1960 – 1971
Decolonization & Rights

“It is for the Islanders to determine what their ultimate constitutional status should be.”

With the Antarctic question safely tucked away, Britain could breathe a little easier. Threats to its Antarctic and sub-Antarctic territories nullified. That still left the Falkland islands, South Georgia and the South Sandwich Islands. To these Argentina would now turn its full attention. In the United Nation's anti-colonial attitudes, Buenos Aires saw an opportunity. Enhanced with the rise of new States as a result of the breaking up of – primarily – the British Empire. With a dramatic increase in membership, the UN was keen to pressure the United Kingdom into abandoning its last overseas possessions.

This paper outlines the events that led to UN calls for Anglo-Argentine negotiations through resolution 2065. It will also trace the rise of self-determination as a basic human right. Decolonization and self-determination were assumed to go hand-in-hand. The Falklands would prove to be one of the exceptions.

1960 – a documentary, 'Islands of the Sea', is filmed on the Falkland Islands.

March 2nd, the House of Commons is informed of the situation in the South Atlantic.

“Argentina at present occupies nine and Chile four bases in the Falkland Islands Dependencies. Both Governments have also erected navigational beacons and refuge huts in the area. Her Majesty's Government made formal protests when each installation was set up. The Antarctic Treaty signed in Washington on 1st December, 1959, on behalf of twelve nations, including the United Kingdom, Argentina and Chile, provides for the maintenance of the legal status quo as regards territory. The Treaty, when ratified, will ensure that United Kingdom sovereignty in the Antarctic is fully safeguarded.”

May 31st, the United Kingdom ratifies the Antarctic Treaty with little opposition in Parliament.

September 20th, 17 newly independent States are admitted as members to the United Nations.
“... 17 new independent states (16 in Africa plus Cyprus) were admitted as members of the UN on a single day (20 September 1960). That began a transformation of the UN, and the new members were keen to extend the benefits of independence to the remaining colonial territories.”

**September 23**th, at the United Nations, the USSR's Nikita Khrushchev proposes a declaration on the granting of independence to colonial countries and peoples.

“The States that set up the United Nations founded its Charter upon the lofty and humane ideals of equality of rights and the self-determination of nations and peoples. Born in the period of victorious conclusion of the Second World War, the United Nations embodied hopes that the inequality and enslavement of some nations and peoples by others would disappear along with the barbarity and criminal acts of fascism and militarism. But not all the hopes of the peoples came true. Still unsolved is a vital problem of our time: the complete liberation of mankind from the shameful colonial regimes inherited from the past.”

**September 28**th, the UN’s General Assembly vote in favour of allocating the USSR’s proposal to the First (Security & Political) Committee.

**November 28**th, 70 delegations consider the Russian proposals at the UN.

“The United Kingdom representative said ... Since 1939, ..., some 500 million people formerly under British rule had achieved freedom and independence and their representatives sat in the General Assembly. ... The United Kingdom representative said he found it hard to improve on the terms of Article 73 of the Charter, by which administering powers undertook, among other things, to develop self-government in the territories under their control. However, the problems of the development of political independence varied according to the circumstances of the different territories. For example, there were no fewer than 29 Non-Self-Governing Territories under United Kingdom administration with a population of under one million each; 14 of these had a population of less than 100,000. The people of those small territories, he stressed, had to think carefully about their future. The United Kingdom considered that it had a solemn obligation to work out with the people concerned the form of independence which would best satisfy their aspirations.”

Indonesia's Representative speaks before the meeting.

“... it is a matter of great importance to us that this declaration is designed to prevent any attempt aimed at the partial or total disruption of the national unity or territorial integrity of a country. It emphatically declares in paragraphs 4, 6 and 7 that the integrity of the national territories of peoples which have attained independence shall be respected.”

The Soviet delegate states, with regard to a proposed paragraph on 'territorial integrity' that; “... no attempt should be made to raise private claims and reservations to the level of a general principle restricting the inalienable right of every people to self-determination.”

On the same day, a draft-resolution is introduced by Cambodia on behalf of 26 African and Asian nations.

Guatemala attempts to amend the draft by the addition of a new paragraph.

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6 Falklands Facts and Fallacies: The Falkland Islands in History and International Law Graham Pascoe 2020 p.289
7 UN Document A/4502
8 A/PV.936 para.55
9 CO 936/879 Sankey to Jerome 21.1.64
10 Number of sponsors eventually rose to 43. The USSR sought to amend this, but was voted down.
“The principle of the self-determination of peoples may in no case impair the right of territorial integrity of any State or its right to the recovery of territory.”

This amendment is rejected.

# Researcher's Comment: This amendment's rejection identified a clear distinction between self-determination and sovereignty disputes. The former not being subject to the latter.

“... paragraph (6) was not considered by most speakers to be a key paragraph; most emphasised 2 (right to self-determination), 3 (inadequacy of preparation should never serve as a pretext for delaying independence) and 5 (immediate steps should be taken to transfer all powers to the peoples of the territory). The allusion to territorial integrity had only appeared in the final draft partly as a result of the Congo civil war and the attempted secession of Katanga (which independent African states opposed) and partly due to Indonesia's hostility to the Dutch presence in West Irian. However, when Guatemala tabled an amendment to include a categorical affirmation to the effect that “the principle of self-determination of peoples may in no case impair the right of territorial integrity of any state or its right to the recovery of territory”, the 43 Afro-Asian sponsors of the draft Declaration refused to endorse it...”

“It is significant that the wording of the African-Asian draft Colonial Declaration was adopted by the General Assembly without a single vote of dissent; even the European colonial powers abstained rather than vote against it. However, in the days before the final vote, a proposed amendment to the draft by Guatemala threatened to derail the consensus. ... Guatemala was concerned that paragraph 6, as drafted, placed insufficient restrictions on the exercise of self-determination in territories that were the subject of dispute or litigation. ... In any event, the Guatemalan amendment received little support in the General Assembly.”

December 14th, UN resolution 1514 – entitled the Declaration of the Granting of Independence to Colonial Countries and Peoples, is presented to the UN's General Assembly.

“Conscious of the need for the creation of conditions of stability and well-being and peaceful and friendly relations based on respect for the principles of equal rights and self-determination of all peoples,... Convinced that all peoples have an inalienable right to complete freedom, the exercise of their sovereignty and the integrity of their national territory,

Declar[es] that:

1. The subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and co-operation.

2. All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

3. Inadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying independence.

4. All armed action or repressive measures of all kinds directed against dependent peoples shall cease in order to enable them to exercise peacefully and freely their right to complete independence, and the integrity of their national territory shall be respected.

11 The Genesis of the Falklands (Malvinas) Conflict Martin Abel Gonzalez 2014 p.34. My emphasis
12 Self-determination in Disputed Colonial Territories Jamie Trinidad 2018
5. Immediate steps shall be taken, in Trust and Non-Self-Governing Territories or all other territories which have not yet attained independence, to transfer all powers to the peoples of those territories, without any conditions or reservations, in accordance with their freely expressed will and desire, without any distinction as to race, creed or colour, in order to enable them to enjoy complete independence and freedom.

6. Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations.

7. All States shall observe faithfully and strictly the provisions of the Charter of the United Nations, the Universal Declaration of Human Rights and the present Declaration on the basis of equality, non-interference in the internal affairs of all States, and respect for the sovereign rights of all peoples and their territorial integrity."

# Researcher’s Comment: Eighty-nine countries voted in favour with nine abstentions including the UK. While the abstainers were, for the most part, the old colonial powers, there is little doubt that the admission of 16 new ‘decolonized’ States in 1955, and a further 19 in 1960 facilitated this resolution. As is clear from the lack of past tenses, 1514 has no retrospective effect.

“We regard paragraph 6 of Resolution 1514 as referring only to the territorial integrity of colonial territories. The paragraph ... is in our view irrelevant to territorial claims by long-established sovereign states, which themselves fall clearly outside the general purview of Resolution 1514, addressed to "colonial countries and peoples."" 14

“The term 'territorial integrity,' as used in paragraph 6 of Resolution 1514 (XV), referred to the wholeness and indivisibility of territories which had been administered as a single unit ... to be distinguished from the principle of geographic integrity, which applied to adjacent areas, or areas apparently forming part of a single geographical unit. The latter meaning had clearly never been intended in Resolution 1514 (XV), since that would have meant that almost any colonial Territory could have become subject to a claim by an immediate neighbour.” 15

“The Declaration on the Granting of Independence to Colonial Countries and Peoples was adopted without a dissenting vote on 14 December 1960 (Resolution 1514(XV)).” 16

“The ICJ has implicitly approved of a GA decision deferring its own effect, but has denied any retroactive effect to both GA and SC decisions.” 17

“The wording forbids present and future actions to break up colonies and does not refer to the past. It certainly does not cover "recovery of territory," based on claims about nineteenth century history.” 18

“Resolutions 1514 and 2625, as well as the ICCPR and the ICESCR, refer to ‘all peoples’ as right-holders. ... In the context of decolonization, the peoples of mandated territories, trusteeship territories, and NSGTs have been recognized as holders of the right.” 19

14 Shaw to Diggines (1969) in FCO 7/1080. This appears to be the correct interpretation. See the Chagos case below.
16 Dunnett 1983 p.419
17 The Legal Effects of Resolutions of the UN Security Council and General Assembly in the Jurisprudence of the ICJ Marko Divac Öberg in European Journal of International Law, Volume 16, Issue 5, November 1, 2005 pp.879 - 906
18 The United Nations, Self-Determination and the Falkland Islands Prof. Peter Willetts 2013 (published on the South Atlantic Council website). See also A/L325 in General Assembly Fifteenth Session Official Records,... Agenda Item 87
19 Does the Population of the Falkland Islands (Malvinas) really have the right to Self-Determination.” Fabian Raimondo 2014, first published in the Hague Yearbook of International Law 2014 vol.27
“With regard to external self-determination, academic and judicial determinations have held the right to self-
determination as having the status of an erga omnes right, a legal obligation which all states have a legal
interest in protecting.” 20

“… ambiguity in the drafting and subsequent interpretation of paragraph 6 has generated uncertainty
regarding the role of territorial integrity as a limit on self-determination in the decolonization process, … This
ambiguity has arguably created space for a range of ‘irredentist’ interpretations of paragraph 6, the most far-
reaching of which hold that paragraph 6 can be invoked to justify the subversion of present day territorial
sovereignty over a Non-Self-Governing Territory in favour of a ‘reintegration’ claim by a neighbouring State,
grounded on the existence of pre-colonial ties between the irredentist State and the Non-Self Governing
Territory in question.” 21

“153. The wording used in resolution 1514 (XV) has a normative character, in so far as it affirms that "[a]ll
peoples have the right to self-determination". … In order to prevent any dismemberment of **non-self-
governing territories**, paragraph 6 of resolution 1514 (XV) provides that: "Any attempt aimed at the
partial or total disruption of the national unity and the territorial integrity of a country is incompatible with
the purposes and principles of the Charter of the United Nations." 160. The Court recalls that the right to self-
determination of the people concerned is defined by reference to the entirety of a non-self-governing territory,
as stated in the aforementioned paragraph 6 of resolution 1514 (XV) (see paragraph 153 above). Both State
practice and opinio juris at the relevant time confirm the customary law character of the right to territorial
integrity of a non-self-governing territory as a corollary of the right to self-determination. … The Court
considers that the peoples of non-self-governing territories are entitled to exercise their right to self-
determination in relation to their territory as a whole, the integrity of which must be respected by the
administering Power. It follows that any detachment by the administering Power of part of a non-self-
governing territory, unless based on the freely expressed and genuine will of the people of the territory
concerned, is contrary to the right to self-determination” 22

“(Paragraph 6) deals with the important question of the integrity of the national territory of dependent
peoples. Territorial integrity is addressed four times in 1514. The last preambular paragraph speaks of the
inalienable right that all peoples have to the integrity of their national territory. The fourth paragraph
requires that colonial States respect the integrity of the national territory of dependent peoples. Paragraph 6
goes a step further by declaring that an attempt by an administering Power to dismember partially or totally
the national unity and territorial integrity of a country is incompatible with the purposes and principles of the
Charter. This paragraph incorporates a very serious and solemn declaration. The fourth reference to
territorial integrity is in paragraph 7, which calls for respect for the sovereign rights of all peoples and their
territorial integrity. The relevance of this paragraph to this case is that it clarifies that the unit for self-
determination for colonial peoples is their territory in its entirety.” 23

“It is a general legal principle that laws cannot apply retroactively (i.e. they cannot apply to events that
happened before the laws were enacted), and this principle is stated with specific reference to international
treaties in Article 28 of the Vienna Convention on the Law of Treaties, signed at Vienna on 23 May 1969:

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21 Trinidad 2018 p.23
22 Advisory Opinion of the International Court of Justice regarding the Legal Consequences of the Separation of the
Chagos Archipelago from Mauritius in 1965 February 25, 2019. My emphasis. See https://www.icj-cij.org/files/case-
related/169/169-20190225-01-00-EN.pdf
23 Separate Opinion of Judge Robinson in Advisory Opinion of the International Court of Justice regarding the Legal
Article 28. NON-RETROACTIVITY OF TREATIES

Unless a different intention appears from the treaty or is otherwise established, its provisions do not bind a party in relation to any act or fact which took place or any situation which ceased to exist before the date of the entry into force of the treaty with respect to that party.

The non-retroactive principle has also been confirmed in several judgements of the International Court of Justice, for example in the Lockerbie Case of 1998 and the Genocide Case in 2003. It is therefore abundantly clear that paragraph 6 of Resolution 1514 cannot apply to any events that took place before 1960, so it does not apply to Britain’s actions in 1833.”

December 15th, also passed by the General Assembly, resolution 1541 announces the Principles which should guide Members in Determining whether or not an obligation exists to transmit the information called for under Article 73e of the Charter.

“Principle I: … An obligation exists to transmit information under Article 73e of the Charter in respect of such territories whose people have not yet attained a full measure of self-government. ...

Principle IV: Prima facie there is an obligation to transmit information in respect of a territory which is geographically separate and is distinct ethnically and/or culturally from the country administering it.

Principle VI: A Non-Self Governing Territory can be said to have reached a full measure of self-government by - (a) Emergence as a sovereign independent State; (b) Free association with an independent State; or (c) Integration with an independent State.”

“… as far as the UN is concerned, Principle VI of the Annex to Resolution 1541 (xv) sets out three alternative courses of decolonisation, of which integration with a sovereign independent state is only one. In any case, according to Principle IX of the same resolution such integration "should be the result of the freely expressed wishes of the territory’s peoples, acting with full knowledge of the change in their status, their wishes having been expressed through informed and democratic processes impartially conducted and based on universal adult suffrage"…”

“Resolution 1541 is just as important to the Falklands as is the Decolonisation Declaration. It specifies that the Falklands must remain on the agenda of the Decolonisation Committee until one of the three options has been chosen and implemented. It also specified that no option will be valid, unless it is freely chosen by the people of the Falklands. This means that even if some future British government were to agree to hand the Falklands over to Argentina the Falkland Islanders would still have the right to say yes or no to the integration option. The very fact of being on the agenda of the Decolonisation Committee each year is the strongest possible evidence that the Falkland Islanders do have the right to self-determination.”

“Is the population of the Falklands/Malvinas distinct ethnically or culturally from the UK? … As stated on the website of the Falkland Islands Government, the heart of the community is predominantly of British descent. The UK’s government itself reconfirms this fact. In the light of this data, the population of the Islands is...

24 Pascoe 2020 p.292
26 Free association was only available to British territories up until the Anguilla crisis of 1967; after which the UK decided that the arrangement was too fraught with difficulties. These three remain the basic criteria for the United Nations, despite a fourth option being added by Resolution 2625(XXV) in 1970. cf. 1967 & 1970.
27 Shaw to Diggines (1969) in FCO 7/1080. A discussion regarding a 1969 article in which it was claimed that the only possible way to decolonise the islands was by; “… returning them to the Argentine Republic,” (integration).
certainly not distinct ethnically or culturally from the administering power and, therefore, it would not qualify as a NSGT entitled to self-determination, on the basis of resolution 1541.”

“... the General Assembly passed Resolution 1541 (XV), which like 1514 has central relevance to the Falklands: Resolutions 1514 and 1541 state definitively that the peoples of all non-self-governing territories have the right to self-determination, and the UN includes the Falklands on its list of non-self-governing territories, the "Chapter XI territories" (i.e. those covered by Chapter XI of the UN Charter), thus expressly confirming that they are covered by resolutions 1514 and 1541. Those Resolutions, together with 2625, rule out Argentina's aim of taking over the Falklands, but Argentina misuses the first Resolution and disregards the others.”

"The constant suppression of any mention of UN Resolution 1541 in Argentine works ... is a blatant distortion of history and of the legal situation. The reason for that omission is clear: 1541 enshrines the "wishes" of the Falkland Islanders as paramount in discussions of the future of the Falklands, and hence destroys Argentina's case.”

1961 – March 8th, Argentina’s President makes a highly publicized visit to Deception Island.

“President Arturo Frondizi flew by helicopter to Antarctica. From the Argentine Base on Deception Island he once again proclaimed to the world Argentina’s inalienable rights to Antarctic sovereignty.”

March 13th, in Argentina’s La Prensa newspaper, Dr. Alberto Candiotti opposes ratification of the Antarctic Treaty.

“If (the government) do not sign ... the problems of limits in our large territory in the southern continent will resolve themselves in our favour, before the population of the Argentine Republic reaches 100 million inhabitants. By then we will also have recuperated full sovereignty over all our islands in the South Atlantic.”

Southern Spray and Southern Chief, both redundant whale catchers, are scuttled off Stromness Bay.

March 31st, the last official Norwegian service is held in the church at Grytviken, South Georgia.

June 23rd, on the day that the Antarctic Treaty comes into force for a period of 30 years, it is finally ratified by Argentina, Chile and Australia. The last three nations to do so.

“The Australians had also dragged their feet over ratification due to fears, similar to those in South America, that the Treaty represented a surrender of national interests...”
“At the heart of the Antarctic Treaty, which entered into force in June 1961, were three core principles: the region should be a zone of peace; international scientific collaboration was to be encouraged; and the existing sovereignty disputes should be put on hold in favour of general cooperation and confidence building through the free exchange of information and a right to inspect each other’s scientific stations. The resource potential of the Antarctic was not discussed in the treaty, and this omission unquestionably helped to secure overall consensus, given the disputes over ownership of territory and resources. Scientific diplomacy loomed large, and it was hoped that signatories (and those who joined later) would embrace the spirit and purpose of the treaty, with its underlying commitment to peaceful coexistence.” 34

**November 27th**, UN resolution 1654 (XVI) establishes a Special Committee of 17 members with a mandate to consider implementation of resolution 1514. Full name is to be – ’Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.’ 35

Membership consists of Australia, Cambodia, Ethiopia, India, Italy, Madagascar, Mali, Poland, Syria, Tanganyika, the USSR, the UK, the USA, Uruguay, Venezuela and Yugoslavia. 36

“... an international lobby for absolute independence regardless of the consequences...” 37

**1962 – March 3rd**, in an administrative re-organisation, the British territorial area subject to the Antarctic Treaty is separated from the other Falklands Dependencies. Renamed the 'British Antarctic Territory' under the administration of a High Commissioner.

“We are not in any way seeking to extend our territory but to rename and divide a particular part of it, the reason being that our Antarctic territory bore previously a name derived from the disputed area outside the Treaty area. We thought it better to change it in the interests of general agreement and working together in the area.” 38

“The entry into force of the Antarctic Treaty had implications for the UK’s administration of its most southerly colonial territories. The FID (Falkland Islands Dependencies) were, in effect, broken up, and the territories below the Antarctic Treaty’s zone of application (south of 60ºS) were separated from the SGSSI (South Georgia South Sandwich Islands). Created in March 1962 in the aftermath of the dissolution of the FID, the BAT remains by far the UK’s largest overseas territory in terms of geographical area (over 660,000 square miles). It comprises the region south of 60ºS, encompassing the territory between longitudes 20ºW and 80ºW.” 39

Chilean newspapers urge their Government to protest. Argentina’s Permanent Representative to the UN, Enrique Ros returns to Buenos Aires to take over the Antarctica & Malvinas Division within Argentina’s Foreign Ministry. He is replaced at the UN by Lucio Garcia del Solar.

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34 Britain and the British Antarctic Territory in the wider geopolitics of the Antarctic and the Southern Ocean Klaus Dodds & Alan D. Hemmings 2013 in *International Affairs* 89: 6 (2013) 1429–1444
35 For the purposes of this, and other, papers, the Special Committee on Decolonization. Informally known as the C24 following its enlargement in December, 1962. As of 2019, the Committee would become, officially, the Special Committee. cf. December, 1962
37 The Participation of Micro-States in International Affairs Professor Roger Fisher 1968
38 Reginald Maudling to the House of Commons in *HC Deb 13 March 1962 vol.655 cc1108-9*. The British Antarctic Territory consists of that segment of the Antarctic continent lying south of latitude 60ºS and between longitudes 20º and 80ºW. It comprises the Antarctic Peninsula with all adjacent islands, the South Orkney and South Shetland Islands and the Weddell Sea, as well as the landmass extending to the South Pole.
39 Dodds K. & Hemmings A. D. 2013
December 17th, UN resolution 1810 (XVIII) enlarges the Special Committee to 24 members. 40

“In terms of membership, the balance was now clearly tipped against the colonial powers, with the Afro-Asian bloc controlling half of the seats and four others reserved for Eastern European countries. Furthermore, the new committee's competence included the examination of the political situation in each non-self governing territory and the making of recommendations for the early attainment of independence.” 41

“Seven more countries were added by Resolution 1810 (XVII) of 17 December 1962, which brought the number to 24. Significantly, though, paragraph 6 of Resolution 1810, referring to the "Declaration on Decolonization", i.e. Resolution 1514 of 14 December 1960 (see section 10.8), states that the UN General Assembly:

[Resolution 1810] 6 Urges all administering Powers to take immediate steps in order that all colonial territories and peoples may accede to independence without delay in accordance with the provisions of paragraph 5 of the Declaration.

Resolution 1810 mentions only paragraph 5 of Resolution 1514, which is abundantly clear:

[Resolution 1514] Immediate steps shall be taken, in Trust and Non-Self-Governing Territories or all other territories which have not yet attained independence, to transfer all powers to the peoples of those territories, without any conditions or reservations, in accordance with their freely expressed will and desire, without any distinction as to race, creed or colour, in order to enable them to enjoy complete independence and freedom.

That paragraph lays down that "all powers" shall be transferred to the peoples of "Trust and Non-Self-Governing Territories or all other territories which have not yet attained independence" (thus including the Falklands), and that it shall occur "without any conditions or reservations, in accordance with their freely expressed will and desire" – ... paragraph 5 of Resolution 1514 unambiguously gives Falkland Islanders the full right of external self-determination and rules out an Argentine takeover of the islands. In referring specifically to that paragraph two years later in Resolution 1810, which increased the membership of the Special Committee to 24, the UN General Assembly expressly confirmed the direction in which the C24 was to go. Sadly, in the case of the Falklands it has actually gone in the opposite direction.” 42

1963 — in January, redundant whale catchers Stora and Southern Star are scutted off Cape Saunders.

October 12th, Argentina’s new President, Arturo Illia mentions the Falklands in his first address to Congress.

“We do not covet anything that is not ours, but nor can we cede anything we own. We have updated our claim to the Malvinas. We are convinced of the legitimacy of our rights. Meanwhile we have taken the necessary precautions to ensure that the recovery of this Argentine territory is not frustrated by an artificial independence that we would never recognise.”

“Once regarded as a natural leader of South America, Argentina found herself, following the collapse of the Peronist experiment, a prey to political instability and economic stagnation. "Las Malvinas" appealed to her politicians as a tempting battle-cry calculated both to rally nationalist sentiment and to win "anti-colonialist" sympathy throughout Latin America and the Third World. In 1963, the government of President Illia decided to press its claim through the United Nations and ... the Falkland Islands was made a major target for Argentine diplomacy and internal propaganda.” 43

41 Gonzalez 2014 p.34
42 Pascoe 2020 p.298
43 Research Department Memorandum – The Falkland Islands Dispute: Developments from 1965 -1968 (May 3, 1973) in FO 7/3201 attached to 281
November 29th, Britain’s Embassy in Buenos Aires raises its fears of an Argentine attack in a letter to London.

“The islands are less than a day's steaming from the nearest Argentine naval base at Ushuaia. It is a remote spot and they could quickly and unobtrusively prepare an offensive by a small body of men capable of overcoming resistance from the Islands' population or Voluntary Defence Force;...”

December 11th, at the UN, Security Council resolution 183.

“4. Reaffirms the interpretation of self-determination laid down in General Assembly resolution 1514 (XV) as follows: "All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic social and cultural development.””

December 16th, with resolution 1970 (XVIII) the General Assembly expresses its decision to dissolve the 'Committee on Information from Non-Self Governing Territories', requiring instead that the 'Special Committee on Decolonization' study issues with regard to the information transmitted under Art. 73e of the Charter by Administering Powers.

“Considering that all United Nations activities concerning Non-Self-Governing Territories should now be co-ordinated and consolidated, with a view to the immediate ending of colonialism.”

1964 – February 25th, at the first meeting of the UN’s Special Committee on Decolonization for 1964, Carlos María Velázquez, Uruguay’s Ambassador to the UN, is voted in as First Vice-Chairman. The Special Committee also decide to form three sub-committees to consider the list of non-self-governing territories. Sub-committee III is to consider the Falkland Islands.

“(Velázquez was) ... a strong supporter of Argentina’s claim. On 25 February 1964, ... the Committee decided to divide the non-self-governing territories into three groups, with a special Sub-Committee of the C24 responsible for each; the territories in the Americas fell under Sub-Committee III. And the chairman of Sub-Committee III was none other than Carlos María Velázquez.”

Administering Powers are restricted to full membership of only one sub-committee.

“In the case of the Falklands, ..., this apparently inconsequential bureaucratic reorganisation has a series of significant political effects, contributing to a structuring of the discussions in Argentina's favour. To begin with, the reform led to Britain's loss of full membership in the subcommittees... the Afro-Asian majority decided that administering powers could only be members of one subcommittee, while they would be invited to participate without a vote in the rest. ... The lack of full membership did have two important negative effects on Britain's position on Subcommittee III, where the Falklands came to be discussed: on a symbolic level, it put the Argentine delegate on an equal footing with that of the administering power; procedurally, it deprived the British delegate of the right to participate in the private caucuses that would be held to consider the conclusions and recommendations drafted by the subcommittee’s rapporteur... The committee's subdivision also magnified the value of (Argentina's) allies... The regional character of each subcommittee attracted the Latin American members to participate in Subcommittee III... Subcommittee III was thus composed of delegations whose profile made them less menacing for the Argentine position.”

44 CO 1024/433
45 Ten votes for, none against, one abstention – France. See https://undocs.org/S/RES/183(1963)
47 Pascoe 2020 p.299
48 González 2014
February 26th, Britain's Foreign Office recognises that sub-committee deliberations are likely to be adverse. “If, in the face of our denial of the Argentine claim and our maintenance of the principle of self-determination for the Falklands, the Committee passes an unacceptable resolution favouring the Argentine, we shall simply ignore it, as we have done with other unacceptable resolutions, as an emanation from a non-competent body.” 49

March 6th, a survey party consisting of a geologist, zoologist and botanist, supported by Royal Marines, land on Candlemas Island in the South Sandwich group from HMS Protector. 50

March 16th, two days of elections are held in the Falkland Islands: the first to be held under the new arrangements which see elected councillors take a majority in the Legislative Council.

In April, Argentine authorities interrupt a planned incursion (Operacion Rivero) into the Falklands by a far-right youth organisation – Movimiento Nacionalista Revolucionario Tacuara.

April 2nd, in Argentina, President Arturo Illia’s Government circulates an instruction to schools, requiring that the subject of the Falklands is taught in an ‘anti-imperialistic’ way.

“I have the pleasure ... to remind you that next September 8, at the Meeting of the 24, the future of our Malvinas Islands shall be considered. The Representatives of the foreign powers, at that act, shall consider the problems inherent to colonialism and peoples’ self-determination and, in that agenda, the Malvinas Islands shall be included in the British colonies. The Argentine Republic can not and must not accept this decision because Malvinas Islands are a piece of its territory that was seized by force... it is very important – due to the psychological force of this action – to explain to the students of the educational institutions of the country the vicissitudes that the nation is experiencing, under the threat of the definite loss of a piece of its soil.” 51

At South Georgia, three whale catchers and four service boats sink at their moorings due to the weight of snow that has fallen. No attempt is made to raise them. Southern Foster is wrecked on Jason Island.

In Stanley, the Legislative Council approves a message declaring their pride in being a British colony.

May 1st, President Illia speaks to the Argentine Congress.

“We place a jealous preoccupation in the defense of territorial sovereignty. We do not aim for anything that is not ours, but we can not yield anything that is owned. We update the claims about our Falklands. We are convinced of the legitimacy of our rights. Meanwhile, we have taken precautions so that the recovery of that Argentine territory is not frustrated by a forced independence that we will never recognise.”

June 10th, to commemorate the establishment of the Political and Military command over East Falkland Island, by the provincial government of Buenos Aires, Argentina’s Government establishes ‘Malvinas Day.’ 52

49 FO 371/173663 Marnham to Arrowsmith
50 British Antarctic Survey Scientific Reports No.91
51 Quoted in Malvinas as an educational policy Alberto Sileoni 2010
52 Research Department Memorandum – The Falkland Islands Dispute: Developments from 1965 -1968 (May 3, 1973) Annex 1 in FO 7/3201 attached to 281
The 'Convention on the Continental Shelf' of 1959 comes into force. 53

“... when the Geneva Convention entered into force in June 1964, the Illia government needed to act quickly before the treaty (until then only signed by 22 states) gained recognition as definitive in international law. Boycotting the emerging regime was impractical and irresponsible for a nation that championed the consolidation of world order. An alternative was to strengthen Argentine legislation with the aim of reasserting the sovereignty claim over the whole of the adjacent continental shelf: in August Illia submitted to Congress a draft law that updated and improved Perón’s 1946 decree and specifically mentioned Argentina's rights over the Malvinas. Yet it would take more than a piece of domestic legislation to attain an international acceptance of Buenos Aires' maritime jurisdiction.... What was imperative for Argentina was to gain a clear UN recognition of the islands' disputed character...” 54

**June 11th,** the British Mission to the UN are instructed to; “... persuade the Sub-Committee and the Committee to recognise that it is for the people of the Falkland Islands to determine their constitutional future.” 55

In **July**, after Argentine lobbying, the question of the Falkland Islands is placed at the top of those items to be considered by Sub-committee III. Britain's Colonial Office are not blind to the implications.

