With Argentina refusing to acknowledge an end to hostilities, the job of picking up the pieces began. Large numbers of PoWs with insufficient supplies or shelter in a South Atlantic winter presented huge challenges. Particularly when the question of repatriation could not be immediately answered. Longer term reconstruction also would not be an easy process. Island life could never be quite the same again, but then the consequences of Argentina's invasion and disobedience of SC resolutions had a much wider effect. For the UN not the least -- its authority diminished. The UN had failed to prevent conflict, its very reason for existing. The Organisation tried carry on as though nothing had changed. More of the same. Business as usual. But this genie could not be put back into its bottle. General Assembly resolutions were no longer deemed authoritative enough to make the UK negotiate. Never again would Britain discuss the question of Falklands sovereignty. Not unless the people of the Falkland Islands wished it. The matter was at an end. The question answered. Resolved in blood.

1982 – June 15th, the Falkland Islanders wake up to freedom.

“At 9.30 this morning we were allowed to come home... through the streets filled with abandoned vehicles, the gutters choked with ammunition – it's everywhere, millions of round which we crunch underfoot... British helicopters started arriving this morning early. We went down to the football field to watch them. ... Fires are being left alone as dozens of booby traps are being discovered in sheds, houses, gardens.... filthy and ravaged, the town seems quite beautiful ... The British Army is in Stanley. It's so difficult to grasp the fact that they are really here and that it is all over at last.”

“It quickly became clear that the Argentinian Marines and army engineers had both been laying mines and some areas had overlapped. On 15 June 59 Commando Squadron's Recce Troop, ... teamed up with fourteen selected key Argentinian engineer prisoners-of-war. Splitting up into small groups they went out to see what they could actually find 'on the ground' ... By the end of the day a gruesome picture emerged. The Argentinians did not know how many mines they had really laid, or where, and could not even vouch for those for which records did exist.”

Footnotes:
1 Falklands Wars – the History of the Falkland Islands: with particular regard to Spanish and Argentine pretensions and taking some account of South Georgia, the South Sandwich Islands and Britain's Antarctic Territories Roger Lorton LLB(Hon), M Phil. 2011 – 2019. Roger Lorton has asserted his rights under the Copyright, Designs and Patents Act 1988 to be identified as the author of this work.
2 HC Deb 14 March 1985 vol.75 cc492-530
3 Diary entry in An Islander's Diary of the Falklands Occupation J. Smith 1984 pp.245-246 & p.248
4 Falklands Aftermath: Picking up the Pieces E. Fursdon 1988. Within a few days, two British members of the team had been injured. So a decision was taken to identify and fence off problem areas. De-mining would have to wait.
A press statement is released from the Falklands.

“Hundreds of Argentine prisoners on the Falkland islands could die from malnutrition, hypothermia and disease unless Argentina declares an immediate end to all hostilities. Fifteen thousand Argentine troops who surrendered to British forces yesterday pose a problem of disaster relief proportions ... This is a problem of the Argentines own making. It was foolish to put 15,000 troops out on a line where they could not be resupplied. They are already suffering from malnutrition, exposure (in some cases hypothermia), trench foot, scabies and diarrhoea, brought on by lack of food and pure water, proper clothing, shelter and sanitation...”

Communicating via the Swiss Embassy, Britain seeks confirmation from Argentina that hostilities are ended.

“Following the ceasefire in the Falkland Islands, there are a large number of Argentine personnel who will wish to return as soon as possible to their homes and families in Argentina. The British Government is prepared to start the process of repatriation as soon as possible, provided that they receive confirmation from the Argentine Government that there is now a total cessation of hostilities between the two countries and that Argentina is ready to accept the return of Argentine prisoners of war and others from the Falkland islands and dependencies direct to Argentine ports on British or other ships or aircraft. ...” 5

Argentina's Ministry of Education issues advice to teachers on how to handle questions from students. Possible answers include; “Heroism is superior to victory; The occupation of April 2 was an act of recovery and not a provocation or aggression; We did not seek war but an affirmation of law and justice; Strength is harder in the face of adversity; Sacrifice and pain are never sterile; ... the emancipation of the United Provinces of the Rio de la Plata was a reality made of heroism and courage; ... heroes are not the only victors of battles.” 6

In Washington, the White House issues its own press statement.

“The United States welcomes the ceasefire which is now in place in the Falkland Islands. We hope the tragic loss of life which has thus far occurred in this crisis can now be brought to an end. For its part, the United States continues to stand ready to assist in any way it can to help resolve this conflict.”

Margaret Thatcher speaks to the House of Commons.

"... in Port Stanley, 74 days after the Falkland Islands were invaded, General Moore accepted from General Menéndez the surrender of all the Argentine forces ... General Menéndez has surrendered some 11,000 men in Port Stanley and some 2,000 in West Falkland. In addition, we had already captured and were holding elsewhere on the islands 1,800 prisoners, making in all some 15,000 prisoners of war now in our hands. ...We have today sent to the Argentine Government, through the Swiss Government, a message seeking confirmation that Argentina, like Britain, considers all hostilities between us in the South Atlantic – and not only on the Islands themselves – to be at an end. It is important that this should be established with clarity and without delay.”

Thatcher also confirms that Governor Rex Hunt will return to the Falklands as soon as is practicable.

“In the South Atlantic it was Argentina that was beaten. But back in Whitehall the Foreign Office lost the Falklands War.” 7

7 The Spanish Ambassador's Suitcas Parris & Bryson 2012
Governments world-wide are requested to bring pressure to bear on Argentina.

“The US Ambassador has been instructed to speak immediately to the Argentinians; the US Ambassador in Brasilia has been instructed to encourage the Brazilians also to advise the Argentinians to agree to an immediate cessation of hostilities. It is not clear, however, whether the Junta is in any state to take decisions.”

In New York, faced with a similar instruction, Parsons raises doubts.

“I do not wish to seem inhumane, but I am reluctant to involve the Secretary-General in this exercise. We would in effect be asking him to persuade the Argentines to accept a cessation of hostilities including the lifting of economic measures/exclusion zones so that their prisoners could be returned immediately. I believe that the Secretary-General and his staff would see this as a golden opportunity to get the UN into the act again... If we ourselves invoke the Secretary-General's help and, having consulted the Argentines, he comes back with proposals for UN involvement ostensibly on humanitarian grounds, we could find ourselves in a difficult position... We should stick to the ICRC as the correct agency for dealing with such situations.”

In Buenos Aires, Galtieri announces that the fighting at Port Stanley has ended.

“Our soldiers made supreme efforts in fighting for the dignity of the Nation. Those who fell will always be alive in the hearts and great history of the Argentinians. ... They fought against incomprehension, contempt and arrogance with more courage than arms. They faced up to the overwhelming superiority of a power supported by the military technology of the United States of America, which was surprisingly the enemy of Argentina and its people. They fought to remove from our soil the last vestige of colonialism. They fought for the very essence of our national and American identity, they fought for the same causes which prevailed over the glorious birth of our Fatherland. Our Nation has fought for its spiritual and material integrity, convinced that ever tolerated insults break the spirit of peoples and of men.... Puerto Argentino will not be the last step in the National endeavour which we began in 1833 and which we continued on 2nd April. ... What we are claiming belongs to us, will always be within our reach and sooner or later we will obtain it...”

Plaza de Mayo is filled with crowds shouting; “Cowards!”. A small bomb goes off near the US Embassy. In Mexico, Ambassador Tickell, is asked by the Deputy Foreign Minister about future talks over the Falklands.

“I said that it was too early to think about negotiations with the Argentines. They had caused the loss of many lives, wasted vast resources and done enormous damage. We were more inclined to send them a bill than to join them in a cosy chat about the future.”

Argentina's official news agency Telam asserts that there is an agreement for the withdrawal of its troops, requiring that - (1) the courage of Argentine troops to be recognised, (2) a joint Argentine-British Commission be set up for a transfer of the Island's Administration, (3) Argentine troops remain under the command of their officers, (4) British and Argentine troops jointly clearing minefields, (5) Argentine troops retain their flag, (6) the surrender ceremony be held in private, and (7) Argentine troops to withdraw in Argentine ships and aircraft.9

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8 PREM19/635 Telegram 1001 of 15 June 1982

Some of these issues had arisen during the surrender negotiations. Argentine troops did remain under the control of their own officers – who retained their (empty) pistols due to a fear that they were in danger of being lynched. The surrender ceremony was held in camera. But British negotiators had rejected a demand that Argentine troops should be repatriated in their own ships. There was no discussion with regard to a ‘Commission.’ Menéndez retained his flag, although the gift presented to him by Galtieri to celebrate April’s occupation, an equestrian statue of José de San Martín, now resides in an SAS mess-room.

9PREM19/635 Telegram 1001 of 15 June 1982

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Argentine Foreign Office official Bunge called Ambassador Kirkpatrick this afternoon to detail the terms Britain has proposed to Argentina. According to Bunge, they include: No formal ceremony (in the mind of the Argentines, this means no actual surrender); "withdrawal of the flag;" Argentine units to withdraw with their weapons, except for those made prisoner; Definitive end to hostilities, including a specific commitment against overflight by Argentine Air Force units. Bunge says these terms are "totally acceptable" to Argentina. Junta is now discussing how they could be made public at Argentine initiative. Idea in Buenos Aires would be to present these terms as implementation of Resolution 502. Argentines continue to hope that British can be persuaded to engage in "negotiations." Comment: If this report is accurate, the British have been very sensitive. Bunge attributed this to US influence."

At the UN, Jeanne Kirkpatrick tells Pérez de Cuéllar that the two sides have reached agreement that Argentine withdrawal will take place in implementation of SCR 502; all Argentine troops will withdraw with their weapons and equipment except POW’s taken before the final assault and, on this basis, Argentine aircraft will not carry out further attacks on the British Task Force. Summoned by the Secretary-General who asks for clarification, Parsons denies the existence of such an agreement before informing London.

“It is characteristic of Mrs Kirkpatrick that she should choose to act as a relay between Argentina and the Secretary-General. ... I have no doubt that she is in touch with the Argentines, probably General Miret – it may represent the conditions that Argentina will try to put forward ...”

In the South Atlantic, Endurance establishes contact with the Argentine station on Southern Thule to tell the personnel there that they will be taken off. The response is defiant.

“You are navigating in Argentine waters. The base is carrying out scientific work.”

June 16th, America’s Vice-President Bush, and Senator Percy, telephone Margaret Thatcher to offer their congratulations. The US Ambassador in London expresses his; “profound admiration.” Congratulatory messages continue to arrive from around the world.

Secretary Haig notes; “It appears that fighting on the Falklands has ended. However, Argentina will not renounce its claim to the Islands. Unless Argentina and the United Kingdom agree on a permanent solution, a future resumption of fighting cannot be ruled out. Prime Minister Thatcher seems set on self-determination for the Falklands which would preclude serious negotiations with Argentina over sovereignty, at least in the short term. She is prepared to maintain sufficient forces in the area to thwart another invasion.”

Britain, via the Red Cross, proposes that one of its commandeered cruise liners be used to repatriate POW’s. Argentina replies that it has no objections to the Canberra or the Norland repatriating its troops but only through Montevideo; “In the Junta’s view in no event could a British ship enter an Argentine port. ... The proposal by Great Britain was described as "cruel"...” Following a request by Britain’s Ambassador, Chile’s Foreign Ministry respond that they are unable to assist in the repatriation of POW’s unless Argentina agrees.

12 Barker 1997. Endurance was still at South Georgia. There is some evidence that a message had been sent earlier in the day from Buenos Aires to Lt. Enrique Martinez to instruct him that the base must continue to operate and that he should exercise sovereignty.
13 Many, apparently, whispered or muttered quietly on the understanding that they should not be made public.
14 Department of State, Central Foreign Policy File, D820315–0692
Galtieri is quoted in El Nacional (Caracas) regarding the USA siding with Britain.

“That must say that I hold a great grudge against them (the USA) because the Americans know very well that as commander-in-chief of the Army, that is, before being president, I always tried to approach them and their administration... It was very disappointing when (Haig) sided with the English... The worst part is that Reagan and his senior staff did the same thing. To tell the truth, (all) Argentines share my view that this is a betrayal.”

In Buenos Aires, the junta – via the Swiss Embassy – issues a demand.

“Argentine prisoners (must) not be considered as prisoners of war because this would suggest capitulation and instead would like the evacuation of their troops to be considered as "withdrawal" linked with Security Council Resolution 502.”

# Researcher’s Comment: If not classed as prisoners-of-war, those troops would have lost all their protections under the Geneva Conventions.

June 17th, Francis Pym sends a message to the Swiss.

“We are deeply concerned that the condition of Argentine POWs on the Falkland Islands, and our efforts to repatriate them as soon as possible have been misunderstood (or in some cases misrepresented). ...We have asked the Argentines to agree that we should repatriate these troops to Argentine ports and for this purpose need a guarantee of safe conduct for our ships. ... The Argentines in response have said merely that the prisoners should be repatriated to Montevideo. ... If the prisoners are repatriated to an Argentine port. the return journey ... will take 46 hours. For a journey as short as that we could load the Canberra with 5000 prisoners of war. ... to Montevideo the travel time would be considerably longer. Moreover, we cannot dock the Canberra alongside at Montevideo ... the Argentine insistence upon Montevideo displays an incomprehensible lack of interest on their part in the well-being of their own people.”

Advice is sent out to all Britain’s Ambassadors.

“There remains widespread international confusion about the basic issues ... Ministers should take every opportunity to set the record straight.

(1) what we are demanding from Argentina now is a ceasefire and an end to hostilities: ie we want peace. We are not demanding a 'Peace Settlement', nor that they should explicitly renounce their sovereignty claims over the Falklands, nor that they should give up any long-term understandings.

(2) We are not using the POWs as hostages or as a bargaining counter to achieve this ceasefire... the Geneva Convention does not envisage a return of POWs until a cessation of hostilities has been agreed. Premature return risks prisoners being recycled for war.

(3) Despite this, we are prepared as a humanitarian act, to return the vast bulk of the Argentine POWs even in advance of a ceasefire providing only that we have a guarantee of safe passage. Reports from Port Stanley have shown that the Argentine prisoners were in very bad condition when captured and that local resources are quite inadequate to provide shelter and nourishment in the prevailing blizzard conditions.

‘Argentina seguirá combatiendo,’ El Nacional. Caracas. 16 de junio de 1982
16 PREM19/635 Telegram 168 of 16 June 1982
(4) Our evacuation plans are being dangerously frustrated by the Argentine refusal even to give safe-conduct for the ships on which we would propose to return their prisoners. We are prepared to send these to any port in Argentina or a neighbouring country where they may be safely delivered. But the closer the port to the Falklands the faster we can undertake the operation and therefore the more chance we have of avoiding even more severe hardship and even fatalities among the POWs.

(5) The Argentine Junta’s intransigence demonstrates their lack of regard for the safety and well-being of their own troops: they appear to be using POWs as an expendable factor in their own efforts to avoid political embarrassment.”

In the Falklands, with insufficient shelters or tents to house Argentine POWs, 5000 of them are embarked onto Canberra. Another 1000 on Norland. Major-General David Thorne arrives in the archipelago as Military Commissioner/Commander British Forces; taking over from Major-General M Jeremy Moore.

In Buenos Aires, General Galtieri resigns as President of Argentina.

“There were indications that an Argentine military stand-down was in progress except for the airfield of Rio Grande... Getting clear statements from Buenos Aires was now hampered by the collapse of the Junta. For the moment nobody was in a position to say that hostilities were at an end.”

“Referring to his resignation, General Galtieri said tonight: “I am going because the army did not give me the political support to continue as commander and President of the nation.”

In Brasilia, newspaper O Globo claims that British policy is now to offer the “Kelpers” self-determination and independence. Suggesting its approval, the newspaper says that this is in line with the traditional British policy of decolonisation. It also notes that Britain has fought an “ethical” war. An editorial in the Estado de Sao Paulo states that Britain, by defending a principle without which international life would become impossible, had done the international community an exemplary favour.

Argentina makes a complaint to the UN’s Security Council.

“... (with) regard to the scientific station 'Corbeta Uruguay', which the Argentine Republic set up in March 1977 on Morell Island (Southern Thule), in the South Sandwich group. Previous work on this station had begun at the end of 1976.... It should also be noted that, before the construction of the scientific station, no permanent installation like 'Corbeta Uruguay' had been built on the South Sandwich Islands and that consequently there was no permanent settlement on the islands up to that point.”

Parsons’ comments; “The letter is remarkable for not asserting Argentine sovereignty.”

Endurance sails from South Georgia with the frigate Yarmouth, a tanker, Olmeda and tug Salvageman. The heading is Southern Thule.

**June 18**th, President Reagan writes to Prime Minister Thatcher.

“Let me extend my congratulations on the success of British arms in the South Atlantic. Your victory was both a brilliant military feat and a defence of our shared principle that disputes are not to be resolved by aggression. The minimum loss of life and the generous terms of withdrawal were also in the finest British tradition. A just war requires a just peace.
We look forward to consulting with you and to assisting in building such a peace. It must of course take into account the sacrifices of your men in battle. Its elements in my judgment must include enhancement of the long-term security of the South Atlantic, mitigation of Argentine hostility and improvement in the relations of both our countries with Latin America.”

A statement is released from Buenos Aires.

“Argentina will not accept any British proposal for a ceasefire as long as there is no mention of the possibility of being able to reopen the discussion on sovereignty.” 19

At the UN, Argentina alleges that Britain is refusing to implement paragraphs 1 and 3 of SCR 502.

“Argentina comes back again today to the Security Council to establish clearly, as it has on previous occasions, its full readiness to implement Resolutions 502 and 505. My Country hopes at the same time that the Council will pursue its efforts to get the United Kingdom to implement those Resolutions in full. ... There exists de facto in present circumstances, a cessation of hostilities which Argentina is observing. But this cessation of hostilities will be precarious as long as the British attitude, as shown by the military occupation, the blockade and the economic aggression, continue.

The complete cessation of hostilities will only be achieved when the United Kingdom lifts its sea and air blockade and the economic sanctions already referred to and when it withdraws its military occupation forces on the Islands, the naval Task Force and the nuclear submarines which it has deployed in the waters of the region.

Argentina indicates once again that only a negotiation conducted under the auspices of the United Nations and in accordance with the relevant Resolutions, for which Argentina has always been ready, can lead to a definitive solution of the dispute, removing the situation of illegal colonial domination, sustained by force and which in itself constitutes a permanent threat to peace.” 20

Made aware that there are moves within the UN to initiate negotiations, Anthony Parsons sees the Secretary-General to tell him that it is; “... absolutely and totally out of the question that we should sit down to diplomatic negotiations with the Argentines through any third party in order to discuss the future of the Islands or anything else. ... It was no good talking of exchanging a full cessation of hostilities for an opening of diplomatic negotiations. If we could not get an unconditional cessation of hostilities out of Argentina, we would have to live with that. ... What we now needed was a long cooling off period with no outside interference while we restored normal life to the Islands.”

Parsons reports to London.

“I told Urquhart afterwards of the ... conversation. He said that he was glad I had spoken as I had. He had been present at all Pérez de Cuéllar’s recent meetings. A number of visitors, including Reagan/Haig, Schmidt (rather offensively to us), and Trudeau had been wringing their hands about the need to heal the breach between the West and Latin America and about the need for the British to show flexibility etc. Pérez de Cuéllar had told each of them that, in his judgement, the Argentines had been in the wrong from the start, that they had been vastly mistaken not to accept our offer of 17 May "which involved major concessions which he knew we had been reluctant to make," that Argentina had wrecked his negotiations, thus leaving us no choice but to repossess the Islands by force.” 21

19 PREM19/636 Telegram 177 of 18 June 1982.
Late in the day, the ICRC announce that Argentina has now agreed to the repatriation of POWs through Puerto Madryn. Sufficient guarantees of safe conduct for Canberra and Norland have been provided.

Agreement is also reached that Argentine hospital ships may take the sick and wounded from Stanley.

“President Leopoldo Galtieri resigned under pressure today as President, Commander in Chief of the army and member of the ruling military junta. Hours later, Argentina announced that it would send ships to the Falkland Islands to help repatriate the Argentine troops taken prisoner there by the British. It said the prisoners would be brought home in both Argentine and British ships. Britain, which said earlier that Argentina had refused to allow British ships to return the prisoners directly to Argentine ports, said it was considering the Argentine proposal.”

Henderson in Washington telegrams the FCO.

“Eagleburger has told me about a proposition which was put to Haig this morning by the Secretary-General in New York. This was that since paragraphs 1 and 2 of SCR 502 had now in practice been fulfilled, the way was open for HMG and the Argentines to negotiate a diplomatic solution under para 3. ... I said that there was no future in the Secretary-General trying to pursue this thought. Things had changed fundamentally since the Resolution was passed.”

June 19th, Yarmouth, Olmeda, Endurance, and Salvageman arrive off Argentina's base on Southern Thule with Marines from 42 Commando. An observation team is inserted.

Argentina's charge d'affaires at the UN, Arnoldo Listre, presents a note to the Security Council.

“After vetoing the draft Resolution ordering the cease-fire which was voted by the majority of the Council on 4 June 1982, the United Kingdom ... has continued its armed aggression against my country and has completed the military occupation of Puerto Argentino, the capital of the Malvinas, on 14 June. ... Throughout the developments which led to this situation the United Kingdom ... ignored the demand for an immediate cease-fire contained in Security Council Resolution 502 (1982) of 3 April 1982 and also the exhortation of the Council contained in paragraph 3 of that Resolution to the Governments concerned to seek a peaceful solution of the dispute by means of negotiations. ... Argentina cannot and will not accept the situation of force which Great Britain has thus sought to impose. Today, it is clearer than ever that the United Kingdom's aim is to ensure by any means the continuation of a situation of colonial domination in the South Atlantic, in open violation of the Charter of the United Nations.”

Sir Anthony Parsons reports.

“It looks as though Costa Méndez's propaganda machine is making the most of the Argentine note... Officials said that the note had been approved by the ruling three man Junta, including General Nicolaides. ... Foreign Ministry officials favoured a resumption of the Secretary-General's mission because he seemed fair and well-versed in the issues. ... Pérez de Cuéllar and I looked ... but thought it did not amount to a serious offer of an immediate cessation of hostilities...”

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22 PREM19/636 Telegram 341 of 18 June 1982. By June 20th, 10,250 Argentine POWs had been repatriated leaving some 600 ‘special category’ prisoners including Menéndez. 35 Argentine engineers remained to assist with mine-clearing. 200 conscripts awaited transportation. The ‘special category’ POWs were repatriated in early July.

23 New York Times June 18, 1982

June 20th, Argentine troops and meteorological staff on Southern Thule surrender at 0800 local time.

“We were just about ready to open fire and give the order for the recce troops to come down the mountain when someone popped out of the base waving a white flag.” 25

Opposed by the UK as being too early, economic sanctions imposed by the EC on Argentina are lifted. An arms embargo remains in place.

“The British had no objections to informal talks taking place between individual members of the Community and Argentina, but would not accept a formal agreement with the Community on any subject until there was satisfaction that Argentine discrimination against the UK across the board had ceased. The EC Commission endorsed this line...” 26

At the UN, Argentina’s representative submits a further note to the Security Council regarding Southern Thule.

“This action constitutes a clear violation of the cessation of hostilities existing under the terms of my note No. 172 of 18th June and also constitutes a new act of aggression committed by the United Kingdom, in violation of Security Council Resolution 502 (1982).” 27

June 23rd, in New York, PM Thatcher visits the UN. Pérez de Cuéllar reminds her that he still has a mandate from the Security Council, but realises that there is little to be done at the present. Thatcher appraises de Cuéllar of the problems being addressed on the Islands including unmarked plastic mines. She tells him that Britain had repatriated about 10,000 POWs, many in a poor condition, but would retain 600 – 700 technicians, pilots and senior officers pending an end to hostilities. As regards cessation of hostilities, lifting of exclusion zones, etc., the British Government had sent a message via the Swiss, but it was difficult to know who to deal with. 28

Parsons reports that there is no sign of the Security Council; “resuscitating the subject,” and tells the FCO that Uganda’s representative had made a comment asserting that; “the British people would lynch anyone who talked of negotiating with Argentina for at least a year.”

During a special session on disarmament at the UN, Margaret Thatcher speaks to the General Assembly.

“The fundamental risk to peace is not the existence of weapons of particular types, ... It is the disposition on the part of some states to impose change on others by resorting to force.”

At the meeting between Reagan and the British Prime Minister, Margaret Thatcher tell the President; “... that the British would likely be in the Falklands for a very long time.”

“The British had been caught napping once, but they would not be caught a second time. She asserted that her government is sending back Rex Hunt very soon as civil commissioner. The two priorities in the Islands now are rehabilitation and reconstruction; at some point, it might be desirable to bring the Falklands into a self-governing status, similar perhaps to the formula the U.S. worked out on Guam. She added that she and her government will do everything they can to restore normal relations with Latin American countries - "we will have to be gentle." Mrs. Thatcher noted that with the exception of Argentina, all British ambassadors remain at their posts.” 29

25 Barker 1997
26 Freedman 2005 vol.2
27 PREM19/637 Telegram 1035 of 23 June 1982. Argentina's 'cessation' was so conditional that it was no cessation at all.
**June 24th**, the daily FCO Situation Report, issued by its Emergency Unit at 0700 every morning concludes.

“(1) There is nothing to report. (2) This is the last SITREP.”

On East Falkland, work continues with the collection of abandoned ordinance.

“... they placed booby-traps in some of their abandoned trenches; for instance a number of grenade 'traps', invitingly laid, were set for those in a hurry. These were often simple devices, ... like grenades without a pin leant against another object, ready to explode when dislodged, or two grenades linked together for maximum effect. Lance-Corporal Budhaparsad Limbu of 1st/7th Gurkas was killed by such an object in the early Aftermath, while clearing the Argentinian trenches at Goose Green.”

Back in London, PM Thatcher speaks to the House of Commons.

“I gave the Secretary-General an account of the present situation in the Falkland Islands. I emphasised our wish for a permanent cessation of hostilities, though I have to report that so far the Argentine’s response has been negative. I also referred to the repatriation of well over 10,000 prisoners, but I explained that we could not return them all until we were satisfied that hostilities would not be reopened. The Falkland Islanders would be preoccupied for some time to come with the task of reconstruction, none the less, Britain would in due course seek to bring the islands to full self-government. Mr. Perez de Cuellar stated that he remained ready to act as a channel of communication between Britain and Argentina, if this would help... I was particularly glad to be in New York during the last week of Sir Anthony Parsons' term of service as our representative at the United Nations. His contribution and abilities have been widely and rightly praised.”

**June 25th**, New Zealand announces that it is not prepared to normalise its relations with Argentina until the UK is; “satisfied that hostilities have ceased.” Canada lifts economic sanctions against Argentina but maintains its arms ban.

Rex Hunt arrives back in the Falkland Islands as Civil Commissioner with instructions to carry out an urgent assessment of what is required to return some normality – both immediately and in the longer term.

Three British journalists seized in Ushuaia and charged with spying on April 17th, are ‘bailed’ in the sum of $20,000 each. Meanwhile, further enquiries are initiated via the Swiss Embassy regarding the repatriation of Flt Lieut. Glover, captured on May 21st. Argentina is reminded that all their wounded have already been repatriated.

In Buenos Aires, the junta announces that there will be a return to democratic government early in 1984.

Argentina’s postal authorities make an announcement regard the future handling of mail carrying the address - ‘Falklands’ or ‘Port Stanley’.

“RETURN TO SENDER – Postal communications have been interrupted in the Malvinas Islands, South Georgias and South Sandwich due to the illegitimate occupation by Great Britain of these Islands, which form part of the Argentine Republic and belong to its sovereignty.”

**June 28th**, Argentine General Nicolaides asks Washington to intercede with the UK in order to get the remaining POW’s returned; “… without a formal armistice...”
Acting Secretary of State Stoessel speaks to President Reagan.

“We have just learned from the British that they are about to propose to the Argentines, via the Swiss, that the prisoners be returned without precondition. The British have asked us to make no public disclosure of this until they have worked out the modalities and made their own announcement. They also ask that we not lift sanctions until the prisoner problem is settled, which should take no more than a day or two; but they say they would understand if we lifted sanctions promptly thereafter.” 33

On the same day, Christian Salvesen Ltd, responding to an inquiry, inform the Civil Commissioner that the contract with Constantino Davidoff to remove the scrap metal from South Georgia remains valid. 34

“After the removal of the Argentines from the Falkland Islands and Dependencies, the question arose of whether the contract was still in force ... Despite the breach of the terms of the contract, Davidoff’s actions in themselves do not make the contract automatically invalid... in any event the contract will expire on 31 March 1983... Her Majesty's Government have no standing in relation to the contract itself and there is no action which the Government of the Falkland Islands could take directly to annul or otherwise cancel it. But the Falkland Islands Government do of course have the right to refuse Davidoff permission or any of his employees permission to land on South Georgia.” 35

July 1st, General Reynaldo Bignone takes over officially as Argentina's new President.

“... (his) inauguration speech on 1st July threw no new light either way on Argentina's willingness to consider hostilities with the United Kingdom at an end.”

July 2nd, a message is sent to Bignone’s administration stating that the UK is willing to proceed with an exchange of prisoners on; “... the assumption that active hostilities were over.”

In the Falklands, an Argentine PoW, assisting in the marking out of the limits of a minefield on Stanley Common, is injured in an explosion.

“Cabo Primero Cattay was a volunteer in the task of marking off minefields, that he was not engaged on the locating and lifting of individual mines, ... It was thought that the mine was probably outside the known limits of the minefields and that Cabo Primero Cattay stepped on it accidentally when he followed the officer round what was believed to be the limits of the minefields.” 36

July 5th, Argentina's Foreign Minister, in a speech, refers to a; “de facto cessation of hostilities.”

July 6th, in London, Lord Franks is selected to head a commission of inquiry by Privy Councillors.

“To review the way in which the responsibilities of Government in relation to the Falkland islands and their dependencies were discharged in the period leading up to the Argentine invasion of the Falkland Islands on 2 April 1982, taking account of all such factors in previous years as are relevant; and to report.”

In New York, the UN’s Secretary-General, Pérez de Cuéllar, receives a telephone call from Buenos Aires to say that they are releasing Ft. Lieut. Glover.

July 7th, financial aid for the Falklands is agreed by the EEC.

33 Reagan Library, Executive Secretariat, NSC Country File, Argentina (07/02/1982–07/15/1982)
34 See September, 1979, December, 1980 and December, 1981
36 Argentine Prisoners (Death and Injury) HC Debate April 11, 1983 vol 40 cc305-7W
July 8th, in London, cabinet is informed that; “There has still been no response to the message conveyed ... through the Swiss on 3rd July. The Swiss believe that a direct response is unlikely to be forthcoming for some considerable time, if ever.”

A CIA report notes.

“President Bignone's government intends to maintain the de facto ceasefire with Britain, but it cannot, for domestic political reasons, accede to London's demand for a formal statement acknowledging a cessation of hostilities. Foreign Minister Aguirre Lanari stated publicly on 5 July that "There is in fact a ceasefire by Argentina in the South Atlantic, but that does not mean that we are giving up the defense of the 100-year-old rights."

The highest priority of the Argentine leaders is to protect their claim to sovereignty over the Falklands, and they are therefore unwilling to take any steps, such as a formal cessation of hostilities, that in their view would prejudice this claim. Army Commander General Nicolaides told a military audience on 3 July that recovery of the islands, using "the most appropriate measures possible," would continue to be the main objective of Argentine foreign policy.

The Argentines apparently are confident that the British eventually will release the remaining Argentine prisoners of war, lift the maritime restrictions, and end economic sanctions without securing a formal declaration ending hostilities. This calculation probably is correct because the Thatcher government is searching for a way to end the impasse and to return the last 590 prisoners. According to press reports, London is considering a unilateral declaration on the cessation of hostilities, assuming that Argentina would not challenge such an initiative.”

Flight Lieut. Jeffrey Glover is repatriated to the UK via Montevideo.

Foreign Secretary Pym writes to Tam Dalyell following an enquiry by the member of parliament for West Lothian (Scotland) regarding British rights to the archipelago.

“The strength of our case depends on a detailed legal examination of all relevant events and factors. Even leaving aside arguments in our favour based on events before 1833, we have been consistently advised that our title can be soundly based on our possession of the islands from 1833. Our case rests on the facts, on prescription and on the principle of self-determination.... Prescription as a mode of acquiring territory is generally recognised in international law.”

July 12th, US trade sanctions imposed on Argentina are ended.

Reported in Spain's El País newspaper:

“The Invincible carrier, pride of the British Navy, has been left alone, protected by other ships, in waters near the Falkland Islands. The other carrier ships, the Hermes, has separated from it, no doubt heading towards the United Kingdom. The Invincible has not been damaged, contrary to what the Argentine Junta intended; this special envoy was able to see it with his own eyes when he landed on his deck on Friday aboard a Sea King helicopter.”

37 Central Intelligence Agency, Office of the Director of Central Intelligence, Job 83M00914R: EXDIR and Executive Registry Files (1982), Box 16, Box 1: C–353 Argentina.
38 Quoted in One Man's Falklands T. Dalyell 1982. Also Self-determination in Disputed Colonial Territories Jamie Trinidad 2018 p.140
**July 15th**, reported in the New York Times

“The Argentine commander on the Falkland Islands and the remaining 592 Argentine war prisoners were returned by Britain today and released at a small port in southern Argentina under tight security. Their return aboard a British ferry ended the repatriation of about 10,000 Argentines captured by the British in the war that ended with the Argentine surrender on June 14. Britain had been holding the commander, Maj. Gen. Mario Benjamin Menendez, and the final contingent, most of them officers, to press Argentina to declare formally that the hostilities were over. Argentina never did, but Britain announced Monday, after an exchange of notes with Argentina, that both sides had agreed there was a de facto end to hostilities. General Menendez was also the Argentine governor on the islands, and his return aboard the ferry, the Saint Edmund, underlined the end of Argentina’s brief rule over the archipelago,...”

**July 19th**, in Washington, Secretary Weinberger provides an initial assessment of the war for the President.

“Although the British had inadequate or no contingency plans for such an effort, they did extremely well in developing ad hoc plans, devising appropriate operations and tactics, and carrying out their objectives. They were able to load depot stocks aboard 58 civilian ships by the end of May using requisition, charter, and conversion where necessary. Furthermore, the first elements of the Task Force sailed in five days, two days less than the British thought necessary for a contingency in Europe....

In the final analysis, the battle for the Falklands appears to have been a closer call than many would believe. The British won primarily because their forces, inferior in numbers at first, were superior in training, leadership and equipment. But luck played a significant role. The failure of the Argentine bombs is but one example; others exist. The British prevailed and pushed to victory just in time as they were critically low on artillery rounds and other supplies (8 rounds per barrel of artillery and no helicopter fuel) when they retook Stanley.”

“... I do not think that the United States support was crucial. It was helpful, I hope, and effective, and most of all it was delivered in time and very much more quickly than had been thought possible. That was the principle contribution. I do not think that it was vital to the victory. I think it was important to the victory, but Britain’s contribution – the actual fighting – was obviously the decisive thing.”

**July 20th**, Argentina complaints to the President of the European Commission regarding its decision to grant emergency assistance to the Falkland Islands, arguing that; “... the action constituted inadmissible interference and could be construed as disregard for Argentina’s legitimate rights over the archipelago.”

**July 22nd**, Britain’s exclusion zone around the Islands is lifted. PM Thatcher informs the Commons.

“We have decided to lift the total exclusion zone of 200 nautical miles around the Falkland Islands, which was established on 30 April. Port Stanley harbour and Port Stanley airfield, together with the three mile territorial sea around the Falklands, nevertheless remain closed to commercial shipping and aircraft until further notice for reasons of safety.

Our warning of 7 May that any Argentine warship or military aircraft found more than 12 miles from the Argentine coast would be regarded as hostile similarly no longer applies. But British forces continue to have authority to take all necessary measures to protect themselves against attack anywhere in the South Atlantic and to defend the Falkland Islands and the dependencies in accordance with the inherent right of self defence recognised in article 51 of the United Nations Charter.

40 Washington National Records Center, OSD Files, FRC 330–84–0003, Argentina (June–Sept) 1982
41 Caspar Weinberger interviewed in Little Platoon M. Charlton 1989 p.180
42 UN Yearbook 1982
In particular and to minimise the risk of misunderstandings or inadvertent clashes we have asked the Argentine Government, via the Swiss Government, to ensure that their warships and military aircraft do not enter a zone 150 miles around the islands where they would pose a potential threat to our forces. Argentine civil aircraft and shipping have also been requested not to enter this zone unless by prior agreement with the British Government, and also to stay clear of other British dependencies in the South Atlantic.”  

July 23rd, in a letter to the President of the General Assembly, Argentina asserts that the principle of self-determination does not apply to the “occupying” population of the Falkland Islands; “... which had been established there through an act of force by the colonial Power and which consisted in many cases of transitory employees of the United Kingdom Government or of the British-based Falkland Islands Company.”

July 29th, a discussion takes place between Pym and Haig.

“Pym said that as a result of the war, the UK could not discuss the Falklands with Argentina for at least another year, and it would be even longer before the issue of sovereignty could be on the agenda. Pym also asked for the continuation of the US arms embargo. The Secretary encouraged Pym to move quickly to repair relations with Latin America, and he said that at some point the US may have to reopen its military sales pipeline to Argentina, but promised to consult closely with the UK before taking any action. ... Pym remarked that the UK no longer expected to secure a formal cessation of hostilities from the GOA, and that the UK will probably go ahead soon and lift its economic measures against Argentina.”  

August 3rd, John Brodrick, Director of the Falklands Public Works department, suggests the cost of war damage will be at least £35 million, not including any work on the airport; “And that is a low estimate.”

August 10th, a memo from Alfonso Sapia-Bosch of the US National Security Council Staff to the President's Assistant for National Security Affairs (Clark) considers the relationship with Argentina.

“I have had a number of conversations with State and there has now been some movement to improve relations with Argentina. ... Tom Enders will meet with Argentine Foreign Minister Aguirre in Santo Domingo ... Enders will tell Aguirre the U.S. will accept a resolution at the UN calling for negotiations between the two parties so long as the language of the resolution is moderate.”

August 13th, the UK responds to Argentina’s assertion of July 23rd, pointing out; “... that historical evidence did not support Argentina’s contention that a settled Argentine population had been forcibly displaced by the United Kingdom in the nineteenth century.”

“(Argentina's) assertion that the case of the Falkland Islands differs from the typical case of colonialism may be intended as an oblique acknowledgement of the fact that the Falkland Islanders have consistently, and democratically, expressed their clear wish to remain British. This fact, which lies at the very heart of the matter, must not be lost sight of and is of crucial importance for evaluating the situation in terms of the Charter of the United Nations. ... The claim to set aside the right of self-determination in the case of the Falkland Islands, ... is tendentious in the extreme and cannot be allowed to pass without challenge.”

43 HC Deb 22 July 1982 vol.28 c235W  
44 Department of State, Central Foreign Policy File, N820007–0183  
45 Quoted in Fursdon 1988  
46 Reagan Library, Executive Secretariat, NSC Country File, Latin America/Central, Argentina (07/16/1982–08/15/1982)

“At least 1,000 people gathered in a downtown meeting hall to shout slogans condemning Argentina’s surrender to Britain in the Falkland Islands and demand the continuation of the war to regain the archipelago. Local news agencies said that between 1,000 and 2,000 people attended the Thursday night rally. One speaker, Gerardo Palacios Hardy, a journalist, told the crowd, "For us, the war has not ended and we do not want peace but demand victory." The rally was organized by a group called Militant Patriotism. The organization recently placed advertisements in Buenos Aires newspapers calling on the Government "to continue the war effort in the propitious moments, forms and opportunities until the enemy is completely expelled from the South Atlantic."

August 16th, Argentina’s Foreign Minister Lanari and US Assistant Secretary Enders meet in the Dominican Republic. The encounter is reported by the local US Embassy to Washington.

“Aguirre made a pointed pitch for "positive gestures" by the USG, in light of the adverse impact on Argentine public opinion of U.S. support for Great Britain in the Falklands crisis. When Ambassador Enders referred to the broad range of issues in our relations, Aguirre insisted that the principal question was U.S. Policy on the Malvinas issue. He urged that greater accommodation on this matter be achieved in order to undercut the forces on the extreme left and right who were working against the process of democratization now going on in Argentina. ...

When Aguirre referred to the proposed UNGA resolution on the Falkland Islands, Ambassador Enders identified the two principles of the U.S. position, namely that the resolution not prejudge the sovereignty issue and that it not impose an unrealistic time-table on negotiations. Within those limits, the United States Government would be interested in exploring whether a consensus existed.

