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From the Private Secretary

28 February 1988

FALKLANDS/ARGENTINA

The Prime Minister has considered the Foreign Secretary's minute of 26 February about the Argentines' response to our offer of last August setting out conditions on which we would be prepared to conduct direct talks on fisheries and related issues. She agrees that we must hold back from direct talks on the main issues until the Argentines explicitly accept our conditions. But she is prepared to see us propose in the meantime a direct exchange of scientific information on the South West Atlantic fisheries on a technical level, provided the Argentines agree not to raise sovereignty. She notes that the Falkland Islanders Councillors will be fully briefed in advance.

I am copying this letter to the Private Secretaries to members of OD and to Sir Robin Butler.

C. D. Powell

A. C. Galsworthy, Esq., CMG,
Foreign and Commonwealth Office.



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Prime Minister

cc PC ①

It must be right to abstain
from direct talks on the
main issue until the
Argentines explicitly accept our
conditions.

PM/88/008

PRIME MINISTER

Falklands/Argentina

Equally a technical ^{file} exchange of
information ^{applied} ^{lower} the FAO should
be risk free, & would serve our
interests.

1. Following my minute of 24 July 1987, we notified the
Argentines last August of our conditions for direct talks
on fisheries and related issues. We have now received
their response via the Americans.

Agree?
COP
26/2

2. This latest Argentine proposal contains the
following elements:

- (a) acceptance of our formulation of a statement
reserving respective positions on sovereignty.
- (b) an offer to begin direct talks.

Yes
no

3. (a) is a small but welcome step forward (although
we need to correct two minor discrepancies in the Spanish
text on sovereignty). The Argentines have not reverted
to their unhelpful proposal for prior statements aimed at
creating a "favourable atmosphere".

4. By contrast, (b) is not yet acceptable. The
Argentines have not expressly accepted that:

- there should be no discussion of sovereignty,
- the talks would be on the basis of separate
jurisdictions (British jurisdiction exists
over Falklands waters and Argentine
jurisdiction over Patagonian waters).

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We need to obtain clarity on these points before any talks are agreed, in order to avoid a Berne re-run.

5. There are good technical reasons for the exchanges (primarily conservation) but politically our main aim remains to secure Argentine de facto acceptance of our fisheries jurisdiction. We also want to ensure, through the exchanges, firstly the trouble-free operation of the FICZ; and secondly, if the exchanges do break down, that this is clearly seen as the fault of the Argentines. We should take account of the increasing US restiveness over the constraints we are imposing on arms sales to Argentina (further stimulated by wide Latin American and US unhappiness over the Fire Focus reinforcement exercise).

6. I propose that we again make clear to the Argentines that we are not willing to enter direct talks until they give satisfactory assurances on our two requirements. But in addition, we should indicate a willingness to begin a direct exchange of scientific information on the South West Atlantic fishery at a technical level, provided the Argentines agree not to raise sovereignty. This exchange could take place at a neutral venue, preferably at the FAO in Rome (last year's Committee on Fisheries meeting set a precedent for contact with the Argentines at the FAO). As a first step, we and the Argentines would prepare technical papers on the conservation data in the fishery, to be exchanged via the Americans and then discussed bilaterally. The text of a non-paper setting out this proposal is attached.



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7. This is not only an exchange which is much in our interests, but will also put the Argentines on the defensive. It will reassure the Americans that we remain committed to these exchanges. It will also help to counteract the impression created by Exercise Fire Focus and to hold the line on arms sales.

8. The proposal preserves intact our position on broader direct talks and carries no risk to our interests. By confining exchanges to conservation at a technical level our offer will be in effect a reversion to the FAO approach, though on a bilateral basis, which the Argentines turned down in 1986. As before, the Falkland Islanders Councillors will be fully briefed in advance, and should find it acceptable.

9. We have a clear interest in Argentina continuing neither to challenge the FICZ nor to purport to exercise jurisdiction in the doughnut (ie between the FICZ and the limit of a maximum of 200 nautical miles to which we have declared our entitlement). They might see domestic advantage in representing an agreement to exchange technical information as progress and as justification for continuing the exchanges. If on the other hand they reject our proposal, we want them to carry the blame for the breakdown.

10. This approach does not restrict our freedom of action or our legal rights in the waters beyond the 150 mile limit of the FICZ. There is some islander interest in extension of the zone. I am arranging for the

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Governor to commission research to determine the validity of the conservation arguments that have been advanced. The political and defence arguments for 150 miles were fully studied in 1986 and remain valid; but we should keep the whole question under review.

11. I am copying this minute and enclosures to OD colleagues and to Sir Robin Butler.

A handwritten signature in dark ink, appearing to be 'G. Howe', written in a cursive style.

