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ANGLO-ARGENTINE MINISTERIAL TALKS ON THE FALKLAND ISLANDS:  
NEW YORK, 26/27 FEBRUARY 1982

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PRESENT

Mr Richard Luce MP  
(Minister of State)

Sr Enrique Ros  
(Under Secretary for Foreign Affairs)

Mr A J Williams CMG  
(HMA Buenos Aires)

Sr Ortiz de Rozas  
(Argentine Ambassador in London)

Mr Fearn  
(Head of SAMD)

Sr Blanco  
(Head of Antarctic and Malvinas Dept)

Mr Cresswell  
(PS/Mr Luce)

Sr Molteni  
(Minister at the Argentine Embassy  
in London)

Mr Bright  
(SAMD)

Sr Balcarce  
(Antarctic and Malvinas Dept)

Dr Penney  
(Research Dept)

Sr Cullen  
(Argentine Mission to the UN)

Mr Maclay  
(UKMis New York)

Mr Blake) Falkland Island Councillors  
Mr Cheek)

FIRST DAY, FRIDAY 26 FEBRUARY: FIRST SESSION, IN THE UK MISSION  
AT 10.00

1. Mr Luce welcomed the Argentines and introduced his delegation. Sr Ros reciprocated.
2. Mr Luce explained that he wished to make the British position clear from the outset. We had no doubts about British sovereignty over the Falkland Islands and their

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Dependencies. The wishes of the Islanders themselves were paramount: that was why he had felt strongly that the Islanders should participate in the talks. It was their future which was being discussed. No changes could be made without both their consent and that of the British Parliament. However, both the British Government and the Falkland Islanders felt that continuation of the dispute could only be harmful to all concerned. He therefore welcomed the opportunity to see whether it was possible to break the impasse. Above all, it was important to work towards a secure future for the Islanders. The only sensible way to proceed was for both sides to discuss matters frankly.

3. Mr Luce recalled that this was the third round of talks held during the lifetime of the present British Government. At the last round the British side had proposed a freeze of the dispute, but this had been rejected by the Argentines. This was disappointing, as we thought this proposal might have shown a way forward. However, now the Argentines had made their own proposal (attached) to which we had already responded briefly. It would now be useful to discuss this proposal in depth and first to hear from the Argentines an elaboration in detail. Finally, before Sr Ros made his opening remarks, Mr Luce said that the British side were taking it for granted that these talks were, like their predecessors, held without prejudice to the position of either side on sovereignty.

4. Sr Ros recalled that Argentina had been trying to reach a solution to this dispute for over 16 years. Britain and Argentina enjoyed close relations but it could not be denied that the dispute was a serious obstacle in our path: it was therefore in our mutual interest to find a solution, as urged by no fewer than three UN General Assembly resolutions. During the years that we had striven to find common ground there had been only limited progress. The purpose of the

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Argentine bout de papier was to propose an entirely new instrument for accelerating the pace of the negotiations. The Argentines wished to avoid these occasional gatherings in New York. They wanted to see, and quickly, whether there was any possibility of agreement. Argentina had no doubts about their sovereignty, but they wished to reach a common understanding with HMG if possible.

5. Sr Ros then expanded on the separate sections of the Argentine paper. He stressed that the principal question for the Argentines was sovereignty. The key to their position was the need for Britain to recognise Argentine sovereignty in the area. It was simply not possible to ignore the dispute: it was forming an ever-increasing presence in Argentine political life. The dispute would not go away, it would only get worse. It remained the Argentines' wish to achieve a peaceful solution to the dispute: all Argentine governments of whatever complexion had agreed on this. It was also in this sense that the three UN resolutions had been adopted. The Argentine Government had appealed in 1981 for real negotiations and they now wanted to see if the political will existed on the British side to start a process which might lead to a solution. The dispute was becoming more and more acute. The Argentines wanted to satisfy the Islanders' interests, indeed they were obliged to do so by the terms of the UN resolutions. The Island Councillors who had attended the February 1981 meeting had been encouraged to list the safeguards that they would need under Argentine administration, but no response had since been forthcoming. The Argentines firmly believed that a solution was possible which would preserve the Islanders' way of life by statute, which could be guaranteed by the UN.

6. Sr Ros believed that all the efforts to make progress in the dispute had come from the Argentine side. The Communications Agreement had been in force for ten years, but all Argentine attempts to improve links with the Islanders

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had failed either because of Islander resistance, or because they fell foul of Islands legislation. The Argentines had hoped that the Communications Agreement would improve relations and lead to better mutual understanding, but there was little evidence of this. The proposed statute of guarantees could cover many subjects, e.g. exemption from military service, exemption from Argentine taxation, the right to property ownership and so on. Argentina had no intention of disturbing the Islanders' style of life; what they wanted was a balance between Islanders' interests and Argentine sovereign rights.