Aguirre described the substance of the resolution (the text of which was not available at the meeting) which he summarized as calling on the parties to renew negotiations on the Malvinas dispute, under the auspices of the UN Secretary General who would report to the next session of the UNGA.

Ambassador Enders, commenting that a detailed consideration of the text would be inappropriate at this point, noted that it appeared that the introductory paragraphs of the resolution contained language which might prejudge the sovereignty issue, and the operative part contained possibly prejudicial timing instructions.”

August 17th, in London, a representative of the US Embassy talks to Bullard of the Foreign Office. The subject is the prospect of a new UN General Assembly resolution calling for negotiations. Bullard is clear on Britain's view.

“"They are just not going to happen."”

“Streator provided a summary of the meeting, noting that Bullard had stated "that the British intend to stonewall in New York." Bullard said that, at the political level in the U.K. Government, "there was no question of resuming negotiations with the Argentines for the foreseeable future. Thatcher is unalterably opposed, and there is no support within the Tory party, or indeed in the Opposition, for fresh talks." Streator responded: "Though I was without instructions, I believed that the British might be taking an unnecessarily stiff position, in view of the fact that there is such widespread international support for new talks." Bullard agreed that even the Europeans would be clamoring for talks...”

47 Department of State, Central Foreign Policy File, D820426–0735
48 Quoted in Reagan Library, Dennis C. Blair Files, United Kingdom 1982 (08/01/1982–10/03/1982) citing Telegram 18181 of August 17, 1982
49 Reagan Library, Dennis C. Blair Files, United Kingdom 1982 (08/01/1982–10/03/1982)
**August 18**th, US Assistant Secretary Enders sends a message to the UK's Minister Onslow in London.

> "I believe we understand one another's views on handling the Falklands UN resolution. We recognize you are not prepared now to enter into negotiations with Argentina. You should not be pressed to do so. For our part, we would not support a resolution which prejudged the question of sovereignty, nor one which attempted to impose an unrealistic timetable for future negotiations. Our public position remains unchanged ..."  

**August 19**th, two members of the Falkland Islands' Legislative Council, John Cheek and Anthony Blake, arrive at the UN's Special Committee on Decolonization meeting in New York to represent the Falkland Islands' people. Chairman of the Special Committee, Mr. Abdulla of Trinidad and Tobago, welcomes them.

> "I wish to welcome among us this Morning Mr. John E. Cheek and Mr. Anthony T. Blake, Councillors of the Legislative Council of the Territory. I invite Mr. Cheek to address the Committee."

Venezuela, Cuba and Czechoslovakia immediately object, claiming that, as petitioners, they first had to be approved by the Sub-Committee on Petitions. Australia remind the Committee of resolution 1466 (XIV) of 1959 which promoted the participation of representatives of the NSGTs in the work of the Committee.

After listening to representation, Chairman Abdulah gives his decision.

> "I am not going to ask members of the Secretariat to read General Assembly resolution 1466 (XIV), although I shall refer to it. I would point out that these two gentlemen are not here as petitioners; they are here as representatives of the people of the Territory which we are about to consider. Therefore, the question of referring any requests to the Sub-Committee on Petitions, Information and Assistance does not arise. That is the practice, has been the practice, and, I hope, will continue to be the practice in this Committee."

The reservations that follow from Cuba, Bulgaria, Venezuela, Czechoslovakia, Afghanistan and the USSR are merely noted for the record before the Chairman dispenses with any further objections.

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**# Researcher's Comment:** Not petitioners. With this 1982 decision the Chair of the Special Committee on Decolonization recognised the representatives of the **people** of the Falkland Islands. Despite this and the applicability of resolution 567 (VII) of 1952, Argentina persists in denying that the Islanders are a people for the purposes of self-determination and decolonization.

John Cheek addresses the Decolonization Committee.

> "In April of this year we were invaded: out of the blue, by a heavily armed military force of some 10,000 men. We were told we were colonial remnants, that we had no right to determine our own future and that we must come to terms with the idea that all decisions about our living would be taken by Argentine military commanders. These ideas seemed to us then and seem to us now preposterous and offensive. The only colonialism of which we are aware is that which the Argentines sought to impose on us ..."
Anthony Blake also speaks.

“The Argentines often told us they had come to protect our interests and rights, but how do we relate that to the behaviour we saw in the time that they occupied the Falklands? Our democratically elected representatives were totally ignored. Our right to free speech was subject to restrictions which if broken would have resulted in long-term prison sentences. ... Imposed upon us were restrictions of movement and communication which prevented us from going about our daily work... we now hear that the Argentines want to negotiate again, but only on the basis that they should have sovereignty over us. We know that whatever we think, whatever we say, they regard as irrelevant and that we are to them an unfortunate complication in their expansionist policies. Can anyone blame our people for asking us to come here and ask this Committee to uphold our right of self-determination, the right to choose...” 56

Cheek speaks again,

“We have sat down with these people, the Argentines, and talked before. I was here myself in February at negotiations with the Argentines as part of the British delegation. We talked in good faith with the Argentines, putting before them our wish to determine our own future and at the same time trying to understand what they had to say. The atmosphere was reasonable enough. The head of their delegation agreed to the joint communique saying the talks had been "cordial and constructive". And then within a month we faced an armed invasion. ...We hope' this Committee will put all its weight behind our desire to make our own decisions about the future. ... We in the Islands believe passionately in the United Nations ideal of the right to self-determination. We look to you all to support us in this belief.” 57

The representative of the United Kingdom, then addresses the Committee.

“My Governments co-operation with the Committee of 24 rests, as members well know, on our shared recognition of the principle of self-determination. In the process of decolonization which successive British Governments have pursued throughout the lifetime of the United Nations, we have held fast to that principle. ... My Government has on many occasions this year reiterated its conviction that the principle of self-determination cannot here be held "irrelevant" or "inapplicable". The Falkland Islanders are a people. ... there has never been any doubt on the part of the British Government about our sovereignty. I should like also to re-emphasize that Argentina has at no time exercised effective control over the Islands. ... We must conclude that the interests of the inhabitants of the Territory are far less important to the Government of Argentina than its own nationalist ambitions based not on valid claims but on old mythology. What sort of a world would this be if every nation with an historical grudge were to seek to reverse, by force of arms, events which have taken place 150 years before? Surely no international border would be sacrosanct. My Government does not rewrite history. We base ourselves on firm principle. ... It is inconceivable that we should now return to the negotiating table with Argentina...” 58

August 20th, the Special Committee on Decolonization defer further consideration of the Falklands until 1983.59

In September – the UK Government eases financial sanctions against Argentina and Lord Shackleton publishes his updated report. This notes the changes that have occurred between 1976 and 1982, and recommends a transfer of land ownership to the inhabitants. He also notes the advantages of a 200 mile limit and suggests that greater economic emphasis be placed on offshore fishing.
September 3\textsuperscript{rd}, Foreign Secretary Pym writes to Secretary Shultz in Washington.

“I have been thinking about the handling of the debate at the United Nations which will result from the Mexican initiative ... As you know, we are more than willing to live at peace with Argentina and to normalize our economic and commercial links as soon as this is possible. But I do not suppose that you will be surprised to hear that we shall oppose any call on us to enter into negotiations about the future of the Falkland Islands with Argentina. As you know, we had embarked upon a new attempt to reach a negotiated settlement when Argentina chose to break off the negotiations and attack us. The physical and psychological effects of that attack will be with the Islands for a long time to come, as will the constant risks from the mines so indiscriminately scattered by the occupying Argentine forces. The personal and economic cost to this country has also been great and neither parliamentary nor public opinion would understand if we were to contemplate resuming negotiations in the circumstances that now exist.

After a reasonable period of reconstruction we shall want to take soundings of Islander opinion about the future. I would be surprised if, after what has happened, they opted for any closer association with Argentina. Britain will certainly not be prepared to push them in this direction. Given our responsibilities towards the people of the territory under the UN Charter, and against the background of Argentine insistence that negotiations must lead to a transfer of sovereignty, it would be irresponsible for us to allow others to think that negotiations between the UK and Argentina offer a realistic way ahead for the foreseeable future. I believe that our position will be widely understood in the many countries which have shown sympathy and understanding for us in the events of recent months. The draft resolution which Argentina and Mexico have been working on is wholly unacceptable. ... I should like to feel sure that the United States will not consider giving its support to any such text.” \textsuperscript{60}

September 13\textsuperscript{th}, in a memo, US Secretary Shultz notes.

“At the UN, we support inscribing the Falklands issue on the agenda but will only support a resolution on negotiations that does not prejudge Falklands sovereignty or impose an unrealistic timetable on the British. This is now a central political theme for Latin America. We have positioned ourselves to gain support in the hemisphere while attempting to make sure we are in very close touch with the British about their own interests.

Francis Pym has asked that we not support any resolution on negotiations. The European Community countries are expected to turn down a similar request. Led by the French, Germans and Italians, the EC may offer to vote for a simple call for negotiations. This is our traditional position as well. We would find it impossible, from a political and international legal standpoint, to fail to support a resolution calling for peaceful settlement. The British will continue to press us. Their diplomats seem to understand the political necessity of our position in Latin America but Mrs. Thatcher may feel much stronger on this issue than her diplomats. ... We plan very soon to remove the embargo on our small pipeline of spare parts and reinstate munitions control sales, hopefully in step with action by key European states. The French have resumed deliveries of Mirage aircraft and Exocet missiles. The Germans have told the Argentines they soon will authorize shipments of naval craft but prefer official EC action first to lift the European embargo on military sales. The British remain strongly opposed but will not be too surprised.” \textsuperscript{61}

\textsuperscript{61} Ibid p.796. Twenty member states of the UN requested that the Falklands appear on the Assembly's agenda (A/37/193)
September 16th, Pym complains to Shultz regarding the supply of military spares to Argentina.

September 17th, questioned about the strength of the British title to the Falkland Islands, the FCO responds.

“... it would be misleading to attach any particular significance to what might appear to be shifts in the factors which at any particular time carried most weight in the Government's thinking. Our case is based on all the facts and circumstances both before and after 1833. For example the right of self-determination, which is now an important part of our case, has emerged only relatively recently as a principle of international law. With a subject as complicated as the history of the Falklands ... it is inevitable that there will be differing and, in some cases, conflicting views.” 62

September 23rd, Argentina complains to the UN of “harassment” of its fishing vessels by UK aircraft.

September 24th, at the UN, the Fourth Committee decides that it is prepared to hear from individuals and petitioners regarding the Falklands' question.

“... a decision to have the question of the Falkland Islands (Malvinas) considered in plenary meeting was amended, by a recorded vote of 41 to 33, with 24 abstentions, to provide that bodies and individuals interested in the question would be heard in the Fourth Committee.” 63

17 Latin-American countries oppose the decision.

Sanctions against Argentina are lifted by the USA. There is no public announcement until the 28th.

September 28th, Foreign secretary Pym meets Secretary Shultz.

“Pym rehearsed British objections to an UNGA resolution on the Falklands in familiar but forcefully animated terms. Pym asked for help in encouraging the Argentines to agree to a formal end to hostilities and said the UK could see no point in discussing a resolution for the immediate future. Now is not the time to talk with the Argentines about the long term, he argued. The Secretary told Pym that it is difficult for the U.S. to oppose a moderate resolution that does not prejudge the sovereignty issue or set an unrealistic deadline for negotiations.” 64

September 30th, Falkland Islanders compete in the Commonwealth Games for the first time.

October 2nd, Argentina’s Foreign Minister Aguirre Lanari meets with Secretary Shultz in Washington.

“Aguirre said that Argentina, as a government and a nation, was deeply preoccupied by the Malvinas war and its far reaching implications. The focus was now on the UN. It was more necessary than ever to ask the UN Secretary General to help the parties sit down together to negotiate the future status of the Malvinas. ... U.S. posture on this issue was of particular importance, to Argentina and to many other countries. Argentina recognized that the U.S. did not want to prejudge the substantive question of ultimate sovereignty but he hoped the U.S. would be able to support the Malvinas/Falklands resolution which had emerged from consultation with many countries.

Aguirre then gave the Secretary a revised text of the Argentine draft resolution ... he said, he believed the United States should be able to support the resolution, even with our concern that it not prejudge the question of sovereignty. ... Aguirre asked whether the Secretary had any reaction to the revised text.

62 Foreign Office Minister Cranley Onslow to Peter Beck 1982 quoted in Beck 1983
63 UN Yearbook 1982
64 Department of State, Executive Secretariat, Secretary Shultz Memoranda of Conversation, Lot 87D327, Secretary Shultz – Memcons September 1982
The Secretary said he preferred to review the language carefully prior to making specific comments. The Secretary then commented that he had learned that often in such resolutions preambular sections were as important as operative ones. In this case, references to NAM declarations seemed to have the effect of prejudging the outcome of the sovereignty issue.

Aguirre recognized that possibility but pointed out that the United States could make a formal declaration at the time of its vote, noting its non-acceptance of sections of the preamble yet nonetheless voting for the resolution because the operative paragraphs were consistent with the U.S. position. In that way, he said, the U.S. Vote would not be seen as prejudging the sovereignty issue.

The Secretary responded that in his experience reservations did not count for much. In the end, what mattered was how one voted. We would be happy to review the entire resolution and to provide the GOA with our views on its contents.”

October 6th, Assistant US Secretary Enders tells Argentina’s Ambassador Garcia del Solar that the US has “serious problems” with the text of the proposed UN resolution on the Falklands.

October 12th, a victory parade is held in London.

October 20th, Argentina writes to the UN’s Secretary-General asking that a document be circulated amongst UN members. It lays out Argentine view on the history of the Islands. Also the applicability of resolutions and Special Committee decisions.

“... the General Assembly expressly recognised that there was a dispute concerning sovereignty over the territory and that there were only two parties to the dispute: ... The Assembly ... ruled out the applicability of the right of self-determination to this particular special case.”

# Researcher’s Comment: A strange interpretation. Had self-determination not applied to the Falklands, then that territory would not qualify as a NSGT for the purposes of decolonization. That would require that the archipelago be de-listed at the UN as it would not then fall under the remit of the Decolonization Committee. The UN Special Committee on Decolonization has no powers to consider cases of sovereignty. Had Argentina’s argument been accepted, it would have lost the only forum in which the Falklands question was discussed at the United Nations. A shot in the foot?

October 25th, Prime Minister Thatcher writes to President Reagan.

“We are now approaching a debate on the Falklands at the United Nations General Assembly with the vote expected on 4 November. This is, as you will appreciate, of considerable importance to us and I wanted to let you know personally how strongly we feel about it.

The Argentine draft 2 is wholly unacceptable to the British Government and to the British people. It suggests that the maintenance of the present status of the Islands is a threat to world peace and must be ended whatever the people of the Islands may want: it recalls three earlier Argentine-inspired resolutions which were unacceptable to us and which the United States also declined to support: it refers to pronouncements of the Non-Aligned Movement which prejudged the dispute in Argentina’s favour and dismissed the legitimate rights of the inhabitants of the Islands: and it calls upon us to

65 Department of State, Central Foreign Policy File, D820510–0519
66 Telegram 283693 to Buenos Aires and USUN, October 8; Department of State, Bureau of European Affairs, United Kingdom Political Files, Lot 89D489, Falklands—Telegrams 1982
67 UN A/37/553
resume negotiations. Negotiations were of course in progress earlier this year when Argentina launched her military assault on the Islands without provocation or warning. Argentina subsequently ignored the appeals and instructions of the Security Council. Her action was widely condemned as a breach of the most important provisions of the UN Charter.

I am sure that you will understand how offensive it is to us that Argentina now comes before the General Assembly to seek a resumption of the negotiations which she herself broke off. The hypocrisy of this approach is shown up by the determination of the authorities in Buenos Aires to keep open the option of a resumption of hostilities. Moreover it is clear that Argentina still contemplates only one possible outcome to negotiations with Britain – the transfer of the Islands to Argentina in defiance of the wishes of the people. To support her in the coming debate would be to encourage her in this unprincipled ambition and thus to set back the cause of peace.

There can be no resolution of this issue until there is a fundamental change of heart on the part of Argentina. You will understand our insistence that the principles of the United Nations Charter, including those of self-determination and the non-use of force, are as applicable to this as to other international problems.

October 28th, representatives of the sponsors of the proposed Falklands UN resolution meet with US Ambassador Kirkpatrick in New York.

“They explained and emphasized their conviction that the U.S. vote would have a large effect in healing or exacerbating U.S. relations with Latin America. Amb. Kirkpatrick assured them she understood their views but noted that the U.S. Position was not yet decided; and said she had found the British to be strongly opposed to any resolution that proposes negotiations. The Ambassador stated that, while she would be very happy to raise the Latin concerns with the British, she was not optimistic that we would have any influence.”

“... representatives of the Governments of Peru, Argentina, Mexico, Ecuador, and Brazil met with Kirkpatrick, on behalf of the UN resolution’s 20 Latin American sponsors, to request (A) a U.S. vote in favor of the Falklands resolution, (B) U.S. good offices to persuade the British to forego amendments and keep the parliamentary situation in the UNGA Plenary as simple as possible.”

October 29th, Britain's responds to Argentina's letter of the 20th.

“The annex to the letter ... claims in three places that the General Assembly has "ruled out the applicability of the right of self-determination to this particular special case." The decisions in question are the Committee of 24's conclusions and recommendations of 13 November 1964 and the General Assembly's resolution 2065 (XX) of 16 December 1965 and 3160 (XXVIII) of 14 December 1973. However, it will be seen from the texts themselves (reproduced in annex II to the Argentine document) that none of them contains anything to support the Argentine allegation. In fact, all three decisions draw their inspiration from resolution 1514 (XV), which declares in its operative paragraph 2 that: "All peoples have the right to self-determination."... ”

68 Reagan Library, Roger W. Fontaine Files, [Falklands 11/01/1982–11/14/1982]
69 Comments by the US Mission to the UN quoted in Department of State, Central Foreign Policy File, D820562–0058
70 Department of State, Central Foreign Policy File, D820562–0058
71 UN A/37/582
October 30th, further amendments to the proposed UN resolution are handed to the US Mission at the UN. America’s Department of State indicates its approval and authorises Kirkpatrick to tell the resolution’s sponsors that the USA will support the resolution.

November 1st, Washington instructs its Embassy in London to deliver an unsigned message from President Reagan to the British Prime Minister.

“Dear Margaret: I have given careful consideration to the issues raised by your letter of October 25. I understand the importance to you of the United Nations resolution on the Falklands, and appreciate your concerns. When we were first approached by the Argentine representatives on their proposed resolution, we made very clear our objection to much of its content. They were the same objections which your letter identifies. We emphasized that the United States could not accept any resolution which prejudged the questions of sovereignty or the outcome of any negotiation. We further stressed that we could not support any resolution with unrealistic deadlines on negotiations or other processes of peaceful settlement. Argentina, however, now proposes to delete references to the Non-Aligned Movement’s communiques which specifically prejudge the question of sovereignty, to reaffirm expressly principles of the UN Charter concerning non-use of force in international relations, and to make other changes which make the resolution more moderate. While the revised version suggests negotiations at an earlier rather than later date, we do not consider this to be a strict deadline. We conclude that the resolution in its revised form does not legally prejudice the position of either party in the dispute.

The United Kingdom is justifiably concerned that there was no reference to the recent hostilities or to self-determination in the resolution. The most recent revisions to the draft expressly refer to the cessation of hostilities and the intention of the parties not to renew them, coupled with reaffirmation of the principles of non-use of force and peaceful resolution of disputes. The United States assumes that any negotiations undertaken by the United Kingdom and Argentina would necessarily take into account the views of the Falkland Islanders. The reference to Resolution 1514 of the General Assembly underscores the principle of self-determination, and the revised draft now expressly refers to the necessity of taking the interests of the Islanders into account.

Our support for your position during the hostilities was based on our strong belief that disputes between countries should be resolved peacefully and in accordance with the purposes and principles of the United Nations Charter. We continue to hold that belief and support your position that any solution to the problem must be accomplished in the context of all relevant elements of the UN Charter. We do not believe, however, that the resolution, as currently written, prejudices that position and consider that it is moderately positive in reaffirming the fundamental obligations of the Charter concerning the non-use of force. For these reasons we believe it reasonable now to vote for the substantially modified resolution. We understand your reluctance to enter into negotiations when loss of life remains fresh in everyone’s mind. We can appreciate your desire for a cooling off period and more concrete evidence from Argentina that it will not resort again to further use of force. Nevertheless, we believe it is important that the options of negotiations or other means of peaceful settlement not be foreclosed, particularly in light of the fact that the Government of Argentina now suggesting negotiations is a different one from the one which launched the aggression. Margaret, I know how you have anguished over this conflict from the beginning. Your courage and leadership throughout have been a source of deep personal inspiration to me. I count it as a privilege to have been able to support you and Britain at this critical moment. You may be absolutely confident that I would do it all again the same way.”

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72 Reagan Library, Dennis C. Blair Files, United Kingdom 1982 (10/04/1982 – 11/01/1982)
**November 2**

Thatcher responds to the US President’s letter.

“I received your message about the Falklands just as I was going into a meeting of my Cabinet this morning. I discussed it with my colleagues and I must tell you at once that we are utterly dismayed by its contents. If the United States votes for a resolution on the lines of the Argentine draft, you will encourage the Argentines in their ambition to secure the transfer of sovereignty over the Falklands to themselves, against the wishes of the inhabitants. Their sole purpose in putting forward this draft is to further that ambition.

The resolution misrepresents the situation completely. It mocks the concept of self-determination by saying that the “interests” of the Falkland Islanders will be “taken duly into account”. It retains references to previous resolutions which prejudge the issue. It calls for early negotiations but you and all our friends know why negotiations are not bellicose statements by representatives of the Argentine regime. You rightly refer to the staunch support which you gave us during the conflict in the South Atlantic. I remain deeply grateful. May I say that we have also supported you at the UN and elsewhere in matters of prime concern to the United States.

The vote on this Argentine resolution is a matter of prime concern to Britain. That is why I must make an urgent and personal appeal to you to think again. A vote by the United States for the resolution would be received here with incomprehension. Worse, it would be seen as an affront to the government and the people of Britain and to me personally. I cannot believe that you would consider delivering such a blow to the right of self-determination which means so much to the democracies of the free world. I had greatly hoped that you would vote against this hypocritical text. But if you cannot, I must ask you, with all we have done together in mind, at least to abstain.”

President Reagan sends a further message to Thatcher.

“I have just received your message and would like to respond immediately, given the importance of the issue to both of us. I fully understand that negotiations are not acceptable to you, having just paid so much in blood and treasure to repulse the Argentine invasion. We have no intention to press you – or to see you be pressed – into negotiations before you are ready. Equally, we have no intention to take a position on the substance of the matter that is in any way prejudicial to your position on the questions of sovereignty and self-determination. Indeed Resolution 1514 contains stronger references to self-determination than it does to the principle the Argentines proclaim, "territorial integrity."

Margaret, my country has always supported you and always will in defeating any effort to solve the Falklands dispute by force. You know that we have always been neutral on the question of sovereignty. And we have always favored peaceful solution of the issue by negotiation. I am well aware that it was the Argentines that interrupted negotiations by attacking the Islands. But I do not think that in itself is reason not to support a solution by negotiations sometime in the future. It is hard for the United States to have any other position. Reading your message, I believe more weight ought to be given to the text of the resolution as it now stands. The Brazilian amendments have made it much less objectionable. It was on the basis of this new text that my colleagues informed Argentina and other sponsors that we would support it. In particular, the references to de facto cessation of hostilities and the intention of the partners not to renew them takes us a good ways towards the formal renunciation of hostilities we both have been working for, although I would agree with you that they are not equivalent.

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73 Reagan Library, Executive Secretariat, NSC Head of State File, United Kingdom: Prime Minister Thatcher Cables(1)
At the time of the vote, our representative will put clearly on record our views that force must not be used again to solve the dispute, that the underlying question of sovereignty is not and cannot be prejudiced by the resolution, and that the aspirations of the Islanders must be taken into account. I am truly sorry that we disagree on this matter and for my part will do everything in my power to make sure this resolution is not abused. You may be confident that the United States will continue to abide by the jointly shared principles which guided both our countries through the Falklands crisis to its successful conclusion.”

At the UN, the Fourth Committee, in receipt of the report of the Special Committee on Decolonization, consider questions to the Falkland Islands. Panamanian Ambassador Ozores Typaldos speaks.

"... said that he wished to make a statement on behalf of the delegations of Argentina, Bolivia, Brazil, Colombia, Costa Rica, Chile, Cuba, Dominican Republic, El Salvador, Ecuador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay and Venezuela.

3. With reference to the Assembly’s decision to permit petitioners currently resident in the Malvinas Islands to be heard by the Fourth Committee, the 20 Latin American States wished to place on record that the original population of the Islands were Argentines who had been expelled when the Islands had been occupied, illegally and by force, in 1833; since that year, Argentines had not been permitted to become permanent residents of the Territory.

4. In those circumstances those who currently inhabited the Malvinas Islands did not have the legitimate relationship with the Territory necessary to have the right to self-determination. The Latin American countries... considered that the current residents of the Territory, including the petitioners, did not meet the standards laid down by the United Nations to be entitled to that right.

5. Such was indeed basically the position of the General Assembly, which, in its three resolutions on the question of the Falkland Islands (Malvinas), had stipulated that the only way in which the Territory could be decolonized was by solving the sovereignty dispute between Argentina and the United Kingdom and that the Governments of those two States were the only parties to that dispute.”

MLA’s Cheek and Blake are called before the Committee. MLA Cheek speaks first.

“All that the Islanders asked was to be able to continue to live their lives as they chose. They had always believed that they had the right to determine their own future just like any other people in the world.”

MLA Blake follows.

“The effects of the Argentine invasion were still with the islanders and it would be some time before the Territory could recover from the material damage, quite apart from the emotional strain on the inhabitants. ... The Argentines had always said that they respected the interests of the islanders. Everything they had done during their occupation of the Islands showed that they either had no concern for the interests of the islanders or else that they had rather a strange interpretation of island interests.”

74 Reagan Library, Dennis C. Blair Files, United Kingdom 1982 (11/02/1982). Secret; Flash. Sent in telegram WH07645 from the White House to the Cabinet Office via Cabinet Office channels.
75 For the full session, see https://falklandstimeline.files.wordpress.com/2020/05/n8257231.pdf
76 UN Document A/C.4/37/SR.12 p.2
78 UN Document A/C.4/37/SR.12 p.5
MLA Cheek concludes.

“… he appealed to the delegations of Latin America, which might feel that, as a matter of solidarity, they should support the Argentine claim – one which would make his country an Argentine colony– The Falkland Islands, however, were no more part of Argentina than were Chile, Uruguay, Paraguay or Bolivia.”  79

Petitioners speaking for Argentina include an Islander, Alexander Betts.

“He expressed the hope that his personal observations might serve to demonstrate that the case, as previously presented to the United Nations, was not supported by all the islanders. … Argentina had come to the Islands as a liberator to free the islanders from British colonialism but, in so doing, it had made an error of judgement in failing to understand that the intransigent islanders were not prepared to compromise their colonial status. … The United Kingdom should pledge to negotiate and to make Argentina's arguments available to the islanders, including the list of guarantees that Argentina had presented in every round of negotiations. To his knowledge, that list had never been made public in the Islands, nor had the islanders been properly informed of Argentina's request, early in 1981, that they should produce their own list of guarantees. … He believed that if the United Nations was to maintain its credibility, it must urge the parties to the dispute to return to the negotiating table.”  80

At the same time that the Fourth Committee is listening to petitioners, the UN's General Assembly is also sitting in plenary session to consider the same subject.  81 Argentina’s representative, Aguirre Lanari, tells the GA:

“After 17 years of fruitless bilateral negotiations undertaken pursuant to General Assembly resolutions, through which my country proved its flexibility and good will, expressly recognized by the United Nations, we must return today to request again the attention of the Assembly… we Argentines and our Latin American brothers feel particularly offended by the fact that there should still exist a colonial enclave in our very continent especially since the Assembly has labeled colonialism in all its manifestations as a crime against mankind and has laid down the legal obligation for all Members of the international community to cooperate in bringing it to an end. That is also why those 20 Latin American countries, founding Members of the United Nations, requested at the appropriate time the inclusion of the item on the question of the Malvinas Islands in the agenda, and today submit draft resolution A/37/L.3/Rev.1 to the General Assembly. This draft resolution is based on the premise that the maintenance of colonial situations is incompatible with the United Nations ideal of universal peace, and its purpose is that the Governments of Argentina and of the United Kingdom should resume negotiations with a view to finding, as soon as possible, a peaceful settlement to this dispute over sovereignty. … What can never be accepted, unless we admit to absolute failure which would lead us to the depths of frustration, is the perpetuation of age old plunderings in the name of universally supported principles through rejection of negotiations which would guarantee legitimate interests. There would be no losers in such negotiations, for the only winners would be harmony, justice and peace.”

In response, the UK's representative, Sir John Thomson tells the meeting that, inter alia:

“I was most struck by the fact that in the long and detailed speech of the Foreign Minister of Argentina there was no reference to the invasion of the Falkland Islands in April; there were only references to British aggression… And then we come to the Falkland Islanders. It was significant that the Foreign

79 UN Document A/C.4/37/SR.12 p.7. The two MLA's were then subjected to a question and answer session.
80 UN Document A/C.4/37/SR.12 pp.18-19
Minister of Argentina took such pains in his statement to repeat so frequently that there were only two parties to the dispute: the United Kingdom and Argentina. Is that really true? It does seem that in one of these changes at this late stage, Argentina has been prevailed upon to acknowledge the existence of the Falklanders. But is there anything in the revision about their wishes or anything about the right to self-determination? Not one word. I repeat what I have already said: for the United Kingdom, it is not acceptable that our clear obligations towards the Falkland Islanders under Article 73 of the Charter should be smudged and blurred into an offhand phrase about taking "due account" of their interests. What a far cry from a clear affirmation of the principle of self-determination enshrined in the Charter and in the practice of the United Nations. ... In short, my delegation's objection to this revised draft resolution is, above all, that it fails to acknowledge that at the heart of this dispute, which, unfortunately, exists between the United Kingdom and Argentina, there are people. Indeed, the most important parties in this dispute are the inhabitants of the Falkland Islands."

# Researcher’s Comment: two long speeches which did little more than lay out the different approaches of the two nations. For Argentina the question of history and sovereignty. For the British, the rights of the people.

“In the draft the General Assembly would take into account the de facto cessation of hostilities and the express intention of the parties not to renew them, reaffirm the need for the parties to take due account of the interests of the population of the Falkland Islands, in accordance with the provisions of General Assembly resolution 2065 (XX) and 3160 (XXVIII), request the Governments of Argentina and the United Kingdom to resume negotiations in order to find a peaceful solution to the sovereignty dispute relating to the Falkland Islands, and request the Secretary-General, inter alia, to continue to use his good offices to that end. ... The representative of the United Kingdom objected to the draft in part because it insufficiently recognised the rights of the people of the Falklands. He said that in accepting its obligations under Article 73, which the United Kingdom had done since the adoption of General assembly resolution 66(I) of 14 December 1946 ... his Government had recognised the principle that the interests of the inhabitants of Non-Self-Governing Territories were paramount ... A number of delegations supporting the argument of the representative of Argentina explained why in their view the principle of territorial integrity superseded that of self-determination in the present case ... During the vote on the draft resolution, however, numerous delegations also expressed reservations about the draft on the grounds that it contained insufficient reference to the rights or interests of the population of the territory.” 82

“The national representatives at the United Nations had an entirely false idea of the "original population"; many must have imagined there had been a long-established population of Argentinians in the islands. The delegations at the UN remained unaware that in January 1833 not a single person had been in the islands for even as much as 5 years...” 83

**November 4th**, Thatcher responds to Reagan’s letter of the 2nd.

“I delayed replying to your message of 2 November about the Falklands until my Cabinet meeting this morning. My colleagues and I have now discussed it and I want you to know our unanimous view. The British people would see your vote for this resolution as an American decision to support Argentina against Britain, to support a dictatorship against the home of democracy. The issue of self-determination is at the heart of Western democracy. Nothing could be more fundamental. The Falkland Islanders want to stay British. The object of these Argentine manoeuvres at the UN is simply to start a process which will deny them that choice. Negotiations? Argentina simply wants to achieve by

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82 Repertory of Practice of United Nations Organs: Supplement 6 vol.5 Arts 73-91 of the Charter 1 Jan 1979-31 Dec 1984
83 Falklands Facts and Fallacies: The Falkland Islands in History and International Law Graham 2020 p.322
negotiation what it failed to achieve by military aggression which cost so many young lives. ... if America votes in the way you propose, my task will be immeasurably harder. I know very well how difficult a change would be for you now, with all the publicity that has been given to your intentions. But the free world would understand and applaud a decision to abstain. I do urge you to look at this again urgently and personally. So much depends on it.” 84

At the UN, with the debate concluded, the General Assembly adopts Resolution 37/9. 85

“Having considered the question of the Falkland Islands (Malvinas),

Aware that the maintenance of colonial situations is incompatible with the United Nations ideal of universal peace,

Recalling its resolutions 1514 (XV) of 14 December 1960, 2065 (XX) of 16 December 1965, 3160 (XXVIII) of 14 December 1973 and 31/49 of 1 December 1976,


Taking into account the existence of a de facto cessation of hostilities in the South Atlantic and the expressed intention of the parties not to renew them.

Reaffirming the need for the parties to take due account of the interests of the population of the Falkland Islands (Malvinas) in accordance with the provisions of General Assembly resolution 2065 (XX) and 3160 (XXVIII),

Reaffirming also the principles of the Charter of the United Nations on the non-use of force or the threat of force in international relations and the peaceful settlement of international disputes,

1. Requests the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland to resume negotiations in order to find as soon as possible a peaceful solution to the sovereignty dispute relating to the question of the Falkland Islands.

2. Requests the Secretary-General, on the basis of the present resolution, to undertake a renewed mission of good offices in order to assist the parties in complying with the request made in paragraph 1 above, and to take the necessary measures to that end...” 86

Adopted by 90 votes to 12 against, with 52 abstentions.

“The price of victory was high: Argentina paid more than 200 million dollars ... and in some cases it paid in kind (wheat)” 87

“... a draft resolution (A/37/L.3/Rev.1) was presented and voted on; it was passed by the General Assembly .... and duly became UN Resolution 37/9, which merely "Requests the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland to resume negotiations in order to find as soon as possible a peaceful solution to the sovereignty dispute relating to the question of the Falkland Islands (Malvinas)". In other words, Resolution 2065 was merely repeated, as if the Falklands War had not happened.” 88

84 Reagan Library, William P. Clark Files, Falklands War (UN/Kirkpatrick/Haig) 06/06/1982–11/04/1982
86 90 votes for, 12 against with 52 abstentions. Operative paragraphs 3 and 4 referred to monitoring by the Secretary-General and the question being raised in 1983.
87 1982: Los documentos secretos de la guerra Malvinas/Falklands y el derrumbe del pro Juan B. Yofre 2011
88 Falklands Facts and Fallacies: The Falkland Islands in History and International Law Graham Pascoe 2020 p.324
A number of UN members place their reasoning on record.

“In explanation of vote, absence in the text of an explicit reference to the principle of self-determination or respect for the freely expressed wishes of the inhabitants of the Falkland Islands was cited by many, among them Antigua and Barbuda, Fiji, the Gambia and Solomon Islands, which voted against; Jamaica, Lesotho, Norway, Sweden and Zaire, which abstained; and Liberia, which voted in favour. New Zealand voted negatively, and the Netherlands abstained, saying that the Islanders were entitled to have a say in their own future. ...

Belgium, abstaining, said the text should have referred not only to the interests but also to the aspirations of the Islanders. Botswana, Ghana, Israel and the United States, supporting the text, and Sweden, abstaining, said the negotiations should take into account the Islanders’ rights and aspirations. Australia, abstaining, said the text referred to the rights of the inhabitants in a highly qualified way...

Saint Lucia, abstaining, was not convinced that the argument against self-determination was valid in respect of the time-frame in question. ... Mexico, on the other hand, asserted that the text did not expressly affirm the background information in support of the legitimacy of Argentina’s claim over the Islands. ... Luxembourg called the right to self-determination a corollary of the principle of decolonization, and Australia asserted that it was Argentina, not Britain, that was attempting to impose an alien rule.” 89

Following the exchanges between Thatcher and Reagan, the US representative makes a long speech giving his country’s reasons for supporting the resolution. 90

“The United States would not have voted for any resolution which prejudged the question of sovereignty or the outcome of negotiations. We have never taken a position on the question of sovereignty and we do not do so now. We conclude, however, that the resolution before us does not legally prejudice the position of either Argentina or the United Kingdom and, in fact, opens the way towards negotiations in good faith and without any pre-ordained result. ...

In supporting this resolution, the United States affirms that this dispute, like all others, should be settled by discussion and never by force and that the fate of peoples should never be settled without due account being taken of their views, values, interests, and rights.”

The US also issues a separate press release.

“... in calling on the parties to negotiate, let us not forget, ... that these islands are and have been for generations the home of a small, but resolute, population of island people. The United States assumes that negotiations undertaken by the United Kingdom and Argentina must necessarily take into account the aspirations of the Falkland Islanders.” 91

89 UN Yearbook 1982
90 UN A/37/PV.55 p.959
At the same time, President Reagan sends a personal message to Prime Minister Thatcher.

“Reading your message ... I realize that our understanding of these events is indeed quite different. I can assure you, Margaret, that the United States did not make a decision to support Argentina against Britain, or to support dictatorship against democracy. Neither did we abandon the principle of self-determination. We reaffirmed our support for a negotiated settlement to a long-standing conflict. We have supported the principle of negotiation throughout this long, difficult dispute. It is the principle to which Britain herself has adhered for so many years with regard to this and other disputes. Certainly, we will never alter our view that a people must ultimately determine their own future and certainly we mean this with regard to the people on the Falklands. Finally, you and I have supported each other in the past because of our shared faith in the Anglo-American relationship and our shared commitment to the same fundamental principles and values. I feel sure neither you nor I will abandon those principles and values nor the effort to help our peoples understand their application in this complex, difficult world. I assure you we stand as firmly with you on the principles of non-use of force, of negotiation and self-determination as ever.”

November 5th, speaking in Parliament, the Foreign Secretary tells MP’s that; “... we cannot accept a call for negotiations on sovereignty after an unprovoked attempt to force the issue by invasion.”

November 24th, in Argentina, a secret assessment of the war is provided to Commander-in-Chief Maj. Gen. Nicolaides by Maj. Gen Calvi.

“The fundamental mistake of invading the islands is attributed to faulty intelligence and reasoning. The Argentine army, the report concluded, is structured and trained to fight a neighboring South American adversary and thus, had no chance against the UK. The estimate that the UK would not fight was a very serious miscalculation. As a result, senior officers sent to the islands were chosen for their administrative and technical capabilities and knowledge of English rather than for their ability to command combat troops.”

December 8th, Secretary of State, Francis Pym, considers Lord Shackleton's updated report in the Commons.

“The Government agree with the broad conclusions of Lord Shackleton’s report and are ready to support action by the Falkland Islands Government in the following major areas covered by his recommendations: A Falkland Islands Development Agency should be established. This would be provided with funds to buy land on the open market, and to divide it into smaller holdings. It would also have powers to make loans and grants towards the cost of a number of small-scale development projects. The Islands' agricultural research centre, the Grasslands Trials Unit should be expanded; There should be a feasibility study on an improved harbour complex, including a new deep-water jetty; The Stanley-Darwin road should be completed and the existing network of tracks should be improved; A pilot scheme for salmon-ranching and a survey of shellfish resources should be established; hotel and guest house facilities upgraded; and cottage industry skills developed.

Although they were not specifically covered in Lord Shackleton's report, we believe that urgent action should also be taken to improve the water supply and sewerage system in Port Stanley, and to study the requirements for future electricity generation and distribution, and the telephone system in the islands.
The following proposals made by Lord Shackleton in our view require further study: Exploratory offshore fishing and the establishment of a 200-mile fisheries limit: the implications of such a limit, not least its policing, and the degree of commercial interest in fishing need to be carefully assessed. Expansion of tourism: this will depend to a large extent on the establishment of commercial air links. ...

Lord Shackleton proposed expenditure of between £30 million and £35 million. My tentative estimate is that the programme that I have outlined would cost about £31 million over six years. The Government also propose to make available a further £5 million for civilian rehabilitation, in addition to the £10 million announced in July. The islands' economy will inevitably be affected by the presence of a sizeable military garrison there, and by the outcome of the Government's present studies into the feasibility and cost of establishing a better airfield on the islands. ... We have restored the freedom of the Falkland Islanders and shall continue to do what is necessary to guarantee their future security.”  

December 17th, US Secretary Shultz has a meeting with Margaret Thatcher at Downing street.

