholding international law.
- It provided that the Legislative and Executive Councils representing the Falkland Islanders would continue in existence and be consulted by the UN interim Administrator, thus maintaining the democratic structure of the Administration.
- It provided explicitly that the outcome of negotiations about the future of the Islands was not prejudged, thus safeguarding the British position on sovereignty. ~~Britain, in participating in those negotiations, would have been guided by the wishes of the Islanders,~~

10 In the Secretary-General's negotiations, Britain has insisted that the Falkland Islands Dependencies should not be covered by an interim agreement to end the crisis. South Georgia and the South Sandwich Islands are geographically distant from the Falkland Islands themselves. They have no settled population. The British title to them, of which the Government have no doubt, does not derive from the Falkland Islands, and these territories have been treated as Dependencies of the Falkland Islands only for reasons of administrative convenience.

(12) Throughout the negotiations, Britain has been firm on the essential principles but willing to negotiate on matters where these principles were not breached. In particular:

a. In return for Argentine withdrawal from the

/Falkland

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15.4

Falkland Islands, Britain was willing (Article 2(3)) to withdraw her Task Force to a distance of 150 nautical miles. She was also willing to have international verification (Article 6(4)) of the mutual withdrawal, in which the United Nations might have made use of surveillance aircraft from third countries.

- b. Britain was willing that the exclusion zones (Article 3) declared by herself and Argentina, and the economic ^{measures} ~~sanctions~~ (Article 5) introduced during the present crisis, should be lifted from the moment of ceasefire, although these actions would give more comfort to Argentina than to Britain.
- c. Britain was prepared to accept the appointment of a UN Administrator (Article 6(3)) to administer the Government of the Falkland Islands. Britain wanted him to discharge his functions in consultation with the representative institutions in the Islands - the Legislative and Executive Councils - which have been developed in accordance with the terms of Article 73 of the UN Charter. (This makes clear that the interests of the inhabitants of non-self-governing territories are paramount and refers to the need to take due account of the political aspirations of the peoples.) It is inconceivable that Britain, or any other democratic /country,

country, could accept that her people should be deprived of their democratic rights. Britain was nevertheless willing to accept that one representative from the Argentine population of the Islands (some 30 people out of 1800) should be added to each of the Councils, ~~so that there would have been 7 members of the Executive Council and 9 of the Legislative Council, one member of each being from the Argentine population.~~ Additionally, Britain was willing to accept the presence of up to 3 Argentine observers on the Islands in the interim period.

- d. Britain was willing (Article 7) to agree to re-establishment of communications, travel, transport, postage etc, between the Falkland Islands and the Argentine mainland, on the basis existing before the invasion.
- e. Britain was willing to enter into negotiations (Article 8) under the auspices of the UN Secretary-General for a peaceful settlement of the dispute with Argentina about the Falkland Islands and to seek the completion of these negotiations by the target date of 31 December 1982. Our position was that no outcome to the negotiations should be either excluded or predetermined.

13 Argentina for her part tried in the negotiations to argue that British naval forces should return to their

/usual

usual operating areas, no doubt in the hope of being able to invade the Falkland Islands without opposition at some future time. Argentina also resisted language (end of Article 6(3)) about the UN Administrator exercising his powers in conformity with the laws and practices traditionally observed in the Islands. It was evident that the purpose of this opposition was to change the nature of Falklands society and its demographic make-up, and thus prejudice the future. Argentina also resisted the provision in the British draft agreement (beginning of Article 9) which would have ensured that the interim arrangements should stay in place until a definitive agreement about the future of the Islands could be implemented. Argentina's evident hope in this was that, if no definitive agreement had been reached by the target date of 31 December 1982, the interim administration would cease to exist and a vacuum be created which Argentina could fill. This meant that Argentina's acceptance of language about not prejudging the outcome of negotiations about the future of the Islands (Article 8) was placed in question, not only by continued public statements by Argentine leaders that the only possible outcome was Argentine sovereignty, but also by the position her representatives were actually taking in the negotiations.

ⁱ³
~~The~~ The present crisis was brought about by Argentina's unlawful act of aggression. In their subsequent attitude the Argentine government showed that they had no respect either for democratic principles nor for the rule of law. Britain stands firmly for both.

20 May 1982

24

NYFO007/19

ZZ F C O

GR 200

SECRET

FM UKMIS NEW YORK 191659Z MAY 82
TO FLASH F C O
TELEGRAM NUMBER 783 OF 19 MAY 1982
INFO IMMEDIATE WASHINGTON.

YOUR TELNO 431: FALKLANDS.

1. AT 1530Z THE SECRETARIAT GAVE US THEIR TRANSLATION OF LAST NIGHT'S ARGENTINE PAPER (TEXT IN MY IFT). THIS IS EVEN WORSE THAN PEREZ DE CUELLAR AND DE SOTO LED ME TO BELIEVE LAST NIGHT. IN PARTICULAR:

(A) THE PREVIOUSLY AGREED LANGUAGE ON NON-PREJUDGEMENT HAS BEEN OMITTED:

(B) THERE IS NO REFERENCE TO THE COUNCILS AS SUCH, BUT ONLY TO 'PERSONS WHO ARE MEMBERS OF THE POPULATION OF BRITISH ORIGIN', WHO ARE TO BE APPOINTED AS ADVISERS IN EQUAL NUMBERS WITH ARGENTINE RESIDENTS IN THE ISLANDS.

(C) THE PROVISIONS ON FREEDOM OF MOVEMENT ETC ARE MUCH WORSE THAN DE SOTO INDICATED.

IN SHORT, THE ARGENTINES HAVE REVERTED TO THE NEGOTIATING POSITION THEY OCCUPIED AT THE VERY BEGINNING OF PEREZ DE CUELLAR'S INITIATIVE.

PARSONS



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SUBJECT

cc Mailes

10 DOWNING STREET

*HO
MOD
Chancellor of Duchy*

From the Private Secretary

19 May 1982 *Co*

FALKLAND ISLANDS: UN NEGOTIATIONS

On Sir Anthony Parsons' recommendation, conveyed to me by Antony Acland tonight, the Prime Minister rang the UN Secretary General at 1035 p.m.

Mr. Perez de Cuellar said that a most dangerous point had been reached. He was appreciative of the concessions made by the United Kingdom during the negotiations but a settlement was not yet in sight. His primary duty as Secretary General was to avoid wars. He must continue his efforts to find agreement. He had just spoken to Galtieri and urged him to make further efforts. He hoped for our continued co-operation and understanding.

The Prime Minister asked what Galtieri's response had been. Mr. Perez de Cuellar said that Galtieri had expressed interest in a peaceful solution and had asked for the Secretary General's views on how this could be brought about. Further comments might be forthcoming from the Argentine Government in the next few hours.

The Prime Minister said that she was very grateful for the Secretary General's efforts but we had put our views very clearly in our draft interim agreement. We had discussed seven sets of proposals with the Argentine Government through mediators and each negotiation had ended in the same way. The Argentinians always said they were flexible but their tactics were to confuse and delay. We had gone as far as we could go. Their response amounted to total rejection of our proposals. They had not moved and would not move. We should have to say publicly tomorrow that their response amounted to rejection.

If Argentina was serious it could either accept our proposals or obey Resolution 502. We felt very strongly that we had done everything possible.

Perez de Cuellar said that the Argentinians claimed that their document was not final. The Prime Minister replied that we would never get a final document from them. Mr. Perez de Cuellar said that he would convey to Sir Anthony Parsons any further reaction he received from Galtieri. The Prime Minister said that the Secretary General must do as he thought fit. But we should have to make our statement tomorrow. If the Secretary General came up with totally fresh proposals we would of course look at them. But we now had to be firm.

file Kb

CONFIDENTIAL

- 2 -

The Prime Minister concluded by repeating that we were most grateful to Mr. Perez de Cuellar in whom we had great faith. We remembered his very helpful co-operation over Zimbabwe. Mr. Perez de Cuellar said that he was looking forward to seeing the Prime Minister in New York in June.

I am copying this letter to the Private Secretaries to the members of OD(SA).

A. J. COLES

Brian Fall, Esq.,
Foreign and Commonwealth Office.

CONFIDENTIAL

PRIME MINISTER

Situation in New York

Sir Anthony Parsons recommends that you telephone Perez de Cuellar at 6945. De Cuellar is under pressure to keep his negotiating effort alive. As you know, Costa Mendez suggested to him that he should send emissaries to London and Buenos Aires but Parsons has killed that idea.

Costa Mendez also suggested that de Cuellar should speak to Galtieri who, he says, is prepared to be flexible. De Cuellar will telephone Galtieri at about 9 o'clock our time.

There is an informal meeting of the Security Council at about 1015.

Parsons thinks it would help Perez de Cuellar to control the situation if he could say that he had spoken to both Heads of Government. He suggests that you take the line that the Argentines have a simple alternative - either to accept our proposal or to implement UN Security Council Resolution 502. They have been intransigent for six weeks and it is simply not possible for us to continue negotiating with such people.

(I should add that Parsons has been through the Argentine reply with the Secretary General and has asked him to convey to the Argentines that it is wholly unacceptable and that we have no choice but to terminate the negotiations.)

/I think

I think we ought to obtain confirmation that de Cuellar actually has spoken to Galtieri but, subject to that, would you be willing to leave the dinner party to make this telephone call at 0945?

The point is to speak to de Cuellar after he has spoken to Galtieri but before the informal meeting of the Security Council at 10.15.

19 May 1982

A. J. C.

WM come out
to telephone
ms

FALKLANDS SELECTIVE ADVANCES (38)

[PLEASE RETURN COPY TO TYPISTS]

19A

PS/MR HURD
PS/MR ONSLOW
PS/PUS
MR BULLARD
SIR I SINCLAIR
MR GIFFARD
MR WRIGHT
MR GILLMORE
MR URE
MR BARRETT
HS/S AM D
HD/DEF D
HD/PLANNING STAFF
HD/UND
HD/NEWS D
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EMERGENCY ROOM
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IMMEDIATE

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PS/HOME SECRETARY

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PS/ATTORNEY GENERAL

PS/CHANCELLOR DUCHY OF LANCASTER

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PS/SIR M PALLISER)

PS/SIR A DUFF)

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MR O'NEILL HD ASSESS-)
MENTS STAFF)

DIO

MR J M STEWART AUSD STAFF MOD

ADMIRAL SIR ROY HALLIDAY DGI MOD

DIRECTOR G.C.H.Q. (via Room 8)

GR 450

SECRET

FM WASHINGTON 182050Z MAY 82

TO IMMEDIATE FCO

TELEGRAM NUMBER 1803 OF 18 MAY 1982

INFO IMMEDIATE UKMIS NEW YORK

MY TELEGRAM NO 1796: FALKLANDS

1. I SAW JUDGE CLARK THIS AFTERNOON AND TOLD HIM WHERE WE STOOD ON THE NEGOTIATIONS. HE SAID THAT MRS KIRKPATRICK WAS TRYING TO REACH HIM URGENTLY. HE UNDERSTOOD SHE HAD SOME SUGGESTION TO MAKE AND IMPLIED THAT IT MIGHT BE FOR SOME LAST-MINUTE NEGOTIATING INITIATIVE BY THE PRESIDENT.

2. I TOLD CLARK THAT WE HAD GONE DOWN THE NEGOTIATING ROAD FOR 6 AND A HALF WEEKS AND IT WAS EVIDENT THAT THE ARGENTINE LEADERS EITHER WOULD OR COULD NOT ACCEPT A REASONABLE SETTLEMENT. WE WERE NOW MOVING ON FROM THAT AND THERE WOULD BE NO POINT IN A US NEGOTIATING INITIATIVE AT THIS STAGE. LATER, AFTER THE DEVELOPMENT OF THE MILITARY SITUATION SOME US ROLE MIGHT BE USEFUL. BUT WE COULD NOT JUDGE THAT NOW. MEANWHILE, IF JEANE KIRKPATRICK

DEVELOPMENT OF THE MILITARY SITUATION SOME US ROLE MIGHT BE USEFUL. BUT WE COULD NOT JUDGE THAT NOW. MEANWHILE, IF JEANE KIRKPATRICK PUT FORWARD TO HIM SOME PROPOSAL FOR A PRESIDENTIAL MOVE NOW, OR A MOVE BY THE US GOVERNMENT IN SOME WAY, I ASKED HIM TO BE SURE GET IN TOUCH WITH ME BEFORE DOING ANYTHING. MRS KIRKPATRICK'S INTERVENTION LAST WEEK, WHEN SHE HAD SUGGESTED TO THE WHITE HOUSE THAT THE ARGENTINES HAD MADE A MAJOR CONCESSION AND IT NOW ONLY DEPENDED ON A SMALL MOVE BY THE BRITISH, HAD LED THE PRESIDENT TO MISREAD THE SITUATION.

