

Mr Ure

PS/Mr Luce



FALKLAND ISLANDS

### Problem

1. The Argentine Government have delivered a toughly-worded bout de papier to our Ambassador in Buenos Aires outlining their position on the Falklands dispute and proposing that there should be agreement at or before the forthcoming talks in New York to establish a "permanent negotiating commission" in order to accelerate the achievement of a solution.

### Recommendation

2. I recommend that our Ambassador should be instructed to reiterate to the Argentine Deputy Foreign Minister our own position on the dispute while confirming that, provided it is accepted that any discussions will be as hitherto without prejudice to the sovereignty position of either side, we are ready to discuss in New York their proposal for a future negotiating mechanism. I further recommend that we instruct the Governor to explain this exchange in general terms to Councillors. I submit draft telegrams.

### Background

- 3. The next round of Anglo-Argentine talks on the Falkland Islands dispute is to be held on 23 and 24 February in New York. They are being held at the Argentines' request and we were to attend in order to listen to any new Argentine proposals which might enable progress to be made. However, on 27 January our Ambassador in Buenos Aires was summoned to the MFA to receive a bout de papier which sets out the Argentine position on the dispute, proposes the establishment of a 'permanent negotiating commission' whose task it would be to solve the dispute within a year, and asks for HMG's response to the proposal at or before the New York talks.
- 4. The document is a tough restatement of the Argentine view that the sole purpose of the negotiations is to cede sovereignty over the Falklands and the Dependencies to them and that all other matters are secondary. None of this is new. In fact, the greater part of the paper is a re-working of the communique issued by the Argentine MFA in July 1981. The main elements are:

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- (i) a demand that Argentine sovereignty should be acknowledged;
- (ii) a reference to the various UN resolutions as a basis for the negotiations;
- (iii) an insistence that there has been no real progress during the last 16 years of negotiations, and that a solution must be reached soon;
  - (iv) a rejection of our position that the Islanders' wishes rather than their interests must be respected;
  - (v) a reminder of the practical assistance the Argentines have given the Islanders (and an expression of regret that it has not helped persuade the Islanders in the direction of accepting the Argentines);
  - (vi) an offer to make progress on economic cooperation (but only in the context of early British recognition of Argentine sovereignty);
- (vii) an assertion that as long as the Falklands are not under Argentine control there is a threat to the Argentine national interest in terms of South Atlantic security.
- 5. The paper is couched in hectoring terms. It accuses both the Islanders and HMG of deliberate prevarication and assumes not only that the Argentines are in the right, but also that they have the support of the international community for their position. It asserts that Argentina knows best where the Islanders' interests lie. Again, none of this is new, although the language is more suitable for a press communique than for a confidential Government to Government message. What is new, however, is the proposal at the end of the paper that a "permanent negotiating commission" be set up to work out a solution to the dispute: this should meet in regular monthly sessions in capitals with a view to reaching a full settlement within one year. The paper concludes with the implied threat, unless this proposal is accepted, Argentina will have to review its attitude to the negotiating process.



- 6. Our response to this Argentine <u>demarche</u> has to take account of our present policy requirements:
  - (a) to spin out the negotiating dialogue with the Argentines for as long as possible in order to prevent a confrontation and the very difficult political and practical consequences which would follow:
  - (b) to demonstrate to the Islanders, and to UK public and parliamentary opinion, that we remain firmly committed to the Islands and to acting on the dispute only in accordance with Islander wishes;
  - (c) to persuade the Islanders nonetheless of the need to continue to talk to the Argentines and to explore the scope for an eventual settlement.
- The nature of the Argentine paper and the proposal it contains bring out the difficulties of this equation. Simply to reject the Argentine approach as an acceptable basis for negotiation would risk an immediate breakdown; and, while we would not wish to go along with anything like the staccato work-rate for a "negotiating commission" which the Argentines envisage, the proposal to set up working groups to examine all aspects of the dispute has obvious attractions for us. On the other hand, to fail to react to the underlying political assumptions in the Argentine paper would, if knowledge of the paper were to leak out, further undermine Islander confidence in HMG's intentions and would expose us to strong domestic criticism. It would also place us at New York in a false negotiating position. therefore little choice but to make a robust reply to the Argentines reiterating our position on the dispute, while confirming our continued wish to achieve a workable and peaceful settlement of it. An essential objective will be to make clear our basic assumption that all discussions will be, as hitherto, without prejudice to either side's view of sovereignty and that it is on that basis that we shall be attending the New York talks.
- 8. While we could reserve such a reply for New York, it would, in my view, be best to give it beforehand. The Argentines are bound to react strongly to a robust restatement of our position and to present them with it only in New York would further prejudice the atmosphere of what will in any case be a difficult session. It would be preferable to give them time to digest our views in advance. There is clearly a risk that they might choose to call off the talks and to try to lay the blame at our door. But it would be wrong to leave them in any doubt on where we stand; and it is they who have been pressing for an early resumption of talks at ministerial level.