“The territory on which our position in the Committee is weakest is the Falklands. There are only 2,000 people involved and we can hardly offer independence as the alternative to the Argentine claim. The Falklands have no petitioners who could appear effectively before the Committee of 24. No doubt because of this Uruguay and Venezuela brought it forward as the first territory to be discussed.” 56

“... ensuring that it was discussed before the second round of debates on Gibraltar at the main Committee. This immunised the Argentine case from any collateral damage arising from the re-examination of the controversial Spanish claim.” 57

In Cairo, the Organization for African Unity holds its first Assembly. The delegates agree that the borders between their nations should be those that existed at the date of independence.

“This was in effect a decision not to allow self-determination to apply in Africa.” 58

**August 1st,** Argentina's Government submits a draft law to Congress asserting sovereign rights over the continental shelf of its Atlantic coastline. Included is the shelf around the Falklands' archipelago.

“Art.1: Sovereignty of the Nation Argentina extends its territory adjacent to sea to a distance of two hundred nautical miles measured from the line of the lowest tides, except in cases of the gulfs San Matías, Nuevo and San Jorge in which they shall be measured from the line connecting the ends that form their mouth.” 59

“It is... absurd to claim that because islands stand on the continental shelf adjacent to a continental coastal state that state has thereby a claim to sovereignty over the islands. Then France could claim the UK. On the contrary, rights on the continental shelf accrue from the possession of sovereignty over territory with coast bordering the area of the continental shelf in question.” 60

54 González 2014 p.109
55 CO 936/816
56 Donald Derx quoted in CO 936/879 14.9.64
57 Gonzalez 2014 p.66
58 Dunnett 1983 p.417
59 This would eventually become Argentine Law 17.094 on December 29, 1966
60 CO 936/910
August 3rd, the Falklands Legislative Council send a message to the Special Committee on Decolonization.

“We, ... understand that the Special Committee proposes to discuss the Falkland Islands in September. We accordingly wish to make known to members of the Special Committee the wishes of the people of this colony. We are proud to be citizens of this British Colony which was settled and developed by people from the United Kingdom. We wish to retain and strengthen our link with the United Kingdom and to state in the strongest possible terms that any constitutional association with a foreign power would be completely repugnant to us. ... respectfully request you to arrange for this telegram to be circulated to all members of the Special Committee.” 61

On the same day, Stanley Town Council also sends a letter to the Secretary-General of the United Nations.

“We the Chairman and Members of the Stanley Town Council wish to declare to the Special Committee on colonialism that as free agents and representatives of the people of the capital of the Falkland Islands we have no wish to be ruled by any person or in any manner not of our own choosing. In this tiny but democratic country we realise through our councils the wishes of the people as to the manner in which they live and are governed. Though small in number of population we have created an entity with its own way of life, sound economy, and freedom for all. No solution by imposition without reference to us would be fair or in accordance with the United Nations Declaration that all peoples have the right to self determination.” 62

August 11th, following a request by the Minister of Foreign Affairs, Dr. Miguel Angel Zavala Ortiz, Argentina's 'Academia Nacional de la Historia de la República Argentina' produces a review of the country’s history in relation to the Falklands. 63

“... we refer to the opinion drafted by Dr. Ricardo Zorraquin Becu, and approved by the national academy of History in session of 11 August, 1964, ratified in May 1982. Summarizing the findings, the Argentine claim is based historically on the following reasons:

a) Spanish sovereignty of the islands, derived from the papal concession and occupation of territories in the South Atlantic. England recognized that sovereignty by committing to not navigate or trade in the South Seas (treaties 1670, 1713 and after).

b) The legal continuity of Argentina with respect to all rights and obligations inherited from Spain, who resigned by the treaty of September 21, 1863 to the sovereignty, rights and corresponding shares.

c) The peaceful and exclusive occupation of the archipelago by Argentina from 1820 until January 2, 1833, (and) that its authorities were forcibly evicted.” 64

# Researcher’s Comment: Dealt with by other papers in this series but a brief reminder may be useful.

a) At no time in history did the Pope have the legal capacity to impose restrictions on any nation. Spain, in fact, occupied no territories in the South Atlantic other than the east coast of South America around the Rio de la Plata. Attempts to form establishments further south inevitably failed. The South Seas were the South Pacific. Not the South Atlantic. Neither the 1670 Treaty of Madrid or the 1713 Treaty of Utrecht recognised limitations on Britain in the South Atlantic.

61 UN Document A/AC.109/102 p.44
62 CO 1024/434 Annex D
63 Published as Los derechos argentinos sobre las islas Malvinas 1964. The timing of this request suggests that, on September 9, 1960, Dr. Ruda would base his speech to Sub-Committee III of the United Nations on the resulting report.
64 Malvinas: las causas inmediatas de la Guerra Mario Meneghini in La Razon Historica. Revista hispanoamericana de Historia de las Ideas No.29 2015 p.67
b) A confusing argument as Spain recognised British sovereignty at Port Stanley in 1863. Argentina more usually argues that its independence should be dated from 1810. There was no legal continuity after 1810, as the seat of the Viceroyalty moved to Montevideo. A declaration of independence was made in 1816 but nation State existed before 1860. No claim was made to the Falklands until 1829, by a city, Buenos Aires, acting *ultra vires* (see 1879 & 1882) and immediately protested by the UK. In 1863, Spain finally recognised Argentina as an independent country but did not have any part of the Falklands that it could give.

c) Argentina did not occupy the archipelago in 1820. A first successful attempt at occupying East Falkland Island may be dated from 1826 although this was a private business venture by a German. Buenos Aires did not make its pretensions public until 1829. That settlement was broken up by the USA in 1831. A second attempt to impose authority over East Falkland Island in 1832 saw that garrison ejected – peacefully – by the British in January, 1833 following a second protest.

**August 19th**, Cosmo Dugal Patrick Thomas Haskard is gazetted Governor of the Falkland Islands. 65

**August 24th**, in Argentina, the British Embassy and three vice-consulates are attacked by extremists.

At the beginning of **September**, the merits of Britain opening negotiations with Argentina are discussed within the Foreign Office; "The (UN) Mission ... feared that a persistent rejection of talks risked alienating the Western allies, most importantly the United States." 66

"Offers to enter into talks where there is no real hope of agreement seem to us more likely to end in exacerbating the position rather than calming it." 67

**September 8th**, early in the day, a Buenos Aires radio station, Radio el Mundo, broadcast a message to the islanders telling them to; "... keep calm during an imminent occupation by the Argentine Navy." 68

In the afternoon, during the opening session of Sub-committee III in New York, an Argentine national – Miguel Fitzgerald – lands a Cessna light aircraft at Port Stanley, plants an Argentine flag in the ground, hands a proclamation to a confused bystander, and takes off again.

"Today my country, awakened from a long sleep, conscious of her moral and material grandeur, has decided to recuperate her island territory." 69

"I took off for Río Gallegos, the capital of the province of Santa Cruz, following straight ahead to the Malvinas archipelago, which is five hundred and fifty kilometres away. Navigating through clouds, I noticed some clearings that allowed me to determine the location of the islands, orienting myself between the island of Gran Malvina and Soledad Island when I saw the San Carlos channel. The British flag was flying over the governor's residence, showing me the direction of the winds, which I took advantage of to land, after describing several circles about the population. ... I landed in a horse racing field ... Immediately I put the Argentine flag on a pole. Five people arrived who asked me in English if I wanted or needed something. I told them that it only remained to hand over a sheet of paper that was intended for the representative of the British government in the archipelago. I did it like that. Ten minutes later I got up again to go to Río Gallegos ..." 70

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65 *The London Gazette* No.43424  
66 González 2014 referring to a UKMIS telegram of September 1, 1964  
67 Donald Derx to Falle September 4, 1964 in CO 936/879  
68 UN Doc A/5800/Rev.1  
69 *Falkland Islands Monthly Review* October 5, 1964  
70 Fitzgerald quoted in Alejo 1982. When questioned, Fitzgerald, unconnected to any political group, spoke of being pro-Argentine rather than anti-British. There was also a rumour he'd been 'dared' to spend his birthday on the islands by members of his flying club.
On being made aware of Fitzgerald's stunt, the UK Embassy in Buenos Aires immediately presents a formal note protesting Fitzgerald's actions to the Argentine Government.

“Although the Argentine Government disassociated itself from this incident, after a strong protest from Britain, the aviator returned home a hero.”\(^{71}\)

At the UN, Britain’s delegate to Subcommittee III makes an opening statement.

“... the United Kingdom Government cannot agree to participate in discussions of sovereignty over the Falkland Islands either in this Sub-Committee and Committee or indeed in bilateral talks with the Argentine Government...” \(^{72}\)

The Argentine Government successfully applies to be represented during the sub-committee's deliberations.

“(Velázquez) ... was thus able to focus support for Argentina’s Falklands claim.” \(^{73}\)

Britain's representative comments:

“It is for the Islanders to determine what their ultimate constitutional status should be and the British Government are always ready to consider any proposals for constitutional change that the Islanders may advance. For the present the Islanders have made it clear that they do not want independence. .. In the opinion of my delegation, the request by the distinguished representative of Argentina to participate in the work of this Sub-Committee constitutes, especially in view of the wording employed in the request, an intervention in the affairs of this territory in which Argentina is not properly concerned.

The claim advanced by the Government of Argentina to sovereignty over the Falkland Islands is in effect a bid to annex those Islands in defiance of the clearly expressed wishes and interests of the people of the territory, wishes and interests which according to the United Nations Charter and the Declaration on the granting of independence to non-self-governing territories and peoples should be paramount. In the view of my Government, the Special Committee and this Sub-Committee are not competent to attempt to consider or discuss territorial claims;...

It may be suggested, as it has been suggested in the past, that operative paragraph 6 of resolution 1514 (XV) constitutes a mandate to the Committee to consider questions of sovereignty; but in my delegation's view this reading of paragraph 6 is not borne out either by the wording of the paragraph itself, which clearly refers to possible attempts at disruption in the future and not to issues of sovereignty dating back to distant history, or by the remainder of the Declaration which indeed is very specific in stating that "all peoples" - and I repeat the crucial words, "all peoples" - "have the right to self-determination".

It seems to my delegation, and I think it will be agreed by any fair-minded person who reads the terms of the Declaration without preconceived ideas, that paragraph 6 cannot possibly be construed as imposing a limitation of such importance on the universal application of the principle of self-determination, which is indeed guaranteed under the Charter itself.” \(^{74}\)

\(^{71}\) Research Department Memorandum – The Falkland Islands Dispute: Developments from 1965 -1968 (May 3, 1973) in FO 7/3201 attached to 281. While the Government disassociated itself from the act, Argentina’s Senate endorsed; “... all initiatives aimed at bringing about the return of the Malvinas to the national territory.”

\(^{72}\) CO 1024/434/182

\(^{73}\) Pascoe 2020 p.299

\(^{74}\) Quoted in UN Document A/AC.109/102 p.45
September 9th, Argentina’s representative, Dr. José María Ruda, makes a statement to Sub-committee III in which he lists the bases of Argentina’s alleged rights to the archipelago.

- that Spain discovered the archipelago
- that England had admitted that it had no right in 1748
- that it was clear from the 1771 document that England had accepted the sovereignty of Spain
- that when the British left in 1774, the lead plate only claimed one Island
- that Port Egmont was destroyed in 1777, with the full knowledge of Britain
- that the Nootka Sound agreement limited British rights in the South Seas
- that the rights held by Spain had been succeeded to by the Argentine Republic in 1810
- that David Jewett applied Argentine fishing regulations in the Islands
- that Buenos Aires appointed Don Pablo Areguati Governor in 1823
- that the 1825 treaty had contained no reservation by Britain concerning the islands
- that Vernet’s first expedition was ‘partially successful’
- that the Lexington attacked Puerto Louis under a French flag
- that Britain and America conspired together
- that Britain expelled ‘almost all’ the Argentine settlers in 1833
- that Argentina had protested continually since 1833
- that Britain had taken South Georgia and the South Sandwich Islands by force
- that the Islanders’ are only a temporary population
- that Britain’s possession violates Argentina’s ‘territorial integrity’

In addition, Dr. Ruda asserts that Britain, having ‘abandoned’ the Islands in 1774, thereafter acknowledged both Spain’s and then, via inheritance, Argentina’s, sovereignty. Ruda also gives his opinion on self-determination.

“We consider that the principle of self-determination should not be implemented in situations in which part of the territory of an independent state has been separated against its inhabitants’ will, by force, by a third state, as was the case of Malvinas. No subsequent international agreement ratified this de facto situation; on the contrary, the offended state has constantly complained about this circumstance. These considerations are specially aggravated when the original population has been forcefully evacuated and replaced by floating groups of citizens from the occupying power. Besides, the indiscriminate implementation of the principle of self-determination to territories so scarcely populated by citizens of the colonialist power would leave the fate of such territory in the hands of a power which has settled there by force, violating the most basic rules of law and the international morals. The fundamental principle of self-determination must not be used to transform an illegitimate possession into a full sovereignty, under the protection of the United Nations.”

75 19 UN GAOR Annex 8 (Agenda item 21. addendum item part 1), UN Doc. A/5800/Rev.1. Also A/Ac.109/106
76 Quoted in Malvinas and the Self-Determination of the Nations Luciano Oscar Fino & Luciano Pezzana 2013
Cecil King, Britain’s representative, exercises a right to reply.

“The Argentine representative had suggested that the status of the Falkland Islands as a British colony was an anachronism; the Sub-Committee might consider whether it was the United Kingdom Government’s clearly stated policy of allowing the Falkland Islanders to choose their constitutional future or the Argentine Government’s desire to annex a small Territory against the wishes of its inhabitants that was more in keeping with modern thought. ... his delegation found nothing in the Charter or in the Declaration on the granting of independence to colonial countries or peoples to suggest that the principle of self determination should not be applied to communities of British descent...” 77

# Researcher’s Comment: As in my previous comment, these historical references have been considered in depth in the early papers of this series, however:-

- Discovery cannot be attributed with any certainty until the Englishman, Davis, in 1592. There may have been an earlier sighting but the odds are equally divided between Spanish and Portuguese navigators. No evidence of a discovery exists before 1592 – merely conjecture.

- England admitted no such thing in 1748, or even 1749 when it had an exchange with Spain over a proposed expedition. That expedition was postponed, not cancelled as a result of Spanish concerns. An English chart published in 1753 clearly identified the island(s) as British.

- It was Spain that had been forced to recognise British rights in 1771 when Port Egmont was restored. Spain had, of its own volition, removed its marks and signs of sovereignty from Port Egmont and the western islands.

- This may be true, depending upon interpretation. However, Britain had long referred to Falklands Island as a single unit, rather than Falkland Islands.

- Port Egmont was not destroyed in 1777. The buildings at Jasons Town and Fort George were burnt down in 1780 during an Anglo-Spanish war. No Spanish flag was raised over any of the islands surrounding Port Egmont (a body of water) and, following the destruction, Spanish forces withdrew. At no point after 1770 had Spain attempted to raise its flag over the western islands.

- The Falklands are not in the South Seas, which was the name given to the South Pacific. Nootka was a success for Britain. A failure for Spain which was forced, in circumstances similar to 1771, to recognise limitations on its claims to the Americas. Spain could only claim territory it occupied. Spain at no time occupied West Falkland Island or the isles that were adjacent to it. In any case, the archipelago was not deemed as being 'adjacent' to the coasts of South America and therefore, the Nootka Convention did not apply.

- Argentina did not exist in 1810. As the United Provinces, independence was declared in 1816. When independence was actually attained, however, is at best, moot. The separate provinces did not combine to become a nation State before 1860. No inheritance was recognised by any international convention at that time.

- David Jewett, an American privateer in the employ of Buenos Aires did not apply any fishing regulations during his limited stay on East Falkland in 1820. Buenos Aires did not recognise Jewett's presence in the islands until 1832.

- No governor was appointed by Buenos Aires in 1823. No 'Governor' was appointed until 1829.

77 UN Doc A/5800/Rev.1 p.442
The commercial Anglo-Argentine treaty of 1825 was based upon information supplied by Buenos Aires to the British envoy, Woodbine Parish, in 1824. That information was published in 1825 and included a full list of the territory claimed by Buenos Aires. There was no mention of the Falklands archipelago. Buenos Aires did not publicly claim the Falklands until 1829.

Vernet’s first expedition (1824) had been sub-contracted to an Englishman (Schofield). The last remnants of it had to be rescued by English sealers.

It is a tradition for a visiting ship to display the flag of the port on its arrival. USS Lexington’s commander would seem to have viewed Berkeley Sound (Accaron Bay) as French. Spain's garrison there from 1767 to 1811 had not been well known.

Quite the contrary. It was fears of American interest that forced the UK to decide upon a physical assertion of its own claims to the islands in 1832.

No settlers were expelled in 1833. A trespassing garrison was asked to leave. Those settlers that had been present at Port Louis before the armed force from Buenos Aires arrived, were still there after it had departed.

The Argentine Confederation made a protests in 1833, 1834, 1841 and 1849. There were none after 1850 for 34 years until an informal protest in 1884.

The first time that Britain had to use force, or the threat of force, on those islands would be in 1982.

Ruda used a whole new definition of ‘temporary’. Many of the Islanders in 1964 had been there for five generations. Far more than most Argentinians could claim to have been Argentine.

As the Falklands archipelago had never been a part of Argentine territory, this would appear impossible. A clear reference to operative paragraph 6 of resolution 1514 of 1960 which had no retrospective effect (ie. it only applied from 1960 – not 1833). Latest opinion suggests that operative paragraph 6 only refers to the territorial integrity of non-self-governing territories.

Ruda’s speech took Argentina’s distortion and reinterpretation of historical events to a new low, but there is little doubt that it was instrumental in persuading the General Assembly to adopt Resolution 2065 the following year. Britain’s Ambassador to the United Nations clearly knew too little of Falklands history to effectively rebut Ruda’s lies; hamstrung by representing an Imperial power. At the United Nations the adage that a lie can travel around the world before the truth can get its boots on, is certainly true.

“It is arbitrary to say, as was stated by Representative King, that Argentina wants to "annex this small territory against the wishes of the inhabitants." Naturally, the Britisher defends the occupation because he is a patriot and because he believes that the history set before him is sincere. The Falkland Islander, on the other hand, abstains from supporting the British position and harbours very serious doubts as to the legitimacy of the present occupation... Many Islanders are hoping that the Argentines will take some basic measure in their favour... Many would prefer to form part of Argentina because of the proximity of its ports and the greater facility to acquire food and medicines. They listen with pleasure to the radio transmissions from Comodoro Rivadavia and Puerto Gallegos.”

“From 1945 Argentina made a very brief mention of its claim at the United Nations every year for 20 years but did little else. The new stridency dates from 9 September 1964, when Argentina’s UN representative, José María Ruda, made an 8,000-word speech to UN Sub-Committee III, which was part of the UN Decolonisation

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78 The Inhabitants of the Falkland Islands Juan Carlos Moreno in La Nacion, May 2, 1965. Translation in CO 1024/434. It is clear that this author had not actually consulted any Islanders.
Committee ..., His speech ... was riddled with errors and gave a profoundly false account of history. Nevertheless Ruda's speech ultimately resulted in the passing of Resolution 2065 ...” 

**September 10th**, a further session of Sub-committee III opens with comments by the Committee's Chair, Carlos Velazquez (Uruguay).

“... the strict application of the principle of self-determination... would place the fate of the territories in question in the hands of a small group of settlers brought in by the conquering Power... Those considerations were particularly true in the case of the Malvinas, which had been originally uninhabited and where the present population came almost entirely from the mother country and fluctuated with the seasons.”

“In his opening speech on 10 September, Velazquez himself admitted that the Decolonization Committee was not entitled to judge on the merits of a territorial claim or to decide on a sovereignty dispute. However, the committee's lack of authority to settle a territorial conflict was one thing; its right to examine each and every aspect of a colonial situation, ... was quite another.”

**September 12th**, demonstrators stone the British Embassy Residency in Buenos Aires.

**September 14th**, at Sub-committee III, Iran emphasises the small size of the Falklands' population; Bulgaria speaks of 133 years of “imperialistic control” and Venezuela openly supports Argentina's claim.

**September 16th**, at a further meeting of subcommittee III, Dr. Ruda speaks again.

“The Argentine Republic is a peace-loving country which is pacifist by tradition and which has been accustomed in its short history to settle its disputes, some of which were very serious, by peaceful means. ... Argentina is prepared to negotiate a full settlement of the problem with the United Kingdom in accordance with the wish expressed by all the members of this Sub-Committee.”

Cecil King expands upon the UK's view of resolution 1514.

“Whatever the history and background of the evolution of legal principles on the American continent, the meaning and interpretation of paragraph 6 of resolution 1514 (XV) must stand on its own; in my delegation's opinion, it cannot be a requirement for understanding a General Assembly resolution that one should be an expert in inter-American legal history.

Words must be assumed to mean what they say, in General Assembly resolutions if not in documents of a more legal character. Mr. Chairman, if I understood your learned exposition correctly, your contention was that paragraph 6 of this resolution gave international validation to an established principle of American law under which no country should accord recognition of sovereignty over territory acquired illegally or by the use of force. Leaving aside for a moment the question whether British sovereignty over the Falkland Islands was in fact so acquired, it seems plain to my delegation that paragraph 6 in fact says nothing of the kind. Let me read the text of the paragraph to the Sub-Committee: "Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations." Mr. Chairman, if words mean what they say, this paragraph is an injunction addressed to all countries to take no actions.
in the future – I stress "in the future" because the word used in the resolution is "attempt" – whose consequences would be to split existing territories or States or which would infringe their sovereignty in a manner inconsistent with the United Nations Charter, and in particular with Article 2 of the Charter. There is no justification for regarding this paragraph of resolution 1514 as constituting a limitation on the principle of self-determination assured by paragraph 2 of the same resolution and by Article 1, paragraph 2 of the Charter...” 83

King also deals with the question of negotiation raised during the speeches.

“It has been suggested by several speakers that the Sub-committee should appeal to Britain and Argentina to hold discussions of the problem and thus find a peaceful solution... The reservation which I must express on the question of possible discussions between my Government and the Government of Argentina is made necessary not by any intransigence or unwillingness on the part of my Government to settle problems by peaceful means, but by the inescapable facts of the situation. My Government has in its care the security and interests of a community of people who cannot be negotiated or compromised out of existence. These people have rights, and they look to my Government for the protection of those rights. ...

When therefore it is suggested that a solution to the problem lies in negotiations between the parties directly concerned, I hope the Sub-committee will remember that the party most directly concerned of all is the people of the islands themselves, and that the British Government's first and paramount obligation is to them. The question of their own future and of sovereignty over the islands is not therefore a matter on which my Government can or will negotiate with Argentina, or on which, in justice to the islanders, there can be any compromise... Once again, I reaffirm that my Government, which has no doubts as to its sovereignty over the Falkland Islands, stands by the principle of self-determination for these Islands, and I hope that the Sub-Committee will do nothing that could be construed as limiting or weakening that principle. As I have said, it is for the Falkland Islanders themselves to determine what their ultimate status should be,...

In this conflict between, on the one hand, an attempt to annex a peaceful and prosperous community against its wishes, and on the other hand, the principle of self-determination as enshrined in the Charter, there should in my delegation's view be no question about the proper choice for this Sub-Committee.” 84

September 17th, Uruguay's Carlos Velazquez, Chairman of Sub-committee III, calls for a committee only discussion. Neither King, nor Ruda, are invited.

“...the Chairman's intention was to ensure, through this procedure, the drafting of recommendations as favourable as possible to Argentine objectives, and to obtain unanimous agreement on a text prior to its presentation in the following day's official session. The strategy worked. In the reduced conclave Velazquez was able to impose his authority and make some adjustments to the rapporteur's draft that benefited Argentina. However, the chairman did not achieve everything he and his Argentine allies had aimed for. Rather, the negotiation took the form of a delicate compromise between the Uruguayan-Venezuelan emboldened defence of the Argentine case and the mitigated but not completely dispelled Afro-Asian concerns about the principle of self-determination, ... The text proposed by Iran and eventually adopted by the subcommittee consisted of three conclusions and two recommendations. The first conclusion merely stated that the subcommittee had examined the situation in the territory.

83 UN Document A/AC.109/102 p.54. See also November, 1965.
84 CO 1024/434
When it came to name the latter, the Latin Americans managed to add the phrase 'otherwise known as Malvinas islands' to the original draft's use of the traditional 'Falkland Islands' denomination, thereby buttressing the petition that Argentina was separately making to the General Secretariat to obtain the recognition of the Spanish nomenclature.

In its second conclusion, the subcommittee confirmed the applicability of Resolution 1514, thus asserting its competence vis-a-vis this colony. Velazquez attempted at this point to include a specific reference to paragraph 6 of the resolution so as to highlight the prominence of the principle of territorial integrity in this particular colonial situation, but he withdrew the suggestion when most of the other members made it clear that if paragraph 6 was mentioned, the text would also need to cite paragraph 2 on self-determination.

In its third conclusion the subcommittee 'took note of the existence of a dispute between the Government of the United Kingdom and Argentina on the sovereignty of the Falkland (Malvinas) Islands'. Here Uruguay and Venezuela, this time backed by Italy, were more successful in overriding the concerns of the Afro-Asian delegations, which preferred to dilute the text’s wording by substituting ‘question’ or ‘situation’ for ‘sovereignty’. …”

September 18th, Sub-committee III ends its consideration of the Falkland Islands.

“... (b) The Sub-Committee confirms that the provisions of the Declaration of the granting of independence to colonial countries and peoples apply to the Territory of the Falkland Islands (otherwise known as the Malvinas Islands);

(c) The Sub-Committee notes the existence of a dispute between the Government of the United Kingdom and Argentina concerning sovereignty over the Falkland Islands (otherwise known as the Malvinas Islands);

(d) The Sub-Committee recommends that the Special Committee should invite the Governments of the United Kingdom and Argentina to enter into negotiations with a view to finding a peaceful solution to this problem, bearing in mind the provisions and objectives of the United Nations Charter and of resolution 1514 (XV), the interests of the population of the Islands, and the opinions expressed during the course of the general debate;

(e) The Sub-Committee recommends that the Special Committee should invite the two above-mentioned Governments to inform the Special Committee or the General Assembly of the results of their negotiations.”

Cecil King, on behalf of the UK, exercises a right of reply.

“... I should like to refer once more to the reservation which I expressed in my delegation’s statement… when I made it clear that my Government cannot contemplate discussions with the Government of Argentina on the question of sovereignty over the Falkland Islands... The essential point is that the right of the Falkland Islands people to self-determination is not negotiable.”

“Commenting on these recommendations the United Kingdom Representative regretted that there was no reference in the draft to the principle of self-determination, or at least to the wishes and aspirations of the people of the Falkland Islands.”

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85 González 2014 p.68
87 Quoted in CO 1024/434
88 CO 1024/434. My emphasis. The UK considered self-determination to be a principle, rather than a right. See below.
On the same day, the UK's mission submits written comments to the United Nations.

"In the opinion of Her Majesty's Government the two elements in the principle of equal rights and self-determination of peoples are complementary to one another, and in so far as self-determination is a legal, and not merely a political concept, it is properly expressed as a principle and not as a right. The concept of self-determination has been invoked, or prayed in aid, in a number of different circumstances) its relevance, it is submitted, can only be determined in relation to the circumstances of each particular case, and in the light of other principles which are affirmed in the United Nations Charter. Indeed, the principle of self-determination has been of fundamental importance in British policy towards the non-self-governing territories and has played a cardinal part in their evolution to self-government and independence. It is, however, in the opinion of Her Majesty's Government to place an unwarrantable gloss on the Charter to derive from the wording of either Article 1 (2) or of Articles 73 (b) and 76 (b) a "right" of self-determination... In the opinion of Her Majesty's Government, although the principle of self-determination is a formative principle of great potency, it is not capable of sufficiently exact definition in relation to particular circumstances to amount to a legal right, and it is not recognized as such either by the Charter of the United Nations or by customary international law."89

"... it was not before the 1970s, at the earliest, that the United Kingdom accepted that it could be said that the principle of self-determination had become a right under general international law." 90

September 21st, the Argentine Government invites Britain to enter into negotiations regarding the Falklands.

"The United Kingdom Government... replied to that note, declaring its willingness to enter into discussions with the Argentine Government through diplomatic channels, and asking that topics for such discussions should be suggested, bearing in mind the United Kingdom's reservations concerning its sovereignty over the Falkland Islands and the need to take into account the wishes and interests of the people of the islands." 91

From New York, Ambassador King attempts to explain to the Foreign Office why the Islanders' wish to remain British is treated with suspicion at the UN.

