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Foreign and Commonwealth Office

London SW1A 2AH

22 April 1982

Prime Minister

You may like to have a copy of
the note in your Falkland folder.

A.P.C. ^{23.}/₄

Dear John,

British Claim to the Falkland Islands and Dependencies

We spoke about the points John Freeland made about our claim to the Falklands and the Dependencies when he appeared on television on 21 April. He was not in fact speaking from prepared notes, but the Legal Advisers have now prepared the attached brief summary, which could be drawn on. You may find this useful.

Yours ever

(J E Holmes)
Private Secretary

A J Coles Esq
10 Downing Street

NOTES ON BRITISH CLAIM TO THE FALKLAND ISLANDS AND
DEPENDENCIES

FALKLAND ISLANDS

Discovery: Various sightings claimed by navigators of several countries in the sixteenth century, including British navigators, Captain John Davis and Sir Richard Hawkins.

First Known Landing: 1690 by the Englishman, Captain John Strong. Visited later by French seal hunters during the first decade of the eighteenth century.

Occupation/Settlement: Only inhabited by settlers in second half of eighteenth century, no indigenous population before then. First British settlement 1776. Between 1770 and 1833 the Islands were occupied for varying periods by Spain, Britain and the then Buenos Aires Government.

1833 to Present Day: Islands occupied in 1833 by Captain Onslow, RN. From that date there has been open, continuous, effective and peaceful possession, occupation and administration of the Islands by the British. This confers an unassailable British title to the Islands under international law.

Self-determination: This is an important principle recognised by Articles 1(2) and 73 of the United Nations Charter. The inhabitants of the Islands, who are a permanent and not a transient population, have repeatedly made clear their wish that the Islands should remain British.

THE DEPENDENCIES: (SOUTH GEORGIA AND THE SOUTH SANDWICH ISLANDS)

The Dependencies are legally distinct from the Falkland Islands, but administered by the Falkland Islands.

BRITISH TITLE

South Georgia: Sighted at least twice between 1675 and 1756. First landing by Captain Cook in 1775 who landed and took formal possession on behalf of the Crown. Visited by many ships of different flags for sealing in the nineteenth century. 1908 annexed by HMG by Letters Patent. Under continuous, British administration since that date.

South Sandwich Islands: Discovered by Captain Cook in 1775 and annexed by Letters Patent in 1908. Under continuous British administration since that date.



ARGENTINA'S CLAIM

At no stage in their history have the Dependencies (unlike the Falkland Islands) been occupied by Argentina. First Argentine claim to South Georgia not until 1927 and to the South Sandwich Islands not until 1948. Whatever historical claim Argentina may have to the Falkland Islands cannot apply to the Dependencies. In 1976 Argentina established a research station on Southern Thule (South Sandwich Islands). HMG repeatedly protested to Argentina and asserted our claim to sovereignty over Southern Thule.