3. CLARK SAID THAT HAIG DID NOT LIKE MRS KIRKPATRICK'S INVOLVEMENT, BUT NEVERTHELESS AS SHE WAS THE US AMBASSADOR TO THE UN, SHE HAD TO BE LISTENED TO. I REPEATED THE INAPPROPRIATENESS OF YET A FURTHER US NEGOTIATING INITIATIVE AT THE PRESENT JUNCTURE AND CLARK SAID THAT HE ACCEPTED THAT.

4. WE THEN DISCUSSED THE MILITARY SITUATION AND, IN THE LIGHT OF THE BRIEFING I HAD HAD IN LONDON, I WAS ABLE TO REASSURE CLARK ON THE SUBJECTS ABOUT WHICH HE HAD EXPRESSED SOME DOUBTS WHEN I HAD SEEN HIM LAST WEEK. HE SAID THAT HE HAD NO DOUBT ABOUT OUR MILITARY SUPERIORITY OR ABOUT OUR WILL. THE PROBLEM WAS ONE OF CASUALTIES, TO WHICH I SAID THAT FEELING IN BRITAIN HAD IF ANYTHING BECOME FIRMER, RATHER THAN THE OPPOSITE.

5. AFTER WE HAD HAD SOME DISCUSSION ABOUT THE POSSIBILITY OF A RESORT BY SOME COUNTRIES TO THE SECURITY COUNCIL IN THE EVENT OF INTENSIFIED MILITARY ACTION, CLARK SAID THAT WE COULD RELY ON US SUPPORT. HE REPEATED WHAT HE HAD SAID TO ME BEFORE THAT I MUST REST ASSURED THAT THERE WAS NO DOUBT WHERE THE PRESIDENT'S SYMPATHIES AND SUPPORT LAY.

6. CLARK WAS WORKING ON THE DRAFT TEXT OF THE PRESIDENT'S SPEECH TO PARLIAMENT. THIS GAVE ME THE OPPORTUNITY TO SAY HOW CLOSELY ANY WORDS HE UTTERED BETWEEN NOW AND HIS EUROPEAN VISIT RELATING TO THE FALKLAND ISLANDS WOULD BE LISTENED TO IN THE UK.

HENDERSON

NNNN



SECRET

Foreign and Commonwealth Office

London SW1A 2AH

19

19 May 1982

A.J.C. 5/15

h.a.

Dear John,

Falkland Islands: Interim Agreement

The UK Mission in New York informed us on 18 May (UKMIS New York telno 770) of certain changes which were made to the text of the draft Interim Agreement handed to the UN Secretary-General on 17 May. These changes have been incorporated in the text of the Interim Agreement which has been prepared for laying before Parliament. I enclose a fair copy, to which are annexed the texts of Article 73 of the United Nations Charter and of Sir A Parson's letter of 17 May to the UN Secretary-General (on the exclusion of the Dependencies).

I am sending a copy of this letter and its enclosure to the Private Secretaries of other members of OD(SA), the Attorney General and Sir Robert Armstrong, and to Sir Michael Palliser.

Yours ever

(J E Holmes)
Private Secretary

A J Coles Esq
10 Downing Street

SECRET

FALKLAND ISLANDS: PROPOSED INTERIM AGREEMENT

The Government of the Republic of Argentina and the Government of the United Kingdom of Great Britain and Northern Ireland,

Responding to Security Council Resolution 502 (1982) adopted on 3 April 1982 under Article 40 of the Charter of the United Nations,

Having entered into negotiations through the good offices of the Secretary-General of the United Nations for an Interim Agreement concerning the Falkland Islands (Islas Malvinas), hereinafter referred to as 'the Islands',

Having in mind the obligations with regard to non-self-governing territories set out in Article 73 of the Charter of the United Nations, the text of which is annexed hereto,

Have agreed on the following:

Article 1

(1) No provision of this Interim Agreement shall in any way prejudice the rights, claims and positions of either Party in the ultimate peaceful settlement of their dispute over the Islands.

(2) No acts or activities taking place whilst this Interim Agreement is in force shall constitute a basis for asserting, supporting or denying a claim to territorial sovereignty over the Islands or create any rights of sovereignty over them.

Article 2

(1) With effect from a specified time, 24 hours after signature of this Agreement (hereinafter referred to as Time 'T'), each Party undertakes to cease and thereafter to refrain from all firing and other hostile actions.

(2) Argentina undertakes:

(a) to commence withdrawal of its armed forces from the Islands with effect from Time 'T';

(b) to withdraw half of its armed forces to at least 150

/nautical

nautical miles away from any point in the Islands by Time 'T' plus 7 days; and.

(c) to complete its withdrawal to at least 150 nautical miles away by Time 'T' plus 14 days.

(3) The United Kingdom undertakes:

(a) to commence withdrawal of its armed forces from the Islands with effect from Time 'T';

(b) to withdraw half of its armed forces to at least 150 nautical miles away from any point in the Islands by Time 'T' plus 7 days; and.

(c) to complete its withdrawal to at least 150 nautical miles away by Time 'T' plus 14 days.

Article 3

With effect from Time 'T', each Party undertakes to lift the exclusion zones, warnings and similar measures which have been imposed.

Article 4

On the completion of the steps for withdrawal specified in Article 2, each Party undertakes to refrain from reintroducing any armed forces into the Islands or within 150 nautical miles thereof.

Article 5

Each Party undertakes to lift with effect from Time 'T' the economic measures it has taken against the other and to seek the lifting of similar measures taken by third parties.

Article 6

(1) Immediately after the signature of the present Agreement, Argentina and the United Kingdom shall jointly sponsor a draft Resolution in the United Nations under the terms of which the Security Council would take note of the present Agreement, acknowledge the role conferred upon the Secretary-General of the United Nations therein, and authorize him to carry out the tasks entrusted to him therein.

(2) Immediately after the adoption of the Resolution referred to in paragraph (1) of this Article, a United Nations Administrator, being a person acceptable to Argentina and the United Kingdom, shall be appointed by the Secretary-General and will be the officer administering the Government of the Islands.

(3) The United Nations Administrator shall have the authority under the direction of the Secretary-General to ensure the continuing administration of the government of the Islands. He shall discharge his functions in consultation with the representative institutions in the Islands which have been developed in accordance with the terms of Article 73 of the Charter of the United Nations, with the exception that one representative from the Argentine population normally resident on the Islands shall be appointed by the Administrator to each of the two institutions. The Administrator shall exercise his powers in accordance with the terms of this Agreement and in conformity with the laws and practices traditionally obtaining in the Islands.

(4) The United Nations Administrator shall verify the withdrawal of all armed forces from the Islands, and shall devise an effective method of ensuring their non-reintroduction.

(5) The United Nations Administrator shall have such staff as may be agreed by Argentina and the United Kingdom to be necessary for the performance of his functions under this Agreement.

(6) Each Party may have no more than three observers in the Islands.

Article 7

Except as may be otherwise agreed between them, the Parties shall, during the currency of this Agreement, reactivate the Exchange of Notes of 5 August 1971, together with the Joint Statement on Communications between the Islands and the Argentine mainland referred to therein. The Parties shall accordingly take appropriate steps to establish a special consultative committee to carry out the functions entrusted to the Special Consultative Committee referred to in the Joint Statement.

/Article 8

Article 8

The Parties undertake to enter into negotiations in good faith under the auspices of the Secretary-General of the United Nations for the peaceful settlement of their dispute and to seek, with a sense of urgency, the completion of these negotiations by 31 December 1982. These negotiations shall be initiated without prejudice to the rights, claims or positions of the Parties and without prejudgement of the outcome.

Article 9

This Interim Agreement shall enter into force on signature and shall remain in force until a definitive Agreement about the future of the Islands has been reached and implemented by the Parties. The Secretary-General will immediately communicate its text to the Security Council and register it in accordance with Article 102 of the Charter of the United Nations.

Done in
in the English and Spanish languages, in a single copy.

For the Republic of Argentina

For the United Kingdom of
Great Britain and Northern
Ireland

ARTICLE 73 OF THE UNITED NATIONS CHARTER.

Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories, and, to this end:

- a. to ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses;
- b. to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement;
- c. to further international peace and security;
- d. to promote constructive measures of development, to encourage research, and to co-operate with one another and, when and where appropriate, with specialized international bodies with a view to the practical achievement of the social, economic, and scientific purposes set forth in this Article; and
- e. to transmit regularly to the Secretary-General for information purposes, subject to such limitation as security and constitutional considerations may require, statistical and other information of a technical nature relating to economic, social, and educational conditions in the territories for which they are respectively responsible other than those territories to which Chapters XII and XIII apply.

TEXT OF LETTER DATED 17 MAY 1982 FROM THE UNITED KINGDOM
PERMANENT REPRESENTATIVE TO THE UNITED NATIONS TO THE
SECRETARY-GENERAL OF THE UNITED NATIONS

You will note from the text of the Interim Agreement which I have given you on behalf of the United Kingdom that it concerns "the Falkland Islands (Islas Malvinas) hereinafter referred to as 'the Islands' ".

I wish to confirm the understanding of the British Government that this description excludes the Dependencies. I should be grateful if you would be good enough to acknowledge receipt of this letter and its terms.

SECRET

FM UKMIS NEW YORK 191632Z MAY 82
TO FLASH F C O
TELEGRAM NUMBER 784 OF 19 MAY 1982
INFO IMMEDIATE WASHINGTON.

4

18b

M I P T

FOLLOWING IS TEXT OF SECRETARIAT'S UNOFFICIAL TRANSLATION OF
THE ARGENTINE PAPER HANDED TO US BY DE SOTO THIS MORNING.

PREAMBLE

THE GOVERNMENT OF THE ARGENTINE REPUBLIC AND THE GOVERNMENT
OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,
HEREINAFTER REFERRED TO AS "THE PARTIES",

IN RESPONSE TO THE PROVISIONS OF SECURITY COUNCIL RESOLUTION
502 (1982) OF 3 APRIL 1982, AND TAKING INTO ACCOUNT THE
CHARTER OF THE UNITED NATIONS, RESOLUTION 1514 (XV), 2065 (XX)
AND OTHER RESOLUTIONS OF THE GENERAL ASSEMBLY ON THE QUESTION
OF THE MALVINAS (FALKLAND) ISLANDS, HAVE ACCEPTED, IN ACCORDANCE
WITH ARTICLE 40 OF THE CHARTER OF THE UNITED NATIONS, THE
ASSISTANCE OF THE SECRETARY-GENERAL OF THE UNITED NATIONS AND
HAVE ENGAGED IN NEGOTIATIONS AND ARRIVED AT THE FOLLOWING
PROVISIONAL AGREEMENT RELATING TO THE MALVINAS, SOUTH GEORGIA
AND SOUTH SANDWICH ISLANDS, HEREINAFTER REFERRED TO AS "THE
ISLANDS" FOR THE PURPOSES OF THIS AGREEMENT.

I. 1. THE GEOGRAPHICAL SCOPE OF THE AREA WITHIN WHICH
THE WITHDRAWAL OF TROOPS IS TO BE CARRIED OUT SHALL COMPRISE
THE MALVINAS, SOUTH GEORGIA AND SOUTH SANDWICH ISLANDS.

2. THE WITHDRAWAL OF THE FORCES OF BOTH PARTIES SHALL
BE GRADUAL AND SIMULTANEOUS. WITHIN A MAXIMUM PERIOD OF
THIRTY DAYS, ALL ARMED FORCES SHALL BE IN THEIR NORMAL BASES
AND AREAS OF OPERATION.

