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FM WASHINGTON  
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TELNO 1250  
OF 12220Z MAY 88  
INFO PRIORITY UKMIS NEW YORK, POPT STANLEY, MONTEVIDEO

MONTEVIDEO FOR HEAD BISBA  
MIFT: FALKLANDS FISHERIES

1. FOLLOWING IS TEXT OF ARGENTINE NON-PAPER DATED 10 MAY:  
QUOTE

1. AN EXAMINATION OF EXCHANGES TO DATE THROUGH THE THIRD PARTY  
SHOWS THAT AGREEMENT EXISTS ON THE FOLLOWING:

- A. THE CONCERN WITH RESPECT TO PREVENTING INCIDENTS AND  
DEPREDAATION OF RESOURCES,
- B. THE FORMULA TO SAFEGUARD THE RESPECTIVE POSITIONS WITH  
REGARD TO SOVEREIGNTY AND JURISDICTION.

2. THE EXERCISE CARRIED OUT TO DATE THROUGH THE THIRD PARTY  
SEEKS TO ESTABLISH A DIALOGUE THAT WILL MAKE IT POSSIBLE TO  
ARRIVE AT UNDERSTANDINGS ON THE PROBLEMS MENTIONED IN 1(A)  
RESULTING FROM THE EXISTENCE OF OVERLAPPING POSITIONS ON THE  
SAME WATERS.

3. THE MARCH 9 NON-PAPER INTRODUCES NEW ELEMENTS THAT MOVE US  
AWAY FROM THAT OBJECTIVE.

4. WE EMPHASISE THE ADVISABILITY OF A DIALOGUE, WITH NO PRIOR  
CONDITIONS THAT PREJUDGE THE OUTCOME, AIDED BY THE FORMULA  
MENTIONED IN 1(B) WITH THE CHARACTERISTICS SET FORTH IN POINT 3  
(A, B, C AND D) OF THE DECEMBER 22, 1987 NON-PAPER.

5. WITH REGARD TO THE DRAFT COMMUNIQUE (PRESS RELEASE)  
ACCOMPANYING THE DECEMBER 22, 1987 NON-PAPER, THE SUGGESTION TO  
INSERT IN PARAGRAPH 2 OF THE SPANISH TEXT AND THE CORRESPONDING  
ENGLISH THE WORDS QUOTE Y EN EJECUCION DE UNQUOTE (AND IN  
IMPLEMENTATION OF) IS ACCEPTED. THE WORDS QUOTE DESARROLLADO Y  
UNQUOTE (DEALT WITH AND) SHOULD THEREFORE BE ELIMINATED FROM THE  
SAME PARAGRAPH SO THAT IT IS CLEAR THAT THIS APPLIES TO ACTS OR  
ACTIVITIES RESULTING FROM WHAT WAS AGREED TO AT THE MEETINGS.  
UNQUOTE

## ENGLISH AND SPANISH TEXT OF THE ARRANGEMENT REGARDING THE QUESTION OF SOVEREIGNTY

(a) English Text

1. Nothing in the conduct or content of the present meeting may be interpreted as:

(A) A change in the position of the United Kingdom with regard to sovereignty or territorial and maritime jurisdiction over the Falkland Islands and the surrounding maritime areas:

(B) A change in the position of the Argentine Republic with regard to sovereignty or territorial and maritime jurisdiction over the Falkland Islands and the surrounding maritime areas:

(C) Recognition of or support for the position of the United Kingdom or the Argentine Republic with regard to sovereignty or territorial and maritime jurisdiction over the Falkland Islands and the surrounding maritime areas.

2. No act or activity carried out as a consequence and in implementation of anything dealt with and agreed to in the present meeting may constitute a basis for affirming, supporting, or denying the position of the United Kingdom or the Argentine Republic regarding the sovereignty or territorial and maritime jurisdiction over the Falkland Islands and the surrounding maritime areas.