"... a situation of this kind, which challenges the basic assumption of Resolution 1514 that all colonial peoples are struggling to get rid of the yoke, is bound to be irritating to anti-colonialists; and the irritation can only be increased when the Administering power invokes the principle of self-determination, thus assuming the unpopular role of the Devil quoting scripture to further its ends." 92

September 29th, in London, the Joint Intelligence Committee reviews Falklands' defence in light of Fitzgerald's illegal landing, and Colonial Office concerns regarding incursions from Argentina. 93

October 1st, Sub-committee III's report is published at the UN. Foreign Office legal adviser, Arthur Watts, prepares a counter-argument to the points presented by Dr. Ruda. 94

"The Colonial Office, however, repeatedly vetoed its publication, fearing that the paper's arguments were not cast-iron, ... Only after heavy pressure did the Colonial Office belatedly agree to the use of Watt's memo, but only as a defensive recourse rather than as the proactive response to Ruda's 1964 allegations..." 95

89 UN Document A/5725/Add.4 of September 22, 1964. cf. 1970
90 Counter-Memorial of the United Kingdom in Chagos Marine protected Area Arbitration (Mauritius v United Kingdom) 2015 at the Permanent Court of Arbitration. See UN resolution 2625 below.
91 Fourth Committee, 1552nd Meeting Tuesday November 9, 1965
92 King to Falle September 21, 1964 in FO 371/173657
93 JIC/786/64
94 FO 371/179725
95 González 2014 p.84
October 15th, a left-wing Government takes power in the UK with Harold Wilson as Prime Minister.

“... a modernising government intent on redefining Britain’s role in the world, which included a withdrawal from areas east of Suez and a new attitude towards overseas territories.”

October 17th, Buenos Aires cancels a joint naval exercise due to take place with the Royal Navy. HMS Protector, however, continues to sail towards the Falklands.

October 30th, Britain’s mission to the UN notes the current situation.

“The Argentines are in a stronger position than Spain. They are not a Colonial power and the Communists will not be rocked by fears of favouring a Fascist State; they have had some success in getting across the idea that the Falkland islanders are temporary white settlers, a fiction which appeals to the Afro-Asians; and the Chileans will try to avoid coming out against their fellow Latin Americans.”

November 5th, HMS Protector arrives off Stanley, carrying the Combined Services Expedition.

November 6th, the Ambassadors of Chile and Argentina meet in Santiago. They agree that the territorial dispute between then regarding the rivers Palena and Encuentro should be settled by arbitration. Chile suggests that the arbitrator should be Britain.

“One of the most bizarre aspects of the developing Falklands dispute in the 1960s was that precisely during the years when Argentina was escalating its activities at the United Nations, with Ruda’s speech and the passing of Resolution 2065..., Argentina was yet again accepting Britain as a judge entitled to rule on how far Argentine territory extended.”

November 9th, Argentina’s Minister del Carril addresses the UN’s Fourth Committee. He gives Argentina’s view as to Britain’s perception of UN resolution 1514; as set out by Cecil King on September 16, 1964.

“Resolution 1514 (XV) solemnly affirmed the inalienable right of all peoples to the integrity of their national territory and stated, in paragraph 6, that any attempt aimed at the partial or total disruption of the territorial integrity of a country was incompatible with the purposes and principles of the Charter of the United Nations.... The United Kingdom representative had insisted that paragraph 6 of resolution 1514 (XV) was applicable only for the future. He had thought thus to obtain a bill of indemnity against the territorial dismemberment carried out before the United Nations Charter had been signed. He had been mistaken, however, for although the United Kingdom had seized the Malvinas before the Charter had been signed, it was a question of preventing the legalization of a de facto situation that had never been accepted: it was therefore a question which had to be resolved at the present time, and not before the signing of the United Nations Charter.”

Britain's representative responds.

“The United Kingdom Government had no doubts concerning its sovereignty over the Falkland Islands and must formally reserve its position on the question.”

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96 Pascoe 2020 p.310
97 Derx to Derrick quoted in Gonzalez 2014 p.75. Also CO 936/818.
98 Argentina accepted the suggestion on November 25, 1964.
99 Pascoe 2020 p.318. Three British judges were appointed to the arbitration panel and they reached a decision on November 24, 1966. Both Chile and Argentina accepted the result which largely favoured Argentina.
100 Fourth Committee, 1552nd Meeting Tuesday November 9, 1965
101 Ibid.
November 13th, at the UN, the Special Committee on Decolonization, sitting as a whole rather than in sub-committees, hears from the UK’s representative.

“... my delegation made it clear in both its statements to the Sub-committee that the United Kingdom cannot agree to participate in discussions of sovereignty over the Falkland Islands, even in the Special Committee and its sub-committees, or with the Government of Argentina...” 102

“His Government considered that the Special Committee was not empowered by its terms of reference to consider territorial claims or disputes over sovereignty, and it would therefore not consider itself as bound by any recommendations of the Committee on those subjects. The United Kingdom had no doubts about its sovereignty over the Falkland Islands. Where the future of the islands was concerned, his Government would be guided by what it regarded as the interests of the Falkland Islanders themselves, as required by Article 73 of the Charter. ... He wished to make a formal reservation concerning the use of the phrase 'otherwise known as the Malvinas Islands' ..., which his Government interpreted as indicating purely the Spanish translation of the name of a Territory, and thus as having no implications with regard to the question of sovereignty over the Territory...” 103

Dr. Ruda responds on behalf of Argentina.

“This sophistical interpretation of the intentions of bilateral negotiations keeps the problem at a standstill, because it is set up in such a way as to keep out of the negotiations the one point which throws a shadow on the excellent relations which my country has maintained and wishes to preserve with the United Kingdom. What meaning could be attached to bilateral negotiations between the United Kingdom and Argentina if the substance of the problem, namely re-establishment of our territorial integrity by the restoration of the Malvinas Islands, is not touched upon?” 104

Lucio Garcia del Solar, head of the Argentine delegation, also speaks. 105

“... The problem had arisen from an act of military force by the United Kingdom in 1833 against a part of the Territory of Argentina... following which the Argentina authorities and inhabitants had been expelled from the islands and later replaced by settlers from the United Kingdom. The... United Kingdom could invoke no international instrument giving it any rights over the Malvinas Islands... Argentina had never ceased to press its claim for reparation of the injury done to it, which no lapse of time could validate. ... since the Islanders were not the original inhabitants, but had simply replaced those expelled by force, paragraph 5 of General Assembly resolution 1514 (XV) could not be blindly applied, and the terms of paragraph 6 must be taken into account.”

“Where political interests were concerned, the truth of history, the factual state of the territory and the wording of UN resolutions did not matter. The Sub-Committee, and after it the whole C24, was "hijacked" by Argentina, with the connivance of Uruguay, into following Argentina’s line, that it was time for Britain and Argentina to start negotiating on the islands’ future.” 106

102 CO 1024/434. See also Document A/5800/Rev.1** Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. (1964)

103 Ibid.

104 Quoted in CO 1024/434

105 UN Document A/5800/Rev.1 Annex 8 pp. 436-437

106 Pascoe 2020 p.307
November 24th, Sub-committee III’s report is adopted without a vote by the full Special Committee on Decolonization. Chile’s delegation, having previously challenged the Committee’s competence to discuss sovereignty disputes, now openly supports Argentina. Chile endorses ‘hemispheric solidarity’ and complains that the ‘occupation’ of American territories is frustrating regional integration. 107

“(The) reports were not considered at the 1964 Session of the General Assembly.” 108

“The 19th session of the United Nations (1964-5) was anomalous since the UN was suffering a financial crisis due to the refusal of a number of countries to pay their contributions. Some countries were two years in arrears, which meant that under Article 19 of the UN Charter they lost their right to vote. To avoid a confrontation, and while discussions were held on resolving the crisis, it was agreed that no contentious votes would be taken during the session.3 That is reflected in the number of “Resolutions and Decisions adopted” by the UN in the 19th session, which was only a tenth of the average number at that time... That also explains the hiatus between the presentation of a draft resolution on the Falklands on 18 September 1964 and the actual vote on what became Resolution 2065 (XX) on 16 December 1965.” 109

# Researcher’s Comment: Worthy of note that these arguments over Sub-committee III and its conclusions were not taken up for discussion by the General Assembly. While the issue now seems contentious in this paper, the reality in 1964 was that there were bigger issues under discussion. The Falklands question was a sideshow.

In December, Grytviken whaling station finally closes. 110

“There is no doubt that sealing from Grytviken made an important contribution to the revenues of the whaling companies and to the economies of South Georgia and the Falklands. ... During 1909-1964, some 9,628171 barrels of marine mammal oil were produced in South Georgia, 5.2 percent of which (498,870 barrels) was seal oil. ... Revenue also accrued to the Falkland Islands government from royalties and licence fees.” 111

December 7th, in a general debate in the UN’s General Assembly, Argentina’s representative speaks.

“We are prepared to negotiate with the United Kingdom for the return of the Malvinas Islands, covering the interests of the small group of settlers who inhabit the archipelago. The conclusions of the Committee of 24 recommend these bilateral conversations...” 112

December 21st, in a Colonial Office minute, Edward Jerrom suggests making Argentina an offer of negotiation although this would then cause problems with Spain over Gibraltar, who would want the same. 113

“... I entirely fail to see any need to make the first move in the present situation... If Argentina thinks she has a valid claim let her put it to the International Court...” 114

December 22nd, chairman Sori Coulibaly, submits the report of the Special Committee on Decolonization to the UN’s Secretary-General.

107 Alleged that, in order to gain Chile’s support, Argentina made promises with regard to a Beagle Channel arbitration.
108 CO 1024/434
109 Pascoe 2020 pp.299-300
110 Ragnar Thorsen remained as caretaker until 1971.
111 Seal Fisheries of the Falkland Islands & Dependencies: An Historical Review A. B. Dickinson 2007 p.152. The last licence to hunt sea lions was issued by the Falkland Islands government in 1967.
112 CO 1024/434
113 CO 936/880. Spain had been increasing aggressive over Gibraltar; using border restrictions to virtually cut off the colony. cf. González 2014
114 Note added to minute in CO 1024/438, dated December 23, 1964 and signed Miss E. M. Ware
“3. Falkland Islands (Malvinas) is a Colony and has been under British control since 1833. The first settlement in the group was that of a French colony at Port Louis on East Falkland, established in 1764. In 1767, the French settlement was sold by the Government of France to Spain at a reported payment of £24,000. A small British garrison was established at Port Egmont on Saunders Island in 1765; five years later, however, the Spanish took over the control of the garrison. In 1771, the garrison settlement was restored by the Spanish but in 1774 the settlement was abandoned by the British. In 1833, the occupation of the Islands was resumed by the British Government and through 1841 the settlement was in the charge of a serving naval officer. In 1842, a civil Lieutenant-Governor was appointed, and in 1843 an Act of Parliament placed the civil administration on a permanent footing, changing the Lieutenant-Governor’s title to Governor. In 1844, the seat of government was removed from Port Louis to Port William, which was renamed Stanley.”

# Researcher’s Comment: Argentina’s historic distortions had worked. Port Egmont was not ‘on’ Saunders Island but was described at the time as the harbour surrounded by three islands – Saunders, Kepple and West Falkland Island. This is supported by the cartography of the 18th century. There was no abandonment in 1774, merely the withdrawal of a garrison. Britain’s continuing claim was nailed to the door on Fort George. Spain always expected the English to return.

It is a sad indictment that the Special Committee on Decolonization had fallen for Argentina’s lies. But that was mainly a reflection of its membership. It must be remembered that the Special Committee was not, and is not, the United Nations. It consists only of a small number of the overall membership. Many of them biased. That said, the resultant resolution (2065) would represent the high point of Argentina’s diplomacy at the United Nations. A success for the nation of viveza criolla. Based upon falsehoods – how else?

1965 – January 1st, in response to fears of another Argentine stunt, a Royal Marine detachment consisting of 30 men remain at Stanley when HMS Protector takes the Governor to visit the Dependencies. Before leaving, Governor Haskard asks the British Embassy in Buenos Aires to publicise the presence of the troops.

January 6th, Argentina’s Commission for the Recovery of the Falkland Islands demands that the; “Argentine flag should fly everywhere in Puerto Soledad, the island's capital.” Foreign Minister Zavala Ortiz tours South and Central America; “... the Argentine claim to the Falkland Islands figured high on the agenda.”

January 28th, in response to Haskard’s request the Embassy suggest that; “The thought that the defences of the Falkland Islands are so tenuous that the presence or otherwise of 30 Royal Marines might have significance can have occurred to very few people in this country. So it may be better to ... leave them under the illusion that our position is stronger than it really is.”

March 4th, entry to the Falkland Islands by any person, other than a permanent resident, without a permit is prohibited by the Immigration Ordinance 1965.

115 Document A/5800/Rev.1** Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. (1964) p.434. There was no suggestion that Port Egmont (a body of water) was ‘on’ Saunders Island before Groussac’s book (Les Iles Malouines: Nouvel Exposé d’un Vieux Litige 1910)


117 British Broadcasting Service Monitoring Report V/1751/I

118 FO 371/179725

119 A ‘permanent resident’ was defined as a person born in the Islands, or a person who had been ordinarily resident there for at least 7 years; the dependent of any such person, or a person naturalised locally.
“In practice control is exercised by the Civil Commissioner on the advice of a local Immigration Committee, which gives local people a veto on immigration. As a result, would-be immigrants from the South American mainland would find it difficult if not impossible to be allowed to settle in the Falklands, unless they are married to Falkland Islanders or British nationals.”

In April, the UN’s Secretary-General circulates a note in which the British Government notifies the extension of the Narcotics Convention to various British territories, including the Falkland Islands. Argentina promptly protests; “... in a Note to the British Ambassador in Buenos Aires about the inclusion... and claimed that the territory was an Argentine archipelago. The Note went on to remind the Embassy of the conclusions and recommendations of the Committee of 24 as regards the Falkland Islands in which the Governments of Argentina and the United Kingdom had been invited to negotiate on a peaceful solution to the problem.”

From New York, Britain’s UN Mission suggest to London; “... we should have a much better chance of securing UN endorsement if we had first attempted a negotiated settlement with the claimants.”

May 2nd, La Nacion reports.

“The special Decolonization Committee of the United Nations gave a favourable recommendation on the Argentine case on the Falkland Islands, and submitted it to the General Assembly for final consideration. The Committee recommended that Argentina and Great Britain should be invited to find a solution to the problem of sovereignty, taking into account the United Nations’ objectives and the interests of the Islands inhabitants. ... For the first time, since the Archipelago’s arbitrary occupation, the task of recuperating our southern Islands was decisively confronted. Argentina’s thesis was adhered to by the majority of the countries members of the Decolonization Committee.”

July 6th, the Foreign Office consider Britain’s options

“... there may in certain circumstances be both material and moral advantage in coercing the few in order to gratify the many. We may have other reasons for opposing the Argentine claim to the Falkland Islands in addition to the reluctance of the Falkland Islanders to be governed from Buenos Aires. But if it is our only motive, we should perhaps calculate how much it would cost us to bribe all 3,000 Falkland Islanders to emigrate to New Zealand (or to accept Argentine sovereignty on the basis of special local guarantees and privileges) as against what it would cost in military expenditure and the loss of economic interests if we were to have a really serious quarrel with the Argentine.”

August 2nd, Britain’s Ambassador in Buenos Aires is instructed to respond to Argentina’s note of April by telling them; “... (that) HMG had no doubts as to its sovereignty over the Falkland Islands and reserved its position,...” He was to make no reference to talks.

September 20th, a further note from the Argentine Government invites Britain to enter into negotiations on the question of the sovereignty of the Falkland Islands, South Georgia and the South Sandwich Islands.

“In virtue of the fact that the ... Committee of 24 requests that the Committee should be informed of the result of the negotiations, and in order to ascertain the British Government’s wishes in regard to the

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120 The Falkland Islands, 5th Report from the Foreign Affairs Committee Session 1983-1984 HC 268 25.10.1984 para.152
122 The Inhabitants of the Falkland Islands Juan Carlos Moreno in La Nacion May 2, 1965. Translation in CO 1024/434
123 Quoted in CO 1032/406
124 CO 1024/434
125 UN Yearbook 1965 and CO 1024/434 Annex B
opening of ... negotiations, the Argentine Government extends its invitation to hold these negotiations... ” 126

September 27th, at the United Nations, Argentina’s Foreign Minister, Miguel Zavaia Ortiz, speaks to the General Assembly.

“We are dealing here with an illegal administration that the United Kingdom of Great Britain and Northern Ireland exercises over an integral part of our national territory, a portion of our national soil that was occupied by violence after the Argentine authorities that had peacefully exercised the right of sovereignty there, were evicted, even though they exercised that sovereignty as the unchallenged heirs of the territorial rights of the Spanish mother-country. It must be stated that the Malvinas Islands never formed part of the territory of the United Kingdom. Neither could they have constituted a colony, in the classic sense of the term, since none could create a legal status that in itself would alter the absence of any right to occupation or the right of Argentina to claim its territorial unity. This being the case, there is also no legal basis for speaking of self-determination. Argentina has always recognized that all the peoples of the earth have this right. But self-determination requires that as its first condition that it be achieved in a territory properly one’s own, not in one torn from the possession of others. To leave the fate of the Malvinas archipelago to the self-determination of those presently occupying it would be tantamount to leaving it to those whom the United Kingdom itself has placed there. It would be tantamount to permitting the United Kingdom all by itself to resolve the question. It would be tantamount to allowing the despoiler, in order to save himself, to create his own entitlement. For obviously, the settlers all represent the British Empire. And how is this? Simply because England scattered the original population, replaced it and cut the Islands off from the rest of the world, turning them into an isolated land behind a padlock of British exclusivity.”

“... since 1964 Argentina has been allowed to present false versions of the history of the Falklands as justification for taking over the islands against the wishes of their inhabitants, thus depriving them of self-determination. ... Ortiz of Argentina, who of course mentioned Argentina’s Falklands claim. He repeated some of the central untruths in Argentina’s version.” 127

Ortiz quotes the recommendations in paragraphs (c) and (d) of the Decolonization Committee’s 1964 report.

“Argentina expects to be able to present to the assembly all elements necessary to determine the justice of the recommendation and of our claim, and will do so in due course before the appropriate Committee. ... we have invited the United Kingdom to meet with us and discuss the settlement of this dispute. We trust that the United Kingdom will agree to this.” 128

Britain’s UN representative, Ambassador Caradon, immediately writes to the UN Secretary-General.

“... to inform you upon the instructions of my Government, that the United Kingdom Government cannot accept the statement of the distinguished Argentine Foreign Minister insofar as it disputes the United Kingdom’s sovereignty over the Falkland Islands.” 129

October 7th, the Colonial Office’s John Bennett considers a draft response to Argentina’s invitation to negotiate.

126 Quoted in CO 1024/434
127 Pascoe 2020 p.307
128 CO 1024/423. cf. September 18, 1964
129 CO 1024/434 Annex C
“It will be seen that the draft recommends accepting the principle of discussions while making it clear that we are not prepared to negotiate about sovereignty. This safe-guard is, at least formally, watertight and not inconsistent with the position taken publicly hitherto. The Argentine Government may not take up this limited offer, since they are only interested in sovereignty, and there is in fact not much else to discuss. But if discussions did start one can never be sure where they might eventually lead to, especially since the results would be reportable to the United Nations; and our own Foreign Office themselves have been dropping hints in recent months that they would like to regard the Falkland Islands as an expendable irritant in Anglo-Argentine relations...

The Argentine claim to the Falklands is an impertinence, and to sacrifice the Islanders to Anglo-Argentine relations might be widely regarded as an unworthy act. One's first reaction therefore would be to dismiss the Argentine Note with a firm "No", ... The Argentine Government would perhaps not be reviving their ancient claim to the Falklands if they did not sense that the international climate and British preoccupations might make the moment propitious... if the Colonial Office money and Admiralty hardware which have for years been devoted to the peaceful Antarctic were applied to strengthening our position in the Falkland Islands, we might now be in a position, if we wished, to snap our fingers at this Argentine Note. As things stand, I have felt obliged to recommend a somewhat risky form of playing safe.”  

October 12th, Bennett informs the Foreign Office of his Department's view.

“We see no room for compromise on the question of sovereignty. Other considerations apart, in view of the public position taken as recently as last year it would seem impossible to open up this question without at least a fresh Cabinet decision and consultation with the Falkland Islanders themselves.... In present circumstances it could also be very damaging in the Gibraltar context...”

October 26th, in a military operation banned under the Antarctic Treaty, 10 soldiers of the Argentine Army, led by Colonel Jorge Leal, commence a crossing of Antarctica to reach the South Pole.

November 1st, in response to Argentina invitation to negotiate, the British Government formally respond.

“Her Majesty's Government are in no doubt as to their sovereignty over the Falkland Islands and they cannot regard this as a matter for negotiation. At the same time they are anxious to minimise any damage which the controversy may cause to the otherwise cordial relations between the United Kingdom and Argentina. Subject to the reservation about sovereignty above, and bearing in mind the position which Her Majesty's Government have consistently maintained in regard to the wishes and interests of the Islanders themselves, Her Majesty's Government would accordingly be glad to enter into discussions with the Argentine Government... and would welcome any suggestions which the Argentine Government would care to make regarding the topics for discussion. For their part Her Majesty's Government would think it useful to discuss, inter alia, the practical obstacles which presently impede free movement between the Falkland Islands and Argentina...”

Buenos Aires is reminded that the Dependencies are not part of the Falklands; and not within the UN's remit.

130 CO 1024/438. Among these inter-departmental notes are references to the “British Honduras-Guatemala front,” and Gibraltar. These Departments were dealing with more than just Falklands decolonization at the UN.
131 Ibid
132 CO 1024/438 at 113
133 PREM 19-0625 6 May 1982
At the UN, before the Fourth Committee which is reviewing the work of the Special Committee on Decolonization, Argentina's representative makes an assertion.

“The Malvinas should be decolonized, in accordance with the Assembly's resolution 1514 (XV) of 14 December 1960... The only course of action, he stated, was to return them to Argentina, in compliance with the provisions of that resolution which affirmed the right of all peoples to the integrity of their national territory. ... If the United Kingdom agreed to discuss the problem with a sincere desire to find a solution, there could be no difficulty in finding a formula which would guarantee the rights and aspirations of the inhabitants of the territory.”

Britain's representative exercises a right of reply.

“(The UK) did not accept the arguments of the representative of Argentina, and ... The question of disrupting Argentina's territorial integrity therefore did not arise. The important issue was the interests and wishes of the inhabitants, who were genuine, permanent inhabitants having no other home but the islands, and who did not wish to sever their connections with the United Kingdom. No provision of the Assembly's resolution 1514 (XV) of 14 December 1960 could be interpreted as denying the principle of self-determination to the inhabitants of territories which were the subject of a territorial claim by another country.”

November 2nd, Garcia del Solar asks Ambassadors from Latin America to sponsor a draft-resolution. Ten express a willingness to do so without condition but others seek changes to the wording proposed by Argentina. Brazil and Mexico decline. Eventually 15 Ambassadors agree to sponsor the draft.

“What Argentina needed was a General Assembly resolution that would in itself constitute a response to the British note by demonstrating both that the Argentine claim was universally recognised and that Argentina's rights rather than the islanders' were the paramount factor in decolonizing the archipelago. In the struggle for that resolution, Buenos Aires’ most important asset was the 'hate Britain year'. As Caradon had feared, the 20th General Assembly marked the zenith of anti-British sentiment ...”

November 5th, Foreign Office instruct the British mission to the UN that it should inform the Fourth Committee that the UK had responded positively to Argentina’s invitation to negotiate.

November 9th, the UN's Fourth Committee continues its consideration of reports from the Special Committee and listens to representations. Argentina's Ambassador to the UN, Dr. Bonifacio del Carril speaks.

“On 10 June 1829, my great-grandfather, Don Salvador Maria del Carril, as a Minister of the Buenos Aires Government, drafted and signed together with the provisional Governor, General Martin Rodriguez, the decree setting up the Political and Military Command of the Malvinas Islands. Three and a half years later, on 2 January 1833, a British naval detachment forcibly ejected the small Argentine garrison which was guarding the place. As a result of that act of force Great Britain took possession of the Islands and is continuing to have dominion over them. .. It falls to my lot to come and claim before this Assembly, in which 117 countries of the world are represented, the reparation of the spoliation unjustly suffered by the Argentine Republic...”

“The United Kingdom representative had insisted that paragraph 6 of resolution 1514 (XV) was applicable only for the future. He had thought thus to obtain a bill of indemnity against the territorial dismemberment carried out before the United Nations Charter had been signed. He had been mistaken,
however, for although the United Kingdom had seized the Malvinas before the Charter had been signed, it was a question of preventing the legalization of a de facto situation that had never been accepted. The possible decolonisation of the islands through the handover of the territory to the sovereignty of a State that is not the Republic of Argentina would be, according to this concept, without the least doubt, an act of disintegration of the territory of a member state executed not before but after the signing of the Charter of the Organisation, that is to say, it would be the execution of an act prohibited by Resolution 1514 (XV), as the representative of the United Kingdom has recognised.”

“While there was a core group of Malvinas enthusiasts who, in some cases, went as far as arguing in favour of Argentine sovereignty over the islands, most delegations simply endorsed the call for negotiations, without passing judgement on the parties merits or the specific outcome to be expected from the talks. In fact, a number of them felt the need to make their neutral stance clear by explaining their vote. Moreover, there was a third group – the Western bloc – that remained overwhelmingly sceptical towards the Argentine initiative. Even Italy, under strong British pressure, came close todefecting, triggering a major Argentine operation that succeeded in prolonging Rome’s support.”

“Again a false account of history was presented by speakers for Argentina (Bonifacio del Carril) and Uruguay (Carlos María Velázquez). In his speech giving the background to the dispute, del Carril gave the usual Argentine version of the events of the 1820s and 30s, and simply stated that from 1810, under the principle of uti possidetis, Argentina inherited the territory from Spain...”

During the discussions Australia contests the Fourth Committee’s competence to address a sovereignty issue.

**November 11th**, in Argentina, a new organisation is founded to agitate for a statue of Antonio Rivero - Comisión pro Monumento a Antonio Rivero.  

**November 15th**, at the UN, Venezuela formally presents the draft of a resolution, sponsored by 15 Latin American countries, to the Fourth Committee.

“Díaz Gonzales (Venezuela) spoke this morning on the Falkland Islands. He gave a brief historical account from 1810. The Falkland islands was a Colony, but on occupied territory – it must be reintegrated with Argentina in accordance with paragraph 6 of Resolution 1514. Self-determination must not be misused to legitimise a 'de facto' situation... He then introduced draft resolution...”

“When discussion of the Falklands continued at the C24 on 15 November 1965,1 the Venezuelan delegate, Leonardo Díaz González, spoke first, in support of Argentina, followed by the Argentine representative Lucio García del Solar. Díaz González gave the standard, untrue account of the islands’ history, and then added a few new but equally untrue statements, such as:

*The United Kingdom had recognized the new Argentine State in March 1822, without making any territorial claim to the Malvinas, and in 1825 had concluded with Argentina the Treaty of Amity, Commerce and Navigation, in which reference was made to the territories of the United Provinces, presumably including the Malvinas. [...] the islands had the special feature of being an occupied*
Territory inhabited by a transient population, composed almost exclusively of United Kingdom nationals who had come to work for the Falkland Islands Company...

And the Argentine delegate (Solar) repeated two of the standard untruths:

... he had clearly explained to the Special Committee that the Argentine population of the Malvinas Islands had been dispersed after the occupation of the islands by the British in 1833 and had since been replaced by a population of British origin, most of whom lived there for part of the year only.” 140

Liberia's representative denounces the resolution for failing to mention the people of the Falkland Islands.

“(The resolution) displayed the masterly drafting skills of its originator, the Uruguayan vice-chairman of the C24 and chairman of Sub-Committee III, Carlos María Velázquez. He was well aware that no resolution that unequivocally supported Argentina's claim to the Falklands would be passed (or at least not without amendments that would negate its purpose), so he drew up a fairly anodyne text that sounds eminently reasonable...” 141

**November 18th**, the Fourth Committee adopts the draft-resolution.

“Various delegations spoke supporting it, most either explicitly endorsing Argentina’s claim or at least recommending the draft as a good way forward. Only an occasional voice was raised in defence of the islanders...” 142

The Fourth Committee also agrees that the name to be used in UN documentation is - 'Falkland Islands (Malvinas)', in all languages except Spanish, when the name is to be - 'Isla Malvinas (Falkland Islands).’ 143

“In addition, where a reference to the Falkland Islands (Malvinas) may raise or bear upon the question of sovereignty over the Territory, it should be accompanied, as the case requires, either by the standard disclaimer ... or by a note or footnote as follows: "A dispute exists between the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland concerning sovereignty over the Falkland Islands (Malvinas)."...” 144

“Velazquez (Uruguay) emphasised that the usage proposed had no legal implication.” 145

Britain makes a statement.

“... with regard to the decision of the Fourth Committee... regarding terminology to be used in describing the Falkland Islands in United States documents, my delegation wishes to reaffirm that this decision cannot affect either British sovereignty over the Falkland Islands or the correct name of the territory.” 146

**December 1st**, Argentina’s troops in Operation 90 arrive at the South Pole.

140 Pascoe 2020 p.309
141 Ibid. p.311
142 Ibid. p.310
143 This issue had been discussed within Sub-Committee III in 1964 on a proposal by Syri and adopted by 19 votes to 1 (UK) and 2 abstentions (Australia & USA). However, the 1964 conclusions had not been adopted by the General Assembly. See also 1944 and 1950.
144 Quoted in UN Doc ST/ADM/Ser.A/1084
145 UK Mission New York telegram No.2536 to Foreign Office CO 1024/483. Carlos Velazquez was Uruguay's Ambassador to the UN, and had been the Chairman of Sub-Committee III in 1964.
146 CO 1024/438
December 16th, the General Assembly approve the Falkland Islands resolution as adopted by the Fourth Committee. 147

General Assembly Resolution 2065

“The General Assembly,

Having examined the question of the Falkland Islands (Malvinas),

Taking the chapters of the reports of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the Falkland Islands (Malvinas), and in particular the conclusions and recommendations adopted by the Committee with reference to that Territory,

Considering that its resolution 1514 (XV) of 14 December 1960 was prompted by the cherished aim of bringing to an end everywhere colonialism in all its forms, one of which covers the case of the Falkland Islands (Malvinas),

Noting the existence of a dispute between the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland concerning sovereignty over the said Islands,

1. Invites the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland to proceed without delay with the negotiations recommended by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples with a view to finding a peaceful solution to the problem, bearing in mind the provisions and objectives of the Charter of the United Nations and of General Assembly resolution 1514 (XV) and the interests of the population of the Falkland Islands (Malvinas); 148

2. Requests the two Governments to report to the Special Committee and to the General Assembly at its twenty-first session on the results of the negotiations.