II. WITH EFFECT FROM THE SIGNATURE OF THIS AGREEMENT, EACH
PARTY SHALL CEASE TO APPLY THE ECONOMIC MEASURES WHICH IT
HAS ADOPTED AGAINST THE OTHER AND THE UNITED KINGDOM SHALL
CALL FOR THE SAME ACTION BY THOSE COUNTRIES OR GROUPS OF
COUNTRIES WHICH, AT ITS REQUEST, ADOPTED SIMILAR MEASURES.

1. SUPERVISION OF THE WITHDRAWAL OF THE FORCES OF BOTH COUNTRIES SHALL BE CARRIED OUT BY SPECIALIZED PERSONNEL OF THE UNITED NATIONS, WHOSE COMPOSITION SHALL BE AGREED WITH THE PARTIES.

III. 2. THE INTERIM ADMINISTRATION OF THE ISLANDS WHILE THE NEGOTIATIONS FOR FINAL SETTLEMENT OF THE DISPUTE ARE IN PROGRESS SHALL CONFORM TO THE FOLLOWING PROVISIONS:

A) THE ADMINISTRATION SHALL BE EXCLUSIVELY THE RESPONSIBILITY OF THE UNITED NATIONS WITH AN APPROPRIATE PRESENCE OF OBSERVERS OF THE PARTIES.

B) THE SAID ADMINISTRATION SHALL PERFORM ALL FUNCTIONS (EXECUTIVE, LEGISLATIVE, JUDICIAL AND SECURITY) THROUGH OFFICIALS OF DIFFERENT NATIONALITY FROM THAT OF THE PARTIES.

C) NOTWITHSTANDING THE PROVISIONS OF 2 (A) AND (B), AND IN ORDER NOT TO CAUSE UNNECESSARY CHANGES IN THE WAY OF LIFE OF THE POPULATION DURING THE PERIOD OF THE INTERIM ADMINISTRATION BY THE UNITED NATIONS, LOCAL JUDICIAL FUNCTIONS MAY BE EXERCISED IN ACCORDANCE WITH THE LEGISLATION IN FORCE ON 1 APRIL 1982 TO THE FULL EXTENT COMPATIBLE WITH THIS AGREEMENT.

SIMILARLY, THE UNITED NATIONS INTERIM ADMINISTRATION MAY APPOINT AS ADVISERS PERSONS WHO ARE MEMBERS OF THE POPULATION OF BRITISH ORIGIN AND ARGENTINES RESIDENT IN THE ISLANDS, IN EQUAL NUMBERS.

D) THE FLAGS OF THE PARTIES SHALL FLY TOGETHER WITH THAT OF THE UNITED NATIONS.

E) DURING THE PERIOD OF INTERIM ADMINISTRATION, COMMUNICATIONS SHALL BE KEPT OPEN, WITHOUT DISCRIMINATORY RESTRICTIONS OF ANY KIND FOR THE PARTIES, INCLUDING FREEDOM OF MOVEMENT AND EQUALITY OF ACCESS WITH RESPECT TO RESIDENCE, WORK AND PROPERTY.

F) FREEDOM OF COMMUNICATION SHALL ALSO INCLUDE THE MAINTENANCE OF FREEDOM OF TRANSIT FOR THE STATE AIRLINE (LADE) AND FOR MERCHANT SHIPS AND SCIENTIFIC VESSELS; IN ADDITION, TELEPHONE, TELEGRAPH AND TELEX COMMUNICATIONS, ARGENTINE TELEVISION TRANSMISSIONS AND THE STATE PETROLEUM (YPF) AND GAS SERVICES SHALL CONTINUE TO OPERATE FREELY.

IV. THE CUSTOMS, TRADITIONS AND WAY OF LIFE OF THE INHABITANTS OF THE ISLANDS, AND THEIR SOCIAL AND CULTURAL LINKS WITH THEIR COUNTRIES OF ORIGIN, SHALL BE RESPECTED AND SAFEGUARDED.

PARTIES UNDERTAKE TO ENTER IMMEDIATELY INTO
NEGOTIATIONS IN GOOD FAITH UNDER THE AUSPICES OF THE
SECRETARY-GENERAL OF THE UNITED NATIONS FOR THE PEACEFUL
AND FINAL SETTLEMENT OF THE DISPUTE AND, WITH A SENSE OF
URGENCY, TO COMPLETE THESE NEGOTIATIONS BY 31 DECEMBER 1982,
WITH A SINGLE OPTION TO EXTEND UNTIL 30 JUNE 1983, IN ORDER
TO COMPLY WITH THE CHARTER OF THE UNITED NATIONS, RESOLUTIONS
1514 (XV), 2065 (XX) AND OTHER RELEVANT RESOLUTIONS OF THE
GENERAL ASSEMBLY ON THE QUESTION OF THE MALVINAS ISLANDS.
THESE NEGOTIATIONS SHALL BE INITIATED WITHOUT PREJUDICE TO
THE RIGHTS AND CLAIMS OR POSITIONS OF THE TWO PARTIES AND
IN RECOGNITION OF THE FACT THAT THEY HAVE DIVERGENT POSITIONS
ON THE QUESTION OF THE MALVINAS, SOUTH GEORGIA AND SOUTH
SANDWICH ISLANDS.

2. THE NEGOTIATIONS SHALL BE HELD IN NEW YORK.

3. THE SECRETARY-GENERAL OF THE UNITED NATIONS MAY BE
ASSISTED IN THE NEGOTIATIONS BY A CONTACT GROUP COMPOSED OF
REPRESENTATIVES OF FOUR STATES MEMBERS OF THE UNITED NATIONS.

TO THAT END, EACH PARTY SHALL NOMINATE TWO STATES
AND SHALL HAVE THE RIGHT TO A SINGLE VETO OF ONE OF THE STATES
NOMINATED BY THE OTHER.

4. THE SECRETARY-GENERAL OF THE UNITED NATIONS SHALL
KEEP THE SECURITY COUNCIL ASSIDUOUSLY INFORMED OF THE PROGRESS
OF THE NEGOTIATIONS.

VI. IF THE PERIOD SPECIFIED IN POINT V (1) ABOVE EXPIRES
WITHOUT THE ATTAINMENT OF A FINAL AGREEMENT, THE SECRETARY-
GENERAL SHALL DRAW UP A REPORT ADDRESSED TO THE GENERAL
ASSEMBLY OF THE UNITED NATIONS, IN ORDER THAT THE LATTER
MAY DETERMINE, AS APPROPRIATE AND WITH THE GREATEST URGENCY,
THE LINES TO WHICH THE SAID FINAL AGREEMENT SHOULD CONFORM
IN ORDER TO ACHIEVE A SPEEDY SETTLEMENT OF THE QUESTION.

PARSONS

NNNN

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NYFO007/19

ZZ F C O

mf

GR 200

SECRET

FM UKMIS NEW YORK 191659Z MAY 82
TO FLASH F C O
TELEGRAM NUMBER 783 OF 19 MAY 1982
INFO IMMEDIATE WASHINGTON.

YOUR TELNO 431: FALKLANDS.

1. AT 1530Z THE SECRETARIAT GAVE US THEIR TRANSLATION OF LAST NIGHT'S ARGENTINE PAPER (TEXT IN MY IFT). THIS IS EVEN WORSE THAN PEREZ DE CUELLAR AND DE SOTO LED ME TO

BELIEVE LAST

NIGHT. IN PARTICULAR:

(A) THE PREVIOUSLY AGREED LANGUAGE ON NON-PREJUDGEMENT HAS BEEN OMITTED: →

(B) THERE IS NO REFERENCE TO THE COUNCILS AS SUCH, BUT ONLY TO "PERSONS WHO ARE MEMBERS OF THE POPULATION OF BRITISH ORIGIN", WHO ARE TO BE APPOINTED AS ADVISERS IN EQUAL NUMBERS WITH ARGENTINE RESIDENTS IN THE ISLANDS.

(C) THE PROVISIONS ON FREEDOM OF MOVEMENT ETC ARE MUCH WORSE THAN DE SOTO INDICATED.

IN SHORT, THE ARGENTINES HAVE REVERTED TO THE NEGOTIATING POSITION THEY OCCUPIED AT THE VERY BEGINNING OF PEREZ DE CUELLAR'S INITIATIVE.

PARSONS

ADVANCE COPY PS/NO 10 DOWNING STREET (2 copies)

PS/MR HURD
 PS/MR ONSLOW
 PS/PUS
 MR BULLARD
 SIR I SINCLAIR
 MR GIFFARD
 MR WRIGHT
 MR GILLMORE
 MR URE
 MR BARRETT
 HS/S AM D
 HD/DEF D
 HD/PLANNING STAFF
 HD/UND
 HD/NEWS D
 HD/ERD
 HD/ECD(E)
 HD/PUSD
~~EMERGENCY ROOM~~
~~RESIDENT CLERK~~

ps/Ld Belstead 1

FLASH

PS/S OF S DEFENCE
 PS/HOME SECRETARY
 PS/HOME SECRETARY (c/o NO 10 DSt)
 PS/ATTORNEY GENERAL
 PS/CHANCELLOR DUCHY OF LANCASTER
 PS/SIR R ARMSTRONG)
 PS/SIR M PALLISER,)
 PS/SIR A DUFF) CABINET
 MR WADE-GERY)
 MR FULLER) OFFICE
 MR O'NEILL HD ASSESS-)
 MR COLVIN)
 DIO)
 MR J M STEWART AUSD STAFF MOD
 ADMIRAL SIR ROY HALLIDAY DGI MOD
 DIRECTOR G.C.H.Q. (via Room 8).

SECRET

FM UKMIS NEW YORK 190515Z MAY 82
 TO FLASH FCO
 TELEGRAM NUMBER 781 OF 19 MAY,
 INFO IMMEDIATE WASHINGTON.

MIPT: FALKLANDS.

1. I REGARD THIS AS A CRUDE ATTEMPT BY THE ARGENTINES EITHER TO GAIN MORE TIME OR TO WRONG FOOT US OVER BREAKING OFF THE NEGOTIATIONS, OR BOTH. WE WILL NOT BE ABLE TO AVOID THE LATTER CHARGE - THAT WE BROKE OFF THE NEGOTIATIONS. WE ARE IN A HURRY AND THE ARGENTINES ARE NOT: THEREFORE THEY CAN CONTINUE TO CLAIM THAT THEY WOULD HAVE BEEN READY TO GO ON IF WE HAD NOT INSISTED ON A DEADLINE. BUT THIS WILL BE A MINOR PROBLEM WHEN IT COMES TO THE OPEN PROCEEDINGS IN THE SECURITY COUNCIL.

2. PEREZ DE CUELLAR WAS OBVIOUSLY EXTREMELY UPSET BY THE OUTCOME. TO HIS CREDIT, HE MADE NO ATTEMPT TO ARGUE THAT THE ARGENTINE RESPONSE COULD FORM A BASIS FOR NEGOTIATIONS. HE SAID BITTERLY THAT THIS FAILURE WOULD AFFECT HIS REPUTATION WHEN IT CAME TO DEALING WITH OTHER IMPORTANT PROBLEMS. I EXPRESSED MY SYMPATHY

DEALING WITH OTHER IMPORTANT PROBLEMS. I EXPRESSED MY SYMPATHY AND MY WARM REGARD FOR THE HEROIC EFFORTS HE HAD MADE (IT WOULD BE HELPFUL, WITH AN EYE TO THE FUTURE, IF YOU COULD SAY SOME NICE THINGS ABOUT HIM IN THE DEBATE IN THE HOUSE OF COMMONS ON 20 MAY).

