

FALKLANDS SELECTIVE ADVANCES (32)

IMMEDIATE

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MR FULLER )

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DESKBY 110700Z

FM UKMIS NEW YORK 110140Z MAY 82

TO IMMEDIATE FCO

TELEGRAM NUMBER 703 OF 10 MAY

INFO IMMEDIATE WASHINGTON.

YOUR TEL NO 377: FALKLANDS.

1. I HAD NEARLY TWO HOURS WITH THE SECRETARY GENERAL AND HIS TEAM THIS EVENING (10 MAY). IT WAS A VERY DISCOURAGING MEETING.
2. PEREZ DE CUELLAR SAID THAT, AS PROMISED, HE HAD LAST NIGHT PUT TO ROS OUR NEED FOR LANGUAGE WHICH WOULD MAKE IT CLEAR THAT THE OUTCOME OF THE SUBSTANTIVE NEGOTIATIONS WAS NOT BEING PREJUDGED. THIS AFTERNOON ROS HAD GIVEN HIM A PAPER SETTING OUT THE ARGENTINES' IDEAS, OF WHICH THE SECRETARIAT'S TRANSLATION IS IN MIFT. LATER IN THE CONVERSATION, PEREZ DE CUELLAR SAID THAT, ALTHOUGH ROS HAD CONTACTED BUENOS AIRES OVERNIGHT, THE PAPER HAD NOT ORIGINATED IN BUENOS AIRES BUT HAD BEEN DRAFTED IN THE COURSE OF THE DISCUSSIONS HERE. IT WAS THEREFORE QUOTE NEGOTIABLE UNQUOTE. ROS HAD

CONTACTED BUENOS AIRES OVERNIGHT, THE PAPER HAD NOT ORIGINATED IN BUENOS AIRES BUT HAD BEEN DRAFTED IN THE COURSE OF THE DISCUSSIONS HERE. IT WAS THEREFORE QUOTE NEGOTIABLE UNQUOTE. ROS HAD TOLD HIM THAT THE ARGENTINES SAW THE PAPER AS A QUOTE PACKAGE UNQUOTE AND THOUGHT IT BETTER TO DISCUSS ALL THESE POINTS AT THE SAME TIME. PEREZ DE CUELLAR HAD SAID THAT THE PAPER WOULD BE UNACCEPTABLE TO US BUT THAT HE WOULD CONVEY IT TO ME.

3. I SAID THAT I WAS PUZZLED AND DISAPPOINTED BY ROS'S PAPER: IT WAS OUT OF PHASE WITH THE TALKS I HAD BEEN HAVING WITH THE SECRETARY GENERAL: IT WAS ANALAGOUS TO THE MESSAGE YOU HAD SENT PEREZ DE CUELLAR FOUR DAYS AGO: IT WENT BACK TO GENERAL HEADINGS (AND, IN ITS PARAGRAPH 5, ADDED A MAJOR NEW POINT), WITHOUT THE DETAIL ON WHICH I THOUGHT PEREZ DE CUELLAR AND I HAD BEEN MAKING PROGRESS. PEREZ DE CUELLAR SAID HE THOUGHT THAT PARAGRAPH 2 OF THE ARGENTINE PAPER SHOULD MEET OUR CONCERN ABOUT NOT PREJUDGING THE OUTCOME OF THE NEGOTIATIONS: IN HIS VIEW IT COVERED THE WHOLE EXERCISE, INCLUDING THE NEGOTIATING PROCESS. ROS HAD NOT LIKED OUR LANGUAGE BECAUSE IT IMPLIED THAT THE ARGENTINES MIGHT CHEAT. I REJECTED THIS: THE PROBLEM WAS THAT THE ARGENTINES HAD SAID SO OFTEN THAT SOVEREIGNTY WAS NOT NEGOTIABLE THAT WE HAD TO HAVE ABSOLUTELY CLEAR EVIDENCE IN THE AGREEMENT THAT THIS WAS NO LONGER THEIR POSITION. WE HAD TO KNOW WHETHER WE WERE TALKING ABOUT A GENUINE INTERIM AGREEMENT OR MERELY ABOUT A PROCEDURE FOR THE DELAYED TRANSFER OF SOVEREIGNTY TO ARGENTINA AT THE END OF THE INTERIM PERIOD. I HAD INSTRUCTIONS TO STAND FIRM ON THE LANGUAGE I HAD PUT FORWARD YESTERDAY. ANYTHING I SAID ON THE OTHER ASPECTS WAS CONTINGENT ON OUR BEING SATISFIED ON THIS CENTRAL POINT. WHAT WORRIED ME WAS THAT THE ARGENTINES HAD NOT ADMITTED THAT THEY QUOTE CLAIM UNQUOTE SOVEREIGNTY: THEY SAY THAT THEY HAVE IT AND THAT IT HAS ALWAYS BEEN THEIRS. THE ARTICLE 40 LANGUAGE IN THE SECRETARY GENERAL'S AIDE MEMOIRE AND IN POINT 2 OF THE ARGENTINE PAPER WAS NOT THEREFORE ENOUGH TO PROTECT US AGAINST ARGENTINE REFUSAL TO INCLUDE SOVEREIGNTY IN THE DIPLOMATIC NEGOTIATIONS. WE HAD TO HAVE UNEQUIVOCAL LANGUAGE TO THE EFFECT THAT THE OUTCOME OF THOSE NEGOTIATIONS WOULD NOT BE PREJUDGED.