Having abstained in the voting, Britain's minister exercises a right of reply. 149

“... my Government has welcomed the suggestion by the Argentine Government that our two Governments should hold talks on the question of the Falkland Islands... bearing in mind our well-know reservations regarding sovereignty and the need to respect the wishes and the interests of the people of the Falkland Islands. It is because of those reservations and the phraseology used in parts of the resolution which has just been adopted that my delegation abstained from the vote... ” 150

“... the terms of the resolution (No. 2065) are unequivocal. In it, all reference to the wishes and so-called rights of the inhabitants of the Malvinas Islands was omitted.” 151

148 The term 'population' has caused some to suggest that this is recognition that the Islanders were not considered a 'people' by the UN, despite being identified as such in 1952. However, other UN resolutions, many calling for action by the Special Committee, have associated the word 'population' with that of 'self-determination.'
149 The abstention, rather than a vote against, was the result of a direct instruction from the Labour Government in London. 150 CO 1024/438
151 Quoted in Shaw to Diggines (1969) in FO 7/1080. This memo was discussing an article written by Argentine Ambassador del Carril.
“... the resolution... refers not only to the interests of the Falklands’ population, but also to resolution 1514 (which states that "all peoples have the right to self-determination") and above all to the provisions and objectives of the Charter, with the quite unequivocal obligations placed on us by article 73.”  

“Of course, the General Assembly is not a legislature. Mostly its resolutions are only recommendations, and it has no capacity to impose new legal obligations on States.”

“Although for the first time Argentina obtained international recognition of the existence of the dispute and succeeded in tying the Falkland’s decolonization to that dispute’s resolution, there was no UN acknowledgement of Argentine sovereignty or open acceptance of the superiority of territorial integrity over self-determination as guiding principles for the settlement of this conflict. ...”

“... it merely calls for negotiations to begin, and lays down that their result should be a peaceful solution to the problem. Expressed like that, it sounded like a mild, positive call for peaceful progress, so it is not surprising that no country voted against it (including Britain, whose heart was not in the job of defending the Falkland Islanders).”

# Researcher’s Comment: Resolution 2065 represented the highpoint of Argentine diplomacy at the United Nations, although all that had actually been achieved was a call for talks. Argentina wanted to talk, so talks were what it would get. Britain was an old hand at talking.

December 20th, at the UN, resolution 2105 (XX) is adopted by the General Assembly.

“... Noting with deep regret that five years after the adoption of the Declaration many Territories are still under colonial domination, ....

8. Requests the Special Committee to pay particular attention to the small Territories and to recommend to the General Assembly the most appropriate ways, as well as the steps to be taken, to enable the populations of those Territories to exercise fully their right to self-determination and independence;

9. Requests the Special Committee, whenever it considers it appropriate, to recommend a deadline for the accession to independence of each Territory in accordance with the wishes of the people;

10. Recognises the legitimacy of the struggle by the peoples under colonial rule to exercise their right to self-determination and independence ...”

December 30th, before the visit of Foreign Secretary Michael Stewart to Buenos Aires, under-secretary John Rennie confirms that, in the course of any negotiations, discussions on sovereignty are not to be permitted.

“... apart from weakening our position in the Falkland islands Dependencies and the British Antarctic Territory, it would inevitably lead to an increase of pressure against British Honduras and British Guiana, and to the stiffening of the Spanish attitude towards Gibraltar. It could also be embarrassing to us further afield, e.g. in Aden. Indeed, it is impossible to say where the chain reaction would stop.”

152 Shaw to Diggines (1969) in FO 7/1080
153 The Creation of States in International Law J. Crawford 2007 (2nd ed.) p.113
154 González 2014 p.21
155 Pascoe 2020 p.311
157 CO 1024/433
1966 – January 3rd, a new Argentine department, Instituto de las Islas Malvinas, is created by presidential decree to: “a) campaign for the return of the Falkland Islands to the Argentine, b) Collect relevant historical documents, c) Promote conference, and d) Establish a library.”

“Although long expected, the fact that the Decree was ”No.1 of 1966”, that it was published on the anniversary of the expulsion of the Argentine settlement from the Islands in 1833 and that this was only a few days before the Secretary of State’s visit gave it some emphasis. But it needs more than one raindrop to make a shower and we have no evidence to say whether this presages a renewed wave of interest.” 

“Shortly afterwards the Government created the Instituto y Museo Nacional de las Malvinas y Adyacencias (Falkland Islands and dependencies Institute and National Museum) to be housed in a building under the control of the Ministry of Foreign Affairs. The aim of the institute was to ”stimulate the national conscience”, to demand the return of the Islands to Argentina, and to collect and disseminate information about the question. In addition, a specialist library was established and arrangements were put in hand for propaganda talks and films throughout the country.”

In Buenos Aires, the Comisión pro Monumento a Antonio Rivera hold a ceremony; “...at which Leguizamón Pondal asserted that Antonio Rivera had been a captain in the army of Manuel Dorrego fighting against Lavalle in the uprising in December 1828 before "fleeing" in 1829 to the Malvinas, where he headed the "rebellion of 26 August 1833", and that he died fighting in the battle of the Vuelta de Obligado in 1845. There is in fact no evidence for any of that; Leguizamón Pondal presented none, and Rivera cannot have been a captain since he was illiterate.”

January 13th, on Stewart’s arrival in Buenos Aires, the Argentine Foreign Minister, Dr. Zavala Ortiz, raises his country’s claim to the Falkland Islands. Stewart emphasises the importance of the Islanders’ views.

“In our experience, no good is served by keeping unwilling subjects under one’s flag, but when the inhabitants’ wishes are clear, as in this case they are clear, then the wishes of the Falkland islanders are more important than those of either the Government of the United Kingdom or that of Argentina...”

Minister Ortiz responds that; “… one had to consider whether it was possible to apply the principle of self-determination in this case. He did not think it could be applied when its application might be detrimental to other principles generally accepted by the international community, such as those of territorial integrity and national sovereignty.”

“The Argentines ... suggested that discussions should be continued without delay through diplomatic channels,...”

January 14th, at the end of Stewart’s visit a press release is issued.

“In keeping with the conciliatory spirit of the Resolution adopted by the 20th General Assembly of the United Nations, passed on 16 December 1965, both Ministers held a valuable and frank exchange of
views during which they both reiterated the positions of their respective Governments. Finally, as a result of these conversations, the two Ministers have agreed on continuing without delay with the negotiations recommended in the above mentioned Resolution, through diplomatic channels or any other means they may agree upon in order to reach a peaceful solution to the problem and prevent the matter from affecting the excellent relations between Argentina and the United Kingdom. Both Ministers agreed to communicate this decision to the Secretary-General.”

“Anglo/Argentine exchanges on the Falkland Islands date from 1966, following the December 1965 United Nations Resolution inviting both parties to hold discussions...” 164

“This, in itself, represented an important change for a power that since 1833 had denied that there was anything to discuss at all. ... Britain wished that the dispute should not damage Anglo-Argentine relations and accepted the talks with this in mind, but it had no doubt about its sovereignty.” 165

January 24th, Minister Ortiz, in a televised address, tells the Argentine people that relations with the UK had entered a “historic new phase” and that with regards to the Falkland Islands, “justice has become inevitable.”

“... far from Zavala Ortiz’s subsequent pompous claim that a deal had been within reach at the summit, the record shows both sides restating their respective titles and positions.” 166

In London, MoD chiefs recommend that the Royal Marine detachment be removed and the defence of the Islands handed over to the Voluntary Defence Force. This consists of less than two dozen men.

January 31st, Foreign Secretary Stewart reports on his trip to the House of Commons.

“I did not discuss British sovereignty over the Falkland Islands with the Argentine Government; Her Majesty’s Government does not consider that this is negotiable. I did, however, suggest that the Argentine Government should consider the removal of obstacles to free movement between Argentina and the Falkland Islands. We hope to discuss that subject again during further talks with Argentine officials.”

February 25th, the Colonial Office accept the MoD's recommendation regarding the troops on the Falklands.

At Stanley, 6 Royal Marines, the only regular troops on the Islands, start training the Local Defence Force.

Average per capita annual income in the Falklands is £503; “... high by colonial standards.” 167

Argentina's Ambassador to London requests that negotiations move forward; “... a preliminary meeting was arranged in London for July 19th and 20th.” 168

April 19th, responding to calls from a number of Argentine historians, intellectuals and leading military officers for a monument to commemorate the gaucho Antonio Rivero as a revolutionary hero, notable academics including Ricardo Caillet-Bois and Humberto Berzio sign an open letter (dictamen) criticising the call; stating that the documentary record did not support a project founded - “... with more good faith and patriotic enthusiasm that historical truth.” 169

164 FCO 76/1892 Annex 3
166 Ibid. p.114
167 Guillebaud Report 1967 quoted in FCO 42/429
168 Ibid.
This opinion by renowned scholars immediately comes under attack by nationalists.

“... To comprehend the quality of the impulse that inspired the struggle of Antonio Rivero, the boldness of his bravery, the driving force of his patriotism, it is necessary to begin by being Argentinian... With his qualities and his defects, his roughness and his tenderness, his triumphs and his defeats, Argentina is in Rivero and Argentina is Rivero, as a supreme protagonist of the drama of our lives, struggling against powers and empires, a vibrant will for justice which extols the native community of Argentinians, on the stages of that same human and political journey on which we travel and on which travelled Antonio Rivero...”  

“... the authors of the opinion were disqualified intellectually and even morally, within the Instituto y Museo Nacional de las Islas Malvinas y Adyacencias, which worked with the Ministry of Foreign Affairs...”

“The Rivero Myth was discredited in a "dictamen" (official opinion) written by the Argentine historians Ricardo Caillet-Bois and Capitán Humberto Burzio, adopted unanimously by the Academia Nacional de la Historia and published on 19 April 1966, pointing out that Rivero and his group did not rebel against Britain and that they killed representatives of Argentina.... The publication of the Academy's opinion at once unleashed a storm of protest in Argentina.... the Rivero Myth has been repeated many times by successive Argentine governments and Argentine authors.”

May 18th, in Madrid, the Spanish Government proposes that the terms of the Treaty of Utrecht be cancelled and the UK hand Gibraltar over to Spain. Britain rejects the proposal.

June 2nd, following a sharp drop in the price of wool, likely to affect the Falklands economy, Foreign Office under-secretary Henry Hohler, notes.

“... (there) is now a much better prospect of reaching agreement over the Falklands since the islands are losing population and ceasing to be self-supporting. ... the islanders may themselves come to desire union with the Argentine.”

June 28th, in Argentina, President Illia is overthrown in a coup led by General Juan Carlos Ongania.

July 19th, a preliminary meeting in London opens between teams led by Henry Hohler and Argentine Ambassador Dr. Alejandro Lastra.

Argentine diplomat Juan Carlos Beltramino submits a formal note claiming that restitution of the Falklands to Argentina would be the; “... only solution within the aims pursued by Resolution 1514 (XV) of the General Assembly.”

“In accordance with the rights and guarantees established in the Argentine Constitution my Government will assure the small number of inhabitants of the Islas Malvinas full enjoyment of their civil rights and religious freedom. Likewise, it will authorize the use of the English language both in schools and other activities, in order to avoid any harm to their interests. Moved by the same spirit it is

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170 Dictamen que agravia la soberanía Enrique Corominas & Oscar Uriondo in Propósitos May 5, 1966
171 Agresión Militar de los EE.UU. a las Islas Malvinas y El Gauchito Antonio Rivero Tesler Mario 2013
172 Pascoe 2020 pp.165-166
173 Rejecting a cession of sovereignty in Gibraltar’s case immediately had ramifications for the other remaining colonial territories, including the Falklands. cf. González 2014
174 Leading Argentina’s delegation, Lastre had been seen as a person who the Foreign Office could “work with.” He had previously expressed his desire to assist in a “revival” of the traditionally good relations between the two countries. After this initial round of talks, however, he resigned his position. Out of favour with the new regime in Argentina.
prepared to consider exemption from military service for the inhabitants for a period to be determined.”  

July 20th, Henry Hohler rejects both the demand and the implication; “... that Britain had practised illegal occupation of the Islands...”

“In addition, the British delegation asked the Argentines to consider the problem in human and not simply legal terms: it was argued that serious consideration had to be given to the Islanders’ interests and that they had to be persuaded of the benefits of Argentine citizenship.”  

“. what the Foreign Office had in mind for the July round was not what Buenos Aires interpreted. . Henry Hohler,. strove to convince his guests that the Falklanders’ needed to be in a position to fully appreciate the benefits of Argentine citizenship in order to change their mind. For this to occur, Buenos Aires had to remove the restrictions of movement... ”

Agreement is reached on a detailed examination of ways to decrease friction and limit the scale of the dispute.

July 21st, Hohler writes to Ambassador Creswell in Buenos Aires.

“Our aim should be to get shot of the Falkland Islands in an honourable manner, with a transition period long enough to enable the younger Islanders either to settle down under Argentine rule or to emigrate, and the older Islanders to live out their lives under British rule where they now are.”  

July 23rd, a BBC broadcast suggests that Anglo-Argentine relations are more important to Britain than the Falkland Islands; causing outrage amongst the Islanders.

“The commentary on the Falkland Islands ... was most disturbing. The impression given that the Islands could easily be given over to Argentine sovereignty by arranging that the Falkland Islands inhabitants were given dual nationality concessions was particularly upsetting...”

“There is also the argument that Britain could benefit without affecting the interests of the islanders by a gesture towards Argentina by Britain which would allow a proper recognition of Argentina’s very real aspirations...”

“That such a broadcast should come from London rather than Buenos Aires was the first public indication that the British Government were inclined to appease Argentina.”

On the same day, Argentina is defeated, controversially, in the quarter-finals of the 1966 World Cup competition.

“First they stole the Falklands from us, and now the World Cup.”

July 24th, after hearing the BBC broadcast, Governor Haskard telegrams the Colonial Office.

175 Quoted in Research Department Memorandum – The Falkland Islands Dispute: Developments from 1965 -1968 (May 3, 1973) Annex 3 in FO 7/3201 attached to 281


177 FO 371/1851/39

178 Quoted in FO 371/1851/37

179 MLA Vinson to Gov. Haskard July 24, 1966 quoted in CO 1024/585

180 Quote from David Hewlett of the Bank of London & South America in CO 1024/585

181 Cosmo Haskard in Tatham (ed.) 2008 p.275

182 Argentine press reports.
“Council wishes to emphasise that Falkland Islanders have no desire whatsoever to be handed over to Argentina. On the contrary population wishes to retain closest possible ties with Britain and rejects any suggestion that Colony of Anglo-Saxon stock should be used as pawn for any transitory political or material advantage.” 183

From London, the Colonial Office informs Haskard officially as to the situation; sending him advice received from the Law Officers with regard to an approach to the International Court of Justice (ICJ). 184

**July 31st**, Governor Haskard responds to the Colonial Office.

“As you say, reference to the International Court might present a mid-way course between complete stone-walling and some more radical solution and I am interested to note from the final sentence of the memorandum summarising the views of the Law Officers that, assuming a case has to be argued internationally, it would be less difficult to do so before a legal body than in a political forum at the United Nations. The determining factors, as you say are likely to be the political and practical ones and I appreciate the implications of the Gibraltar dispute for this Colony. … for most Falkland Islanders our right to be here is regarded as beyond any question of doubt.” 185

**August 1st**, the Colonial Office and Commonwealth Relations Office merge to form the Commonwealth Office.

**August 11th**, in London, George Brown is appointed to be Britain’s Foreign Secretary Meetings both in the Foreign Office and the Commonwealth Office consider the possibility of Argentina taking a case to the ICJ.

“There seemed no doubt that, if the Argentines propose that we take their claim to the Court, we should have to agree to do so because this would accord with our general policy towards the United Nations and the International Court. Whether we should ourselves propose to go to the Court was a rather different matter. It did, however, appear fairly certain that an offer to go to the Court would be made by us to the Spaniards over Gibraltar and, if this happened, it would seem that we would have to make the same offer to the Argentines. If we did not do so it would be assumed that we considered we had not got as good a title to the Islands as we had to Gibraltar. … The first step would be to get an opinion from the Law Officers…” 186

“Ministers would presumably wish to have available an up to date and authoritative legal opinion on the strengths and prospects of the British case… The Opinion of the Law Officers in 1947, … is of course available, but it might be thought to need a fresh look to take account of any relevant subsequent diplomatic or other developments.” 187

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183 FCO 42/67
184 As later internal FO and CO correspondence suggest that a new opinion from the Law Officers was not sought until after this telegram had been sent and, therefore, I can only assume that the advice sent to the Governor was that of 1947. Details of the 1966 advice have not been released (2017).
185 Quoted in CO 1024/585
186 Ibid. This meeting was attended by Galsworthy and Bennett (Colonial Office), Gordon-Smith and Sugg (Commonwealth Office).
September 7\textsuperscript{th}, the newly formed Dependent Territories Division of the Foreign Office also provides an opinion.

“(British) policy since 1945 has been not to accept any specific and binding international commitment which could limit the freedom of the British government to decide on the most suitable constitutional goal for any territory when the time had come to do so. This policy has taken account of two major aims: to do the best we can for the people of any territory in their 'particular circumstances,' and to ensure that the government of the day remains free to decide how best to safeguard essential or important British or Allied interests.”  \textsuperscript{188}

September 9\textsuperscript{th}, from Buenos Aires, Ambassador Creswell writes to Henry Hohler arguing that Britain should accept Argentina’s proposals, perhaps via some lease-back arrangement.

“... the chances that Argentina will be prepared to make some advance towards the removal of obstacles to freedom of movement between the islands and the mainland are slight, unless we are willing to talk seriously about sovereignty.”

“While Creswell was convinced that Britain should pick up and exploit Argentina’s own proposal, agreeing to concede sovereignty immediately in exchange for an extended list of guarantees for the islanders, there were voices, such as that of John Bennett – head of the Gibraltar and South Atlantic Department – which raised the opposite alternative of putting a brake on Buenos Aires’ diplomatic offensive at the UN by submitting the dispute to the International Court of Justice.”  \textsuperscript{189}

September 20\textsuperscript{th}, Governor Haskard arrives in London to join the series of discussions at the Foreign Office considering the Falklands' question.

“... he was convinced that more than 90\% of the Islanders disliked Argentina and wished to continue in close association with the UK.” \textsuperscript{190}

“The Governor firmly expressed his view that Creswell’s proposal would generate a political storm in the islands, and that at a minimum what was needed was a long period of time for the older generation to pass away under British rule and for the younger islanders to plan ahead their future in a changed situation. Bennett added that disregarding the islanders’ wishes would weaken Britain’s Gibraltar policy vis-à-vis Franco’s Spain; hence his preference was for the submission of the controversy to the International Court as a time and face-saving move.” \textsuperscript{191}

Robin Edmonds, head of the American Department, gives his view on Britain winning a case at the ICJ.

“Argentina would refuse to accept the referee’s decision and we would still have the dispute on our hands.” \textsuperscript{192}

Rather than wait for Argentina to suggest an approach to the ICJ, the Commonwealth Office suggest that Britain should take the initiative and make an offer in line with that being made to Spain. Although bound to be rejected by Argentina, the offer would; “... gain us some support in the UN, ... give us an advantage in our negotiations, and buy some time.” \textsuperscript{193} Others at the meetings are not enthusiastic about a British win at the ICJ; “... we should be saddled with an indefensible group of islands with a declining population that is of no possible use to us.”

\textsuperscript{188} Quoted in CO 936/977
\textsuperscript{189} González 2009
\textsuperscript{190} FCO 42/67
\textsuperscript{191} Minute by R. Edmonds, September 22, 1966 in FO 371/185140
\textsuperscript{192} Ibid.
\textsuperscript{193} Meeting of September 27, 1966 in CO 1024/585
“The question was not, however, pursued further. This was partly because reference to the Court would have
had no attraction for Argentina, but more because the composition of the courts had by then become less
favourable for the UK on what is seen by many other members of the UN as a colonial problem.” 194

**September 28th**, an armed group of 19 Argentines, from the extremist Condor group, hijack an Aerolíneas DC4
and force it to fly to the Falklands. The plane has 26 passengers on-board, including Admiral Jose Guzmán.
When the aircraft lands on the race-course at Stanley some Islanders are seized as hostages. Arms are issued to
the Defence Force and police officers, who surround the aircraft. 195

“The airliner, by far the largest aircraft ever seen over the Falklands, was carrying about forty passengers,
fresh produce and crates of newly hatched chicks. It had taken off several hours earlier from the northern
Patagonian town of Bahia Blanca for a flight to Rio Gallegos in the far south. Soon after take-off a number of
the passengers emerged from their seats, reached into their hand luggage and produced guns. The
hijackers, ..., were the extreme rightwing Condor Group. They ordered the captain to change course for the
Malvinas, where they intended to reclaim the Islands for the motherland. The crew must have had concerns,
but the Argentine guerrillas appeared blissfully unaware that Stanley had no airport. ... the DC4 needed to put
down somewhere and Islanders felt a mixture of alarm and relief when it began to descend in the direction of
the racecourse. Landing such a large aircraft on a soft stretch of grass with fences and grandstands on each
side was desperately dangerous better, though, than running out of fuel in mid-air. Showing remarkable skill,
the pilots touched down lightly and managed to reduce the DC4's speed before the undercarriage began
ploughing into the soft turf. Eventually it came to a jarring stop, still upright but with its wheels well and truly
stuck.” 196

“There’s no future if you don’t know your history. That is why today I also want to honor, and today we
wanted to honor, that group of young people who back in the sixties went to place, not arms, not arms, went to
place our flag, the flag of all Argentinians, on our Malvinas Islands. I want to thank them and María Cristina
Verrier, who is surely listening to me, and who was the keeper of those flags.” 197

“They had, however, neglected to take the elementary precaution of finding out whether there was an airport
in the islands – and at that time there was no airport at all. They were crackpots of course – who in their right
mind hijacks an aircraft to a place with no airport to land at? They became distinctly edgy on realising there
was no airport, and the lives of all on board were saved by the weather (it was clear and there was no typical
Falklands storm or low cloud or fog) and by the skill of the pilot, who successfully brought the plane down on
Stanley racecourse. If there had been a storm, or fog, or there had been vehicles parked on the racecourse, all
on board would have died.” 198

A hostage exchange takes place later in the day when Marines’ Captain Ian Martin, and the local Police Sergeant,
Terry Peck, take the place of the hostages.

In Buenos Aires, Ambassador Creswell is summoned to the Foreign Ministry where Under-Secretary Mazzinghi
disassociates his Government from the hijackers actions which he refers to as, “piracy.”

**September 29th**, following a cold night and a mass with Father Rudolph Roel, the hijackers surrender.

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195 Admiral Jose Guzmán was the governor of Tierra del Fuego, the administrative area in which Argentina included the
Islands. After the exchange, and on being taken past the Governor's residence, he called out, "Mi casa" ("My house").
196 Invasion 1982: the Falkland islanders’ Story Graham Bound 2007
197 President Cristina Kirchner in a speech on April 2, 2014 quoted in Malvinas between dictatorship and national
Independence: Argentinian history in CFK’s speeches Paula Salerno 2019
198 Pascoe 2020 p.314

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“Stanley’s meagre military force was mobilised to support the handful of unarmed policemen. It was a moment of glory for the Defence Force. Only six Royal Marines were then based in Stanley, training the local men and advising the Governor on issues of security and defence. They suggested the Defence Force stake out the DC4, denying the ‘pirates’ water, warmth and sleep. This may have been the only terrorist incident that ended thanks to Jimmy Shand, Russ Conway and the Beatles. The Force set up loudspeakers around the plane and a DJ maintained a constant flow of furious Scottish jigs and rinky-tink piano tunes. This was a low trick and the Argentines could not hold out for long. ... As light faded, the temperature dropped, the plane’s toilets backed up, water became short and the DJ introduced his pièce de résistance – his collection of Beatles’ singles. The next morning the guerrillas asked the priest to convey their surrender to the authorities.”

In Buenos Aires, shots are reported as being fired towards the British Embassy where Prince Philip is staying during an official visit. Demonstrations are held and the British consulate in Rosario is ransacked.

**September 31**th, controversially, the Condor hijackers are repatriated.

“President Ongania condemned the incident and skilfully avoided further trouble by having the extremists removed from the Falklands not to Buenos Aires, where they would have been feted as heroes, but to Ushuaia on the grounds that their offence had been committed within the jurisdiction of the Governor of Tierra del Fuego. Much of the President’s displeasure over the episode was due to the fact that the talks already initiated with the British Government seemed to him to offer the distinct possibility that Argentina’s ambitions in the Falklands might as last be fulfilled. On the other hand, the hijacking and symbolic seizure of the Islands made the British public generally aware of the existence of the dispute and left an unfavourable mark on public opinion.”

“In the same self-serving and appeasing fashion that characterised policy in the months before the 1982 invasion, London decided that Argentina was not to be provoked with a stiff response. There would be no local trial and the hijackers were held in an annexe to the Catholic church rather than in prison.”

**October 5**th, in Spain, the Franco regime closes the border between Spain and Gibraltar.

“... the mounting domestic and international tension over Gibraltar was tying Britain more and more to the principle of respecting the wishes of the populations of its remaining colonies.”

Responding, the UK offers to take the question of Gibraltar to the International Court of Justice.

“... an offer that Argentina did not want to see re-enacted in the Malvinas case.”

**October 23**nd, an executive of Baring Brothers Bank suggests that Britain lets Argentina “infiltrate” the Falklands by selling them the Falkland Islands Company.

Following a review, the Royal Marines detachment on the Falkland Islands is restored to platoon strength.

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199 Bound 2007
200 In November, 1966 the hijackers were charged with offences relating to their possession of firearms and depriving their hostages of liberty. Not air-piracy as demanded by the United Kingdom. Sentences ranged from 2-3 years imprisonment.
201 Research Department Memorandum – The Falkland Islands Dispute: Developments from 1965 -1968 (May 3, 1973) in FO 7/3201 attached to 281
202 Bound 2007
203 González 2009
204 A Compromis proposal was duly drawn up and dated October 11, 1966. Spain declined.
205 González 2014 p.158
206 FCO 7/132 Meeting Gore-Phillimore 23.10.67
In November, Britain’s Treasury gives an opinion on the future of the archipelago.

“There is no British strategic or commercial interest in the Falkland Islands. ... Therefore the sooner we can reach a settlement with the Argentinians, preferably with a complete transfer of responsibility for the Islands, the better.”

November 22nd, the Cabinet’s ‘Overseas Policy & Defence Committee’ review the forthcoming negotiations.

“Access to Argentina having been discouraged for some 20 years, the younger generation has little idea of what Argentina is like or of the benefits which association with Argentina might bring.” 207

November 25th, the Law Officers respond to a request for a legal opinion dating from September.

“As forecast, the Law Officers confirm the Opinion given by their predecessors in 1947 and say in effect that the British legal title to the Falkland Islands is strong enough to justify referring the issue of sovereignty to the International Court if it seemed politically desirable to do so and if the Argentine Government would agree.” 208

“The Law Officers were asked to advise on the question of British title to the Falkland Islands and Dependencies ... and expressed themselves in broad agreement with the opinions given by their predecessors in 1947. ... In 1966 the question arose as to whether in the course of negotiations with the Argentines the UK should offer to refer the dispute over the Falkland Islands to the International Court of Justice. The Law Officers were asked to advise whether the strength in law of the British case for sovereignty over the Falkland Islands and dependencies was sufficient to justify a reference to the International Court of Justice.

The law officers in an opinion dated 25 November 1966 expressed the view that the strength in law of the British case is sufficient to justify such a reference, although they could not exclude the possibility that the International Court might find against the UK in relation to sovereignty over the Falkland Islands, and particularly, over the South Sandwich Islands. With regard to the South Sandwich Islands, they were of the opinion that the case was not very strong, but considered a reference to the International Court would be justified if it was thought advisable to add the Dependencies in the reference to the Court.” 209

November 29th, formal negotiations commence between Argentina and the UK.

“At the first session, the British delegation put forward in broad terms the proposal, ... that normal freedom of movement should be established between the Islands and the mainland of Argentina. It was also suggested that a transitional period of a minimum of 30 years should be allowed for the normalisation of relations between the Islands and Argentina and that the possibility of economic and other co-operation should be studied. At the end of the agreed period the Islanders would be free to choose between Argentina and British sovereignty... Administration of the Islands would remain in British hands and independent Argentine activities would not be tolerated...” 210

207 Quoted in FCO 42/67
208 J. S. Bennet December 2, 1966 in CO 1024/585 19661202. See 1947. The 1966 opinion remains unavailable at the national archives. Quite why is not clear as the opinion would seem to align with that requested in 1946.
209 Noted in FCO 76/1892 Annex 3 of 1979 – a draft OD (Overseas Policy & Defence Committee) paper
210 The Falkland Islands Dispute: Developments from 1965 -1968 (May 3, 1973) in FO 7/3201 attached to 281
“However, the question of offering to refer the dispute to the International Court was not pursued further. The Foreign Office came to the conclusion that such a course would be inadvisable because: a) the composition of the Court might be less favourable to HMG (especially on colonial questions) after February, 1967, b) reference to the Court would have no attraction for Argentina, c) any tactical advantage in the UN would be temporary, and d) it would not solve the problem.” 211

“The Hohler-Beltramino talks were conducted in secret and were clearly predicated on an eventual transfer of sovereignty. The chief concern was to find a means of protecting the rights and way of life of the islanders and to secure the continued development of the islands' economy.” 212

“The Argentine negotiators were enthusiastic because, according to Carlos Ortiz de Rozas, a privileged participant of these meetings, there were conversations with the British where they pointed out that: With the development of new arms with intercontinental missiles, the islands had lost the strategic importance they had during the two world wars, and that the geographical proximity with Argentina, sooner or later, condemned them to an integration with our country.” 213

December 9th, Argentina’s Ambassador rejects Britain’s November 29th proposals, claiming; “... that both questions – the return of the Islands to Argentina and the freeing of communications – were bound up with one another. ... it was agreed that discussions should be continued on an informal basis in 1967...” 214

December 15th, Britain and Argentina inform the UN’s Secretary-General of the progress made so far.

