



IN CONFIDENCE

CABINET OFFICE
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CHIEF SECRETARY TO THE TREASURY

cc- Sir A Duff
 Sir M Poluser
 Mr Wade-Gery
 Mr Pacer / Colvin
 Mr Fuller

copy to
 D 24/5/82
 Cmd Huddleton

Falkland Islands

FOI
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1. Thank you for your letter of 16 April. It is useful to have this elaboration of Dr Lauterpacht's views. Given Argentina's apparent reliance at least in part on a sector principle, Dr Lauterpacht is probably right to think that any settlement of the current dispute that resulted in the transfer of sovereignty over the Falkland Islands (or its Dependencies) would be seen by Argentina as strengthening their claims to parts of the British Antarctic Territory (BAT). Their present sector claim is of course already based on their assumption of sovereignty over the Falkland Islands and the Dependencies, and the strengthening would in their view result from recognition of their sovereignty.
2. But in our view this would not seriously prejudice our title to the BAT. We do not accept that a sector principle of the kind apparently invoked by Argentina (ie one based on claims to sovereignty over territory outside Antarctica) is valid or effective to displace our title to our Antarctic territories, and in any case our title to BAT is not dependent upon our having sovereignty over the Falkland Islands and Dependencies but is - and would remain - quite independent and self-contained. (Incidentally, we need to be a little careful about saying that our title to the BAT is not based on the sector principle, since the boundaries of the BAT are in fact defined in sector terms, based on our discovery and administration of the Antarctic coast lines within our sector).
3. I agree nonetheless that it would be prudent for us to make the position quite clear if and when the need arises. We had in

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fact already noted the need to guard against any possible transfer of sovereignty over the Falkland Islands and Dependencies having unfortunate implications for our title to BAT. Shortly after the Argentine invasion we instructed our Embassies and High Commissions to make quite clear to friendly countries who were also parties to the Antarctic Treaty that in our view the Falklands' dispute did not in any way affect the BAT.

4. We have noted Dr Lauterpacht's points on the question of flag-flying.

5. I am copying this minute to the Attorney General and to Sir Robert Armstrong.

FP

(FRANCIS PYM)

Foreign and Commonwealth Office

29 April 1982