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110 MAY 1982

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CONFIDENTIAL

FM UKMIS NEW YORK 092220Z MAY 82
TO FLASH FCO
TELEGRAM NUMBER 691 OF 9 MAY
INFO IMMEDIATE WASHINGTON.

YOUR TEL NO 371: FALKLANDS.

1. I SAW THE SECRETARY-GENERAL AND HIS TEAM AT 1930Z TODAY (9 MAY). WE ARE TO MEET AGAIN AT ABOUT 2300Z, BY WHICH TIME HE WILL HAVE SEEN ROS (ARGENTINA).

2. ON THE DATE OF TIME 'T', THE LENGTH OF THE PERIOD OF WITHDRAWAL AND THE PHASING OF THE WITHDRAWAL OF THE TASK FORCE, I SPOKE AS INSTRUCTED IN PARA 2(A) TO (C) AND PARA 3 OF YOUR TELEGRAM UNDER REFERENCE AND GAVE PEREZ DE CUELLAR COPIES OF MY SPEAKING NOTES. LATER IN THE CONVERSATION THE SECRETARY-GENERAL OR HIS STAFF RAISED THE FOLLOWING POINTS ON THIS PART OF MY PRESENTATION:

(A) DID WE ACCEPT THAT THE DIPLOMATIC NEGOTIATIONS WOULD BEGIN AT TIME 'T', SIMULTANEOUSLY WITH THE OTHER ELEMENTS MENTIONED IN PARA 3 OF YOUR TELEGRAM UNDER REFERENCE? I SAID THAT I DID NOT THINK THAT THERE WOULD BE ANY DIFFICULTY ABOUT HAVING A CEREMONIAL OPENING OF THE NEGOTIATIONS AT THAT STAGE, THOUGH IN PRACTICE IT WOULD TAKE TIME FOR BOTH SIDES TO ASSEMBLE AND PREPARE THEIR NEGOTIATING TEAMS.

(B) THE ARGENTINES MIGHT ARGUE THAT 200 NAUTICAL MILES WAS TOO SHORT A RADIUS FOR THE ZONE FROM WHICH THE BRITISH TASK FORCE WOULD BE WITHDRAWN. HAD THIS BEEN AN ISSUE IN PREVIOUS NEGOTIATIONS? I SAID THAT I DID NOT KNOW.

(C) HOW WOULD THE WITHDRAWAL OF NAVAL FORCES, AND ESPECIALLY SUBMARINES, OF BOTH SIDES BE VERIFIED? THE UN HAD NO EXPERIENCE OF SUCH AN OPERATION. THE SECRETARY-GENERAL WOULD BE GRATEFUL FOR ANY IDEAS YOU HAVE ON THIS POINT. (ONE POSSIBILITY WOULD BE FOR BOTH SIDES TO MAKE A DECLARATION TO THE SECRETARY-GENERAL OF THE SHIPS THEY HAD IN THE ZONE AT TIME 'T' AND NOTIFY HIM AS EACH VESSEL WITHDREW; IT IS DIFFICULT TO SEE HOW THE UN COULD MOUNT ANY PHYSICAL VERIFICATION OF WITHDRAWAL).

I NEXT SPOKE AS INSTRUCTED IN PARA 2(D) OF YOUR TELEGRAM UNDER REFERENCE ON THE TERMINAL DATE FOR THE DIPLOMATIC NEGOTIATIONS, EMPHASISING THAT WE SIMPLY COULD NOT ACCEPT ANY POSSIBILITY OF THERE BEING A VACUUM ON 31 DECEMBER 1982 WITH NEITHER AN AGREEMENT NOR INTERIM ARRANGEMENTS IN FORCE. PEREZ DE CUELLAR'S TEAM ACCEPTED THE POINT BUT CLEARLY THOUGHT THAT THE ARGENTINES WOULD BRIDLE AT THE INCLUSION IN THE INTERIM AGREEMENT ITSELF OF A PROVISION THAT THE INTERIM ARRANGEMENTS SHOULD CONTINUE UNTIL A FINAL AGREEMENT ON THE FUTURE OF THE ISLANDS WAS IMPLEMENTED. AHMED WONDERED WHETHER THIS POINT MIGHT BE MADE IN THE ANNEX DESCRIBING THE INTERIM ARRANGEMENTS. I SAID THAT THIS MIGHT BE POSSIBLE BUT THAT WE WOULD NEED TO SEE LANGUAGE AND THE DRAFT AGREEMENT AS A WHOLE.

