

NOTES FOR SUPPLEMENTARIES

INTERNATIONAL COURT OF JUSTICE

There is no indication that the Argentine Government would be prepared to submit to the jurisdiction of the ICJ. In 1955, the UK made a unilateral application to the Court relating to sovereignty over the Falkland Islands Dependencies as then constituted but Argentina refused to submit to the Court's jurisdiction then. In 1977, Argentina rejected a binding decision of the Court of Arbitration on the Beagle Channel dispute with Chile. It is hard to have confidence that Argentina would respect a judgment by the ICJ.

Also, recourse to the ICJ would not, in past experience, be likely to produce a speedy settlement - and time is short.

UNITED NATIONS INVOLVEMENT

Our primary objective remains the full implementation of Security Council Resolution 502. The methods are open to discussion, as they have always been.

*Have they
done?*

UNITED STATES ATTITUDE

The US Government is still energetically seeking a diplomatic settlement to the dispute. We accept that while such efforts continue the US Government considers it unhelpful to align itself with either party. They have, of course, fully supported Security Council Resolution 502, and, as Mr Haig stressed yesterday in the OAS, this Resolution clearly sets forth the basis for a peaceful settlement.

UN SECRETARY-GENERAL'S STATEMENT OF 26 APRIL

I agree with the Secretary-General that SCR 502 must be complied with. It is Argentina that has flagrantly failed to do this. It is because of that failure that we must be free to exercise our right of self-defence.

ESTABLISHMENT OF FALKLAND ISLANDS GOVERNMENT OFFICE IN LONDON

The idea of establishing a Falkland Islands Government Office in London has been considered by Island Councillors in the past but has not been pursued by them. In present temporary circumstances, the Governor, who is in close touch with other members of the Falkland Islands Government in the UK, has available to him an office in and the facilities of the Foreign and Commonwealth Office.

STATUS OF ARGENTINE PRISONERS

In clarification of my reply to the Hon. Member for Essex South East, on 26 April, while a state of war does not exist between Britain and Argentina, the four Geneva Conventions of 1949 (to which both Britain and Argentina are parties) apply when any other armed conflict exists between parties to the Convention. Thus the Conventions have been applicable since 2 April and will remain applicable until all hostilities, and the occupation, have ceased and all prisoners have been repatriated.

TREATMENT BY HMG OF THE GOVERNOR AND OTHER RETURNING FALKLAND ISLANDERS

We are doing all that we reasonably can to help those from the Falkland Islands who have arrived in the UK, and others who may arrive in the future. A welfare committee has been established by the Home Office for that purpose. The Governor and others of his staff who have returned to the UK have been offered all assistance provided in such circumstances. We are very ready to consider any further requests. We are in daily touch with the Governor.

ICRC: PROTECTION OF ISLANDERS

We are glad to learn that Argentina has now accepted the ICRC offer of help and protection for the civilian population of the Islands. We hope the ICRC will be able to arrange a visit to the Islands soon.

Article?

CIVILIAN POPULATION: DANGER ZONES

Under the Fourth Geneva Convention, the Occupying Power may not detain people in an area particularly exposed to the dangers of war (though Argentina of course does not consider that it is 'occupying' the Falklands). Now that the ICRC offer of assistance has been accepted by Argentina, we shall work through them to ensure that the Islanders are not unnecessarily exposed to danger.

UN PEACE-KEEPING FORCE

I do not exclude a role for such a Force, though it could only operate with the consent of the parties to the dispute and could not enforce observation of the terms of an agreement if that consent were not forthcoming from one of the parties, or were withdrawn.

MEDIATION BY THE HOLY SEE?

We are not considering mediation by the Holy See, nor has such an offer been made. We continue to give full backing to Mr Haig's efforts to secure implementation of Security Council Resolution 502.



SUPPLEMENTARY QUESTIONS TO THE PRIME MINISTER: VENEZUELA/GUYANA
BORDER DISPUTE

IS THE PRIME MINISTER AWARE OF REPORTS THAT A VENEZUELAN INVASION
MAY BE IMMINENT IN THE BORDER DISPUTE WITH GUYANA?

1. The Venezuelan government have made it clear both in public statements and to British Ministers that it intends to follow the provisions of the 1966 Geneva Agreement in order to reach a peaceful settlement of this controversy. From 18 June this agreement will again govern the dispute after the expiry of the Port of Spain Protocol which has frozen the dispute for the last 12 years.