4. I MADE THESE POINTS AGAIN AND AGAIN TO PEREZ DE CUELLAR. HE AND HIS STAFF TRIED TO ARGUE, WITH CONSPICUOUS LACK OF CONVICTION ON HIS PART, THAT THE ARGENTINE LANGUAGE MET OUR REQUIREMENTS. DE SOTO PRODUCED LANGUAGE ON THE LINES OF: QUOTE ALL ASPECTS OF THIS INTERIM AGREEMENT SHALL BE IMPLEMENTED WITHOUT PPEJUDICE TO THE RIGHTS, CLAIMS AND POSITIONS OF THE PARTIES UNQUOTE, BUT I SAID THAT THIS WOULD NOT DO. AT THE END OF THE MEETING, PEREZ DE CUELLAR SAID THAT HE WOULD AGAIN CONVEY TO ROS WHAT I HAD SAID AND TRY TO QUOTE CLARIFY UNQUOTE HIS POSITION ON NON-PREJUDGEMENT OF THE OUTCOME.

5. THIS ARGUMENT TOOK UP ABOUT HALF THE MEETING. I ALSO MADE TO

OUTCOME.

5. THIS ARGUMENT TOOK UP ABOUT HALF THE MEETING. I ALSO MADE TO THE SECRETARY GENERAL THE POINTS IN PARAGRAPHS 4 AND 7 - 15 OF YOUR TUR, WITH THE FOLLOWING RESULTS:

(A) DEPENDENCIES

AT THE END OF THE MEETING DE SOTO SAID THAT AS THE DEPENDENCIES HAD BEEN INCLUDED IN OUR EARLIER NEGOTIATIONS WITH THE ARGENTINES THEY COULD NOT BE EXCLUDED FROM THE NEXT ROUND. DID HE UNDERSTAND THAT I WANTED TO EXCLUDE THEM FROM THE INTERIM ARRANGEMENTS? SURELY, WITHDRAWAL FROM SOUTH GEORGIA, WHERE WE HAD FEW TROOPS, WOULD BE A "PAINLESS GESTURE". I DENIED THIS FIRMLY. I WOULD REPORT WHAT HE HAD SAID BUT AS FAR AS WE WERE CONCERNED, THE AGREEMENT UNDER DISCUSSION RELATED TO THE FALKLAND ISLANDS ALONE.

(B) INTERIM ADMINISTRATION

I LAID PARTICULAR STRESS ON THE UNACCEPTABILITY OF DENYING THE ISLANDERS ANY MEANS OF EXPRESSING THEIR VIEWS DURING THE INTERIM PERIOD AND ON THE UNACCEPTABILITY OF THE UN DISMANTLING REPRESENTATIVE INSTITUTIONS WHICH HAD BEEN DEVELOPED UNDER ARTICLE 73 OF THE CHARTER. PEREZ DE CUELLAR WONDERED WHETHER NEW ELECTIONS OR A PLEBISCITE MIGHT BE THE ANSWER. DE SOTO, RIGHTLY CALCULATING THAT THIS WOULD BE UNACCEPTABLE TO THE ARGENTINES, SUGGESTED THAT MY POINT COULD BE MET IF THE COUNCILS, OR AT LEAST THE LEGISLATIVE COUNCIL, WERE RETAINED IN AN ADVISORY CAPACITY.

I POINTED OUT THAT THE ARGENTINES HAD REJECTED THIS YESTERDAY (PARAGRAPH 6 OF MY TELNO 694) BUT SAID THAT I WOULD PUT THE SUGGESTION TO YOU. BUT I THOUGHT THAT IT WOULD BE MUCH BETTER FOR BOTH COUNCILS TO REMAIN IN BEING, WITH THE ARGENTINES' WORRIES ABOUT PREJUDICE BEING COVERED BY THE KIND OF LANGUAGE WE HAD PUT FORWARD YESTERDAY (PARAGRAPH 9 OF MY TELNO 694).

(C) VERIFICATION

PEREZ DE CUELLAR RESPONDED POSITIVELY TO THE IDEA OF THE UN USING SURVEILLANCE AIRCRAFT PROVIDED BY SOME NEUTRAL STATE.

