

275. Letter From the British Ambassador (Henderson) to Secretary of State Haig¹

Washington, May 19, 1982

Dear Al,²

I have just received from New York and am letting you have in strict confidence the enclosed unofficial translation of the Argentine paper handed to us by the UN Secretary-General's staff this morning.

As you will see, the Argentine paper falls well short of the proposals we asked the Secretary General to convey to the Argentinians on 17 May. In particular it contains no language on the question of not prejudging sovereignty or the outcome of negotiations. It insists on the inclusion of the dependencies in an interim agreement. So far as the interim administration is concerned, there is no reference to the traditional representative institutions of the islanders, but a proposal that the UN Administrator might appoint as advisers equal numbers of Argentine and British residents on the islands, despite the fact that the former number no more than 30 in a population of 1800. The proposals would also render it possible for the Argentine authorities to flood the islands with Argentinian residents during the interim period. In short, the Argentines have reverted to the negotiating position they adopted at the beginning of the UN Secretary General's initiative.

As usual I am available for discussions whenever you want.

Nicholas Henderson³

¹ Source: Department of State, Executive Secretariat, S/S Special Handling Restrictions Memos 1979–1983, Lot 96D262, ES Sensitive May 19–24 1982. UK Secret and Personal. A notation in an unknown hand at the bottom of the letter reads: "Rec'd in 'S' 5/19/82 5:05 p.m."

² Henderson added this salutation by hand.

³ Henderson wrote "Yours ever, Nicho" above his typed signature.

Attachment

Unofficial Translation Prepared in the United Nations Secretariat⁴

Undated

TEXT OF THE UN SECRETARIAT'S UNOFFICIAL TRANSLATION OF THE ARGENTINE PAPER PASSED TO THE UN SECRETARY GENERAL ON 18 MAY

The Government of the Argentine Republic and the Government of the United Kingdom of Great Britain and Northern Ireland, hereinafter referred to as "the parties",

In response to the provisions of Security Council Resolution 502 (1982) of 3 April 1982, and taking into account the Charter of the United Nations, Resolution 1514 (XV), 2065 (XX) and other Resolutions of the General Assembly on the question of the Malvinas (Falkland) Islands, have accepted, in accordance with Article 40 of the Charter of the United Nations, the assistance of the Secretary-General of the United Nations and have engaged in negotiations and arrived at the following provisional agreement relating to the Malvinas, South Georgia and South Sandwich Islands, hereinafter referred to as "the Islands" for the purposes of this agreement.

I.1. The geographical scope of the area within which the withdrawal of troops is to be carried out shall comprise the Malvinas, South Georgia and South Sandwich Islands.

I.2. The withdrawal of the forces of both parties shall be gradual and simultaneous. Within a maximum period of thirty days, all armed forces shall be in their normal bases and areas of operation.

II. With effect from the signature of this agreement, each party shall cease to apply the economic measures which it has adopted against the other and the United Kingdom shall call for the same action by those countries or groups of countries which, at its request, adopted similar measures.

III.1. Supervision of the withdrawal of the forces of both countries shall be carried out by specialized personnel of the United Nations, whose composition shall be agreed with the parties.

⁴ UK Secret.

III.2. The interim administration of the Islands while the negotiations for final settlement of the dispute are in progress shall conform to the following provisions:

(a) the administration shall be exclusively the responsibility of the United Nations with an appropriate presence of observers of the parties.

(b) The said administration shall perform all functions (executive, legislative, judicial and security) through officials of different nationality from that of the parties.

(c) Notwithstanding the provisions of 2(a) and (b), and in order not to cause unnecessary changes in the way of life of the population during the period of the interim administration by the United Nations, local judicial functions may be exercised in accordance with the legislation in force on 1 April 1982 to the full extent compatible with this agreement.

Similarly, the United Nations interim administration may appoint as advisers persons who are members of the population of British origin and Argentines resident in the Islands, in equal numbers.

(d) The flags of the parties shall fly together with that of the United Nations.

(e) During the period of interim administration, communications shall be kept open, without discriminatory restrictions of any kind for the parties, including freedom of movement and equality of access with respect to residence, work and property.

(f) Freedom of communication shall also include the maintenance of freedom of transit for the state airline (LADE) and for merchant ships and scientific vessels: in addition, telephone, telegraph and telex communications, Argentine television transmissions and the state petroleum (YPF) and gas services shall continue to operate freely.

IV. The customs, traditions and way of life of the inhabitants of the Islands, and their social and cultural links with their countries of origin, shall be respected and safeguarded.

V.1. The parties undertake to enter immediately into negotiations in good faith under the auspices of the Secretary-General of the United Nations for the peaceful and final settlement of the dispute and, with a sense of urgency, to complete these negotiations by 31 December 1982, with a single option to extend until 30 June 1983, in order to comply with the Charter of the United Nations, Resolutions 1514 (XV), 2065 (XX) and other relevant Resolutions of the General Assembly on the question of the Malvinas Islands. These negotiations shall be initiated without prejudice to the rights and claims or positions of the two parties and in recognition of the fact that they have divergent positions on the question of the Malvinas, South Georgia and South Sandwich Islands.

V.2. The negotiations shall be held in New York.

V.3. The Secretary-General of the United Nations may be assisted in the negotiations by a contact group composed of representatives of four states members of the United Nations.

To that end, each party shall nominate two states and shall have the right to a single veto of one of the states nominated by the other.

V.4. The Secretary-General of the United Nations shall keep the Security Council assiduously informed of the progress of the negotiations.

VI. If the period specified in point V (1) above expires without the attainment of a final agreement, the Secretary-General shall draw up a report addressed to the General Assembly of the United Nations, in order that the latter may determine, as appropriate and with the greatest urgency, the lines to which the said final agreement should conform in order to achieve a speedy settlement of the question.