7. Sr Ros also touched on other aspects of the Argentine paper. He thought that the question of natural resources should be looked at by the proposed Negotiating Commission with the aim of providing benefits for all concerned. But he wanted the British side to be in no doubt that any agreement on the economic side would have to be an integral part of a sovereignty solution. Security in the South Atlantic was also very important for the Argentines, who wished to protect their interests in the area and found the dispute a serious impediment. The Argentine proposal aimed to establish an instrument which would enable the UK and Argentina to cooperate to find a solution to all the various aspects of the dispute.

8. Mr Luce thanked Sr Ros for his exposition, which he had found helpful. He thought it might be useful to explore some of the points in more detail, but first he wanted to ask the Councillors for their views. Mr Blake questioned Sr Ros's assertion that Argentine efforts to develop links with the Islanders had been blocked by Islander resistance or legislation. He wanted to make it clear that, as far as he knew, no legislation had been specifically introduced in an attempt to foil Argentine initiatives. Sr Ros said that he had been referring not to new legislation but to statutes such as the Aliens Ordinance.

9. Mr Fearn said that there was no doubt that both sides wanted to solve the dispute by negotiation. Sr Ros had set out the Argentine view of the end result very clearly; it would not however be easy to negotiate a solution if one side thought there could only be one solution. It was important that all approaches should be looked at.

10. Mr Williams thought that the only really new aspect of the bout de papier was the proposal to establish a Negotiating Commission. He referred to the Argentine communiqué of July 1981 and his subsequent meeting with the former Foreign Minister, Dr Camilion. Dr Camilion had felt that the two sides had not previously approached the subject in a suitably global fashion. There had been too much emphasis on the individual aspects of the problem, it would now be best to draw up an inventory of all these and tackle them together. This had seemed to be an interesting idea which could be developed and helped to lead towards more fruitful discussion and away from generalities. If this was what was now envisaged for the Negotiating Commission, it would require an elaborate organisation. Sr Ros confirmed that the Argentine proposal envisaged a global approach. The negotiating mechanism would establish quickly whether a solution was at all possible and whether the political will could be found. Mr Luce thought it would be profitable to discuss what kind of inventory each side might have in mind. He agreed that the approach would have to be global, but the problem must presumably be broken down into its individual aspects.

11. Sr Ros emphasised that the main subject for consideration by the Negotiating Commission had to be sovereignty. Sovereignty necessarily included all other aspects. All the details were linked by the need to find a solution on sovereignty. Mr Luce recalled that Sr Ros had identified four principal areas in his opening remarks - sovereignty, the

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Islanders' interests, natural resources, and security. He wanted to know whether Sr Ros envisaged separate working groups on each of these subjects. Sr Ros said he did not. The proposal was for one overall Negotiating Commission which could, if necessary, establish a variety of sub-groups or committees to make progress in designated areas.

12. Mr Williams presumed that the purpose of such a Commission would not be simply to exchange rhetoric. He wondered therefore how it would work. Would both sides prepare and exchange papers or what? A great number of very complex and very technical subjects were involved, and a great deal of work would have to be done before all questions could be answered satisfactorily. Sr Ortiz de Rozas replied that the whole purpose of the Commission was to get away from the exchanges of rhetoric which had been so much a feature of previous talks on the subject. It was not acceptable to continue the present sporadic meetings. The Argentines wanted to make rapid progress towards a solution. Nothing would be excluded from the Commission's work; each side should make plain from the outset what it expected from the other side. For example, the Argentine Government had pledged to safeguard Islanders' interests. This was a real commitment, but it was up to the Islanders to say which interests they wanted to preserve. There were many other areas where there could be a profitable exchange. The Negotiating Commission might prefer to tackle the subjects itself, or to allow working groups to look at the details: no subject would be excluded. If the two sides could only agree that negotiations should be pushed forward, the Commission could discuss anything.

13. Mr Fearn had two questions. First, at what level did the Argentines envisage participation? Would it involve Ministers or just officials? It would be important that the British team included Islanders if they wished to attend. Second, he assumed that the Argentines accepted that the

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Commission would look at a variety of scenarios. HMG understood that the Argentines would start from a premise of a transfer of sovereignty to them, but equally the Argentines should understand that we would wish to start from a premise of British sovereignty. He sought confirmation that the Commission would look at the problem from a variety of different angles.

14. Mr Williams questioned whether it was possible for the Islanders to produce a list of their interests. It was like being asked in an examination to write down all you know. The Islanders could not expect to know in detail the situation in Argentina; the Argentines probably did not know all there was to know about the Islands. It would be important as a first step to determine the differences between the respective ways of life before seeing how peoples' concerns could best be met. Sr Ortiz de Rozas thought it more likely that people would want specific answers to practical problems, both in terms of existing Argentine law and of special considerations which might be evolved to deal with special cases. The necessary laws might already exist: new ways might be needed. There was no point looking at theories and generalities; it was necessary to look at cases.

