

ZZ FCO

GRS 1500

SECRET

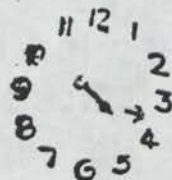
FM UKMIS NEW YORK 200211Z MAY 82

TO FLASH FCO

TELEGRAM NUMBER 794 OF 19 MAY

INFO IMMEDIATE WASHINGTON.

20 MAY 1982



MIFT FALKLANDS.

1. FOLLOWING IS TEXT OF SECRETARY-GENERAL'S AIDE MEMOIRE AND TWO ATTACHED FORMULATIONS DELIVERED TO US LATE TONIGHT (19 MAY).

BEGINS

S-C: paperAIDE MEMOIRE

THE SECRETARY-GENERAL BELIEVES THAT, AT THIS CRITICAL POINT IN THE EXCHANGES WHICH HE HAS BEEN HAVING WITH THE PARTIES CONCERNING THE CONTINUING CRISIS, IT IS USEFUL TO SET DOWN THOSE ISSUES ON WHICH AGREEMENT SEEMS TO EXIST AND THOSE ON WHICH DIFFERENCES REMAIN.

IN THE SECRETARY-GENERAL'S JUDGEMENT, THE TWO PARTIES ARE IN ESSENTIAL AGREEMENT ON THE FOLLOWING POINTS:

- Not my*
1. THE AGREEMENT BEING SOUGHT IS INTERIM IN NATURE AND WILL BE WITHOUT PREJUDICE TO THE RIGHTS, CLAIMS OR POSITION OF THE PARTIES CONCERNED.
  2. THE AGREEMENT WILL COVER A) A CEASE-FIRE, B) THE MUTUAL WITHDRAWAL OF FORCES, C) THE TERMINATION OF EXCLUSION ZONES AND OF ECONOMIC MEASURES INSTITUTED IN CONNEXION WITH THE CONFLICT, D) THE INTERIM ADMINISTRATION OF THE TERRITORY AND, E) NEGOTIATIONS ON A PEACEFUL SETTLEMENT OF THEIR DISPUTE.
  3. THE INITIATION OF THESE VARIOUS PARTS OF AN AGREEMENT WILL BE SIMULTANEOUS.
  4. WITHDRAWAL OF FORCES WILL BE PHASED AND WILL BE UNDER THE SUPERVISION OF THE UNITED NATIONS OBSERVERS.
  5. THE INTERIM ADMINISTRATION OF THE TERRITORY WILL BE UNDER THE AUTHORITY OF THE UNITED NATIONS. THE UNITED NATIONS FLAG SHALL BE FLOWN. ARGENTINA AND THE UNITED KINGDOM WILL ESTABLISH SMALL LIAISON OFFICES, ON WHICH THEIR RESPECTIVE FLAGS MAY BE FLOWN.

6. THE PARTIES WILL ENTER INTO NEGOTIATIONS IN GOOD FAITH UNDER THE AUSPICES OF THE SECRETARY-GENERAL OF THE UNITED NATIONS FOR THE PEACEFUL SETTLEMENT OF THEIR DISPUTE AND SEEK, WITH A SENSE OF URGENCY, THE COMPLETION OF THESE NEGOTIATIONS BY 31 DECEMBER 1982, TAKING INTO ACCOUNT THE CHARTER OF THE UNITED NATIONS AND THE RELEVANT RESOLUTIONS OF THE GENERAL ASSEMBLY. THESE NEGOTIATIONS SHALL BE INITIATED WITHOUT PREJUDICE TO THE RIGHTS CLAIMS OR POSITION OF THE PARTIES AND WITHOUT PREJUDGEMENT OF THE OUTCOME. THE NEGOTIATIONS SHALL BE HELD IN NEW YORK OR AT A MUTUALLY ACCEPTABLE LOCATION IN THE VICINITY THEREOF. THOSE POINTS ON WHICH FULL AGREEMENT MUST STILL BE ACHIEVED, IN THE SECRETARY-GENERAL'S JUDGEMENT, ARE THE FOLLOWING:

1. CERTAIN ASPECTS OF THE INTERIM ADMINISTRATION OF THE TERRITORY.
2. PROVISION FOR THE EXTENSION OF THE TIME FRAME FOR COMPLETION OF NEGOTIATIONS AND THE RELATED DURATION OF THE INTERIM ADMINISTRATION.
3. CERTAIN ASPECTS OF MUTUAL WITHDRAWAL OF FORCES.
4. THE GEOGRAPHIC AREA TO BE COVERED BY THE TERMS OF THE INTERIM AGREEMENT.