- 9. The related problem is to decide what guidelines should be given to the Governor for briefing Councillors on this development. There can be no doubt that, if Islanders were to be shown the Argentine paper at this stage, they would see it as confirming their worst fears on Argentine intentions and we would have great difficulties in persuading their representatives to attend the New York talks. We have to avoid this. We have the options of:
  - (a) telling the Councillors nothing before the talks. They would however be bound to find out about it (and our reply) in New York. They might then justifiably feel that we have been acting behind their backs. At the least this would sour the atmosphere between us: at worst, they might refuse to participate;
  - (b) instructing the Governor to inform Councillors only in general terms that there has been an exchange with the Argentines. We could then show the texts to Councillors Blake and Cheek in New York and explain how we intend to develop our position in the talks themselves.

Our object must be both to convince Councillors of the robustness of our position and to ensure that they are still prepared to attend the talks. Option (b) above holds out most hope of achieving this. In the meantime, we have asked the Governor to ensure that the Councillors learn nothing of the Argentine paper.

10. We will need to inform OD of the revised dates for the talks. I shall be submitting a draft minute for the Secretary of State to send on his return to the UK, which should also cover the line we have taken on the Argentine paper.

P R Fearn South America Dept

1 February 1982

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Mr Day
Mr Chamberlain
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TO IMMEDIATE BUENOS AIRES

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8 TELEGRAM NUMBER
9 INFO IMMEDIATE PORT STANLEY (PERSONAL FOR GOVERNOR)

10 YOUR TELNOS 22, 23 AND 24: FALKLAND TALKS

1 1. As you predicted, we find little to appeal to us in the

Argentine bout de papier. We are prepared to discuss individual

aspects in New York. But we are concerned to ensure that the la Argentines fully understand our view of the basis on which the

talks are to be held.

2. Grateful therefore if you would call on Ros at earliest possible opportunity and make our position clear as in the

18 speaking note in MIFT. If you consider it helpful, you may leave

10 a copy with him. You should make it absolutely clear to him that

the dispute and it is only on this basis that we would be able to continue to negotiate. Please report as soon as action taken.

23 3. See separate telegram for advice on explaining the position to Councillors.

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12	people o	f the Tal	lkland	Island	s. Ends.			
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### OUT TELEGRAM

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6 FM	FCO 011800Z	FEBRUARY 82							
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	O PRIORITY	BUENOS AIRES							
		FALKLANDS TALKS							
				full text of either the					
				of the New York talks.					
				le to keep them in the					
				when they learn about th					
		w York, as they							
				r best course to be to					
		inform Councillors now in general terms of the nature of the							
		nd Cheek t	n see the namers in full						
				o see the papers in full					
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19 in 20 ris	New York.	This is not ide cillors will ha	al, but in ve second	our view it minimises thoughts about attending					
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# OUT TELEGRAM (CONT)

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SS	3		r outlining their v								
EAIS	4	to dome and the tree that is new but it proposes that we									
		age of the working groups to took									
KBY	5	aspects of the dispute,									
FCO											
/ADD	7			gotiatin	g is the cession of						
NO	8	sovereignty									
	9	(iv) we h	nave therefore repl	ied to s	ay that while we wish to						
	10	negotiate a	peaceful solution	to the d	ispute, we are in no						
	11	doubts about	British sovereign	ty over	the Islands and the						
	12	Dependencies	s. We have repeate	d our un	derstanding that all						
	13	Anglo-Argent	ine negotiations a	re held	under the sovereignty						
	14	umbrella and	that no other bas	is would	be acceptable;						
	15	(v) we s	shall discuss the p	aper fur	ther with the Islanders'						
	16	representati	ives and the Argent	ines in	New York.						
	17	4. We appr	eciate that it wil	l be dif	ficult to convene a Council						
	18	meeting at t	his time and at sh	ort noti	ce. We see no difficulty						
	19	in Councillo	ors being briefed i	ndividua	lly if necessary but you						
	20	should stres	ss the confidential	ity of t	he exchanges. We hope that						
	21	Councillors	will not ask to se	e the pap	pers; if they do you will						
///	22	have to resi	st, but you should	make cl	ear that Mr Luce will wish						
11	23	to go over t	he Argentine propo	sal care	fully with Councillors						
1	24	Blake and Cheek in New York.									
	25	The state of the s									
			Provide Action and Control Medical Administration (April Control Action Control Action Control Action Control		OPEN AND AND AND AND RESIDENCE AND						
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## OUT TELEGRAM (CONT)

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	6 7 8 9 10 11 12 13 14 15 16 17	remainthrous should bring thems incombut we necounthat to the	n cor gh ne d not with elves venice re cor irage their	nmitted to egotiation if pote so we know or we have a reparticing the control of	co achieving on in accordance of the control of the	g dan ea rice ne ne wro	a peacefunce with kdown in ous conseprepared withdrawaong to tate You setalks i	l solution Islander wi negotiation quences for to accept t l of Argent ke any acti hould assur s in no way	to the shes. s, which the Ishhe ine seron which e Council	dispute We ch would slanders rvices, ch might cillors
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1	33 34	NNNN telegrar			BLANK		Catchword			