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17 May 1982

CABINET

DEFENCE AND OVERSEA POLICY COMMITTEE

SUB-COMMITTEE ON THE SOUTH ATLANTIC AND
THE FALKLAND ISLANDS

FALKLAND ISLANDS: THE NEW YORK NEGOTIATIONS

Note by the Secretaries

1. Attached at Annex for the information of the Sub-Committee is the draft interim agreement between the United Kingdom and Argentina which is being given to the United Nations Secretary-General by Sir Anthony Parsons today. The text was agreed by the Sub-Committee at the meeting on 16 May which considered OD(SA)(82) 51.
2. The text will be circulated at the Cabinet on 18 May.

Signed ROBERT ARMSTRONG
R L WADE-GERY
R L L FACER

Cabinet Office

17 May 1982

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DRAFT 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 at Annex.

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 miles away from any point in the Islands by time "T" + 7 days; and,
- (c) To complete its withdrawal to at least 150 nautical miles away by time "T" + 14 days.

(3) The United Kingdom undertakes:

- (a) To commence withdrawal of its Armed Forces from the Islands with effect from time "T";

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- (b) To withdraw half of its Armed Forces to at least 150 nautical miles away from any point in the Islands by time "T" + 7 days; and,
- (c) To complete its withdrawal to at least 150 nautical miles away by time "T" + 14 days.

ARTICLE 3

With effect from time "T", each Party undertakes to lift the exclusion zones, warnings and similar measures which it has imposed in the region.

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 authorise 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.

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(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 United Nations Charter, 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

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.

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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 Argentina

For the United Kingdom

Cabinet Office
17 May 1982

ARTICLE 73

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 specialised 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.

Cabinet Office

17 May 1982