

PP F C O

GR 500

(169)
ACTION

CONFIDENTIAL

FM UKMIS NEW YORK 141935Z MAY 82
TO PRIORITY F C O
TELEGRAM NUMBER 753 OF 14 MAY 1982

YOUR TELNOS 390 AND 395; FALKLANDS; DRAFT AGREEMENT

1. A REVISED VERSION OF THE DRAFT AGREEMENT IN MY TELNO 713 HAS BEEN PREPARED MAKING THE CHANGES SPECIFIED IN YOUR TELEGRAMS UNDER REFERENCE (TEXT BY TODAY'S BAG TO FEARN EMERGENCY UNIT AND FREELAND, LEGAL ADVISERS). THERE ARE SOME OUTSTANDING POINTS ON WHICH I SHOULD BE GRATEFUL FOR GUIDANCE ON A CONTINGENCY BASIS.

ARTICLE 6(1) AND (2)

2. IT EMERGED FROM SOME REMARKS BY AHMED ON 13 MAY THAT THE SECRETARIAT ENVISAGE TWO RESOLUTIONS BY THE SECURITY COUNCIL, THE FIRST AUTHORISING THE SECRETARY-GENERAL TO ADMINISTER THE FALKLANDS DURING THE INTERIM PERIOD AND CALLING FOR A REPORT ON HOW HE WOULD PROPOSE TO DO IT, AND THE SECOND SIMPLY APPROVING HIS REPORT. THIS PROCEDURE WOULD DEPART FROM THAT FOLLOWED IN THE CASE OF WEST IRIAN (WHERE THE SG PRODUCED HIS REPORT AFTER SIGNATURE OF THE AGREEMENT AND THE GENERAL ASSEMBLY ADOPTED ONE RESOLUTION IN EFFECT ENDORSING BOTH), BUT WOULD FOLLOW THE PRACTICE OF THE SECURITY COUNCIL IN MOUNTING PEACEKEEPING OPERATIONS (EG SCRS 425 AND 426 SETTING UP UNIFIL, BOTH OF WHICH WERE ADOPTED ON THE SAME DAY). I RECOMMEND THAT WE SHOULD BE WILLING TO GO ALONG WITH ANY PROCEDURE WHICH PRODUCES THE RIGHT RESULT QUICKLY.

ARTICLE 6(4)

3. I SUGGEST THAT THE FOLLOWING SENTENCE SHOULD BE ADDED:
"THE UNITED NATIONS ADMINISTRATOR SHOULD CONSULT THE PEOPLE OF THE FALKLAND ISLANDS, THROUGH THEIR ELECTED REPRESENTATIVES AND OTHERWISE, ABOUT THEIR INTERESTS, WISHES AND INTENTIONS FOR THE FUTURE".

ARTICLE 6(6)

4. THE SECRETARY-GENERAL MAY FEEL THAT YOUR WORDING ABOUT HIS STAFF WOULD IMPINGE UPON HIS AUTHORITY AS THE CHIEF ADMINISTRATIVE

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ARTICLE 6(6)

4. THE SECRETARY-GENERAL MAY FEEL THAT YOUR WORDING ABOUT HIS STAFF WOULD IMPINGE UPON HIS AUTHORITY AS THE CHIEF ADMINISTRATIVE OFFICER OF THE UN. HIS PROPOSALS ON STAFFING WOULD, OF COURSE, BE INCLUDED IN HIS REPORT TO THE SECURITY COUNCIL ON IMPLEMENTATION AND SO WE SHOULD HAVE A CHANCE TO INFLUENCE HIM AT THAT STAGE.

ARTICLE 7.

5. THE SG'S FORMULA (MY TELNO 728, PARA 2) IS "TO SEEK WITH A SENSE OF URGENCY THE COMPLETION OF THESE NEGOTIATIONS BY 31 DECEMBER 1982", WHICH MAY BE AS GOOD AS, IF NOT ACTUALLY STRONGER THAN, "WITH A VIEW TO REACHING A PEACEFUL SETTLEMENT AND COMPLETING THESE NEGOTIATIONS BY THE TARGET DATE".

ARTICLE 8

6. THIS REMAINS A DIFFICULT ISSUE AND I SHOULD BE GRATEFUL FOR REACTIONS TO WORDING ALONG THE FOLLOWING LINES:
"THIS INTERIM AGREEMENT SHALL ENTER INTO FORCE ON SIGNATURE AND MAY BE TERMINATED AT ANY TIME BY AGREEMENT BETWEEN THE PARTIES. IN THE ABSENCE OF SUCH AN AGREEMENT, THE UN ADMINISTRATION SHALL CONTINUE UNTIL SUCH TIME AS THE SECRETARY-GENERAL MAKES A DETERMINATION THAT ALL EFFORTS AT REACHING A DEFINITIVE AGREEMENT ABOUT THE FUTURE OF THE ISLANDS IN ACCORDANCE WITH ARTICLE 7 ABOVE HAVE BEEN EXHAUSTED".

PAPSONS