“Mrs. Thatcher ... made it clear that the Falklands are still a serious issue in British politics. She said that the UK was not prepared to enter into negotiations with Argentina at this time, nor to discuss the question of sovereignty. She argued that the Islands were too small to become independent, that the inhabitants are British, and that UK control offered strategic advantages for NATO. I restated our position – the Falklands issue should be settled by negotiation rather than by force of arms.”  

The British Government commission a firm of undertakers to find and consolidate all of the Argentine war graves at a single site outside Port Stanley. Where an identity is unknown, the grave is to be marked simply - “Soldado Argentino Solo Conocido Por Dios.”

Argentina’s Air Force Commander Hughes, a member of the governing junta, gives, on behalf of his Corps; “its solemn promise to recover our southern archipelago.” Major Doughlin of Argentina’s Fifth Army Corps, claims that they are; “… getting ready for another war, profiting by the situations already experienced.”

In the last act of the year, the Corbeta Uruguay base in Southern Thule in the South Sandwich Islands is visited by HMS Hecate. Discovering that the Union Jack has been removed and Argentina’s flag raised in its place, the base is completely destroyed.

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94 HC Deb 08 December 1982 vol.33 cc851-60
95 Department of State, Central Foreign Policy File, N820010–0095
96 "An Argentine Soldier Only Known by God.” 123 of the 237 graves were marked thus. cf. 2017
1983 – January 1st, the British Nationality (Falkland Islands) Act 1983 takes effect. 98

January 2nd, the Falkland Islanders’ celebrate the 150th anniversary of the arrival of Capt. Onslow in HMS Clio. In Argentina, Foreign Minister Juan Aguirre Lanari gives a speech confirming that his country will continue pushing for sovereignty over the Islands.

“Illegal occupation may perhaps give the United Kingdom transitory control of the territory, but it will never grant it the full and legitimate sovereignty our country will continue to demand in every international forum.”

On the same day, a RN saturation diving team retrieve sensitive material from the wreck of HMS Coventry. Also raised is the Cross of Nails presented to the ship by the people of Coventry in 1978. 99

January 3rd, at the UN, Argentina reaffirms its claim to sovereignty over the Falklands archipelago.

Work continues to identify and bring together Argentina’s dead; for internment in a military cemetery.

“In January 1983, the Argentine authorities authorized the burial of the corpses in situ, reserving the right to “transfer” them at a later date. The British collected the mortal remains together in one single place: the Argentine Cemetery was born. The slowness of the Argentine authorities’ reaction is probably linked to an insoluble diplomatic situation: How can bodies be repatriated when the earth that covers them is deemed to belong to the nation anyway?” 100

January 8th, Margaret Thatcher arrives in the Falkland Islands to be welcomed by Governor Rex Hunt.

“This is a great moment in the history of the Falkland islands. For me personally it is probably the greatest moment of my life. It was here in Stanley Town Hall on the second of April that I told General Garcia that he had landed illegally on British territory and I ordered him and his troops to remove themselves forthwith. In reply General Garcia said that they were taking back what was rightfully theirs, and that they would be here for ever. But for our distinguished guest they might well have been...”

Members of the House of Commons Foreign Affairs Committee also visit the archipelago.

January 9th, the Islands’ issue a commemorative five-pound note in celebration the PM’s visit. Margaret Thatcher is granted the Freedom of the Islands.

“Today again the Union Jack flies over Port Stanley, and may it ever fly there.”

January 12th, Argentina alleges that Thatcher’s visit has; “.. aggravated tension in the region.”

Adrian Monk takes up his position as the Falkland Islanders official representative in London.


99 The Forgotten Few of the Falklands Rob Hoole 2007 published in Naval Review vol.95 no.4 (November 2007). The cross is now displayed on HMS Diamond, a RN destroyer also associated with the City of Coventry.
100 Argentine Soldier Known unto God: The Darwin Cemetery and Conflicts in the Retelling of the Falklands/Malvinas War J. Rubenstein 2011
“There are sufficient indications that some Argentine military move could possibly be afoot to merit concern and increased intelligence activity. Presumably whatever action might be intended would be directed against the British in the South Atlantic, although some kind of scheme for confronting the Chileans is not completely inconceivable. ... Destroying a British helicopter outside the 150-mile limit has been mentioned by some officers. A commando landing or sapper attack against British aircraft are examples of other conceivable possibilities.

The rationale would be to pressure the British to negotiate while – most important – restoring the honor and domestic reputation of the armed forces. ... it is conceivable that the Junta or some part of the armed forces would decide to go ahead with some kind of military operation such as those mentioned above. Despite repeated statements here and in Washington of the US position opposing the use of force, many in the government and the military may believe that US would not react adversely to a small action, given what they see as the British provocation and a strong US desire to strengthen Latin American ties. We shall take every opportunity here with both military and civilians to disabuse any of the notion that our strong views against the use of force have changed.”  

January 18th, Lord Franks' report is presented to Parliament.

“... we conclude that we would not be justified in attaching any criticism or blame to the present Government for the Argentine Junta's decision to commit its act of unprovoked aggression in the invasion of the Falkland Islands on 2 April 1982.”

“Twenty years on from the Franks Report, which claimed no one, least of all ministers in London, could have anticipated an invasion, the Bakers still shook their heads in disbelief. They found Lord Franks' conclusions ridiculous, even insulting to those who were on the ground. Both are certain that from evidence they gathered during the last six months of peace, there was justification for the British Government to take notice and head off the coming crisis. Dick Baker was not coy. "Not only could people have foreseen it, a lot of us did, " he said. "The tragedy was that no one in London seemed to want to know, or to react to the signals."...”

January 20th, asked by opposition MP Tam Dalyell, whether the Government would establish an inquiry into the circumstances surrounding the sinking of the Belgrano, PM Thatcher responds with a simple; “No.”

January 21st, US Assistant Secretary Enders and British Minister Derek Thomas meet.

“Ambassador Enders assured Thomas that the USG has reiterated to the GOA through a variety of channels our position opposing the use of force under any guise in seeking a solution of the Falklands dispute. ... Ambassador Enders said that it may be necessary for the US periodically to reaffirm its opposition to the use of force. Ambassador Enders, noting that over time something must happen to resolve the Falklands dispute, asked Thomas' assessment of future prospects for a negotiated settlement. Thomas replied that there is no possible basis for negotiation until Argentina and this, or some future government in Great Britain, can establish normal relations. He stated that the wishes of the Islands have now become a major consideration with broad public and political support and that it would be difficult to reconcile this fact with Argentina's position.”

101 Department of State, Central Foreign Policy File, D830020–0706  
102 Invasion 1982: the Falkland islanders’ Story Graham Bound 2007  
103 Department of State, Central Foreign Policy File, D830039–0813
January 24th, from Buenos Aires, Constantino Davidoff telegrams Christian Salvesen Ltd., requesting an extension to his contract for the removal of scrap metal from South Georgia. Davidoff is informed that the; “...British Government has stated publicly that it is most unlikely that permission would be granted for you to land in South Georgia in the foreseeable future.” 104

January 27th, at the UN, Britain responds to accusations that the Falklands are being “militarized” by pointing out that Argentina’s complaint forgot to mention their unprovoked attack in April, 1982, and a need to defend the Islanders from further attacks.

January 31st, Britain’s Parliament is informed that Chileans are keen to work in the Falklands.

“... a considerable number of Chileans have indicated an interest in emigrating to or working in the Falkland Islands. In consultation with the Falkland Islands Government, Her Majesty’s consul in Santiago has informed applicants that their interest has been recorded; that at present all immigration into the islands is constrained by practical considerations; and that applicants will be contacted again if the situation offers more hope at a later stage.” 105

February 2nd, a Select Committee on Foreign Affairs arrives at Stanley to assess Islander opinion on the future of the archipelago.

“They took formal evidence in public for two days ... Witnesses were without exception totally opposed to negotiations with Argentina over sovereignty, but close questioning by members of both political persuasions brought into the open aspects which Islanders previously preferred not to think about. For example, witnesses were asked how long they thought UK could afford to support a Fortress Falklands policy,... they were invited to consider whether the position could be Internationalised by some form of condominium over the Islands, by UN Trusteeship or by forming a South Atlantic Alliance with South American countries. These suggestions did not appeal to witnesses. Most said that, if the Islands were not to remain British, they would prefer to leave...” 106

An Argentine Military Cemetery 45 miles outside Stanley is consecrated. 107

“...founded by the British in 1983, around six months after the end of the war. It was made up of 237 white-painted cedar crosses and one much bigger cross, all surrounded by a narrow fence, also made out of cedar.” 108

February 23rd, the Chairman of Christian Salvesen Ltd., speaks to Ure to inform him that Constantino Davidoff is seeking new associates to pursue his contract to remove scrap metal from South Georgia.

“Mr. Ure reminded Mr. Elliot that Davidoff had knowingly flouted the immigration and other regulations applying on South Georgia and had rendered himself totally unacceptable to the British authorities by so doing. On the most charitable interpretation he had been an instrument in precipitating the recent conflict and his participation in any future operations to remove the whaling stations would therefore be quite unacceptable.” 109

105 HC Deb 31 January 1983 vol.36 cc29-30W
106 Hunt to FCO February 11, 1983 Telegram No. 104 Margaret Thatcher Foundation
107 It is not the Darwin cemetery. That settlement has its own burial ground.
108 Rubensten 2011

33
March 2nd, Queen Elizabeth II, during her visit to Los Angeles, thanks the US for its support the previous year.

March 7th, a group calling itself the ‘Centre of Volunteers for the Fatherland’ hand a letter in to the Uruguayan Embassy in Buenos Aires. It asks for assistance in getting a group of Argentine next of kin to the Falklands.

“... they are described in the Argentine press as 'as a group of ex-combatants of the Falklands War'... they are 'requesting permission to return to the Islands' with the 'cooperation of the ICRC and the protection of the United Nations'. Their representative Destefanis ... said that it was humanitarian and non-political and that he intended to hire a boat and set sail from Montevideo... He denied any official links...” 110


“An Argentine group opposed to British rule of the Falkland Islands has claimed responsibility for letter bombs sent Tuesday and Wednesday to Prime Minister Margaret Thatcher and the European headquarters of the United States Navy. A man who said he represented the group told the Argentine press agency Diarios y Noticias that the group was also planning a series of attacks against British schools and institutions in Argentina ...

Argentine Law 22.769 establishes April 2nd as a public holiday to be known as the Day of the Malvinas, South Georgias and South Sandwich. Argentina issues a stamp set commemorating the 'First Recovery of the Malvinas, South Georgias and South Sandwich'.

To the annoyance of Chile, Cape Horn is shown as Argentine territory. 112

March 24th, Civil Commissioner Hunt, informed of the group of Argentine next of kin hoping to sail to the Islands, responds to the FCO.

“Councillors wished me to emphasise to you that they fully understand the wider considerations ... Their immediate reaction... was one of total opposition but, after lengthy discussion, they instructed me to say that they would agree to accept a visit by Argentine next of kin on the following conditions: A. Argentina must first declare a formal cessation of hostilities, B. Next of kin must travel with valid visas issued by FIG, C. Next of kin must be close relatives of named dead... I presume that these conditions will be totally unacceptable to Argentine Government, who will deny all responsibility for an unofficial initiative.” 113

March 25th, in London, the FCO ask the Prime Minister for a decision on the Argentine next of kin proposal.

“... in the absence of an answer to his request, Senor Destefanis may sail anyway. He has claimed to the International Committee of the Red Cross that he has a ship at his disposal and that 211 relatives of Argentine soldiers killed in the fighting are ready to make the journey. ... permission to allow such a visit is the responsibility of the Falkland Islands Government rather than the British Government.” 114

110 Hutchinson (Montevideo) to FCO March 24, 983 Telegram No. 167 Margaret Thatcher Foundation
111 Holmes (FCO) to Coles (Downing Street) March 7, 1983 at the Margaret Thatcher Foundation. This came at the same time as proposals were moving forward for a visit by British next-of-kin who were to fly via Montevideo en-route to the Islands. Suspicions were therefore raised that Destefanis and his group were tools of the Argentine Government attempting to exploit Uruguyan sensitivities regarding the British plans.
112 This holiday was subject to a number of changes. See footnote to November 30, 1973
113 Hunt to FCO March 24, 1983 Margaret Thatcher Foundation
114 Goodall to Thatcher March 25, 1983 Ref. BO6750 Margaret Thatcher Foundation
March 30th, at the UN, Argentina draws attention to; “... continuous public pronouncements by the highest British authorities that the United Kingdom was not prepared to negotiate on the sovereignty of the territories and asserted that that attitude was a challenge to the decisions of the Security Council and the Assembly.”

April 5th, 530 relatives of the British dead, leave the UK for the Falklands.

April 8th, reported in The New York Times.

“Representatives of families seeking information on more than 500 Argentine servicemen listed as missing in the Falkland war a year ago were told by Britain today that it had no secret clues as to their fate. The three Argentines, one of whom lost a pilot son, said after the meeting with a Foreign Office official that they were satisfied with what they had been told. Their trip here had been prompted by confusion at home over the identities of the about 1,000 Argentines who were dead or missing after the British retook the islands last June. There are also rumours in Argentina that the British have maintained secret prisoner-of-war camps on remote islands in the South Atlantic. The Foreign Office official, Cranley Onslow, said after the meeting with the group that he could give them assurances that no Argentines had been held since last July and that London had provided Buenos Aires with all possible information on Argentine casualties.”

April 19th, guidelines are drawn up to deal with any unauthorised visit by Argentine next of kin to the Falklands.

“ICRC has decided it could not be associated with Argentine next of kin visit... HMG has therefore concluded that visit should not be authorised. Destefanis has announced he still intends to go ahead ... and expects to sail in vessel Lago Lacar on 30 April. ... If Lago Lacar enters FIPZ it does so without necessary authority from HMG and is to be treated accordingly.”

April 30th, Argentina's Government prevents Lago Lacar leaving for the Islands.

“Lago Lacar. Ship is owned and operated by State controlled shipping line Elma. Both line and ship have clear links with Argentine navy.”

“The British warned that the crossing of territorial waters would be considered an act of aggression, and the boat was forced to turn back.”

In May, Britain proposes that Argentina resume the Bilateral Air Services Agreement. There is no response.

May 9th, in Britain, Margaret Thatcher calls a General Election. The dissolution of Parliament is announced. This interrupts the deliberations of Parliament's Foreign Affairs Committee which is considering its Chairman’s draft report on Britain’s rights to the Falkland Islands.

“Your Committee have reached the following conclusions in respect of Argentine and British claims to the Falkland Islands prior to the Argentine invasion in 1982:

115 Ministry of Defence Memorandum (MO 5/21) April 28, 1983 Margaret Thatcher Foundation. The organiser, Destefanis, smuggled himself on board a Falklands bound cruise ship in November, 1983 but, after declaring himself once the ship had sailed, was locked in a cabin for the duration of the voyage. He was not allowed ashore at Stanley.

116 Ibid.

117 Rubensten 2011.

(i) at the time of Britain’s occupation of the Islands in 1833, her title to sovereignty over East (but not West) Falkland was in doubt;

(ii) Britain’s acquisition of the whole of the Falkland Islands was not in 1833 an illegal act; and

(iii) Britain’s title to the Islands on the basis of acquisitive prescription following the occupation of 1833 had considerable validity in view of Argentina’s failure to protest during most of the period between 1849 and 1908.

Your Committee therefore do not doubt the legality of Britain’s claim.” 119

May 18th, at the UN, Britain responds to Argentina’s complaint of March 30th.

“… the continuing tension in the South Atlantic lay in the refusal of Argentina to declare a definitive cessation of hostilities and to renounce the use of force as a means of resolving the dispute.”

In June, the General Election returns the Conservative Party, and Margaret Thatcher, to Government.

June 27th, a new airport for the Falklands is announced in the House of Commons by MP Michael Heseltine.

“We have now decided that the right course is to build at Mount Pleasant. This is less expensive, even allowing for a road between Mount Pleasant and Stanley, and is much less likely to involve unforeseen delays and interruptions to the construction work. Most important, the use of RAF Stanley by the garrison will not be restricted while the new airport is being built. The new airfield will be able to operate wide-bodied aircraft, civil as well as military.” 120

June 28th, in a letter to the UN, Argentina declares that the UK is; “... not ready to seek a definitive negotiated solution to the sovereignty question but seemed bent on consolidating its illegal colonial presence...”

July 16th, Argentina alleges that the UK plans; “… to introduce nuclear weapons into the region...” 121

August 5th, an Argentine naval aircraft, on entering the exclusion zone, is challenged by the Royal Air Force.

August 10th, Argentina complains to the UN.

“... on 1 August two fishing vessels, the Rivera Vasca and the Arcos, flying the Argentine flag and fishing in ... Argentine jurisdictional waters, were forced by British helicopters and a missile frigate to leave the area where the United Kingdom had illegally established a so-called exclusion zone.”

August 25th, Britain responds to Argentina’s complaints of 28 June and 16 July, 1983.

“The United Kingdom rejects the allegations that the British Authorities are bent on maintaining a climate of confrontation, ... Far from seeking confrontation, the United Kingdom has taken initiatives towards the normalisation of relations between the two countries, to which Argentina has inadequately responded. ... recent incursions by both Argentine military aircraft and unauthorized civilian vessels have demonstrated the continuing need for measures to defend the Falkland Islands. ...”

119 From Kershaw's initial draft report – A policy for the Falkland Islands, 1982/83 (Chairman, Foreign Affairs Committee, House of Commons) quoted in An Annotated Legal Chronology of the Malvinas (Falkland) Islands Controversy E. Ferrer-Vieyra 1985. cf. The Falkland Islands, 5th Report from the Foreign Affairs Committee Session 1983-1984 HC 268 25.10.1984. The original Committee was unable to agree on the final report before the dissolution date arrived. As a result, its work was passed on to its successor which was not formed until December, 1983. Despite Kershaw remaining as Chairman, his original draft was substantially changed by the successor committee. cf. October, 1984

120 Hansard June 27, 1983

121 UN Yearbook 1983
The United Kingdom’s attitude towards resolution 39/9 is well known. This resolution failed to give express recognition to the right of the people of the Falkland Islands to self-determination, and appeared to suggest that the status of the Islands should be changed irrespective of the manifest wishes of the Islanders. The reference in the Argentine letter of 28 June to the preservation of the way of life and traditions of the Falkland Islanders are no substitute for recognition of the fundamental right of self-determination. ”

August 31\textsuperscript{st}, in New York, the UN’s Special Committee on Decolonization meet to consider the Falklands – hearing petitions from Anthony Blake, John Cheek, Derek William Rozee and Alexander Jacob Betts. \textsuperscript{123}

September 14\textsuperscript{th}, the Special Committee on Decolonization notes, ’... with concern...’, the Ascension Island military airfield; recalling UN resolutions concerning military bases and installations in colonial and non-self-governing territories. \textsuperscript{124}

October 30\textsuperscript{th}, democratic elections are held in Argentina. Raúl Alfonsín is elected President.

“The Armed Forces themselves concealed the return of the soldiers, pressured the soldiers not to testify about their experiences, and persecuted the first groups of veterans for fear that truth would increase the discredit [of the Armed Forces]. The first democratic government continued with that policy of concealment in the belief that upholding the war might enable the Armed Forces to improve their image and maintain their influence in the political process.” \textsuperscript{125}

Afraid that the defeat will weaken the population’s unity over the Falklands, Alfonsín’s administration commence a process of education separating the military dictatorship and its war, from the question of the archipelagos’ sovereignty.

“... "de-Malvinization" consisted of hiding the combatants and rejecting the idea that the Malvinas War was a national cause.” \textsuperscript{126}

“... the shame of concealing our combatants when they returned from the islands. They didn’t ignore them; it was something worse: they concealed them. That was when a "de-Malvinization" process began. Some, perhaps in good faith because they identified the dictatorship with Malvinas; others, perhaps, as a subtle and intelligent strategy – subtle and intelligent – in order, precisely, to achieve the final purpose and aim: that we Argentinians should renounce definitively to that which is rightfully ours.” \textsuperscript{127}

122 FCO to UKMIS August 17, 1983 Telegram No. 384.
123 Betts, an islander, had fled to Argentina after the war; abandoning his wife and children and under suspicion of having spied for Buenos Aires prior to the 1982 invasion. Granted Argentine citizenship, Betts has been a regular public supporter of Argentine sovereignty; principally at the United Nations; using the first name – Alejandro. \textsuperscript{cf.} 2014
125 Federico Lorenz quoted in Malvinas between dictatorship and national Independence: Argentinian history in CFK’s speeches Paula Salerno 2019
126 Salerno 2019
127 President Cristina Kirchner in a speech of April 2, 2010. The Peronist party even managed to twist the objective of ‘de-Malvinization’ which, under Alfonsin, had been to maintain Argentina’s claim by detaching it from the dictatorships’
# Researcher’s Comment: The effects of this policy can be seen today, whereby most Argentine’s view the 1982 war as a military adventure that did not conform to the will of the people. Despite all the dancing in the streets on April 2, 1982.

An Argentine speaker attending the Commonwealth Parliamentary Conference in Kenya claims that the 1983 Immigration Act justifies Argentine claims that Falkland Islanders are, “British people settling illegally on Argentine soil.” He denies the existence of any Islands culture, consciousness or identity.

In November, the Falkland Islands Government (FIG) recommends the imposition of an 'exclusive fishing zone' to reduce the uncontrolled fishing activities of foreign vessels; described as a “free for all” by Parliament’s Select Committee on Foreign Affairs.

November 13th, Dante Caputo, Argentina’s new Foreign Minister, gives a speech to the UN.

“Argentinean Sovereignty over the Falklands is not negotiable. That is the starting point of negotiation. Regardless of how quick or slowly talks progress, or what concessions may be made on either side, at no moment will sovereignty be under discussion.” 128

November 16th, at the UN, the General Assembly adopts resolution 38/12. 129

“Aware that the maintenance of colonial situations is incompatible with the United Nations ideal of universal peace ... 1. Reiterates its request to the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland to resume negotiations in order to find as soon as possible a peaceful solution to the sovereignty dispute relating to the question of the Falkland Islands (Malvinas)...”

Exercising a right of reply, Britain’s Foreign Secretary states that the resolution; “… will make no difference to our commitment to the people of the Falkland Islands.” He calls upon Argentina to; “… recognise that the Falkland Islanders have the same right to live under a Government of their choosing as do the people of Argentina.” 130 In explanation of their vote; “Fiji, Qatar and Samoa said they abstained because the resolution failed to provide the population adequate opportunity to express their wishes about the future.” 131

November 30th, Lord Kennet, the SDP spokesman on Foreign Affairs tells a rally that Britain cannot afford 'Fortress Falkland' and that the archipelago should be handed over to the United Nations

“Howver, they had not expected to find Kelpers in the audience.” 132

December 2nd, Reagan writes to the Thatcher.

“As you know, Argentina has made steady progress in strengthening its protection of human rights. The fair, open and honest elections on October 30 are the latest manifestation of this progress. When President elect Alfonsin takes office on December 10, Argentina will have completed its return to democracy. In view of this and other relevant factors, I will be certifying to the U.S. Congress that Argentina has made significant progress in human rights and that making Argentina eligible for arms transfers is in the U.S. national interest. Our announcement will be made on December 7, just before the U.S. delegation arrives in Buenos Aires for the inauguration.

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128 The Falkland Islands, 5th Report from the Foreign Affairs Committee Session 1983-1984 HC 268 25.10.1984 para.68
130 The Falkland Islands, 5th Report from the Foreign Affairs Committee Session 1983-1984 HC 268 25.10.1984 para.79
131 UN Yearbook 1983
132 Falkland Islands Newsletter No. 18 February 1984. SDP = Social Democratic Party
Certification will be effective upon installation of the new government. I know this announcement will be a delicate question in Great Britain. However, as I suggested when we last met, and as subsequent consultations between our two governments have indicated, it is now appropriate and accurate to certify that Argentina has made significant progress in human rights. ... In my view, our normalization of relations with Argentina will be in the interests of the United States and Great Britain. Certification will help strengthen U.S. influence with Argentina and enable us to work more effectively to assure regional stability. The climate for dialogue and negotiation will be improved.”

December 7th, the General Assembly adopt resolution 38/54: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. This gives an instruction to the Special Committee on Decolonization. 133

“... pay particular attention to the small Territories, including the sending of visiting missions to them, as appropriate, and to recommend to the General Assembly the most suitable steps to be taken to enable the populations of those Territories to exercise their right to self-determination, freedom and independence:...” 134

December 8th, Cable & Wireless open a direct satellite link between the islands and the UK.

PM Thatcher sends a message to Buenos Aires, via the Swiss Embassy, for transmission to the new President.

“While we have our differences, Britain is pleased with the restoration of democracy in Argentina, and extends its good wishes.” 135

December 10th, Raúl Alfonsín, Argentina's President, makes an inaugural speech to Congress.

“In the case of the Islands Malvinas, Georgia of the South and Sandwich of the South, it is and it will always be our unrelinquished objective the recovery and definitive secure of the right from our nation to its sovereign territorial integrity. In this point we are inflexible and the sovereignty is a previous fact to the negotiation. We will impel the recovery of those insular territories and their definitive integration to the sovereignty of the Nation claiming with energy and decision the execution of the effective resolutions of the General Assembly of the United Nations. They exhort to the direct negotiation of all the aspects.” 136

Alfonsín also claims that the establishment of a military base on the Falklands is; “a serious threat to the security of the Argentine Republic and to the whole region” 137

“In his inaugural speech, on December 10, 1983, President Raúl Alfonsín assured that his government would promote the recovery of the Falkland Islands, respecting the provisions of the resolutions of the United Nations General Assembly (UNGA) and that he would denounce as a threat to Argentina, and the region, the installation of the military fortress in the archipelago by the United Kingdom. Likewise, the new president advanced a demand that would be decisive later in the diplomatic negotiations with London during his government: the discussion of the sovereignty of the islands should be a previous step to the reestablishment of relations with the United Kingdom. However, the situation had changed...” 138

134 No UN 'mission' has ever visited the Falklands despite repeated invitations.
137 Clarin December 11, 1983
138 La Diplomacia de los Non Papers como antecedente a los Acuerdos de Madrid Luciano Herrero 2020 in Dossier de investigación N°2: ‘A 30 años de la firma de los Acuerdos de Madrid I y Madrid II’ ReFEM2065 April, 2020
After the ceremony, President Alfonsín has a meeting with US Vice-President Bush.

“He said bilateral relations suffered because of the Malvinas war, but this same problem could become a possible avenue to improve our relationship. The democracies of the world must be unified. The Malvinas issue divides them. It is important to begin to implement the UN resolution on the Malvinas. Conversations between the U.K. and Argentina should begin, even if with differing agendas, it was important to start talks. There must be an end to the exclusion zone and at all costs the conversion of the Islands into a military fortress must be stopped before the South Atlantic is turned into the North Atlantic.”

December 11th, Argentine newspaper, Clarin, suggests that Buenos Aires could announce an immediate cessation of the state of hostility provided that Britain suspended the construction work at Stanley airport and drew in the exclusion zone. The editorial adds; “the islands could immediately be leased to Great Britain for one period to be determined.”

In London, a new House of Commons Foreign Affairs Committee is established following the General Election.

“A South Atlantic Council is established in the UK.

As part of the Argentine strategy, Alfonsín affirmed that they also had planned to try to work with the opposition inside the British Parliament.”

139 Department of State, Central Foreign Policy File, N830012-0498
140 The Falkland Islands, 5th Report from the Foreign Affairs Committee Session 1983-1984 HC 268 25.10.1984
141 Taken from the Council’s website, 2017. This group is still in existence.
**Researcher’s Comment:** Despite assertions to the contrary, this organisation has long been considered as biased towards Argentina. Viewed with some suspicion by Falkland Islanders. In 2013 however, one (the?) of its leading members, Prof. Peter Willetts came out in support of the islanders' right to self-determination. A hard man to pigeon-hole. This group appear to have suffered from a lack of funding in recent years.


“... formal ceasing of the hostilities, elimination of the British protection area surrounding the islands, restoration of the diplomatic and commercial relationships, and reduction in the number of British troops garrison the islands. Once these steps were taken, open conversations could be renewed.”

And also a “degradation” of the topic of sovereignty.

**January 5th**, Sir Philip Goodhart MP, writing in *The Times*, suggests that West Falkland be offered to Argentina to “solve a problem.”

**January 26th**, London, via the Swiss, counter-proposes talks regarding the repatriation of Argentine dead, renewal of commercial and financial links and the restoration of diplomatic relations.

“... the British considered their victory in the Falklands War as a sufficient reason to end the dispute in their favor and move the situation back to before 1965, when the sovereignty of the islands was not discussed. Margaret Thatcher's government felt that it had sufficient authority to set the pace of any attempt at a bilateral rapprochement that Argentina wanted to try and not only required Buenos Aires not to touch on the issue of sovereignty, but also the formal cessation of hostilities, before talking about the restoration of diplomatic relations.”

**January 27th**, Italian Prime Minister Craxi speaks to Margaret Thatcher

“Signore Craxi said that Argentina believed that the problem of the Falkland Islands would have to be dealt with over a period of time. The Argentine Government would be interested to have secret talks in order to exchange views with the United Kingdom. They also wished to examine small steps towards the normalisation of relations and the improvement of the present atmosphere. A dialogue in public would be more difficult for them because they would then have to request a discussion of the sovereignty issue. This would hinder a dialogue on smaller issues. They wanted a diplomatic contact in order to have deep exchanges and so that the position of each side might be understood. The Alfonsin Government had shown that the only road was the road of reasonableness. Hostilities had been completely unproductive. He himself did not wish to pronounce on the substance of all this, merely to reiterate that the Argentine Government was interested in contact.

The Prime Minister said that she saw great difficulties in secret talks. Signor Craxi said that perhaps 'Confidential' was a better description. The Prime Minister commented that Argentina was aware of our position. We would not negotiate sovereignty. But sovereignty was all Argentina wanted. The Falkland Islands were ours and their people wished to stay British. She could tell Signor Craxi confidentially, but would not wish this to become public, that we had asked the Swiss, as the protecting power, to put to the Argentine Government the possibility of diplomatic contacts between Argentina and Britain to establish how far we could go in improving relations on commercial and other matters. We awaited a reply. But if it was agreed that confidential talks should take place, that fact would have to be publicly known and the limits to the contacts clear. We wanted normal commercial relations. But there would be no negotiation about sovereignty. ...

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143 *Ibid*
144 *Clarín* March 1, 1984
145 Department of State, Central Foreign Policy File, D840069–0601
146 Herrero 2020
So if Argentina wanted confidential talks, the move we had made would facilitate that. Argentina might seek to impose conditions. The remarks of its Foreign Minister to the Italian press had not been helpful. ... The Prime Minister added that no-one in the Falkland Islands or in Britain would ever forget the Argentine invasion and occupation of the Islands. Signor Craxi said that perhaps there was no solution for certain problems. The Prime Minister said that that a glance at boundary problems in Southern America suggested that this might be true. The only way to handle some problems was to ignore them.” 147

“... the United Kingdom came to assume the position that Argentina broke the rules of the game, provoked a war, and by losing it, the sovereignty dispute over the Malvinas had been resolved in its favor.” 148

**February 1st**, speaking in Caracas, Argentina’s President Alfonsín proposes; “... the replacement of the British garrison on the islands by a United Nations peacekeeping force.”

“He also proposed conversations in order to lift the exclusion area imposed by the United Kingdom to Argentine ships. In exchange, Argentina would declare a de jure ceasing of the hostilities and a return to the normal bilateral relationships.” 149

**February 2nd**, Britain’s Foreign Secretary Sir Geoffrey Howe rejects the Caracas proposals.

“... there is no role for the United Nations in the protection of the Islands.”

Foreign Minister Caputo responds that he finds this, “incomprehensible.”

**February 4th**, in London, the FCO announces that a series of talks, via Swiss and Brazilian mediators, have been taking place with Argentina in an attempt to normalise relations. Margaret Thatcher informs Parliament; “We have no intention of negotiating on sovereignty.”

**February 10th**, at the UN, Argentina accuses the UK of committing acts of provocation against fishing vessels outside the protection zone.

**April 2nd**, President Alfonsín addresses a ceremony to inaugurate a war monument to the Argentine dead.

“I am here to commemorate with you, at the foot of this monument, our (people) fallen in battle, those brave Argentines who gave up their lives or generously exposed themselves on that southernmost portion of our nation. Although it is true that the government that made use of force did not consider the tremendous and tragic consequences of its action, it is equally true that the ideal that encouraged our soldiers was and is the ideal of every generation of Argentines: the definitive recovery of the Malvinas Islands, South Georgia and South Sandwich islands... God saw the virtuous, and among these the brave and the lively, ... He chose his heroes. He chose the ones we commemorate today. Anointed by misfortune, devoid of the victory laurels... These tragic deaths strengthen further the conviction we have of the fairness of our rights... It is not possible that there will be colonies in America. It is not possible to perpetuate the appropriation of American land. The dead of Puerto Argentino, "Belgrano", Georgias, many other places in our land and southern sea... our heroic dead in the air, summon us to this homage.” 150

**April 6th**, Britain says that it is ready to discuss a re-establishment of diplomatic relations, but not sovereignty.

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147 PREM 19/1295 f35
148 Herrero 2020 citing Garcia del Solar 2000
149 Corbacho 2000 p.7
150 Argentina’s Falklands War dead were declared to be “national heroes” by law 24.950 on March 18, 1998.
April 10th, in Stanley, a fire at the hospital kills 7 patients and a nurse, Barbara Chick. The building is gutted. 151

“On 10 April this year, a major fire broke out at the only hospital in Port Stanley, the King Edward Memorial Hospital. As a result of that fire, eight people died. The building was gutted and has since been totally unusable. ... It is only proper that the House should now add its own tribute to the comments in the report about the activities of three people at the hospital who were instrumental, inside the hospital, in saving, at considerable risk to themselves, the lives of those patients who were able to get out. Those people undoubtedly acted with a bravery which the House should commend. They were Nurse Reed of the civilian staff, Lance-Corporal Shorter from the military staff, and my former constituent Nurse Barbara Chick, who died in the fire. Whatever the doubts about the exact sequence of events, it is clear that Nurse Chick died in an effort to save the lives of patients.” 152

April 16th, Rear-Admiral Juan Jose Lombardo is interviewed for a BBC Panorama program. He tells the BBC that it was a sound military decision to sink the General Belgrano. That he would have done the same to the Royal Navy, given the opportunity.

April 24th, Argentina is told that Falklands' sovereignty will never be discussed by Thatcher's government. 153

April 26th, the Islands takes delivery of the Falklands Intermediate Port and Storage System (FIPASS). 154

General Sir Peter de la Billiere is appointed Commissioner and Commander of British forces in the Falklands.

In May, five members of the House of Commons Foreign Affairs Committee travel to the UN.

“... for off-the-record discussions with members of the United Kingdom Mission to the United Nations, the United Nations Secretary-General and the Ambassadors of Argentina, Australia, Barbados, Brazil, Canada, Chile, France, India, Mexico, Peru, Uganda, the United States of America and Venezuela.” 155

June 7th, in Buenos Aires, political parties sign a Joint Declaration.

“Diplomatic negotiations between Argentina and Great Britain must include the subject of our sovereignty on the Malvinas Islands, the Georgia Islands and the South Sandwich Islands. The Argentine Republic condemns and deplores the notion of ‘Fortress Falklands’ and the so-called ‘exclusion zone.’ Diplomatic action will be intensified, searching for a peaceful solution that should acknowledge our rights over these portions of national territory.” 156

June 10th, on the Day of Reaffirmation of Argentine Rights over the Falkland Islands, President Alfonsín publishes a message to the Argentine nation. 157

“The Falkland Islands constitute a symbol of sovereign reinvindication (sic) shared by all Argentines ... The Argentines did not accept then, as we do not accept now, any mutilation of our territory.”

151 An inquiry found that the cause was probably a wiring fault with the rapid spread of the fire assisted by a lack of fire doors. Fire hoses had been unconnected to a water supply, although there was, in any case, insufficient pressure.
152 MP Michael Stern, House of Commons on August 1, 1984 in HC Deb 01 August 1984 vol 65 cc366-71. Nurse Chick was subsequently awarded a posthumous Queens Commendation for Brave Conduct
153 Falkland Islands Newsletter May 1984
154 FIPASS consisted of 6×300 ft oil rig support barges, each 90 ft wide; each supporting a quay and joined to the shore by a causeway.
155 The Falkland Islands, 5th Report from the Foreign Affairs Committee Session 1983-1984 HC 268 25.10.1984
156 Ibid para.67. Also The Future of the Falkland Islands: a solution made in Hong Kong? Peter Beck 1985
157 See footnote to November 30, 1973
June 14th, Liberation Monument is unveiled in Stanley by the Hon. Harold Rowlands.

British MP George Foulkes, founding member of the South Atlantic Council, meets Argentine officials at a seminar hosted in the USA by the University of Maryland.

“In a seminar on the Falkland Islands sponsored in 1984 by the University of Maryland, where parliamentarians from Argentina and the United Kingdom met, Labor George Foulkes recommended to Argentines that in future documents on the matter, the diplomats of our country use in the wording the following sentence:

"... negotiate on all pending problems between the countries, including all aspects concerning the future of the islands."

In this way, the word sovereignty disappeared, as the British wanted, and the Argentines could convince themselves that as it was all a matter of interpretations, their interests were tacitly included.” 158

After the seminar, members of the South Atlantic Council travel to Buenos Aires to explore the potential for negotiation. 159

June 25th, Britain agrees to a meeting with Argentine officials on a formula prepared by Swiss mediators.

“Jorge Sábato, then Secretary of SpecialAffairs of the Foreign Ministry, described this process as conversations to discover some sufficiently ambiguous formula that not would imply a commitment from either party. The talks went back and forth until finally, the Swiss suggested a relatively ambiguous form that where the Spanish translation from the English would have two different meanings. After long deliberations and proposals, the parties arrived to the formula of "to be not prepared." According to official Argentine sources, the practical solution was not to require official translations during the meetings. The formula was expressed originally in English. When the Argentines would require the treatment of the issue of sovereignty, the British representatives would respond that the United Kingdom was "not prepared" to treat (on) the topic. In this case, the Spanish translation could be either that the British were actually "not prepared," or "not willing." Consequently, each party would give to the phrase the interpretation they wanted. For the Argentines, the United Kingdom was not prepared to discuss the topic, but they could do it later. Whereas the British interpretation of the formula could be that they are "not willing" to do it. Covered by this ambiguous formula both governments would continue with the treatment of other topics. In this way, the formula was specifically designed in such an ambiguous form to protect the desires of each party. According to Mirré, through the mediation of the Swiss embassy in Buenos Aires the parties had agreed on three points: open agenda, no translators, and freedom to treat (on) any issue.” 160

“The formula originally expressed in English stated that faced with the request of the Argentine negotiators to deal with the issue of sovereignty, the British representatives would reply that the United Kingdom "is not prepared" to deal with the issue. The Spanish translation could be "not ready" or "not ready", each party would give the interpretation they wanted. For Argentina, the United Kingdom "is not ready" to discuss the issue, but could do so later, the British, on the other hand, could interpret the formula in the first sense, that is, "not being willing"...” 161

158 Herrero 2020 citing Cardoso et al 2012
159 Cyril Townsend, George Foulkes and Lord Kennet. They returned empty handed.
160 Corbacho 2000. Jorge Frederico Sabato was the son of the author Ernesto Sabato who, while an opponent of the military Junta in 1982, had been an enthusiastic supporter of the invasion of the Falkland Islands. cf. April, 1982
161 Herrero 2020 citing Cisneros et al 2000
July 18th, representatives from Argentina, Britain and Brazil meet in Berne, Switzerland. 162

“According to FCO, talks began July 18 in Bern between British and Argentine negotiating teams under the chairmanship of Swiss State Secretary for Foreign Affairs Brunner. A Brazilian representative will be present as the other protecting power. The stated aim of the talks is normalization of relations between the two countries. In the public announcement, no mention is made of whether the subject of sovereignty is to be discussed. If asked, the UK will refer to its previous position on that question. FCO regretted that, at the request of the Argentines, Britain was unable to give its allies advance notice of the talks. ... The UK negotiating team is headed by FCO Assistant Under Secretary for the Americas David Thomas; the Argentine group is led by Assistant Under Secretary Delpeche. FCO expects the talks to last two or three days, and hopes this will be the first in a series of meetings with the Argentines. FCO would not provide details of the agenda, but stressed that sovereignty over the Falklands would not be discussed.” 163

In an interview, Sir Rex Hunt complains that talks, only two years after the Falkland’s War, come far too early.

July 19th, the Falkland Islands’ Government grants an oil exploration licence to Firstland Oil and Gas PLC.

Talks in Berne between Argentina and the UK collapse.

