



He will be  
called  
'Governor' <sup>(1)</sup>

10 DOWNING STREET

Prime Minister

decide to  
five him.

I will of course  
tell the Foreign Secretary  
what is wrong with  
let you with me

Secretary let you  
to revert to a

Governor in the

Falklands.

But isn't it:

(a) going to look a bit  
vacillating and fra; and  
if we switch to

(b) lead to possible problems  
between the civil & military  
arms?

CAD 15/2



Prime Minister  
Agree to  
stick to "Civil  
Commissioner"?

Foreign and Commonwealth Office

London SW1A 2AH

14 February 1985

CDP  
14/2.

NO

ms

Dear Charles,

Falkland Islands Constitution

As you know, the Falkland Islands Legislative Council approved on 15/16 January the draft Constitutions for the Falkland Islands and Dependencies, copies of which have since been placed in the Libraries of both Houses of Parliament. The Legislative Council suggested a few possible amendments for consideration in London. Most are minor; work is currently in hand and we shall be able to reply shortly. We should be able to meet most of the Councillors' concerns.

The only major point is the Councillors' contention that the title 'Governor' should be restored in place of 'Civil Commissioner'. Councillors argue that the restoration of 'Governor' would signify a return to normality. The Foreign Secretary believes that there are good reasons for retaining the title of Civil Commissioner.

Ministers decided to change the title of Governor to Civil Commissioner, and to appoint a Military Commissioner, shortly after the Argentine surrender on 14 June 1982. The purpose of the changes was twofold:

No - it was because we needed a military commander who had to have considerable authority

(a) so that the administration of the Colony and the Dependencies should look less like the traditional colonial administration; and

(b) in view of the importance (and size) of the military presence in the Islands, to ensure that the Commander of the Forces there was able to get his decisions implemented easily.

And no more valid - sections

The considerations are no less valid today than they were in 1982. Under the new Constitution (as under the 1982 Order which introduced the post) the Civil Commissioner will not exercise the traditional colonial powers of a Governor and Commander-in-Chief in relation to defence and internal security. Although there is no legal reason why a Governor should not hold his title without exercising those powers, such an arrangement would introduce the possibility of confusion, both by reference

/ to ...



to the wider powers of other Governors and Commanders-in-Chief (for example in Hong Kong or Gibraltar), and in terms of the relative functions of civil and military authority in the Islands. To restore the title of Governor, while at the same time abolishing the title of Military Commissioner, could lead to misunderstanding of the status and necessarily broad powers of the Commander of the British Forces in the Islands. This point is of concern to the Ministry of Defence.

In addition a reversion to 'Governor' now would not help us internationally. It would be unlikely to have a decisive influence on voting in the UN, but there is no doubt that it would make our task of persuasion there and in other international fora more difficult, and give Argentina an opening to argue that we were taking gratuitous steps to entrench a colonial situation in the islands. It could also distract attention from our efforts to devise a new Constitution that is designed to prepare for greater self-government in the islands, and contains up-to-date provisions on, for example, human rights and, by reference to the International Covenant on Civil and Political Rights, self-determination.

If the Prime Minister is content, the Foreign Secretary proposes to inform Sir Rex Hunt accordingly. It would be tidiest, and preferable presentationally for the Councillors to be informed of this decision along with those on the other queries that they have raised on the draft Constitutions.

*Yours ever,*

*Len Appleyard*  
(L V Appleyard)

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