(b) Spanish Text

1. Nada en el desarrollo o contenido puede de la presente reunion ser interpretado como:

(A) Un cambio en la posicion de la Republic Argentina acerca de la soberania or jurisdiccion territorial y maritima sobre las Islas Malvinas y los espacios maritimos circundantes;

(B) Un cambio en la posicion del Reino Unido acerca de la soberania o jurisdiccion territorial y maritima sobre las Islas Malvinas y los espacios maritimos circundantes;

(C) Un reconocimiento o apoyo de la posicion de la Republica Argentina o del Reino Unido acerca de la soberania o la jurisdiccion territorial y maritima sobre las Islas Malvinas y los espacios maritimos circundantes.

2. Ningun acto o actividad que se lleve a cabo como consecuencia y en ejecucion de lo desarrollado y convenido en estas reuniones puede constituir fundamento para afirmar, apoyar o denegar la posicion de la Republica Argentina o del Reino Unido acerca de la soberania o jurisdiccion territorial y maritima sobre las Islas Malvinas y los espacios maritimos circundantes.

DSR 11 (Revised Sept 85)

DRAFT: minute/letter/teleletter/despatch/note

TYPE: Draft/Final 1 +

FROM:  
D TATHAM

Reference  
SCHAHV

DEPARTMENT:

TEL. NO:

Your Reference

FID BUILDING:

ROOM NO:

SECURITY CLASSIFICATION

- Top Secret
- Secret
- Confidential
- Restricted
- Unclassified

TO:

Copies to:

PRIVACY MARKING

..... In Confidence

CAVEAT .....

SUBJECT:

AGENDA FOR ANGLO ARGENTINE TALKS

ON THE CONSERVATION OF RESOURCES AND THE PREVENTION OF INCIDENTS IN THE SOUTH WEST ATLANTIC FISHERY

A) Introductory Statements

B) Conservation of resources

i) exchange of data on fishing catches and effort (ie No. of vessels) in the South West Atlantic.

ii) exchange of information on such conservation topics as fish population dynamics, likely future trends in squid and fin fish population, possible migratory patterns of major fish stocks and oceanographic and climatic influence on fish populations.

Enclosures flag(s) .....

*Respective*  
iii) administrative arrangements for control of fishing vessels (licensing etc).

iv) Joint analysis of reports submitted by each side.  
Discussion of future plans and requirements for research  
and investigation into fishing stocks.

C) Prevention of Incidents

i) Report on ~~present~~<sup>respective</sup> administrative arrangements for  
policing, research and rescue and salvage.

ii) Analysis of scope for co-operation in these fields.

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PRIVACY MARKING

.....  
In Confidence

DSR 11 (Revised Sept 85)

DRAFT: minute/letter/teleletter/despatch/note

TYPE: Draft/Final 1 +

FROM:

Reference

DEPARTMENT: State

TEL. NO:

RM1A.TX

Your Reference

BUILDING:

ROOM NO:

SECURITY CLASSIFICATION

TO:

Copies to:

Top Secret

Secret

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Restricted

Unclassified

Hon. George P Shultz

Secretary of State

Washington

SUBJECT:

PRIVACY MARKING

..... In Confidence

CAVEAT .....

We recently exchanged letters about the Falkland Islands and Argentina. We naturally very much support your efforts to encourage stability and democracy in Argentina. You are also well aware of our consistent position on major arms sales.

Since you wrote on 17 May we have given a great deal of thought to our reply to the Argentine "non-paper" of 10 May on the South West Atlantic Fishery. I understand you are to visit Argentina from 2-3 August. It would be very helpful if you could take that opportunity to convey our response to President Alfonsin.

As you know, our main concern is that any direct talks should make a constructive contribution to the fisheries issue. We must avoid a re-run of the talks at Berne in 1984, which actually set the clock back.

Enclosures flag(s) .....

We have faced two major problems from the outset of these exchanges. First, Argentine proposals have contained

elements questioning the legal basis of the Falklands fishing zone. It is critical that the Argentines should not enter talks imagining that we are going to dismantle the Falkland Islands Interim Conservation and Management Zone (FICZ).