3. TWO PROBLEMS REMAIN:

(I) TIMING. I AM IN NO HURRY TO GET TO THE SECURITY COUNCIL, AND I UNDERSTAND FROM THE PUS THAT IT WOULD BE HELPFUL IF WE COULD TRY TO AVOID THE FIRST ROUND IN THE COUNCIL COMING TO A HEAD WHILE THE HOUSE OF COMMONS DEBATE IS GOING ON. I SUGGEST THEREFORE THAT I SHOULD GIVE PEREZ DE CUELLAR A PRELIMINARY NEGATIVE REACTION THIS MORNING (19 MAY) AND TELL HIM THAT I WILL BE GIVING HIM YOUR FORMAL REACTION WHEN YOU HAVE HAD AN OPPORTUNITY TO STUDY THE TEXT OF THE ARGENTINE PAPER I.E. PROBABLY IN THE AFTERNOON. HE WOULD THEN PRESUMABLY SEE ROS AND PASS OUR RESPONSE TO HIM BEFORE REPORTING TO THE PRESIDENT OF THE SECURITY COUNCIL. THERE IS A RISK THAT THE PRESIDENT WOULD CALL INFORMAL CONSULTATIONS THE SAME EVENING AND THAT THERE MIGHT BE AN IMMEDIATE MOVE TO A FORMAL COUNCIL MEETING. I CANNOT INSURE AGAINST THIS BUT, IF WE LAUGH THE MAIN ACTION IN THE AFTERNOON, THERE IS AT LEAST A POSSIBILITY THAT WE MAY BE ABLE TO KEEP OUT OF THE COUNCIL UNTIL THURSDAY.

(II) WHAT DO WE ASK PEREZ DE CUELLAR TO TELL ROS? WE MUST PUT IT IN SUCH A WAY AS TO PREVENT FURTHER PROCRASTINATION ON THE PART OF THE ARGENTINES, EVEN THOUGH THIS WILL LEAVE US IN THE POSITION OF HAVING TERMINATED THE NEGOTIATIONS. I SUGGEST THAT I SHOULD SAY SOMETHING ON THE FOLLOWING LINES:-

''PLEASE TELL ROS THAT I TRANSMITTED TO YOU ON 17 MAY THE TEXT OF THE FINAL BRITISH POSITION WITH A DEADLINE FOR AN ARGENTINE RESPONSE OF MIDDAY NEW YORK TIME ON 19 MAY. IN PRESENTING YOU WITH THE TEXT I MADE CLEAR THAT WE WOULD REGARD AN EQUIVOCAL RESPONSE FROM ARGENTINA AS TANTAMOUNT TO REJECTION OF OUR TEXT. HMG REGARD THE ARGENTINE RESPONSE AS BEING EXACTLY THAT. WE THEREFORE HAVE NO CHOICE BUT TO REGARD THIS ROUND OF NEGOTIATIONS AS HAVING ENDED''.

4. FINALLY, WHAT DO I SAY TO THE PRESS WHO WILL BE BESIEGING ME THROUGHOUT WEDNESDAY? FROM THE MOMENT THAT I GIVE PEREZ DE CUELLAR OUR FINAL REPLY, I CAN HARDLY SAY THAT THE NEGOTIATIONS ARE STILL CONTINUING. THROUGH THE MORNING, IHUQ

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HOW NOW PSE K

55555 KK

RGRGR FROM PARA 4 AGEN PSE

4. FINALLY, WHAT DO I SAY TO THE PRESS WHO WILL BE ~~BESTEGING~~ ME
 THROUGHOUT WEDNESDAY? FROM THE MOMENT THAT I GIVE PEREZ DE CUELLAR
 OUR FINAL REPLY, I CAN HARDLY SAY THAT THE NEGOTIATIONS ARE STILL
~~CONTINUING~~. THROUGH THE MORNING, I CAN HOLD THE LINE THAT I
 HAVE TRANSMITTED THE LATEST ARGENTINE POSITION TO YOU AND AM
 AWAITING YOUR REACTION. THEREAFTER, I SHALL HAVE TO BE GUIDED
 BY YOU IN THE LIGHT OF WHATEVER NEWS DEPARTMENT HAVE SAID AT THE
 MIDDAY PRESS CONFERENCE AND THE LINE MINISTERS INTEND TO TAKE IN
 THE HOUSE ON 20 MAY.

PARSONS

NNNN

RECD AT 190656Z BTM

ADVANCE COPY

FLASH

17

FALKLANDS SELECTIVE ADVANCES (33)

PS
 PS/MR HURD
 PS/MR ONSLOW
 PS/PUS
 MR BULLARD
 SIR I SINCLAIR
 MR GIFFARD
 MR WRIGHT
 MR GILMORE
 MR URE
 HD/SAMD
 HD/DEF D
 HD/PLANNING STAFF
 HD/UND
 HD/NEWS D
 HD/ERD
 HD/ETD (E)
 HD/PUSD
~~EMERGENCY ROOM~~
~~RESIDENT CLERK~~

PS/No.10 DOWNING STREET (2 Copies)

PS/S of S DEFENCE
 PS/Attorney General
 PS/HOME SECRETARY
 PS/HOME SECRETARY(C/O No.10 D St)
 PS/ATTORNEY GENERAL
 PS/CHANCELLOR DUCHY OF LANCASTER
 PS/SIR R ARMSTRONG)
 PS/SIR M PALLISER)
 MR WADE-GERY) CABINET OFFICE
 MR FULLER)
 MR COLVIN)
 D I O)
 MR J M STEWART AUSD STAFF (MOD)

SECRET

FM UKMIS NEW YORK 190500Z MAY 82
 TO FLASH FCO
 TELEGRAM NUMBER 780 OF 19 MAY,
 INFO IMMEDIATE WASHINGTON.

MY TEL NO 769.

FALKLANDS.

SUMMARY:

1. ROS (ARGENTINA) SAW THE SECRETARY-GENERAL LATE THIS EVENING (18 MAY). PEREZ DE CUELLAR SUMMONED ME IMMEDIATELY AFTERWARDS. HE SAID THAT ROS HAD GIVEN HIM A DOCUMENT CONTAINING ARGENTINE "IDEAS AND VIEWS" TO BRIDGE THE DIFFERENCES BETWEEN US. DE SOTO THEN DESCRIBED THESE. THEY WERE A MIXTURE OF REQUESTS FOR CLARIFICATION, RE-STATEMENT OF KNOWN ARGENTINE POSITIONS AND INTRODUCTION OF NEW POINTS. I UNDERTOOK TO REPORT THESE TO YOU BUT MADE IT CLEAR THAT THEY COULD ONLY BE INTERPRETED AS A REJECTION OF OUR DRAFT AGREEMENT. IT WAS LEFT THAT I WOULD LET PEREZ DE CUELLAR HAVE YOUR FORMAL REACTION THIS MORNING (19 MAY)

INTRODUCTION OF NEW POINTS.
YOU BUT MADE IT CLEAR THAT THEY COULD ONLY BE INTERPRETED AS A
REJECTION OF OUR DRAFT AGREEMENT. IT WAS LEFT THAT I WOULD LET
PEREZ DE CUELLAR HAVE YOUR FORMAL REACTION THIS MORNING (19 MAY)
AND THAT HE AND I WOULD THEN DISCUSS WHAT WOULD HAPPEN HERE
FOLLOWING THE BREAKDOWN OF HIS INITIATIVE.

DETAIL.

2. AFTER REPEATED DELAYS ROS (ARGENTINA) SAW THE SECRETARY-GENERAL AT 190150Z TONIGHT. THE SECRETARY-GENERAL SUMMONED ME IMMEDIATELY AFTERWARDS AT 190315Z. PEREZ DE CUELLAR SAID THAT ROS HAD GIVEN HIM A LONG DOCUMENT IN SPANISH WHICH HE HAD DESCRIBED AS ARGENTINE "IDEAS AND VIEWS IN ORDER TO BRIDGE THE DIFFERENCES BETWEEN THE PARTIES". ROS HAD STRESSED THAT THESE WERE NOT ARGENTINA'S FINAL IDEAS, AND PURPORTED TO BELIEVE THAT OUR DRAFT AGREEMENT HAD NOT REPRESENTED OUR FINAL IDEAS. IN RESPONSE TO MY QUESTION, PEREZ DE CUELLAR CONFIRMED THAT HE HAD (HAD) TOLD ROS YESTERDAY THAT OUR DRAFT REPRESENTED OUR FINAL POSITION.

3. DE SOTO THEN SUMMARISED THE MAIN POINTS OF DIFFERENCE WHICH EMERGED FROM COMPARISON OF OUR DRAFT AGREEMENT AND THE ARGENTINE PAPER. (PEREZ DE CUELLAR DID NOT GIVE A COPY OF THE ARGENTINE PAPER TONIGHT BUT PROMISED ME A TRANSLATION TOMORROW). THEY WERE AS FOLLOWS.

- (A) THE ARGENTINES SAID THAT THEY WERE NOT CLEAR ABOUT WHAT WE MEANT BY "IN CONSULTATION WITH" IN ARTICLE 6(3). DID IT MEAN THAT THE OPINION OF THE COUNCILS WOULD BE BINDING ON THE ADMINISTRATORS OR NOT? IF THE ANSWER WAS NOT, THAT WOULD MAKE IT EASIER FOR THE ARGENTINES TO ACCEPT THE AGREEMENT. I REPLIED THAT THE ARGENTINES MUST KNOW PERFECTLY WELL WHAT WE MEANT: THEY WERE AS FAMILIAR AS I WAS WITH THE SYSTEM OF GOVERNMENT IN THE FALKLANDS.
 - (B) THEY DID NOT LIKE THE REFERENCES TO ARTICLE 73 OF THE CHARTER.
 - (C) THEY WERE PREPARED TO CHANGE THE DATE IN ARTICLE 8 TO 30 JUNE 1983 BUT REQUIRED A PROVISION THAT IF NO AGREEMENT HAD BEEN REACHED BY THEN THE GENERAL ASSEMBLY WOULD INTERVENE IN ORDER TO ESTABLISH GUIDELINES WHICH WOULD BE FOLLOWED BY THE PARTIES THEREAFTER. THEY NEEDED A MECHANISM TO ENSURE THAT THE NEGOTIATIONS DID NOT CONTINUE FOR EVER.
 - (D) THEY WANTED THE DEPENDENCIES INCLUDED.
 - (E) THEY WANTED A REFERENCE TO THE RELEVANT GA RESOLUTIONS IN THE PREAMBLE IF POSSIBLE AND IN ANY CASE IN THE TERMS OF REFERENCE FOR THE NEGOTIATIONS (I.E. ARTICLE 8).
 - (F) THEY SUGGESTED THAT IN THE NEGOTIATIONS THE SECRETARY-GENERAL SHOULD "RESORT TO" A FOUR STATE CONTACT GROUP, TWO STATES BEING NOMINATED BY EACH PARTY, WITH EACH PARTY HAVING THE RIGHT TO VETO ONE OF THE TWO STATES PROPOSED BY THE OTHER.
- GENERAL CLAUSE WHICH

FOR THE NEGOTIATIONS (THE ARGENTINES)
(F) THEY SUGGESTED THAT IN THE NEGOTIATIONS THE SECRETARY-GENERAL SHOULD "RESORT TO" A FOUR STATE CONTACT GROUP, TWO STATES BEING NOMINATED BY EACH PARTY, WITH EACH PARTY HAVING THE RIGHT TO VETO ONE OF THE TWO STATES PROPOSED BY THE OTHER.

(G) ON WITHDRAWAL, THEY PROPOSED A VERY GENERAL CLAUSE WHICH WOULD PROVIDE FOR COMPLETE WITHDRAWAL AND RETURN TO NORMAL AREAS OF OPERATIONS WITHIN 30 DAYS.

(H) THERE WAS ALSO A POINT ABOUT COMMUNICATIONS AND ACCESS TO THE ISLANDS FOR THE NATIONALS OF BOTH PARTIES DURING THE INTERIM PERIOD.

IN RESPONSE TO MY QUESTION DE SOTO SAID THAT THE ARGENTINES HAD NOT SAID ANYTHING ABOUT THE NEED FOR AN EFFECTIVE METHOD TO ENSURE NON-REINTRODUCTION OF FORCES (ARTICLE 6(4)).