“The Ministry of Foreign Relations and Worship reports that on July 18 and 19, on an invitation of the Swiss Confederation and with the participation of representatives of the Federative Republic of Brazil, the delegations of the Argentine Republic and the United Kingdom of Great Britain and Northern Island met in Bern. The meetings, which were of an informal nature, were held with an open agenda with the purpose of exchanging points of view concerning the Malvinas, Georgias, and Sandwich Islands, and other points related to the problems affecting the relations between the two countries. At the beginning of the meeting, the Argentine delegation reasserted Argentina’s sovereign rights over the Malvinas, South Sandwich, and South Georgia Islands. It also asserted that since the sovereignty matter constitutes the substance of the conflict with Great Britain, the other points of disagreement would be resolved in an expeditious and satisfactory manner if a serious and responsible solution was found to the sovereignty issue. In this regard the Argentine delegation reaffirmed the Argentine Government’s willingness to find a solution to the conflict based on the recommendations made by the United Nations. For its part, the British delegation stated that it was not disposed to discuss the sovereignty issue. Since this circumstance impaired the objective of the Bern meeting, there was no purpose in continuing the talks.” 164

“They broke down because the Argentine representatives took a position that ran directly counter to the basis for the negotiations that had been explicitly agreed by them in advance. That was a sadly missed opportunity. The Argentine representatives knew then, and the House knows now, that we are not prepared to discuss with Argentina sovereignty over the Falkland Islands. The Government believe that Argentine actions in 1982 have ruled that out. And yet the Argentine representatives insisted at Berne, in the face of the clear prior agreement to the contrary, that no progress could be made towards normalisation without the certainty that a mechanism would be established that would in practice lead to a transfer of sovereignty.” 165

162 UN Yearbook 1984
163 Department of State, Central Foreign Policy File, D840465–0296
164 Press statement of Foreign Minister Dante Caputo in Department of State, Central Foreign Policy File, D840463–0817
165 Falkland Islands (Foreign Affairs Committee Report) HC Deb 14 March 1985 vol.75 cc492-530
“Although the Berne episode was designed merely to provide talks about talks, it served to highlight the incompatibility of Argentine and British approaches to the future of the Falklands, since the British anxiety to concentrate upon the first stage, of practical issues, conflicted with the Argentine desire to blur the distinction... because of Argentina’s refusal to negotiate on any topic unless sovereignty was on the agenda.” 166

“The meeting in Berne failed because of the mention of the topic of sovereignty. In this case, both sides ending accusing the other of having broke the previously agreed formula. ... the Argentine press, citing Swiss sources, claimed the South American diplomats had been assured that the British would respond to the sovereignty issue with "the almost scripted" not in a position' to discuss it. In that case, Argentine representatives would assume that sovereignty would not be excluded (for ever), and they would proceed with the discussion of other topics. But, the British gave a different answer. Their representatives stated precisely that they were "not prepared" to discuss the topic, which had a meaning very different to that of the expected answer.” 167

“The ups and downs of British politics and the repeated island(er) obstruction during the more than 16 years of negotiations ... were replaced by a firm decision not to return to the negotiating table. Career officials who had supported a diplomatic solution to the dispute, including the last Ambassador in Buenos Aires, took second place. This policy led to the failure of the bilateral meeting that took place in Bern in 1984, which London attributed to translation errors made by the host. It should only be noted, in this regard, that no one doubts the Swiss competence to intervene in matters as delicate as this.” 168

“To avoid the failure of the talks, the parties had established that Argentine negotiators would present the issue of sovereignty for discussion, to which the British would respond "not being prepared" to discuss the issue. Faced with this response, Argentina would assume that sovereignty was not excluded and would proceed with the discussion of other issues. However, the British negotiators introduced a simultaneous translation of the conversations in Spanish, making their statements official. In this way, the Foreign Office negotiators stated that the government of Margaret Thatcher "was not willing" to discuss the sovereignty of the Falkland Islands. Hearing the refusal of the British negotiators, the Argentine delegation ended the talks.” 169

**July 20th,** Sir Geoffrey Howe informs US Secretary of State Shultz of the breakdown of the Berne talks.

“We recognized of course that Britain and Argentina had different positions on the sovereignty issue. It was clear to us that if talks between us were not to founder at the outset on this issue, we should have to devise an arrangement which met those different positions. After many months of discussions, we finally reached agreement through the Swiss, on the basis of an Argentine proposal, that if the Argentine representatives raised the subject of sovereignty, as they clearly wished to do, the British side would respond that we were not prepared to discuss it. Discussion would then move straight on to the practical issues of concern to both sides and would continue on those subjects. This agreement was specifically agreed by the Argentine Government and confirmed by the Swiss.

We complied scrupulously with this arrangement when the talks opened in Berne. As we had expected, the Argentinians raised the question of sovereignty. As we had indicated in advance, we made plain that we were not prepared to discuss it. We then went on to put forward some constructive ideas on a number of practical issues ... Sadly the Argentine representatives were not willing to continue the talks on the agreed basis. They advanced the new proposition that discussion of the practical issues we had put forward could only take place on condition that we accepted some mechanism to address the question of...”

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166 *The Future of the Falkland Islands: a solution made in Hong Kong?* P. J. Beck 1985
167 Corbacho 2000
168 *La política británica hacia las Malvinas* Vicente Berasategui 2013
169 Herrero 2020
sovereignty. They must have known that this was quite inconsistent with the agreed basis of the talks. But they maintained that unless their new condition was met, they were not prepared to pursue the talks. The talks therefore came to an end.”  

**August 2nd**, Britain tells the UN; “… the best way to establish more normal relations with Argentina was to discuss practical issues such as resuming commercial relations, restoring air services, and a visit by Argentine next-of-kin to graves on the Falkland Islands, but Argentina was not prepared to negotiate on that basis.”

**August 8th**, in Buenos Aires, Minister Caputo speaks to US Ambassador Frank Ortiz.

“Caputo told me Argentina’s goal on the Malvinas is to "disactivate" the conflict with the U.K. and return to the situation that existed before the Malvinas war. Argentina wants to "reinitiate" the decisions taken in mid-1977, specifically those set forth in the joint Argentine/ U.K. communique issued June 8, 1977. In that statement Argentina and the U.K. agreed to continue negotiations concerning future political relationships – including sovereignty with regard to the Falklands/ Malvinas, the South Georgias and the South Sandwich Islands – and economic cooperation with respect to those territories in particular and the Southwest Atlantic in general.”

**September 19th**, Margaret Thatcher responds to a question from MP George Foulkes regarding Belgrano.

“The need to do everything we could to protect the lives of some 10,000 British personnel – Service and civilian then in the Task Force and at risk from the Argentine Navy – was the sole reason for the attack on the Belgrano. No other consideration entered the calculations of the Ministers concerned, and in particular there was no question of taking the action in order to undermine peace proposals put forward by the President of Peru, about which Ministers in London had no knowledge at the time.”

**September 24th**, President Alfonsín tells the United Nations that his country will not discuss the Falklands without the issue of sovereignty being included.

“We could accept a Hong Kong type solution measured in months, not in years, or we could accept that the Islands are returned to us in five years, three years, but not in 29 years. We would like this return to take place during the lifespan of our generation”

Alfonsín rejects the suggestion of a referral to the ICJ; “… no type of arbitration is appropriate.”

“… the Alfonsín government focused all its energies on the multilateral strategy. … "to bring the United Kingdom to the negotiating table by publicly denouncing the situation in various international forums." … However, despite the fact that Argentina obtained support for its position of dialogue for the sovereignty of the Falkland Islands, over time the hope in this strategy was fading. The pronouncements in these international forums did not change the intransigence of the British not to discuss sovereignty one iota, …

170 Department of State, Central Foreign Policy File, D840490–0540  
171 Ibid. D840509–0428 D840509–0428  
172 Foulkes was a founder member of the South Atlantic Council. Viewed as favouring Argentina.  
173 Thatcher to Foulkes (Annex) Sept 19th, 1984  
174 Quoted in Beck 1985. This was a reference to the 99 year lease Britain held over the New Territories; due to expire in 1997. Negotiations on how to handle the end of the lease period had commenced in September 1982 and resulted in a treaty signed in December, 1984, allowing for a resumption of Chinese sovereignty in 1997 whilst maintaining the way of life then enjoyed by the people of Hong Kong for 50 years. In exchange, the British gave up Hong Kong Island.  
175 The Falkland Islands, 5th Report from the Foreign Affairs Committee Session 1983-1984 HC 268 25.10.1984 para.102
Margaret Thatcher's government would only sit down to talk with Argentina if it declared a cessation of hostilities and did not raise the question of the sovereignty of the islands.” 176

In October, Parliament's Foreign Affairs Committee produces a report considering sovereignty over the Falklands, South Georgia and the South Sandwich Islands. Doubts raised are in marked contrast to the Committee's draft-report of 1983. 177

“We sympathise with our predecessors in the difficulties they faced in seeking to reach conclusions on the respective strengths and weaknesses of the Argentine and United Kingdom claims. The historical and legal evidence demonstrates such areas of uncertainty that we are unable to reach a categorical conclusion on the legal validity of the historic claims of either country. ... much of the historical argument ... has been rendered less relevant by Argentina’s resort to arms.”

“The Select Committee did not consider itself to be an appropriate court of international law and was therefore not prepared to inquire as if it were.” 178

“Did the Committee consider the effect of its report in Argentina? I cannot imagine that it has been helpful. Did it consider the wider implications of that remark about sovereignty?” 179

However, the Committee has no doubts regarding claims to the South Sandwich Islands and South Georgia.

“... we have no difficulty in concluding that the claims advanced by Argentina in respect of the Dependencies of South Georgia and the South Sandwich Islands are without legal foundation.” 180

The report also comments on the current situation.

“It is clear that when referring to negotiations on sovereignty, the new Argentine Government is pursuing a policy essentially no different from that of its predecessors: that such negotiations, once begun, must lead eventually and inevitably to the relinquishment of the United Kingdom’s claim to and administration of the Falklands.” 181

October 19th, Firstland Oil and Gas P.L.C. announce the first petroleum survey of the Falklands since 1922.

October 23rd, in Argentina, law 23109 is promulgated. This grants benefits to; “... former conscripts who have participated in the war actions carried out in the South Atlantic between April 2 and June 14, 1982.” 182

October 30th, at the UN, Island representatives and Argentine petitioners are listed to make speeches to the Fourth Committee during its consideration of Falklands decolonization.

“Lionel G. Blake and John E. Cheek, members of the Falkland Islands Legislative Council, and Alexander Jacob Betts and Susan Coutts de Maciello, natives of the Falkland Islands.”

October 31st, Britain's representative at the UN, Sir John Thompson, responding to Argentine claims that the Islanders’ interests will be protected, speaks to the Fourth Committee.

176 Herrero 2020
178 Ivan Lawrence MP speaking in HC Deb 14 March 1985 vol.75 cc492-530
179 Sir Peter Blaker MP speaking in HC Deb 14 March 1985 vol.75 cc492-530
180 Ibid para.23
181 Falkland Islands (Foreign Affairs Committee Report) HC Deb 14 March 1985 vol.75 cc492-530
182 Malvinas: la visita de Edward Denmark, entre la admiración y la vergüenza in Tribuna January 25, 2020. This appeared to apply to all the veterans whether they had been posted to the islands or remained on the mainland. Costly, it was reviewed after only four years. See 1988
“The notion of guarantees presupposes that it is for others to decide where the interests of the Falkland Islanders lie ... surely, there is no people which were prepared, towards the end of the 20th century, to argue that its interests should be determined by foreigners.”

**November 1**\(^\text{st}\), in adopting UN resolution 39/06, the General Assembly. 183

“Having considered the question of the Falkland Islands (Malvinas)...


Observing with concern that, in spite of the time which has elapsed since the adoption of resolution 2065 (XX), the prolonged dispute has not yet been resolved. ...

1. Reiterates its request to the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland to resume negotiations in order to find as soon as possible a peaceful solution to the sovereignty dispute and their remaining differences relating to the question of the Falkland Islands (Malvinas).” 184

The UK exercises a right of reply to explain its negative vote.

“... the policy of the current Argentine Government on sovereignty and self-determination did not differ from its predecessors. The text was full of references to negotiations about sovereignty, it said, and, moreover, insinuated that the wishes of the population of the Falkland Islands might be open to negotiation. However, the principle of self-determination applied in the case of the Falklands just as in other cases;...” 185

“New Zealand opposed the resolution because it believed it did not adequately acknowledge the right of the Falklanders to a say in their future ... Australia, Chad, Norway and Saint Lucia felt that the interests of the islanders were not adequately served by the text. ... Sweden felt it did not explicitly endorse or even refer to the fundamental principle of self-determination.” 186

“... the General Assembly of the United Nations approved Resolution 39-6, by 89 votes in favour, 9 against and 54 abstentions. President Alfonsin's diplomacy had obtained less votes than that of General Bignone. Important countries like Australia, Belgium, Canada, Egypt, France, Germany, Greece, Israel, Italy and Portugal all abstained. The Argentine diplomats did not realise that, despite the approval of the Resolution, they were losing ground.” 187

**November 14**\(^\text{th}\), Tim Renton, informs Parliament of the Government's position regarding the latest resolution.

“*We voted against this resolution. It is not mandatory.*”

A delegation of Argentine Protestant clergy arrive in Britain to discuss reconciliation. Delegate Professor Monti declares that the two countries should return to the pre-war position of negotiating a handover. Professor Bonino asserts that negotiation; “... cannot exclude sovereignty, because that is the core of the conflict.” Dr. Pietrantonio is reported as exclaiming; “If the question of sovereignty is not present, what are we going to talk about?”

184 The format changed after this resolution. See November, 1985.
185 *UN Year Book 1984*
187 Falklands or Malvinas? Conrado E. Bullrich 2000 p.209
Bishop Cutts claims that while Islander opinion is important it is not, “paramount.”

**November 25**th, following rejection of the first two arbitration decisions over the Beagle Channel dispute between Argentina and Chile, a second Papal decision, again favouring Chile, is put to the people of Argentina in a national referendum. 82.6% of the population vote to accept the decision and negotiate a Treaty with Chile.188

British Atlantic Airways is founded to operate between Britain and the Falkland Islands. 189

**December 12**th, following publication of its report, the Foreign Affairs Committee holds a press conference.

“... members ... were at pains to point out that the apparent doubts on the sovereignty issue, expressed in their report, were due to the lack of the Committee's legal expertise on such an issue, but they stressed their belief that any claims by Argentina had been rendered less relevant by the illegal resort to force in April 1982.”

Proposals for a new constitution for the Falkland Islands arrive in Stanley. Proposals that separate the archipelago from the Dependencies. Falkland Councillors are reported as being, “disturbed and angry.” Councillor John Cheek is quoted in the Penguin News.

“If a future British Government wanted to come to some arrangement with Argentina over the Falklands, it would then exclude South Georgia and the South Sandwich Islands. Possibly they could get rid of the Falklands while retaining those dependencies.”

“In important respects ... while the Dependencies have remained territorially distinct from the Falkland Island Colony the Dependencies and Colony have become a governmental unit. The basic conception of dependency has in the process changed. Instead of being a territorially and governmentally separate unit, South Georgia etc. have come to be treated in important respects as territories governed by a single government – that of the Falkland Islands.”190

“The Constitution issue seems to revive all the old suspicions of the Foreign Office.” 192

Aired on the BBC, an edition of Brass Tacks discusses whether it is “time to talk.” Argentine Foreign Minister, Dante Caputo, speaks to the interviewers.

“I believe that it is entirely acceptable that the inhabitants of the islands should decide forms of administration, of education, and forms of social organisations best suited to their interests.” 192

“... the Argentines are more concerned with titular sovereignty — with the flag, the colour on the map and with their pride, which we ought to understand. They believe that the transfer of sovereignty need not mean a change of life for the islanders.” 193

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188 This was the second of two Papal decisions that had eroded the maritime territory Chile had been granted by the 1977 decision. In the final analysis Argentina had improved its position by refusing to accept the earlier awards. cf. 1971, 1977, 1979, 1980 and 1982

189 A change of plan was called for when it was recognised that the existing runway was not long enough to take the aircraft envisaged. Subsequently, the airline changed its name to Virgin Atlantic.

190 Quoted in *Who owns the Falkland Island Dependencies in International Law? An Analysis of Certain Recent British and Argentine Official Statements* C. R. Symmons 1984 citing the Memorandum by Dr. Murray: Appendix 30 to the Minutes of Evidence on the Falkland Islands, pp.494-495

191 Falkland Islands Newsletter 22 February 1985

192 Quoted by George Foulkes MP speaking during Falkland Islands (Foreign Affairs Committee Report) HC Deb 14 March 1985 vol.75 cc492-530

193 Ibid.
1985 — Gordon Wesley Jewkes is appointed Civil Commissioner following the retirement of Rex Hunt. ¹⁹⁴

January 2nd, in response to the press release regarding a survey by Firstland Oil & Gas; Argentina announces that it does not recognise the UK’s right to explore for, or exploit, minerals or hydrocarbons.

January 16th, PM Thatcher writes to the UK’s Falkland Islands Committee.

“We shall stand by our commitment to the Islanders' right to live under a government of their own choosing...”

January 16th, Britain’s Daily Telegraph reports changes to the proposed Falklands’ constitution. These enshrine a right to self-determination but also place the Dependencies under a new Commissioner.

“... the officer administering the government of the Falkland Islands.”

January 24th, Britain notes that the issue of an oil exploration licence; “... exemplified the exercise by the people of the Falkland Islands of the right freely to dispose of their natural resources.” ¹⁹⁵

In February, the British Government responds to the House of Commons Foreign Affairs Committee report.

“The Government regret the Committee’s reluctance to reach a categorical conclusion on the legal validity of Britain's title to the Islands. The Government’s position on sovereignty over the Falkland Islands has been made clear on numerous occasions. The Islands are British territory. Britain’s title is derived from early settlement, reinforced by formal claims in the name of the Crown and completed by open, continuous, effective and peaceful possession, occupation and administration of the Islands since 1833.” ¹⁹⁶

Alaine Low of the South Atlantic Council visits the Falklands where he interviews 145 Islanders.

February 16th, Argentina comments upon the proposed constitutional changes within the Falklands.

“The conditions and ways of life of the Malvinas Islands' inhabitants constitute an essential element of the negotiations that must take place with the United Kingdom ... the Argentine Constitution provides for a Federal system which grants autonomy to the provinces, opening the possibility to adopt a legal regime ensuring the islanders the preservation of their interests, way of life, traditions and patrimonial rights, with due guarantees within the frame of an overall solution.” ¹⁹⁷

“Between 1984 and 1985, London amended the Falkland Islands Constitution and granted British citizenship to the inhabitants of the islands. In addition, the British government decided to implement the recommendations of the 1982 Shackleton Report (Falkland Islands Economic Survey 1982) for the promotion of the island economy. In this way, London created a fund for the development of the archipelago ..., substantially raising their standard of living.” ¹⁹⁸

February 18th, Argentina complains to the UN regarding the proposed constitutional changes.

¹⁹⁴ Not gazetted.
¹⁹⁵ UN Yearbook 1985. In line with the requirements of UN Resolution 39/42 of 1984. A similar resolution has been issued every year since Resolution 2200 (XXI) of 1966
¹⁹⁷ Argentine government comments on the constitution of the Malvinas Islands quoted in Beck 1985
¹⁹⁸ Herrero 2020
A decree of the Government of Argentina (No. 879) repeals the setting up of the *Military Gobierno de la Malvinas Islands, South Georgias y Sandwich del Sur* by decree 681 of 1982; returning those territories to the administration of Tierra el Fuego. 199

**February 21**th, in Washington, during a press conference at the British Embassy, PM Thatcher is asked whether she has any plans to restart talks with Argentina; “...to get the talks with Argentina on the Falklands dispute moving again?

“No, certainly not! The Falkland Islands are under British sovereignty; their people wish most earnestly to stay British. Their wishes are paramount. That is a right to self-determination enshrined in the United Nations Charter. A nation now like Argentina, which has just come to democracy and has expressed its own self-determination, cannot require self-determination for itself and deny the same right to others.”

On the same day, Argentina's submarine, ARA *Santa Fé*, damaged in 1982, is towed out to sea and allowed to sink off Cumberland Bay. 200

In the USA, the University of Maryland hosts a third seminar on the subject of the Falkland Islands, attended by members of the South Atlantic Council.

“This increased the willingness and the confidence of Argentine politicians to deal with British politicians.” 201

**March 12**th, it is announced in the House of Commons that the title of Civil Commissioner of the Falkland Islands will lapse, and the title of ‘Governor’ restored.

**March 13**th, in a letter to the Secretary-General, Britain tells the UN that the proposals for a new Falklands Constitution is consistent with its international obligations under both the Charter and the International Covenant on Civil and Political Rights. 202

**March 14**th, in London, Foreign Secretary Howe speaks to the House of Commons. Opening a debate on the report of the Foreign Affairs Select Committee published in December, 1984. 203

“Some concerns were expressed in the islands about the Government's decision to promulgate separate constitutions for the Falkland Islands and for the dependencies on the ground that this might imply an intention to relinquish sovereignty over the Falkland Islands while retaining the dependencies. I can assure the House that there are absolutely no grounds for that anxiety. We have no such intention. Our position on sovereignty is firm. That is one of the few points on which we take a different view from the Committee. I have to say that we were disappointed that its report did not reach a categorical conclusion on the legal validity of Britain's title to the Falkland Islands. Successive British Governments have had no such doubts.

In their view —and in our view— the islands are British territory. Even so, there is good reason to make separate constitutional provision for the two territories. Although the dependencies have for convenience been administered from Port Stanley, they are a separate dependent territory with their own requirements. Unlike the Falkland Islands, they have no permanent population and, therefore, no

199 See 1990
200 In July, 1982, *Santa Fé* had been moved from Grytviken, and was moved again in March, 1983 during which operation she had sunk in King Edward Cove. A danger in shallow waters, *Santa Fé* was raised in February, 1985 and moved out to sea, where she again took on water and sank.
201 Taken from the website of the *South Atlantic Council* June, 2020
202 Argentina had not ratified the covenant at that time.
203 *Falkland Islands (Foreign Affairs Committee Report) HC Deb 14 March 1985 vol.75 cc492-530*
need for representative government. ... The close relationship that has long existed between the two territories will be reflected in the new arrangements that we propose. The Governor of the Falkland Islands will also be commissioner for South Georgia and the South Sandwich Islands. In this capacity, he will consult the Executive Council of the Falkland Islands on matters relating to the dependencies which might affect the Falkland Islands.

The new constitution for the Falkland Islands contains one important new element. The island councillors expressed the view that the constitution should include a reference to their right of self-determination. We agree with them. ... They make up a peaceful and homogeneous community which has developed democratic institutions over more than a century. Their right to self-determination will now be reflected in their constitution, and we shall uphold it.”

On the issue of Argentine claims, Howe tells the House; “... we are not prepared to discuss with Argentina sovereignty over the Falkland Islands. The Government believe that Argentine actions in 1982 have ruled that out.” Pressed on the issue by Dr. David Owen, Howe adds; “... I did answer the question. I said that there were many ways of discussing sovereignty, and many arrangements that could be suggested for it, but we are not prepared to discuss sovereignty. As we have made clear, we are anxious to begin discussing the range of practical questions which could sensibly be addressed ...”

Secretary Howe also announces that Britain will seek to negotiate a multilateral management agreement to control fishing in the South Atlantic.

During the same debate, Sir Anthony Kershaw answers questions on behalf of the Government.

“I have no doubt that the British claim to sovereignty over the Falklands is sound in law. It must be granted that the various claims made before 1833 and the landings that took place present a somewhat confusing picture. The British occupation in 1833 was a legitimate and legally respectable action, which, having been followed by continuous occupation and administration, enthusiastically supported by the population, makes undeniably good our legal claim to sovereignty. The fact that the Argentines believe the opposite is irrelevant.”

Parliamentary Under-Secretary for Foreign and Commonwealth Affairs, Tim Renton, closes the debate.

“It is we who have been trying constantly to open the window and it is the Argentines who so far have always slammed it shut again. We regret that they are not yet ready to accept that, while the issue of sovereignty must be set aside, discussion of other outstanding problems would help promote a climate of greater trust, to our mutual benefit. So far Argentina has not been prepared to share this reasonable approach, but we shall persevere in our attempts and we must hope that Argentina will respond to the steps that we have proposed. ...

We want to improve relations with Argentina. We stand by our commitments to the Falkland Islands. There is nothing incompatible in those two aims. We are confident that this is the right approach, and that no sensible alternative to it exists. We shall, therefore, continue to implement it with determination and energy. I have no doubt that the House will endorse that approach.”

204 Ibid.
205 Ibid.
206 Ibid.
March 18th, at the UN, Argentina claims that the UK is obligated by the Charter to seek a peaceful settlement of the sovereignty dispute.

“Art.33 (1): The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.”

# Researcher’s Comment: All of which had taken place before Argentina's invasion in April, 1982. After the Falklands War, Argentina had reasserted that its pursuit of sovereignty over the archipelago would be through entirely peaceful means. No 'endangerment' of international peace and security was therefore likely.

April 18th, the new Falklands Constitution comes into force, becoming a 'parliamentary representative democratic dependency.' The Governor remains head of the Falkland Islands Government (FIG) as the Queen's representative; retaining responsibility for foreign affairs. South Georgia and the South Sandwich islands are declared a separate British Overseas Territory under the control of a Commissioner.

April 22nd, in Buenos Aires, General Galtieri and other members of the 1982 junta are put on trial in a military court. Allegations include human rights violations and the mismanagement of the Falklands campaign. An internal investigation into Galtieri's prosecution of the Falklands' invasion recommends that the General be stripped of all rank, dismissed and face a firing squad. 207

May 12th, in the Falklands, Prince Andrew officially opens Mount Pleasant airport.

May 16th, Argentina claims that the opening of a new airport represents an escalation in Britain's “militarization” of the archipelago; being “incompatible” with the aims of the Antarctic Treaty; “... contiguous to the geographical area covered by that agreement, to pursue its objectives in Antarctica.” 208

May 29th, Britain responds that the airport has; “.. a dual civil and military role.”

“Its construction was necessary ... and the presence of its forces contributed to peace and security in the region. Further, the United Kingdom denied a number of allegations made by Argentina, among them, that there was any North Atlantic Treaty Organization dimension to its involvement in the area; that it had introduced nuclear weapons into the South Atlantic; that the Falkland Islands was within the application of the Antarctic Treaty or that its activities contravened the Treaty's purposes; or that the Charter obligation to the peaceful settlement of disputes required, irrespective of circumstances, recourse to negotiations.” 209

May 30th, the Organisation of American States (OAS) adopt a resolution expressing concern at the establishment of military facilities in the islands; nine Caribbean countries, and the USA, abstain. Canada votes against.

July 8th, in Parliament, the British Government announces that; “.. better relations with Argentina could only realistically be achieved by seeking agreement on practical issues; and that, as a step in that direction, it was lifting, with effect from midnight that day, the ban on imports from Argentina which had been in place since April 1982.” 210

207 Galtieri was cleared of the human rights charges in December, 1985
208 The Falkland Islands lie outside the Antarctic Treaty area
209 cf. 1967, April, 1982 & 2010
210 UN Yearbook 1983
July 10th, Buenos Aires respond; “... that the stable political conditions and mutual trust needed for trade relations required dealing with the central issue of sovereignty and eliminating the military threat and the so-called protection zone...”

Argentina then invites the UK; “... to initiate in the coming 60 days negotiations ... either through the Secretary-General’s good offices or through friendly Powers... and expressed (a) readiness formally to declare cessation of hostilities when the United Kingdom agreed to negotiate.”

July 12th, Britain’s mission to the UN calls Argentina’s answer; “... a disappointing response ...

July 29th, at the UN, Argentina registers a complaint.

“... that on 25 July one of its naval aircraft on a maritime transit control flight was intercepted for 12 minutes by two United Kingdom Phantom aircraft within the 200-mile area of Argentina’s jurisdiction and more than 15 miles from the outer limit of the exclusion zone unilaterally set up around the Malvinas by the United Kingdom.”

August 2nd, answering the accusation, the UK says that; “... two United Kingdom aircraft were dispatched for inspection. They identified it as an Argentine Electra but made no contact and did not harass it. The three aircraft were flying in international airspace and there was no justification for Argentina to describe this routine operation as blatantly provocative. ... as Argentina had not declared a formal cessation of hostilities and continued to purchase sophisticated weaponry, forces had to be maintained at the minimum level necessary to defend the Islands from attack.”

The Falkland Islands Development Corporation is established.

August 9th, at UN, the Special Committee on Decolonization express; “... regret that the resumption of talks had not taken place due to the United Kingdom’s refusal to deal with the sovereignty issue...”

September 12th, at a press conference, Argentina’s Foreign Minister notes.

“... that the 60-day period within which Argentina had offered to resume negotiations had ended the previous day. He asserted that the blatant indifference shown by the United Kingdom demonstrated how little importance that country attached to United Nations decisions,...”

September 17th, in Paris, President Alfonsín meets with the leader of Britain’s Labour Party, Neil Kinnock.

“Among a number of issues discussed at the meeting, Argentina reported that both sides had expressed the desire that negotiations be initiated to explore the means of resolving the outstanding problems between the two countries, including all aspects of the future of the Falkland Islands.”

At a press conference in Cairo, PM Thatcher is asked to comment on the meeting between Alfonsín and Kinnock.

“I am somewhat surprised at the decision. After all, the Argentine has not formally declared an end to hostilities; although we have urged her to do so, she has not done so. Nevertheless, in spite of that, we have done all we can to restore ordinary commercial relations between the Argentine and Great Britain and we now agree to imports from the Argentine. In spite of the strenuous efforts we have made, there has been absolutely no response from the Argentine. They do not wish to restore commercial relations.

211 Argentina had previously recognised only a “de facto” cessation of hostilities
212 One of Shackleton’s recommendations, this is a statutory corporation responsible for economic development.
213 It would seem that the South Atlantic Council were behind the meeting. cf. December, 1983 & October, 1985
214 No confirmation of this interpretation of the talks was forthcoming from the British Labour Party.
They only wish to discuss the sovereignty of the Falklands. I therefore am very surprised at Mr. Kinnock's visit, very surprised indeed, and I feel that it will deeply upset the people of the Falkland Islands. It is unfortunate that Neil Kinnock, who had neither met nor consulted with the Falkland Islanders, felt able to discuss their sovereignty with their recent aggressor, ...”  

**October 3rd**, a change to constitutional arrangements results in South Georgia and the South Sandwich Islands being accorded separate identities.  

**October 6th**, in Madrid, British Liberal Party leader David Steel, speaks to Alfonsoín.  

“In September 1985, Neil Kinnock (then the leader of the Labour Party) met President Alfonsoín at the Socialist International in Paris and in October 1985 David Steel (then the leader of the Liberal Party) met Alfonsoín at the Liberal International in Madrid. The SAC was involved in both these meetings and at each one an agreed statement was announced.”  

Argentina’s Foreign Ministry announce that; “... the two sides agreed that the process of achieving a peaceful and negotiated solution to the dispute should include a formal cessation of hostilities and a lifting of the exclusion zone, the restoration of diplomatic and trade relations, and the resumption of negotiations on all issues concerning the future of the Falkland Islands, including sovereignty.”  

Steel comments; “Both he (Sen. Alfonsoín) and we have succeeded in restoring democracy in Argentina. ... In my view this joint sacrifice and joint achievement provides us with an historic opportunity. ... Raul Alfonsoín and I both believe that if the opportunity is seized and negotiations are allowed to begin the prospects are excellent for both the Islanders and the Argentinians.”  

**November 12th**, a delegation from the Islands puts the case for a 200-mile Exclusive Fishing Zone around the archipelago to Sir Geoffrey Howe in London.  

“... the Committee challenged strongly the official assessment of the economic value of an Exclusive Fisheries Zone around the Islands. This assessment was based on the Beddington Report which has been recently published and which the Committee asserted seriously under-estimates the level of catches and thereby the potential licence revenue.”  

**November 14th**, Argentina agrees to a study of the fisheries by the Food and Agriculture Organisation.  

**November 27th**, at the UN, the General Assembly debate a draft-resolution entitled Question of the Falkland Islands, calling for an “initiation” of negotiations between Britain and Argentina over their “pending problems.”  

Two amendments are proposed by the UK. The first inserts, as the second preambular paragraph, an affirmation that peoples may “freely determine their political status” under their right of self-determination. The second amendment adds another reference to self-determination to the first operative paragraph. Argentina opposes these amendments, arguing that they are prejudicial to its case and favour the UK.  

“The Assembly rejected, by recorded votes requested by Argentina, two amendments proposed by the United Kingdom. By 60 votes to 38, with 43 abstentions, it rejected a proposal to insert a new second preambular paragraph, by which the Assembly would have reaffirmed the right of all peoples to self-determination and "by virtue of that right they freely determine their political status and freely pursue..."  

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215 Falkland Islands Newsletter November 1985  
216 Seal Fisheries of the Falkland Islands & Dependencies: A Historical Review A. B. Dickinson 2007 p.8  
217 From the South Atlantic Council’s website, 2017. cf. December 1983  
218 Falkland Islands Newsletter February 1986. This cites The Fisheries around the Falklands J.R. Beddington, S. Brault, J. Gulland 1985
their economic, social and cultural development. Another proposal, to add the phrase "and the right there under of peoples to self-determination" at the end of paragraph 1, was rejected by 57 votes to 36, with 47 abstentions.”

“Belize voted for the amendments to ensure protection of the rights of the people of the Falkland Islands to self-determination. Also supporting the amendments, Samoa believed that the right of self-determination could have been more explicit in the draft, and Fiji added that the call for negotiations should not be at the cost of the fundamental right of the Falkland Islanders to have a say in their own future. Welcoming the conciliatory nature of the draft resolution, Botswana also supported the amendments, saying that the Falkland Islanders were entitled to the right to self-determination. A number of delegations, considering the draft resolution to be constructive, also felt the adoption of the amendments would have further strengthened the text and voted in favour of both the amendments and the draft resolution. Among them, the Sudan thought the amendments would have increased the effectiveness of the text, even though the principle was already contained therein. ... Austria, Barbados, Chile, Italy, Samoa, Somalia and Triniti and Tobago understood the reference in the draft to the United Nations Charter to include all the principles and rights embodied in that document.”

“Two British amendments reaffirming the right to self-determination of peoples in general and the Falkland Islanders in particular were voted down... Several countries that voted against the British amendments on Wednesday explained that they did not oppose the principle of self-determination, but felt its inclusion in the resolution would add an issue of substance to what was essentially a procedural resolution aimed at getting the two sides to the negotiating table. The United States and a number of Britain's other allies abstained on the British amendments and supported the resolution.”

# Researcher's Comment: Argentina now cites the failure of Britain's amendments as a rejection by the UN of the Islanders' right to self-determination. This was not the case, as any examination of the 'explanations of vote' can prove. However, and far more importantly, what tends to get forgotten, is that resolution 40/21 introduced a major change. See below.

Following a vote (107:4 with 41 abstentions), the General Assembly adopts resolution 40/21 -

“Aware of the interest of the international community in the peaceful and definitive settlement by the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland of all their differences, in accordance with the Charter of the United Nations, ... 

Taking note of the interest repeatedly expressed by both parties in normalizing their relations, 

Convinced that such purpose would be facilitated by a global negotiation between both Governments that will allow them to rebuild mutual confidence on a solid basis and to resolve the pending problems, including all aspects on the future of the Falkland Islands (Malvinas).

1. Requests the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland to initiate negotiations with a view to finding the means to resolve peacefully and definitively the pending problems between both countries, including all aspects on the future of the Falkland Islands (Malvinas), in accordance with the Charter of the United Nations”

219 UN Year Book 1985. cf. 2008
220 UN Yearbook 1985
221 Associated Press Nov 27, 1985
223 My emphasis. There is some evidence that this change of wording had been proposed by Argentina on the recommendation of British MP George Foulkes at a seminar hosted by Maryland University the year before. See 1984.
“In explanation of vote, Portugal said that, despite the undeniable merits in the draft, particularly with respect to the opportunities afforded for negotiations, it was wary of any text that could be construed in a way that failed to deal adequately with the global aspects stemming from the principle of self-determination. Solomon Islands felt that the lack of reference to the people of the Falkland Islands weakened the good intent of the draft... Papua New Guinea said that another principal party not included in the negotiation process was the people of the Falkland Islands; it would have supported the text if it had included the principle of self-determination. The Federal Republic of Germany and Ireland, which had voted for the amendments because of the importance of self-determination, had abstained on the resolution to reflect their wish not to take a position on the merits of the dispute. Maldives believed that a question involving the future of a people should accommodate the interests of the people concerned.” 224

“A marked change took place in 1985 with the adoption of 40/21 which did not refer to any previous Resolutions ... Not alluding to Resolution 2065 (XX) was as much of a plus as a minus for the UK since any benefit obtained by the emphasis which it had placed upon the principle of self-determination was easily outweighed by its anti-colonialist tone. ... Resolution 40/21 implied a gradualist approach to solving the outstanding problems,...” 225

“For the annual debate at the United Nations General Assembly in November, the Argentines changed tactics compared to the previous three years. They dropped the direct call for Britain to negotiate about sovereignty, talking instead of "the problems pending ..., including all aspects of the future of the Falkland Islands", and they dropped Latin American Group sponsorship of the resolution, using instead a mixed group of seven developing countries. The result was a change in the Assembly’s voting – from 89 in favour to 9 against with 54 abstentions in 1984, to 107 in favour to 4 against with 41 abstentions in 1985. The British government had become highly isolated on this question.” 226

# Researcher’s Comment: This was important, if not widely reported. Prior to 1985 the call from the UN had been for "negotiations in order to find as soon as possible a peaceful solution to the sovereignty dispute..." The words changed in 1985 to refer to “pending problems” without any mention of a sovereignty dispute. Also important, there was no recall of previous resolutions. 2065(XX) of 1965 had been buried at the UN.

“Although the sponsors presented the adopted resolution as neutral, it was a smiling Argentine Foreign Minister Dante M. Caputo who accepted the congratulations of delegates. Argentina was not among the resolution’s 13 sponsors, but British Ambassador Sir John Thomson contended during the two-day debate that the resolution was "100 percent made in Argentina" - an allegation denied by the sponsors. After the vote, Thomson told the Assembly that the British delegation had "... voted for self-determination and against an unbalanced resolution. We regret the result. The Falkland Islanders also regret it. We are all disappointed over the attitude taken towards a fundamental principle of the United Nations. ... Even Britain conceded that the new resolution was a "considerable improvement" over three previous Assembly resolutions on the issue that called for a "peaceful solution of the sovereignty dispute." Instead, it requests the two governments "to initiate negotiations with a view to find a means to resolve peacefully and definitively the problems pending between both countries, including all aspects on the future of the Falkland Islands (Malvinas), in accordance with the Charter of the United Nations."...” 227

224 UN Yearbook 1985
225 The Restoration of Diplomatic Relations between Argentina and the United Kingdom Malcolm Evans in The International and Comparative Law Quarterly vol.40 no.2 April 1991
226 From the website of the South Atlantic Council (2017).
227 Associated Press Nov 27, 1985
November 28th, the Falklands are raised at Prime Minister's Questions in the House of Commons. SDP MP Dr. Owen calls upon the PM to recognise the democratically elected Argentine government and open negotiations.

“The right hon. Gentleman referred to the UN charter. He will be aware that we tabled an amendment to the relevant motion before the General Assembly. That amendment was designed to uphold the right of self-determination of the people of the Falkland Islands. The UN turned down that amendment.”

Labour MP George Foulkes speaks.

“Does the Prime Minister realise that our closest EEC partners and our friends in the Commonwealth supported a resolution at the United Nations calling for negotiations on the future of the Falklands? Does she accept that that was because Argentina made a major concession by dropping its insistence on discussions on sovereignty and instead substituted - "all aspects of the future of the Falklands"? ...”

Thatcher responds.

“Anyone who thinks that a motion that contains the phrase - "negotiations on all aspects of the future of the Falklands" does not include sovereignty must be absolutely bonkers.”

December, Margaret Thatcher sends a Christmas Message to the Islanders.

“You in the Falkland Islands were born to freedom, born to democracy, and we must cherish and nurture it. We can never be complacent about it. At the heart of democracy is the right of every man and woman to have his or her say in how he or she is to be governed. That is what the British way of life is all about. You know that we are committed to protecting your right to determine your own future ...”

1986 – January, Britain again withdraws its cooperation from the UN's Special Committee on Decolonization in frustration over the committee's refusal to recognise the changing nature of the UK's relationship with its remaining Overseas Territories. Britain reserves the right, however, to speak in debates on the Falklands.