4. I THEN MADE THE POINTS ABOUT THE FORMAT AND VENUE FOR THE NEGOTIATIONS IN PARA 2(E) OF YOUR TELEGRAM UNDER REFERENCE, ADDING THAT THE CRITICAL MOMENT IN THE NEGOTIATIONS WOULD COME DURING THE 37TH REGULAR SESSION OF THE GENERAL ASSEMBLY. THIS WOULD REALLY MAKE IT IMPOSSIBLE TO HOLD THE TALKS IN NEW YORK. PEREZ DE CUELLAR SEEMED TO ACCEPT THIS AND SAID THAT HE HIMSELF HAD THOUGHT OF OTTAWA AS A POSSIBLE VENUE.

5. I NEXT RAISED THE TERMS OF REFERENCE FOR THE NEGOTIATIONS, AS INSTRUCTED IN PARA 5 OF YOUR TELEGRAM UNDER REFERENCE. I SAID THAT THIS BROUGHT ME ON TO THE ALL-IMPORTANT QUESTION OF ARGENTINE ACCEPTANCE THAT THE INTERIM ARRANGEMENTS WOULD BE WITHOUT PREJUDICE TO THE QUESTION OF SOVEREIGNTY. I HAD BEEN SERIOUSLY DISTURBED BY COSTA MENDEZ'S TELEVISION INTERVIEW TODAY (WASHINGTON TEL NO 1682). HE SEEMED TO ME TO HAVE BEEN SAYING THAT ARGENTINA WAS NOT INSISTING THAT THE UK SHOULD ACTUALLY CEDE SOVEREIGNTY BEFORE THE NEGOTIATIONS STARTED BUT THAT SHE INSISTED THAT THOSE NEGOTIATIONS MUST CONCLUDE WITH CONFIRMATION OF ARGENTINE SOVEREIGNTY AND THAT THEY WOULD THEREFORE BE CONCERNED NOT WITH SOVEREIGNTY ITSELF BUT WITH HOW THE INTERESTS OF THE ISLANDERS MIGHT BE PROTECTED UNDER ARGENTINE SOVEREIGNTY. IF MY READING OF COSTA MENDEZ'S REMARKS WAS RIGHT, THERE HAD BEEN A MAJOR CHANGE IN THE ARGENTINE POSITION AS PEREZ DE CUELLAR HAD DESCRIBED IT TO BE YESTERDAY. IN THAT CASE WE WOULD BE IN SERIOUS TROUBLE. I HOPED THAT I WAS WRONG. BUT I MUST FORMALLY ASK PEREZ DE CUELLAR TO ASK ROS FOR URGENT CLARIFICATION OF ARGENTINA'S POSITION. ON HIS ANSWER WOULD DEPEND WHETHER PEREZ DE CUELLAR WAS IN BUSINESS OR WHETHER HE WAS ENGAGED IN ANOTHER FUTILE EXERCISE. COSTA MENDEZ WAS THE ARGENTINE FOREIGN MINISTER AND HE WAS SPEAKING ON THE RECORD. ROS MUST BE ASKED TO ESTABLISH ABSOLUTELY CLEARLY WHAT HIS GOVERNMENT'S POSITION IS. PEREZ DE CUELLAR LOOKED UNHAPPY BUT SAID THAT HE WOULD DO AS I ASKED.

6. I NEXT STATED THAT I WISHED IT TO BE QUITE CLEAR THAT WE WERE TALKING ABOUT THE FALKLAND ISLANDS ALONE, NOT ABOUT THE DEPENDENCIES.