4. I SAID THAT I WOULD TRANSMIT ALL THIS TO YOU AND LET PEREZ DE CUELLAR HAVE A FORMAL REACTION THIS MORNING (19 MAY). BUT I COULD SAY STRAIGHT AWAY THAT YOU WOULD CONSIDER THIS ARGENTINE RESPONSE AS COMPLETELY UNSATISFACTORY. IT DID NOT CONSTITUTE A CLEAR REPLY TO OUR DRAFT AGREEMENT. IT CONTAINED MANY POINTS WHICH THE ARGENTINES KNEW THAT WE COULD NOT ACCEPT. AND IT INTRODUCED NEW POINTS WHICH WERE EQUALLY UNACCEPTABLE. YOU WOULD ONLY BE ABLE TO DRAW THE CONCLUSION THAT THE ARGENTINES WERE PLAYING FOR TIME: THEIR RESPONSE WAS A RECIPE FOR DISAGREEMENT AND ENDLESSLY PROTRACTED NEGOTIATIONS. I HAD MADE CLEAR YESTERDAY (17 MAY) THAT ANY SUCH RESPONSE WOULD BE INTERPRETED BY HMG AS REJECTION OF OUR PROPOSALS.

5. PEREZ DE CUELLAR DID NOT DISGUISE HIS DEEP DISAPPOINTMENT AT THE ARGENTINE REPLY. HE SAID THAT HE HAD TOLD ROS THAT HE WAS INTRODUCING NEW ELEMENTS AND TRYING TO START A NEW NEGOTIATING PROCESS. HE HAD REPEATED THAT FOR THE UK AND FOR HIM HIMSELF, WEDNESDAY WAS THE DECISIVE DAY. ROS HAD MERELY REPEATED THAT THE ARGENTINE PAPER WAS NOT THEIR FINAL POSITION.

6. WE HAD A LITTLE DISCUSSION ABOUT WHAT WOULD HAPPEN NEXT. AT ONE POINT, I SAID THAT IT SEEMED TO ME THAT THE NATURE OF THE ARGENTINE RESPONSE WOULD MAKE IT VERY DIFFICULT FOR THE SECRETARY-GENERAL TO INTRODUCE PROPOSALS OF HIS OWN. THE GAP WAS TOO WIDE TO BRIDGE. PEREZ DE CUELLAR DID NOT REPLY. LATER IN THE CONVERSATION, I SUGGESTED THAT HE AND I SHOULD DISCUSS TOMORROW THE NEXT STEPS IN NEW YORK. HE SAID THAT HE WOULD HAVE TO REPORT TO THE SECURITY COUNCIL. HE COULD NOT "EXPOSE" EITHER SIDE: HE WOULD SIMPLY PRESENT THE FACTS. I SAID THAT I THOUGHT IT ALMOST CERTAIN, IN THE CONTEXT OF THURSDAY'S EMERGENCY DEBATE, THAT YOU WOULD PUBLISH OUR DRAFT INTERIM AGREEMENT. BUT WE WOULD NOT BREAK HIS CONFIDENCE.

ARGENTINE REPLY. HE SAID THAT HE HAD TOLD ROS THAT HE WAS INTRODUCING
NEW ELEMENTS AND TRYING TO START A NEW NEGOTIATING PROCESS. HE HAD
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OF THURSDAY'S EMERGENCY DEBATE, THAT YOU WOULD PUBLISH OUR DRAFT
INTERIM AGREEMENT. BUT WE WOULD NOT BREAK HIS CONFIDENCE.

7. PLEASE SEE MIFT FOR COMMENT AND RECOMMENDATIONS.

PARSONS

NNNN



The National Archives

LETTERCODE/SERIES <i>PREM 19</i>	Date and sign
PIECE/ITEM <i>648</i> (one piece/item number)	
Extract/Item details: <i>MODUK INTSUM No. 91, 19 May 1982 (folio 16A)</i>	
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B/P

10 DOWNING STREET

- 1) MR COLES
- 2) ✓ PRIME MINISTER

Eric Odgen writes suggesting that HMG should provide some financial support to enable the Falkland Islands Governor and other Islanders to run an effective office in this country until matters are resolved.

I will let you have a draft reply.

MAD

ms

19 May 1982



From the Attorney-General

18.V.82

mk

Dear Prime Minister.

I have, with the FCO lawyers,
prepared a note on how effectively
the wording in Article 6 (3) can
be stop "Swamping".

It may be that it is so
effective that you will not want
to use it as strongly as I
have presented it so as to
avoid criticism from our
overseas "friends".

Yours etc.

Michael

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FALKLAND ISLANDS: DRAFT INTERIM AGREEMENT

NOTE ON LAST SENTENCE OF ARTICLE 6(3)

1. The Government regarded it as fundamental that the character of traditional society in the Falkland Islands should be preserved and protected during any period of UN administration.
2. The UN Administrator was accordingly required by the last sentence of Article 6(3) to exercise his powers in accordance with the terms of this Agreement "and in conformity with the laws and practices traditionally obtaining in the Islands".
3. The three most sensitive areas in this respect are those relating to immigration, to the acquisition by outsiders of interests in land and to the franchise.
4. As regards immigration, the present position is that, under the Immigration Ordinance 1965, no person other than a permanent resident may enter the Islands without a permit. A permanent resident is defined as a person born in the Islands, or a person who has been ordinarily resident there for at least seven years, or the dependent of any such person, or a person naturalised locally. The general rule excluding persons who are not permanent residents is subject to a few specified exceptions: for example, persons in government service and persons possessing special qualifications who wish to exercise their professions and have the necessary capital to do so.
5. As regards land holding, the Aliens Ordinance (Chapter 4 of the Laws of the Falkland Islands) prohibits any alien from holding land in the Islands without a licence. There are limited exceptions for aliens to hold short tenancies for the purposes of residence, trade or business.
6. The franchise for the purpose of elections to the Legislative Council is regulated by the Legislative Council (Elections) Ordinance (Chapter 37) as amended. This provides that the franchise is restricted to persons who:
 - (a) are British subjects who have attained the age of 18;
 - (b) are not specifically disqualified under any other provision (eg because they are bankrupt, of unsound mind or have been convicted of an elections offence); and
 - (c) have resided in the relevant electoral area for

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the previous 12 months in the case of persons born in the Islands or in other cases for the previous three years.

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Overtake

MR 19/5

f.a.

10 DOWNING STREET

Prime Minister

You may like to discuss the attached paper briefly at ODSA tomorrow.

2. It is purely a contingency paper prepared in case our proposals leak tomorrow. The aim is of course that they should not and that you should present them in your speech to Parliament on Thursday.

3. On the last proposal, I have already discussed your speech in detail with those in the F/C.O. who are drafting it. The attached paper contains some useful material but I have asked them to put in a rather different shape.

A.S.C. 15/5



Foreign and Commonwealth Office

London SW1A 2AH

18 May 1982

Dear John,

Falklands: Public Presentation of our
'Final Position'

It was agreed at OD(SA) this morning that, if Argentina rejected our latest proposals, the Government would aim to lay the British draft agreement and the letter about South Georgia, with a brief covering note, in the lobby of Parliament at noon on Thursday 20 May, and that the Prime Minister would open an emergency debate that afternoon with a speech explaining our position and the most important provisions of the draft agreement.

There is of course a possibility that the Secretary-General will announce the failure of his talks in New York in the latter part of tomorrow. Sir A Parsons is trying to sound out the Secretary-General's intentions and will stress strongly our wish that our position should not leak prematurely in New York. But it cannot be excluded that the substance of our position, and even some or all of the draft agreement, might begin to leak tomorrow. The Foreign and Commonwealth Secretary believes that publication of our position on its own, without proper explanation of it, could create an impression in many countries that would be far less favourable to us than if a timely explanation had been provided. Mr Pym has therefore had prepared the enclosed paper, which sets out a public position which the Government might take in that event. (We shall also of course be instructing our posts abroad to take action with the governments to which they are accredited, and with the local media, at the appropriate moment.) If we needed to explain our position late tomorrow, this paper could be laid before Parliament together with the draft agreement and the letter about South Georgia or, alternatively or additionally, it could be used as the basis for a press conference by Mr Pym, as well as for general briefing of the media. All this is in the nature of contingency planning, so that we can be ready for a variety of outcomes.

If there is no need to publish anything tomorrow, Mr Pym suggests that the main line of the Prime Minister's speech in Parliament on Thursday should follow that in the enclosed paper. Subject to any early comments you may have on this, we are going ahead with the draft of a speech, to reach you by 3 pm tomorrow.

/I am

No
covering
explanation

Prepare
debate?



I am copying this letter with enclosure to the Private Secretaries to other members of OD(SA), to the Private Secretary to Sir Robert Armstrong and to Sir Michael Palliser.

Yours ever

J E Holmes

(J E Holmes)
Private Secretary

The proposed quest is all right as a first draft - what it says could be improved by sub-editing to a better words. I am somewhat concerned that the major part is largely historical narrative and gives the impression that there have only been 3 sets of proposals. Not so. Stage 1 London; Stage 2 Buenos Aires; Proposed Stage III for London; Stage 4 - ultimatum; Stage / Persian; U.N. framework; Draft proposals VII. There are some other sets - namely the London / Whitehead Conference in which that Stage refused. The only sets we have put up in detail is the last set and that had to be added to 3 folders.

- 1 fundamental matters - - - -
- 2 acceptability but put forward in knowledge that further delay would be avoided
- 3 did not present outcome i.e. near

A J Coles Esq
10 Downing Street

negotiations were still ahead.

Argentina has never intended to
with draw. Used by press delaying
tactics. Even suggestion with
amendments which pointed to ends
sovereignty for Argentina.

- But - what disrupts
- not disappeared
 - But etc.
 - what he has done to
islanders who disrupt etc.

Now. - all proposals with drawn.

This framework is an end.

If any future proposals - must
start with a different framework

That movement They have never done

Argentine can't be trusted.

Not even do dividend with any
options - if he do say that
must not be about on the lines in another
way. Objective - not to sell to the
bank own way to the with 500 million

THE FALKLAND ISLANDS: NEGOTIATIONS FOR A PEACEFUL
SETTLEMENT

Argentine Aggression

1. It is now almost 7 weeks since Argentina invaded the Falkland Islands. This unlawful use of force in unprovoked aggression threatened not only to destroy the democratic way of life freely chosen by the Falkland Islanders but also the basis on which international order rests. The invasion was also a singular act of bad faith: it took place when Britain and Argentina were engaged in negotiations in accordance with requests from the United Nations.

2. On 1 April the President of the United Nations Security Council had formally appealed to Argentina not to invade the Falkland Islands. Yet on 2 April Argentina invaded. On 3 April, the United Nations Security Council passed its mandatory resolution 502, demanding a cessation of hostilities and an immediate withdrawal of all Argentine forces from the Islands. The same day, Argentina took South Georgia. In the ensuing weeks she has shown no sign of complying with the Security Council Resolution: on the contrary, she has continued a massive build up of the occupying forces on the Falkland Islands. There could hardly be a clearer demonstration of disregard for international law and for the United Nations itself.

/The British Response

The British Response

3. Britain need have done nothing more than rest on the mandatory resolution of the Security Council. Furthermore, Britain's inherent right of self-defence under Article 51 of the United Nations Charter would have justified Britain in adopting a purely military policy for ending the crisis. But in order to avoid, if possible, a military confrontation and the attendant loss of life, Britain adopted a policy, frequently explained by the Government in Parliament, of building up pressure on Argentina. to withdraw and accept a negotiated settlement. Military pressure was exerted by the rapid assembly and despatch of the British naval task force. Diplomatic pressure, first expressed in Security Council Resolution 502, was built up by the clear statements of condemnation of Argentine aggression which were made by many countries across the world. It was widely recognised that aggression could not be allowed to stand, since otherwise international peace and order would be dangerously prejudiced in many regions. The members of the European Community, Australia, New Zealand, Canada and Norway joined Britain in rapidly imposing economic sanctions on Argentina.

Efforts for a Negotiated Settlement

4. Britain dedicated her maximum diplomatic efforts to the search for a negotiated solution, and the Government kept Parliament as fully informed as the confidentiality of difficult negotiations would allow.

