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Foreign and Commonwealth Office

London SW1A 2AH

26 November 1981

A J Williams Esq. CMG
BUENOS AIRES*Alan Anthony*

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INDEX	PA	Action Taken

PA
Mr A Smith
26/11
CEB

FALKLAND ISLANDS: THE BRITISH CASE

1. Please refer to correspondence resting with my letter of 3 September. Research Department have now completed their paper (on which we were consulted while it was in draft) and I enclose a copy.
2. Our original intention had been, as you suggested in your letter of 20 August, to produce a classified paper and an accompanying sanitised version for use with suitable contacts. However, the nature of the paper and its conclusions have led us to decide to have the whole classified secret and not to produce any companion unclassified paper. The facts would seem to be that our case rests almost entirely on 148 years of continuous settlement, and that while the Law Officers have previously been relatively certain that this would be sufficient in international law to uphold our claim, there is clearly some risk in putting the contention to the test, particularly given the probable in-built anti-colonial bias of most of the international institutions which might be involved if the case went to arbitration.
3. This paper, then, is for the information of you and your staff only: I do not need to stress how potentially damaging the consequences would be if the Argentines came to suspect that we doubted our ability to justify our claim to sovereignty before 1833.
4. As it happens, Research Department have also discovered a Foreign Office minute of 1911 setting out the weaknesses of our claim, which has somehow found its way through the safety net and into the Public Record Office. Apparently its nature is clearly apparent from the index. I enclose a copy. We must keep our fingers crossed that the Argentines do not take it into their heads to start hunting around in the PRO.

Tom
Law
Room

P R Fearn
South America Department

cc (with encl.):
R M Hunt Esq. CMG

<p>LETTERCODE/SERIES CARRINGTON</p> <p>PIECE/ITEM (one piece/item number)</p>	<p>Date and sign</p>
<p>Extract/Item details:</p> <p>Folio : 42</p>	
<p>CLOSED FOR 47 YEARS UNDER FOI EXEMPTION 27(i)(c)</p>	<p><i>M. King</i> 24/8/12</p>
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<p>LETTERCODE/SERIES <i>CARRINGTON</i></p> <p>PIECE/ITEM (one piece/item number)</p>	<p>Date and sign</p>
<p>Extract/Item details:</p> <p><i>FOLIO : 43</i></p>	
<p>CLOSED FOR ...<i>4.7</i>..... YEARS UNDER FOI EXEMPTION <i>27(i)(c)</i></p>	<p><i>[Signature]</i> <i>7/6/12</i></p>
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