“..., the United Kingdom deplored the criticism voiced against its decision to cease participation in the Committee in the belief that the colonial era, as far as the remaining British dependencies were concerned, was over. The United Kingdom would continue to transmit information on the Territories to the Secretary-General, as required under Article 73 e of the Charter; it rejected the assertion in the text's penultimate preambular paragraph that its non-participation had a "negative impact" on the Committee's work.”

In February, Baroness Young visits the Islands to discuss, inter alia, the prospect of a licensed fishing regime. A public meeting is organised leading to a petition highlighting the Islanders' concerns regarding the depletion of fish stocks around the archipelago.

The five-yearly population census reveals that there are 1,916 people on the Islands, excluding military personnel, their families and others present in connection with the military garrison.

February 17th, a party of Argentine Congressmen arrive in London.

“The (South Atlantic) Council had during the MP's visit to Buenos Aires issued an invitation to Congressional leaders to come on a return visit to London. Suddenly the atmosphere became much more positive and...”

228 Owen had called upon Thatcher to recognise the democratically elected government in Argentina, and negotiate.
229 Prime Ministers Question Time November 28, 1985
231 UN Year Book 1986. This comment following a vote on December 2, 1986 on General Assembly Resolution 41/41B in which the UK voted against.
following hectic problems of communication through a postal strike and holidays in both countries the visit was arranged. The delegation was in London for the week of 17-21 February 1986, and consisted of two leaders from each of the main parties and each house of the legislature. They were – Senator Adolfo Gass ( Radical Party ), Chairman of the Senate Committee on Foreign Affairs and Vice-Chairman of the Senate Committee on General Legislation; Senator Julio Amoedo ( Peronist Party ), Chairman of the Senate Committee on International Parliamentary Affairs and Vice-Chairman of the Senate Committee on Foreign Affairs; Deputy Federico Storani ( Radical Party ), Chairman of the Foreign Affairs Committee of the Chamber of Deputies, the lower house; and Deputy Julio Bordon ( Peronist Party ), of the Foreign Affairs Committee of the Chamber of Deputies. The high spot of the week was a discussion at the House of Commons under the auspices of the Inter-Parliamentary Union ( British Section ), where they made a favourable impression on leading Tory backbenchers. In addition they had separate meetings with MPs from the other main parties, including Kinnock, Healey, Steel, Beith and Owen, members of the Select Committees on Foreign Affairs and on Defence and party spokesmen on Latin America. During their stay they also met the members of the South Atlantic Council, the United Nations Association; university academics specialising on Latin America, church leaders and the Royal Institute of International Affairs. 232

April 1st, the Falkland Islands Government impose fees on the trans-shipping of fish within the 3 mile limit.

A survey of Islanders is carried out by Marplan – “What kind of sovereignty do you want for the Falkland Islands?” 94.5% of respondents opt for ‘British Sovereignty.’ Only 1.5% opt for ’Independence.’

May 16th, General Leopoldo Galtieri, Admiral Jorge Anaya and General Basilio Lami Dozo are convicted by Argentina’s Supreme Council of the Armed Forces of negligence under Article 740 of the Code of Military Justice for their mismanagement of the 1982 Falklands invasion. 233

May 28th, two Taiwanese flagged trawlers, are machine-gunned by an Argentine Coast Guard vessel, Prefecto Derbes, some 24 nautical miles outside the Falklands exclusion zone. Minor damage is sustained by Chi Fu No. 6 but Chian-der No. 3, hit by explosive shells, catches fire and sinks; leaving one crewman dead and three injured. Argentina’s ship refuses to allow another jigger to help and declines to answer calls from a Royal Navy helicopter which offers medical assistance. The Argentine vessel eventually picks up the survivors.

“... these were not spontaneous actions of over-enthusiastic naval commanders, but were muscle flexing actions, carefully engineered and controlled from Buenos Aires. They were meant to happen and with a purpose: to show that it is not Britannia who rules these particular waves but Argentina.” 234

May 29th, Argentina’s Foreign Ministry issues a statement claiming that the Taiwanese vessels were within “Argentine waters” and blaming; “… the existence of the so-called protection zone that Great Britain has illegally established against Argentina.” The action is described by the British Government as, “unjustifiable and excessive,” and; “… amounts to an attempt to pursue a sovereignty claim by force.”

In July, Argentina signs bilateral fishing agreements with the Soviet Union and Bulgaria, allowing fishing vessels to operate near the Falkland Islands.

In August, Argentina again complains to the UN that British aircraft are harassing their fishing vessels; denied by the UK which states that the vessels were within the British zone and needed to be identified. 235

232 From the website of the South Atlantic Council (2017).
233 Galtieri received a sentence of 12 years imprisonment, Anaya 14 years and Dozo, 8 years.
234 Editorial in The Falklands Newsletter August 1986
235 UN Yearbook 1986. Letters of complaint were dated August 11th and the 15th. Further letters of complaint were sent on October 1st, and November 24th.
August 8th, Argentina ratifies the *International Covenant on Civil and Political Rights* (1966). 236

August 12th, at the UN, the Special Committee on Decolonization considers the Falklands non-self governing territory (NSGT), noting; "... the administering Power concerned, did not participate; ..."

MLA Anthony Blake, representing the Islanders, speaks to the committee.

“Some members may well be asking themselves why the Falkland Islands Government still wishes to petition this Committee when our protecting power has decided not to take part in its work. We present our petition to pursue our right to self-determination and to make quite clear that we wish to retain our British sovereignty. We feel that the British Government has fulfilled all of its commitments to us under Chapter II of the United Nations Charter. ... We in the Falkland Islands attach importance to the Committee of 24 because it is the one UN Committee that deals with the welfare of non-self governing peoples, like the Falkland Islanders. That is why we have taken part in your discussions. ... in this Committee, of all Committees, it seems only right to concentrate on the people who actually live there, what they want, how they see the future. That being the case, we have been pretty disappointed to see that every year the Argentine delegation tries to turn the debate into a bilateral dispute between themselves and the United Kingdom ... But in many of the resolutions passed by this Committee, self-determination is always referred to as an "inalienable right." ... If UN Committees could decide who was and who was not entitled to self-determination it would no longer be a right. Merely a concession. ...”

September 22nd, the UK complains to the UN regarding Argentina’s agreements with the Soviet Union and Bulgaria; “… at a time when a technical study is under way by the Food and Agriculture Organisation of the United Nations that could pave the way for a multilateral agreement on long-term conservation measures.”

September 26th, the USSR and Bulgaria are warned by the UK, that their fishing agreements with Argentina are contrary to international law.

October 4th, following the discovery of the remains of an Argentine pilot, Lieut. Gimenez, on a remote Falklands mountain, his father and sister attend his funeral. The first Argentines to visit the Islands after 1982.

October 27th, UN adoption of resolution 41/11 creates a South Atlantic Peace and Cooperation Zone in the South Atlantic which aims to promote social and economic development, and reduce militarization. 237

“Conscious of the determination of the peoples of the States of the South Atlantic region to preserve their independence, sovereignty and territorial integrity and to develop their relations under conditions of peace and liberty,...

3. Calls upon all States of all other regions, in particular the militarily significant States, scrupulously to respect the region of the South Atlantic as a zone of peace and co-operation, especially through the reduction and eventual elimination of their military presence there, the non-introduction of nuclear weapons or other weapons of mass destruction and the non-extension into the region of rivalries and conflicts that are foreign to it. ...”

236 See 1966.
237 See https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/41/11 Argentina regularly bases its protests to Britain on the provisions of this resolution; particularly when there is a round of weapons testing taking place in the Falkland Islands. Argentina does not consider its own weapons testing subject to any limitation as a result of this resolution however. See also 1967.
4. Calls upon all States of all the region and of all other regions to co-operate in the elimination of all sources of tension in the zone, to respect the national unity, sovereignty, political independence and territorial integrity of every State therein, to refrain from the threat or use of force, and to observe strictly the principle that the territory of a State shall not be the object of military occupation resulting from the use of force in violation of the Charter of the United Nations, as well as the principle that the acquisition of territories by force is inadmissible. ..."

October 29th, the Governor of the Falkland islands issues Proclamation No.4 of 1986. 238

"Whereas the Falkland Islands are entitled under international law to a fishery limit of 200 nautical miles from the baselines from which the breadth of territorial seas is measured subject to the boundary with a neighbouring state prescribed by the rules of international law concerning the delimitation of maritime jurisdiction,

And Whereas there is a need to conserve the living resources and to regulate on an interim basis, fishing in the seas around the Falkland Islands,

Now therefore I, Gordon Wesley Jewkes, acting in pursuance of instructions given by Her Majesty through a Secretary of State, do hereby proclaim as follows:

1. There is established for the Falkland Islands an interim fishery conservation and management zone, hereinafter referred to as "the zone".

2. The zone has an inner boundary the outer limits of the territorial sea of the Falkland Islands and has its seaward boundary the line formed by the circumference of a circle which has a radius of 150 nautical miles and its centre at Latitude 51°40'S, Longitude 59°30'W, except that between those points on the circumference situated at 52°30'S, Longitude 63°19.25'W and 54°08.68'S, Longitude 60°00'W the seaward boundary shall be a rhumb line."

"... London created a fund for the development of the archipelago and granted the islanders supervised administrative autonomy to negotiate fishing licenses with other countries and private shipowners. This decision ended up being decisive for the economic future of the islands, since fishing licenses became the main source of income for the islanders..." 239

UK informs the UN of the a Falkland Islands Interim Conservation and Management Zone (FICZ).

". the British government hereby declares that:- The Falkland Islands are entitled under international law to fishery limits of a maximum of 200 nautical miles from the baselines from which the breadth of the territorial sea is measures. The maximum extent of these limits is also subject to the need for a boundary with Argentina in areas where arcs of 200 nautical miles from Argentina and the Falkland Islands overlap. In the absence of any agreement, the British Government hereby declares that: The boundary is that prescribed by the rules of international law concerning the delimitation of maritime jurisdiction...The continental shelf around the Falkland Islands extends to a distance of 200 nautical miles from the baselines from which the territorial sea of the Falkland Islands is measured or to such other limit as is prescribed by rules of international law, including those concerning the delimitation of maritime jurisdiction between neighbours."  

238 Declaration on the Conservation of Fish Stocks and on Maritime Jurisdiction around the Falkland Islands. cf. 1987
239 Herrero 2020
"However, despite the affirmation of the right for a 200 mile fishery zone, the 1986 Proclamation, as an interim measure, only extended the fishery conservation and management zone to 150 miles from the centre of the circle, in places less than 100 miles from the islands themselves. This may perhaps be partly because the immediate predecessor of the fishery zone was a naval protection zone, aimed at excluding Argentine ships and aircraft from the Falklands region during and following the 1982 conflict. The slice out of the zone towards the south-west is presumably an acknowledgement of Argentine rights to an exclusive economic zone: the rhumb line defined in the Proclamation is very approximately equidistant between West Falkland and the south-eastern corner of Tierra del Fuego. Subsequent sections of the Proclamation reserved the right to extend the outer margin of the zone (section 3) and to manage and conserve the living resources of the zone in the same manner as in the territorial waters of the islands (section 4)."

In Parliament, the reasoning behind the new legislation is explained.

"The Government are determined that there should be adequate protection for the fishery. In view of the failure of Argentina to co-operate in a multilateral approach, we have therefore decided to establish unilaterally a conservation and management regime."

October 30th, Argentina claims that the FICZ is legally inadmissible.

"As the waters are disputed, it is both politically implausible and legally impossible that any permanent internationally recognised maritime boundary could be established without the agreement of the Argentine government. The British policy of seeking international agreement on a multilateral fisheries management regime, which was pursued from March 1985 to October 1986, was preferable at the time and ought not to have been abandoned in favour of unilateral action."

"The only casualty appears to be the hurt false pride of Argentina, whose refusal to cooperate and whose provocative bilateral treaties with the Soviet Union and Bulgaria were the straw that finally persuaded the British Government to act. Whatever Mr. George Foulkes and the South Atlantic Council, that bunch of academics and businessmen with Argentine interests, may think or want, we do not believe that either Soviet Russia or Argentina will cause any problems in the zone."

October 31st, Argentina reaffirms its own sovereignty claim over the Falkland Islands, South Georgia and the South Sandwich Islands; the surrounding maritime waters, sea-bed and marine sub-soil.

November 2nd, Argentina’s Defence Minister tells reporters in Buenos Aires; “It’s our zone.”
November 3rd, at the UN, Argentina complains that the UK’s declaration is; “...a violation of General Assembly recommendations ... the pretext of concern for marine resources conservation was a cover for its unilateral move to improve its position in the sovereignty controversy.”

November 13th, the UN’s Secretary-General, in compliance with the previous year’s resolution, reports to the General Assembly on the situation appertaining to the Falkland Islands.

“He stated that the positions of both Governments remained essentially unchanged and that, while the Government of Argentina had expressed its willingness to initiate immediate negotiations with the United Kingdom under the terms of resolution 40/21, the Government of the United Kingdom continued to resist negotiations on the issue of sovereignty.” 245

November 15th, in Washington DC, Margaret Thatcher speaks to reporters.

“I am not prepared to discuss the sovereignty of the Falklands at all. The view we have taken is that the sovereignty is British; that the people of the Falkland Islands, their wishes are paramount in this matter.”

November 16th, Argentina sends Britain a note via the Brazilians expressing a willingness to negotiate on all matters including sovereignty, adding that a formal announcement to end hostilities would be dependent upon the UK lifting its ‘military protection zone.’ 246

November 19th, the UK rejects Argentina’s offer.

November 21st, Britain explains to the UN; “...the Interim Conservation and Management Zone, proclaimed by the Governor of the Falkland Islands on 29 October, did not extend beyond the protection zone it had set up as a defensive measure.”

November 24th, MLA’s Cheek and Clifton are invited to speak before the Fourth Committee as representatives of the Falklands’ people. Petitioners, Mrs. Coutts de Macielo and Alexander Betts, speak on behalf of Argentina. Mr. Mortimer speaks for the UK.

“There was a major distinction between the two sets of petitioners, in that Mr. Clifton and Mr. Cheek were representatives elected by the residents of the Islands and mandated to speak on their behalf, while Mrs. Coutts de Macielo and Mr. Betts were private citizens who could surely claim only to speak for themselves. It was for the members of the Committee to decide to whom they would give credence. He asked Mr. Betts whether, as a former Islander who had chosen freely to leave the Islands and become an Argentine citizen, he would deny to the Islanders, including his own relatives, the right to choose their own nationality, system of government and way of life.” 247

Betts responds that the right of the Islanders to decide their future; “...had to be balanced against the geopolitical realities and other rights involved in the issue.”

Argentina’s representative, Marcelo Depeche, tells the Fourth Committee:

“...the United Kingdom had recognized the existence of a dispute over sovereignty but had stated that it would only discuss secondary issues such as diplomatic and consular relations, transport, etc. His

245 Repertory of Practice of United Nations Organs. Supplement No.7 ..., Volume 6
delegation found that attitude incomprehensible and wondered how a dispute recognized by the British Government was to be settled if that Government refused to discuss one of the major elements involved.” 248

At the same time, the question of the Falklands is being considered by the United Nations General Assembly.249

“In the plenary debate, Argentina declared that the situation had worsened, with the United Kingdom introducing a new and alarming factor as a result of its 29 October declaration which, it charged, sought to expand British domination over the area.” 250

“... the discussion revolved almost exclusively around the fishing zone. The British UN ambassador Sir John Thomson drew attention to the element of hypocrisy in Argentina’s complaint against the zone, and also pointed out the possible legal consequences if Britain had not declared such a zone.” 251

Britain’s representative, Sir John Thomson, addresses the General Assembly.

“The Foreign Minister has quoted very selectively from the interim report which came out last week. He did not refer, for example, to the passages which make it clear that the most valued fish, the squid, is in danger. It is over-fished. And if this goes on, it will be eliminated from the waters of the South Atlantic. The Foreign Minister of Argentina did not mention that his country, under the same international law as my Government used, already has a 200-mi1e zone stretching from the shores of Argentina. Nor did he make it clear that his Government also claims a 200-mi1e zone centred on the Falkland Islands. In these circumstances, since there is a dispute, it is hard to see why the United Kingdom can be making it worse by claiming 150 miles, for the time being, around the Falkland Islands.” 252

November 25th, the UN General Assembly debate on the question of the Falkland Islands, continues with the presentation of the draft-resolution sponsored by Uruguay. 253 During the discussion, the representative for Cuba quotes from the 3rd Congress of the Cuban Communist Party.

“The episode of the Malvinas has confirmed that the imperialists are capable of trampling under foot the feelings of an entire continent, whenever it suits their interests.”

UN Resolution 41/40 is adopted by the General Assembly of the UN. 254

“1. Reiterates is request to the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland to initiate negotiations with a view to finding the means to resolve peacefully and definitively the problems pending between both countries, including all aspects on the future of the Falkland Islands (Malvinas), in accordance with the Charter of the United Nations...”

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248 Ibid.
250 UN Year Book 1986
251 Pascoe 2020 p.325
253 UN Document A/41/PV.84 from p.23. Bolivia, Colombia, Guatemala, Panama and Peru were added to draft as sponsors during the discussion. The representative of Argentina did not speak until after the vote.
“In explanation of vote, Argentina said the text contained a procedural request to the two parties to negotiate on all aspects on the future of the islands; the international community had recognized the dispute as that of sovereignty. The United Kingdom said the text, despite its seductive simplicity and cosmetic appeal, was pro-Argentine in calling for negotiations on "all aspects" and thus supporting the Argentine contention that sovereignty must be discussed. ... Oman expressed hope that a balanced text would be produced in the future for approval by consensus. Sri Lanka said the draft should have stressed the right of the peoples to be consulted on their future constitutional status; merely urging the two parties to resolve the conflict was insufficient... Botswana called for negotiations on solving the dispute in all its aspects, while upholding the right of the inhabitants to self-determination.” 255

“... paragraph 1 calls on Argentina and Britain to "initiate negotiations with a view to finding the means to resolve peacefully and definitively the problems pending between both countries, including all aspects on [sic] the future of the Falkland Islands (Malvinas), in accordance with the Charter of the United Nations." The resolution thus repeated the call for negotiations stated in Resolution 2065, but with two significant differences: it says "all aspects" of the future of the Falklands (thus including sovereignty, as Sir John Thomson pointed out) – and it does not even mention the interests, let alone the wishes, of the people of the islands. In passing that resolution, the United Nations General Assembly, and the decolonisation committee, the C24, had abandoned their principles as laid down in the UN Charter, and had become an instrument for the imposition of colonialism, not for its abolition.” 256

The US offers to act as a mediator in the dispute over the Falklands' fisheries.

“Argentina, after yelling in frustration at her inability to do anything about the Falkland Islands 150 mile Fishing Zone, now seems to be moving discretely towards some sort of cooperation: perhaps towards even the idea of a jointly controlled and administered zone ...” 257

“As a sign of commitment to the United States, Argentine reiterated that they were “willing to declare the formal ceasing of hostilities. At the same time, in exchange, they would request the United Kingdom... to lift the exclusion area forty-eight hours later.” 258

“The British (fisheries) declaration gave rise to the first serious post-war crisis between Argentina and the United Kingdom. The fisheries issue had increased tensions in the South Atlantic and the possibility of a new conflict between Buenos Aires and London worried the United States government that decided to intervene and facilitate the rapprochement between the parties. Since there were no official links between the two countries, the White House suggested the exchange of confidential non-papers, letterhead-free documents through which the parties could exchange information and proposals on fishing without formal commitment.... To start the talks, Schultz proposed to Foreign Minister Caputo that the parties negotiate a multi-lateral fishing regime by common accord through the Antarctic Marine Living Resources Convention, where both Argentina and the United Kingdom had representation.” 259

December 22nd, Argentina commences two days of talks with the US government on the subject of South Atlantic fisheries.

“On December 22 and 23, 1986, Argentine and American representatives met in Washington. There, the Argentine delegation rejected the multilateral proposal and gave the Americans the first non-paper to be

255 UN Yearbook 1986
256 Pascoe 2020 p.236
257 Falkland Islands Newsletter February 1987
258 Corbacho 2000 p.14
259 Herrero 2020 citing Ruiz Cerutti 2001
communicated to the British. The document prepared by the Argentines reiterated the formula of the exchange of cessation of hostilities for the lifting of the exclusion zone as a step to pacify the area and proposed the creation of a group of experts, under the auspices of the Secretary-General of the United Nations, to establish a common fisheries administration regime. Americans warned Argentines that the UN Convention on Antarctic Marine Living Resources was not equivalent. The Americans argued that from a political perspective, the UN was not neutral and therefore "the United Kingdom may have difficulty accepting it, it may seem partial to them." For the Americans, the Convention was a neutral and technical environment that would allow them to discuss the dispute without prejudice. Despite this suggestion, the United States promised to deliver the non-paper to the British." 260

On the same day, at the Hague, the ICJ gives its opinion in a frontier dispute between Burkina Faso and the Republic of Mali.

"In the preamble to their Special Agreement, the Parties stated that the settlement of the dispute should be "based in particular on respect for the principle of the intangibility of frontiers inherited from colonization".... In these circumstances, the Chamber cannot disregard the principle of uti possidetis juris,... If the principle of uti possidetis has kept its place among the most important legal principles, this is by a deliberate choice on the part of African States." 261

"..., considerations of intertemporal law and factual conditions – especially the extent to which the territorial sovereignty of Spain was actually manifested... cast serious doubts about the legal propriety or validity of the uti possidetis argument today." 262

"It was applied in this case because the African states had previously reached agreement amongst themselves to apply uti possidetis juris when delimiting their borders." 263

**December 23**th, via the USA, Argentina proposes for the South Atlantic, the; "... creation of a group of experts, under the auspices of the United Nations General Secretary, to establish a common regime of fishing and administration." 264

260 Ibid. citing Moritan 2016 and Cisneros et al 2000

261 It is important to note that the parties to this dispute had agreed to the applicability of the principle prior to the commencement of the case and that the ICJ recognised that consensus. There has been no instance of the ICJ taking uti possidetis juris into consideration where it had not previously been agreed to or recognised by the parties to a dispute. For comments on UPJ see 1848.

262 Antarctica and the Law of the Sea Prof. Christopher C. Joyner 1992 p.59

263 Falkland Islands – What the ICJ (International Courts of Justice) might say about Argentina’s claims Stephen Potts 2015 (unpublished thesis)

264 Corbacho 2000
1987 – January 29th, the cruise ship Rotterdam moors up near Stanley with 800 visitors.

January 31st, the UK responds to the non-paper transmitted from Argentina via the US government.

“One day before the enforcement of the conservation area, the British transmitted through the American embassy in Buenos Aires their own first non-paper. The document declared that the Argentine document of December 23 had been well received. They shared the objectives of preventing incidents and conserving fisheries within the context of the international law. They also guaranteed that they were prepared, "without prejudice on the topic of sovereignty, to work to reach both objectives," that is, prevention of incidents and conservation of fisheries. The document stressed, first, that the conversations would be limited exclusively to agreements on procedures for conservation and administration of the fishing. They wanted assurance that the Argentina’s agreements with the Soviet Union and Bulgaria were consistent with the terms of the British declaration of October 29. As for the eventual role of a third party, they rejected mediation from the UN General Secretary. The document also underscored that the role of the third party should not be that of mediator but rather as "communication channel." ...”

Argentina accepts that it will not send its ships to patrol within the 150 mile zone around the Falklands. But insists that this is not to be seen as any recognition of Britain's sovereignty within the zone.

February 1st, the fisheries zone comes into effect with two fisheries protection vessels and an aircraft available to monitor vessels. Out of 400 applications, 243 licences are issued. Fees vary between £26,000 and £86,000. Total licence revenue amounts to £10 million which, after policing costs are withdraw, leaves some £6 million for the Falkland Islands Government.

“Ever since then, the islands have had their own fishing industry – a third of the "calamares" (squid) eaten in Spain are actually from Falklands waters.”

March 18th, Sir Geoffrey Howe speaks in the Commons with regard to the Falklands’ fisheries. George Foulkes asks a question.

“... the Government have always said that the unilateral zone is a temporary measure, when does the right hon. and learned Gentleman expect the United States-inspired contacts between Britain and Argentina – I know that I must not call them talks – to result in a bilateral or, better, a multilateral agreement, which is the way in which any two civilised Western democratic countries ought to be concluding an agreement, instead of what is still a nerve-racking and tense arrangement that could flare up at any time?”

Minister Howe answers.

“Of course it is right to say that we want a multilateral rather than a unilateral arrangement. It is precisely that that we are seeking. It is on that basis that ideas are being exchanged. There is no secret about that. We are now awaiting a response to the ideas that we have put forward.”

In April, the FIG announce that 7 vessels have been arrested for fishery violations.

April 24th, a second non-paper from Argentina, transmitted via the US government, proposes the creation of a temporary fishing regime in the South Atlantic.

265 Ibid
266 Pascoe 2020 p.324
267 George Foulkes was a Labour MP and founder members of the South Atlantic Council.
268 HC Deb 18 March 1987 vol.112 cc909-10
“... the Argentine negotiators proposed the creation of a temporary regime to coordinate the respective administration systems of the fishing zone, to establish enforcement procedures, and delimit the area of application of the regime. They also proposed "the elimination of the 150-mile area in its two aspects, conservation and protection." ...” 269

May 6th, newspapers report that the FCO has received proposals from Buenos Aires with regard to a joint fishery policy for the waters around the Falkland Islands. Foreign Office officials decline to confirm the reports.

May 13th, The Times newspaper reports that MP George Foulkes has committed the Labour Party, once in power, to hold talks with Argentina to discuss the possibilities of UN trusteeship, a lease-back arrangement or condominium for the Falklands. 270

June 25th, Argentine officials meet representatives of the USA in New York to pursue the fisheries discussion.

“In June 1987, Foreign Minister Caputo, Argentine Ambassadors Lucio García del Solar and Marcelo Delpech, and US Deputy Secretary for Latin American Affairs Robert Gelbard met at UN headquarters in New York to discuss the details of the text of the third non-paper. Among the proposals to be discussed was the inclusion, for the first time, of the reserve sovereignty formula, popularly called the "sovereignty umbrella". According to García del Solar, the sovereignty umbrella:

"It is a legal formula that allows the parties that have a dispute to enter into agreements at a certain meeting, reserving their respective positions on sovereignty, which will not be affected by the decisions that are adopted. The figure of the umbrella covers and sets aside the dispute during the meeting, preventing discussions from arising that disturb the good progress of the agreements sought. It also covers, by extension, the actions that are executed as a consequence of the agreements".

This legal mechanism was used in Article IV of the Antarctic Treaty, signed in 1959 and in force since 1961 and its inclusion allowed the twelve participating countries, including Argentina, to set aside all current and future claims of territorial jurisdiction on Antarctica to cooperate in other aspects, understanding that nothing that was done affected the integrity of those demands. ... In the third Argentine non paper of June 1987, the Argentine diplomats returned to the text of the "umbrella" implemented in the negotiations of the 1971 Agreements, with some differences. The text included in the document was as follows:

"(1) Nothing in the development or content of this meeting can be interpreted as:

A) A change in the position of the Argentine Republic regarding territorial and maritime sovereignty or jurisdiction over the Falkland Islands and the surrounding maritime spaces.

B) A change in the United Kingdom’s position regarding territorial and maritime sovereignty and jurisdiction over the Falkland Islands and the surrounding maritime spaces.

C) A recognition or support of the position of the Argentine Republic or the United Kingdom regarding sovereignty or territorial and surrounding jurisdiction.

(2) No act or activity that is carried out as a consequence and in execution of what is agreed in these meetings can constitute grounds to affirm, support or deny the position of the Argentine Republic or the United Kingdom regarding sovereignty or jurisdiction, and maritime territory over the Falklands [Falklands in English text] and the surrounding maritime spaces." ... " 271

269 Herrero 2020
270 Foulkes was a founder member of the South Atlantic Council. cf. December, 1983
August 7th, Britain acknowledges Argentina's “interest” in reaching a conservation agreement and improving relations but confirms that they are neither willing to discuss sovereignty nor abandon the conservation zone.

“In August 87, the British response arrived. In this new non-paper, London celebrated the interest shown by the Argentine government in reaching an agreement on conservation, incident prevention and improving relations between the two countries. In addition, the British expressed in the document that their government was ready for dialogue on the proposed issues, but clarified that they were not "ready to discuss sovereignty." However, in the document the British included some small amendments to the text of the umbrella prepared by the Argentines. Furthermore, to avoid future misunderstandings, they presented some considerations that should govern any agreement on fisheries:

-Consider the problems of the conservation area as a whole that would require coordinated actions by governments.

-To clarify that the British Government's position is that a fishing agreement in the western South Atlantic was regulated by two regimes with separate jurisdictional rights that would require coordination. Furthermore, the declaration of October 29, 1986 must be absolutely contemplated.

The London response was presented by the US undersecretary Gelbard to the Argentine delegation at a meeting held in New York. After viewing the non paper, Foreign Minister Caputo reported that the British document seemed good to him and that for the first time there was "a positive exchange."...

August 8th, Argentina presents a fourth non-paper for transmission to the British government.

"First, the Argentine negotiators required further clarification regarding the reference in the British proposal to "the needs of the region as a whole." since now the British were not talking about something multilateral but regional. In the second point, the Argentine delegates recalled that before the war, the Argentines had agreed to deal with practical issues and there had been no progress on the substance of the controversy. Third, a clarification was requested on the meaning of replacing the word "resignation", in the text of the "umbrella", by that of "change of position". Lastly, the Argentine representatives reiterated that "it would be useful to lift the zone" of fishing conservation established in the Declaration of October 29."

August 14th, in New York, the Special Committee on Decolonization when considering the Falklands; “... regretted that implementation of the Assembly resolutions on the question had not started, urged the parties to resume negotiations and reiterated its support for the renewed good offices of the Secretary-General to assist them.”

November 10th, complying with the duty imposed upon him by the previous year’s resolution, the Secretary-General reports to the General Assembly on the situation in the South Atlantic.

“... during the period under review, he had maintained close contacts with the two Governments and met with their respective Foreign Ministers and Permanent Representatives to the United Nations. As a result of those exchanges, the Secretary-General had concluded that conditions had not sufficiently evolved to enable him to carry out the mandate with which he had been entrusted by the General Assembly. He noted that, while both parties had shown restraint and a clear willingness to reduce areas of tension, the refusal of the United Kingdom to engage in dialogue with Argentina on the issue of sovereignty had prevented further progress...”

272 Herrero 2020
273 Ibid.
274 Repertory of Practice of United Nations Organs. Supplement No. 7 ..., Volume 6. As yet, I have been unable to discover any record of discussions with the Secretary-General.
November 17th, UN resolution 42/19 is adopted by the General Assembly. 275

“1. Reiterates its request to the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland to initiate negotiations with a view to finding the means to resolve peacefully and definitively the problems pending between both countries, including all aspects on the future of the Falkland Islands (Malvinas) in accordance with the Charter of the United Nations. ...”

“Sri Lanka believed that the wishes of the islanders should take precedence over other considerations and that they should express their views before any decisions were taken towards implementing the text. ... Iran was not oblivious to the principle of self-determination, but believed that it was not the only pertinent principle ...”

In explanation of its vote against the resolution, the UK tells the Assembly that the wording prejudices the UK's position, and makes no mention of the rights of the Islanders.

“... the Falklands had been British for longer than Argentina had been Argentine, and that there had been no indigenous inhabitants...” 276

November 27th, Britain responds to Argentina’s fourth non-paper, transmitted via the US government. 277

“On November 27, the British embassy in Washington delivered the non paper with the clarifications requested by the Argentines: regarding the meaning of the "total of the region", the British government clarified that although they considered a multilateral settlement as the best solution, they were willing to achieve bilateral agreements that include both national fishing zones and adjacent waters but not those of third States. Regarding the scope and timeliness of the "practical issues", the British were convinced that progress on those issues would help restore normal relations. For the British government, the issue of the coordination of conservation policies in the South Atlantic fisheries, should "continue on the basis of its merits and not be conditioned to progress in other points of a practical nature." to the umbrella formula, the British considered that the Argentine text was not comprehensive enough and that the change proposed by them ("change in position" by "resignation") was a more neutral formula. Finally, for the British it was a fact that there were two separate regulatory bodies with two bodies of rules for the conservation and administration of fisheries. 278

December 3rd, the British response is handed to the Argentines in New York.

“The British non paper was released to Argentines during a meeting in New York on December 3. After analyzing the response, Foreign Minister Caputo pointed out to Gelbard that it was not an objective of the Argentines to reestablish or normalize relations, but rather: "... this would be the consequence of channeling global negotiations and that the parties had different approaches, while the British wanted to move forward focusing on more practical issues, Argentina was looking for a global negotiation, which included sovereignty." ...” 279

December 22nd, Argentina responds, accepting; “... the terms of the umbrella of sovereignty that protected the positions of both countries, ... They also were prepared, if the British accepted, for a meeting anywhere in Latin America.” 280

276 UN Yearbook 1987
277 Corbacho 2000
278 Herrero 2020
279 Ibid.
280 Corbacho 2000
1988 — January 10th, Lord Shackleton is awarded the Freedom of Stanley by the people of the Falklands.

February 8th, Argentine officials again meet with US mediators in Buenos Aires.

“The Americans stressed the convenience to Argentina of a unilateral declaration of ceasing of hostilities. The Argentines then asked if such an action would guarantee the renewal of their military procurement by the United States. The Argentines did not receive any definitive answer, but the Americans argued that this declaration would have two positive effects: first, on U.S. Congress that would decide on any military procurement to Argentina. Second, it would produce a very positive image of president’s Alfonsín government. Finally, without predicting the British position, Argentine and Americans agreed that they would continue exploring the American proposition that would strengthen the Argentine-American cooperation.” 281

“At this meeting, the North American envoy pointed out the convenience for Argentina of a unilateral declaration of cessation of hostilities, arguing that said declaration would be positive because it would give a very favorable image of the government of President Alfonsín. Caputo clarified to the representative of the White House that President Alfonsín was willing to make very important gestures if, as a result, he returned to the situation prior to April 2, 1982.” 282

February 12th, following an announcement by the British Government, Argentina complains to the UN that British forces are planning military exercises – codenamed 'Fire Focus.'

“... a news story from London threatened to reverse the scant progress the parties had made through indirect talks. On February 12, the government of Margaret Thatcher announced that military exercises would take place in the Falkland Islands by mid-March. The news impacted Argentina, to such an extent that President Alfonsín immediately filed a complaint with the UN demanding a meeting of the Security Council, at the same time that he ordered to alert the Armed Forces. For his part, the North American representative, Gelbard, expressed dismay and anger at the attitude of the British, which he described as serious. For the Argentine government, the British decision to carry out military exercises in the Malvinas had two consequences. The first was that it narrowed its internal political space to carry out bold initiatives such as the unilateral declaration of the cessation of hostilities. The second is that it could create a climate of political tension in the country and the destabilization of the government by sectors of nationalists.” 283

February 16th, Argentina protests to US mediators that the proposed British exercises have; “... ruined the favorable climate created for taking the "audacious initiative" of an Argentine declaration of cease of hostilities.”

In March, the British Government’s aid package, introduced for the Falklands in 1983, is phased out.

March 8th, in Parliament, during Prime Ministers Questions, PM Thatcher speaks to the House.

“We have not merely every right to hold such an exercise in the Falklands Islands, but a duty to see that reinforcement proposals could in fact be carried out, otherwise we should have to keep more of our armed forces down there. It is no one else's business, ...” 284

March 9th, Britain responds to Argentina’s non-paper of February 8th.

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281 Ibid
283 Ibid.
284 HC Deb 08 March 1988 vol.129 cc184-8
“... expressing its satisfaction at the interest of the Argentines in reaching an understanding for the conservation of the stocks of the fisheries and to avoid incidents in the South Atlantic. Likewise, the British reiterated putting aside the issue of sovereignty and continuing to search for practical steps to rebuild trust and restore relations. Regarding a meeting between the parties, they stated that the existence of bases to reach a successful agreement must first be assured. To facilitate progress, they proposed a direct exchange of technical information on fisheries. Finally, to avoid confusion, the document had attached the Spanish text of the "umbrella" formula:

(1) Nothing in the development or content of this meeting can be interpreted as:
A) A change in the position of the Argentine Republic regarding territorial and maritime sovereignty or jurisdiction over the Falkland Islands and the surrounding maritime spaces.
B) A change in the UK’s position on sovereignty ...
C) A recognition or support of the position of the Argentine Republic or the United Kingdom regarding sovereignty or territorial and surrounding jurisdiction.

(2) No act or activity that is carried out as a consequence and in execution of what is agreed in these meetings can constitute grounds to affirm, support or deny the position of the Argentine Republic or the United Kingdom regarding sovereignty or jurisdiction. territorial and maritime on the Falklands [Falklands in English text] and the surrounding maritime spaces.”

March 11th, Argentina writes to the UN Security Council requesting an emergency debate over Fire Focus.

March 16th, military exercises take place on the Falkland Islands.

March 17th, at the UN, Argentina complains to the members of the Security Council, that; “... the United Kingdom, by its show of force in the area, ... was posing a threat to international peace.” Exercising a right of reply, the UK also speaks.

“It chose to meet its obligation to safeguard the security of the people of the islands by maintaining the smallest possible garrison there while establishing the means to reinforce it rapidly. Since 1982 the United Kingdom had made clear that occasional reinforcement exercises would be necessary; the current one involved a small number of aircraft and fewer than 1,000 troops, which could hardly be considered a threat. ...”

Having heard both parties, no conclusions are drawn by the Council and there is no statement.

The Falkland Islands Government purchases the FIPASS dock from the Ministry of Defence.

March 31st, Mr. Tim Eggar, Parliamentary Under-Secretary for Foreign and Commonwealth Affairs, speaks in the House of Commons.

“A great deal has been said in the press and in international fora about exercise Fire Focus. Sadly, much of the speculation about its purpose and scope has been inaccurate and exaggerated. Perhaps, as a result, some of the international reaction has been ill-judged and inappropriate. ... Let me begin by putting the exercise firmly in context. The Government are pledged to the defence of the Falkland Islands. Everybody recognises that. ... Fire Focus was conducted deliberately with the smallest number of troops and aircraft required to provide a realistic test of reinforcement capability. Fewer than 1,000

285 Herrero 2020
men and only a small number of aircraft were involved. ... the exercise was concluded today. The garrison has now returned to its former size. There has been no permanent increase in force levels. I am happy to say that Fire Focus has been a success and we have shown that we can and will honour our commitments to the Falkland islanders. ... since 1982, we have sought ways of restoring more normal relations with Argentina. We see no contradiction between improving our bilateral relations with Argentina and defending the rights of the Falkland islanders to decide their future.

To the Argentines, negotiations on sovereignty mean simply the transfer of the islands to Argentina, irrespective of the wishes of the islanders. But the search for more normal relations with Argentina has always been our aim, and it will remain so. ... The Argentines have failed to respond to our frequent demonstrations of readiness to return Argentine military dead to Argentina. Nor have they taken up our offer to accept a bona fide visit to the islands by Argentine next-of-kin. Further, in 1985, we unilaterally lifted all trade restrictions on Argentina. Once again there has been no reply.”

In April, the UN’s Secretary-General, Pérez de Cuellar, is informed of the exchanges of non-papers between Argentina and the UK by the British Ambassador, Crispin Tickell.

April 26th, Argentina’s government issues Executive decree 509/88 to regulate law 23109 of 1984 which had established benefits for veterans who had served in the South Atlantic. This new order limits the payment of benefits to those who had served in the Falklands, South Georgia and the South Sandwich Islands, and their corresponding air spaces. This removes the benefit from thousands of ex-servicemen.

Vessels from the Republic of Korea – detained for illegal fishing within the Interim Conservation and Management Zone – are fined a total of £260,000 by magistrates in Port Stanley. A Polish vessel receives an administrative penalty of £1,000 for the unlicensed trans-shipment of fish.

May 10th, Argentina responds to Britain’s non-paper of March 9th.

“The document said in its most important paragraph that: The British "non-paper" of March 9, 1988, contains new elements that distance us from the objective [to start a dialogue in search of understanding].”

July 12th, in a further non-paper, Argentina proposes, via the USA, that Argentine-British talks could proceed under a “sovereignty umbrella” but with an otherwise open agenda. US diplomats consider this a setback.

July 25th, Britain responds to the message, accepting talks on issues other than sovereignty, but reiterating its position that; “... negotiations would start on the basis of the Declaration of October 29 1986. That is to say, on the Area of Conservation and Administration.”