Proposals for an interim agreement to end the crisis were first put forward by the United States Secretary of State, Mr Alexander Haig. Although these presented real difficulties for Britain, as well as certain welcome features, the Government expressed their willingness to consider them. Argentina rejected Mr Haig's proposals. The next stage of negotiations was based on proposals originally advanced by President Belaunde of Peru and modified in consultations between him and the United States Secretary of State. As the Foreign and Commonwealth Secretary informed Parliament on 7 May, Britain was willing to accept these proposals for an interim agreement. Argentina rejected these proposals too.

5. Since then, the Secretary-General of the United Nations, Senor Perez de Cuellar, has been conducting negotiations with Britain, represented by our Permanent Representative at the United Nations, Sir Anthony Parsons, and Argentina, represented by the Deputy Foreign Minister, Senor Ros. In these negotiations, as in earlier ones, Britain made repeated efforts to establish whether Argentina was willing to be sufficiently flexible to make a reasonable interim agreement possible. But it became increasingly clear that Argentina's aim in the negotiations was merely to hold on to the fruits of aggression, with all that this would imply for the international rule of law, and was playing for time in the talks in New York rather than

/seeking

seeking an agreement. There was an important meeting of British ministers, attended by Sir Anthony Parsons and the British Ambassador in Washington, Sir Nicholas Henderson, on Sunday 16 May. Sir Anthony Parsons returned to New York with a draft interim agreement between Britain and Argentina which set out the British position in full. He handed it to the United Nations Secretary-General on 17 May, making clear it represented the furthest that Britain could go in the negotiations. Sir Anthony Parsons requested that the Secretary-General should give the draft to the Argentine Deputy Foreign Minister and ask the latter to convey his Government's response within two days. [Argentina has not accepted the proposed interim agreement.] For the third time, Argentina has put an end to serious efforts for a negotiated settlement. It is clear that the gap between the Argentine position and the requirements of a negotiated settlement is now too wide to be bridged by further negotiation.

Britain's Fundamental Principles in Negotiations

6. The Government's approach in all the negotiations has been based on important principles, which Ministers have set out repeatedly in Parliament:

- a. International Law. Argentina's unlawful aggression must end and Security Council Resolution 502 must be implemented. Aggression
/must not

must not be rewarded, or small countries across the world would feel threatened by neighbours with territorial ambitions.

b. Freedom. The Falkland Islanders are used to enjoying free institutions, which were established with their agreement and which functioned with their participation. Britain insisted that any agreement to end the Falkland Islands crisis must involve democratically elected representatives of the Falkland Islanders, and the continued existence of the Legislative and Executive Councils, so as to enable the Falkland Islanders to continue to participate in the administration of their affairs and to express freely their wishes about the future of the Islands, in accordance with the principle of self-determination.

c. Sovereignty. Britain has no doubt of her sovereignty over the Falkland Islands, having administered them peacefully since 1833. Nevertheless, successive British governments have been willing, without prejudice, to include the question of sovereignty in negotiations with Argentina about the future of the Falkland Islands. In the recent negotiations, the Government have been willing that an interim agreement should provide for new negotiations about the future of the Islands,

/which

which likewise could discuss sovereignty in good faith, so long as there was no prejudgement as to the outcome of negotiations. Although Argentina seemed, at one point in the United Nations Secretary-General's negotiations, to have accepted a formula about non pre-judging the outcome of future negotiations, she continued to insist on other provisions running counter to this, thus casting grave doubt on the seriousness of this acceptance. This doubt was reinforced by a number of statements coming from Argentine leaders.

7. In the Secretary-General's negotiations, Britain has insisted that the Falkland Islands Dependencies should not be covered by an interim agreement to end the crisis. South Georgia and the South Sandwich Islands are geographically distant from the Falkland Islands themselves. They have no settled population. The British title to them, of which the Government have no doubt, does not derive from the Falkland Islands and these territories have been treated as Dependencies of the Falkland Islands only for reasons of administrative convenience.

8. Throughout the negotiations, Britain has been firm on the essential principles but willing to negotiate on matters where these principles were not breached. In particular:

a. In return for Argentine withdrawal from the

/Falkland

*ie. ...
of ...
20*

Falkland Islands, Britain was willing (Article 2(3)) to withdraw her Task Force to a distance of 150 nautical miles. She was also willing to have international verification (Article 6(4)) of the mutual withdrawal, in which the United Nations might have made use of surveillance aircraft from third countries.

- b. Britain was willing that the exclusion zones (Article 3) declared by herself and Argentina, and the economic sanctions (Article 5) introduced during the present crisis, should be lifted from the moment of ceasefire, although these actions would give more comfort to Argentina than to Britain.
- c. Britain was prepared to accept the appointment of a UN Administrator (Article 6(3)) to administer the Government of the Falkland Islands. Britain wanted him to discharge his functions in consultation with the representative institutions in the Islands - the Legislative and Executive Councils - which have been developed in accordance with the terms of Article 73 of the UN Charter. (This makes clear that the interests of the inhabitants of non-self-governing territories are paramount and refers to the need to take due account of the political aspirations of the peoples.) It is inconceivable that Britain, or any other democratic /country,

country, could accept that her people should be deprived of their democratic rights. Britain was nevertheless willing to accept that one representative from the Argentine population of the Islands (some 30 people out of 1800) should be added to each of the Councils, ~~so that there would have been 7 members of the Executive Council and 9 of the Legislative Council, one member of each being from the Argentine population.~~ Additionally, Britain was willing to accept the presence of up to 3 Argentine observers on the Islands in the interim period.

- d. Britain was willing (Article 7) to agree to re-establishment of communications, travel, transport, postage etc, between the Falkland Islands and the Argentine mainland, on the basis existing before the invasion.
- e. Britain was willing to enter into negotiations (Article 8) under the auspices of the UN Secretary-General for a peaceful settlement of the dispute with Argentina about the Falkland Islands and to seek the completion of these negotiations by the target date of 31 December 1982. Our position was that no outcome to the negotiations should be either excluded or predetermined.
9. Argentina for her part tried in the negotiations to argue that British naval forces should return to their

/usual

usual operating areas, no doubt in the hope of being able to invade the Falkland Islands without opposition at some future time. Argentina also resisted language (end of Article 6(3)) about the UN Administrator exercising his powers in conformity with the laws and practices traditionally observed in the Islands. It was evident that the purpose of this opposition was to change the nature of Falklands society and its demographic make-up, and thus prejudge the future. Argentina also resisted the provision in the British draft agreement (beginning of Article 9) which would have ensured that the interim arrangements should stay in place until a definitive agreement about the future of the Islands could be implemented. Argentina's evident hope in this was that, if no definitive agreement had been reached by the target date of 31 December 1982, the interim administration would cease to exist and a vacuum be created which Argentina could fill. This meant that Argentina's acceptance of language about not prejudging the outcome of negotiations about the future of the Islands (Article 8) was placed in question, not only by continued public statements by Argentine leaders that the only possible outcome was Argentine sovereignty, but also by the position her representatives were actually taking in the negotiations.

10. The present crisis was brought about by Argentina's unlawful act of aggression. In their subsequent attitude the Argentine government showed that they had no respect either for democratic principles nor for the rule of law. Britain stands firmly for both.

17 MAY 1982



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OO UKMIS GVA
GRS 119
RESTRICTED

18 MAY 1982

FM FCO 181800Z MAY 82
TO IMMEDIATE UKMIS GENEVA
TELEGRAM NUMBER 174 OF 18 MAY 1982
INFO IMMEDIATE BISBA

FALKLAND ISLANDS

1. THERE HAS BEEN A DISTURBING REPORT THAT ARGENTINES HAVE REMOVED CERTAIN ISLANDERS FROM STANLEY TO THE FOX BAY AREA AGAINST THEIR WILL. WE UNDERSTAND THAT THEY INCLUDE GERALD CHEEK, DR HAINES AND HIS WIFE (BOTH MEDICAL OFFICERS AT STANLEY) AND THEIR CHILDREN, MR SUMMERS AND MR WALLACE.

2. GRATEFUL IF YOU WOULD ASK ICRC TO ENQUIRE OF THEIR TEAM NOW IN ARGENTINA IF THEY WILL OBTAIN ANY INFORMATION AVAILABLE FROM THE ARGENTINE AUTHORITIES. PLEASE INFORM ICRC IN CONFIDENCE THAT INFORMATION COMES FROM LETTER DATED 28 APRIL FROM FALKLAND ISLANDS.

PYM



Foreign and Commonwealth Office

London SW1A 2AH

18 May, 1982

Dear John,

A. J. C. $\frac{20}{5}$
h.c.

Falklands

I enclose a draft opening speech for the Prime Minister's use in the debate tomorrow. It is along the lines you discussed with Christopher Mallaby yesterday.

It is of course based on the assumption that by tomorrow afternoon Senor Perez de Cuellar will have declared that Argentina has not accepted our proposals and that his mediation has therefore failed.

I am copying this letter and enclosure to David Omand in the MoD.

Yours ever
John Holmes

(J E Holmes)
Private Secretary

A J Coles Esq
Private Secretary
10 Downing Street

FALKLANDS : PRIME MINISTER'S SPEECH IN THE HOUSE ON
20 MAY

Since the Falklands crisis began on 2 April the Government have attached great importance to regular consultation with Parliament. I was glad yet again to agree to a proposal for a debate from the rt hon Gentleman the Leader of the Opposition. For reasons which this House has understood, it has not been possible to give details of ^{current} diplomatic negotiations ~~and~~, still less of military preparations and plans. It has however been possible to establish unanimity on the principles which this country is defending and broad agreement on the objectives we should pursue.

What we cannot do is to allow the pace of negotiations or of military action to be dictated by the deliberations of this House. It is right and proper that we should take full account of the opinions of honourable Members. No-one I think can honestly say that we have not tried to do so. But in complicated diplomatic and military endeavours, the pace of events must be determined by the Government's best judgement of the national interest. Men's lives have been and are at stake. It would be highly irresponsible to increase the risks that face our forces ^{from} ~~in the face of~~

hostile actions and in the hazardous conditions of the South Atlantic.

The principles we are defending are fundamental to ^{everything that} ~~all~~ this Parliament stands for. They are the principles of democracy and the rule of law. Argentine aggression against the Falkland Islands was in deliberate violation of the rights of peoples to determine by whom and in what way they are governed. It was perpetrated against a people who are used to enjoying full human rights and freedoms. It was executed by a government with a notorious record in suspending and violating those same rights. Britain has the responsibility towards the Islanders to restore their democratic way of life. She has a duty to the whole world, and to the cause of peace everywhere, to show that aggression ^{will} not be rewarded and that international law must not be flouted.

The unanimity of this House on the principles behind our action has been matched by broad agreement on our objectives. Our first objective has been [redacted] the implementation of Security Council Resolution 502, and the key to that is the withdrawal of Argentine forces, so that aggression shall be reversed. We have also made it clear that any interim arrangements must preserve the Islanders' way of life, so that freedom shall be upheld. And we have consistently declared our

willingness to negotiate about the future of the Falkland Islands, but only in a way which respects the principle of self-determination, so that the wishes of the Islanders shall be fully respected.

I believe ^{that} the methods we have used have also won general support. They have ^{comprised} ~~been~~ a combination of diplomatic, economic and military pressures. We would have been perfectly entitled to rely on our undoubted right ^{of} ~~to~~ self-defence under Article 51 of the UN Charter. We could have told the world that British territory had been invaded and that we intended to throw out the aggressor through our own unaided military capabilities.

But we wanted to avoid unnecessary bloodshed. We therefore applied ^{as military} maximum diplomatic and economic pressures, as well. We were determined to leave no stone ^{unturned} ~~unmined~~ in our efforts for a negotiated settlement.

~~_____~~ But with the announcement yesterday by the United Nations Secretary-General of the failure of his mediation efforts, I am afraid that we must conclude that negotiation cannot ^{at present} get Argentina off the Falklands. So the time has come to tell the House why a peaceful settlement has not proved possible. I hope I shall leave no doubt that throughout the process of

negotiation Britain has been consistently patient and reasonable. It has been Argentine intransigence, Argentine determination to hold on ^{to} the fruits of aggression, and Argentine insistence on what they know to be unacceptable that has caused the failure of three successive attempts at a negotiated settlement.