15. Sr Ros repeated that, whatever solution the Commission eventually proposed, the whole would be included in a statute which would be guaranteed by the UN. As for the level of participation, he envisaged a political and technical Commission which would be headed at the same political level as now. But each party would be free to bring in experts to deal with individual aspects. Mr Luce said that it would presumably not be necessary for meetings to be held each time at Ministerial level; Sr Ros said that he expected the Commission to be chaired by Ministers once a month. Mr Luce sought confirmation that meetings at official level would not be precluded. Sr Ros said that the Commission would be

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master of its own proceedings. Mr Fearn thought that practical reasons alone meant that there would have to be great flexibility on Ministerial participation. Mr Luce agreed. Ministers should clearly take an interest but it would be very difficult for them to be available as regularly as Sr Ros hoped.

16. Sr Ros asked Mr Fearn to elaborate further on his question about the premises on which the Commission would operate. Mr Fearn explained that the present talks were being held without prejudice to sovereignty. Any Negotiating Commission would have to operate on the same assumption. But the Argentine paper was premised on one and only one conclusion to the dispute, i.e. that the work of a Commission should simply be to settle the details of a transfer of sovereignty, HMG could not easily envisage a Commission based only on that premise. As he saw it there were a variety of possible outcomes. What he wanted to know was whether the Commission would have the necessary flexibility. As we all accepted, sovereignty would be the hardest nut to crack. If we were to attempt from the outset to operate from one premise only, we were unlikely to make much progress. Sr Ros thought that as long as sovereignty, which was the Argentines' principal interest, was a substantial part of the negotiations, the Commission could discuss what it liked. The objective was to find a solution to the sovereignty dispute in whatever way might be feasible.

17. Mr Williams thought that there would be great problems to be overcome in the Commission's work. To take but one example - fishing: if we were to cede sovereignty to Argentina, control of fishing in waters would be the Argentines' responsibility. If British sovereignty were maintained it would be ours. But a solution acceptable to all sides would probably be much more complicated than that, involving a variety of rights and responsibilities in the area. A great

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deal of highly technical consideration would need to be given to these matters. Sr Ros repeated that the Argentines wanted to solve the dispute. All discussions would have to work to that end. There was no point in discussing individual aspects except in the context of an overall solution. He would be grateful to know the British reaction to the proposal to establish a Negotiating Commission.

18. Mr Luce asked how South Atlantic security would figure in the Commission's work. Sr Ortiz de Rozas thought that while some matters, such as security and the Antarctic, were not strictly speaking components of the dispute, they could profitably be discussed within the same negotiating machinery. These were matters of great importance to both sides, and our interests coincided. We could examine these matters and agree on how to proceed once the Negotiating Commission had recommended a solution to the dispute.

19. Sr Ortiz de Rozas wanted to make clear that Argentina had no quarrel with the Islanders. There were many British people who were fully integrated into Argentine society. In many ways, the Islanders were innocent bystanders, descendants of those who had illegally occupied the Islands in the 19th century. Argentina's dispute was not with the Islanders, but with the UK. Argentina wanted to ensure the Islanders' material and cultural well-being. They understood the Islanders' emotional ties with the UK and their wish to continue them. The same was true of other British communities in Argentina, e.g. the Welsh in Patagonia. The Islanders had a distorted view of Argentina as an enemy. This was wrong. The Islanders' interests were the prime concern of both British and Argentine Governments. Mr Luce agreed that our common interests was to solve the dispute if at all possible. However, he wished to make clear that for Britain it was the Islanders' wishes, not their interests, which were paramount. This was why it would be essential to have Islander representation and participation in the whole

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process of a Negotiating Commission. Mr Blake agreed. Small communities were always suspicious of outsiders. The Islanders were just as suspicious of the UK as they were of Argentina. They were always afraid that they would be swamped. For example, Sr Ros had voiced his objection to the Aliens Ordinance, but its sole purpose was to prevent the Islanders being swamped by outsiders. This was a basic fear for the Falklands. At the moment the Islanders were a majority. Tomorrow they might well be the ethnic minority.

Sr Ortiz de Rozas claimed to understand this perfectly. Most of the British delegation were fairly new to these negotiations; in contrast he and Sr Ros had been attending them for the last 16 years. He had a strong sense of déjà vu. His delegation had been told 16 years ago of the virtue of dispelling the Islanders' fears about Argentina. The Argentines had found this a sensible idea, and the Communications Agreement had developed from it. He well appreciated the Islanders' doubts. But unless the Argentines were given a fair chance to demonstrate their good intentions, he did not see how they could ever win the Islanders over. They wanted to show what they could do.

20. Mr Luce suggested that if the Argentines had nothing further to add on the substance of the Commission's work, both sides could adjourn until the afternoon. Sr Ros suggested an examination of the mechanics of a Commission, e.g. regularity of meetings and the time it would be given to operate. Mr Fearn thought it would be valuable for the British delegation first to discuss among themselves the outcome of the morning talks and Mr Luce agreed.

21. The meeting adjourned at 11.45.