



From the Attorney-General

18.V.82

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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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