

C O N F I D E N T I A L

01-405 7641 Ext.

Communications on this subject should
be addressed to
THE LEGAL SECRETARY
ATTORNEY GENERAL'S CHAMBERS

ATTORNEY GENERAL'S CHAMBERS,
LAW OFFICERS' DEPARTMENT,
ROYAL COURTS OF JUSTICE,
LONDON, W.C.2.

19 May 1982

A. J. Coles, Esq.,
10 Downing Street, SW1

A.J.C. 2/5

Dear John,

p.a.

FALKLAND ISLANDS: DRAFT INTERIM AGREEMENT

The Attorney General undertook yesterday to let the Prime Minister have a note of how the last sentence of Article 6(3) of the draft Interim Agreement would in practice have protected the Islanders against the threat of being 'flooded' by large scale Argentine immigration during the interim period. I now enclose a copy of that note. (The Attorney General may already have given the Prime Minister a copy). It was prepared in conjunction with the F.C.O. legal advisers and has been approved by the Attorney General. It is a purely factual note which I think accurately summarises the main elements of the main legislation but it does so with a fairly broad brush.

I should add that, although the F.C.O. have no misgivings about the accuracy of the note, they do have considerable misgivings about making public use of the detailed material in paragraphs 4, 5 and 6. They fear that this would create a picture of an arbitrary and discriminatory regime which might get an unsympathetic reception from international opinion and which the Argentines could seize on as justifying their unwillingness to accept our proposals in this respect. If the F.C.O. do wish to urge the inexpediency of the Prime Minister deploying this material in the House, they will no doubt say so.

I am copying this letter and its enclosures to John Holmes and also to Ian Sinclair in the F.C.O.

*Yours ever,
Henry Steel*

(Henry Steel)

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Richard Haven

FALKLAND ISLANDS: DRAFT INTERIM AGREEMENT

NOTE ON LAST SENTENCE OF ARTICLE 6(3)

1. The Government regarded it as fundamental that the character of traditional society in the Falkland Islands should be preserved and protected during any period of UN administration.
2. The UN Administrator was accordingly required by the last sentence of Article 6(3) to exercise his powers in accordance with the terms of this Agreement "and in conformity with the laws and practices traditionally obtaining in the Islands".
3. The three most sensitive areas in this respect are those relating to immigration, to the acquisition by outsiders of interests in land and to the franchise.
4. As regards immigration, the present position is that, under the Immigration Ordinance 1965, no person other than a permanent resident may enter the Islands without a permit. A permanent resident is defined as a person born in the Islands, or a person who has been ordinarily resident there for at least seven years, or the dependent of any such person, or a person naturalised locally. The general rule excluding persons who are not permanent residents is subject to a few specified exceptions: for example, persons in government service and persons possessing special qualifications who wish to exercise their professions and have the necessary capital to do so.
5. As regards land holding, the Aliens Ordinance (Chapter 4 of the Laws of the Falkland Islands) prohibits any alien from holding land in the Islands without a licence. There are limited exceptions for aliens to hold short tenancies for the purposes of residence, trade or business.
6. The franchise for the purpose of elections to the Legislative Council is regulated by the Legislative Council (Elections) Ordinance (Chapter 37) as amended. This provides that the franchise is restricted to persons who:
 - (a) are British subjects who have attained the age of 18;
 - (b) are not specifically disqualified under any other provision (eg because they are bankrupt, of unsound mind or have been convicted of an elections offence); and
 - (c) have resided in the relevant electoral area for

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the previous 12 months in the case of persons born in the Islands or in other cases for the previous three years.

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