IT IS EVIDENT FROM THIS REVIEW THAT THE EXTENT OF AGREEMENT IS SUBSTANTIAL AND IMPORTANT. IF IT CAN BE INCORPORATED IN THE TEXT OF AN INTERIM AGREEMENT, THE REQUIREMENTS OF SECURITY COUNCIL RESOLUTION 502 WOULD BE MET. THE SECRETARY-GENERAL IS DEEPLY CONCERNED, HOWEVER, THAT UNLESS THE REMAINING POINTS ARE RESOLVED IN THE VERY IMMEDIATE FUTURE, ALL THAT HAS BEEN ACCOMPLISHED WILL BE LOST AND THE PROSPECTS FOR THE EARLY RESTORATION OF PEACE WILL BE FRUSTRATED.

IN THE DESIRE TO BE OF ASSISTANCE TO THE PARTIES IN OVERCOMING THESE DIFFERENCES, THE SECRETARY-GENERAL IS APPENDING TO THIS AIDE MEMOIRE TWO INFORMAL PAPERS CONTAINING FORMULATIONS WHICH, IN THE SECRETARY-GENERAL'S VIEW, MIGHT SATISFACTORILY MEET THE OBJECTIVES OF THE PARTIES WITH REGARD TO AN INTERIM AGREEMENT. THESE FORMULATIONS DEAL WITH THE TIME FRAME OF DIPLOMATIC NEGOTIATIONS AND THE FORM WHICH THE INTERIM ADMINISTRATION OF THE TERRITORY UNDER THE AUTHORITY OF THE UNITED NATIONS MIGHT TAKE.

WITH REGARD TO THE QUESTION OF THE GEOGRAPHIC AREA COVERED BY THE TERMS OF AN INTERIM AGREEMENT, THE SECRETARY-GENERAL WOULD SUGGEST, AS A PRACTICAL APPROACH, THAT THE STATUS OF THE DEPENDENCIES BE INCLUDED WITHIN THE SCOPE OF THE NEGOTIATIONS FORESEEN ON A DIPLOMATIC SETTLEMENT ON THE SAME BASIS AS WAS PROVIDED IN THE JOINT COMMUNIQUE ISSUED BY ARGENTINA AND THE UNITED KINGDOM ON 26 APRIL 1977. IN THIS UNDERSTANDING, AND WITHOUT PREJUDICE TO THE ISSUE OF THE STATUS OF THESE ISLANDS, THE FORCE WITHDRAWAL AND INTERIM ADMINISTRATION PROVISIONS WOULD NOT BE APPLICABLE WITH REGARD TO THE DEPENDENCIES.

THE SECRETARY-GENERAL WOULD SUGGEST THAT THE UNITED NATIONS BE TRUSTED WITH THE MODALITIES OF MUTUAL FORCE WITHDRAWALS IN THE FRAMEWORK OF THE AGREEMENT BETWEEN THE PARTIES THAT THE WITHDRAWALS WILL BE SIMULTANEOUS AND PHASED. THIS RESPONSIBILITY WOULD BE UNDERTAKEN WITH A VIEW TO COMPLETION OF THE WITHDRAWALS WITHIN A TWO-WEEK PERIOD.

THE SECRETARY-GENERAL WISHES TO EMPHASIZE THAT THE TIME LEFT FOR AGREEMENT MUST BE MEASURED NOW IN HOURS. IT IS, THEREFORE, HIS EARNEST HOPE THAT THE PARTIES WILL FIND IT POSSIBLE TO AGREE TO THE PROPOSED FORMULATIONS AND SUGGESTIONS AS A MEANS OF REACHING THE AGREEMENT WHICH CANNOT, WITHOUT GREAT PERIL, BE LONGER DELAYED.

THE SECRETARY-GENERAL FEELS OBLIGATED, IN THE INTEREST OF PEACE AND THE PRESERVATION OF HUMAN LIVES, TO MAKE CLEAR THAT THIS MAY BE THE LAST CHANCE FOR AGREEMENT THROUGH NEGOTIATIONS.

19 MAY 1982.

FORMULATION ON TERMS OF REFERENCE FOR NEGOTIATIONS ON A DIPLOMATIC SETTLEMENT.