I shall not take up the time of the House with a detailed description of the earlier stages of ~~the~~ ^{negotiation} search for a negotiated settlement. The first proposals for an interim agreement to end the crisis were put forward by the United States Secretary of State, Mr Alexander Haig. Although these presented real difficulties for Britain, the Government expressed their willingness to consider them. But Argentina, in a clear demonstration of inflexibility, rejected Mr Haig's proposals, though only after a show of prevarication and deliberate confusion that boded ill for the future and cast doubts on her good faith.

The next stage of negotiations was based on proposals originally advanced by President Belaunde of Peru and modified in consultations between him and Mr Haig. As my right honourable Friend informed this House on 7 May, Britain was willing to accept these proposals for an interim agreement. They could have led to an almost immediate ceasefire. But again it was Argentina ^{who} ~~which~~ rejected them.

Since then the Secretary-General of the UN, Senor Perez de Cuellar, has been conducting negotiations with Britain and Argentina. I would like to pay tribute to the Secretary-General. He has tried as hard as anyone could to produce a peaceful settlement. His efforts, alas, have not succeeded. Nevertheless, he has demonstrated his dedication to peaceful negotiation, and the respect he has won will be a source of encouragement to all who ^{set stone by} ~~hope for an enhancement of the~~ ^{of the United Nations} influence ⁱⁿ the cause of peace and justice.

~~In these, as in previous negotiations, Britain made repeated efforts to establish whether Argentina was willing to be sufficiently reasonable to make an interim agreement possible.~~ ^{Unfortunately} ~~But~~ it became increasingly clear that Argentina was concerned to play for time and to hold on to the fruits of aggression.

As the Secretary-General himself declared, his negotiations could not go on indefinitely. [After an important meeting of Ministers on 16 May, Sir Anthony Parsons returned to New York with a draft interim agreement which set out the British position in full. In order that honourable Members ^{might} ~~may~~ be in no doubt of the facts, the Government at noon today laid before the House a paper which sets out our position and gives the full text of the draft agreement. The paper shows ^{how} ~~why~~

our proposals upheld our fundamental principles and yet went as far as we could ~~go without~~ ⁱⁿ any negotiation on other ~~elements~~ ^{aspects of} in the problem.

The Secretary-General agreed to convey our draft agreement to Argentina and asked the latter to respond within 2 days. Argentina's first reply on 18 May was a blatant example of prevarication. [Now her rejection of our proposals has put an end to the Secretary-General's efforts for a negotiated settlement.]

~~_____~~
~~_____~~
~~_____~~. Let me explain to the House the principal features of our draft agreement.

The agreement upholds our basic principles, in the following ways

- First, it provides for complete Argentine withdrawal from the Falkland Islands within 14 days. That would put an end to the aggression.
- Second, it keeps in being the Legislative and Executive Councils on the Falkland Islands and provides that ^{they would be consulted by me,} ~~a~~ United Nations administrator ~~would~~ ~~consult~~ ~~them~~ during the interim period. That maintains the principle of democracy and the

main structure

essence of the traditional administration.

- Third, it provides explicitly that the outcome of negotiations about the future of the Falkland Islands would not be pre-judged. That means that Britain would not be tied to any particular outcome and would be free in the negotiations to be guided by the wishes of the Islanders about their future.

Our draft agreement does not cover the Falkland Islands Dependencies. We ^{pointed} ~~made~~ ^{out} ~~this doubly~~ clear in a separate letter handed to the UN Secretary-General by Sir Anthony Parsons on 17 May. South Georgia and the South Sandwich Islands are geographically distant from the Falkland Islands themselves. Another difference is that they have no settled population. Another is that the British title to them, of which we have no doubt, does not derive from the Falkland Islands but from separate historical developments. These territories have been treated as dependencies of the Falkland Islands only for reasons of administrative convenience.

At the same time, Britain has been willing to negotiate about matters where our principles would not be breached;

- The Falkland Islands are British sovereign territory and we are entitled to deploy there any military forces that we wish. Nevertheless, in

return for Argentine withdrawal from the Falklands and a commitment not to ^{return them} reintroduction, ~~and for~~ ^{of those provisions} international verification, we were willing to withdraw our Task Force from a zone of 150 nautical miles radius ^{and not to return it in the interim period.}

- We were willing, from the moment of a ceasefire, to lift the various exclusion zones as well as the economic measures introduced during the present crisis.
- We were prepared to accept the appointment of a UN Administrator, and that the Executive and Legislative Councils should each be enlarged by the addition of one person from the Argentine population of the Islands, despite the tiny proportion which they represent of the total population. We were also willing to accept the presence of up to 3 Argentine observers on the Islands in the interim period.

Some people might argue that these provisions, because they amounted to a limited departure from the status quo, would have meant that Argentina would have been rewarded for her aggression. We were prepared to face that criticism in the interests of peace and of preventing bloodshed. But for Argentina these changes were not enough. For her, an end to negotiations and a prospect of bloodshed were preferable to accepting ^{our proposals.}

Take first the question of withdrawal. Argentina has consistently tried to argue that British naval forces should return far away to their usual operating areas. The reason why they argued this must have been a hope of invading the Falklands again at some future time. We cannot leave the Islands at the mercy of further Argentine aggression.

Argentina has also opposed the provision that the UN Administrator should exercise his powers in conformity with the laws and practices traditionally observed in the Islands. It was clear from the negotiations that Argentina had a ^{definite} clear purpose here. ^{The Junta} She wanted ^{- Argentine} people and businesses to have unrestricted access to the Islands, so that they could flood them in the interim period. The aim was to change the nature of Falklands society and thus pre-judge ^{the} ~~its~~ future of ^{the} islands.

Another serious difficulty was that Argentina resisted the provision which would have ensured that the interim arrangements should stay in place until the implementation of a definitive agreement about the future of the Islands. ^{The Junta's} Their aim was that in the absence of a definitive ^{agreement} by the target date of 31 December 1982 the interim administration should lapse. This would have created a vacuum, and Argentina evidently hoped to fill it.

After all these efforts at negotiation, let no-one accuse Britain of seeking conflict. Argentina began this crisis. Argentina has rejected reason in negotiations. Argentina has seemed to welcome bloodshed. It was General Galtieri who boasted: 'I now have the blood of more than 400 Argentines on my shoulders. The Argentine people are willing to accept 4,000 or 40,000 more'.

The House will realise that this sad failure of the third attempt at negotiations greatly increases the risk of further conflict. The House will not expect me to comment on the military options. Nor shall I do so. If military action now becomes necessary, and if Argentina remains obstinate about negotiation, we shall continue to exercise restraint as far as is consistent with our objectives. ^{and the safety of our forces} I hope that genuine negotiation may become possible. If so, we shall ^{seize} ~~take~~ the opportunity. But negotiation would then be on a new basis. Argentina has rejected our draft agreement. It is therefore overtaken. If Argentina demonstrates a willingness to be flexible, we can consider what British proposals would then be needed.

The present crisis was brought about by Argentina's unlawful act of expansionist aggression. The junta's subsequent intransigence has shown their determination to retain the fruits of that aggression, to reject negotiation and to flout democratic principles and the international rule of law. Britain for her part remains determined to show that democracy, freedom and the rule of law will be upheld.

Argentina



MINISTRY OF DEFENCE
 MAIN BUILDING WHITEHALL LONDON SW1
 Telephone 01-938 X02X 218 2111/3

MO 5/21

18th May 1982

Prime Minister

The Foreign Secretary may have
 views.

A.P.C. 19/5.

ms
 Dear John,

LIEUTENANT COMMANDER ASTIZ

My Secretary of State believes that we need for a number of reasons to take a decision very quickly about the future of Lieutenant Commander Astiz.

Astiz is currently being held on board the Ascension guard ship, HMS DUMBARTON CASTLE, guarded by an RM detachment. He is a difficult prisoner (he has already assaulted a guard and made a primitive dagger from a bed spring) and the authorities at Ascension have requested that he should be moved from the ship and the island as soon as possible.

If he is to be moved the options are to hand him over to the French or Swedish authorities, to return him to the UK, or to repatriate him to Argentina. As to the first the Attorney-General's advice is that whatever offences Astiz may have committed in Argentina they are (strictly) irrelevant to his status as a Prisoner of War which entitles him to the substantial rights and privileges of the Third Geneva Convention of 1949. Under this Convention he cannot be handed over to another country and I understand that our Extradition Treaties with France and Sweden would not be applicable in this case. The English courts do not have any power to try Astiz.

If Astiz is to be returned to the UK we will have to provide all the necessary facilities to which he is entitled as an officer under the Geneva Convention. He cannot, for example, be held in any form of jail, POW pay and recreation facilities will need to be provided and the military custody will need to be extensive and stringent in view of his aggressive behaviour since he has been in captivity.

In view of these considerations my Secretary of State concludes that, at the earliest opportunity, Astiz should be asked whether he is prepared to see French and Swedish representatives. The Brazilian authorities, as the protecting power, have already been approached to see whether they are willing to put the question to him. If as seems likely, the Brazilians will refuse to do so then we should ask Astiz ourselves. He will presumably refuse. That will then be the end of the matter since under the Geneva Conventions he need

A J Coles Esq



not answer any questions and we have no right to put pressure on him in any way. The way would then be clear for him to be repatriated direct from Ascension. We should, of course, make the maximum play possible publicly and internationally out of his refusal to help French and Swedish enquiries.

My Secretary of State's main concern is that we have already steered very close to the wind in our treatment of Astiz - his custody on board ship is a breach of Article 22 of the Geneva Convention and there is of course the point that we have shown discrimination in our handling of him as compared with the treatment given to his men. We must avoid giving the Argentines any opportunity to claim that our treatment of Astiz justifies breaches of the Geneva Convention in treating any UK POW they may capture. They have very recently indicated to the ICRC that unless Astiz is released they will retaliate against any British POWs they might hold. In all the circumstances Mr Nott feels that the only course is to get him off our hands as soon as possible.

I am copying this minute to the Private Secretaries to other members of OD(SA), the Attorney-General and Sir Robert Armstrong.

Yours ever

Nick Evans

(N H R EVANS)



17 MAY 1902

17
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17
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1902

COMPTROLLER

17



The National Archives

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14

10 DOWNING STREET

From the Principal Private Secretary

SIR ROBERT ARMSTRONG

ARGENTINA AND THE FALKLAND ISLANDS

The Prime Minister was grateful for your minute A08436 of 14 May 1982 with which you submitted Mr Nicoll's report on the role of intelligence in the events leading up to the Argentine invasion of the Falkland Islands.

She has read Mr Nicoll's report and has taken note that the JIC propose that his conclusions and recommendations should be studied further in the light of the outcome of similar inquiries now under way in the Foreign and Commonwealth Office and the Ministry of Defence.

JAW.

18 May 1982

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Prime Minister

I had another conversation during the weekend with Mañuel Ulloa, the Prime Minister of Peru. As you may know he is to-day in Brussels on an official visit to Belgium.

Señor Ulloa told me that he thought the Argentinian Government had already reached a stage whereby General Galtieri had to consult not only the other elements in the army but also the political parties, particularly the Peronists and Radicals. A day might come soon in which Galtieri would feel that he had to bring these parties into the Government. This eventuality would almost certainly occur if there were to be a successful re-occupation by us.

Señor Ulloa wondered whether this trend might not affect our own perception of Argentina. If we had taken action which had caused (and be seen to have caused) some civilianisation of the Argentinian regime, would we not be able to claim a political victory and so perhaps be able to make a concession to Argentina easier?

I said that it would be difficult to predict exactly our governmental and national mood after a successful invasion. It would depend on the casualties caused.

I think you may like to know that Señor Ulloa continues to talk directly on the telephone often with his fellow Peruvian Señor Pérez de Cuellar and with Senor Costa Méndez.

*Paragraph deleted and closed, 40 years,
under FOI Exemption.*

Wayland

11 September 2012

Hugh Thomas

17 May 1982



May 18, 1982

P 17.

This is an
addition to
last night's
minutes from
Hugh Thomas.
cf.

WITH COMPLIMENTS

LORD THOMAS OF SWYNNERTON

This refers to Lord Thomas' recent 1910
note to you.