Second, it is equally important that the Argentine Government understand that talks would be confined to issues directly related to the South West Atlantic Fishery, ie the conservation of fish stocks and the avoidance of incidents at sea. If they were to try to use the talks to raise the sovereignty of the Falkland Islands we would be back at square one or worse.

On the first point, we have, as you know, sought formal written acceptance from the Argentines that there are two separate jurisdictions in the South West Atlantic. We recognise that this causes them legal and political difficulties. We are prepared not to insist on this point, but we obviously must have an adequately clear and reliable undertaking.

We are aware of your officials' conviction that Argentina does accept the FICZ de facto and that this is confirmed by the care they have taken to avoid entering either the fishing zone or the protection zone. But we need to be absolutely sure of our ground. I should be grateful if you could raise this with President Alfonsin and confirm that this interpretation is correct. We need to be clear that, for the purposes of the talks, and with the

protection of the agreed sovereignty umbrella, they accept that the FICZ exists as a fact of life.

It is equally important that the Argentines understand the discussion would be limited to the items on the agenda attached to our reply. They cannot use the meeting to introduce discussion of sovereignty over the Falklands. That would be in the interests neither of the Argentines nor ourselves. Again I would be grateful if you could seek a clear assurance from President Alfonsin.

I appreciate the care you have taken to bring these exchanges to a point where direct talks on fisheries are a real possibility. I hope we can together ensure that they do not founder through lack of clarity on these essential points. It will be vital that President Alfonsin understands that our reply is conditional upon our receiving <sup>full and</sup> satisfactory assurances through you.

[COP.]  
We are not prepared to settle for anything less  
More generally I should like to emphasize that our consistent aim since 1982 has been to reduce tension. We want a more normal relationship with Argentina. You know the initiatives we have taken (set out in the attached annex). I would be glad if you would make clear that our various offers are still on the table. We are disappointed at the lack of response so far.

We have also discussed an additional idea with your officials: allowing limited direct access to foreign

ministries for the Heads of our respective Interest Sections in London and Buenos Aires. This would of course have to be done at a time and in a manner which suited both sides. But again we are ready to take matters forward if the Argentines can agree.

I continue to value very much all your assistance and interest in these problems. I hope that it will be possible to resolve the issues I have outlined during your visit to make direct technical talks possible.



BRITISH PROPOSALS FOR NORMALISATION OF RELATIONS WITH  
ARGENTINA

<u>Date</u>	<u>UK action</u>	<u>Argentine response</u>
June 1982	Declared hostilities at an end.	Argentina accepted cessation <u>defacto</u> . But still no formal Argentine cessation of hostilities.
July 1982	Lifting of 200-mile Falklands exclusion zone. Replaced by 150-mile protection zone (FIPZ).	No Argentine response.
September 1982	Agreement to abolish financial restrictions (fully honoured by UK).	Agreement only partially implemented by Argentina. Discriminatory restrictions on British firms still in force.
1983	Offer to resume direct air services.	No response.
1983	Personal message from Prime Minister welcoming return to democracy in Argentina.	No response.
1984	Berne talks - British initiatives.	Argentines departed from agreed formula on sovereignty. Talks broke down.
1985	Renewed offer via Red Cross to permit next-of-kin visits to Argentine war graves/return of dead.	No response.
July 1985	Unilateral lifting of restrictions on Argentine imports.	Argentine restrictions on trade with UK still in force (Intensified in January 1987)

1985

Initiatives aimed at bringing about multilateral arrangement on fisheries in South West Atlantic.

After initial agreement, Argentina signed bilateral agreements with Soviet Union and Bulgaria and undermined multilateral approach.

February 1986

Mr Eggar offers to meet four Argentine Parliamentarians visiting Britain.

Offer declined.

October 1986

Offer to cooperate on conservation of fish stocks in South West Atlantic

Exchanges on fisheries have since taken place via the Americans.