HAS THE SITUATION OF THIS DISPUTE BEEN AFFECTED BY EVENTS IN
THE FALKLANDS?

2. The Argentine invasion of the Falklands can hardly contribute positively to the settlement of territorial disputes in the area. In some instances there may be increased popular pressure on governments to take more drastic action. But we believe that the Venezuelan government will continue to seek a peaceful settlement of this dispute.

WHAT IS THE BRITISH POSITION?

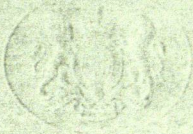
3. The governments of Venezuelan and Guyana are fully aware of our support for the provisions of the 1966 Geneva Agreement, which was also signed by the UK. We attach importance to the continued fulfilment by the governments of Venezuela and Guyana of their obligations under an Agreement which provides them with means of resolving the controversy peacefully. Neither the Agreement itself nor the Port of Spain Protocol envisage any further role for the UK.

/WILL ..



VENEZUELA/GUYANA BORDER DISPUTE: BACKGROUND

1. Shortly after independence (1830) Venezuela laid claim to a large area of the British colony of British Guyana. An arbitration award of 1899 assigned the greater part of the area under dispute to Britain. From the late 1940s the Venezuelans began to argue that this had not been a proper and fair award. The area now claimed by Venezuela covers about two thirds of Guyana's territory.
2. Prior to Guyanese independence and in an effort to resolve the dispute, Britain and Venezuela concluded the Geneva Agreement on 17 February 1966. The government of British Guyana participated in the negotiation of the agreement which was also signed by their Prime Minister. When Guyana attained independence in May 1966 it became a party to the Agreement. A mixed commission set up under this agreement failed to reach a solution. In this event the agreement provided for the two governments to choose one of the means of peaceful settlement provided for in Article 33 of the UN Charter. On 18 June 1970 however the governments of Guyana, Venezuela and the United Kingdom (at the invitation of the ^{other} two governments) signed a protocol which suspended action on the dispute for 12 years.
3. In December 1981 the Venezuelan government notified Guyana and the UK of its intention not to renew this protocol. Consequently the Geneva Agreement will reenter into force on 18 June 1982 and Venezuela and Guyana will be bound to begin implementation of the provisions of Article 4 of that agreement requiring peaceful settlement according to Article 33 of the UN Charter.

Background NoteUNITED NATIONS SECRETARY GENERAL'S STATEMENT OF 26 APRIL

- A We understand that Mr Foot may raise the UN Secretary General's statement of 26 April in which he called for a halt to further escalation, following the recapture of South Georgia: and appealed to both parties to comply with the provisions of Security Council Resolution 502 and to refrain from any action which would further broaden the conflict.

ESTABLISHMENT OF A FALKLAND ISLANDS GOVERNMENT OFFICE IN LONDON

- B This proposal has arisen on several occasions in the past, through the instigation of the Falkland Islands Committee in London. Although other dependent territories (eg Hong Kong and Bermuda) maintain offices in London, these are financed by the dependent territories governments and are concerned with commerce and tourist promotion. The view of the Governor and of Falkland Islands Councillors has been that such an office would be costly and would not serve a clear purpose. There would be obvious difficulties if such an office were to be used as a base for political lobbying.

STATUS OF ARGENTINE PRISONERS

- B In reply to a question by Sir Bernard Braine of 26 April, the Prime Minister said that Argentines captured in South Georgia were not prisoners of war, since a state of war does not exist between Britain and Argentina. The draft reply sets out the correct position.

TREATMENT BY HMG OF THE GOVERNOR AND OTHER RETURNING ISLANDERS

- B This was raised with the Prime Minister in the House by Mr Ogden on 26 April (Col. 615). The main point of his question is the treatment of the Governor. The Governor returned to the UK on Monday, 5 April, and was met by Ministers and by senior FCO officials. Mrs Hunt, as arranged, stayed immediately with her brother-in-law, while the Governor travelled to London for

/meetings



meetings with the Prime Minister and the Secretary of State, and was accommodated in an hotel at government expense. The Governor does not have a house or flat available in the UK and is now looking for one with FCO help. He has otherwise not requested any assistance and he has been accorded the same treatment and facilities that would be provided to any senior member of the Diplomatic Service returning to the UK in comparable circumstances.

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