“The problem was that the Thatcher government wanted to negotiate on the basis of its Declaration of October 29, 1986, where, ..., London had established a fisheries preservation zone, an aspect that was rejected by Argentina. At this point, the Americans no longer limited themselves to facilitating the conversations but rather reoriented their actions, trying directly to convince the Argentines about the benefits of the British proposal and to accept it. For Gelbard, the proposal was "more positive than the previous ones." For the White House representative, the important thing was to rebuild the dialogue and start with the "confidence-building

287 HC Deb 31 March 1988 vol.130 cc1331-7
288 Malvinas: la visita de Edward Denmark, entre la admiración y la vergüenza in Tribuna January 25, 2020. This lack of recognition rankles still and remains the source of protests in Argentina.
289 Herrera 2020
290 Corbacho 2000
291 Ibid
measures." Likewise, in a document where comments were made. On the British document of July 25, the Americans maintained that: "In its latest non-paper ... the UK has produced what we consider to be a highly positive response to Argentina's most serious preventions ... This response is a very strong positive gesture and should be enough to kick-start the talks ... Therefore, the United States emphatically urges Argentina to accept the United Kingdom's response, so that the talks progress." 292

July 28th, Lord Trefgarne answers questions in the House of Lords.

“My Lords, the revenue to the Falkland Islands Government for 1987–88 is estimated at £1865 million. ... Against that must be set the estimated enforcement and scientific costs, which are of the region of £6 million for 1988–89. There is clearly a substantial new revenue for the Falkland Islands Government which they did not have before. Our aid as such to the Falkland Islands is now at a comparatively low level. Indeed, I think it is zero for this year.” 293

In August, the Alfonsin Government in Argentina launches an economic plan which includes price controls in an attempt to control inflation. State workers pay is frozen. 294

August 11th, during its deliberations at the UN, the Special Committee for Decolonization hears from Falklands representative Anthony Blake.

“I have read the text of the resolution before the Committee and I am mystified by some of the sections. I had the impression, perhaps mistakenly, that the Committee's aim is to safeguard the rights of people to self-determination ... Yet the whole theme of the resolution is the solving of the territorial dispute...” 295

At the conclusion of the session, the Special Committee restates its belief that; "... the way to end the special and particular colonial situation was through a negotiated settlement.”

In September, Argentina forwards a seventh non-paper to Britain via the USA.

“The internal wear and tear of the Alfonsin government and the pressure exerted by the United States, led Buenos Aires to accept the terms proposed by London. In September 1988, Foreign Minister Caputo delivered the seventh non-paper in which he communicated that the Argentine government was willing to start a direct dialogue between the two parties and where he highlighted the existence of overlapping jurisdictions, but no mention was made of the elimination of the preservation zone.” 296

September 20th, Argentine Minister Dante Caputo is elected to be President of the 43rd session of the UN's General Assembly. Foreign Secretary, Francis Pym, under pressure from the US Department of State, indicates that he might make a courtesy call on the new Assembly President.

“I utterly recoil from this, and so I think would the relatives of all those who lost their lives in the Falklands. Argentina has not announced a cessation of hostilities.” 297

In October, Argentina's Minister Caputo tells US representatives that he is; “... prepared to begin any contact with the British, with or without witness, with the level and reserve that they wanted” 298

292 Herrero 2020 citing Cisneros et al 2000
293 HL Deb 28 July 1988 vol.500 cc380-3
294 See May, 1989
295 Falkland Islands Newsletter No. 37 December 1988
296 Herrero 2020
297 Margaret Thatcher quoted in Bid to block talks with Argentinians 6 years after war in The Times, December 30, 2016
298 Corbacho 2000
“...British diplomacy never responded ... The extreme internal weakness of the radical government and the proximity of the presidential elections, where the justicialista Carlos Menem had the best chance of taking the Argentine presidency, were some of the reasons why the British decided to suspend communications and wait until the arrival of a new government in Argentina.” 299

November 11th, at the UN, the Fourth Committee hears from FIG Councillors John Cheek and C. Keenleyside, Barbara Minto de Pennissi and Mrs. Coutts de Maciello. John Cheek tells the Committee that the majority of the land belongs to the Islanders, and that the drain of profits to absentee landowners, some of them in Argentina, had been virtually stopped. The Councillors answer questions put to them by the representatives of the UK, Argentina and Papua New Guinea.

November 14th, complying with the duty placed upon him by the previous year’s resolution, the UN’s Secretary-General reports to the General Assembly on the situation regarding the Falkland Islands.

“He stated that, in the course of the year, he had kept close contact with the Governments concerned, meeting in London with the Prime Minister of the United Kingdom in may, in New York with the President of Argentina in June, and also meeting with their respective Foreign ministers and Permanent Representatives to the United Nations... the positions of the two governments remained substantially unchanged and once again he had been unable to carry out the mandate with which he had been entrusted...” 300

November 17th, Resolution 43/25 is adopted by the General Assembly. 301

“Taking note of the interest repeatedly expressed by both parties in normalizing their relations,...

1. Reiterates its request to the Government of Argentina and the United Kingdom of Great Britain and Northern Ireland to initiate negotiations with a view to finding the means to resolve peacefully and definitively the problems pending between both countries, including all aspects on the future of the Falkland Islands (Malvinas), in accordance with the Charter of the United Nations;...

2. Requests the Secretary-General to continue his renewed mission of good offices in order to assist the parties in complying with the request made in paragraph 1 above, and to take the necessary measures to that end;

3. Also requests the Secretary-General to submit to the general Assembly at its forty-fourth session a report on the progress made...” 302

# Researcher’s Comment: Between 1985 and 1988 there were four UN resolutions calling for negotiations to resolve ‘pending problems’. This was the last. Indeed it would be the last UN General Assembly resolution on the subject for more than three decades. Resolution 43/25 had been recommended for adoption by the Special Committee on Decolonization. 1989 marked the last time that Committee would make such a recommendation. Argentina had still not declared a formal cessation of hostilities, but the UK was convinced that she would now do so. On that basis, Britain was prepared to talk.

November 22nd, recalling that 1990 will mark the 30th anniversary of the Declaration on the Granting of Independence to Colonial Countries and Peoples, the UN General Assembly adopts Resolution 43/47. 303

299 Herrero 2020
300 Repertory of Practice of United Nations Organs. Supplement No. 7 ..., Volume 6
302 Very much a repeat of those UN resolutions that adopted a change of wording in 1985.

76
“Bearing in mind also the important contribution of the United Nations in the field of decolonization, in particular through the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, 1. Declares the period 1990-2000 as the International Decade for the Eradication of Colonialism.” 304

The Secretary-General is required to prepare an action-plan for presentation to the General Assembly.

In December, Foreign Minister Caputo meets with Crispin Tickell in Geneva.

“Caputo, after clarifying that the meeting was not a negotiation, urged Tickell to begin conversations under the umbrella and an open agenda. Tickell insisted on limiting the talks to the prevention of incidents and fisheries conservation.”305

William Hugh Fullerton takes over as Governor of the Falkland Islands.

1989 – January 1st, the roll-on, roll-off ferry *Indiana 1* starts operating an unscheduled service between Stanley and South American ports.

“Calling first at Montevideo, Uruguay ... they were greeted by a group of Argentine demonstrators who were prevented from boarding the ship. However greater problems are anticipated from Uruguayan dockers whose union has been persuaded by Argentina to 'black' the ship. From Montevideo she sailed to Punta Arenas, Chile ... Similar pressure has been put on the dockers at Panta Arenas, but the shipping agents there use non-union labour and there seems to be no problem.” 306

January 31st, the Secretary-General circulates the text of UN resolution 43/47 and requests the suggestions of member States for the action plan he has been instructed to prepare for the General Assembly. 307

February 13th, Stanley Museum is opened by Sir Rex Hunt. The post of ‘archivist’ is created with responsibility for the Islands’ records. The first official archivist is Jane Cameron. 308

At a United Nations Educational, Scientific and Cultural Organization (UNESCO) conference, the International Meeting of Experts for the Elucidation of the Concepts of Rights of Peoples, agrees a detailed description of those peoples entitled to the right of self-determination – known as the Kirby Definition. 309

“... a group of individual human beings who enjoy some or all of the following common features: (a) a common historical tradition; (b) racial or ethnic identity; (c) cultural homogeneity (d) linguistic unity; (e) religious or ideological affinity; (f) territorial connection; (g) common economic life. The UNESCO experts further stated that "the group as a whole must have the will to be identified as a people or the consciousness of being a people,..."...”

February 14th, during Argentina’s Presidential campaign, hopeful Carlos Menem tells an audience in Ushuaia; “Know the Pirates of the world that despite everything the Malvinas are still Argentines. I don't know how long it will be or how much blood we’ll have to shed to get the Malvinas back to Argentine territory. Peronism will continue to demand from international bodies to regain sovereignty over the southern archipelagos. We will not bow to international pressure, there will be no contradictions in Peronism when it comes to defending

305 Corbacho 2000
306 Falkland Islands Newsletter March, 1989
307 UN Document A/44/800 dated November 27, 1989
308 See 2010
309 This is about as close as the UN has ever come to defining the term 'people.'
sovereignty. Don't get me chancellor Dante Caputo that the English will be angry if we include the Malvinas in the new province of Tierra del Fuego, that the English get angry, I don't care.”

May 2nd, Argentina is the first to respond to the Secretary-General's January 31st request for suggestions.

“Since 1946, the Malvinas has been on the list of Non-Self-Governing Territories which are to be decolonized. In 1965, the General Assembly of the United Nations adopted its first decision on this Territory (resolution 2065 (XX)). ... In keeping with this fundamental principle, in this and other declarations, the Assembly has repeatedly requested Argentina and the United Kingdom to put an end to the colonial situation in the Malvinas Islands through bilateral negotiations... Full respect for and compliance with the General Assembly resolutions on the question of the Malvinas are the pathway to a just and lasting solution to the conflict of sovereignty over this colonial Territory, and will contribute effectively and concretely to the attainment of the universal objective, stated in resolution 43/47, of ushering in the twenty-first century in a world free from colonialism.”

In Argentina a financial crisis creates public order problems. Hyperinflation and food shortages lead to demonstrations and riots.

May 20th, two volunteer fire fighters, part of Stanley Fire Brigade, die whilst attempting to put out a fire on a Spanish vessel, Frio Pesca Uno, in Berkeley Sound.

May 29th, President Raul Alfonsin declares a ‘State of Emergency’. Schools are closed, public transport suspended and banks close. The riots are suppressed.

In June, Britain's Prime Minister and the UN's Secretary-General meet in London to discuss, inter alia, the question of the Falkland Islands.

July 8th, Carlos Menem, elected President of Argentina on May 14th, says during his inaugural speech to Congress; “... as President ... I am going to dedicate the largest and the most important effort, in a cause I will fight with the law and the right in the hand. It will be a great Argentine cause: the recovery of our Malvinas, South Georgias, and South Sandwich Islands.”

“... improvement in Anglo-Argentine relations was precipitated by the election of Mr Carlos Menem to the Presidency ... The impetus came from the deteriorating Argentine economic position, Argentina's need to normalise relations with the European Economic Community and the British desire to normalise relations and reduce its military presence without prejudicing its commitment to the future and security of the Islands.”

“President Menem, who in his electoral campaign had said "it doesn't matter how much blood we spill, we are going to recover the Falklands", appointed Domingo Cavallo as his Foreign Minister. Cavallo introduced an 180° turn in Argentine Foreign Policy. It was decided to "de-Falklandise Argentine Foreign Policy", abandon the Non-Aligned Movement and rebuild the relationships with the United States and the European Community. For this it was essential to rebuild relations with the United Kingdom.”

310 Ambito Financerio February 15, 1989. Menem would later claim to have been speaking ‘metaphorically’.
311 UN Document A/44/800 dated November 27, 1989
312 UN Document A/44/692
313 Evans 1991
314 Bullrich 2000 p.212
“From the first day of his administration, Menem expressed his willingness to put in a parenthesis the question of the sovereignty of the Falkland Islands, if that ensured negotiations with the government of Margaret Thatcher. Aware of the knowledge that the parties had acquired during the last years of indirect talks, the new president-elect and his chancellor, Domingo Cavallo, decided to continue with the methodology implemented by radical diplomacy. In this way, Menem and Cavallo maintained the direct dialogue channel through Brazil, the exchange of non-papers through the United States Department of State9 and the continuity of the "umbrella of sovereignty" formula.”

July 9th, in Olivos, President Menem makes another speech; “We want to begin a discussion, a dialogue that leads to the restoration of diplomatic relations with Great Britain.”

“President Menem offered, on July 12, 1989, the declaration of the cessation of hostilities to Great Britain: "My government would be ready to declare the formal cessation of hostilities, if Great Britain agrees to open the exclusion zone". This meant that the unlocking of bilateral relations would be effectively at the cost of a postponement of the sovereignty issue, which would be referred to the United Nations, whose Decolonization Committee would meet in August of that same year.”

July 13th, the Chicago Tribune reports.

“... the British government announced the possibility of normalizing relations with our country after the Argentine president stated that he was willing to recompose ties with London, without including the issue of the sovereignty of the Falkland Islands, but leaving "the issue of sovereignty, not from the side but under an umbrella, a glass bell. As long as Mrs. Thatcher or England does not touch the sovereignty issue, we are going to protect that issue, also not touching it "...”

July 19th, in the House of Lords, Lord Trefgarne, speaking for the Government, observes; “If his (Menem’s) approach is intended to restore more normal relations between us, while putting sovereignty to one side, then we welcome it and we shall respond appropriately.”

August 1st, Argentina announces the cancellation of restrictions on goods imported from Britain.

August 7th, at the UN, the Special Committee on Decolonization opens its session on the Falkland Islands, listening to representations from MLAs Blake and Lee for the Islands’ people; Argentine petitioners Alexander Betts and James Lewis, together with Argentina’s representative.

August 15th, the committee adopts a draft-resolution sponsored by Chile, Cuba and Venezuela on a vote of 20 votes to none against with 4 abstentions.

“4. Urges the Governments of Argentina and the United Kingdom to resume negotiations in order to find as soon as possible a peaceful solution to the sovereignty dispute...”

315 Herrero 2020
316 La política exterior de Carlos Menem hacia las islas Malvinas Oscar Mastropierro 2020 in Dossier de investigación N°2: ‘A 30 años de la firma de los Acuerdos de Madrid I y Madrid II’ ReFEM2065 April, 2020
317 Ibid.
318 UN Document A/44/23
319 UN Document A/AC.109/1008. See also the Committee’s report submitted to the General Assembly on September 15, 1989 A/44/23 Chapter XI p.197 & 198.
“In a resolution of 15 August, the Committee reiterated its position that the way to end the special and particular colonial situation of the Falklands was through a negotiated settlement. Regretting that the implementation of the General Assembly resolutions on this question had not yet started, it urged Argentina and the United Kingdom to resume negotiations,...” \(^\text{320}\)

**August 16**\(^\text{th}\), at the UN, Britain’s Ambassador, Sir Crispin Tickell, holds talks with Sr. Garcia del Solar. Sovereignty issues are, however, set aside. Not to be discussed.

“... a meeting was held in New York between representatives of the Governments of Argentina and the United Kingdom where they agreed on the timing, agenda and conditions for a later substantive meeting in Madrid between representatives of the two countries.” \(^\text{321}\)

“Following Argentine advances, Sir Crispin Tickell, the British Permanent Representative to the UN and Sr. Garcia del Solar, a senior Argentine UN Representative, held a preliminary meeting on 16-18 August at which it was agreed to hold further detailed talks in Madrid the following October. The key to the success of both the August and subsequent October meetings was the decision to exclude the issue of sovereignty from the discussions by placing it under suspension in a manner similar to that used in the Antarctic Treaty.” \(^\text{322}\)

“The willingness to continue with the unofficial talks and to put the sovereignty issue under an umbrella, made the negotiations prosper, in such a way that just over a month after Menem assumed the presidency, Argentines and British saw faces for the first time since 1984, in New York. These "conversations about conversations", as they were called at the time, constituted the starting point of the negotiations with London, which later resulted in the Madrid Accords.” \(^\text{323}\)

“The umbrella posed a paradoxical situation. Although they reserved the rights of both parties to the surrounding islands and seas, in fact, it operated by freezing claims as all the subjects of this negotiation were theoretically protected by the agreed formula. For García del Solar the umbrella exists because there is a dispute for sovereignty, and Britain, precisely by accepting the formula, is not denying this point. If there were no doubts about Argentine sovereignty, the umbrella would be meaningless.” \(^\text{324}\)

**August 18**\(^\text{th}\), after three days of talks, Tickell and de Solar issue a joint press statement. In compliance with resolution 43/25, both country’s agree to commence substantive talks on the restoration of diplomatic relations.

“... where necessary, discussion would take place under the terms of a formula to protect the position of each side with regard to sovereignty or territorial and maritime jurisdiction over the Falkland Islands, South Georgia and the South Sandwich Islands. The two sides also agreed on a package of measures to improve diplomatic contacts and communications. In particular, they undertook to permit the respective Interests Sections to enjoy their own direct secure communications, to have direct access at official level to Foreign Ministries, and to remove the ceiling on numbers of staff...” \(^\text{325}\)

“The parties were able to advance in the different stages of the negotiations thanks to the "umbrella formula" that froze the discussion of the Falkland Islands sovereignty. As García del Solar recalls, diplomatic efforts prior to the reestablishment of relations were easy "because the text of the umbrella negotiated by the previous government was ready."...” \(^\text{326}\)

\(^{320}\) UN Yearbook 1989  
\(^{321}\) UN Document A/44/692  
\(^{322}\) Evans 1991  
\(^{323}\) Herrero 2020  
\(^{324}\) Mastropierro 2020  
\(^{325}\) UN Document A/44/692  
\(^{326}\) Herrero 2020
“Guido Di Tella would declare years after that: "Both the Foreign Office and we agree to accept that both parties suspended or frozen their claims on the issue of sovereignty, while trying a serious approach on other pending issues, in order to create a certain climate of mutual trust that would allow us to reach, in the medium term, a satisfactory solution to the dispute"...” 327

August 24th, on behalf of the Government, MP Tim Sainsbury writes to the Falkland Islands Committee.

“... the British Government's position is unyielding on the sovereignty of the Falklands: this is not for negotiation.” 328

August 29th, in a joint-letter, the Governments of Britain and Argentina inform the UN's Secretary-General of talks to be held in Madrid in October. 329

“The "carnal relations" that President Carlos Menem (1989-1999) established with the United States had a corollary of renewed diplomatic relations with London,...” 330

September 12th, a delegation representing Islanders meets with Labour Party spokesman, George Foulkes MP to challenge the party's views on whether the “interests” or “wishes” of the Islanders are paramount. During the meeting Foulkes, a founding member of the South Atlantic Council, confirms that the Labour Party, if elected in 1992, will be willing to discuss sovereignty with a democratic government in Buenos Aires.

UN Secretary-General Javier Pérez de Cuéllar holds meetings in Belgrade and New York with the Argentine President on the question of the Falkland Islands. 331

September 21st, the remains of Juan Manuel de Rosas are exhumed in Southampton cemetery, for transfer to Buenos Aires via Paris.

“In his book chronicling the trip, Anchorena remembers the moment with reverence. Tears filled his eyes as the Argentine flag was placed over the coffin, the same flag that had flown over the Argentine embassy in London at the time of the War of the Malvinas. After boarding a plane, the commission headed for France. When they entered French airspace, the captain opened a bottle of champagne, everyone participated in a solemn toast, after which they all recited the holy rosary.” 332

September 25th, at the opening of a new UN session, President Menem speaks before the General Assembly.

“I want to reassert that we will fight unstintingly and peacefully to recover our Malvinas Islands with reason and perseverance.”

The New York Times reports.

“The President made passing reference to last month's agreement to open talks with Britain in Madrid next month on re-establishing relations. "We have extended our hand, showing our willingness to enter into dialogue," he said. But he insisted that this must not put in question "our historical and inalienable rights to sovereignty over those usurped South Atlantic islands."

327 Mastropierro 2020
328 Falkland Islands Newsletter September 1989
329 UN Document A/44/490
330 Rubenstein 2011. “Carnal relations” had been a term used by Argentina's Foreign Minister, Guido de Tella, to describe Argentina's new relationship with the USA.
331 UN Document A/44/692
332 “Sometimes Knowing How to Forget Is Also Having Memory”: The Repatriation of Juan Manuel de Rosas and the Healing of Argentina J. M. Shumway 2004. cf. 1852

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"The normalization of bilateral dialogue," President Menem continued, "must be followed by the firm and sensible will to bring to an end a historically unsustainable colonial situation." Speaking privately, British officials reacted with caution to Mr. Menem's address, ... When the two countries agreed to hold the Madrid talks last month, they said they would set aside their claims to the Falklands.” 333

October 11th, in Argentina, General Galtieri, Admiral Anaya and General Dozo, receive Presidential pardons.

October 17th, negotiating teams meet in Madrid under an agreement to set aside issues of sovereignty without either side being prejudiced – a "sovereignty-umbrella" formula. 334

October 19th, a joint-statement is issued that makes reference to the sovereignty umbrella.

“1. Nothing in the conduct or content of the present meeting or of any subsequent meeting shall be interpreted as (a) a change in the position of the United Kingdom with regard to sovereignty or territorial or maritime jurisdiction over the Falkland Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas; (b) a change in the position of the Argentine Republic with regard to sovereignty or territorial or maritime jurisdiction over the Falkland Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas; (c) recognition of or support for the position of the United Kingdom or the Argentine Republic with regard to sovereignty or territorial and maritime jurisdiction over the Falkland Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas.

2. No act or activity that the Republic of Argentina, the United Kingdom or any third parties carried out as a consequence of and in the execution of that which is agreed upon in the present meeting or in any subsequent meeting, can constitute the basis for confirming, supporting or denying the rights of the Argentine Republic or the United Kingdom relating to the sovereignty or territorial and maritime jurisdiction over the Falkland Islands, South Georgia and South Sandwich Islands and the surrounding maritime areas.” 335

“Once the sovereignty issue had been put to one side, it became possible to proceed towards the normalisation of bilateral relations.” 336

The Joint Statement agrees: that hostilities between Britain and Argentina have ceased; a resumption of consular relations; the creation of a working group to consider measures for building confidence and avoiding military incidents; the Protection Zone to be aligned with the Conservation Zone; the lifting of all remaining restrictions between the two countries; Air and sea links to reopen; and the creation of a working group to consider issues surrounding fishing.

“The two Governments noted that all hostilities between them had ceased. Each Government undertook not to pursue any claim against the other, including nationals of the other, in respect of loss or damage arising from the hostilities and all other action in and around the Falkland Islands, South Georgia and the South Sandwich Islands before 1989.” 337

333 The New York Times September 26, 1989
334 UN Document A/44/678
335 Joint Statement of 19 October 1989 Re-establishing Consular Relations Between Britain and Argentina, and Agreeing a Framework on Sovereignty Which Would Allow Further Talks
336 Evans 1991
337 Joint Statement Art.3. The agreement by the British not to pursue reparations for the costs of the 1982 war was surprising; particularly as Argentina would not appear to have been in any position to pursue claims of its own as the aggressor. The why remains unexplained.
There was a change of speech and attitude of Carlos Menem towards the Falkland Islands. ... Two initial measures were important. The application of the "sovereignty umbrella", agreed during Alfonsín's administration, and the request for the cessation of hostilities by Argentina and which had been unsuccessfully claimed by the United Kingdom since 1982.”

# Researcher's Comment: This was the first time that Argentina acknowledged, without conditions, that hostilities had ceased. Argentina's war had lasted from 1982 until 1989. Acceptance paved the way for agreements and the restoration of diplomatic links between the two countries. Falklands' sovereignty was not on the agenda. The sovereignty-umbrella was an ad-hoc arrangement for these talks although it would also be employed in future negotiations. It is poorly understood in Argentina, where some appear to view it as a permanent situation that restricts action at the United Nations.

The Chicago Tribune reports.

“... "The Argentine government considers this agreement with the United Kingdom very important, truly transcendent," Argentine Foreign Minister Domingo Cavallo said in a news conference after reading a joint statement that was also released in London and Madrid. The two nations agreed to leave aside 'indefinitely' the thorny issue of sovereignty over the islands, Cavallo said." 339

October 20th, Foreign Secretary John Major writes to the Islanders.

“... we have succeeded in reducing the discrimination against British companies and taking several other worth-while steps. But I should stress that we only agreed to these talks on condition that the question of sovereignty over the Falklands was not for discussion.”

October 24th, both Argentina and the UK notify the UN's Secretary-General that an agreement has been reached and that the joint-statement be circulated as an 'official document' of the UN. 340

October 31st, at the UN, the Secretary-General submits his report on the Question of the Falkland Islands.

“... under General Assembly resolution 43/25 of 17 November 1988,.. and (which) requested me to continue my renewed mission of good offices in order to assist the Parties in complying with that request.” 341

November 1st, the UN General Assembly, in its 44th session, considers the Falklands and announces a decision.

“By decision 44/406 of 1 November, the General Assembly decided to defer consideration of the Falkland Islands (Malvinas) question and to include it in the provisional agenda of its forty-fifth (1990) session.” 342

The President of the General Assembly informs members.

“I should like to call the attention of the Assembly to document A/44/490, to which is annexed a press communique issued in New York on 18 August 1989 by representatives of the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland, and to document A/44/678 ~ to which is annexed a joint statement issued in Madrid on 19 October 1989 by representatives of the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland.

338 Mastropierro 2020
340 A/44/670
341 UN Document A/44/692. The report is not attached to this UN document. This was the last report submitted by the Secretary-General on the Falklands issue.
342 UN Yearbook 1989
Furthermore, I should like to inform representatives that following consultations regarding this item it is proposed that the General Assembly decide to postpone consideration of the item and to include it in the provisional agenda of its forty-fifth session. May I take it, therefore, that the Assembly wishes to take note of the documents that I have referred to and to defer consideration of this item and include it in the provisional agenda of the forty-fifth session? It was so decided.”

“All C24 resolutions on UK OTs reach the UNGA, except that on the Falklands (a position agreed by the UK and Argentina since the resumption of bilateral relations in 1989/90).”

“At the request of the United Kingdom, Argentina withdrew the Malvinas issue from the General Assembly, thus avoiding the British the wear and tear of having to defend the case annually before the international body and endure overwhelming votes against but which it had consistently ignored for more than twenty-five years. The issue continued to be discussed within the United Nations in a smaller space, such as the Decolonization Committee. It is not good for Argentina to deviate from the resolutions of the General Assembly of the United Nations that, since Resolution 2065/65, have advised the parties to negotiate a peaceful solution to the existing sovereignty conflict over the three archipelagos of the South Atlantic. The government of President Menem set aside this precise legal framework, which should be the permanent axis of our relationship with Great Britain, to independently and specifically negotiate future oil and gas activities in the waters surrounding the Falkland Islands.”

# Researcher’s Comment: Argentina was going through one of its regular financial crisis and struggling to negotiate a deal with the International Monetary Fund. Whether this was related is not clear, but there appears to have been some agreement between the UK and Argentina with regard to the issue of the Falklands at the United Nations. Sadly, there is too little information available to identify the nature of the ‘position’ whereby C24 resolutions do not reach the General Assembly. All that can be said with certainty is that there has been a silence upon the subject by the General Assembly that has endured ever since. GA Falklands’ resolutions simply ceased. The result is, as the British Foreign Secretary would say in 1994, that - “... the question of sovereignty is in effect settled. ... the Islanders will not accept Argentine rule, and no one will in practice force it upon them.”

Following problems in negotiating with the International Monetary Fund, hyper-inflation in Argentina soars. 

December 22nd, PM Thatcher delivers her Christmas Message to the Falkland Islanders.

“Now you will have heard about our discussions with the new Argentine Government. ... we have made clear that we will not negotiate on sovereignty.”

343 UN Document A/44/PV.44. I am, at present, unable to discover any information about these consultations; the source of the proposal or the decision to defer the question.

344 Memorandum by the Foreign and Commonwealth Office (submitted in response to a letter from the Chairman of the Foreign Affairs Committee) Her Majesty’s Government’s current policy towards the UN Decolonisation Committee 2010. I am unable to ascertain the date on which this intriguing agreement was reached or its exact terms. In Nueva politica de Estado para Malvinas (Mercopress December 16, 2015) Prof. Marcelo Kohen suggested that President Menem entered into a “gentleman’s agreement” regarding Argentina's position at the UN but this seems insufficient to have survived either the decades that have passed, or indeed the virulent Presidents that followed Menem. It is particularly unlikely that the Kirchner presidencies would have accepted any informal agreement that limited their ability to act at the United Nations.

345 Mastropierro 2020 citing Solari Yrigoyen September 27, 1993. Yet again, the details of how the issue of the Falklands was ‘withdrawn’ or ‘set aside’ are not made out. The precise nature of the 1989 agreement remains elusive.

346 It would reach 12,000% per year.
1990 – January 1st, the United Nations declares the 1st International Decade for the Eradication of Colonialism; “... aimed at ushering in the twenty-first century a world free from colonialism.” 347

“Commemorating the thirtieth anniversary of the Declaration, the Assembly recognized the significant and commendable role played by the United Nations since its inception in the field of decolonization and noted that, during that period, more than 100 States had achieved sovereignty. The Assembly expressed its determination to take effective measures leading to complete and unconditional elimination of colonialism in all its forms and manifestations without further delay.” 348

January 29th, the anniversary of John Strong’s landing at the Falkland islands in 1690 is commemorated at Bold Cove by the crew of HMS Leeds Castle together with the Commander of forces on the islands, the Governor and members of the community. The placing of the Union Jack is greeted by a 17 gun salute.

Authority over the British Antarctic Territory transfers from a High Commissioner based in the Falklands, to a Commissioner based in London.

February 14th, delegations from Argentina and the UK meet again in Madrid for two days of talks.

“The key point at issue was the future of the 150-mile Falkland Islands Protection Zone (FIPZ) ... Argentina strongly asserted its wish to be able to approach the vicinity of the Islands without seeking prior authorisation. The British were concerned that such a relaxation might be considered both prejudicial to security and be taken as a signal of a lessening commitment to the Islands.” 349

February 15th, at the end of the talks, a Joint-Statement is issued to the press which reaffirms the sovereignty-umbrella arrangement as agreed in 1989.

“2. Both delegations reaffirmed that the formula on sovereignty over the Falkland Islands (Islas Malvinas), South Georgia and the South Sandwich Islands and the surrounding maritime areas, recorded in paragraph 2 of the Joint Statement of 19 October 1989, applied to this meeting and its consequences.” 350

The Joint-Statement then outlines what has been agreed.

“... they decided to establish an "Interim reciprocal information and consultation system" for movements of units of their armed forces in areas of the south-west Atlantic, in order to increase confidence between the two countries and to contribute to achieving a more normal situation in the region without unnecessary delay; to establish a direct communication link between the Falkland Islands and the mainland in order to reduce the possibility of incidents, limit their consequences in the case of occurrence, and increase common knowledge of military activities in the south-west Atlantic; to agree on a set of rules of reciprocal behaviour for naval and air units when operating in proximity; to agree on a mechanism for emergencies aimed at facilitating air and maritime search and rescue operations in the south-west Atlantic; to establish a system of exchange of information on the safety and control of air and maritime navigation; ... Both Governments further agreed that they should proceed to exchange available information on the operations of fishing fleets, appropriate catch and stocks of the most significant offshore species in the maritime area of the Atlantic Ocean between the latitudes 45

347 See resolution 43/47 of November 22, 1988.
348 UN Yearbook 1990
349 Evans 1991
350 Joint Statement of 15 February 1990 Re-establishing Diplomatic Relations Between Britain and Argentina
and 60 degrees S. ... To continue considering the issues discussed, a Working Group on South Atlantic Affairs was to be set up. Further consideration was given to the situation with regard to contacts between the Falkland Islands and the mainland, with the United Kingdom recognizing Argentina’s readiness to facilitate communications and trading opportunities. ...”  

“Twenty-five days written notice must be given of any movement of four or more naval vessels or aerial forces; of land based military exercises involving over 1000 men or more than 20 aircraft sorties, and of amphibious or airborne exercises involving more than 500 men or 20 aircraft sorties. ... 48 hours notice must be given of any ship movement within 50 miles of a coast or of any aircraft movement within 70 miles ...”  

Full diplomatic relations are to be restored and relatives of Argentina’s dead will visit the Islands.

“Both delegations expressed their agreement to a visit to the cemetery on the Falkland Islands by close relatives of Argentine nationals buried there. The visit – based on humanitarian considerations – will take place under the auspices of the International Committee of the Red Cross (ICRC). Both Governments will seek the good offices of the ICRC and agree, through diplomatic channels, on the arrangements for and timing of the visit. ... Both delegations agreed that it would be appropriate to abolish the requirement for visas for nationals of each country wishing to visit the other. This measure would become effective once negotiations had been concluded through diplomatic channels...”  

“In order to give priority to the bilateral relationship, the promotion of annual Resolutions in the General Assembly in the General Assembly was suspended. There was also a fear that the quality of the Resolutions would diminish, by becoming increasingly bland as a result of the difficulties in obtaining votes ... The main priority of Argentine foreign policy became its reintegration into the western, developed world. ... However, and a little incongruously, Argentina maintained its pressure on the UN’s C24 Committee on de-Colonization where, through the years, Argentina had reiterated its claim and obtained favourable Resolutions...”  

“The resumption of diplomatic relations in 1990 took place only once Argentina decided not to insist on linking it to new negotiations on sovereignty. In the joint declarations concluded in Madrid, the so-called “umbrella” of sovereignty was agreed, by which the British Government recognized the existence of the dispute, as well as the obligation to settle disputes exclusively by peaceful means, in evident contradiction with its position that has nothing to negotiate, unless the islanders are willing to do so.”  

February 17th, in London, The Times newspaper reports Lucio Garcia del Solar, as saying; “Britain could not avoid the question of sovereignty over the Falklands being raised in future.”  

February 26th, Anglo-Argentine diplomatic relations are restored; embassies reopen.  

In March, a poll for the Buenos Aires newspaper, Clarin, reveals that only 24% of Argentines believe that the Falkland Islanders should be allowed to choose their own future.  

April 8th, a Chilean aircraft lands at Stanley airport from Punta Arenas; the first international flight since 1982.
April 9th, Britain’s Foreign Secretary Hurd meets with Argentina’s Minister Cavallo to discuss the abolition of the visa requirements for both countries and an agreement is reached to take effect on June 8th. 358

April 15th, Argentina’s Foreign Minister, Domingo Cavallo, at the end of a tour of Europe, speaks to the press. “Mrs Thatcher has refused to discuss ownership of the islands, although diplomatic ties were resumed in February. But Labour has committed itself to talks with no pre-conditions, as long as Argentina remains a democracy.”

April 16th, in Britain The Daily Mail newspaper reports. “Labour has told Argentina it will hold talks on the future of the Falklands if Neil Kinnock wins power. Sovereignty would be on the agenda despite fierce opposition.”

April 26th, Argentine law 23.775 is sanctioned; changing the National Territory of Tierra del Fuego into the Province of Tierra del Fuego. Included within the new Province are the Falkland Islands, South Georgia, the South Sandwich Islands and what is described as, “island groups and other Territories included in the Argentine Antarctic Sector.” Also included are islands belonging to Chile; which results in law 23.775 being returned to the Senate and Chamber of Deputies for redrafting. 359

On the same day, the UK delegation to the United Nations sends a letter to the Decolonization Committee stating that Britain considers the colonial era as over; “... and therefore saw no further need for the United Nations to devote time and resources to the special study of the affairs of the non-self-governing territories.” 360

June 10th, the British-Argentine Working Group on South Atlantic Affairs meets in London to discuss issues under the agreed sovereignty umbrella formula. 361

August 1st, the UN’s Special Committee on Decolonization begins its annual consideration of the Falklands. “At its 1363rd and 1366th meetings, on 1 and 8 August, the Committee granted requests for hearings to Mr. T. J. Peck of the Legislative Council of the Falkland Islands, as well as to Messrs. D. A. Clifton, Hugo Warneford Thomson and Alexander Betts. ... 6. At the 1368th meeting, on 9 August, the Chairman drew attention to a draft resolution on the item sponsored by Chile, Cuba and Venezuela (A/AC.109/L.1743). 7. At the 1369th meeting, on 13 August, following a statement by the representative of Cuba, statements were made by Messrs. Peck, Clifton, Thomson and Betts (see A/AC.109/PV.1369). 8. At the same meeting, the Chairman informed the Special Committee that the delegation of Argentina had expressed the wish to participate in the Committee’s consideration of the item. The Committee decided to accede to the request.” 362

August 14th, adopting a draft-resolution submitted by Venezuela, the Committee notes the agreements reached during the year and that; “... the new process of dialogue and co-operation between Argentina and the United Kingdom should facilitate the resumption of the negotiations in order to find a peaceful solution to the dispute over sovereignty.” 363

358 Not implemented and freedom of movement was not achieved until 1999.
359 Returned by the President’s office under decree 905/1990. And there it remained, unamended, until 2009 when Law 26.352 changed the description of the province to remove the Chilean territory. cf. August 2006 & November 2009
361 UN Document A/46/596 dated October 24, 1990. Arising out the talks between the Governments of Argentina and Britain that commenced in 1989, this meeting was listed as the ‘fifth’ by this working group. Details of the previous four do not appear to have been published.
362 UN Document A/45/23 (Supp) dated Jan 1, 1994
363 UN Document A/AC.109/1050

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The resolution:

“Urges the Governments of Argentina and the United Kingdom to consolidate the current process of dialogue and bilateral cooperation through the resumption of negotiations in order to find as soon as possible a peaceful solution to the sovereignty dispute relating to the question of the Falkland Islands...” 364

364 UN Document A/45/23 (Supp) dated Jan 1, 1994

# Researcher’s Comment: It is worthy of a reminder, that the United Nations is a political organisation. Records of meetings are put through a process of validation which can take months. That which was said, is not as important as what is agreed was said – whether it actually was or not. This renders problematic the use of UN records as archive material. The Special Committee on Decolonization had wavered in its call for a negotiated resolution of the 'sovereignty dispute' in 1989 because talks were in progress but by this stage it was clear that decisions had been made. So the Committee resumed its siren calls, albeit now, in the knowledge that they would go no further.

October 29th, Foreign Minister Domingo Cavallo is reported as saying he does not believe that the British will extend the 150-mile fisheries conservation zone.

November 2nd, Britain and Argentina agree a joint-statement regarding the conservation of fisheries.

“... the Joint Statement establishes a South Atlantic Fisheries Commission ... The role and functions of SAFC, which relate to the most significant offshore species in the waters between latitudes 45° South and 60° South (i.e. an area stretching 900 nautical miles from roughly central Argentina to well below the foot of South America), are to assess the state of fish stocks in this area, to collect and analyse information relating to fishing operations and the status of the stocks, to propose to the two governments joint scientific research on the most significant offshore species, to submit to both governments recommendations for the conservation of the most significant offshore species and in accordance with international law to recommend ... possible actions for the conservation in international waters of migratory and straddling stocks and species related to them.” 365

November 12th, Aerovias DAP, a Chilean company, establishes a weekly air service between Punta Arenas and Mount Pleasant Airport.

November 22nd, Margaret Thatcher resigns as Britain's Prime Minister. John Major takes over.

November 28th, Argentina and Britain release a further joint-statement.

“... 2. In order to contribute to the conservation of fish stocks, the two Governments agreed to open the way for cooperation in this field on an ad-hoc basis; this will be done:-

(a) by means of the establishment of the "South Atlantic Fisheries Commission", composed of delegations from both States, to assess the state of fish stocks in the South Atlantic in accordance with paragraph 7 of the Joint Statement issued at Madrid on 15 February, 1990.”

88
The statement is accompanied by a 'Proclamation'.

“1. There is established for the Falkland Islands an outer fishery conservation zone, hereinafter referred to as ‘the outer zone’.

2. The outer zone has its limits and lines defined in the schedule to this Proclamation.

3. The outer limits of the outer zone may be varied by means of a further Proclamation for the purpose of implementing any agreement or arrangements with another state or states or an international organisation or otherwise.

4. Her Majesty will exercise the same jurisdiction in respect of fisheries in the outer zone as she has in respect of fisheries in the territorial sea of the Falkland Islands subject to such provision as in force or may hereafter be made law for those matters within the territorial sea and the outer zone.

5. This Proclamation will become effective on the twenty-sixth day of December, 1990.” 366

“… an Outer Fishing Conservation Zone … within which the Crown has … the same jurisdiction in respect of fisheries as it has in respect of fisheries in the territorial sea.” 367

In Buenos Aires, Minister Domingo Cavallo, tells reporters that the agreement signifies; “... implicit British recognition of the Argentine claim to sovereignty over the 200 miles of territorial waters around the Malvinas Islands.”

“He must know that this is not true and one can only assume that his comments were intended for purely domestic consumption, but such blatant dishonesty is bound to lead to further misunderstanding and, eventually, confrontation. After all, the 1982 conflict had its origins in the 1971 Communications Agreements.” 368

December 12th, Britain’s new Prime Minister, John Major, sends a Christmas Message to the Islanders.