December 16th, the International Covenant on Civil and Political Rights is adopted by the UN General Assembly in resolution 2200A (XXI) -

“Article 1 – All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Article 2 – All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

Article 3 – The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter....” 215

“The United Kingdom strongly opposed the inclusion of [article 1], holding that self-determination was a principle not a right. The essential objection from the United Kingdom point of view was that because of the vagueness of the article, it could be interpreted as imposing on a colonial power greater obligations in respect of dependent territories than the Charter itself.” 216

211 FCO 76/1892 Annex 3 of 1979
212 The Battle for the Falklands Max Hastings & Simon Jenkins 1997
213 Las estrategias argentinas hacia Malvinas (1945-2012): negociaciones y guerra Alejandro Simonoff 2015
214 Research Department Memorandum – The Falkland Islands Dispute: Developments from 1965 -1968 (May 3, 1973) in FO 7/3201 attached to 281
“Self-determination was thereby confirmed as a right of all peoples including those of non-self governing territories, and it became an obligation on states responsible for such territories to promote "the realization of the right of self-determination" for the peoples living in them. That self-evidently means external as well as internal self-determination – without external self-determination (the right to decide their relations with other countries) those peoples would not be able to "freely determine their political status", as paragraph 1 of the ICCPR puts it. Thus Britain is obliged to promote external self-determination for the Falkland Islanders. To hand the islands to Argentina would be a breach of that obligation...” 217

**December 17th**, at the UN, the Fourth Committee reviews the progress of decolonization.

“During the discussions on the question which took place at the twenty-first session of the General Assembly in the Assembly’s Fourth Committee, many Members, .., welcomed the information that talks between Argentina and the United Kingdom were continuing. Uruguay and Venezuela emphasized that the solution arrived at ... should be compatible with the paragraph (paragraph 6) in the Assembly Declaration of 14 December 1960 ... which stated that any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the United Nations Charter. Iran considered it essential that the views not only of the people of the territory but of the people of Argentina should be taken into consideration, while India expressed concern at the leisurely rate at which the talks were proceeding...” 218

An Argentine submarine approaches the Falklands.

“... just before Christmas 1966, a small US-built submarine, leased to the Argentine navy and called the Santiago del Estro, broke off from an exercise near the Patagonian coast and headed south-east towards the Falklands. The absence of the submarine was noticed when the other vessels returned to port. The navy’s official explanation was that Santiago had stayed behind to patrol the shallow waters near the mainland off the coastal resort of Mar del Plata.... Within three days the Santiago del Estro had slipped quietly and undetected into Falklands waters some forty kilometres north of Port Stanley. Just after sunset Captain Llanos ordered the operation to get underway. About fifteen marines climbed into two rubber craft and began paddling with silent speed towards a beach a few hundred yards away. Their mission was to use the available twelve hours of darkness at that time of the year to survey the beach and its surroundings as a site of a possible future landing... A strong current took both craft off course and they spent most of the night trying to regroup on shore... Captain Llanos decided to give it a second try. After spending a further day submerged, the Santiago surfaced again the next night and the two craft were sent back... For over fours hours they inspected the beach, measured distances and probed the nearby countryside for tracks before returning to their submarine.” 219

**December 29th**, Argentine law 17.094 comes into force, extending the nation's territorial waters to 200 miles.220

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217 Pascoe 2020 p.312
218 UN Yearbook 1966. On December 20, 1966 the UN's Fourth Committee approved by consensus, a decision that both Argentina and the UK should continue negotiations.
219 Land that Lost its Heroes: How Argentina Lost the Falklands War Jimmy Burns 2012 p.38. This story has never been verified and a number of versions exist. According to Burns, the Second Officer on the Santiago was one Juan Jose Lombardo. Admiral Lombardo in 1982.
1967 – January 12th, in London, an internal Foreign Office memo considers the prospects for a deal.

“There was a point of fundamental disagreement. The British Government could not give a fixed date, however remote, on which the islands would be ceded to Argentina. The Argentine Government could not, for juridical as well as political reasons, abandon the restrictions on communications (which they would regard as a great concession) simply in return for an undertaking that, at some given date, the islanders should be given the option of joining Argentina.”

“I have explained to the Foreign Office that the Commonwealth Office and the Governor were reluctant to contemplate a period of less than 30 years before the Islands could be handed over, since it would be unlikely that a shorter period would be politically acceptable to the Islanders.”

February 14th, the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (aka the Treaty of Tlatelolco) is signed in Mexico City.

In London, under instructions from Foreign Secretary George Brown, the FO's American Department prepare a cabinet paper with fresh ideas; including a transitional period of 30 years followed by a referendum for the Islanders to decide on which country they wished to be a part of.

“The American Department took advantage of both the perceived Argentine openings and its firmer hold on Falklands policy to recommend, for the first time, that Britain should make a statement manifesting its readiness in principle to cede sovereignty over the islands, though only if cession could be shown to be in accordance with the wishes of the inhabitants. These would be determined by means of a referendum to be held before 1991, because the Antarctic Treaty would come up for review from that year onwards and if the Falklands question was still alive, the continuity of international cooperation in the white continent – of far greater importance for British interests – could be threatened.”

“Foreign Secretary is not satisfied … In his view there is no chance whatever that the Argentines would accept now an agreement providing for a referendum on sovereignty to be held "towards the end of the century."… Mr Brown thinks we have reached the point where we must be prepared to negotiate in realistic terms.”

“It would be a two-edged weapon to shorten the proposed transitional period for the referendum below the minimum of 30 years which (as you know) the Governor advised was necessary to facilitate a change of heart.”

Two Members of Parliament visit the Falkland Islands. On their return they report the Islanders’ “disgust” that Her Majesty’s Government should even consider a cession of sovereignty.

March 13th, in London, a meeting of the Cabinet’s Overseas Policy & Defence Committee approves revised proposals. The British Government will be prepared to cede sovereignty of the Falklands providing that the Islanders agree.

221 FCO 7/140
222 Minute by Trafford Smith (Commonwealth Office) January 13, 1967 in FCO 42/67
223 Under this treaty, the signatories agreed to prohibit the testing, use, manufacture, production and acquisition of nuclear weapons as well as the storage and deployment of such weapons within the Caribbean and South America. The treaty has two additional protocols. The first binding non-Latin nations with territory within the area to the treaty's terms and the second requiring that nuclear States refrain from undermining the treaty. The UK ratified Protocol 1 in 1969. One of the original signatories, Argentina did not ratify the treaty until 1994. It was not therefore protected by its terms in 1982. cf. April, 1982, 1994 & December, 2003
224 González 2009
225 Hohler to Trafford Smith March 2, 1967 in FCO 42/67
226 Trafford Smith to Hohler March 9, 1967 in FCO 42/67

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“We should make it clear that we cannot abandon our position of principle regarding the consultation of the Islanders own wishes. It would be up to the Argentine Government to persuade the Islanders of the advantage of becoming part of Argentina.”

Informed of the Foreign Office’s recommendations, Governor Haskard telegrams the Commonwealth Office; “.. line now proposed would seem to the Islanders a considerable weakening of the UK’s resolve, leading to a realisation that Britain is preparing to abandon them.”

“I strongly urge that there should be no haste in this matter... I suggest that the UK Government will have to be frank as to degree of support they will really give should the inhabitants opt for UK, which is the present desire of the overwhelming majority...”

March 17th, the Foreign Secretary tells Argentina’s London Ambassador; “... given our traditional position, sovereignty could not be ceded in the teeth of Islanders’ opinion.”

“Revised proposals, approved by ministers and put to the Argentine Ambassador on 17 March, suggested a reduction in the length of the transitional period and stated that Britain would be prepared to cede sovereignty over the islands under certain conditions, one of which was that the wishes of the Islanders had to be respected. The Argentine Ambassador replied that the proposals contained “constructive bases for further negotiation” but rejected the proviso that the proposed cession must be acceptable to the Islanders.”

From Argentina, Ambassador Creswell warns London that Méndez may be prepared to concede an extended period of transition if such was wished, but that the involvement of the Islanders could still pose problems.

In the Falkland Islands, a satellite tracking station is built for the European Space Research Organisation.

April 7th, Foreign Office Minister Hugh Foot, Lord Caradon, visits Buenos Aires.

The Falkland islands Dependencies Survey (FIDS), responsible for research in Antarctica becomes the British Antarctic Survey (BAS).

April 17th, the Foreign Office receives a message from the Argentine Ambassador that his country rejects the proviso that the Islanders’ wishes should be taken into account.

April 26th, at a further meeting in London, Britain’s Foreign Secretary tells the Argentine Ambassador; “If the Argentine Government were seriously to state that the wishes of the people should be ignored, it would be impossible to make progress.” Argentina’s Ambassador complains that the potential veto by the Islanders; “... could be interpreted as the equivalent of a referendum.” Brown responds that; “... great countries could not hand over other peoples as though they had no part to play in their own destiny.”

May 30th, on Anguilla there is revolt against continuing rule from St. Kitts.

227 Quoted in FCO 42/67
228 Haskard to Commonwealth Office, March 14, 1967
230 Ibid.
231 On February 27, 1967 the British territory of Saint Christopher-Nevis-Anguilla had been granted a 'free association' status with the UK as recognised by the United Nations in resolution 1541 of 1960. In a move unforeseen by the United Nations, Anguilla voted to abandon free association and resume being a British dependency. Saint Kitts & Nevis went on to independence. Anguilla remains a British Overseas Territory. Since 1967, the UK has not offered a 'free association' arrangement to any of the remaining territories.
“Associate statehood ceased to be attainable for the Falklands as a result of the Anguillan crisis which revealed its weaknesses. The 6,000 Anguillans, who feared domination by Saint Kitts, rebelled in 1967. The Government in Basseterre responded by declaring a state of emergency and cut all communications with Anguilla. In July the Anguillans formed an interim government and announced their intention to secede from Saint Kitts. The transfer of internal affairs restricted the British Government’s manoeuvrability. It was unable to intervene militarily because the rebellion was an internal matter. The 1967 West Indies Act prevented Britain from passing legislation to change the status of Anguilla without the consent of the Legislature of the associated state in Basseterre. The UN interpreted the issue as a colonial problem. ... The Conservative and Labour parties concluded that associate statehood had failed and would not be offered to other colonies.”

May 31st, at a Foreign Office meeting it is made clear that; “... because of Gibraltar, we could not budge from our condition about the transfer of sovereignty being acceptable to the people.”

June 13th, the British delegation send a working document to Argentina’s Embassy in London; “... in an attempt to define the differences to date between Argentina and Britain a working document setting out a draft outline for a Treaty on the Falkland Islands issue was delivered to the Argentine Ambassador...”

June 14th, the British Government announce the holding of a September referendum in Gibraltar.

“(Whatever) the justification for the British decision, its consequences, as seen from Buenos Aires, were overtly negative. Argentina would have to fight fiercely – perhaps ... more fiercely than Spain itself – to prevent the UN from granting any measure of legitimacy to the referendum, since this would seriously weaken the case against using this instrument in the Falklands. As a result, Argentine diplomats would be even more reluctant to reach any settlement with Britain that sanctioned or appeared to legitimize the islanders' veto powers.”

June 20th, talks, in camera, take place in London

“Dr. José Ruda, Argentine Representative at UN, leads Argentine delegation, including Dr. Quijano, a senior official in the Argentine Ministry of Foreign Affairs, and Brigadier McLoughlin, the new Argentine Ambassador in London. First formula for Article 1 of proposed Agreement put to Argentines and rejected by them.”

June 23rd, in New York, George Brown meets Dr. Nicanor Costa Méndez and José Ruda to discuss Britain's proposal. Méndez emphasizes that making any transfer of sovereignty subject to the will of the islanders would not be acceptable to Argentine public opinion. Brown stresses that he could not carry either parliamentary or public opinion if he attempted to act against the wishes of the Islanders. Méndez reminds Brown that resolution 2065 had referred to 'interests' and not 'wishes,' to which Brown responds that 2065 merely called for talks, not a transfer of sovereignty.

“We had... good talks with George Brown about the possibility of reaching an agreement that could be on the basis of recognition of sovereignty by the British, and, in turn, acceptance of British authorities,

233 FCO 42/44
234 Research Department Memorandum – The Falkland Islands Dispute: Developments from 1965 -1968 (May 3, 1973) in FO 7/3201 attached to 281
235 González 2014 p.187
236 Research Department Memorandum – The Falkland Islands Dispute: Developments from 1965 -1968 (May 3, 1973) Annex 1 in FO 7/3201 attached to 281
for a certain amount of time, by Argentina. That was the basis of the whole thing. The Labour trend was towards decolonization.” 237

“In a subsequent discussion with HM Ambassador in Buenos Aires the Argentine Foreign Minister declared that, furthermore, it would be unacceptable for the Argentine Government to make a transfer dependent on “consultation” with the Islanders.” 238

**July 20th,** Hohler holds further talks with Ruda, during which the Argentine says; “… for Argentina, the problem (is) not really of economic, territorial or strategic importance; it was essentially an emotional problem, in which Argentine feeling was in some respects similar to the British feeling about Gibraltar.”

Ruda rules out any possible acceptance of a Gibraltar-style referendum.

“The British side attempted without success to persuade the Argentines to make some concession to HMG’s need to take account of the express wishes of the Islanders, and to emphasise the common need to improve the atmosphere in the Falklands by making a start on removing obstacles to communications in return for the concessions already made by Britain to the Argentines. The Argentines rejected the wording of Article 1, of the draft outline for a Treaty (“Her Britannic Majesty will be prepared to transfer sovereignty over the Falkland Islands to Argentina, provided that the change is acceptable to the inhabitants of the Falkland Islands”) on the grounds that, without explicitly envisaging a referendum, the Article implicitly subordinated the transfer of sovereignty or, as the Argentines preferred to regard it, the acknowledgement of their sovereignty, to the wishes of the local inhabitants.” 239

**July 28th,** it is suggested that negotiations may be better served by looking at a “lease idea.” 240

**August 10th,** in Buenos Aires, Dr. Ruda announces that the Argentine Government cannot accept the British proposals for a treaty; rejecting specifically a statement that - “Her Majesty’s Government will be prepared to transfer sovereignty to Argentina provided that the guarantees and safeguards for the Islanders’ interests offered by the Argentine Government are acceptable to the Islanders.” 241

**August 26th,** Ruda proposes that Art.1 of the proposed agreement be amended to – “Her Majesty’s Government will recognise Argentine sovereignty over the Islands provided that the guarantees and safeguards offered by the Argentine Government give satisfactory assurance of respect for the interests of the Islanders in conformity with Resolution 2065 (XX) of the United Nations General Assembly.”

“… which Her Majesty’s Government in turn found unacceptable.” 242

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237 Dr. Nicanor Costa Mendez interviewed in *Little Platoon* M. Charlton 1989 p.100
238 Research Department Memorandum – The Falkland Islands Dispute: Developments from 1965 -1968 (May 3, 1973) in FO 7/3201 attached to 281
239 Ibid.
240 Trafford Smith to Hohler July 28, 1967 in FCO 42/67
241 Research Department Memorandum – The Falkland Islands Dispute: Developments from 1965 -1968 (May 3, 1973) in FO 7/3201 attached to 281
242 Ibid
September 1st, invited to the proposed referendum in Gibraltar, the UN’s Special Committee on Decolonization declines to send observers to oversee the proceedings. 243

“... the Special Committee... has completely disregarded this right of self-determination and has been seeking to award territory... against the wishes of the people who reside on that territory.” 244

September 4th, Britain’s Government suggest an alternative draft of Art.1 of the proposed agreement, to read - “Her Majesty’s Government will be prepared to transfer sovereignty to Argentina provided that she is satisfied that the guarantees and safeguards for the Islanders offered by the Argentine Government are acceptable to the Islanders.” 245

September 10th, in a referendum, the people of Gibraltar vote overwhelmingly vote to remain British.

September 13th, discussions take place in London attended by the Foreign Office, the Commonwealth Office, Ambassador Creswell and Governor Haskard.

“Trafford Smith commented that he thought ideally there should be a period of 25 years after an agreement and before the islands were handed over. He stressed the immediate problems involved and he again put forward the suggestion of a long lease, suggesting that if the Argentines had no further proposals to make, both sides should break off to consider their position.” 246

September 18th, Argentina responds to the alternative offered on September 4th, with an aide-memoire rejecting the suggested change. Their own offer rewords the article yet again – “Her Majesty’s Government is prepared to recognise the sovereignty of the Argentina Republic over the Islands provided that the guarantees and safeguards offered by the Argentine Government are sufficient to satisfy the interests of the Islanders.” 247


“In discussions with the Argentine Foreign Minister in New York on September 21st, the Foreign Secretary re-emphasised Britain’s basic position that any transfer of sovereignty must be acceptable to the people of the Islands and went on to discuss the practical problems that would arise in restoring free communications when a satisfactory agreement on the question of sovereignty had been reached. The Argentine Foreign Minister agreed that a need existed for an air service to link the Islands with the mainland and a relaxation of formalities for both Argentines wishing to visit the Islands and for Falklanders wishing to visit the mainland...” 248

“The Argentine foreign minister told Brown that he simply wanted to make sure that Britain would somehow or other give the islands to Argentina. Brown replied that the islands would have to be able to express a view in one form or another. In order to break the stalemate, and under pressure from Ruda to seize the historical opportunity to recover the islands, Costa Méndez made ... concessions. ..., he agreed that the two delegations

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243 The Special Committee on Decolonization concluded that the planned plebiscite was being held contrary to previous UN resolutions. A view supported belatedly by the General Assembly which adopted resolution 2353 (XXII) in January, 1968. It is worthy of note that the UN went to great lengths to denounce the 1967 Gibraltar referendum, which was not the case with that held in the Falkland Islands in 2013. Regarding that, neither the General Assembly, nor the Special Committee, have made any comment at all. cf. resolution 637 (VII) December 16, 1952

244 The Status of Gibraltar Howard S. Levie 1983

245 Research Department Memorandum – The Falkland Islands Dispute: Developments from 1965 -1968 (May 3, 1973) in FO 7/3201 attached to 281

246 FCO 42/67

247 Research Department Memorandum – The Falkland Islands Dispute: Developments from 1965 -1968 (May 3, 1973) in FO 7/3201 attached to 281

248 Ibid.
should informally explore the modalities to open communications, so that British Ministers could be reassured that all the related procedures would be in place once an agreement on sovereignty had been finalised.”  

September 27th, Minister Costa Méndez tells Lord Caradon that; “… the establishment of good communications would help to allay the suspicions of the Islanders about Argentina’s guarantees and safeguards. He added that his Government would now be prepared to give leaseholders in the Falklands capital to buy their land and would consider offering Islanders free land and passages to the mainland if they indicated a wish to settle there.”

October 2nd, Costa Méndez makes a further concession.

“... he told Caradon that Argentina was ready to accept the British government’s obligation to consult the islanders, although he emphasised that such a consultation could only be limited to the Argentine guarantees (not to the transfer itself) and that it should be conducted in an informal manner so as not to imply that the Falklanders’ had been granted a veto...”

Caradon writes to London.

“We may have hit on the right answer ... we shall not get anything better from the Argentinians. ... the best opportunity we are likely to have to deal with...”

“The issue of Islands opinion, previously emphasised by Lord Caradon at the UN, was acknowledged. The British intended to win the islanders round by demonstrating the benefits which a link with the mainland would bring. The Argentines were happy to provide guarantees of continuity of customs and lifestyle. It was sovereignty, not a colony, which they craved.”

October 12th, the Commonwealth Office informs the Governor of the position reached.

“During the talks in New York the Argentine Foreign Minister said that his Government now accepted that Her Majesty’s Government was entitled to consult the Islanders before accepting the safeguards and guarantees offered by the Argentine Government, although in any formula the transfer of sovereignty should not be subordinated to the Islanders’ veto.”

October 21st, responding, Governor Haskard complains to the Commonwealth Office.

“Our links, sentimental and economic, bind us firmly to England. Argentina, seen through Falkland eyes is unknown, foreign, aloof, disdainful, corrupt, feared,...”

October 26th, the Foreign Office comment; “… any process of consultation with the islanders will have to be a genuine one... we will be asked in Parliament to do the same as we have just done in Gibraltar.”

October 27th, in London, the ‘Defence and Overseas Policy Committee’ of the Cabinet meet

“Prime Minister Harold Wilson... observed that Britain could not compromise its stand on the principle formulated in the Rhodesian context that "the British Government would need to be satisfied that any basis

249 González 2009
250 Research Department Memorandum – The Falkland Islands Dispute: Developments from 1965 -1968 (May 3, 1973) in FO 7/3201 attached to 281
251 González 2009
252 Hastings & Jenkins 1997
253 FCO 42/67
254 quoted in FO 7/154
255 Minute by A. Galsworthy, October 26, 1967 in FCO 42/47
proposed for independence was acceptable to the people of Rhodesia as a whole”; a Falklands policy even at small variance with this principle could have “awkward implications”. Lord Shepherd, ... backed this view and added that “we had also to bear in mind our policy in the case of Gibraltar and British Honduras.” ...” 256

**November 10th**, the draft of a new British proposal for a Memorandum of Understanding is handed to Argentina’s Ambassador in London.

“Desirous of responding in a positive spirit to the views expressed by Dr. Costa Mendez in New York, Her Majesty’s Government, after careful consideration, now wish to offer the following proposals for the resolution of the outstanding points of disagreement. Her Majesty’s Government propose that the position so far reached in the talks should be recorded in a Memorandum of Understanding... In this connection, the Argentine Government will note that, according to the terms of paragraph 4... Her Majesty’s Government would not feel able to regard the "safeguards and guarantees" as satisfactory unless they were satisfied that the population of the Islands was ready to accept them. Her Majesty’s Government would be obliged to explain this publicly at the time of the announcement of the Memorandum of Understanding.” 257

“It was clearly explained that the revised proposals took the form of a draft Memorandum of Understanding rather than a Treaty or Agreement... because it appeared at this stage in the negotiations the purposes of both sides would be more readily served by a less elaborate document. It was also agreed that the proposed text should serve as the basis for a public announcement.” 258

**November 13th**, from Buenos Aires, Ambassador Creswell sends an opinion.

“... we cannot expect the Argentine Government to agree publicly to the re-opening of communications with the Islands before that are in a position to make a statement that they have reached some agreement which touches on the question of sovereignty...” 259

**November 18th**, in Buenos Aires, the US Embassy notifies its State Department of progress in the talks.

“... the most difficult problem in transferring the Islands to Argentina still remains gaining the acquiescence of the Islanders themselves. The Argentines have always tended to think this was relatively unimportant, apparently believing that the British were using this problem simply as a device to avoid coming to terms with the sovereignty issue. However, even though the British are willing to accept Argentine sovereignty over the Islands, they cannot transfer Island administration to the Argentines against the will of the Falkland Islanders ...” 260

**November 22nd**, Governor Haskard telegrams London.

“Surely it is public opinion here, not in Argentina, that has to be influenced...” 261

**November 30th**, in London, Argentina’s Ambassador tells the Foreign Office; “... that his Government had given very careful study to the British proposals handed to him on 10 November. They accepted that an agreement should be drawn up in the form of a Memorandum of Understanding, and that its publication

256 González 2009
258 Ibid.
259 Quoted in FCO 42/67
260 Quoted in Pink Ice: Britain and the South Atlantic Empire K. Dodds 2002 p.129
261 FCO 42/67
should be deferred... (he) said that the Argentine Government wished to review the wording of paragraphs 2, 3 and 4... As expected, the most important point of difficulty for the Argentines was the phrase "are acceptable to the population of the Islands."..." 262

**December 4**th, Governor Haskard seeks guidance as to what he should tell the Islands’ Executive Council.

“We fully realise the difficulties of getting Islanders to accept formula but Ministers involved have some responsibility towards Argentine public opinion (because of British interests there) as well as towards Parliament and the Falkland Islands, and something along the lines of the present formula appears to be the best way to bring about conditions to make possible HMG’s desire for a satisfactory solution... You should now have received FO telegram No.936 giving Argentine reactions to the memorandum but Members should not repeat not, be told of these.” 263

**December 14**th, after meeting the Executive Council, Haskard telegrams the Commonwealth Office. He complains that the Islanders were being kept in the dark, and that the longer they were in that state, the more they would feel deceived.

On the same day, Britain’s Mission to the UN, informs the Secretary-General that; “... Her Majesty’s Government has continued negotiations with the Government of the Argentine Republic in accordance with resolution 2065 (XX) and the consensus approved on the 20th December, 1966... progress has been made towards narrowing the area of divergence between the two governments...” 264

**December 16**th, at the UN, the Fourth Committee consider the question of the Falkland islands.

**December 19**th, proposed by Uruguay and approved by the Fourth Committee, a consensus is approved.

“The General Assembly, having regard to its resolution 2065 (XX) of 16 December 1965 ... approves a consensus in favour of urging both parties to continue with the negotiations so as to find a peaceful solution to the problem as soon as possible.”

On the same day, a preambular paragraph in resolution 2352 (XXII), of general application, affirms; “... any colonial situation which partially or completely destroys the national unity and territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United nations and specially with paragraph 6 of general Assembly resolution 1514 (XV)...” 265

**December 21**st, representatives from Britain and Argentina meet to thrash out the text of a Memorandum.

“The common objective is to make early progress with practical measures for promoting free movement between the Falkland Islands and Argentina, the purpose being to create conditions under which the dispute over sovereignty can be finally and amicably settled, taking full account of the interests of the population of the Islands. The Argentine Government, in a desire to contribute towards such a settlement, will promote free movement between the mainland and the islands. Discussions on the practical measures to be taken to implement this policy will now take place in Buenos Aires. The Government of the United Kingdom have indicated that as part of such a final settlement they will be prepared to recognise Argentine sovereignty over the Islands with effect from a date to be agreed provided that the Government of the United Kingdom are satisfied that the safeguards offered by the Argentine Government are acceptable to the population ...” 266

262 Ibid
263 Quoted in FCO 42/67
264 Ibid
265 Aimed specifically at the question of Gibraltar, but the paragraph was not restricted to that territory.
December 30th, Argentina’s President Ongania gives an end-of-year speech.

“We have well founded confidence that the talks we are holding with the U.K. ... will reach a satisfactory conclusion during the course of 1968, while we reiterate the undertaking of the Argentine Revolution to re-establish the effective exercise of our rights.”

“By the end of the year the fundamental difficulty remained: that of reconciling the opposing views of the British and Argentine Governments on the "wishes" and "interests" of the Falklanders themselves... (Argentina’s) continuing refusal to contemplate a change of sovereignty which would be conditional on the wishes of the Islanders made any substantial progress in the talks impossible...” 267

December 31st, the population of the Islands is put at 2,122. 268


“I have recently become increasingly concerned that cardinal factor in Falkland Islands, namely the human problem, is in great danger of being overlooked. The island population has been sheltered from outside influences for years and has purposely been kept in ignorance of the talks. ... I appreciate that a gesture is necessary to satisfy Argentine aspirations and convince the Argentine of our good faith. I therefore put forward for discussion the suggestion that consideration be given to handing over South Georgia and South Sandwich Islands to the Argentine, pointing out that manifest human problems of the Falkland Islands are in a different category. Because of intense feelings of the population it is necessary for the Argentine first to woo the inhabitants before any declaration of intent to transfer sovereignty and meanwhile existing administration must continue.” 269

“... two years into the negotiations and not a word had been said about them either to Parliament (apart from a brief 'written answer') or in Port Stanley. The Foreign Office policy had been to prepare a satisfactory package of safeguards as well as economic benefits, to be presented to the islanders in such a way that the good news outweighed the bad. Aware of the sensitivity involved on both sides, officials wanted to avoid publicity 'until ministers were ready.' This could not last.” 270

February 14th, being pressed by Haskard for some form of statement for the people of the Falklands, the Foreign Office notes: “We shall probably have a battle over this because the sort of statement the Commonwealth Office have in mind would not suit us, if we are to take account of the delicate present juncture of Anglo-Argentine relations and the present negotiations... I expect to have an argument with the Commonwealth Office about it tomorrow morning.” 271

February 15th, Britain’s Embassy in Buenos Aires consider a re-drafting of the MoU by Argentina. 272

“For tactical reasons it is no doubt better to try and work on the basis of the Argentine re-draft... the Argentines will no doubt accuse us of backsliding. But I think this is inevitable, since we had allowed ourselves already to be pushed into concessions which put us in an unrealistic position. They cannot really be surprised if at last we stand fast on a position we cannot surrender...” 273

267 Ibid in FO 7/3201 attached to 281
268 UN Yearbook 1968
269 Quoted in FCO 7/136
270 Simon Jenkins & Max Hastings 2010
271 John Beith February 14, 1968 in FCO 7/137
272 This is mentioned in the correspondence, but I cannot find a copy of what parts had been re-drafted.
273 FCO 7/137
The Foreign Office immediately responds.

“... best course would be to continue negotiations on the memorandum of understanding on existing lines. But we should tell the Argentines that we had concluded, after careful consideration that if we were to accept the phraseology in paragraph 4 of the memorandum which they have now suggested this might damage Anglo-Argentine relations by leading the Argentine authorities and public opinion to suppose that HMG could effect the transfer of sovereignty against the wishes of the Islanders, or that it might be possible to persuade the latter to accept within a short time, say a couple of years, the safeguards and guarantees offered.” 274

**February 16th**, the Foreign Office’s John Beith minutes to Permanent Under-Secretary of State, Lord Hood, a complaint regarding Ambassador Michael Creswell. 275

“The Ambassador’s attitude on the Falkland Islands question is so much at variance with the policy adopted by the Secretary of State and his colleagues that I think it essential to ask Sir Michael Cresswell to return immediately.” 276

**February 18th**, the Governor of the Falkland Islands flies to England to seek reassurances. 277

“... I decided to visit London to do my best to ensure that the views of Falkland Islanders are fully appreciated at the present time.”

