

Pym defends UK right to Falklands

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INSIGHT

FRANCIS Pym, the foreign secretary, has responded to the Sunday Times revelation three weeks ago that since 1910 the Foreign Office has had serious doubts about the strength of Britain's claim to sovereignty of the Falkland Islands.

Pym has written to Tam Dalyell, Labour MP for West Lothian, who asked for his comments on the Sunday Times disclosures. The article — based on hitherto unpublished Foreign Office papers — showed how a series of officials had been reluctant to take Britain's claim to the islands to international arbitration.

In his two-page letter to Dalyell, Pym says: "Successive governments of the United Kingdom have been advised that the legal title of the UK to the Falkland Islands is fundamentally sound, and have always acted on that basis." This advice, he says, has been "consistent."

The examples quoted by The Sunday Times—which covered the years 1910 to 1946—are, Pym says, "a few isolated and selective expressions of doubt."

However, Insight has examined many files at the Public Record Office, from both the Foreign Office and the old Colonial Office. These show that, until the beginning of the Second World War, British government actions were shaped by doubts over our claim to the islands, and that these doubts were not the isolated opinions of a few individuals.

The first sign of doubt at the Foreign Office came in 1910, when Gaston de Bernhardt, of its research department, produced a 17,000-word memo on the historical background. The next year, commenting on a pamphlet by the then governor of the Falklands which stressed the British claim, Ronald Campbell—a Foreign Office official who later became British ambassador in France—wrote.

"The only question is, who did have the best claim at the time when we finally annexed the islands. I think undoubtedly, the United Provinces of Buenos Ayres (Argentina).... We cannot easily make out a good claim, and we have very wisely done everything to avoid discussing the subject with Argentina."

The effect of this attitude was well illustrated when an American, Julius Goebel, published a book, *The Struggle for the Falkland Islands*, in 1927, that was critical of the British claim. Both the British chargé d'affaires in Buenos Aires and the governor of the islands wanted Goebel's arguments to be challenged publicly.

But the Foreign Office—which used Goebel's book as a source for a new memo on the Falklands—and the Colonial Office were against any publicity, and warned the governor sternly "to avoid any public statement on the matter". In 1939, Lord Halifax, foreign secretary, put it clearly: "It has been the consistent policy of HMG to avoid open controversy with the Argentinians over the question of the Falkland Islands."

The reason for this is clear from the advice given in 1935 to the foreign secretary, Sir Samuel Hoare, when he was preparing an answer to a parliamentary question: "The chief point is that, as hitherto advised we can have no confidence in our claim to the islands succeeding in the event of its being submitted to arbitration and we do not, therefore, wish to press the matter to extremes."

In his letter to Dalyell, Pym stresses that "our case rests on the facts, on prescription and on the principle of self-determination." Prescription—the right to sovereignty by virtue of continuous peaceful occupation—became an accepted principle in international law in the Thirties. Foreign Office legal advisers at that time suggested it as the best basis for Britain's claim.