



ICJ

Mr Ure ✓

THE FALKLANDS DISPUTE AND THE ICJ

1. As requested, I submit a detailed answer to a possible Supplementary on previous references of the sovereignty dispute over the Falkland Islands and the Falkland Islands Dependencies to the ICJ.

*P.R. Fearn*

P R Fearn  
Emergency Unit

20 April 1982

*No 10.  
Parliamentary Unit.*

cc PS  
Mr Chamberlain

*I understand this may be required as background for Phi's questions today.*

*J.D.M.S.  
20/4.*



ICJ

SUPPLEMENTARY

HAS HMG EVER TAKEN THE DISPUTE OVER THE FALKLAND ISLANDS AND THE FALKLAND ISLANDS DEPENDENCIES TO THE INTERNATIONAL COURT OF JUSTICE?

In 1947, the British Government proposed to Argentina that the dispute over the Falkland Islands Dependencies (which then included South Georgia, the South Sandwich Islands and the area now known as British Antarctic Territory) should be submitted to the ICJ. Argentina refused this proposal.

In 1949, the British Government offered to submit to the ICJ the dispute over Argentine and Chilean activities in the then Dependencies (this followed the establishment of a Chilean military base in Grahamland). This proposal was rejected by both Argentina and Chile.

In 1951, the British Government again reiterated to Argentina its willingness to take the issue of the Dependencies to the ICJ, and this was again refused by Argentina. <sup>④H</sup>

In 1955, the British Government applied unilaterally to the ICJ against encroachments on British sovereignty in the Dependencies by both Argentina and Chile.

<sup>Alas</sup> However, the Court advised that it could not pursue the matter since it could only act if there was agreement between the parties recognising the Court's jurisdiction." Argentina does not accept the compulsory jurisdiction of the ICJ.

The British Government have never offered to take the dispute over sovereignty <sup>of</sup> the Falkland Islands to the ICJ.

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