“In your part of the world there has been the agreement to restore full diplomatic relations between Britain and Argentina. I believe this will be helpful in the future, not least of course because it will make the South Atlantic a more peaceful and stable area. And now that we have the agreement on fisheries conservation as well, the prospect is far brighter that fishing will provide an important source of revenue for the long-term. I do assure you that we achieved these agreements with Argentina without in any way compromising our position on British sovereignty. You need be in no doubt that we will continue to honour our commitments to you. All of you know how close the interests of the Falkland Islands and their people were to my predecessor, Margaret Thatcher. They are equally close to mine.”

On the same day, at the UN, the General Assembly considers the question of the Falkland Islands.

“By decision 45/424 of 12 December, the General Assembly took note of the letter dated 21 February from Argentina and the United Kingdom to the Secretary-General... and included the item entitled "Question of the Falkland Islands (Malvinas)" in the provisional agenda of its forty-sixth (1991) session. 369

366 Extends the FICZ to the north, east and south of the Falkland Islands to 200 miles from coastal baselines.
368 Sir Rex Hunt quoted in Penguin News December 14, 1990
369 UN Yearbook 1990. Without the renewal of a mandate for the Secretary-General to employ his good offices with regard to a sovereignty dispute, reports from the Secretary-General to the General Assembly on this question ceased. cf. 1989 & 2010
1991 — March 18th, 354 relatives of the Argentine war dead from 1982 fly out from Ezeiza Airport to the Falklands. They are seen off by a demonstration of Argentine veterans shouting anti-British slogans.

The New York Times reports.

“... despite a reconciliation last year between Buenos Aires and London, the visit was marked by political sensitivity and the resentment that many Argentines still harbor toward Britain. About 40 veterans of the Falklands war, shouting anti-British slogans and wearing battle fatigues, tried to enter the boarding area just before the visitors’ plane took off early this morning. They were dragged away by security guards, but no arrests were reported. Boarding an Argentine Airlines jet whose markings had been covered over by the insignia of the International Committee of the Red Cross, the relatives of the fallen soldiers began their visit to the Port Darwin military cemetery 1,300 miles away, where 235 are buried. In addition to obscuring any reference to Argentina on the 747 used in the flight, the visiting Argentines had to surrender their Argentine passports in exchange for a Red Cross identification card. Flight attendants were asked not to wear their Argentine Airlines emblems. Passengers were not permitted to carry literature with the name Argentina, nor were they allowed to take Argentine flags or even arrangements of light blue and white flowers that could be construed to represent the Argentine national colors. For security reasons, the plane had to fly with the view from its passenger-seat windows blocked once within 60 miles of the Falklands.

The flight landed at the Mount Pleasant air force base, 30 miles southwest of Stanley, the capital. From Mount Pleasant, British officers flew the relatives of the fallen soldiers in four helicopters, their British insignia obscured by the Red Cross, to the Darwin (military) cemetery about 50 miles away. Relatives were permitted to stay at the grave sites an hour and 20 minutes. An Argentine Roman Catholic priest presided over short services."

Supervised by the International Committee of the Red Cross (ICRC), only 6 journalists accompany the relatives, 3 from England, 3 from Argentina. No photographs of the cemetery are allowed to be taken. On their arrival at Mount Pleasant Airport, the relatives and journalists are handled by the military so that they do not have to come into contact with Islanders who oppose the visit; complaining it breaches the agreed conditions.

“Most of our families arrived in the Darwin (military) Cemetery in 1991, without knowing that they would see so many nameless graves. That provoked sadness, rage, and also a great desire to address that issue. The outpouring of grief among the families of the fallen immediately took the form of a fight for individual and collective identity. The anguish provoked by this large amount of white, nameless crosses generated a feeling that was shared by the whole group: "They are all our sons."”

“The (South Atlantic) Council contributed to the political change that made possible visits of the bereaved...”

In April, an Argentine British Conference takes place in Bariloche, Argentina, organised by the pro-Argentine Lord Montgomery. No Islanders attend.

371 The original agreement had stipulated that Argentine relatives should arrive by sea and travel to the Argentina Military Cemetery without having to pass through Stanley.
372 Quoted in Argentine Soldier Known unto God: The Darwin Cemetery and Conflicts in the Retelling of the Falklands/Malvinas War J. Rubenstein 2011 citing Comisión de Familiares de Caídos en Malvinas e Islas del Atlántico Sur; “Inauguración del monumento.”
373 Questionable at best, this statement was taken from the website (2017) of the South Atlantic Council.
374 David Bernard Montgomery, the son of Field Marshall Sir Bernard Montgomery, was Vice-President of the Anglo-Argentine Society.
“For Falklands born Islanders, which Argentina consider its citizens by birth, even a British passport issued elsewhere is unacceptable. These can only enter Argentina on an Argentine passport. ... There were some 40 British sponsors, mainly companies with interests in Argentina. The South Atlantic Council contributed too, as did the Foreign and Commonwealth Office.” 375

The population census reveals that there are 2,091 people on the Islands, excluding military personnel, their families and others present in connection with the military garrison.

**May 3**th, the Falkland Islands Government FIG purchase all remaining farms of the Falkland Islands Company.

**June 21**th, the *Antarctic Treaty*, originally coming into force for 30 years in 1961, continues unrevised.

**August 1**st, at the United Nations (UN), the Special Committee on Decolonisation begins its annual consideration the question of the Falkland Islands.

Requests for a hearing are granted to Norma Edwards and Lewis Clifton representing the Falkland Islands Government; also to Luis Gustavo Vernet and Juan Scott. Argentina's representative is also allowed to address the committee. 376

**August 14**th, the Special Committee on Decolonisation adopts a draft-resolution requesting; “… the Governments of Argentina and the United Kingdom to consolidate the current process of dialogue and cooperation through the resumption of negotiations in order to find as soon as possible a peaceful solution to the sovereignty dispute relating to the question of the Falkland Islands (Malvinas), in accordance with the provisions of General Assembly resolutions 2065 (XX), 3160 (XXVIII), 31/49, 37/9, 38/12, 39/6, 40/21, 41/40, 42/19 and 43/25.” 377

**September 25**th, UK and Argentina issue a joint-statement regarding consultations between their military authorities. A direct, 24 hour, communications link is established between the Commander British Forces Falkland Islands and Argentina's Naval and Air Authorities in Ushuaia and Comodoro Rivadavia under an 'Interim Reciprocal Information & Consultation System'.

> "Taking into account the increase of mutual confidence between the United Kingdom and the Argentine Republic, end in order to progress towards the achievement of a more normal situation in the South-West Atlantic, the System will consist, of the following provisions 1. Direct Communication Link A. The Direct Communication Link between the respective military authorities will be maintained – under the supervision of both Foreign Ministries – in order to ensure the exchange of information to allow adequate reciprocal knowledge of military activities in the South-West Atlantic." 378

Another clause provides for written notice, 14 days in advance, of; “... movements of 4 or more naval or air units and about exercises involving more than 1,000 troops, when either is carried out within 80 nautical miles of coasts... (and) Reciprocal notification of identity, intended track and purpose will be given, not less than 48 hours in advance, of naval combatant units that intend to approach closer to coasts than 15 nautical miles. These movements will require mutual consent.” 379 Further provisions relate to search and rescue; safety of navigation and an air control zone.


376 *UN Document A/46/23(Supp)* dated January 1, 1995

377 *UN Document A/AC.109/1087*

378 *UN Document A/46/596 & S23164* October 24, 1991

379 Ibid.
In October, the Protocol on Environmental Protection to the Antarctic Treaty makes the Antarctic the most environmentally protected region on earth.

**November 13th**, at the UN, the General Assembly (GA); “…by decision 46/406, took note of the joint statement by Argentina and the United Kingdom and decided to include the question of the Falkland Islands (Malvinas) in the provisional agenda of its forty-seventh (1992) session.”

The UN President of the General Assembly makes an announcement.

“In connection with this item, I should like to call the attention of the Assembly to document A/46/596 containing a joint statement issued in London and Buenos Aires on 25 September 1991 by the Governments of the United Kingdom of Great Britain and Northern Ireland and the Argentine Republic. Furthermore, and taking into account General Assembly decision 45/424 of 12 December 1990, I should like to inform representatives that, following consultations regarding agenda item 39 on the question of the Falkland Islands (Malvinas), it is proposed that the General Assembly decide to postpone consideration of this item and to include it in the provisional agenda of its forty-seventh session. …*It was so decided.*”

**November 22nd**, in Stanley, the Governor issues a proclamation.

“... for the purposes of international law, the continental shelf around the Falkland Islands extends ... to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured or to such other limit as prescribed by the rules of international law, including rules for the delimitation of maritime jurisdiction between neighbours... Any rights exercisable over the seabed and subsoil of the continental shelf, including the natural resources thereof, beyond and adjacent to the territorial sea around the Falkland Islands are hereby vested in Her Majesty.”

At the same time the Continental Shelf Bill 1991 is laid before the Legislative Council. This permits seismic surveying under licences issued by the FIG.

“The proclamation drew an immediate protest from Argentina, which on the same day announced that it would enact legislation claiming its right to the seabed within 200 miles of the Falklands.”

In response, Argentina promulgates law 23.968 – applying sovereignty over an Exclusive Economic Zone covering the whole continental shelf and embracing the Falkland Islands, South Georgia and the South Sandwich Islands.

In December, the South Atlantic Fisheries Commission convenes in London to consider proposals for further cooperation. Agreement is reached to establish a 'High Level Group' in an attempt to make progress.

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380 *Ibid. cf. 1989 & 2010*
381 *UN Document A/46/PV.45. Original emphasis. cf. 1989*
382 *Falkland Islands Continental Shelf Proclamation: Falkland Islands Gazette* These coincided exactly with the total area over which the FIG asserted fisheries jurisdiction. See Armstrong & Forbes 1997
384 *Argentine Malvinas Islands, Kelpers Oil?* Rafael Bielsa 2010
1992 — January 1st, the Falkland Islands police force is granted the prefix 'Royal' by HM Queen Elizabeth II, in recognition of 146 years of loyal service.

January 4th, President Carlos Menem demands in a statement to the press, that the Falklands sovereignty dispute is submitted to international arbitration.

"President Carlos Menem sought to produce a qualitative leap in the management of the Falklands. Surprisingly, the President announced on January 4, 1992 that his government wished to submit the conflict over the Falklands sovereignty with Great Britain to an international arbitration tribunal." 385

January 5th, with no official invitation extended to Britain by Argentina, Britain’s Embassy in Buenos Aires makes a statement.

“The response by Britain, which recovered the South Atlantic islands 74 days after an Argentine military invasion of the archipelago in 1982, was a chilly rebuff. "The question of sovereignty was put under an umbrella when both governments agreed to resume diplomatic relations" in 1990, said Gregory Faulkner, at the British Embassy. "That umbrella remains in place," Faulkner said." 386

“The British response was immediate. The day after Menem’s statements, the government of Great Britain considered that it was convenient to continue preserving the question of the sovereignty of the Falklands under the formula of the protective umbrella.” 387

Britain’s Observer newspaper reports Menem’s demands, however the Argentine President promptly claims that he has been misquoted.

“Menem had to drop his idea, stop delivery of any formal arbitration proposal, and deny what he had undoubtedly said, because of the rage the idea produced from Argentina’s 'Malvinistas’ – Gass, Bordon, Caputo, etc. These argued that submitting the Falkland Islands dispute to arbitration implied that it was just a territorial dispute, and might allow the arbitrators to consider the Islanders' wishes.” 388

January 10th, in the Falklands, today is designated as 'Margaret Thatcher Day' to celebrate her 1983 visit. 389

A team led by Dr. Robert Philpott, of Liverpool University, conducts an archaeological survey of Jasons Town and Fort George on Saunders Island. One part of Port Egmont. 390

February 14th, at the United Nations, the USA informs the General Assembly that; "... it had decided to suspend its cooperation with the Special Committee, claiming that it had focused on an outmoded agenda instead of new approaches aimed at addressing the specific needs of the few remaining NSGTs.” 391

February 22nd, the Archbishop of Canterbury visits Stanley.

March 4th, the Argentine newspaper El Cronista publishes an interview with Guido di Tella in which he is reported as saying that the British have decided to “play down” the tenth anniversary of the Falklands War. He says that this is due to a “powerful lobby” of British businessmen who want the dispute solved.

April 1st, in Buenos Aires, La Nacion reports that the UK will not be celebrating the 10th anniversary of the Falklands War. In a speech at the inauguration of a replica of the Argentine Military Cemetery President Menem

385 Mastropierro 2020 citing newspaper Clarin January 7, 1992
386 Associated Press News January 7, 1992
387 Mastropierro 2020 citing newspaper Clarin January 7, 1992
388 Editorial in The Falkland Islands Newsletter November, 1992
389 Perhaps appropriately there was no day off.
390 An Archaeological Survey of Port Egmont, Falkland Islands R. A. Philpott 1992
391 The Yearbook of the United Nations 1992 Part 4, Chp.1
promises that the Islands will return to Argentina before 2000. Under Argentine law 24.160, April 2\textsuperscript{nd} is declared to be henceforth known as Veterans Day. \textsuperscript{392}

“The war is now referred to as “The Gesture of the Malvinas,” which makes it appear less important. The 2\textsuperscript{nd} April isn’t even the day of the “recuperation” anymore. It’s just ‘War Veterans Day’ and Menem’s name was jeered when the proclamation of this was read out at Rio Gallegos.” \textsuperscript{393}

Other Argentine Ministers make statements to the press.

“The article that appeared in the Clarín newspaper in April 1992 signed by Foreign Minister Guido Di Tella entitled "Now the wishes of the kelpers", opened a counterproductive instance for national interests since our diplomacy always insisted, with the support of the United Nations (Res. 2065 / XX), in respecting the interests of the inhabitants, respect for their properties and their way of life. But in the sayings of the highest diplomatic authority, the wishes of the islanders were alluded to. This means independence or maintenance of the colonial situation. This seduction aimed at the British who live on the islands, and who are not really kelpers, did not work and fell into the error of introducing a third party to a negotiation that must be bilateral. The alternative proposals for a solution to the underlying issue were not taken seriously by the British, and in some cases by the Argentines themselves, because they were considered unviable. For the United Kingdom, the issue of sovereignty was settled in 1982 after the battle of Puerto Argentino (Stanley).” \textsuperscript{394}

In May, the South Atlantic Fisheries Commission meets in Buenos Aires.

**June 14\textsuperscript{th},** Margaret Thatcher arrives in Stanley for the 10\textsuperscript{th} anniversary of victory in the 1982 Falklands War.

“Hundreds of islanders greeted the former prime minister as she drove into Stanley, the capital. Cheering children waved British flags. "I'd do it again. Look at these children, of course I'd do it again," she told reporters, who asked if she had any regrets about sending Britons to war in 1982 to recapture the British colony in the South Atlantic from invading Argentine troops.” \textsuperscript{395}

**July 1\textsuperscript{st},** in Parliament, a Government spokesman answers a question on the Falklands' fishery.

“... the issue of licences in the Falkland Islands control zone is decided by the Falkland Islands Government. The revenue from fisheries is doing well. It went up in 1991–92 to some £25 million. The fisheries income is being well used for secondary schools and other necessary needs of the Falkland Islands.” \textsuperscript{396}

An Ungentlemanly Act, a BBC film about the early days of the Falklands War, is aired on British television.

**July 27\textsuperscript{th},** at the UN, the Special Committee on Decolonization commences its consideration of the Falklands.

**July 29\textsuperscript{th},** at the UN, the committee hears the views of the Argentine representative. No Falkland Islanders are present following advice from the Foreign and Commonwealth Office which had assured the FIG that if they did not attend, then neither would Argentina. The Committee accepts a resolution calling for negotiations to be resumed; “... in order to find as soon as possible a peaceful solution to the sovereignty dispute relating to the question of the Falkland Islands...” \textsuperscript{397}

\textsuperscript{392} See footnote to November 30, 1973
\textsuperscript{393} Falkland Islands Newsletter May, 1992
\textsuperscript{394} Mastropierro 2020
\textsuperscript{395} Los Angeles Times June 14, 1992
\textsuperscript{396} HL July 1, 1992 vol.538 cc769-70
\textsuperscript{397} UN Document A/AC.109/1132
The Falkland Islands Government issues a statement.

“We feel let down by the Foreign Office which may have been taken in by Argentine lies and accordingly gave us poor advice.”

In August, David Everard Tatham arrives in Stanley as Governor.

**September 21st**, Argentina’s Foreign Minister tells the General Assembly; “...the dispute concerning sovereignty over the Malvinas, Georgia and South Sandwich Islands still persists...”

At an Argentine British Conference in Cambridge, attended by the South Atlantic Council, one of the Argentine delegates, Felipe Sola, is reported as saying; “…perhaps it was a mistake to invite the Islanders.” He goes on to assert that; “…as the Islanders hadn't had the sense to preserve their squid resources, Argentina should increase its effort to fish the squid before it reached the exclusion zone.”

**October 12th**, Buenos Airean newspaper, Clarin, reports that fishing licences issued by Argentina are to be “half the price” and last, “twice as long” as Falklands' licences in an attempt to attract fleets away from the islands.

**November 2nd**, Argentina’s Foreign Minister Guido di Tella, visiting London, meets with four Falklanders.

“...the possibility was discussed that the Falklands could travel to Europe through Buenos Aires, or communicate with the rest of the world via Argentina.”

**November 10th**, at the UN: “The General Assembly decided to consider the item entitled 'Question of the Falkland Islands (Malvinas)' directly in plenary meeting, on the understanding that bodies and individuals having an interest in the question would be heard in the Fourth Committee. As at three previous sessions, the General Assembly on 10 November 1992, decided to defer consideration of the question... and to include it in the provisional agenda of its forty-eighth session (decision 47/408).”

**November 24th**, the South Atlantic Fisheries Commission meets in London.

**November 29th**, the Buenos Aires Herald announces a 5-year agreement between the European Economic Community (EEC) and Argentina which will allow European fishing fleets into Argentine waters.

“(This) could obstruct squid fishing – one of the primary sources of income for the inhabitants of the Malvinas Islands.”

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398 Mastropierro 2020
399 It is not clear what, if anything, was said in the plenary session as I can find no record.
400 The EEC was one of the European organisations that was incorporated into the European Union in November, 1993.
401 However, only 45 licences were issued in an agreement to prevent the British using their right of veto in the EEC.
1993 — in January, prior to a visit by Foreign Secretary Hurd to Buenos Aires, Argentine press reports suggest that Buenos Aires is seeking a “de-militarization” of the Falklands. The British Government issues a statement.

“Her Majesty’s Government welcomed the Argentine wish for a relationship of confidence and cooperation. At the same time, the United Kingdom was committed to defending the right of the Falkland Islanders to live under a Government of their own choosing...”

February 13th, the fisheries agreement is completed between the EEC and Argentina.

“... the agreement appears not to imply any recognition of Argentine claims to the Falkland Islands. Indeed, there is no indication at all in the agreement that one of the parties has a territorial dispute with a member State of the other party;...”

In March, Foreign Minister di Tella, visiting the UK, threatens oil companies with legal action if they attempt to exploit Falklands oil without Argentine participation. Having unsuccessfully sought a meeting with Sukey Cameron, the Islanders’ representative in London, Guido di Tella tells the press that; "... there would be no reprisal for this refusal."

April 3rd, the Financial Times informs its readership that Argentina’s National Oil Company, YPF, is in discussion with British Gas regarding a joint project just to the west of the median line between the archipelago and Argentina. The FT notes that this is also to; “To create commercial ties with Britain that would offset the vocal pro-Falklands lobby in London.”

Guido di Tella responds to a fax received from the Falkland Islands Government. 403

“... in April 1993, Guido Di Tella answered a fax received from the government of the Falkland Islands, in which he stated that "In all our negotiations with the British – whose Parliament will have the last word – we know of the importance that they give to their opinions ", said the note referring to the opinions of the islanders. In another paragraph, he reiterated that "the old claim for sovereignty has not changed" and wondered if Argentine public opinion would not have the right to question "why Argentina should sacrifice something to favor people who have such an unpleasant image of us "...”

May 4th, Anglo-Argentine military meet for a two-day round of talks under the sovereignty umbrella. 405

May 7th, Britain declares a maritime zone around South Georgia and the South Sandwich Islands.

“1. There is established for South Georgia and the South Sandwich Islands a maritime zone having as its inner boundaries the outer limits of the territorial sea of South Georgia and the South Sandwich Islands and its seaward boundary a line drawn so that each point on the line is 200 nautical miles from the nearest point on the baselines defined, in the case of South Georgia, in Article 3 (3) and (4) and the Schedule to the South Georgia and South Sandwich Islands (Territorial Sea) Order 1989 and, in the case of the South Sandwich Islands, in Article 3(1) and (2) of that Order:

2. Any rights exercisable over the waters of the maritime zone and its seabed and subsoil, as well as the natural resources thereof (whether living or non-living), are hereby vested in Her Majesty.

402 Churchill 1997 p.467
403 I am unable to confirm this.
404 Mastropierro 2020 citing journal Page 5 May 5, 1993 p.8
405 UN Document A/48/266 dated July 12, 1993
3. In regard to the maritime zone, Her Majesty will exercise jurisdiction in accordance with the rules of international law over the exploration and exploitation and the conservation and management of the natural resources (whether living or non-living) and over the protection and preservation of the marine environment, subject to such provision as may hereafter be made by law for such matters.

4. This Proclamation becomes effective forthwith.”

Argentina responds.

“The Argentine Government strongly rejects this measure, reaffirms the legitimate rights of sovereignty of the Argentine Republic over the South Georgia and South Sandwich Islands and recalls that these territories form part of the dispute concerning sovereignty which the United Nations recognizes and is keeping under consideration.”

June 18th, a BBC World Service programme, Calling the Falklands, invites Minister Di Tella to take telephone calls from Islanders.

“Only three islanders talked to the Argentine foreign minister. The islands' councillors rejected the telephone discussion. Two of the callers questioned Argentina's ability to respect and maintain democracy. The headline in the 19 June edition of Port Stanley's Penguin News quoted one caller saying the essence of the phone-in was that they should 'be free to 'differ'...”

“Foreign Minister Guido Di Tella expressed his "emotion" at having become the first high-ranking official of the Argentine government to maintain direct dialogue after the southern conflict with the inhabitants of the islands Falklands, who warned that (Argentina's) intention of not recognizing their "self-determination, violates elementary democratic principles"...

June 25th, the World Conference on Human Rights held in Vienna adopts a declaration recognising; “... the right of peoples to take any legitimate action, in accordance with the Charter of the United Nations, to realize their inalienable right of self-determination.”

July 12th, an Anglo-Argentine declaration on military confidence building measures in the South-West Atlantic is announced; including – a direct communication system between the military authorities in Comodoro Rivadavia and Ushuaia and those in the Falkland Islands; a mechanism for advance communication of the approach of military vessels to the coasts controlled by the other party; security measures for air and naval units operating nearby; the exchange of information and the coordination of activities in cases of search and rescue at sea; the provision of sea-related information by the British party to the Argentine Party, which is in charge of Navarea 6 of the International Maritime Organization. Agreement is also reached on the control of air traffic, as Mount Pleasant airport reports to the Comodoro Rivadavia Flight Information Region, in pursuance of International Civil Aviation Organisation rules.

July 14th, the UN’s Special Committee on Decolonization commences its annual consideration of the Falkland’s question. Representatives from the Falkland Islands are present.

Before the committee, Councillor Terry Peck dismisses Argentina’s claims to sovereignty as being, “... illegal and ill-founded,” while Bill Luxton demands that if the Committee is to adhere to the principle of self-determination; “... it must support the Falkland Islanders.”

406 Proclamation (Maritime Zone) No.1 of 1993(1)
407 The Independent August 11, 1993
408 Mastropierro 2020
Venezuela introduces a draft-resolution calling for renewed negotiations on the issue of sovereignty.

Argentina's Foreign Minister addresses the Committee.

“He noted that various General Assembly resolutions, particularly resolutions 2065 (XX) of 16 December 1965, 3160 (XXVIII) of 14 December 1973, and 37/9 of 4 November 1982, had recognized that there was a sovereignty dispute between Argentina and the United Kingdom and had established that it must be resolved by negotiations, taking into account the interests of the population of the Islands. Argentina considered that the dispute must be resolved in conformity with paragraph 6 of General Assembly resolution 1514 (XV) of 14 December 1960, which granted pre-eminence to the principle of territorial integrity in the decolonization of territories that previously belonged to a State. …. Argentina’s desire was that the islanders would one day change their minds on the substantive question as that would have a considerable impact on the position of the United Kingdom and significantly increase the chances of finding a satisfactory solution.” 409

Venezuela's draft-resolution is adopted by the Decolonization Committee without a vote.

Statements by the permanent representatives of Papua New Guinea, Sierra Leone and Trinidad & Tobago, confirm that they would have preferred the inclusion in the text of specific references to self-determination.

July 26th, Buenos Aires newspaper Clarin, reports that the Foreign Ministry is considering a proposal that the Falklands enter into a Free Association agreement with Argentina. Guido di Tella tells the press; “I conceive the creation of a jurisdiction that has special attributes within the unequivocal Argentine sovereignty…” 410

August 11th, The Independent newspaper publishes a piece by author Andrew Graham-Yool under the title – Argentina may try to buy out Falklands: Each islander could be offered 475,000 pounds. 411

“Argentina's government is considering offering the inhabitants of the Falklands Islands between dollars 600,000 and dollars 700,000 (pounds 475,000) each in compensation to buy an end to their long-standing opposition to the long-term transfer of sovereignty to Argentina.”

Argentina's Buenos Aires Herald reports; “... that President Carlos Menem's diplomats had suggested figures of up to dollars 600,000 to dollars 700,000 for each of the 2,500 or so islanders.”

An article by Sir Alan Walters follows the editorial comments.

“Britain is spending between dollars 100-200m a year in fortifying against another invasion. I am inclined now to think that a sum of dollars 100,000 per capita (should be offered by Argentina to the islanders if it) wished to ensure gaining sovereignty. ... The British Foreign Office would tend to shrug off any such proposals – after all the status quo is peaceful and it avoids any of the emotional trauma that would accompany, inevitably, I fear, a transfer of sovereignty... And the last thing Major wants, after all the gaffes of the last six months, is yet another hot potato on his plate.” 412

“According to the newspaper article, a referendum on a cash settlement should be called. Argentina and Britain should name bankers, place compensation cash in an escrow account, and if the vote is to accept, the money would be paid out directly to each islander. Argentina’s Foreign Minister, Guido di Tella, … and

409 UN Doc A/AC.109/1198
410 An arrangement somewhat less than independence, but acceptable to the UN under GA resolution 1541 of 1960
411 The Independent August 11, 1993. Graham-Yool was a journalist in Buenos Aires between 1966 and 1976 when he was forced to leave by a military dictatorship. His contacts with the Buenos Aires Herald remained intact however. At least until that newspaper closed in 2017.
412 Sir Alan Walters quoted The Independent August 11, 1993 citing The Buenos Aires Herald. Former economic adviser to Margaret Thatcher, Walter’s article had been written in April, but held over until August before it was published. See also June, 1953 & May/June 1995

98
President Menem are understood to favour a cash settlement and diplomats have mentioned figures six times those suggested in Sir Alan’s article. Mr Di Tella’s attempted contacts with the islanders started with greetings by fax at Christmas. ... The Buenos Aires Herald article quoted Sir Alan as saying that the initiative would have to come from Argentina.”

“I would like to mention briefly the recent insulting and distasteful bribe by the Argentine Foreign Minister when he offered a huge sum of money to Falkland Islanders if they would agree to the transfer of sovereignty to the Argentines. I wonder how the Argentine poor living in the slums of Buenos Aires will react when they hear that their Government plans to give away half a million pounds each to a community whom they regard as second-class citizens. Even if they were able to secure the consent of their people to this distasteful plan, where do they propose to find a sum of money approaching £1 billion?”

September 20th, Argentina and the EU sign a fishing agreement allowing for 30,000 tons of squid to be taken by European vessels in the Argentine fishing zone; but not from waters subject to the Argentine-British agreement. A piece in Clarin suggests that this “buries” any chance of a deal between the EU and the FIG.

October 18th, the South Atlantic Fisheries Commission meet in Buenos Aires to discuss conservation.

October 19th, the commission announce a new agreement allowing Argentina to take 220,000 ton of squid, up from 130,000 tons, and to license a total of 80 foreign vessels. The Falkland’s will have the right to take 150,000 tons with no limit on licenses.

November 16th, at the UN, the General Assembly defer the question of the Falklands for another year.

In December, in his Christmas Message to the Falklands, PM John Major says that the central plank of British policy was one of; “... resolute, unflinching support for self-determination.”

1994 — January 3rd, on the anniversary of the lowering of their flag at Puerto Louis, Argentina issues a press release that starts; “Upon the completion of yet another year of British occupation of the Malvinas ...”

Five members of Chile's House of Representatives visit Stanley.

January 5th, President Menem instructs Argentina’s Foreign Ministry to accelerate efforts in relation to the demining of the Islands.

“... Chancellor Guido Di Tella received precise instructions ... to accelerate efforts related to the offer made to Great Britain for the removal of antipersonnel mines. The chancellor explained that the offer is a consequence of the position held in the United Nations, not only in favor of the suspension of the placement of antipersonnel mines but in favor of the interruption of their manufacture. This news was received with positive spirit in the islands, due to the serious problems generated by the detection of plastic mines.”

January 18th, the Treaty of Tlatelolco is finally ratified by Argentina, 26 years after signing it.

February 17th, Argentina notifies the UN that it has offered to assist in clearing the land mines it laid on the archipelago in 1982; “... thus demonstrating willingness to facilitate a solution of all problems relating to the question and to develop a growing dialogue with the inhabitants of the territory.”

413 The Independent August 11, 1993
414 Falklands Councillor Bill Luxton speaking before the UN Special Committee on Decolonization July 12, 1995
415 UN GA Decision 48/408. I can find nothing being said upon this subject before the General Assembly in plenary session, suggesting that it had already become a paper exercise. cf. 1989 & 1990
416 Mastropierro 2020 citing newspaper La Nacion January 9, 1994
417 More commonly known as the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean.
418 UN Yearbook 1994. This offer was mentioned during a debate in the House of Lords – HL Nov 13, 1996 cc 936-937
April 2nd, in Buenos Aires, demonstrations call for the punishment of British “war crimes” during 1982.

April 9th, Britain’s Foreign Secretary, Douglas Hurd, visits the Falklands.

“At a press conference in Stanley... Mr. Hurd, said that it was now perfectly clear to the islanders, to the Argentines, and to everyone else that the United Kingdom upheld its sovereignty of the Falklands. British sovereignty, he continued, rested on two very strong foundations: the wishes of the Falklanders and the protection of the British armed forces. As regards future contacts with Argentina, ... He had found strong feelings against contact with Argentina among people of all ages and considered that these were understandable in view of what had happened 12 years ago. However, it was not his business to come from London and tell the islanders what to do; they would have to make up their own minds.” 419

May 4th, back in London, Hurd answers questions in Parliament. Regarding Falklands' oil he says; “We have not excluded co-operation with Argentine interests in this, but it is clear from our general policy that any arrangements of that kind must not prejudice our sovereignty over the islands.”

May 16th, Argentine press reports quote President Menem as suggesting that Britain's Prime Minister during the 1982 war, Margaret Thatcher, may be extradited for an alleged war crime over the sinking of the ARA Belgrano during the conflict. 420

June 6th, the South Atlantic Fisheries Commission meet in London.

June 10th, Argentina sends a letter to the UN recalling; “... 165 years (of) the establishment of the Political and Military Command of the Malvinas Islands and the Atlantic Ocean islands off Cape Horn, the Argentine Republic's exercise of effective sovereignty over the southern territories and maritime areas. That exercise of sovereignty, which was contemporary with the birth of Argentina as an independent country, was interrupted by force in 1833.”

June 12th, Argentine newspaper, Clarin, reports consideration by the government of compensation payments in return for The Falklands agreeing to a change of sovereignty.

“Foreign Minister Guido Di Tella told the London Financial Times newspaper that: "We want to be very respectful of the 2,000 inhabitants. They have lived there for a long time, they have a special way of life and, if necessary, we are willing to consider monetary compensation for the psychological disturbance of handing over sovereignty. That way out, nevertheless, it is a remote possibility since there is still a long way to go to reach a situation of this nature "...” 421

In July, Argentina and the UK agree to request collaboration by the USA in removing mines laid by Argentina.

British military personnel and those of Argentina meet; “(For) military-to-military discussions, communications and confidence-building measures as envisaged under the South Atlantic Working Group. These were last held in July 1994.” 422

July 11th, at the UN, the Special Committee on Decolonization commences its annual consideration of Falklands decolonization.

419 Ibid.
420 Such an extradition request would have required a decision by the Home Secretary and the courts. cf. 2000
421 Quoted in Mastropierro 2020
422 UN Document A/65/689 (2010)
Representatives for the Falklands' people before the Committee are Councillors Bill Luxton and Wendy Teggart from the Falkland Islands Government.  

**July 12th**, Falklands' Councillor Bill Luxton asks that the draft-resolution, introduced by Venezuela and about to be put before the committee, includes “as an essential principle,” the right to self-determination for the people of the Falkland Islands. Argentina's Foreign Minister, Guido Di Tella, speaks before the Committee.

> “The right to self-determination does not apply to the inhabitants of the islands, as the General Assembly reaffirmed in its voting on 27 November 1985. To assert otherwise would be to recognize the validity of an originally illegitimate act, because the mere passage of time cannot generate rights for an occupying Power or its subjects installed in a foreign territory who have displaced the local inhabitants by force. Since 1833, Argentines have been prevented from moving freely to the islands or becoming landowners there, which has strengthened the islanders’ isolationist attitude towards the mainland.”

Towards the end of his speech, Di Tella addresses the Islanders.

> “The General Assembly and the Decolonization Committee resolutions clearly establish that Argentina and the United Kingdom are the only parties to the dispute. The Islanders do not enjoy a similar status, but their influence has an impact on both the British Government and, in particular, its Parliament, .... Argentina takes this fact into account when it addresses the need for a settlement of the controversy. We do so because we realize that it would be objectively unthinkable to approach this issue without taking into consideration its human dimension. Therefore, while not conceding any veto power to the Islanders, we intend to gain a better understanding of their lifestyle and their viewpoints in order to reach agreements for the benefit of all concerned. ... The establishment of direct links with the Islanders is central to our policy on this matter.”

Papua New Guinea's member of the committee, also speaks.

> “My delegation will continue to support and encourage our Argentine brothers and our British friends to continue to seek a solution through peaceful means. However, the question we raised previously, when this matter was considered in 1993, relates to the fact that the draft resolution, as it stands, misses a significant element of the issue – namely, the element of self-determination that is being raised by the Island's population. ... While the resolution as it stands deals with the question of territorial sovereignty, it misses the question of self-determination for the sixth generation of the island's population, whose views and opinions may not have been considered...”

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423 UN Yearbook 1994
424 See 1985, which was also notable for its failure to include any reference to resolution 2065 in the GA resolution being voted on.
425 Ibid.
426 Ibid.
Venezuela’s draft-resolution is adopted by the Committee by consensus (without a vote).

“The Committee adopted a resolution requesting Argentina and the United Kingdom to consolidate the current process of dialogue and cooperation through the resumption of negotiations in order to find as soon as possible a peaceful solution to the sovereignty dispute.” 427

In explanation of their position to accept the consensus, Fiji’s committee member questions whether the Special Committee on Decolonisation is the correct forum to consider an issue that involves a sovereignty dispute. The member for Sierra Leone states that “serious consideration” should be given to the interests of the Islanders and that, in the future, some reference to self-determination should be made in the draft-resolution.

In July 13th, Buenos Airean newspaper, Clarin, refers to the comments by Papua New Guinea and Fiji as an “implied criticism of Argentina.”

July 18th, a British and Argentine Joint Press Release announces a partial reformulation of the military confidence-building measures. 428

In August, Argentina’s Defence Ministry drop its claim that the sinking of the ARA Belgrano was a ‘war crime’, and accepts that it was a ‘legal act of war’, following an investigation by Eugenio Miari.

“What Professor Sir Lawrence Freedman, the author of the official history to be published next year, told The Independent on Sunday: “The intercept confirms that the Belgrano was under orders to attack on May 1. It does nothing to confirm the contentions of Mr Dalyell and broadly supports what was said by the government at the time.” Professor Freedman’s book exonerates Lady Thatcher, who consistently argued that the warship posed a threat to the Task Force. Signals intelligence intercepted by GCHQ, the security services’ eavesdropping centre at Cheltenham, the day before Conqueror fired its torpedoes at the Belgrano, showed that the warship was under orders to attack. It is unusual for such raw intelligence material to be published.” 429

August 22nd, with the UN’s Convention on the Law of the Sea (UNCLOS) coming into force in November, the Falkland Islands Government, in order to protect its squid grounds from unlicensed vessels, extends its EEZ into the area between the Outer Conservation Zone and the Argentine EEZ – known as the ‘Gap.’ Argentina protests.

“In the maritime space in which the United Kingdom seeks to extend its alleged jurisdiction, the Argentine Republic has exercised, exercises and will continue to exercise sovereign rights, particularly in respect of the...”

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427 UN Yearbook 1994
428 Taken from the website of the Argentine Foreign Ministry in Australia May 16, 2020. This also notes that while this accord has never been replaced, the South Atlantic Working Group has not met since 1994. See https://eaust.cancilleria.gob.ar/en/node/1248
429 The Independent December 27, 2003
430 This convention arose from the third United Nations Conference on the Law of the Sea; which opened in 1973 and concluded in 1982 and with introduction dependent upon at least 60 nations signing up to it. This was achieved in 1993 and so the convention came into force 12 months later (November 16, 1994). Ratified by both the UK and Argentina.
administration and control of fisheries. The British action implies a departure from the Joint Statement and the bilateral understandings reached from 1990 until now regarding the South-West Atlantic.... the Argentine Government will continue to administer and exploit the living marine resources in that zone, and to monitor and control the activities carried out therein, for the better conservation of the resources.”

President Menem threatens to patrol the areas covered by the changes.

**August 24th**, after three months of deliberations a Constitutional Convention amends Argentina’s Constitution to include a reference to its South Atlantic pretensions.

> “The Argentine Nation ratifies its legitimate and imprescriptible sovereignty over the Malvinas, Georgias del Sur and Sandwich del Sur Islands and over the corresponding maritime and insular zones, as they are an integral part of the National territory. The recovery of said territories and the full exercise of sovereignty, respectful of the way of life of their inhabitants and according to the principles of international law, are a permanent and unrelinquished goal of the Argentine people.”

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# Researcher’s Comment: Interesting that the ‘way of life’ that, according to this, would be respected, is entirely British. If all aspects were respected then Argentina would have to recognise the Falklands as British.

> “... We were particularly disappointed by the decision of the Argentine Constituent Assembly, which in 1994 inserted in its constitution for the first time a clause asserting that the Falklands were part of Argentina. Assertions that the Falklands will become Argentine are highly objectionable to us and to the islanders and we reject them and will continue to do so at every opportunity.”

> “If we stick to the Constitution, there is no way Argentina and the UK can negotiate a middle-ground position. The constitution imposes to seek the full sovereignty,... it is a contradiction in terms since the kelpers have a clear political will and do not want to be Argentine.”

> “The First Transitory Provision of the National Constitution does not establish a term for the recovery of the disputed territories and the full exercise of sovereignty. Nor does it say that this should be achieved in a single act and does not exclude a gradual approach to that objective, which it appropriately describes as "permanent and inalienable" of the Argentine people. It also underlines the constitutional text that the recovery of the territories must take place "respecting the way of life of its inhabitants, and in accordance with the principles of International Law ..." These are the factors that ... contribute to a flexible approach to the issue.”

> “… it anchored the "recovery" (i.e. the annexation) of the Falklands and "the full exercise of sovereignty" in the Argentine constitution and committed future governments to work towards that end. So Argentina had "painted itself into a corner" – any future negotiations with Britain would be pointless since Argentina could only accept a complete British surrender. ... The term "imprescriptible" means "not subject to prescription", i.e. eternal, permanent, not lapsing after a certain time. The term is used in discussing, for example, human rights, which are permanent and do not lapse. Territorial claims, by contrast, are not permanent attributes and may lapse or be abandoned or cancelled in various ways. And of course no claimant is entitled to lay down how long his claims are to subsist. The notion that Argentina’s claim to the Falklands is "imprescriptible" is incompatible with international law.”

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431 Convention items to be considered had been agreed in 1993 by President Menem and opposition leader Raul Alfonsin.
432 Minister of State, Foreign and Commonwealth Office, Mr. David Davis speaking during a debate in the House of Commons. *Hansard HC Deb 22 March 1995 vol.257 cc263-84*
434 *La política británica hacia las Malvinas* Vicente Berasategui 2013
435 Pascoe 2020 p.329
August 26th, the UK rejects the protest regarding an extension by the Falkland Islands Government of its FOCZ into the 'Gap'.