(GEOFFREY HOWE)

Foreign and Commonwealth Office

26 February 1988

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DRAFT NON-PAPER ON FISHING PROPOSALS

1. The British Government welcomes Argentina's continued interest in achieving an understanding aimed at conserving fish stocks and the avoidance of incidents in the South West Atlantic.
2. The British Government recalls its basic position: that Argentina and the United Kingdom should set aside the issue that divides them the most, the sovereignty of the Falkland Islands, and instead take practical steps to rebuild confidence and restore the close ties that have been the hallmark of relations between the two countries in the past.
3. The British Government welcomes Argentina's acceptance of this approach. It has noted, however, that the Spanish text in the draft press release attached to the Argentine non-paper of 24 December is different in two respects to the text proposed by the United Kingdom. To guard against any possible misunderstanding, parallel English and Spanish texts are attached to this non-paper (Annex A). The British Government would be grateful if the Argentine Government could confirm its agreement to these texts, which would then apply to these exchanges.
4. The Argentine non-paper of 24 December 1987 proposes that a dialogue be initiated on the conservation of fish stocks and the avoidance of incidents. The British Government would in principle welcome a dialogue about the South West Atlantic fishery: they are however determined to ensure beforehand that a basis exists on which it can be successfully pursued, because they believe that a further failure following the abortive talks in Berne must be avoided. The British Government set out in paragraph 4 of its non-paper of 7 August the considerations which it believes should govern direct talks. The British Government would like confirmation that the Argentine Government believe that a dialogue based on these considerations is feasible.

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5. To facilitate progress in the meantime the British Government proposes a direct exchange of information on the fishery on the technical level in order to promote complementary conservation arrangements. Guidelines for such an exchange are attached (Annex B). The British Government looks forward to receiving the Argentine Government's response to this proposal.

ENGLISH AND SPANISH TEXT OF THE ARRANGEMENT REGARDING THE QUESTION OF SOVEREIGNTY

(a) English Text

1. Nothing in the conduct or content of the present meeting may be interpreted as:

(A) A change in the position of the United Kingdom with regard to sovereignty or territorial and maritime jurisdiction over the Falkland Islands and the surrounding maritime areas:

(B) A change in the position of the Argentine Republic with regard to sovereignty or territorial and maritime jurisdiction over the Falkland Islands and the surrounding maritime areas:

(C) Recognition of or support for the position of the United Kingdom or the Argentine Republic with regard to sovereignty or territorial and maritime jurisdiction over the Falkland Islands and the surrounding maritime areas.

2. No act or activity carried out as a consequence and in implementation of anything dealt with and agreed to in the present meeting may constitute a basis for affirming, supporting, or denying the position of the United Kingdom or the Argentine Republic regarding the sovereignty or territorial and maritime jurisdiction over the Falkland Islands and the surrounding maritime areas.

(b) Spanish Text

1. Nada en el desarrollo o contenido puede de la presente reunion ser interpretado como:

(A) Un cambio en la posicion de la Republic Argentina acerca de la soberania or jurisdiccion territorial y maritima sobre las Islas Malvinas y los espacios maritimos circundantes;

(B) Un cambio en la posicion del Reino Unido acerca de la soberania o jurisdiccion territorial y maritima sobre las Islas Malvinas y los espacios maritimos circundantes;

(C) Un reconocimiento o apoyo de la posicion de la Republica Argentina o del Reino Unido acerca de la soberania o la jurisdiccion territorial y maritima sobre las Islas Malvinas y los espacios maritimos circundantes.

2. Ningun acto o actividad que se lleve a cabo como consecuencia y en ejecucion de lo desarrollado y convenido en estas reuniones puede constituir fundamento para afirmar, apoyar o denegar la posicion de la Republica Argentina o del Reino Unido acerca de la soberania o jurisdiccion territorial y maritima sobre las Islas Malvinas y los espacios maritimos circundantes.

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EXCHANGES OF INFORMATION ON THE SOUTH WEST ATLANTIC FISHERY

- The United Kingdom and Argentina will each prepare a technical paper on the South West Atlantic fishery (Falklands and Patagonian waters, lying within the area covered in the Food and Agriculture Organisation's (FAO) Technical Paper 286 of May 1987). The papers will cover the following topics:

1. Fish population dynamics
2. Likely future trends in squid and fish population
3. Possible migratory patterns of major fish stocks
4. Oceanographic and climatic influences on fish populations (eg abundance and distribution)

- The papers will be exchanged at an early date through the third party

- A next step would be for Representatives from the United Kingdom and Argentina to meet in a venue to be agreed by both parties after the papers have been studied. The representatives would:

- i) analyse the information provided by both sides
- ii) decide on areas for further research and investigation
- iii) report to their respective governments.

- The results of the work would be presented to the FAO as requested in the report of the 17th session of the Committee of Fisheries in order to enable the Secretariat to continue to monitor the area and to update their Report as appropriate.

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- The exchanges will be covered by the arrangements regarding the question of sovereignty.
- There will be no discussion of sovereignty.
- An announcement will be made by both sides confirming that an exchange of technical and scientific information is to take place in the interests of improving knowledge and understanding of the fishery. The text of this announcement is attached [to be agreed]. After making this statement, both sides will refrain from comment on the nature or content of these exchanges.