Baring Brothers & Co., Limited

8 Bishopsgate, London EC2N 4AE

TELEPHONE: 01-283 8833

TELEX: 883622

Dr. Jill Edwards,
4, Queen Street,
Henley-on-Thames.

13th May, 1982.

Dear Dr. Edwards,

I enclose copies, with English translations, of three letters to Francis de P. Falconnet from the Argentinian Government, dated 17 February 1843 and 20 March 1844. Falconnet was Barings representative who was sent to Buenos Aires to negotiate the claims of British bondholders arising out of the defaulted 1824 loan, and the letters indicate the willingness of the Argentine Government to cede the Falkland Islands to Britain in settlement of these claims.

We are pleased to make these letters available to you but we would like to make this conditional on two points.

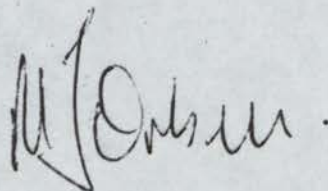
Firstly, we would very much like to see and approve those parts of any manuscript, in their context, based on information extracted from the above letters, before publication. In particular I think we are anxious that information in the letters is not used selectively as it both indicates the Argentine Government's willingness to cede the Falkland Islands to Britain while at the same time provides a strong assertion of Argentina's claim to sovereignty over the islands.

Secondly, we would like to ask that in any reference to the source of information it is made clear that the information has been obtained from the archives of Baring Brothers at the Guildhall Library, Aldermanbury, London EC2, which are generally available, with one or two preconditions, for research by historians.

If these points are acceptable to you I will be much obliged if you will confirm your agreement in writing.

With kind regards,

Yours sincerely,



Dr. M. J. Orbell

Archivist.

Encs:

SECRET

12A



MINISTRY OF DEFENCE

MAIN BUILDING WHITEHALL LONDON SW1A 2HB

Telephone 01-218 2111/3 (Direct Dialling)

01-218 9000 (Switchboard)

MO 5/21

17th May 1982

Prime Minister

To wife

Dear John,

SOUTH AFRICA

h-a. 12/5. AM 17/5.

You wrote to me on 11th May about the reply to be transmitted to Mr Botha through Mr Eldon Griffiths. I have also seen Francis Richards letter to you of 14th May. -TPH'd

Mr Nott did in fact take the opportunity to discuss this with Mr Griffiths early last week and I now attach a copy of his letter to my Secretary of State. I think you will see that the message which has gone back strikes the right balance between the views which have been expressed.

A copy goes to Francis Richards.

Yours ever
Neil Evans

(N H R EVANS)

A J Coles Esq

SECRET

FROM: Eldon Griffiths, M.P.



CONFIDENTIAL

HOUSE OF COMMONS
LONDON SW1A 0AA

SFS

Wes John

13th May, 1982.

To confirm:

I gave the following message by telephone to Owen Horwood:

"Mr. Nott was grateful to have the message from your Prime Minister. He and the Foreign Secretary have discussed it, and Mrs. Thatcher has been made fully aware of it. Ministers here do not foresee any need for South African facilities at present, but were pleased to know that if the necessity were to arise the South African Government would give consideration to a request for assistance. They also noted the channel of communication which Mr. Botha would prefer to use".

Owen Horwood has now conveyed this to his Prime Minister.

Rt. Hon. John Nott, M.P.
Secretary of State,
Ministry of Defence,
Main Building,
Whitehall, S.W.1.

A large, stylized handwritten signature in black ink, appearing to be 'John Nott', written over the typed name and address.

MAY 7 1982



Ref: B06497

PRIME MINISTER

c Sir Robert Armstrong

Falklands: OD(SA) on 18th MayMilitary Issues

1. The meeting will be asked to authorise the Landing, on the basis of the plan outlined at the COBR briefing on 14th May. If this is not authorised, part of the narrow window of opportunity will be lost. If authority is given, the Landing could take place any night from 20th/21st ~~April~~ ^{May}, depending on weather and other factors.
2. It will be essential to establish that, if Ministers authorise the Landing, they will be doing so on the basis of a plan unanimously recommended to them by their constitutionally-designated Military Advisers. The decision to repossess the Falklands if militarily possible is correctly one for Ministers. But it is for the Chiefs of Staff to decide what is militarily possible. Each of the four Chiefs should therefore be asked -
 - a. Do you regard the aim - of repossessing the Falklands - as militarily feasible?
 - b. Do you recommend this plan as the best means of achieving that aim?
 - c. Does the plan have a good chance of success?
 - d. Do you regard the chances of military success as having been reduced by any political restrictions imposed?
3. Their replies should be recorded in the minutes. This will be particularly important in two possible contexts -
 - i. If the Landing succeeds in establishing itself but does not lead on to repossession, no one should be able to argue that all the Chiefs were ever asked to do was carry out a permanent landing.



ii. If casualties are controversially high, or if the operation fails, no one should be able to argue that the Chiefs were bullied by the politicians into undertaking it against their better judgement; or that they were forced to accept political restrictions of a militarily dangerous nature.

4. You will not of course get them to tell you what the level of casualties, in men and ships, is likely to be. Too much depends on Argentine morale; and on luck. But it is implicit in the military advice that the level of casualties is expected to be "acceptable". But what is acceptable to military commanders (who are paid not to be sentimental) may be quite different from what is acceptable to public opinion. Are the Chiefs thinking of under 500 casualties? and not more than 2 or 3 ships? Or should be figures be eg twice that?

5. Once the military advice is clear, you will need to ask the Defence Secretary - whose reputation will be most immediately at stake - whether he is prepared to back it without reserve; and the Foreign and Commonwealth Secretary whether he regards it as compatible with our foreign policy interests. In the latter context, the Sub-Committee should be reminded of possible damage to our economic and other interests elsewhere in Latin America, as set out in the Foreign and Commonwealth Secretary's memorandum OD(SA)(82) 52. You should also ask the Attorney General to confirm that the proposed Landing will not run contrary to our obligations under international law.

6. You should then establish that the Sub-Committee is unanimously in favour of the decision. It can be countermanded up to the afternoon of 20th May (eg if agreement is after all reached in New York); or later, if weather forces postponement.

7. Finally, you will need agreement on when the Cabinet should be consulted. They seemed to accept last week that they would be told, not asked. That seems to point to 20th May rather than tomorrow.



8. If time permits, the Defence Secretary or Chief of the Defence Staff may want to raise the Ministry of Defence's broadcasting proposal (OD(SA)(82) 50), on which a decision is urgent and still outstanding. The Foreign and Commonwealth Secretary and Home Secretary are known to have doubts.

Diplomatic Issues

9. The Foreign and Commonwealth Secretary should report on
- the news from New York;
 - the prospects for United States military involvement in a settlement;
 - the position on European Community sanctions;
 - the possibility of lobbying Argentina via Brazil and Mexico;
 - what to do about the Pope's visit.
10. The British "bottom line" draft agreement is to be shown to the Cabinet later in the morning. The Sub-Committee will need to decide whether the Cabinet should be told of the 48 hour deadline; or merely that a rapid reply has been demanded.
11. The World Cup problem (C(82) 23), which is also on the agenda for the Cabinet later in the morning, hardly needs advance discussion in the Sub-Committee.

17th May 1982

A handwritten signature in blue ink, appearing to read 'R L Wade-Gery'.

R L WADE-GERY



10 DOWNING STREET

*From the Private Secretary*SECRET AND PERSONALSIR ROBERT ARMSTRONGSUPPLY BY FRANCE OF EXOCET TO PERU

You were present at the end of the lunch for President Mitterrand today when the Prime Minister raised this subject. Mrs. Thatcher said that we understood that Peru had ordered EXOCET missiles from France and we hoped that none would be shipped before the conflict with Argentina was over.

President Mitterrand said that Peru had been very insistent in its request for implementation of the contract. He had decided that the implementation of the contract should be delayed for as long as necessary. In explanation to the Peruvians, technical reasons had been advanced for the delay. For that reason, he asked that what he had said should be treated in total confidence.

In thanking him for his decision, the Prime Minister agreed that we would fully respect President Mitterrand's confidence.

The Prime Minister subsequently agreed that OD(SA) should be informed orally tomorrow of what had passed. You may like to remind the Prime Minister of this during OD(SA).

I am not copying this minute to anyone.

A. J. COLES

17 May 1982



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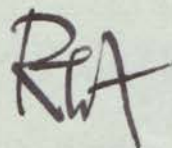
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SECRETPRIME MINISTERCabinet: Falkland Islands

The paper for Item 1 tomorrow is the draft British "bottom line" agreement (C(82) 24), which will be circulated at the meeting and collected again after it. You will need to explain that this was given by Sir Anthony Parsons to Senor Perez de Cuellar today, for formal transmission to the Argentines. It is seen as a means of heading off a "compromise" draft which we could not accept. No one expects the Argentines to accept, though the possibility cannot be excluded. Our main purpose is to have something to publish, after the Argentines have failed to accept it, as a means of wrong-footing them with international opinion by demonstrating our reasonableness. To do this it has had to go to the limit of what we could defend to British public opinion; article 6(3) therefore says less than we would like about restoring British administration, and self-determination is only glanced at obliquely via references to the United Nations Charter. This balance has been struck by the Sub-Committee, after hearing Sir Anthony Parsons's and Sir Nicholas Henderson's advice.

2. The Cabinet will be being presented with a fait accompli; but their support will of course be needed when the document becomes public.
3. OD(SA) will have decided whether the Cabinet should be told of the 48 hour deadline expiring on Wednesday; or merely that a rapid reply has been demanded.
4. OD(SA) will also have decided whether you should say anything to the Cabinet about landing plans as early as tomorrow. If not, you could say that military preparations are continuing but are not yet complete.



Robert Armstrong

17th May 1982

SECRET



Foreign and Commonwealth Office

London SW1A 2AH

17 May 1982

Dear John,

As the Prime Minister knows, we have been doing our utmost to stop EXOCET missiles being supplied to Argentina, either direct or through third countries. In the latter category, the Foreign and Commonwealth Secretary raised with M Cheysson on 14 May the case of four such missiles about to be despatched to Peru. M Cheysson undertook to check the position.

The French have gone some way to be helpful by arranging slow delivery (by ship) and have not yet made any decision as to the date of despatch. But in present circumstances it is clearly essential that all deliveries should be stopped altogether.

The matter was raised again yesterday with the Quai, but the response has not given us the assurance we sought. HM Ambassador, Paris, considers that President Mitterrand would not countenance export of EXOCETS that might find their way to Argentina. We therefore recommend that the Prime Minister raises the subject with the President. I enclose short speaking and background notes.

Yours ever

John Holmes

(J E Holmes)
Private Secretary

A J Coles Esq
10 Downing Street



SECRET

SPEAKING NOTE

PRIME MINISTER'S MEETING WITH PRESIDENT MITTERRAND AT 12 NOON
ON 17 MAY

EXOCET MISSILES

1. I understand that no decision has been made on the date of despatch of four missiles ordered from SNIAS (Aerospatiale) by Peru. Any delay is helpful in case the missiles should eventually find their way to Argentina. But I feel very strongly that shipment should be withheld in present circumstances. I hope that you will agree.

SECRET



BACKGROUND

EXOCET MISSILES FOR PERU

1. The French Government stopped shipment by air last week of four missiles to Peru following intervention by HM Ambassador Paris. But arrangements are being made to send the consignment by sea.
2. Assurances were given by the Quai that the French Government took our request about nondelivery seriously; that the question was being re-examined, and no decision had been reached about despatch.
3. With only this limited assurance, Mr Pym raised the question with M. Cheysson on 14 May, and HM Ambassador Paris raised it with a member of M. Cheysson's office on 16 May. He was again told that the French Government would take full account of the British Government's concern, and that no decision had yet been made on the date of delivery. He was also told that the missiles were not yet on board a ship. Sir J Fretwell believes that there will be strong industrial and other pressures on the French Government to allow the missiles to go ahead, but believes that President Mitterrand would be very unlikely to countenance any exports of EXOCETS that might find their way to Argentina. HM Embassy Paris considers that our views would be strengthened if the Prime Minister raised the subject with President Mitterrand.



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PART 5 ends:-

14/5/R

PART 6 begins:-

15/5/R

