

CONFIDENTIAL

MF

*Argentin*

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FM FCO 111120Z MAY 82  
TO FLASH UKMIS NEW YORK  
TELEGRAM NUMBER 383 OF 11 MAY  
AND REPEATED TO FLASH WASHINGTON  
YOUR TELEGRAMS 703-5: FALKLANDS

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5 6 7 8 9 10  
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1. I AGREE THAT YOUR TALKS WITH THE SECRETARY-GENERAL YESTERDAY WERE VERY DISCOURAGING. I ALSO AGREE THAT YOU SHOULD BE GUIDED IN FURTHER TALKS TODAY BY PARA 5 OF YOUR TELNO 705.
2. THE ARGENTINE PAPER IN YOUR TELNO 704, HAVING BEEN DRAFTED BY ROS IN NEW YORK, MUST INCORPORATE NEGOTIATING FAT. MOREOVER, IT MIGHT BE DISOWNED BY THE JUNTA AND, FOR THIS AND OTHER REASONS, WE SHOULD BE CAREFUL NOT TO GET INTO THE POSITION OF ACCEPTING IT AS THE BASIS OF FURTHER DISCUSSION. THE COMMENTS BELOW ON THIS TEXT ARE THEREFORE PROVIDED AS GUIDANCE FOR THE TIME WHEN THE SECRETARY-GENERAL MAY PRODUCE A TEXT OF HIS OWN.
3. WHEN YOU SEE THE SECRETARY-GENERAL TODAY, YOU MAY USE THE FOLLOWING MATERIAL ON SPECIFIC POINTS:
  - (A) DEPENDENCIES. CONTINUE TO INSIST ON THEIR EXCLUSION.
  - (B) SOVEREIGNTY. THE FORMULA IN TWO PARTS IN PARA 9 OF YOUR TELNO 694 IS CLEAR AND EASILY EXPLAINABLE. YOU SHOULD CONTINUE TO WORK FOR AS MUCH OF IT AS POSSIBLE.
  - (C) WITHDRAWAL. FOR THE REASONS YOU GAVE YESTERDAY, THE SUGGESTION THAT WE SHOULD RETIRE 2000 NAUTICAL MILES IS COMPLETELY UNREAL.
  - (D) VERIFICATION OF WITHDRAWAL: AFTER FURTHER RESEARCH, WE HAVE FOUND THAT SWEDEN DOES NOT HAVE APPROPRIATE LONG RANGE RECONNAISSANCE AIRCRAFT FOR VERIFYING NAVAL WITHDRAWAL. INDEED, IT APPEARS THAT ONLY ALIGNED COUNTRIES AND CHILE HAVE SUCH AIRCRAFT. THE STATE WHICH WOULD BE BEST PLACED GEOGRAPHICALLY AND IN TERMS OF EQUIPMENT TO VERIFY NAVAL WITHDRAWAL EFFECTIVELY WOULD BE THE US. PLEASE URGE THE SECRETARY-GENERAL TO CONSIDER THIS POSSIBILITY. (FOR YOUR OWN INFORMATION, WE MIGHT OTHERWISE EXPLORE THE POSSIBILITY OF A SEPARATE ANGLO/US/ARGENTINE AGREEMENT ON VERIFICATION OF SEABORNE WITHDRAWAL.

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OUR HOPE IS THAT US INVOLVEMENT IN THE INTERIM ARRANGEMENTS WOULD INCREASE THE CHANCES OF A US GUARANTEE OF THE SECURITY OF THE ISLANDS.)

(E) INTERIM ADMINISTRATION. YOU SHOULD SUGGEST THAT THE UN ADMINISTRATION SHOULD BE DESCRIBED AS FUNCTIONING 'IN CONSULTATION WITH THE EXECUTIVE AND LEGISLATIVE COUNCILS IN THE ISLANDS'. THE WORD 'EXCLUSIVE' IN POINT 4 OF THE ARGENTINE TEXT IN YOUR TELNO 704 IS IN ANY CASE UNACCEPTABLE, AS IS THE THOUGHT BEHIND IT.