THE PARTIES UNDERTAKE TO ENTER INTO NEGOTIATIONS IN GOOD FAITH UNDER THE AUSPICES OF THE SECRETARY-GENERAL OF THE UNITED NATIONS FOR THE PEACEFUL SETTLEMENT OF THEIR DISPUTE AND TO SEEK, WITH A SENSE OF URGENCY, THE COMPLETION OF THESE NEGOTIATIONS BY 31 DECEMBER 1982, TAKING INTO ACCOUNT THE CHARTER OF THE UNITED NATIONS AND THE RELEVANT RESOLUTIONS OF THE GENERAL ASSEMBLY. THESE NEGOTIATIONS SHALL BE INITIATED WITHOUT PREJUDICE TO THE RIGHTS, CLAIMS OR POSITION OF THE PARTIES AND WITHOUT PREJUDGEMENT OF THE OUTCOME. THE NEGOTIATIONS SHALL BE HELD IN NEW YORK OR AT A MUTUALLY ACCEPTABLE LOCATION IN THE VICINITY THEREOF.

SHOULD THE SECRETARY-GENERAL, AFTER TAKING ACCOUNT OF THE COURSE OF NEGOTIATIONS AND THE VIEWS OF THE PARTIES, DETERMINE THAT THE ACHIEVEMENT OF A NEGOTIATED SETTLEMENT WILL NOT BE POSSIBLE WITHIN THE TIME FRAME ENVISAGED, HE MAY ESTABLISH A NEW TARGET DATE WHICH WILL BE IN KEEPING WITH THE URGENCY OF A DIPLOMATIC SOLUTION TO WHICH THE PARTIES ARE COMMITTED BY THIS AGREEMENT.

THE GOVERNMENT OF ARGENTINA AND THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND SHALL BE BOUND BY THE PROVISION OF THIS AGREEMENT UNTIL THE NEGOTIATED SETTLEMENT PROVIDED FOR ABOVE COMES INTO EFFECT.

AN INTERIM ADMINISTRATION FORMULATION.

THE UNITED NATIONS REPRESENTATIVE SHALL ASSUME, ON BEHALF OF THE UNITED NATIONS, FULL AND EXCLUSIVE AUTHORITY TO ADMINISTER THE TERRITORY. HE SHALL DISCHARGE HIS FUNCTIONS IN CONSULTATION WITH THE REPRESENTATIVE INSTITUTIONS IN THE ISLANDS WITH THE EXCEPTION THAT ONE REPRESENTATIVE FROM THE ARGENTINE POPULATION NORMALLY RESIDENT ON THE ISLANDS SHALL BE APPOINTED BY THE REPRESENTATIVE TO EACH OF THE TWO INSTITUTIONS. THE UNITED NATIONS REPRESENTATIVE SHALL EXERCISE HIS POWERS IN ACCORDANCE WITH THE TERMS OF THIS AGREEMENT AND IN CONFORMITY WITH THE LAWS AND PRACTICES TRADITIONALLY OBTAINING IN THE ISLANDS.

THE UNITED NATIONS FLAG SHALL BE FLOWN IN THE TERRITORY.

THE GOVERNMENT OF ARGENTINA AND THE GOVERNMENT OF THE UNITED KINGDOM WILL, IN CONSULTATION WITH THE UNITED NATIONS REPRESENTATIVE, ESTABLISH SMALL LIAISON OFFICES TO MAINTAIN CONTACT WITH THE REPRESENTATIVE. THE FLAGS OF THE REPUBLIC OF ARGENTINA AND OF THE UNITED KINGDOM MAY BE FLOWN ON THEIR RESPECTIVE LIAISON OFFICES.

DURING THE PERIOD OF INTERIM ADMINISTRATION, ALL COMMUNICATIONS AND OTHER CO-OPERATIVE ARRANGEMENTS IN THE ECONOMIC, SOCIAL, CULTURAL AND SCIENTIFIC-TECHNOLOGICAL FIELDS IN EFFECT ON 31 MARCH 1982 SHALL CONTINUE AND BE PROMOTED FURTHER, AS APPROPRIATE.

RELAXATION OF RESTRICTIONS ON RESIDENCE AND ACQUISITION OF PROPERTY WILL BE CONSIDERED, KEEPING IN MIND THE NECESSITY TO RESPECT AND SAFEGUARD THE CUSTOMS, TRADITIONS AND WAY OF LIFE OF THE INHABITANTS OF THE ISLANDS.

ENDS

PARSONS

NNNN

20/3/83