Governor Cosmo goes straight to see the Foreign Secretary.

“... when Sir Cosmo met Foreign Secretary George Brown, the depth of the islanders' hostility to change apparently took Mr Brown by surprise. "Mr Brown said he was exceedingly angry at the situation which had developed over the handling of the Falkland Islands' dispute with the Argentines," the minute of the meeting noted. "He could not understand why he had not been told before by the Commonwealth Office, that, in the Governor's opinion, we were going too far."” 278

**February 22nd**, Haskard informs the Islanders of events via the Falkland Islands Broadcasting Service.

“I think I can confidently say that I was able to make certain that those in positions of authority are fully informed on Falkland Islands affairs and in particular the feelings of the people of these Islands. ... But, to be realistic, ... it would be wrong to pretend that our situation is a straightforward one. I could only wish that it were. The future of these Islands has to be looked at against the background of the resolution which was passed in the United Nations and this leads us to realise that, sooner or later, some solution will have to be found. ... The negotiations have not come to an end and the talks are still confidential...”

**February 24th**, in the Falklands, members of the Executive Council deliver a memo to the Governor.

“Having studied the text of the broadcast address made by Your Excellency after your return from official “talks” in London, and compared it with draft 'Memorandum of Understanding' at present under discussion between Governments of Britain and Argentina we, the elected and nominated members of your Executive Council are dismayed that so little attention has been or is being paid to the

274 Quoted in FCO 7/137
275 Following Summerhayes' visit to the islands, Creswell wrote a private letter to Beith to say that his sympathies now lay with the Islanders.
276 John Beith February 16, 1968 in FCO 7/137. Creswell was not recalled.
278 Birmingham Post & Mail December 19, 2017
wishes (repeat wishes) of the Islanders. ... Your Excellency’s broadcast does nothing to reassure Islanders that their expressed wishes to remain under the British flag will be observed. On the contrary the broadcast suggests that British Government proposes to act sooner or later in precisely the opposite manner and does nothing to dispel the atmosphere of uneasiness, speculation and indeed fear of future now prevailing in the Islands due to secrecy enforced by Whitehall in its handling of our affairs. "  

Informed that Islanders intend to lobby Parliament, the Commonwealth Office advises Haskard to issue a veiled threat that making difficulties for the Government may not be in their best interests.

"Sir Cosmo did nothing of the kind. Instead he asked for a Minister to visit – to see local reaction for himself. But the FO didn't want this until the MOU was agreed. Islanders wanted the Queen to come on her planned Latin-American tour – but both Argentina and the Falklands were deliberately left out."

Governor Haskard telegrams London with a warning for the Foreign Office; “... the Broadsheet written by unofficial members of the Executive Council can be expected to reach members of British Parliament by air mail leaving Punta Arenas about 2 March. ... Potentially embarrassing clauses ... Copies of the Broadsheet addressed to Sugg are being brought by Naval Officer due in England next week.”

**February 27**

In Britain, every Member of Parliament receives a broadsheet:

“To Members of Parliament

ARE YOU AWARE THAT -
Negotiations are now proceeding between the British and Argentine Governments which may result at any moment in the handing-over of the Falkland Islands to The Argentine.

TAKE NOTE THAT -
The Inhabitants of the Islands have never yet been consulted regarding their future – they do NOT want to become Argentines – they are as British as you are, mostly of English and Scottish ancestry, even to the 6th generation – five out of six were born in the Islands – many elderly people have never been elsewhere – there is no racial problem – no unemployment – no poverty, and we are not in debt.

ARE YOU AWARE THAT -
The people of these Islands do not wish to submit to a Foreign Language, Law, Customs, and Culture because for 135 years they have happily pursued their own peaceful way of life, a very British way of life, unique in fact, when you consider that the Islands are 8,000 miles from the Country which they still call 'Home' in spite of the Immigration Act. Lord Caradon said to the General Assembly of the United Nations in 1965: "The people of this territory are not to be betrayed or bartered. Their wishes and their interests are paramount and we shall do our duty in protecting them." British Ministers have said the same until 1967 since when there has been silence.

QUESTIONS -
Is our tiny community to be used as a pawn in Power Politics?
Do you not feel ashamed that this wicked thing may suddenly be foisted on use?
What can you do to prevent it?
What are you doing?

WE NEED YOUR HELP!"

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280 UK Considered Handover to Argentina in 1968 Peter Pepper in Falkland Islands Newsletter January, 2002 p.20
281 Falkland Islands to Commonwealth Office February 27, 1968 in FCO 42/67
March 4th, the potential effects of the broadsheet cause concern at both the Foreign and Commonwealth Offices.

“This is bound to cause a revival of Parliamentary interest in this question and there may soon be pressure for Ministers to divulge the substance of these talks, which are being conducted with the Argentine Government on a confidential basis. In particular Ministers may be asked whether sovereignty is being discussed: this has not hitherto been publicly admitted.” 282

“Along comes an incident, affecting a tiny group of people, which can overthrow a government, or throw out of gear its economic planning... We needed the Falklands issue as much as we needed a hole in the head! ...” 283

March 5th, the Commonwealth Office, proposes a strategy.

“It must, of course, be fairly obvious that the difficulty of defending the Islands must be one of the main reasons for our seeking to reach agreement with the Argentines. The people of the Islands are, I think, aware of this and a statement about it would endorse their own feelings and fears and help bring them to a realisation that the Islands cannot be as secure in the future as in the past. They may even think that it might be in their long-term interests for the U.K. to come to terms with the Argentine. This will have to be said sooner or later and as the Falkland Islanders have themselves forced the pace, it might be better said sooner than later.” 284

March 8th, Governor Haskard is instructed to; “... reassure them that the U.K. will continue to attach the same importance to their interests that she has done in the past.” 285

March 12th, The Times confirms that it has received a copy of the Islanders' broadsheet, and quotes a Foreign Office spokesman as saying that the Anglo-Argentine talks are confidential, but that; “There is no sign that the British Government are contemplating any change from their position up to now, that account must be taken of the wishes of the 2,000 inhabitants...”

The newspaper also reports that Islanders Barton, Goss, Miller and Bonner are travelling to London to address the Conservative 'Commonwealth Affairs Group'.

March 13th, in the House of Lords, Foreign Office Minister, Lord Chalfont, is asked whether negotiations are underway with Argentina over the Falklands. Chalfont admits that they are, but declines to elaborate stating that the talks are; ‘confidential between Governments.’ He refuses to deny that the talks are concerned with sovereignty.

“... when the matter was raised in another place on 13th March the evasive answers of the noble Lord, Lord Chalfont served only to heighten the anxiety already felt. We were told then that nothing could be said about confidential talks proceeding between the British and Argentine Governments, but that whatever was decided the principles of consultation and consent would be applied. ...” 286

“The simple fact of the matter is,... that you really cannot, in the long run, conduct the foreign policy of an important international power, according entirely to the interests, and certainly not to the wishes, of a couple of thousand inhabitants of some islands in the South Atlantic.” 287

282 C.W. Wallace March 4, 1968 in FCO 42/67
283 Barbara Castle quoted in Charlton 1989 p.17
284 Sugg A. March 5, 1968 in FCO 42/67
285 FCO 42/67. Somebody appears to have missed the point, as it was the Governor's emphasis on the word “interests” rather than “wishes” that had so roused the islanders following his radio broadcast.
286 Mr. Bernard Braine MP HC Deb 26 March 1968 vol.761 cc1446-67
287 Lord Chalfont quoted in Charlton 1989 p.22
March 16th, Michael Stewart is reappointed Britain's Foreign Secretary.

March 25th, a lobby group, the 'Falkland Islands Emergency Committee', is formed to promote the wishes of the Islanders regarding their future.

"Do you want its earliest roots? I attended a meeting of the Court of the Worshipful Company of Clockmakers, of which I was then a member, and, at the end of the lunch, another member of the Court came up to me. He was a senior officer, serving at that time in the Admiralty, Captain Pennefeather, Royal Navy and a member of the Committee still. And he said, 'Bill, George Brown's gone mad! He wants to sell the Falkland Islands to Argentina. I can't do anything about it. You have to do something about it!'... we got a promise from the Falkland Islands Company that they would pay our expenses. We got Labour members of Parliament to join, we got Conservative and we got liberal members. And we set to work." 288

"It seems that the emergent lobby was motivated by a combination of imperial nostalgia, a sense of obligation to people who wished to remain British, and resentment against the United Nations for appearing to ignore the wishes of peoples in the interests of decolonization... The Falkland Lobby was formalized on 25 March by the formation in London of the Falkland Islands Emergency Committee. It was instigated by Bill Hunter Christie, a barrister at Lincoln’s Inn. Christie was the Third Secretary at the British Embassy in Buenos Aires between 1946 and 1948. He developed an interest in the Falklands and subsequently wrote an authoritative history of Antarctica. ... On 25 March a meeting was held at the F.I.C.’s London office to consider the manifesto sent by the unofficial members of the Executive Council. It was attended by the Directors of the F.I.C., Barton, Mitchell, Christie, Professor Metford of Bristol University, Dr. Robin of the Scott Polar Research Institute, Falkland landowners and farm managers, and the Labour M. P. Clifford Kenyon and the Conservative M. P. John Smith. A committee was formed composed of Sir John D. Barlow, Bt., (a Director of the F.I.C. and former M.P.), Barton, Christie, Kenyon, Smith and Norman 'Cameron. Christie persuaded the meeting that the Committee should not be partisan (despite overwhelming Tory support) and should have Labour and Liberal representation. Mitchell was appointed Secretary and Sir John Barlow Chairman." 289

"Chalfont complained that Barton and Sid Miller communicated by phone with the Falklands Emergency Committee nearly every day." 290

"Knowing that they could not successfully fight the Foreign Office alone, a group of leading Islanders mobilised influential friends in Britain, including back-bench Members of Parliament, into a remarkably effective pressure and lobby group. The Argentines hated the Emergency Committee, as it was known, sneering that it was actually the instrument of the Falkland Islands Company who simply want to continue plundering the Islands' economy. But the committee became a permanent thorn in the side of the Foreign Office." 291

"... the "Falklands Lobby" objected to any ceding of sovereignty over the islands, which hampered the flexibility of British negotiators." 292

288 William Hunter Christie quoted in Charlton 1989 p.78
290 Pepper 2002. Alun Gwynne Jones, Baron Chalfont, was the governments spokesman on foreign affairs in the House of Lords. Barton was described by Chalfont as “irredeemably reactionary” in his opposition to Argentina.
291 Bound 2007
292 When Governments Collide in the South Atlantic: Britain Coerces Argentina during the Falklands War Patrick Bratton & Wallace Thies 2011 in Comparative Strategy 30:1 1-27
March 26th, Secretary of State Michael Stewart speaks in the Commons about the talks that have been taking place with Argentina, which, contrary to some opinions, he asserts have not been taking place behind the backs of the Islanders.

“It is the normal practice for talks like this to be confidential, but there are some things which it would be appropriate to say about them now. Our object in conducting these talks is to secure a lasting and satisfactory modus vivendi between these islands and Argentina, because we believe this to be a necessary long-term aim of policy. ... We have thought it right, in pursuance of this objective, that the question of sovereignty should be discussed in these talks... if one is genuine in saying that one wants good relations, one cannot refuse to discuss a subject even if one's views and the views of the other party are completely at variance and even if one cannot see, at the beginning of the talks, how those differences are to be reconciled. The House will accept that there was here a genuine problem to be resolved... it would not have been prudent, far sighted and in the interest of the islanders for us to preclude any possibility of discussion by saying that we would not even discuss this question of sovereignty. ... I say this quite clearly, Her Majesty's Government would agree to ... a cession only, first on the condition I have mentioned that it must be part of an agreement fully satisfactory in other respects, and secondly, only if it were clear to us, to the Government in the United Kingdom, that the islanders themselves regarded such an agreement as satisfactory to their interests.”

March 27th, in the House of Lords, Foreign Office Minister, Lord Chalfont, is forced to defend the Government.

“Her Majesty's Government believe that a transfer of sovereignty could be considered only as part of an agreement which would secure a permanently satisfactory relationship between the Islands and Argentina, and one which would fully safeguard the special rights of the Islanders. That is one condition. The cession of sovereignty could be considered only as part of an agreement of this nature. While the power to decide over a transfer of sovereignty lies with Her Majesty's Government, they would agree to such a cession first on the condition I have mentioned, that it must be part of an agreement fully satisfactory in other respects, and, secondly, only if it were clear to us, to Her Majesty's Government, that the Islanders themselves regarded such an agreement as satisfactory to their interests... My Lords, the legal question of sovereignty over the Falkland Islands resides with Her Majesty's Government. It will be for Her Majesty's Government to negotiate and arrive at decisions with the Argentine Government. We shall do so on the basis of the two principles I have already outlined, ...”

Bombarded with adverse comments, Lord Chalfont responds.

“There is no question of bartering over the heads of anybody here. All I have said is that we regard the wishes of the Islanders as being of great importance; and, of course, we have studied those wishes constantly in the course of the negotiations. There is continuing consultation all the time with the Governor of the Falkland Islands about this matter; and, as I say, in all this we shall regard their interests as paramount.”

“The Government had entered into the negotiations with Argentina with the implicit assumption that it was the best judge of the interests of the islanders and that they could be brought to share its judgement. They were soon disabused.”

293 HC Deb 26 March 1968 vol.761 cc1446-67
294 HL Deb 27 March 1968 vol.290 cc990-6990
295 Towards Resolution?: Falklands/Malvinas Dispute Wayne S. Smith 1991

59
April 1st, criticised over the terminology used by himself and Lord Chalfont, Secretary Stewart informs Parliament that; “... the wishes of the islanders are an absolute condition...” 296

April 22nd, an editorial in The Guardian newspaper asks; “Are the Falklands for sale?”

“Why have British Ministers taken to being so devious about the Falkland Islands? The Government's policy was laid down quite clearly by Mr Michael Stewart before the negotiations with Argentina began. In January, 1966, he told the Argentine Foreign Minister, Dr Ortiz, that the islands' sovereignty was British and was not negotiable. ... Last year Mr Fred Lee confirmed this on behalf of the Commonwealth Office in a letter to the Falkland Islands Company. Lately the Foreign Office has confirmed it again, to the extent that they agreed that Mr Stewart had made the original remark. Yet in the past four weeks of questioning in Parliament no Minister has ventured to repeat what Mr Stewart said in the beginning. Not even Mr Stewart himself. What is the Government up to? ... The people who matter are the Falkland Islanders and both Governments have rejected all proposals for a referendum. If they really want a just solution this rejection is incomprehensible. The principle of self-determination should come first ... The Argentines, who seem to fear that the vote would go against them, will not countenance self-determination either (notwithstanding the fact that they claimed this same right for themselves when they threw the Spaniards out). Secret diplomacy is sometimes useful but in the Falklands' case it is doing only harm. The two Governments should explain what they are talking about. Otherwise they will be suspected of doing a deal behind the Falklanders' backs.”

April 25th, in the House of Lords, Lord Shepherd answers a question on the possibility of a referendum.

“My Lords, a plebiscite appears to be unnecessary and unsuitable in the circumstances of the Falkland Islands, particularly as we regard consultation with the people as a continuous process. ... a plebiscite is an unusual process within the British Commonwealth. The situation in the Falkland Islands is that there are some 1,200 electors, some 800 of whom are householders. We believe that the type of consultation we have in mind, which may take place over a period of years, is quite suitable and will be democratic. We believe that by this process – and I give the noble Viscount this assurance – not only Her Majesty's Government, but Parliament also, will be satisfied that the wishes of the people of the Falklands are clearly understood.” 297

May 1st, Stewart meets the Argentine Ambassador, Eduardo McLoughlin, in London.

“Stewart strove to convince McLoughlin that the British proposal already went a long way to meet Argentine needs, since "it does not say explicitly that the islanders will be consulted in some particular way about sovereignty." However, he admitted that in reality "Her Majesty's Government would have to take into account the islanders' views on both aspects of the question [the guarantees and the transfer] since they are virtually inseparable",...” 298

May 24th, the Falkland Islands Legislative Council urges Governor Haskard to arrange a visit by a senior Foreign Office official to explain what is going on.

In July, the deployment of Royal Marines to the Falklands is up-graded to an annual commitment.

296 HC Deb 01 April 1968 vol.762 cc3-5
297 HL Deb 25 April 1968 vol.291 cc738-9
298 González 2009
British press reports denigrate the announcement that the Queen will not visit the Falkland Islands during the forthcoming tour of South American countries. In Buenos Aires, newspapers complain about the decision that Argentina will not be visited.

**July 4**th, Haskard informs London that Council members are complaining about a lack of information.

**July 5**th, Costa Méndez offers to talk about improving contacts between the Islands and the mainland in an attempt to break the deadlock. With the furore in the press having died down, negotiations resume.

**July 30**th, Stewart notes confidentially:

> “When we publish our intention to cede sovereignty of the islands to Argentina, albeit on conditions, there will be a violent adverse reaction among the Falkland islanders.” 299

**August 9**th, a ‘**Memorandum of Understanding**’ (MOU) is drawn up “ad referendum to Ministers” (subject to agreement by Ministers).

> “The common objective is to settle definitively and in an amicable manner the dispute over sovereignty, taking duly into account the interests of the population of the Islands....

(4) the Government of the United Kingdom as part of such a final settlement will recognise Argentina's sovereignty over the Islands from a date to be agreed. This date will be agreed as soon as possible after (i) the two governments have resolved the present divergence between them as to the criteria according to which the United Kingdom Government shall consider whether the interests of the Islanders would be secured by the safeguards and guarantees to be offered by the Argentine Government, and (ii) the Government of the United Kingdom are then satisfied that those interests are so secured...

(5) Both Governments will proceed with the present talks in London in order to define the details of the guarantees and safeguards for the interests of the population of the islands to be put forward by the Argentine Government.

(6) The two Governments have taken note of each others policies and share the view that a certain period of time should facilitate the development of conditions for a definitive settlement. If no definitive settlement had been reached, a meeting of special representatives could be held at the request of either Government to review progress or to examine the question, at a date not less than four years or not more than ten years from the signature of this Memorandum.” 300

“There is little doubt that this early indication of the United Kingdom's willingness to consider the transfer of sovereignty both coloured subsequent discussions between the two governments and provided fertile soil in which Argentina's subsequent sense of grievance could grow.” 301

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299 Quoted in **UK planned to give Falklands to Argentina** BBC News January 8, 1999
300 **FCO 7-1075.** Also Falkland Islands Review (Franks Report) Lord Oliver Franks 1983 para.23.
301 **The Falkland Islands, 5th Report from the Foreign Affairs Committee Session 1983-1984 HC 268 25.10.1984 para.29**
The Foreign Office seeks a legal opinion on the Memorandum.

“The Memorandum of Understanding is not a legally enforceable document, and neither imposes any legal obligations nor creates any legal rights; it is merely a record of the degree of understanding which we have reached with the Argentines... We can continue to refuse to transfer sovereignty simply by stating that we are not satisfied. The criteria for our being satisfied lied entirely within our own judgement. ...” 302

Alongside the MoU, an interpretation is prepared by both nations individually, a – Unilateral Statement.

“In these talks Her Majesty's Government have kept constantly in view the need to protect and safeguard the interests of the population of the Falkland Islands now and in the future. The Foreign Secretary told the House of Commons... that in pursuance of Her Majesty's Government's policy to secure a lasting and satisfactory modus vivendi between these Islands and Argentina they thought it right that the question of sovereignty should be included in the talks with the Argentine Government. Since that time the talks have continued, and the two Governments have no reached a measure of understanding. This has been set out in a joint Memorandum of Understanding, which the two Governments will in due course communicate to the Secretary-General of the United Nations.

As can be seen from that Memorandum Her Majesty's Government have made a sincere effort to reach a satisfactory settlement of this dispute which arises from the Argentine claim to sovereignty over the Islands. But Her Majesty's Government have already stated that they could only consider the solution of this dispute by a cession of sovereignty to Argentina first as part of a settlement which would secure a permanently satisfactory relationship between the Islands and Argentina and second, if the Islanders themselves regarded such a settlement as satisfactory to their interests...

Paragraph 4 of the memorandum of Understanding refers to a divergence between the two Governments, and indicates that until that divergence has been removed there can be no final settlement. This divergence refers specifically to the role that consultation with the people of the Islands should play in the final decision as to the efficacy of the safeguards and guarantees.

Her Majesty's Government would not feel able to regard the safeguards and guarantees referred to in paragraph 4 of the Memorandum of Understanding as satisfactory unless they were first satisfied that the Falkland Islanders themselves regard them as satisfactory... The practical effect of this would be that sovereignty would not be transferred unless the change were acceptable to the population of the Islands...” 303

“... the parties had so little confidence in the common ground they had attained that they "agreed" to complement the Memorandum with unilateral statements that each would make in order to lay out their diametrically different interpretations of the text...” 304

September 20th, British newspapers report rumours that some agreement has been reached.

‘Falklands Sell-Out’ The Government is to hand over the Falkland Islands to the Argentine. It has now been decided in principle – after a tremendous tussle between Ministers – that the colony must eventually pass under the sovereignty of the Argentine. 305

302 Quoted in Research Department Memorandum – The Falkland Islands Dispute: Developments from 1965 -1968 (May 3, 1973) Annex 7 in FO 7/3201 attached to 281
303 FCO 7-1075. Original emphasis.
304 González 2009. Quite what had been agreed about these would be the subject of argument later.
305 Daily Express September 20, 1968
September 24\textsuperscript{th}, in London, the Cabinet discuss the merits of making public the position reached in the talks.

“Really the problem of winding up the last outposts of empire is almost ludicrously difficult. I thought to myself that this is a classic example of how on these so-called moral issues one can’t win. Which should be our parliamentary priority? To defend to the last ditch the rights of a small group of people to remain Britishers? To do nothing which would increase defence expenditure? Or to observe UN resolutions?” \textsuperscript{306}

“The biggest stumbling block was Britain's wish that any MOU should say that Islanders must consent to any transfer of sovereignty. Foreign Secretary, Michael Stewart, was adamant about this... This was bitterly opposed by Argentina. Their insistence and British weakness got it removed from the draft memorandum – but not from British policy. So the MOU itself just said that Britain had to be satisfied with the Argentine "safeguards and guarantees" to secure Islander consent. But to put Islander approval back Britain planned to publish a 'Unilateral Statement' at the same time as the MOU stating it would not cede sovereignty without Islander consent.” \textsuperscript{307}

September 26\textsuperscript{th}, both Argentina and the UK send letters to the UN’s Fourth Committee.

“.. in accordance with the General Assembly's resolution of 16 December 1965 and its consensuses of 20 December 1966 and 19 December 1967, their Governments had continued negotiations for the purpose of reaching a solution to the problem of the dispute over the Islands. They were proceeding with the talks with a view to reaching a peaceful settlement as soon as possible.” \textsuperscript{308}

September 30\textsuperscript{th}, in London, Lord Chalfont tells the Argentine Ambassador that Britain has not yet made a final decision regarding the MoU. Chalfont reminds the Ambassador that any change has to be acceptable to the Islanders.

“Lord Chalfont said that if our position was to be fully understood it would be necessary for us to give as much attention to our unilateral statement as to the Memorandum. Most important of all, we would not, by signing the Memorandum, commit ourselves to anything which conflicted with our unilateral statement.” \textsuperscript{309}

October 10\textsuperscript{th}, in New York, Secretary Stewart hands a copy of the British Unilateral Statement to Minister Méndez. Argentina’s statement is given to the British Foreign Secretary.

“This solution is the exclusive responsibility of both Governments, as (has) been declared by the General Assembly, stated by both parties and is expressed in the text of the Memorandum of Understanding. The same document points out the existence of a divergency with regards to the criteria according to which the Government of the United Kingdom shall consider whether the interests of the Islanders would be secured by the safeguards and guarantees to be offered by the Argentine Government. The Argentine Government sustains that in this process the principle, that decisions are of the exclusive and absolute resort of each one of the governments cannot be impaired, and consequently, in no case the recognition of sovereignty can be submitted, either directly or indirectly to the consideration of the inhabitants.” \textsuperscript{310}

\textsuperscript{306} The Castle Diaries 1964-70 Barbara Castle 1984 p.520
\textsuperscript{307} Peter Pepper 2002
\textsuperscript{308} UN Yearbook 1968.
\textsuperscript{309} FCO 7/1073
\textsuperscript{310} Quoted in Annex 9 of Research Department Memorandum – The Falkland Islands Dispute: Developments from 1965 – 1968 (May 3, 1973) in FO 7/3201 attached to 281
“Dr. Costa Mendez, giving his preliminary reaction, said that in all frankness he felt bound to say that Argentina could not accept deference to the judgement of the Islanders on the question of the transfer of sovereignty and the adequacy of guarantees. This would be altering the whole basis of the Argentine position... that the Argentina side had negotiated all along on the basis of the principle that sovereignty was a question for the two Governments, not the Islanders. ... Dr. Costa Mendez said that the differences between the two sides must be clarified before the Memorandum could be signed. ... In the light of the Argentine position that the islands belonged to Argentina, deference to the judgement of the Islanders would not be acceptable.” 311

October 14th, Michael Stewart and Costa Méndez meet again. Méndez again complains about the question of sovereignty resting on the opinion of the Islanders. Stewart tells Méndez that; “It was most unlikely that Her Majesty’s Government would not be closely pressed on this point in Parliament. Some Member was almost certain to ask if the statement meant that sovereignty would not be transferred against the wishes of the inhabitants, and Mr. Stewart would have to say that it did.” 312

October 15th, in the House of Commons, Mr. Mulley speaks on behalf of the absent Foreign Secretary.

“It is not the policy of Her Majesty’s Government to transfer sovereignty over these Islands against the wishes of the Islanders.” 313

October 16th, Argentina’s Foreign Minister speaks to the General Assembly of the United Nations.

“The titles on which Argentine sovereignty over these islands is based are well known... our position is thus very clear; but its importance for my government is paramount. It is nothing less than claiming the restitution to the national patrimony of a part of the territory of the Republic, torn away by force. ... Argentina demands recognition of its unquestionable sovereignty on the Islas Malvinas. Nevertheless it has accepted to negotiate that recognition with the United Kingdom... but we wish to point out clearly that, in the course of negotiations we will not accept any solution that may depart from the basic principles set by the United Nations not only with reference to the protection of the interests of the population but also as to the integrity of the national territory.” 314

October 17th, in a civil service reorganisation, the Foreign and Commonwealth Offices merge.

“... there have been two separate British policies. The Foreign Office believes that it is important to preserve good relations with, say, Argentina. The Commonwealth Office believes that the wishes of the 2,000-odd Falklanders must be respected. There is an attempt to mould the two views into one; it does not seem to have been recognised that the two views may be completely incompatible.” 315

“The Falklands have undoubtedly suffered from the amalgamation of the Commonwealth Office with the Foreign Office; passing under the control of the Latin American Department whose main care is to foster easy relations with those states, not to defend a handful of people’s rights to self-determination.” 316

311 FCO 7/1073
312 Ibid
313 Hansard 15 October 1968 col.1468-57 vol.761
314 Quoted in FCO 7/1082
315 The Spectator Magazine October 17, 1968
316 Falkland Islands: Why do the British want to Quit? Penelope Tremayne in The Sunday Times, Sept 25, 1977
“After the merger of the foreign and commonwealth offices in 1968, the Falklands were transferred from the Gibraltar and South Atlantic Department to the West Indian and South Atlantic Department. Soon, they would arrive in the hands of the Latin American Department. Administration of the islands was now being conducted in isolation from other colonies.” 317

**October 22nd**, at the UN, a letter from the Committee for the Erection of a Monument to the Hero Antonio Rivero and the Restitution of the Malvinas Islands, is read to the Special Committee on Decolonization.

“… to request the support of the States Members of the United Nations for the restitution of the Malvinas Islands to the Argentina State without further delay…” 318

**October 31st**, in the Commons, MP Michael Hutchinson, asks to be updated on the Falklands negotiations.

“I greatly regret that there is no mention in the Gracious Speech of the Falkland Islands and the Government's intentions about their future, or of the present state of negotiations with the Argentine Government. Not only I but many other hon. Members have been pressing the Government for more information. We have asked by means of Questions, letters, Motions and debate, because many of us are concerned, but we always get evasive answers. It is like hitting a pillow.” 319

**November 6th**, a draft-statement of acceptance is handed to the Argentine Embassy in London.

“I am glad to confirm to you that Her Majesty’s Government is now prepared to sign the memorandum of understanding which records the stage reached in the discussions between our two Governments about the Falkland islands, held in accordance with the invitation contained in resolution 2065 (xx) of the United Nations General Assembly. The memorandum of understanding refers to a divergence between our two Governments as to the criteria according to which the United Kingdom Government shall consider whether the interests of the Islanders would be secured by the safeguards and guarantees to be offered by the Argentine Government. As the memorandum states, this divergence would have to be resolved as one of the conditions to be fulfilled before Her Majesty’s Government could agree to transfer sovereignty to Argentina.

I should like to make it clear that, as I told the House of Commons on 27 March this year, Her Majesty’s Government could only consider a transfer of sovereignty to Argentina, first as part of an agreement which would secure a permanently satisfactory relationship between the islands and Argentina: and second if it were clear to the Government in the United Kingdom that the Islanders themselves regarded such an agreement as satisfactory to their interests.” 320

Argentina responds by handing over its own draft-statement of acceptance.

“I have the honor... to inform you of my Government’s decision to approve the memorandum of understanding on the Falkland Islands... I consider it appropriate to point out once again to your Excellency the criteria of the Argentine Government regarding the divergence referred to in paragraph 4 of the said memorandum of understanding.

