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GRS  
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 FM FCO 211050Z MAY 82  
 TO IMMEDIATE PARIS  
 TELEGRAM NUMBER 283 OF 21 MAY  
 INFO IMMEDIATE UKMIS NEW YORK, WASHINGTON, DUBLIN  
 INFO PRIORITY OTHER EC POSTS, ABIDJAN

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YOUR TELNO 527, PARAGRAPH 2(A) AND UKMIS NEW YORK TELNO 797  
 (REPEATED ONLY TO YOU): FALKLAND ISLANDS: SECURITY COUNCIL

1. WE WELCOME GUTMANN'S SUGGESTION THAT WE SHOULD KEEP IN DIRECT TOUCH ABOUT THE HANDLING OF THE SECURITY COUNCIL. WE ARE ANXIOUS TO ENSURE THAT THE FRENCH PERMANENT REPRESENTATIVE IN NEW YORK, WHO HAS SO OFTEN BEEN UNHELPFUL TO US IN THE PAST, RECEIVES THE CLEAREST POSSIBLE INSTRUCTIONS TO WORK CLOSELY WITH SIR A PARSONS AND TO ALIGN HIMSELF WITH US IN ANY VOTING.

2. WE MUST CLEARLY EXPECT TO FACE A FORMAL DEBATE OF THE SECURITY COUNCIL IN THE NEAR FUTURE AND A DRAFT RESOLUTION CALLING ON BOTH SIDES TO CEASE FIRE WITHOUT SPECIFYING SIMULTANEOUS WITHDRAWAL. PLEASE REMIND GUTMANN OF THE ABSOLUTE NECESSITY OF RESISTING ANY DRAFT WHICH WOULD HAVE THE EFFECT OF TYING OUR HANDS AND LEAVING ARGENTINA IN CONTROL OF THE ISLANDS AND SAY THAT WE ARE CONFIDENT THAT FRANCE WILL CONTINUE TO DEMONSTRATE ITS ROBUST SUPPORT FOR OUR POSITION. YOU SHOULD URGE HIM TO ENSURE THAT EXPLICIT INSTRUCTIONS ARE SENT TO DE NANTEUIL TO JOIN US IN VETOING ANY DRAFT RESOLUTION WHICH DECOUPLES CEASEFIRE AND WITHDRAWAL. YOU MAY SAY THAT WE HAVE ALREADY HAD AN ASSURANCE FROM THE AMERICANS THAT THEY WILL DO THE SAME.

3. PLEASE ALSO FOLLOW UP GUTMANN'S REFERENCE TO THE QUESTION OF OUR RIGHT TO VOTE ON THE FOLLOWING LINES. ARTICLE 27(3) OF THE CHARTER PROVIDES THAT A MEMBER OF THE COUNCIL WHICH IS A PARTY TO A QUOTE DISPUTE UNQUOTE SHALL ABSTAIN FROM VOTING ON RESOLUTIONS UNDER CHAPTER VI OF THE CHARTER (THE CHAPTER ON THE PEACEFUL SETTLEMENT OF DISPUTES). ARTICLE 27(3) HAS

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NO APPLICATION TO DECISIONS UNDER CHAPTER VII (ACTION WITH RESPECT TO BREACHES OF THE PEACE, ETC) OR INDEED TO RESOLUTIONS UNDER CHAPTER VI WHEN THEY RELATE TO QUOTE SITUATIONS UNQUOTE RATHER THAN QUOTE DISPUTES UNQUOTE. SCR 502, THE LAST PREAMBULAR PARAGRAPH OF WHICH DETERMINED THE EXISTENCE OF A BREACH OF THE PEACE, WAS ADOPTED UNDER CHAPTER VII. EVEN IF THE DRSFT RESOLUTION WE EXPECT TO HAVE TO FACE AVOIDS SPECIFIC CHAPTER VII LANGUAGE AND CATEGORISES THE SUBJECT OF DEBATE AS A DISPUTE, WE SHALL BE ON STRONG GROUNDS IN ARGUING THAT SO LONG AS THE SECURITY COUNCIL IS CONTINUING TO DEAL WITH THE STATE OF AFFAIRS WHICH IT HAS ALREADY CHARACTERISED AS A BREACH OF THE PEACE, IT IS CONTINUING TO ACT UNDER CHAPTER VII. THIS ARGUMENT HAS PARTICULAR FORCE IN THE CONTEXT OF A CALL FOR A CEASEFIRE WHICH IS PLAINLY A PROVISIONAL MEASURE IN THE SENSE OF ARTICLE 40 OF THE CHARTER.

4. AS SIR A PARSONS HAS POINTED OUT, IT IS VITAL THAT WE SHOULD HAVE CLEAR AND UNQUALIFIED FRENCH SUPPORT IN ANY PROCEDURAL ARGUMENT ABOUT OUR RIGHT TO VOTE. FRENCH VIEWS WILL CARRY SPECIAL WEIGHT. PLEASE DO WHATEVER YOU CAN TO ENSURE THAT DE NANTEUIL'S INSTRUCTIONS ARE EXPLICIT ON THIS POINT.

PYM

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**FALKLANDS SELECTIVE**

LIMITED  
 HD/S AM D  
 HD/DEF D  
 HD/PLANNING STAFF  
 HD/UND  
 HD/NEWS D  
 HD/ERD  
 HD/ECD (E)  
 HD/PUSD  
 DEP HD/PUSD

PS  
 PS/MR HURD  
 PS/MR ONSLOW  
 PS/LORD BELSTEAD  
 PS/PUS  
 MR BULLARD  
 SIR I SINCLAIR  
 MR GIFFARD  
 MR WRIGHT  
 MR GILLMORE  
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