



Foreign and Commonwealth Office

London SW1A 2AH

19 May 1982

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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

J E 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 Respons

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, ~~was merely to~~ ^{holding} 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~~

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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. [] 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

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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,

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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} ~~public~~ ^{by} statements ~~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
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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

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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.

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~~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