(D) SIZE OF ZONES FOR WITHDRAWAL

A MAJOR NEW PROBLEM AROSE HERE. AHMED SAID THAT THE ARGENTINES HAD SAID TODAY THAT THE PROPOSALS DISCUSSED WITH HAIG HAD BEEN BASED ON THE COMPLETE WITHDRAWAL OF THE BRITISH TASK FORCE TO ITS BASES IN THE UK. HE THEN READ OUT WHAT SEEMED TO BE THE SECRETARIAT'S TRANSLATION OF A SPANISH TEXT OF THE PROPOSALS IN PARAGRAPH 2 OF YOUR TELNO 765 TO WASHINGTON EXCEPT THAT THE UK FORCES WOULD BE WITHDRAWN TO A DISTANCE OF AT LEAST 2,000 NAUTICAL MILES (NOT 1,750) BY DAY 7. I SAID THAT THIS PROPOSAL HAD NEVER BEEN AGREED BY HM GOVERNMENT. IN ANY CASE, I THOUGHT THAT IT HAD BEEN PUT TOGETHER WHEN THE TASK FORCE WAS STILL THOUSANDS OF MILES FROM THE FALKLANDS, ABOUT A MONTH AGO. SINCE THEN, THE SITUATION HAD CHANGED ENORMOUSLY AND THERE WAS NO QUESTION OF OUR ACCEPTING SUCH AN ARRANGEMENT. IT WAS TOTALLY IRRELEVANT TO THE REAL SITUATION.

THE FALKLANDS, ABOUT A MONTH AGO. SINCE THEN, THE SITUATION HAS CHANGED ENORMOUSLY AND THERE WAS NO QUESTION OF OUR ACCEPTING SUCH AN ARRANGEMENT. IT WAS TOTALLY IRRELEVANT TO THE REAL SITUATION. THE ARGENTINES SEEMED TO HAVE CREATED A VERY WIDE NEW GAP.

(E) TARGET DATE FOR CONCLUSION OF FUTURE NEGOTIATIONS

PEREZ DE CUELLAR SAID THAT HE HAD BEEN ENCOURAGED THAT ROS HAD REFERRED SPECIFICALLY TO THE NEGOTIATIONS PERHAPS NEEDING TO CONTINUE UNTIL FEBRUARY 1983. I SAID THAT I WAS GLAD THAT ROS WAS NOT INSISTING ON AN ABSOLUTE DEADLINE. FOR US IT WAS IMPORTANT THAT THE SECRETARY GENERAL SHOULD HAVE DISCRETION TO RECOMMEND WHAT FURTHER STEPS SHOULD BE TAKEN IF NO AGREEMENT WAS IN SIGHT TOWARDS THE END OF THE INTERIM PERIOD.

6. I SAID THAT THE ARGENTINE PAPER RAISED TWO NEW POINTS - PARAGRAPH 5, AND THE REFERENCE IN PARAGRAPH 4 TO THE UK AND ARGENTINE OBSERVERS FLYING THEIR FLAGS. WE WERE PUZZLED TO FIND PARAGRAPH 5 IN THE CONTEXT OF A SHORT INTERIM AGREEMENT. IT SEEMED TO OPEN THE POSSIBILITY OF THE ARGENTINES TRYING TO CREATE NEW DEMOGRAPHIC FACTS DURING THE INTERIM PERIOD. PEREZ DE CUELLAR SAID THAT THE ARGENTINES HAD COMPLAINED ABOUT RESTRICTIONS ON THE PURCHASE OF LAND AND ON ACCESS TO THE ISLANDS.

7. SUMMING UP, I SAID THAT WE STILL HOPED TO REACH THE STAGE WHEN PEREZ DE CUELLAR COULD PRODUCE PROPOSALS OF HIS OWN, ON THE BASIS OF WHAT WE AND THE ARGENTINES HAD TOLD HIM. MEANWHILE, THE QUESTION OF NON-PRE-JUDGEMENT WAS FOR US THE KEY TO EVERYTHING. IN ADDITION, THERE WAS STILL MUCH GROUND TO COVER ON THE DEPENDENCIES, THE NATURE OF THE INTERIM ADMINISTRATION, THE SIZE OF THE ZONES OF WITHDRAWAL AND DISCRETION FOR THE SECRETARY GENERAL TO RECOMMEND FURTHER STEPS IF AGREEMENT HAD NOT BEEN REACHED BY THE TARGET DATE.

8. PLEASE SEE MY SECOND IFT FOR COMMENT AND RECOMMENDATIONS.

PARSONS

CCN... PARA 2 LAST LINE WA WOULD - CONVEY IT TO ME ETC

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