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CONFIDENTIAL

Private Secretary

FALKLAND ISLANDS DEPENDENCIES:
RESOLUTIONS OF THE UNGA

1. Following this morning's discussion
in ODSA, I submit a draft letter to
No. 10.

N C R Williams
United Nations Dept

6 May 1982

cc: PS/PUS
Mr Freeland
Mr Giffard
Mr Mallaby
SAmD
Emergency Unit

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DSR 1 (Revised)

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PRIVACY MARKING

SUBJECT:

.....In Confidence

CAVEAT.....

FALKLAND DEPENDENCIES

1. I understand that at ODSA this morning the question was raised whether the three UN General Assembly resolutions which have been passed on the Falklands cover the Dependencies.

2. We have undertaken a careful examination of the resolutions in question. They refer only to the Falkland Islands and do not explicitly mention the Dependencies. Moreover, the lists of non-self-governing territories compiled by General Assembly Committees in 1946 and subsequently in 1964 referred exclusively to the 'Falkland Islands'. However, the report on the Falkland Islands by the Special Committee on Decolonisation which was referred to in the 1965 General Assembly resolution included factual data concerning both the Falkland Islands and the Dependencies, and references were made in the Special Committee's debate to both. But the 'conclusions and recommendations' section of the Committee's report did

Enclosures—flag(s).....

not refer to the Dependencies explicitly and we argued that they did not relate to the Dependencies in a Note which we sent to Argentina on 1 November 1965.

3. We are not confident that the majority of Member States would support a narrow reading of the strict words of the Resolutions, since this would imply that the General Assembly, having been seized of information about both the Falkland Islands and the Dependencies, consciously intended to adopt decisions excluding the latter from their general scope, notwithstanding the existence of a UK/Argentine sovereignty dispute over all of them.

4. We ourselves could however certainly argue that the Resolutions cannot be read as dealing with the Dependencies. And of course it remains the case that we did not support any of these Resolutions when they were adopted, that no General Assembly Resolution is binding and that we have constantly maintained that the General Assembly is not entitled to consider territorial disputes or questions of sovereignty.