(F) POINT 5 IN THE ARGENTINE TEXT ABOUT FREEDOM OF TRANSIT AND RESIDENCE IS OBVIOUSLY DESIGNED BY ARGENTINA TO FLOOD THE ISLANDS AND THUS CHANGE THE DEMOGRAPHIC FACTS DURING THE INTERIM PERIOD. AS WE HAVE MADE CLEAR, WE ARE WILLING TO CONSIDER A NUMBER OF POSSIBILITIES FOR THE FUTURE OF THE ISLANDS IN THE LONG TERM NEGOTIATIONS, BUT CHANGES IN THE SITUATION IN THE INTERIM PERIOD ARE WHOLLY UNACCEPTABLE.

4. THE FOLLOWING FURTHER POINTS ARE FOR YOUR GENERAL GUIDANCE AT THIS STAGE.

(I) THE LEGAL ADVISER CONSIDERS THAT POINT 2 IN THE ARGENTINE TEXT CAN REASONABLY BE INTERPRETED TO MEAN THAT THE OUTCOME OF THE NEGOTIATIONS WOULD NOT BE PREJUDICED. BUT THIS IS A POINT ON WHICH CLARITY IS ESSENTIAL AND, TO BRING IT OUT MORE CLEARLY, WE MIGHT LATER PROPOSE EXPANDING POINT 2 AS FOLLOWS:

'THE AGREEMENT TO WHICH THE PARTIES COMMIT THEMSELVES, INCLUDING THE NEGOTIATIONS TO BE UNDERTAKEN PURSUANT TO PARAGRAPH 7 THEREOF, SHALL BE WITHOUT PREJUDICE ...'. THIS WOULD NEED TO BE ACCOMPANIED BY AN ARGENTINE STATEMENT TO THE SECRETARY-GENERAL THAT ARGENTINA UNDERSTOOD THAT THE OUTCOME OF THE NEGOTIATIONS WAS NOT BEING PREJUDICED. SINCE POINT 2 OF THE ARGENTINE TEXT, IF PUBLISHED AFTER A BREAKDOWN IN NEGOTIATIONS, WOULD NOT LOOK UNREASONABLE, WE MAY WISH, BEFORE ANY BREAKDOWN, TO REACH A SITUATION WHERE WE HAD PROPOSED THE ABOVE AMENDMENT AND ARGENTINA HAD REJECTED IT.

(II) DURING A UN ADMINISTRATION, WE SHOULD OURSELVES WISH TO HAVE OBSERVERS IN STANLEY. SO WE MAY AGREE IN DUE COURSE TO BOTH PARTIES HAVING OBSERVERS AND TO THEIR FLYING NATIONAL

FLAGS, WHICH WOULD BE A PERFECTLY NORMAL PROCEEDING. BUT A STRICT LIMIT OF SAY 3 OR 5 ON THE NUMBER OF ARGENTINE OBSERVER PERSONNEL WOULD BE NECESSARY.

(III) TARGET DATE FOR FUTURE NEGOTIATIONS. IN POINT 7 OF THE ARGENTINE TEXT, THE PHRASE 'TO COMPLETE THESE NEGOTIATIONS BY 31 DECEMBER 1982' APPEARS TO BE GOVERNED BY THE PHRASE 'THE PARTIES COMMIT THEMSELVES...' IT WOULD MAKE A BIG DIFFERENCE IF 'TO COMPLETE' COULD BE GOVERNED BY 'WITH A VIEW TO'. THIS COULD BE ACHIEVED SIMPLY BY SUBSTITUTING 'COMPLETING' FOR 'COMPLETE'.

5. THE TIMING OF ANY BREAK WILL OF COURSE HAVE VARIOUS IMPLICATIONS FOR US. BUT FOR YOUR PURPOSES THE ESSENTIAL AIM MUST BE TO ENSURE THAT ARGENTINA IS ON THE WRONG FOOT AT THE TIME OF ANY BREAK.

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