I NEXT STATED THAT I WISHED IT TO BE QUITE CLEAR THAT WE WERE TALKING ABOUT THE FALKLAND ISLANDS ALONE, NOT ABOUT THE DEPENDENCIES. OUR TITLE TO THE LATTER WAS DIFFERENT FROM OUR TITLE TO THE FALKLANDS: AND THEY HAD NO PERMANENT POPULATION. IT HAD BEEN ONLY A MATTER OF CONVENIENCE THAT THEY HAD BEEN ADMINISTERED FROM PORT STANLEY. IT TURNED OUT TO BE AS WELL THAT I MENTIONED THIS. AHMED AT LEAST HAD CLEARLY BEEN ASSUMING THAT THE INTERIM AGREEMENT WOULD COVER THE DEPENDENCIES AS WELL AND THAT WHEN THE ARGENTINES WITHDREW FROM THE FALKLANDS WE WOULD ALSO WITHDRAW FROM SOUTH GEORGIA. HE POINTED OUT THAT THE DEPENDENCIES HAD BEEN INCLUDED IN OUR EARLIER NEGOTIATIONS WITH THE ARGENTINES AND QUOTED THE JOINT COMMUNIQUE ISSUED AFTER THE 1977 ROUND OF TALKS (A/32/111). I INSISTED THAT WE WERE ONLY CONCERNED AT THIS STAGE WITH THE FALKLAND ISLANDS AND THAT THIS HAD BEEN UNDERSTOOD IN THE PERUVIAN PROPOSALS. WE WOULD HAVE ONLY SIX MONTHS TO REACH A FINAL AGREEMENT, AND IT WAS ESSENTIAL TO CONCENTRATE ON THE MAIN PROBLEM, VIZ THE FALKLAND ISLANDS THEMSELVES. I THINK THAT WE MAY HAVE FURTHER TROUBLE ON THIS, WITH AHMED TIRE- SOMELY BRINGING UP THE EARLIER NEGOTIATIONS. I RECOMMEND THAT OUR LINE SHOULD BE THAT THE ARGENTINE INVASION OF THE ISLANDS (IN DIRECT CONTRAVENTION, INCIDENTALLY, OF OPERATIVE PARA 4 OF GENERAL ASSEMBLY RESOLUTION 31/49) HAS CREATED A NEW SITUATION AND THAT THE PRECEDENT OF THE EARLIER NEGOTIATIONS IS NO LONGER RELEVANT.

7. FINALLY, I MADE THE POINTS ABOUT THE INTERIM ADMINISTRATION IN PARA 4 OF YOUR TELEGRAM UNDER REFERENCE, STRESSING HOW IMPORTANT THEY WERE FOR US. PEREZ DE CUELLAR TOOK NOTE.

8. AT THE END OF THE MEETING, I SUGGESTED THAT THE TIME MIGHT HAVE COME FOR PEREZ DE CUELLAR TO PRODUCE A SOMEWHAT FULLER DOCUMENT, IN THE LIGHT OF HIS CONVERSATIONS WITH ROS AND ME. PEREZ DE CUELLAR SAID THAT THAT WAS EXACTLY WHAT HE INTENDED TO DO. HE WOULD SEE ROS IMMEDIATELY, IN PARTICULAR TO SEEK CLARIFICATION OF COSTA MENDEZ'S REMARKS, AND WOULD LIKE TO SEE ME A SECOND TIME LATER THIS EVENING, PROBABLY AT 2300Z. I WILL REPORT FURTHER AFTER THAT MEETING.

9. ON THE WHOLE THIS WAS A GOOD MEETING. I EMPHASISED HOW CONSTRUCTIVE, URGENT AND FLEXIBLE WE WERE SHOWING OURSELVES TO BE. NO ONE CONTESTED THIS AND THE ATMOSPHERE WAS SERIOUS BUT FRIENDLY.

PARSONS

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