



Sir Antony Acland

FALKLAND ISLANDS: SIR A PARSONS'S LATEST TELEGRAMS

1. The Attorney-General has asked the FCO Legal Adviser for advice during OD(SA) this morning on the formula in Point 2 of UKMIS New York telegram number 704 about the interim agreement being '' without prejudice to the rights, claims or positions of the parties''.

2. The FCO Legal Adviser considers that this language would be acceptable from a legal point of view, i.e. that it would mean that the long term negotiations under Point 7 of the same document would be without prejudice to the conflicting claims or positions on sovereignty. Sir Ian Sinclair suggests, however, that the link between Points 2 and 7 should be made more explicit by expanding Point 2:

''The agreement to which the parties commit themselves, including the negotiations to be undertaken pursuant to paragraph 7 thereof, shall be without prejudice to the rights, claims or positions of the parties''

3. This discussion of language is of course contingent upon many other points under negotiation. We would not accept Point 2, or any other point in this Argentine draft produced in New York, without being satisfied on many more difficult issues.

3. You may wish to pass copies of this minute to the Secretary of State and the Attorney-General during OD(SA).

C L G Mallaby
Planning Staff

11 May 1982