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317 *The British Government and the Falkland Islands, 1974-79* Aaron Donaghy 2014
318 Dated August 20, 1968 in FCO 7/1082
319 HC Deb 31 October 1968 vol.772 cc183-310
320 My emphasis
The decision for the definitive solution of this dispute falls within the exclusive responsibility of both Governments and both of them have so reaffirmed it. Consequently, the Argentine Government hold the view that neither is it possible nor will they accept direct or indirect transfer of that responsibility of decision and that, therefore, the consideration by the Government of the UK whether the interests of the Islanders would be secured by the safeguards and guarantees offered by the Argentine Government will have as its sole purpose to assess if those guarantees and safeguards are efficient for the securing of those interests.”

November 12th, after considering the British draft-statement of acceptance, Argentina’s Ambassador McLoughlin visits the Foreign Office. There, he says that his country’s view was that the statement did not conform to the; “... real terms of the divergence.”

“Brigadier McLoughlin... had been instructed by his Government to say that they would not be able to accept an exchange of the documents defining the divergence as long as the British draft were on the lines of that submitted to them on 6 November.”

“He claimed that it had never been discussed in the negotiations that the Islanders should express their satisfaction on the whole agreement.”

November 18th, en-route to the Falkland Islands, Lord Chalfont stops off at Santiago de Chile. Asked about his purpose in visiting the Falklands, Chalfont responds.

“The visit really arises out of the discussions that we have been having with the Government of Argentina as a result of a claim which they have made to sovereignty over the Falkland Islands. We were required by a United Nations Resolution to discuss that claim... In the whole of this, we have always made it clear that the wishes of the Falkland Islanders would have to be carefully consulted in whatever agreed position we arrived at...”

In the House of Commons, Under-Secretary of State for Foreign and Commonwealth Affairs, Mr. William Whitlock, addresses MPs.

“... it is not the policy of Her Majesty's Government to transfer sovereignty over these islands against the wishes of the islanders.”

November 21st, the Foreign Office proposes to the Ambassador that a way around the impasse would simply be not to have an exchange of unilateral statements. McLoughlin says that he will consult with Buenos Aires.

November 23rd, Chalfont arrives off the Falklands archipelago in HMS Endurance; “... and spent the day touring farms and settlements by helicopter and light aircraft.”

The Minister is accompanied by five journalists, including Richard Gott of The Guardian.

321 FCO 7/1073
322 Ibid.
323 Ibid.
324 FCO 7/1085. Chalfont was accompanied by 5 British journalists. Seaman, of The Express was a controversial choice as Argentina viewed that newspaper as particularly hostile; be it over meat exports, the Falklands or even football.
325 FCO 7/1075
326 FCO 73/72
“I travelled to the Falklands with a group of diplomats in what was Britain’s first and last attempt to get shot of the islands. Lord Chalfont... had the unenviable task of trying to persuade 2,000 islanders that the British empire might not last for ever – and that they should start to entertain the notion they might be better off being friendly to the near-neighbour, Argentina, which had long claimed the islands... Maybe the islanders could be paid to set up sheep farms in New Zealand. Over 10 days, we visited just about every farm and homestead in the two principal islands. We were greeted everywhere – and we could see the slogans and the union flag from the air before we landed – with the same messages: ‘Chalfont Go Home’ and sometimes “We Want to Stay British”. ...

Arrangements are made to maximise the effect of Lord Chalfont’s visit on the Islanders’ leaders.

“For the visit of Lord Chalfont to the Falkland Islands at the end of 1968 members of Legislative Council were invited to sit in on Executive Council.” 328

November 24th, at an initial meeting of the enlarged Executive Council, members are provided with copies of the Memorandum of Understanding and the draft Unilateral Statement for consideration.

November 25th, at a second meeting of the Executive Council, Councillors Barton, Miller, Goss and Pitaluga express their concerns and condemn the agreement, to the surprise of the Foreign Office Minister.

“He found quite extraordinary the suggestion that some form of confidence trick had been played on them: He must ask them to believe that HMG was acting in good faith and sincerely. ... He could understand their strong

327 Argentina’s claim on the Falklands is still a good one Richard Gott in The Guardian April 2, 2007
328 FCO 42/429. The Governor continued with this arrangement well into 1970; even proposing a ‘single council’ system.
feelings; but if anyone suggested that the assurances that had been given in the British Parliament or elsewhere were in conflict with the two documents, this only showed that the documents had not been properly studied. He repeated that nothing in them conflicted with these assurances that there would be no transfer of sovereignty against the wishes of the Falkland Islanders.” 329

Chalfont is told by Councillors Miller and Barton that the documents would be regarded as a “sell-out”.

“... their initial reactions to the two documents were violent and there appeared even to be a possibility of resignations.... in the course of hard-hitting three hour meeting I believe I have made substantial progress in convincing them of: (a) Her Majesty's Government's good faith; and (b) that nothing in the documents alters or detracts from our assurances that sovereignty will not be transferred against the wishes of the Islanders.” 330

Governor Haskard watches the debate from the sidelines.

“Chalfont used his considerable negotiating skill in an attempt to persuade Councillors and the public that it was in their long term interest to come to an accommodation with Argentina. He explained in detail to council members the proposed contents of a memorandum of understanding with the Argentine Government and also of a unilateral statement which could be made in Parliament stressing that sovereignty would not be ceded without Islander consent. However, Chalfont failed to reassure his audiences.” 331

November 26th, Lord Chalfont is interviewed on Falklands radio by Guardian journalist Richard Gott.

“The mission received considerable publicity since five journalists accompanied Lord Chalfont. Their opinions of the dispute were divided. Michael Field, of the 'Daily Telegraph, was sympathetic to the Islanders and stressed in his reports the Kelpers' suspicions and desire to remain British with headings such as "Falkland Patriots Turn Out" and "Don't Sell us for bully beef, say Islanders," Richard Gott, 'The Guardian' correspondent, sympathized with Chalfont and emphasized the Islanders' need to come to terms with Argentina.” 332

November 27th, in Buenos Aires, Minister Costa Méndez makes a statement to the local press.

“We insist on the earliest possible recognition of Argentine sovereignty over the Islands, without limitations.”

Miguel Fitzgerald, in a publicity stunt paid for by the Argentine newspaper Cronica, attempts to repeat his 1964 landing of an aircraft at Stanley Racecourse. However, finding obstructions on the track, Fitzgerald crash lands in Eliza Cove Road.

“Britain attempted to twist the Falkland Islanders’ arms into accepting an Argentine takeover of their country, and in November 1968 sent Lord Chalfont to sound out their opinions (and to persuade them to accept a compromise agreement with Argentina). ... on 27 November 1968, ... Chalfont was meeting the chairman of the Falklands Labour Federation, Dick Goss, and other trade union representatives. Just as Chalfont was saying

329 Ibid
330 Chalfont to FCO November 25, 1968 in FCO 7/1075
331 Cosmo Haskard in The Dictionary of Falklands Biography (including South Georgia): From Discovery up to 1981 D. Tatham (ed.) 2008 p.277
332 Ellerby 1990 p.161. Over the decades since, Gott proved to be very pro-Argentine; and a regular guest at the Argentine Embassy in London during the tenure of Alicia Castro.
that the islanders were wrong to worry about Argentine aircraft flying in, and that it would never happen again, a plane flew past the window.” 333

Lord Chalfont expresses his annoyance in a telegram.

“My own view is that Her Majesty’s Ambassador in Buenos Aires should be instructed to lodge a strong formal protest… unless everything possible is done at once to repair damage the incident could prove a serious setback for negotiations we have been having.” 334

In Buenos Aires, Ambassador Cresswell telephones Méndez at 11.30pm to complain about Fitzgerald’s stunt

“He replied rather weakly that he had seen no mention of it in the evening edition of Cronica… He said the Argentine Government could accept no responsibility for acts by individual newspapermen, he had done all he could to keep the press moderate these last days.” 335

# Researcher’s Comment: With this failed stunt, Fitzgerald appears to have done the Falklanders a favour. Reinforcing the potential threat from Argentina, if anything, it bolstered Islander resistance.

Arrested and declared a Prohibited Immigrant together with his two companions, Fitzgerald is “accommodated” aboard HMS Endurance for the journey back to Rio Gallegos. 336

November 28th, at a final meeting of the enlarged Council, Chalfont explains the Government's position.

“...while HMG had no doubt about their right to sovereignty over the Falkland Islands, if another sovereign state such as Argentina made a claim of this kind it was better to discuss the matter with them than to refuse to do so. ... The discussions had lasted several months, and it now looked as though they were close to arriving at an agreed position and publishing two documents which would define this position. ... He commented that parts of it might at first sight cause some surprise and distress but he believed that, when read as a whole, the apparent concessions in it to Argentina were heavily qualified. ... Finally he said that the Memorandum of Understanding was only a stage in HMG's negotiations with Argentina, and that there would be continuous consultation with the Falkland Islanders at each subsequent stage.” 337

“The response was one of scepticism, to put it mildly. The view was quite simply, and I thought somewhat simplistically, ‘We are British. We are not interested in your plans for any future world in which we should become Argentinians. We are British, that’s all there is to it, and will you please take that message back to your masters in London.” 338

“The islanders were adamant. They wanted nothing to do with Argentina, and Chalfont left them with a promise that nothing would happen without their agreement.” 339

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333 Pascoe 2020 p.315
334 Chalfont to FCO November 27, 1968 in FCO 7/1347
335 Cresswell to FCO November 28, 1968 in FCO 7/1347. Fitzgerald's punishment was a three months suspension of his pilot's licence.
336 Cronica published photographs of Fitzgerald and a journalist, Garcia (one of the Condor group), flying out of Buenos Aires to Rio Gallegos, from where they, and another, set out for the Islands. Cronica also published information demonstrating that Fitzgerald’s destination was known by the authorities and that he maintained radio contact with Rio Gallegos airport throughout his flight.
337 FCO 7/1073
338 Lord Chalfont interviewed in Charlton 1989 p.23
339 Argentina’s claim on the Falklands is still a good one Richard Gott in The Guardian April 2, 2007
December 1st, returning to Britain, Lord Chalfont stops off at Buenos Aires for brief talks with Costa Méndez.

“(Méndez) told me that my visit to the Falkland Islands had been most helpful in making it clear to the Islanders that they would have to face inevitable changes and that their present views should not be allowed to fossilise. But he went on to say that although the Argentine Government liked the Memorandum of Understanding as it was now drafted, it would be pointless for them to sign if it were immediately to be cancelled out by a unilateral statement in Parliament.” 340

“My discussions with Costa Mendez were such as to convince me the line we were taking was the right one. They had a claim to sovereignty which we might not be prepared to accept in legalistic terms but, in realistic terms, for the future of our relations with Argentina and the future prosperity of the Falkland Islands, it seemed to me that we were on the right track.” 341

“In talks in Buenos Aires on December 1st with the Argentine Foreign Minister, Lord Chalfont was unable to persuade the Argentines that the Islanders should be given a chance to make up their minds about their own future. The Argentines reiterated their claim that transfer of sovereignty over the Islands could not be made dependent upon the ‘wishes’ of the inhabitants. Dr. Esequiel Pereira (sic), Head of the Argentine Foreign Ministry’s Malvinas (Falklands) Department, pressed home the view that the issue could only be settled by the two Governments and re-stated the principle of territorial integrity, while casting doubt on the principle of self-determination in regard to the Falklands both from the standpoint of Argentina’s historical arguments and because, he claimed, an important part of the present population of the Falkland Islands had not been born there.” 342

December 2nd, Chalfont returns to the UK.

“Renewed hostility of British public opinion on Lord Chalfont’s return. More accusations that Falklanders are to be betrayed. Vociferous press campaign to end negotiations.” 343

“The newspapers became increasingly critical of Government policy after Lord Chalfont returned. The Guardian' editorial stated that, “The option of Argentine sovereignty should never have been opened. It should now be closed.” The Daily Telegraph' announced, ”BRITAIN READY TO SURRENDER FALKLANDS,” and claimed that Chalfont had left the Islanders in a, ”depressed and nervous state. ...” The Sunday Times' editorial considered that Chalfont's mission was an “unconcealed example of diplomatic ambiguity” and concluded that “Argentina must see London as an astonishingly soft touch.” 344

December 3rd, Minister of State for Foreign and Commonwealth Affairs, Fred Mulley, makes a statement to the House of Commons.

“My right hon. and noble friend Lord Chalfont visited the Falkland Islands ... to establish direct ministerial contact with the people of the islands and to explain to them Her Majesty's Government's policy in their talks with the Argentine Government. ... he repeated to them the assurances that Ministers have given this House on many occasions this year, namely, that it is not the policy of Her Majesty's Government to transfer sovereignty over these islands against the wishes of the islanders... we are concerned to restore and improve communications between the islands and the nearest mainland since this would be of great benefit to the islanders. ... I hope that it may shortly be possible to conclude

340 FCO 7/1079
341 Lord Chalfont quoted in Charlton 1989 p.23
342 Research Department Memorandum – The Falkland Islands Dispute: Developments from 1965 -1968 (May 3, 1973) in FO 7/3201 attached to 281
343 Ibid. Annex 1
344 Ellerby 1990 p.162

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the present stage of the discussions and their outcome will then be reported to the House... Lord Chalfont did not have any formal talks or negotiations in Argentina." 345

“On 3 December Tory back-bench MPs replied to Fred Mulley’s justification for the sovereignty talks with cries of, ‘Resign’.”346

Ezequiel Pereyra, head of the Falklands Islands and Antarctic Department at Argentina’s Foreign Ministry, tells journalists that the Islands population; “Changes from year to year. The majority were not born in the Islands but are there with contracts to work. This is not a problem of self-determination, rather a question of sovereignty.” Pereyra claims that out of a total population of 2,172, 1960 saw 292 leave and 224 arrive; in 1961 this was 326 leaving to 244 arrivals; and that 411 left in 1962 to 268 new arrivals.

Britain’s Embassy in Argentina considers Pereyra’s statistics.

“These figures were quoted by Dr. Jose Maria Ruda, Argentine representative at the United Nations. They are not, however, supported by the statistics of the Falkland Islands Government. Moreover, the conclusions drawn from the figures quoted are misleading. Looking at the equivalent figures for Argentina, in 1967 we find that out of a total population of 22 million, 1,042,926 left and 1,014,336 arrived. Should we therefore consider that the population of Argentina is transitory... It is true however that there is evidence to suggest that the (Falklands) population is mobile. Out of the total population of 2,000 odd some 700 are not Islanders born and bred. But self-determination is not a concept that necessarily depends on numbers.” 347

December 4th, Argentina’s Foreign Minister tells journalists that; “... an agreement with Britain on the Falkland Islands would be signed only if it conformed to national interests and if it included recognition of Argentine sovereignty. It could not provide for the recognition of sovereignty being made subject to an expression of will of the inhabitants.”348

At the Foreign and Commonwealth Office in London, Charles W. Wallace notes; “... the position has now been transformed by the renewed Parliamentary hostility to any discussion of a possible transfer of sovereignty over the Islands. ... we may well need find some way of putting it (Memorandum of Understanding) into cold storage for the time being...” 349

December 5th, Lord Chalfont reports.

“I do not believe that the Falkland Islands can continue to exist for many years, as they are presently constituted. I believe one day that the Falkland Islands may be prepared to choose Argentine sovereignty. We must at all costs avoid giving the impression that we want to get rid of them, since that would set up precisely the reaction we would want to avoid.” 350

He concludes that the British Government should; “... disengage for the present from our talks with Argentina while doing all we can to avoid a clear break and to preserve some diplomatic contacts on this question. ... In view of the strength of Parliamentary and public feeling we regard (this) course as the only practicable one.”351

345 Quoted in FCO 7/1075
346 Ellerby 1990 p.163
347 Draft press release in Mansfield to Atkinson December 23rd, 1968 FCO 7/1085
348 FCO 7/1078
349 FCO 7/1079
350 Report by Lord Chalfont on the visit to the Falkland Islands 23-28 November 1968 in PRO FO 42/94
351 FCO 7/1079
“Glorious little incident on the Falkland Islands at Cabinet. Dick Crossman wanted to know how did we get started on this ridiculous thing at all when, it was quite clear, we could not reach agreement with the Argentine on conditions acceptable to ourselves? Once again the Foreign Office officials have been going beyond their remit... It was (George Brown) who had started the overtures without even consulting the Prime Minister.”

A press report in The Guardian notes that Costa Méndez has reiterated that Argentina; “… would not sign any agreement on the Falkland Islands which did not include recognition of Argentine sovereignty ... his country would only sign an agreement in keeping with national interests which implied recognition of Argentine sovereignty and which did not subject this to the will of the islands' inhabitants.”

“Leader of the Opposition, Mr. Heath, condemns discussions about sovereignty as "wrong and foolish."”

**December 7th**, informed of the December 4th comments by Méndez, Ambassador Cresswell responds from Buenos Aires.

“For us to take the initiative of breaking off negotiations in this way would surely be both unnecessary and unduly harmful to Anglo-Argentine relations (and of course to our export trade). There is no need for us to take onto our shoulders the odium of a break since in fact it is the Argentines who have created this situation: they have known all along that we based our attitude on the Islanders wishes..., and only now have they said that this will prevent them from signing the Memorandum ...”

**December 9th**, in London, Ambassador McLoughlin approaches John Beith at the FCO.

“With reference to the "bout de papier" you gave me on the 21st of November... I have been instructed to inform you that, after careful consideration, my Government are prepared to accept the British suggestion concerning the setting aside of a formal exchange of Notes at the time of the signature of the Memorandum of Understanding. Instead, from the time of the publication of the Memorandum, the Argentine Government intend to make an explanatory public statement, which we understand the British Government will also do ... the Memorandum would be signed by the Secretary of State and myself, here in London.”

Beith reports.

“Brigadier McLoughlin spoke from the attached notes, which seemed at first to represent a total acceptance of our proposals but proved to contain one discrepancy ie. that our communication to the Secretary-General of the United Nations should contain only the Memorandum of Understanding, but not any further “statements, comments or annexes.” I thanked the Ambassador for his substantive reply to our ideas but pointed out that the above-mentioned discrepancy would certainly create difficulty. It is in fact an essential element of the proposals ... I reminded the Ambassador that the Memorandum of Understanding was still ad referendum to Her Majesty’s Government as a whole.”

**December 11th**, in London, the Cabinet decides to cease attempts to reach agreement on the basis of the MoU.

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352 Castle 1984 p.566
353 FCO 7/1075
355 Ibid
356 FCO 7/1073. Original emphasis

72
“... the Prime Minister said that the preponderant view in the Cabinet was that, in the political circumstances then prevailing, we could no longer contemplate any Memorandum of Understanding with the Argentine Government which did not make explicit within its text or by means of a specific link between the Memorandum and the unilateral statement, that the decisive voice on the question of sovereignty of the Falkland Islands must be that of the Islanders themselves.” 357

“... the British Government decided at Cabinet level "not to continue to attempt to reach a settlement on the basis of the Memorandum of Understanding, since Argentina was not prepared to accept ... that the Memorandum should include a statement that any transfer of sovereignty would be subject to the wishes of the Islanders."..” 358

“Michael Stewart’s last attempt to retrieve an agreement was rejected by the Cabinet on 11 December. Castle recorded that, "One by one we all turned on him and he was soon assuring us defensively that he had left Costa-Mendes in no doubt that we would not transfer the Falkland Islands without the agreement of the Islanders."…” 359

Later that day, Stewart makes a statement to Parliament.

“In their talks with the Argentine Government, H.M. Government have been trying to reach an understanding with Argentina with the object of securing a satisfactory relationship between the islands and the nearest continental mainland. Since that time, the talks have continued and the two Governments have reached a measure of understanding although this is not yet complete.

There is a basic divergence over H.M. Government's insistence that no transfer of sovereignty could be made against the wishes of the Falkland Islanders...

Her Majesty's Government are very conscious of the close ties between the population of the islands and the United Kingdom and of their loyalty to the Crown. It is for this reason that Her Majesty's Government have insisted on the paramountcy of the islanders' wishes. Her Majesty's Government have not exerted any pressure on the islanders to change those wishes nor do they intend to do so.” 360

He assures the House that negotiations with Argentina have not included the Dependencies.

“Whatever international law practice may have been in the past, I do not think, in the twentieth century, you go handing people over to a government that they will detest, and which can put up no case in law for the territory either.” 361

“The paramountcy of the islanders' wishes as reflected in Parliament had been established, and the question of sovereignty over the Falklands had become an issue of domestic politics rather than foreign policy.” 362

“This was now the crux of the dispute, a dilemma which would bedevil successive governments. For the islanders, the episode served as a catharsis. They had effectively been granted a veto; their wishes were paramount. After 1968, no minister ever forgot that.” 363

357 Memorandum by Michael Stewart October 21, 1969
358 The Falkland Islands, 5th Report from the Foreign Affairs Committee Session 1983-1984 HC 268 25.10.1984, para 29
360 HC Deb 11 December 1968 vol.775 cc424-34
361 Michael Stewart interviewed in Charlton 1989 p.25
362 Smith 1991
363 Donaghy 2014

73
December 12th, Minister Stewart confirms the British Government’s position, yet again, to the Commons.

“I fear that I must begin by saying, once again, what I have said so often, ... It is this: we are not prepared to make any settlement which would oblige us to hand over the Islands against the wishes of the inhabitants. Every other conceivable remark that can be made about the whole matter must be interpreted in the light of that, which is a fixed point.” ³⁶⁴

“In practical terms this gave the Falkland Islanders the right to veto future directions of British policy. It became, as it has remained, the central block in the Falklands issue.” ³⁶⁵

In Buenos Aires and in receipt of a telegram from Britain’s Foreign Secretary, Minister Méndez responds to the British abandonment of the MoU.

“I much regret that the British Government has not been able to sign the Memorandum of Understanding concluded on 12 August between the Foreign Office negotiators and those of our Embassy... I shall tonight, 12th, inform Argentine public opinion about the state of the negotiations. ... My Government is ready to continue the negotiations, as is laid down in resolution 2065 (XX) ...” ³⁶⁶

In a press release, Minister Méndez speaks to the Argentine nation.

“After refusing for a century even to discuss this matter, the United Kingdom has finally accepted to discuss it. This new willingness to hear our reasons is in itself sufficient reason for continuing the negotiations and for believing that they will lead to their logical conclusion: recognition of Argentine sovereignty over the Malvinas, which recognition, moreover, the United Kingdom has not categorically refused to proclaim. ... Major differences still exist, of course. ...” ³⁶⁷

Méndez states that Argentina’s position is based on five principles.

“(1) The United Kingdom Government must recognize as a definite solution Argentine sovereignty over the Islands and return them to the Republic;

(2) such recognition must not be made subject to the agreement of the present inhabitants of the Islands;

(3) the Republic will take into account and protect the interests of the inhabitants of the Islands by means of safeguards and guarantees to be agreed upon ...;

(4) the conclusion of the comprehensive treaty will naturally result in the development of free communications between the Islands and the rest of the Argentine National Territory and in forging of definite links between them;

(5) the negotiations and resulting agreements must be consistent with the principles laid down in General Assembly resolution 2065.”

December 13th, Costa Méndez sends a message to Stewart to say that; “... Argentina was still anxious to reach an early solution to the problem ... but upheld the view that Argentina still could not accept that a transfer of sovereignty should be made dependent upon the wishes of the inhabitants.” ³⁶⁸

³⁶⁴ HC Deb 12 December 1968 vol.775 cc590-716
³⁶⁵ Charlton 1989 p29
³⁶⁶ Annex 11 of Research Department Memorandum – The Falkland Islands Dispute: Developments from 1965 -1968 (May 3, 1973) in FO 7/3201 attached to 281
³⁶⁷ UN Doc A7623/Rev.1 vol. 4 chapter 31
³⁶⁸ Research Department Memorandum – The Falkland Islands Dispute: Developments from 1965 -1968 (May 3, 1973) in FO 7/3201 attached to 281
Ambassador Creswell telegrams the FCO from Buenos Aires.

“Head of UN Department in the Ministry of Foreign Affairs told us today that the Ministry had been disappointed by the recent developments in London which they regarded as a step backwards. They were pessimistic about progress in the future. He said that the Government were seriously considering strong measures in the UN. They would not, however, want to risk a situation where any resolution proposed might secure less support than resolution 2065...” 369

December 14th, London informs Governor Haskard.

“... (the) position is that ..., Ministers have decided that they could not proceed with the memorandum in its present form. Ministers’ view is that if the memorandum were to be signed, it would now itself have to make quite clear that sovereignty would not be transferred against the wishes of the Falkland islanders; it would not now suffice for this to be said in the accompanying unilateral statement. ... While we quite realise the importance of keeping close contact with your Executive Council so as to maintain a relationship of confidence, you should not repeat not pass on this information to them for the time being. We intend to authorise you to do so, under conditions of strict secrecy, when the situation vis-a-vis Argentina has become clearer and when Parliamentary and Press interest has calmed.” 370

December 17th, at the UN, Argentina’s Ambassador Ruda complains about; “... recognition of the Argentine sovereignty, as a definite solution, [being] subject to the wishes of the islanders.” 371

“... it was a dispute of sovereignty. While self-determination was applicable in situations regarding decolonisation the ‘Principle of National Unity and Territorial Integrity’ should be applied here. The original inhabitants had been replaced by settlers of the occupying power... Resolution 2065 (xx) called for negotiations and referred to the interests, not the wishes of the people.” 372

Responding, the British representative confirms that the UK has “no doubts” about its sovereignty, and reads out the parliamentary statement made by Secretary of State Stewart on December 11th.

December 18th, Ambassador Ruda makes a speech at the UN.

“Notwithstanding the considerable headway made in the negotiations, important difficulties have arisen... Those difficulties arise from the British claim that recognition of Argentine sovereignty, as a definite solution should be conditioned to the wishes of the present inhabitants of the Islands. ... The Argentine Government is prepared to discuss any type of formula over the criterion by which the interests of the population are to be taken into account. It also maintains that the decision is exclusively a matter for the respective governments, that the United Kingdom may only take into account whether the guarantees and safeguards offered by Argentina are effective and adequate and that, under no circumstances, may the power of decision be transferred.” 373

December 19th, in further letters to the UN, both Argentina and Britain inform the General Assembly that negotiations are continuing and that progress is being made towards, “narrowing the area of divergence.”

369 FCO 7/1079
370 Stewart to Haskard December 14, 1968 in FCO 7/1080. The FCO, and the UK’s mission to the UN in particular, were opposed to the Executive Council learning that the Islanders had an effective veto over the negotiation process.
371 United Nations: The Question of Malvinas and the Bicentennial, a pending question Jorge Argüello 2010
372 Quoted in FCO 7/1082
373 Ibid

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“Both Lord Caradon and Senor Jose Ruda, Argentine Representative at the UN, assured the UN Secretary General that both governments wished to continue discussions to enable further progress to be made towards reaching a peaceful solution.” 374

“... it was recognised that, “failure to reach an understanding with Argentina carried the risks of increased harassment of the islanders and the possibility of an attack.” The Government therefore decided to continue negotiations, while making clear the British attitude on sovereignty and that the islanders’ wishes were paramount.” 375

The General Assembly decides to defer consideration of the issue.

**December 20th**, Ambassador Cresswell writes from Buenos Aires to express his concerns:

“... that myths expounded in Ruda’s speech should not become part of popular belief.” 376

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# Researcher’s Comment: Cresswell was right to be concerned. Ruda’s lies and distortions have, indeed, become embedded in Argentine popular culture. Taken as the truth, without question. The dogma of a religion, rather than an historical analysis. Belief is all. Facts, irrelevant.

**1969 – January 23rd**, Ambassador Creswell writes from Buenos Aires to inform the FCO that the Argentine reaction to the failure of the talks has been more moderate than he was expecting. Creswell raises the prospect of buying the Islanders off with financial inducements. 377

**January 30th**, Haskard is finally authorised to enlighten the Executive Council as to the present position.

During a dispute between Uruguay and Argentina over islands in the Rio de la Plata, the delegate from Montevideo reminds his opposite number of Uruguay’s own potential claim to the Falklands based on ‘inheritance’ from Spain.

“... if he got on to historical precedents, Uruguay would establish her claim to the Falklands and, when she did, would acknowledge British sovereignty.” 378

**February 4th**, at the UN, Dr. Ruda assures Lord Caradon of Argentina’s goodwill and the wish to continue the search for a negotiated settlement.

“We should now all try to find some formula to save both faces, while pursuing a practical approach to the problem of improving communications and relations.”

**February 14th**, reacting to a suggestion that Falkland Islanders should visit Argentina, the Governor telegrams London to discourage the notion. The Executive Council are disinclined to accept any formal invitation. 379

**February 17th**, in the House of Commons, Foreign Secretary Stewart answers a question.

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374 Research Department Memorandum – The Falkland Islands Dispute: Developments from 1965-1968 (May 3, 1973) in FO 7/3201 attached to 281
375 Baroness Young in HL Deb 25 January 1983 vol.438 cc136-247
376 Ibid. Cresswell also raised a concern that Lord Caradon had not immediately refuted Ruda’s arguments.
377 FCO 7/1073
378 Quoted in The Falkland Story 1592 – 1982 M. Cawkell 1983 p.31
379 FCO 7/1073
“There can be a question of transfer of sovereignty only as part of an arrangement which will give a permanently satisfactory relationship between the Islands and Argentina, and if the Islanders themselves regard such an arrangement as satisfactory to their interests. I think it will be desirable to resume the discussions, but they are bound all the time by that condition.” 380

“... if we'd taken sovereignty off the agenda, we should have found ourselves unable to talk to the Argentines about anything. That would not have been convenient. We were quite prepared to go on discussing sovereignty but what we had to say about it remained the same.” 381

February 21st, Argentina’s Ambassador speaks to Lord Chalfont at the Foreign Office; “The discussions which took place at these meetings may be regarded as a preliminary exchange of views following the suspension of the talks in December, 1968;... The main encouraging feature of the Argentine position is that they are prepared, despite their disappointment over our inability to sign the draft Memorandum of Understanding, to continue the discussion with us...” 382

March 17th, during a Foreign and Commonwealth affairs debate in the House of Commons, Secretary of State for Foreign Affairs, Goronwy Roberts, is asked to assure the House that Falklands sovereignty will not be discussed with Argentina.

“It would be impossible to avoid having the question of sovereignty raised by the Argentinians – this is their point of dispute – but ... if that question is raised, our basic and firm position is that no transfer is possible against the wishes of the Islanders.” 383

March 19th, in the Falklands, British Pathé News celebrates the 21st anniversary of the inter-island air service.

March 24th, Goronwy Roberts makes a statement to Parliament regarding in camera negotiations.

“Further discussions about the Falkland Islands have taken place with the Argentine authorities, and these are continuing; but there is nothing of substance that I can add to the statements which my right hon. Friend made in the House on 11th and 12th December, 1968. ... It is impossible to exclude from these talks the main subject of dispute between us and the Argentine. However, we have made absolutely clear to the Argentine and to the world what our posture is on the question of sovereignty. There are also other questions relating to communications and good and fruitful relations between the islands and the mainland which can very usefully be pursued.” 384

In Asuncion, Paraguay, Lord Chalfont holds a press conference.

“Having replied to a question on Anguilla, Minister was asked what information he could give on the problem with the Argentine with regard to the Falkland Islands. Minister replied to the effect that Britain had talked with the Governments of the Countries concerned to try and find a just solution but the British Government had in all instances to take into account the wishes and interests of the Islanders themselves. There had been prolonged negotiations with the Argentine Government, but in this case as in the case of Gibraltar, the Islanders did not wish to change their status. Even though Britain would like to improve her relations with the countries concerned, she could not disregard the wishes of the people in the territories concerned. Minister

380 FCO 7/1075
381 Michael Stewart interviewed in Charlton 1989 p.25
382 Memorandum by C. E. Diggines, Latin American Department, March 18, 1969 in FCO 7/1076
383 HC Deb 17 March 1969 vol.780 cc21-2
384 HC Deb 24 March 1969 vol.780 cc1030-1. Very little is known about these discussions other than some agreement was again being worked upon by Diggins from the FCO and Ros from the Argentine Embassy. As in previous cases, the form of words was proving challenging.
added that Britain had offered that disputes over both Gibraltar and the Falklands should be referred to the International Court of Justice, but the other parties had not agreed to this." 386

# Researcher's Comment: This last sentence is worthy of note as it suggests that Britain offered to take the question of Falklands' sovereignty to the International Court of Justice. This has always been denied by Argentina whose successive governments have made it plain that they do not see the ICJ as the appropriate place for the question to be considered. Why? Argentina recognises that it has a greater chance of losing before judges than it would if the matter was considered by the politicians at the UN.

March 28th, McLoughlin speaks to Hayman at the FCO to insist that the work under consideration include certain words and statements. 386

"2. The Government of the United Kingdom state that they will recognise Argentina's sovereignty on a date to be agreed between the two Governments as soon as the British Government are satisfied that such an arrangement is not against the interests of the Islanders. In that case they would use their best endeavour to ensure that it took place on the most favourable terms for the people of the Islands." 387

"... the situation was completely changed by the new Argentine draft which in certain respects (notably para.2) returned very close to some of the language of the Memorandum of Understanding from which... HMG was most anxious to get away." 388

"The Argentines are repeating their tactics of last year, i.e. to keep on trying to extract more and more from us while making virtually no substantial concession themselves." 389

April 1st, Lord Chalfont speaks to Ambassador McLoughlin.

"... the latest Argentine draft includes some wording so like the Memorandum of Understanding that HMG could not possibly secure its acceptance by Parliament and public opinion. He could not therefore authorise officials to go any further with discussions based on that draft..." 390

Britain’s Board of Trade conduct a feasibility study into the costs of an airfield in the Islands.

"... the conclusion was that an air-field, without its ancillary facilities, would cost £230,000 to construct; amphibians were also considered, but found to be expensive. ... The last time the construction of an air-field was considered was in 1966 in the context of Defence when, for the reason that it might facilitate invasion, it was discarded." 391

June 16th, in preparation for an oral statement in the House of Commons on the 23rd, the Foreign Office’s Latin American Department prepares background information for the Minister.

385 Telno 35, Asuncion to Foreign Office, March 24, 1969 in FCO 7/1085. This message was repeated to Buenos Aires for the information of FCO staff there and signed off by Brian C. MacDermot, British Ambassador to Paraguay.
386 With little disclosed by the FCO to the archives it is difficult to piece together what was happening. It seems, however, that the two sides were still pursuing an agreement in which a handover of the Falklands to Argentina was included. Subject to certain conditions. Despite the lessons of 1968, the FCO continued to seek a solution based upon the Islanders 'interests' rather than their wishes. This may explain the lack of FCO material in the archives from those discussions. Open to criticism even today.
387 FCO 7/1073
388 Stewart to Cresswell March 29, 1969 in FCO 7/1073
389 Diggins to Harman March 29, 1969 in FCO 7/1073
390 Quoted in FCO 7/1073. cf. Memorandum of C. D. Wiggin, April 29, 1969 in FCO 7/1076
391 FCO 42/429
“The Argentines have suggested at various times that the obstacles to communications have not all been erected by them, and that the Falkland Islands have imposed restrictions against Argentines going to the Islands. This is not so; there are no restrictions on Argentines wishing to visit the Islands apart from the normal visa requirements, and even these are waived in the case of passengers on visiting tourist ships.” 392

**June 23**th, still feeling that they are being kept in the dark, probing by MPs in the Commons continues. The Government are asked whether sovereignty remains on the agenda.

“As has been made clear on many occasions, there has been no change in the Government's policy, which is that the question of secession of sovereignty to the Argentine can only arise if two conditions are satisfied—first, there must be a permanently satisfactory relationship between the islands and the Argentine and, secondly, the islanders must regard it as satisfactory, and it must accord with their wishes. That is the situation and that is how it stands.” 393

**August 26**th, Argentina’s Ambassador to London proposes that the annual joint letters sent to the UN’s Secretary-General; “… should this time include a reference to separate talks on communications.” 394

“Despite Argentina’s reluctance to abandon the principle that an unconditional recognition of her sovereignty should precede any further action, the Argentine Government finally agreed, in August 1969, that bilateral talks confined to the subject of communications, and with the participation of representatives from the Falkland Islands, as members of the British Delegation, should be held in 1970.” 395

During **September**, the Argentine Embassy in London, and the Foreign Office identify areas for negotiation. 396

**September 25**th, Argentina’s Foreign Minister makes a speech at the opening of a new UN session.

“... if we frame our controversy strictly within the terms of resolution 2065 (XX), and if the United Kingdom is willing to consider this question without preconceived ideas, ... it will be easy to reach a definite settlement which, at the same time, may satisfy and guarantee the interests of the inhabitants...”

**September 26**th, the UK exercises its right of reply in a letter to the Secretary-General.

“... the United Kingdom and the Argentine Governments have been engaged in talks on this subject in accordance with resolution 2065 (XX) of the General Assembly,... I am, however, obliged to state that the United Kingdom Government does not accept the statement of the distinguished Foreign Minister of the Argentine Republic in so far as it disputes the sovereignty of the United Kingdom Government over the Falkland Islands. ...” 397

Enquiries with regard to three oil exploration licences for the seas around the Falklands are made by a British subsidiary of an American company, controlled by J. Grynberg, called the Atlantic Oceanic Resources Company.

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392 Memorandum by C. D. Wiggin, June 16, 1969 in FCO 7/1076
393 Statement by Mulley in HC Deb 23 June 1969 vol.785 cc992-3
394 FCO 7/1076
395 Research Department Memorandum – The Falkland Islands Dispute: Developments from 1965 -1968 (May 3, 1973) in FO 7/3201 attached to 281
396 Ros and Wigin are known to have had discussions on the 2**nd** and 12**th** of September.
397 UN Doc A8023/Rev.1 vol.4 chapter 19
“The areas are:- (a) An area to the north-west of the Islands is in international law part of the Continental Shelf of the Falkland Islands, but in domestic law has not been so designated. (b) An area which is both part of the Continental Shelf of the Falkland Islands in international law and in domestic law within the boundaries of the Falkland Islands. (c) Part of the Burwood Bank to the south of the Islands… Its status in international law is as yet undefined.”

October 10th, Falklands negotiations and the issue of oil licensing, are considered by the Cabinet’s Overseas Policy and Defence Committee. 399

“We should try discreetly, through the Governor, to persuade the Islanders that to approve any of the applications for oil exploration would not be in their own interests.”

October 24th, the Overseas Policy and Defence Committee meeting decides to defer a decision on oil licensing.

“The British Government was anxious not to antagonize Argentina by initiating major unilateral development in the Falklands. This was illustrated by a meeting of the Defence and Overseas Policy Committee on 24 October. Michael Stewart, the Foreign Secretary, feared that Argentina would invade the Falklands if approval was given to an American entrepreneur who wanted to drill for oil off the Islands. The meeting agreed to postpone a decision until after the next General Election.”

November 21st, Lord Caradon writes to the Secretary-General of the United Nations.

“Your Excellency,… I now have to inform you that, although divergence remains between the two Governments regarding the circumstances that should exist for a definitive solution of the dispute, it has been agreed that, within the general framework of these negotiations, special talks with a view to reaching agreement on practical measures for the implementation and promotion of free communications and movement in both directions between the mainland and the Islands, will take place early next year at a mutually convenient time.”

“The expression "Special Conversations" was used by agreement between the two Governments, at Argentine request, to differentiate these conversations from the negotiations on the question of the sovereignty … According to the interpretation of the parties, "communications and movement between the mainland and the islands in both directions" included movement of persons, transport of people and merchandise, as well as other activities.”

November 22nd, informed of the separate talks on communications, Governor Haskard telegrams London.

“Rather too early to be able to gauge general public’s reaction. Executive Council’s reaction cautious and expressed some apprehension regarding possibility of Argentina attaining the position where she could exert increasing political control through domination of communication links.”

398 Annex B to the Memorandum by Michael Stewart October 21, 1969 OPD (69)51
399 FCO 7/1080. While the minutes are not available, it appears that Michael Stewart argued that negotiations with Argentina would become impossible if oil exploration licences were issued by the FIG. The OD decision was to instruct the Falklands’ Governor to hold back while informal enquiries were made with BP.
400 Memorandum by Michael Stewart October 21st, 1969 OPD (69)51
402 Las “Conversaciones Especiales” Argentina-Gran Bretaña sobre comunicaciones entre el Territorio Continental Argentino y las Islas Malvinas de 1970-72. Una negociacion Diplomatica Tipica Juan Carlos M. Beltramino 1997. In 1969, Beltramino was at the Argentine Embassy in London. He attended all the meetings with the FCO.
403 Telno.173 22 November, 1969 in FCO 7/1076
“...special talks will begin early next year to promote free communications and movement in both directions between the mainland and the Islands. Her Majesty's Government's position on the central question remains unchanged.”

November 27th, the Daily Express publishes a claim that there is oil to be found near the Islands, causing the Argentine Embassy to contact the FCO.

“He (Ros) said that the press and agency reports had put the wind up his Government and implied that his Ambassador had been urging them not to panic and to "trust the FCO." He also expressed puzzlement at the reports, saying that all the Argentines own information suggested that there was no oil in that particular area.”

December 11th, at the UN, the General Assembly approves resolution 2548 (XXIV) on the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

Art. 13 invites the Special Committee on Decolonization to; “...continue to pay particular attention to the small Territories and to recommend to the General Assembly the most appropriate methods and also the steps to be taken to enable the populations of those Territories to exercise fully their right to self-determination and independence.”

December 16th, the General Assembly considers the question of the Falklands.

“...note with satisfaction of the progress achieved in the negotiations... and urges the parties, bearing particularly in mind resolution 2065 (xx)... to continue their efforts to reach, as soon as possible, a definitive solution of the dispute...”

The issue is then deferred to 1970.

1970 — February 23rd, in Parliament, the Foreign Secretary tells MP's that talks continue but that no date has yet been set for discussions with Argentina on improving communications.

Britain's Ambassador to Argentina visits the islands; “...to prepare the way for the talks.”

May, at the Falklands, the hull of SS Great Britain is lifted onto a pontoon for towing to Bristol.

May 11th, a Government statement is made to the House of Commons.

“...exchanges have continued... The Falkland Islands Government have been kept fully informed throughout. It has been possible in these exchanges to identify some ways in which free communications and movement in both directions might be promoted, and both sides believe that these deserve detailed study. I expect the talks to proceed on a continuing basis. Meetings will be held from time to time with appropriate participation from the Falkland Islands.”

June 18th, in the UK, a General Election sees a change of Government. The Tory party's Edward Heath becomes Prime Minister with Sir Alec Douglas Home as Foreign Secretary. Talks with Argentina continue.

“Douglas-Home's only provisos were that sovereignty should not be on the agenda and that the islanders should be involved throughout.”

404 Michael Stewart in HC Deb 24 November 1969 vol.792 cc:36-40
405 C. D. Wiggin (undated) in FCO 7/1074
407 Hastings & Jenkins 1997
July 13th, in London, agreement is reached on the conditions for a round of talks regarding communications between the Falkland Islands and Argentina. Amongst a number of agreements on procedure it is decided to announce; “... that the negotiations are continuous and confidential and that there will be no information to the press on the issues under discussion.” Argentina accepts that two representatives of the Falkland Islands Government will be present. 408

July 14th, communication negotiations resume. Britain’s delegation consist of an FCO junior Minister, the Under-Secretary of the Dependent Territories desk and two Islanders, Councillors Goss and Pitaluga.

“The Government down-graded the importance of the dispute. A Foreign Office junior minister was made responsible for conducting the dialogue. He was assisted by David Scott, the Under-Secretary in charge of dependent territories. The Conservative Government fulfilled its pledge to remove sovereignty from the agenda of the Anglo-Argentine talks and to ensure that representatives of the Islanders participated.” 409

“British delegations also included some islanders in their capacity as advisers.” 410

Britain submits an opening statement.

“... if, as we hope, the present round of talks would eventually result in some kind of agreement to promote freedom of communication before any general solution to the dispute has been reached (on sovereignty), then a corresponding agreement would be necessary in one form or another that would be without prejudice to the rights or claims of territorial sovereignty of either party.” 411

July 24th, following a week of talks, a final communique is published.

“Several proposals and ideas for the promotion of free communications were considered. The two delegations discussed problems relating to the movement of persons in both directions, to the establishment of sea and air communications, to postal and telecommunication services, to the development of trade and to the promotion of cultural exchanges. Both sides agreed in principle that there appeared to be considerable scope for the promotion of free communications and that every effort should be made to try and reach agreement on practical measures to that end. ... Both sides agreed ... that there should be further meetings, ... that the next meeting should take place in Buenos Aires, and that thereafter a meeting should be held at Port Stanley.”

September, Cosmo Haskard retires; “... much to the relief of the Latin American Department of the FCO.” 412

September 30th, Argentina’s Foreign Minister makes a speech to the UN General Assembly.

“(We) agreed to negotiate with the United Kingdom regarding the dispute over the sovereignty of the islands. In so doing, we were interpreting the spirit and the letter of resolution 2065 (XX) and at the same time, we declared our irrevocable decision ... that the Malvinas islands should be restored to our territorial heritage.” 413

October 24th, at the UN, resolution 2625 (XXV), approves the Declaration on Principles of International Law Concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations. 414

408 Beltramino 1997
409 Ellerby 1990 p.171
410 Ibid.
411 Quoted in Beltramino 1997
412 Dodds 2002 p.146
413 Quoted in UN Doc A/8423/Rev.1 vol.4 chapter 25
The section titled *The principle of equal rights and self-determination of peoples* states:

“By virtue of the principle of equal rights and self-determination of peoples enshrined in the Charter of the United Nations, all peoples have the right freely to determine, without external interference, their political status and to pursue their economic, social and cultural development, and every State has the duty to respect this right in accordance with the provisions of the Charter... Every State has the duty to promote, through joint and separate action, realization of the principle of equal rights and self-determination of peoples, ... The establishment of a sovereign and independent State, the free association or integration with an independent State or the emergence into any other political status freely determined by a people constitute modes of implementing the right of self-determination by that people. 416

Every State has the duty to refrain from any forcible action which deprives peoples referred to above in the elaboration of the present principle of their right to self-determination and freedom and independence. In their actions against, and resistance to, such forcible action in pursuit of the exercise of their right to self-determination, such peoples are entitled to seek and to receive support in accordance with the purposes and principles of the Charter... The territory of a colony or other Non-Self-Governing Territory has, under the Charter, a status separate and distinct from the territory of the State administering it; and such separate and distinct status under the Charter shall exist until the people of the colony or Non-Self-Governing Territory have exercised their right of self-determination in accordance with the Charter, and particularly its purposes and principles... Every State shall refrain from any action aimed at the partial or total disruption of the national unity and territorial integrity of any other State or country.” 417

“This represents a significant step in the progressive development of international law when compared with the positions taken in 1964. Many states had never before accepted self-determination as a right.” 418

“It seems clear from this and other formulations of the principle of self-determination that where the principle applies, it does so as a right of the people concerned; it is not a matter simply of rights and obligations as between existing States. Another State well may be interested in the result of an act of self-determination... But to treaty of the alternative options open to the people concerned. ... It may thus be concluded that the people of a Chapter XI territory enjoy a separate legal status, and with it a measure of legal personality.” 419

“The idea of "any other political status" has never been expanded and it is unclear what it may mean. Presumably, it could cover the use of other existing models, such as the Isle of Man, the Aland Islands, Andorra or Liechtenstein, or some variation of free association, as options for self-determination.” 420

“Although the islanders are British and identify as such, it would be difficult to argue against their claim that a distinctive society has developed there over the past 200 years... there is no requirement laid down anywhere that the population of a Non-Self-Governing Territory must have suffered alien subjugation or racial discrimination in order to qualify as a 'people'.” 421

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415 My emphasis. See 1967
416 Resolution 1541 of 1960 had established the first 3 criteria for 'decolonisation'. For a discussion on this see *A Report on the Referendum on the Political Status of the Falkland Islands* Peter Willetts 2013.
417 A clear reference to the future; not to the past. The UN, in identifying these as “principles of international law” clearly sought to influence, if not change, international law for cases arising after 1970.
418 *The Declaration of Principles of International Law Concerning Friendly Relations: A Survey* R. Rosenstock 1971
419 Crawford 2007 p.618
420 Willetts 2013
421 Trinidad 2018 p.150

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“Like Resolution 1514, Resolution 2625 makes it quite clear that its reference to territorial integrity refers only to future actions (i.e. after 1970) which "would dismember or impair" territorial integrity, and that every State "shall refrain" from such actions (our emphasis). So Resolution 2625 does not apply to past events such as the expulsion of the Argentine garrison from the Falklands in 1833...” 422

In November, a three member delegation from the Falklands visits Atlantic ports in Argentina. Their purpose is to review trading opportunities.

“The Colony required diesel fuel, fencing and food stuffs. Some Argentine nationalists objected to the rapprochement. A federal judge in Bahia Blanca even attempted to have Gleadell arrested.” 423

December 12th, on the recommendation of the Fourth Committee, the General Assembly decides to defer consideration of the Falkland Islands till 1971.

December 17th, a report in the UK’s Daily Telegraph newspaper says the British Government has rejected an application by the Soviet Union for the leases of whaling stations on South Georgia.

December 23rd, Ernest Gordon Lewis is appointed Governor of the Falkland Islands. 424

1971 – January 11th, frustrated by the unwillingness of the UN Special Committee on Decolonization to consider any other option for a territory but independence, both the UK, and the USA, members of the Committee since its inception, announce their withdrawal in letters addressed to the Secretary-General. Britain confirms that its relationship with its remaining territories is a modern one in which the people of the territories have expressed their wish to remain associated with the UK. 425

“The withdrawal from membership in the General Assembly’s Special Committee ... of the United Kingdom and the United States was noted with regret by a number of members when the Committee convened in 1971. Both States, it was observed, ... were responsible for the administration of the majority of the remaining dependent territories. In the view of some Committee members, the withdrawal of the administering powers impeded the full and speedy implementation of the General Assembly’s resolution of 14 December 1960 concerning the granting of independence.” 426

A consultant firm, Peat, Marwick, Mitchell & Co., are commissioned by the British Government to prepare a study of possible transportation services for the Falklands.

“The Argentine Government presented proposals for a direct air link with subsidized fares during the team’s visit to the Islands.” 427

In February, Governor Lewis addresses the Legislative Council.

422 Pascoe 2020 p.313
423 Ellerby 1990 p.172 citing The Financial Times November 26, 1970
424 The London Gazette No. 45280
425 UN Doc A8423/Rev.1 vol.1. See also Memorandum by the Foreign and Commonwealth Office O.T.18 May 2011.
426 UN Yearbook 1971
“I see adequate physical communications not simply as an end in themselves but only part of the widening of our horizons so that we can play our role to the full in the world. That is why, in my opinion, we should look forward with confidence to the Talks on Communications with the Argentine. Our position on sovereignty has been made clear and if we can find a way of having more contact with the Argentine it can only be for the good for both parties.” 428

In May, the Governor reassures the island’s Legislative Council over the proposals for better communications.

“... any agreement on communications shall be conditional upon an arrangement such as the 'sovereignty umbrella'... HMG sees the whole communications exercise as a way of defusing the sovereignty issue and helping the Islands without any concession on sovereignty or their Britishness. I was not appointed Governor and Commander in Chief of these Islands with a view to assisting in disposing of part of the Queen's realm.” 429

In June, David Scott flies to Stanley; “... he repeated time and again that he was "not here to sell you the River Plate." He wanted to talk not about sovereignty but about a better standard of living.” 430

Peat, Marwick, Mitchell & Co., submit their findings.

“The firm’s report, submitted in June, recommended an air link with Argentine Patagonia supplemented by a maritime service making 12 trips to Puerto Deseado and five return voyages to Europe each year. The total maximum cost of the schemes was £267,000. The financial argument in favour of communications through Argentina was overwhelming, ... The total ordinary revenue of the Falkland Government in 1970/1971 was £489,000, while the present service via Montevideo cost £364,000 annually.” 431

June 21st, in Buenos Aires, a scheduled week of communication talks resume. Again Islanders are present.

“... the heads of the two delegations made their initial statements and exchanged their respective draft proposals. The British text was centred on the conservation of the status quo on the islands with provisions on particular aspects of communications, and the Argentine text, for its part, on a number of detailed communications proposals.” 432

On the same day at the Hague, the ICJ’s advisory opinion in the Namibia case, includes a statement;

“... the subsequent development of international law in regard to non-self-governing territories, as enshrined in the Charter of the United Nations, made the principle of self-determination applicable to all of them.” 433

“(The) ICJ determined the right of NSGTs to self-determination under customary international law in 1971 and reiterated that legal finding on a number of occasions over the years.” 434

# Researcher’s Comment: An important decision in which the influence of UN GA resolution 2625 was apparent. There were no exceptions. The right of self-determination was applicable to ALL the Non-Self Governing Territories. ALL includes the Falkland Islands despite many Argentine lawyers attempts to show otherwise.

428 Falkland Islands Monthly Review February 1971
430 Hastings & Jenkins 1997
432 Beltramino 1997
434 Raimondo 2014
Uruguay’s Consulate in Stanley, opened in 1924, closes.

**June 22**nd, Argentina and Chile sign an *Arbitration Agreement* under which they commit to place their dispute over the Beagle Channel to international resolution. It is agreed that Queen Elizabeth II should act as arbitrator; that the judges should be drawn from the Hague and that the arbitrator can only accept or reject the panel’s decision without an option to modify it.

Both nation’s also agree to abide by the decision. 435

**July 1**, in Buenos Aires, negotiations regarding communications conclude with an agreement establishing reciprocal air and sea services between the Falkland Islands and Argentina. An Anglo-Argentine *Joint Statement* announces:-

- the provision by Argentina of a travel document (the ‘white card’), which guarantees freedom of movement within Argentina for residents of the Islands and serves as the only documentation necessary for Argentine residents visiting the Falkland Islands; 436
- reciprocal exemptions from duties and taxes;
- exemption for residents of the Islands from any obligation to perform Argentine military service;437
- the harmonization of postal, telegraphic and telephone rates;
- provision of school places and scholarships in Argentina for children in the Islands;
- and the establishment of a special consultative committee in Buenos Aires, to consist of representatives of the Argentine Ministry of Foreign Affairs and the British Embassy, to deal with any questions arising over communications. 438

“The Joint Declaration provided that the discussions would continue through diplomatic channels and that a following meeting would be held in Port Stanley in 1972, and that if either of the Governments decided to terminate the said measures, it should inform the other within six months.” 439

“Afterwards, Beltramino told Scott in confidence that he regarded sovereignty as having been shelved for the time being. Scott added his personal view that the islanders would be under an Argentine flag within twenty-five years. Such was the confidence on both sides of the efficacy of the “hearts and minds” policy.” 440

“In 1971, following more secret talks, the pressure was ratcheted up. Falkland Islanders were told that their subsidised shipping link with Uruguay could not continue. They were presented with a new arrangement, one that pushed them firmly into bed with Buenos Aires. No one in the Islands liked it, but there was no choice. The Communications Agreement was dressed up as a joint commitment to support the Islands. The Argentines would build a temporary airstrip so that its state airline, Lineas Aereas del Estado (LADE), could operate a weekly service to and from the mainland. For its part, Britain would build a permanent airport, and (to counter the argument that too much reliance was being placed on Argentina) also provide a passenger-cargo

435 See 1977.
436 The travel document contained a photograph of the holder, and such basic information as name, marital status, date of birth and place of birth. In Argentine issued white cards for islanders, the latter was invariably recorded as 'Puerto Stanley.' Argentina's change in nomenclature to 'Puerto Argentino' only came after the 1982 war.
437 Considered as Argentine citizens, Islanders were vulnerable to laws on conscription if they entered the country.
438 Franks 1983. Also Dodds 2002. The agreements were for the Falklands only and did not extend to South Georgia or the South Sandwich Islands. Those remain “unlisted” at the UN. Argentina would try to claim otherwise in 1982.
439 Beltramino 1997
440 Hastings & Jenkins 1997 p.28

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ship operating to South America. It was implied that the new ship would be capable of trading with Uruguay if the Argentines ever abused their monopoly over air services. This fooled no one. The small print was alarming: to travel through Argentina locals would need a 'tarjeta provisorio', a provisional card, bearing their personal details and the Argentine coat of arms. Issued in Buenos Aires, the much-hated 'white card', as locals knew it, was a de facto Argentine passport.”  

July 2nd, the motor fishing vessel *Philomel* catches fire while at anchor off Stanley. She is towed out to Fairy Cove where the fire rages for two days.  

July 12th, following discussions with the Treasury, the FCO release a press statement. It is confirmed that the Falkland Islands Company will continue to operate the colony’s existing external shipping services.  

“It has been suggested that the British Treasury was responsible for the failure to establish a maritime link with Argentina.”  

“The first back-sliding was a British one. Whatever Scott may have signed in Buenos Aires, he was not plenipotentiary over the Treasury. There was no sign of the promised maritime link to a port to replace Darwin. ... The Foreign Office had not secured the necessary finance from the Overseas Development Agency, and were thus unable to honour the British side of the agreement.”  

August 5th, charge d'affaires Peters writes to the Argentine Government confirming that the UK is prepared to ratify the agreement of July 1st, provided that nothing in the *Joint Statement* shall be interpreted as renouncing, or supporting, any rights of sovereignty by either Government.  

A team of British and Argentine servicemen travel to the Islands to review construction of an airfield.  

“They recommended a 1,250 metre runway costing £351,031,000, which could be used by Focker 27 and HS 748 (Andover) aircraft without a full load. In November Bendel, Palmer and Tritton, a firm of consulting engineers, was commissioned to produce a feasibility study for an airfield to operate regular flights to Commodore Rivadavia, Punta Arenas and (in emergency conditions) Montevideo. Their report concluded that it would cost £1,784,000. An F27 with a full pay load would require a 1,525 metre length runway.”  

October 1st, in a speech to the General Assembly, Argentina’s Foreign Minister announces the results of the communications negotiations.  

“This does not, however, close the chapter of negotiations. These negotiations should continue until full implementation is achieved of the terms of resolution 2065. ..., the problem will soon be definitively solved with the restoration of the Malvinas to the national territory of the Argentine Republic.”  

During November, on entering Argentina, three Islanders’ are forced to accept Argentine ID cards – contrary to the agreement concerning ‘white cards’.  

A delegation from the UK’s branch of the Commonwealth Parliamentary Association, visits Port Stanley.

441 Bound 2007  
442 Purchased by the Falkland Islands Government, *Philomel* had arrived in the archipelago in February, 1948 where she operated as a coastal supply ship.  
444 Hastings & Jenkins 1997  
446 UN Doc A8723/Rev.1 vol.5 chapter 25
December 20th, at the UN, the General Assembly adopt a consensus noting with “satisfaction” the progress achieved on communications, and urges the parties to continue negotiations.

There is no real doubt that the high point of Argentine diplomacy over the Falklands was reached at the UN in 1965. Resolution 2065 called for negotiations, but that was all it did. The resolution did not suggest an outcome despite Argentina attempting to read exactly that into it.

Once talks started, they quickly became bogged down over the question of Islander consent. Argentina’s attempts to position the question as being between the two governments only was untenable. Resolution 1514 had made it plain that people had the right to be heard when it came to determining their future. The Islanders were no exception, and heard they were. British public opinion was not going to allow any UK government to over-ride the wishes of a faithful and patriotic group of people of British descent. To be an NSGT there had to be a people. All – ALL – people, according to the UN, had the right of self-determination. As a result, the UN’s decolonization process increasingly found itself hoist on its own petard.

Paper 11 considers the next phase of negotiation together with Argentina's increasing frustration. The euphoria of 1965 had been replaced by blind alleys and little hope of an outcome favourable to Buenos Aires. The resulting resentment would push the Argentines to try the final solution – trial by combat.