“The UK does not recognize Argentine jurisdiction over the area, which lies within 200 miles of the Falkland Islands and more than 200 miles from Argentine baselines.” 436

August 30th, Britain also rejects Argentina's amended Constitution

“... the Embassy are instructed to reject the Argentine claim in the revised Constitution to sovereignty over these territories and wish to protest formally at the renewed assertion of this claim.” 437

In October, newspapers report a poll.

“.. commissioned by a group of Argentine businessmen asked Falkland Islanders about their views on the sovereignty of the Islands. ... The majority (57%) of islanders supported the then Conservative Government's policy of talking to Argentina about everything except sovereignty and only 4% thought that there should be negotiations about sovereignty. 78% said that they would have no confidence in any promises given by Argentina should sovereignty be compromised. 47% said that they would not agree to Argentine sovereignty in any circumstances. The poll caused some alarm in the Falklands as to possible Argentinean intentions in conducting it and there was a suggestion that the Argentine Government had offered Falklanders' cash compensation of £925 per person in return for acceptance of Argentinean sovereignty.” 438

November 2nd, in an interview with Pagina 12, President Menem publicly offers to give each Falklands Islander $1.5 million if they accept Argentine sovereignty.

November 3rd, the UN's General Assembly defer the question of the Falkland Islands for another year. 439

November 4th, Senator Eduardo Menem, the President's brother, confirms that Argentine oil companies will not be permitted to take part in Falklands oil development.

November 16th, the UN’s Convention on the Law of the Sea comes into force: introducing provisions regarding archipelagic status; exclusive economic zones (EEZs) of up to 200 miles; continental shelf jurisdiction; deep seabed mining; an exploitation regime; protection of the marine environment; scientific research and settlement of disputes. The Convention also sets the limit of various areas, measured from a carefully defined baseline.

Under the Convention, vessels are given the right of ‘innocent passage’ through any territorial waters; defined as passing through waters in an expeditious and continuous manner, which is not “prejudicial to the peace, good order or the security” of the coastal state.

November 25th, President Menem denies making any formal cash offer to the Islanders.

 Anglo-Argentine talks on fishing quotas fail to reach agreement.

In the December edition of the Falkland Islands Newsletter, the Right Honourable Douglas Hurd, Britain’s Foreign Secretary, reflects on the future of the Islands.

436 UN Yearbook 1994
437 UN Doc A/AC.109/2027
438 The Falklands 25 Years On: Research Paper 07/29 March 21, 2007 Library House of Commons. All British sources cite Argentine newspapers. In conversations with islanders this author has found some who remember the reports, but none who remember the poll. It is not listed on the MORI website. It is doubtful that this survey ever took place.
439 UN GA Decision 49/408. cf. 1989
“... the question of sovereignty is in effect settled. It may take years yet before Argentina recognises this fact. But the Argentine invasion in 1982 made it certain, I think, that the Islanders will not accept Argentine rule, and no one will in practice force it on them.” 440

# Researcher’s Comment: The first British Minister to assert that the Falklands question had been resolved by the events of 1982. Hurd would not be the last Minister to state publicly that the matter was settled, and would be followed by Deputy Prime Minister Nick Clegg in March, 2012 and Defence Secretary Michael Fallon in March 2016. Similar statements would be made by other prominent politicians and, unusually, Britain’s Ambassador to Argentina in January, 2018.

1995 – January 3rd, Argentina issues a press release that starts; “Today being the one hundred sixty-second anniversary of the illegitimate British occupation of the Malvinas Islands...”

January 16th, Port Stanley hosts a Commonwealth Parliamentary Association seminar.

January 31st, in Switzerland, President Menem is quoted as saying to an Italian reporter; “We must determine whether the sinking of the cruiser Belgrano was a war crime or not. And if it is, with all due respect, we must ask for the extradition of Lady Thatcher.” 441

February 6th, Argentina’s Ambassador to the UK, Rogelio Pfirter calls for Margaret Thatcher to be extradited to Argentina for having ordered the sinking of the cruiser Belgrano. 442

President of the YPF oil company, announces that his company has reached an agreement with British Gas to exploit the oil resources around the Falklands archipelago.

February 7th, the YPF announcement is amended to describe the agreement as “verbal.”

February 9th, in Buenos Aires, President Menem repeats his claim that; “… that the Islands would be Argentine in the year 2000, …” 443

February 10th, Menem applauds the YPF/British Gas deal.

“YPF have made a great step forward in this field and this delivers enormous possibilities and advances to Argentina in the conflict for the Malvinas.”

British Gas deny that there is any formal agreement. The British Geological Survey, speaking for the Falkland Islands Government, state that nothing has changed and that oil companies are more than welcome to form partnership deals with Argentine companies provided that the latter did not have more than a 49% shareholding.444

March 22nd, in Parliament, Douglas Hurd tells the House of Commons that; “… once the Argentines accepted that the islanders were British and had their own right to self-determination, relations [with Argentina] could be built on a normal basis;…” Sir Russell Johnson, speaking on behalf of the Liberal-Democrat Parliamentary party, says; “…few as they are, they are the indigenous population. They have the right to determine their own future.”

440 Falkland Islands Newsletter December 1994 p.2
441 This despite the Argentine Defence Ministry’s August, 1994, investigation and conclusion that no war crime had been committed. A decision not well received by Argentina’s veterans organisations. cf. 1994 & 2000
442 BBC Summary of World Broadcasts February 8, 1995
443 BBC Summary of World Broadcasts February 13, 1995
444 Falkland Islands Newsletter April 1995
May, Argentina again proposes that it purchases sovereignty of the Falkland Islands; paying up to $1m for every one of the 2,200 inhabitants. 445 Governor David Tatham, speaks to reporters.

“I think the Islanders' find it offensive that another country would attempt to buy their citizenship. Di Tella is just casting around for a fresh ploy to divide the Islanders, but there's no chance of this working.” 446

June 5\textsuperscript{th}, the South Atlantic Fisheries Commission meet in London.

June 6\textsuperscript{th}, Argentina's Foreign Minister di Tella arrives in London; complaining to the press that the Islanders are preventing the relatives of soldiers buried at the Argentine Military Cemetery visiting the archipelago. Andrew Gurr, Chief Executive at Stanley, writes to The Times to point out that, since the 1991 visit by relatives, no request for another had been received.

“We have all along made it clear that the remains of any of the Argentine dead may be returned to Argentina at any time – as many of their families would clearly prefer. It is the Argentine Government which insists on their dead being left in the Islands – to make a political point.” 447

June 7\textsuperscript{th}, speaking to the BBC, Minister di Tella says that his government is willing to pay the Islanders if they will accept Argentine sovereignty. He suggests a figure of £500,000 per family. He gives the prospects for oil negotiations no more than a 50:50 chance of success. 448 On the issue of fishing, the Minister says that Argentina is “exasperated” by the lack of cooperation.

A MORI poll, paid for by Argentina to coincide with the Foreign Minister's UK visit, reveals that only 8% of those polled think the Islands belong to Argentina and only 2% believe that Argentina would keep its word in the event of a compromise. Confusingly, Guido di Tella says that the results are a “blow for hardliners” in the Falklands.

June 19\textsuperscript{th}, following a series of burglaries at the offices of the Falkland Islands Association in London, in which a burglar alarm was circumvented and documents stolen, reporters from Clarin ask the head of the Argentine security service if he has any knowledge. The suggestion is denied by the Argentine authorities.

June 28\textsuperscript{th}, in Buenos Aires, President Menem tells the press that; “We are in permanent dialogue with Great Britain and we are working out deals to reach the objective that we proposed, that is before 2000.”

June 30\textsuperscript{th}, the International Court of Justice (ICJ) considers a case concerning East Timor.

“In the Court's view, Portugal's assertion that the right of peoples to self-determination, as it evolved from the Charter and from United Nations practice, has an erga omnes character, is irreproachable. The principle of self-determination of peoples has been recognized by the United Nations Charter and in the jurisprudence of the Court...” 449

“Although the Charter of the United Nations does not explicitly impose on the administering Power the duty to consult the people of a Non- Self-Governing Territory when the matter at issue directly concerns that people, in the view of Judge Vereshchetin the jurisprudence of the Court shows that such a duty does exist in international law at the present stage of its development and in the contemporary setting of the decolonization

445 Independent on Sunday May 18, 1995. See also August, 1993
446 The New York Times June 8, 1995
447 Gurr's letter was not published until June 11, 1995, after Foreign Minister di Tella had left.
448 See also 1953 & August, 1993
process. The above duty may be dispensed with only in exceptional cases, which cannot be held to apply in the present case. The lack of any evidence as to the view of the people of East Timor, on whose behalf the Application has been filed, is one of the principal reasons leading to the inability of the Court to decide the dispute.”

July 5th, at the International Meeting on Mine Clearance the representative of Argentina makes a statement.

“I would like to point out that our Government has offered to assume the costs of removing the mines laid by the Argentine armed forces in the Malvinas Islands in 1982. This is an ex-gratia offer and does not imply the acceptance of any responsibility. In July 1994, the Argentine Republic and the United Kingdom agreed to request the collaboration of the United States in order to carry out this initiative. The United States Government responded affirmatively to this request and is at present analysing with the Argentine Government the modality that the procedure will assume in order to carry out this operation. This initiative corresponds with the national position on disarmament, international security and arms limitation matters. It is at the same time still another demonstration of Argentina’s disposition to consider, in the course of her actions, the interests of the inhabitants of the Malvinas Islands and to create an adequate framework for mutual understanding. Therefore, it is Argentina’s intention that the expenditure caused by the demining of the Malvinas Islands be considered as a contribution to the voluntary trust fund established by United Nations General Assembly resolution 48/7 on assistance in mine clearance, co-sponsored by the Republic of Argentina and adopted without a vote by the Assembly on 19 October 1993.”

July 10th, at the UN, the Special Committee on Decolonization commences its annual consideration of the Falkland Islands with MLC’s Goss and Edwards representing the Falkland islands people. Petitioners for Argentina include Ricardo Patterson and Alessandro Betts.

“On the 10 and 13 of July, the Special Committee on decolonization considered the question of the Falkland Islands (Malvinas); the United Kingdom, the administering Power, did not participate. The Committee acceded to Argentina’s request for participation in the deliberations.”

July 13th, Argentina’s Foreign Minister speaks to the committee.

“The right to self-determination does not apply to the inhabitants of the islands, as the General Assembly reaffirmed in its voting on 27 November 1985.”

As in previous years, Venezuela introduces a draft-resolution calling for sovereignty negotiations which is adopted by the committee by consensus.

September 19th, in a radio interview in Buenos Aires, Carlos Menem refers to an agreement regarding oil in the area of the Falklands.

“It is the first real and large step regarding Argentina’s permanent battle to regain sovereignty. It is the best that we could obtain 163 years after our islands were taken in 1833.”

450 Ibid. See https://www.icj-cij.org/files/case-related/84/084-19950630-JUD-01-04-EN.pdf
451 A/AC.109/2048
452 UN Document A/50/23 (Supp) dated January 1, 1996. MLA = Member of the Legislative Council. cf. 2009
453 UN Yearbook 1995
454 A partial interpretation. See above. cf. November, 1985
455 A/AC.109/2033
Responding, a spokesman for the British Embassy tells reporters that a “draft-agreement” was being considered.

**September 21**th, John Major meets President Menem in New York. Falklands’ sovereignty is not discussed.

> “I held the first meeting with the President of Argentina since the 1982 invasion. Let me tell you why. It is because I want a stable and friendly relationship with Argentina. I am in no doubt that that would be in all our interests and especially yours on the Falkland Islands. So, after 13 years, I thought it was right to resume contact at the highest levels, but that does not and will not change your right to be governed under the flag of your own choosing. That is beyond question and will remain so. The better relationship with Argentina cannot be at the expense of the sovereignty of the Falkland Islands. There’s been no change and no compromise in the British Government’s position. ...

> I agreed with President Menem to work towards a longer-term fisheries agreement, particularly to protect the stocks of squid.”

**September 23**nd, an Argentine missile corvette, Granville, harasses seven fishing vessels in Falkland waters. The Commander of Granville tells the, mostly Spanish, captains that they are fishing within Argentina’s exclusive economic zone, and orders them to leave the area. The captains’ protest but comply. Britain lodges a formal protest with Buenos Aires following the incident.

**September 27**th, in New York, a joint-declaration between the UK and Argentina announces an approach to the exploration and exploitation of hydrocarbons (oil and gas) establishing a program of coordinated activities and providing for the creation of six special cooperation areas. Each country then issues its own statement concerning the joint-declaration which reveal serious discrepancies between the two positions.

> “The co-operation envisaged by the Joint Declaration appears not to have got off to the most promising of starts. At the same time as the Joint Declaration was issued, Argentina made a statement in which it said that it would introduce non-discriminatory legislation to impose charges on national and foreign companies operating in the area subject to the dispute over sovereignty, and that the Joint Declaration should not be interpreted as an “acceptance of a claimed right to call for a licensing round for the development of hydrocarbons in the maritime areas surrounding the Malvinas Islands.”

Britain’s response notes that it does not accept that Argentina has any right to levy charges, and that; “HMG will be working with the Falkland Islands Government in the development of the forthcoming licensing round.”

> “The Joint Declaration established a programme of coordinated activities and provided for the creation of six special cooperation areas. At the same time, the Argentine Government issued another declaration stating, among other things, that the understanding was not to affect Argentina’s rights and that neither such understanding nor the implementation thereof involved could be interpreted as an acceptance of the pretended British right to call for bids for the development of hydrocarbons in the maritime areas surrounding the Malvinas Islands. The British unilateral acts uninterruptedly performed since 1995 in spite of Argentina’s repeated protests led the Argentine Government to terminate the Joint Declaration, which was notified to the British Government on 27 March 2007. Terminated by Argentina.”

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457 A/AC.109/2048 quoting John Major’s Christmas 1995 message to the Falklands
458 Churchill 1997 p.470
459 Ibid.
460 Taken from the website of the Argentine Foreign Ministry in Australia May 16, 2020. See https://eaust.cancilleria.gob.ar/en/node/1248
On the same day at the UN, Argentina’s President speaks to the General Assembly.

“... the dispute concerning sovereignty ... has not yet been resolved. We will not cite yet again the numerous resolutions in which the General Assembly and the Decolonization Committee have categorically and repeatedly stated their position on this matter. Let me simply recall that all of these include a clear and direct appeal to the two countries involved – Argentina and the United Kingdom – to reach a negotiated settlement... This appeal ... remains unheeded....”

Exercising the UK’s right of reply, Britain’s representative says; “... we have no doubt about Britain’s sovereignty over the Falkland Islands and other British dependencies in the South Atlantic, sovereignty which rests upon firm historical foundations...”

October 3rd, a seminar and presentation is held in London – with all major oil companies invited – during which the Falkland Islands Government announce the availability of, ’... petroleum production licences.’

October 5th, Argentina protests the announcement from the FIG.

October 31st, at the UN, the General Assembly defer the question of the Falkland Islands for another year.

On the same day, eleven relatives of Argentine airmen who died in 1982, visit the cemetery on Pebble Island.

November 21st, the South Atlantic Fisheries Commission meet in Buenos Aires. Both sides agree that fishing activity must be controlled in order to maintain Illex squid stocks.

December 1st, Argentina ratifies UNCLOS; whilst rejecting British sovereignty of the Falklands, South Georgia and the South Sandwich Islands.

December 14th, Thunnis, a fishing vessel, is arrested by the Falklands fisheries protection vessel, Cordella for illegally fishing off South Georgia. Her Panamanian registered owners are fined £1.8 million.

Argentina’s Foreign Minister sends a Christmas message to the Islanders.

“Another year has passed, and I wish to share with you my assessment of the way in which the South Atlantic agenda has evolved in 1995. Let me start by expressing how satisfied I am that the Argentine and British Governments have managed to reach an understanding on hydrocarbons in the south-west Atlantic. ... Fisheries conservation is another substantive area which has shown further progress. ... Indeed, 1995 has proved to be a fruitful year. However, there remains one aspect which seems particularly at odds with the developments I mentioned above: a lack of direct trade, communications and transport links between the islands and the mainland. Such links would no doubt be of benefit to everybody concerned. You may argue that I am being over-anxious on this issue but let me point out that I am not alone in thinking that development of hydrocarbons, for instance, will be facilitated by greater flexibility in this field, particularly in respect of securing supplies and arranging for support of oil exploration and exploitation activities. It remains very hard to understand why, after all the progress that has taken place, no substantial inroads have been achieved in this matter. Moreover, I am aware that there are many among you who would not mind having a moderate number of visitors to the islands.”

461 The London Gazette No. 54174. These consisted of 19 blocks to the north and south-east of the Falklands; the majority within the FICZ and all of them outside the joint development area.
462 Bielsa 2010
463 UN GA Decision 50/406
465 A/Ac.109/2048
“The policy of seduction of the islanders implemented by Guido Di Tella failed, since all attempts to ingratiate themselves with the islanders and approach them to gain their trust, had exactly the opposite effect. Sporadic New York encounters with the Falklands, dialogues via the BBC, correspondence sent, and interest in demining the islands were unsuccessful. Other actions such as the sending of Christmas gifts provoked mockery and irony on the part of the islanders towards Minister Di Tella; and other ideas caused outrage such as the proposal for financial compensation in exchange for a recognition of Argentine sovereignty.”

1996 — in January, an air link is established with Santiago connecting to a British Airways Flight to London; subsidised by the Falkland Islands Development Corporation.

January 3rd, the Government of Argentina issue a press release that starts; “As we remember today the 163 years since the time when the Argentine people and authorities were forced out of the Malvinas,...”

January 8th, Richard Peter Ralph is sworn in as Governor; reaffirming, in a speech, the commitment of the UK to uphold the right of the Islanders' to choose which flag they would be governed under.

January 16th, the British Embassy in Buenos Aires, in an aide-mémoire, outlines the UK position in relation to the fisheries around South Georgia and the South Sandwich Islands under the Convention on the Conservation of Antarctic Marine Living Resources.

“... article IV of the Convention, and the so-called Chairman’s statement of 1980, recognize that parties to the Convention with islands within its area of application may exercise coastal state jurisdiction in respect of those islands...”

January 30th, following two days of preparatory negotiations, Britain’s Foreign Secretary Malcolm Rifkind meets Argentine Minister di Tella.

“This was secret diplomacy of a high order... On 30th January... at a meeting with di Tella at Carlton Gardens, he indicated that Argentina was interested in a condominium solution for the Falklands. I said that this would be unacceptable as it implied shared sovereignty. He then indicated that, as part of their proposals, they might wish to advocate the decolonisation of the Islands, which would make them virtually independent while still having an ongoing defence Treaty with the United Kingdom. This was potentially more interesting if it would have enabled the Argentinians to withdraw their claim to the islands without too much loss of face...”

Rifkind speaks to the British Prime Minister, John Major.

“We were both very sceptical but I was given authority to continue seeing di Tella and encouraging him to be more forthcoming. I was due to be in Brazil in April 1996 and agreed with di Tella that I would meet him on the Argentine side of the magnificent Iguazu Falls, which marked the border between Argentina and Brazil.”

February 27th, responding to Britain’s January 16th aide-mémoire, Argentina asserts that the; “... only rules applicable to the utilization of Antarctic marine living resources in the area adjacent to South Georgia and the South Sandwich Islands are those laid down in the Convention on the Conservation of Antarctic Marine Living Resources and such rules adopted by the Commission ... as are currently in force.”

February 20th, a first meeting of the South-West Atlantic Hydrocarbons Commission is held at Buenos Aires under the sovereignty umbrella.

466 Mastropierro 2020
467 Part of the Antarctic Treaty System, this came into force on April 7, 1982. It is not limited to the defined Antarctic area.
468 Power and Pragmatism Malcolm Rifkind 2016
469 Ibid.
“The meeting took place in a constructive and cordial atmosphere, and both delegations expressed their confidence that cooperation on hydrocarbons in the south-west Atlantic would facilitate the economic development of the region, taking into special consideration the protection of the marine environment.”  

March 4th, stories circulate in the Buenos Airean press that two Argentine flagged fishing vessels have been stopped by the Royal Navy in South Georgia waters and forced to purchase fishing licences. 

In Buenos Aires, Argentina’s Foreign Minister presents a note verbale to the British Embassy complaining; “... against this action by Great Britain and condemns it as contrary to the Convention and general international law. It should be noted that action of this kind can give rise to international liability. ...” 

March 5th, Antonio Lorenzo, a Chilean fishing vessel owned by Pesquera Concar SA, is caught taking fish without a licence in the waters of South Georgia. 

March 14th, Argentina addresses a complaint to the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR). 

“The unlawful detention of a fishing vessel of Chilean registry, the Antonio Lorenzo, ... while it was engaged in fishing operations under the Convention ... and its subsequent escort to the Malvinas Islands, have had consequences that are prejudicial to the Convention and to the international system of scientific observation established thereunder. The Argentine Republic is informed that the CCAMLR international scientific observer designated by it for the purpose of performing tasks aboard the above-named Chilean vessel has been taken to the Malvinas Islands, where he is deprived of his freedom of movement inasmuch as he is not allowed to leave the vessel, and his ability to communicate is severely restricted. The Argentine Republic wishes to point out that actions of this kind contravene the letter and the spirit of the Convention,...” 

A population census reveals that there are 2,564 people on the Falklands, excluding military personnel and their families but including 483 otherwise present in connection with the military garrison.

April 13th, the Foreign Ministers of the UK and Argentina meet in Iguazu, Argentina; the first time that a British Foreign Secretary has been on Argentine soil since 1982. After the talks, a brief statement is made. 

“Both parties agreed to hold consultations on South Georgia fisheries ... concerning the interpretation and application of the Convention. Both parties expressed their political will to resume conversations on a fisheries agreement for the longer term, putting emphasis on conservation.” 

April 17th, in New York, Foreign Minister Guido di Tella complains to the UN’s Secretary-General regarding enforcement of fishing licences against Argentine trawlers off the coast of South Georgia by the UK. 

“This morning the Secretary-General received the visit of the Foreign Minister of Argentina, Guido di Tella. The Foreign Minister informed the Secretary-General about the recent incidents in South Atlantic waters resulting from the United Kingdom’s decision to enforce the collection of licence fees on

470 Joint-statement quoted in A/Ac.109/2048 
471 The rumours were untrue. A US chartered vessel, Antarctic III, registered in Buenos Aires, had received some advice from the Falklands fisheries protection officers and had then purchased a licence for Toothfish. 
472 And subsequently prosecuted. 
473 Having failed, it would seem, to have identified any Argentine fishing vessels detained for illegal fishing; however the CCAMLR observer on board was an Argentine national.
Argentine trawlers fishing off the coast of South Georgia, south-east of the Falkland Islands (Malvinas). The Foreign Minister told the Secretary-General that he had already met twice with the Foreign Minister of the United Kingdom, Malcolm Rifkind, and that a settlement of the dispute over the question of licence fees had been in progress. The Foreign Minister indicated his concern that the overall fragility of the situation might lead to renewed tensions. The Secretary-General expressed his hope that both Governments would continue with their dialogue for a peaceful settlement of all their differences in the area of the Falkland Islands.”

May 8th, the UK writes to the CCAMLR.

“The arrest of the vessel (Antonio Lorenzo) did not infringe in any way the rights of the CCAMLR scientific observer who was on board at the time. The presence of such an observer affords no immunity to the vessel in respect of infringements of the Convention conservation measures or national legislation enforcing them. In view of the immigration regulations, the observer in question was asked whether he wished to leave the Falkland Islands by air or remain on board the vessel until it sailed. The United Kingdom kept the Argentine Government in touch with developments. The observer chose to remain on the vessel. During that time he was free to communicate by any means available to him.”

July 22nd, at the UN, the Special Committee on Decolonization considers the Falklands during its annual meeting. MLA’s Eric Goss and Richard Stevens represent the Falkland Islands people while petitioners Luis Gustavo Vernet, Ricardo Ancell Patterson and Pablo Betts are from Argentina.

Argentina’s Foreign Minister addresses the meeting.

“It has been precisely defined that, regarding the Malvinas Islands issue, there is, in the first place, a sovereignty controversy over the Territory. In the second place, that in this controversy, from the legal point of view, there are only two parties: Argentina and the United Kingdom... which discards the possibility of applying the right to self-determination, in this case....”

# Researcher’s Comment: Worthy of a reminder that, if the question was only about sovereignty then it would have been outside the remit if the Decolonization Committee. Secondly, whose ‘legal point of view’ was not stated although international legal theory at that time most certainly had not discarded the relevance of self-determination.

Chile introduces a draft-resolution which is adopted without a vote.

“At the meeting, the Committee adopted a resolution reiterating its view that the way to end the dispute over sovereignty between Argentina and the United Kingdom was through a peaceful and negotiated settlement. The Committee requested those two Governments to resume negotiations...”

September 22nd, at its opening session, Argentine Minister Guido di Tella gives a speech to the UN’s General Assembly.

“It is incomprehensible that while Argentina and the United Kingdom have overcome the sorrow and have left behind their mutual disagreements and distrust and built up a harmonious and constructive relationship ... they have not so far been able to comply with the resolutions of the General Assembly and of the Decolonization Committee and to progress in the dialogue towards a definitive solution to

474 SG/SM/5962
475 A/Ac.109/2048
476 A/Ac.109/2083
477 UN Year Book 1996
this dispute. We have not even been able to sit down together around a table to talk, even if only to express our disagreement.”

**September 23**th, the UK responds.

“In the Falkland Islands we must heed the wishes of the people. Many families trace their ancestry in the Falklands back for five or six generations... they have stated their belief in their right to self-determination to live under a government of their choice and, ... they have reiterated their view that they do not want to be part of Argentina.”

**October 25**th, the General Assembly defer consideration of the question of the Falklands for another year. 478

**October 30**th, Argentine newspapers report that British diplomats have twice warned that the YPF/British Gas bid for oil tranches north of the Falklands are considered to have been badly drawn up, and that it was not sufficient to apply for only 2 blocks. Clarin describes this as a “setback” for Minister di Tella.

Seven Production Licences, covering 12,000 square kilometres, are awarded to 14 oil companies as a result of a competitive bidding round. Argentine oil company YPF, with its partner British Gas, is not awarded a licence for “technical reasons.” Nells Leon, head of YPF issues a statement saying that the rejection of the YPF/British Gas bid was; “...a commercial question, and not an act of discrimination against Argentina.”

**November 13**th, an announcement is made in the House of Lords by the Government’s spokesman.

“... about 4,300 landmines have been cleared since the end of hostilities in the Falklands. We believe that there are still around 26,000 landmines in nearly 120 separate minefields, covering some 20 square kilometres of ground... There is currently an eight-strong team in the Falklands spending half their time on minefield inspections, repairing fences around them and disposing of landmines. The cost of personnel for this team is £176,000 per year. ... there are many quite major difficulties associated with mine clearance. But, principally because of the difficulties involved in detecting the mines, many of which are plastic, and the dangers to the personnel involved, a decision was made to cease the clearance operations in 1984 and to mark the minefields clearly instead. The Government and the Falkland islanders welcomed the offer first made in December 1993 by the Argentines to pay a third party to de-mine the Falklands. We are looking forward to discussing the next steps with the Argentines and with the United States, who have agreed to manage the project should a practical way forward be agreed. We hope that it can. ... I believe that the Argentines have been as helpful as they can be. However, the problem has been a distinct lack of detailed records. We know the approximate area of the minefields and they have been fenced off, but we have very little precise knowledge of where the mines were laid.” 479

**November 20**th, the 11th meeting of the South Atlantic Fisheries Commission commences in Buenos Aires.

**December 10**th, the South-West Atlantic Hydrocarbons Commission meet in London where a decision is made to pursue the issue of licences for seismic exploration in the Special Cooperation Area that straddles the border between British and Argentine territory. 480

In a Christmas Message, the British Prime Minister sends assurances to the Islanders.

“our developing relationship with Argentina will not be at the expense of Britain’s unchanging commitment to the Falkland Islands...”

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478 UN GA Decision 51/407. cf. 1989
479 Earl Howe in Hansard November 13, 1996 cc936-937
480 A/Ac.109/2083
1997 — January 2nd, Britain’s Secretary of State for Defence, Michael Portillo, visits the Falklands. He assures the Islanders that the UK is not prepared to discuss sovereignty. 481

January 3rd, Argentina issues its annual claim in commemoration of the events of 1833, starting; “On the 164th anniversary of this illegal and illegitimate occupation...”

January 10th, Falkland Island Councillors arrive at a secret meeting at Chevening in Kent. They have been led to believe, an Argentine delegation will propose that Argentina's Falklands claim is to be dropped once and for all. Foreign Minister Guido di Tella leads the Argentine delegation.

“The substance of their proposals was that the Falkland Islands should become self-governing rather than a British colony. They suggested that while there would be a British 'Lieutenant Governor', there would also be an Argentine 'Vice-Governor' and that they should be allowed to fly the Argentine flag in several places on the islands. They felt that they were unable to remove from their Constitution their claim to the islands, but it might be possible to say that it had been 'superseded'. I made it clear, in very blunt terms, that if their Constitution retained their claim to the islands we were wasting our time. Di Tella did not seem surprised and said that he would report our view to his President. By the end of the day it was agreed that we would prepare our draft text of a possible agreement and that they might produce theirs.” 482

“Guido di Tella hesitated, but one of his officials refused to sign and had an argument with his boss.” 483

January 11th, talks continue.

“The following day di Tella said that our text was unacceptable. I said that we needed to see their alternative. We knew di Tella's officials were unhappy about the talks and were worried that their personal positions might be compromised if it emerged back home that they had been party to talks about ending the Argentinian claim to the islands. I made it clear to di Tella that we could not proceed further unless there was an Argentinian paper before us with their proposals. They were reluctant to put anything on paper, but that was too bad. Di Tella agreed to produce a draft. At 5.30pm on Saturday, di Tella asked to see me alone. We went to the Tapestry Room and he handed to me their draft. What happened next was pure farce. Di Tella acknowledged that at least four passages in their text would be completely unacceptable to the United Kingdom and to the Islanders. He then identified them for me. They all referred to Argentinian sovereignty of the islands, Argentine responsibility for the Falklands' external affairs and the like.

Di Tella said that they had been included to protect him and his colleagues in case the document leaked. He expected me to reject them and when I did no further reference would be made to them.” 484

A review of the rest of the proposals by the Foreign Secretary and Island Councillors leads to an agreement that it is "hopeless.” Councillors Sharon Halford and Mike Summers withdraw.

“On leaving, one Falklander gave di Tella a photograph of her home, saying it was the "only part of the Falklands he was going to get." A picture tells a thousand words." 485

“... interesting times; a lot of preparatory work led up to the meeting at Chevening. Not sure we believed there would be a proposal to drop the claim, but Councillors agreed there had been enough
substance to make a meeting worth a try. There seemed to be three sides; us on one, the Argentine delegation on the other, and di Tella in the middle trying to find mechanisms that would in effect give up the claim, but provide enough "window dressing" (his words) to persuade Argentines that he had not. Clearly it did not work.”

January 12th, the supposedly secret meeting is reported in Argentine newspapers.

“The meeting got huge publicity in Argentina … But, the original Argentine offer to cede its sovereignty claim was never mentioned at all. Instead it was described in Argentina’s popular press as if British sovereignty were under discussion, as marking the end of the sovereignty "umbrella" agreement and as establishing a precedent for sovereignty discussions … The meeting went completely unreported in Britain.”

Argentina’s press suggest that the Chevening talks have set a precedent for Argentina to discuss sovereignty. On his return to Buenos Aires, Guido di Tella is quoted.

“After the change of Government in Britain, I will let some time elapse and then I will knock on the new Foreign Secretary's door to insist on the same: sovereignty.”

When told that the Labour Party are saying that they will not discuss sovereignty, di Tella responds; “That is what they say before elections.”

Argentina demands that those oil companies successful in obtaining licences, pay 3% to Buenos Aires. Desire Petroleum’s President promptly refuses.

January 22nd, fifteen Argentines visit the Military Cemetery near Port Darwin.

January 27th, Britain’s Ambassador, to Argentina, William Mardsen, telephones the Argentine Ambassador in Switzerland, Guillermo González. Mardsen informs González that he has not informed the Foreign Secretary of the call but wonders if there is any way to move the failure at Chevening forward. He mentions a rumour that there had been another document that Argentina had not presented to Rifkind. González tells the British Ambassador that there had been a proposal to ‘freeze’ the dispute for a period of time.

“WM: Should we expect a document on freezing? GG: I don't know, you're the one who said he had no chance (...) on this basis there is no room for more conversations. I do not see the use of a new document. You are not helping your friends and you are not serving the interests of your country well.

WM: Has Guido Di Tella been shaken by the lack of results in Chevening? GG: Well, he’s not eternal and you're certainly not helping. He needs an achievement, something we can call a success, his personal success. He plans to go to the islands (with his Italian passport). He is ready to limit his pious presence in the Argentine cemetery or, if allowed, could continue his pilgrimage to Stanley and even the Council to explain live the Argentine position.

WM: It's a difficult time. I do not see it possible. I strongly recommend that you do not.”

January 28th, González informs Guido di Tella of his telephone conversation with Mardsen. They conclude that the British Ambassador had not acted without authorisation from Rifkind.

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486 In conversation with Councillor Mike Summers July 25, 2016
487 Falkland Islands Newsletter February, 1997
488 Falklands: reserved negotiations and attempts by Argentina and the United Kingdom to reach an agreement Juan Bautista Yofre in Infobae December 9, 2019.
January 30th, González is contacted by di Tella.

“On this occasion, the Argentine Foreign Minister told him that he had spoken by telephone with Malcolm Rifkind and that the conversation had "the convenience of a confidential meeting between the two." The British Foreign Minister asked di Tella what new ideas he was thinking and the answer was that it would be a "variation of the freeze, designed to last forever." Both ministers agree that González and Madsen talk again personally.”

February 20th, a further fifteen Argentines visit the Cemetery.

April 2nd, the South Atlantic Medal Association (SAMA) is formed for all members of the armed forces who fought in the Falklands War; the next-of-kin of those that died and the Falkland Islanders.

April 8th, on the 15th anniversary of its sailing, Margaret Thatcher makes a speech aboard HMS Canberra.

“Some of the world was astonished. It also had an effect on East-West relations. I remember a Russian General coming to see me and saying, "... we Soviets never thought you would go to fight. And if you did go we thought you would lose." Diplomacy was clearly not his strong suit. It wasn’t mine either. I said rather tartly "Britain doesn’t lose."...”

Argentine Defence Minister Jorge Dominguez speaks to Jane’s Defence Weekly.

“The transfer of the Malvinas Islands to Argentina through diplomatic means will be assured by the outcome of the election in the United Kingdom next week.”

Robin Cook of the Labour Party responds in the Sun newspaper.

“We have never made this promise, and we never would.”

May 1st, following a UK General Election, a center-left government takes over, led by Prime Minister Tony Blair.

May 6th, Minister Dominguez speaks to journalists about the election of a Labour Administration in Britain.

“(This has) prompted great expectations among Argentine officials concerning the possibility that London may agree to begin talks about the sovereignty of the Malvinas Islands.”

May 8th, in La Nacion, Foreign Minister Guido di Tella is reported as claiming that the Argentine flag will fly over the Falklands by the year 2000, albeit possibly as part of a joint sovereignty arrangement.

“Although the British said No, that opens vast possibilities.”

# Researcher’s Comment: Such statements in the face of very specific denials by Labour Ministers beg the question, Why? A hint may lie in the activities of the South Atlantic Council. In small membership contained a number of Labour MPs. The suspicion must be that promises had been made. Fortunately, they were not kept. See below.

In June, Minister di Tella is quoted in the press.

“We are fully aware that no British government will ever take a substantive decision on this issue without the approval of the islanders. The islanders have acquired a de facto veto. It’s them we have to convince.”

489 Ibid. There appear to have been further conversations between Mardsen and González, but with no particular result.
490 However, see comments by Labour’s MP George Foulkes May, 1987 & September, 1989
“Di Tella did not accept the Islanders’ right to self-determination, but he was conscious of the fact that if Argentina did not succeed in making itself an attractive country, it would be impossible to get the British Government and Parliament to accept a transfer of sovereignty.” 491

In June, members of the South Atlantic Council propose to the newly elected Labour government that discussions with Argentina on the issue of the future of the Falklands are re-opened. 492

“After the general election in Britain on 1 May 1997, the South Atlantic Council decided to appeal to the new Labour government to re-examine policy towards Argentina. In particular, the Council questioned the refusal of the previous government to countenance any discussion with Argentina that might be considered to affect the sovereignty of the Falklands.” 493

Among South Atlantic Council suggested 'options' are: ● Permanent Umbrella: the current sovereignty umbrella would be enshrined in a bilateral treaty that provides new permanent institutions to promote cooperation; ● Independence: the Islands would become a sovereign state in their own right; ● Integration with Argentina or with Britain: the Islands would become a full and equal part of one country, forming a single constituency to elect one member of the appropriate legislature; ● Shared Sovereignty: Argentina and Britain would create joint institutions to exercise the role of the current Governor and to represent the Islands in international diplomacy; ● Lease-Back: title to the Islands would be transferred to Argentina and then effective control returned to Britain for a fixed time period.

The Falkland Islands' Association respond.

“Falkland Islands Association believes: that the Argentine claim to the Falkland Islands, South Georgia and the South Sandwich Islands is spurious; that the Falkland Islanders have the right to self-determination, which means a government of their own choice; that it is not to their advantage to 'adjust their current position', as the South Atlantic Council asserts; that a permanent peaceful settlement has to be acceptable to the Falkland Islanders, and that this requires the Argentine government formally to renounce its claim; and the British government to preserve the status quo until it does.” 494

Regarding the 'option' of a permanent sovereignty umbrella, the Association replies.

“This amounts to a freeze of the respective sovereignty claims of Britain and Argentina, following the example of the claimant states in the Antarctic Treaty. It was proposed in 1981 by Britain, accepted by the Falkland Islands and rejected by Argentina, who saw it as no more than a continuation of the status quo. Now, however, the South Atlantic Council proposes a bilateral treaty (presumably between Britain and Argentina) providing new permanent institutions (presumably with British and Argentine representation) 'to promote co-operation'. This is Shared Sovereignty in all but name and as such would be unacceptable to the Islanders and acceptable to the Argentines only as a short-term stepping stone to full sovereignty.” 495

June 10th, on Argentina's Day of Affirmation of Argentine Rights to the Malvinas Islands and the Antarctic Sector, the Government in Buenos Aires issue a press release.

491 Why the Falkland Islands will never be Argentine Carlos Escude 2003.
492 Presented to the FCO in anticipation of a visit to the UK by Argentina's Foreign Minister. The visit did not take place however, and the paper was not circulated until October, 1997.
494 Ibid. Signed on the Association's behalf on November 12, 1997 by Sir Rex Hunt
495 Ibid.
“Since the beginning of its existence as an independent nation, the Argentine Republic has demonstrated, through actions by the Government, the firm political determination to exercise its effective sovereignty in the southern territories and maritime areas inherited from Spain. This effective exercise of sovereignty was interrupted when, in 1833, British forces occupied the Islands, expelling the population and the Argentine authorities established there. Subsequently, Argentine citizens were prevented from settling freely or owning land in those territories. The Argentine people and Government never accepted that act of force ...”

# Researcher’s Comment: Dealt with in earlier papers, but to summarize: 1) there was no such inheritance, 2) it is moot at what point in history Argentina a) gained its independence, b) attained Statehood, 3) there was merely a police action in 1833 to eject trespassers warned in both 1829 and 1832. Finally, only one Argentine citizen was prevented from settling after 1833, Luis Vernet – whose actions had led to the Buenos Aires trespass in the first place.

June 16th, at the UN, the Special Committee on Decolonization commences its annual review of the question of the Falkland Islands. 496 Councillors William Luxton and Sharon Halford represent the Falklands people; Alejandro Betts and Juan Scott petition on behalf of Argentina. Councillor Luxton speaks to the Committee.

“We may not be many but we demand that the world acknowledge our absolute right to determine our own future ... Falkland Islanders do not understand how this Committee can look us straight in the eye and tell us that only we are not entitled to this right. We do not understand, because in our eyes it is Argentina that is the colonial power.”

Sharon Halford asks a question; “How can you, as a Decolonization Committee, condone the suggestion that the Falkland Islands should relinquish its association with the United Kingdom only to become a colony of Argentina?”

During the meeting, Chile proposes a draft-resolution calling for renewed sovereignty negotiations.

Argentina’s representative also addresses the committee.

“... in contrast to what occurs with other non-autonomous territories, the Malvinas question must be resolved through negotiations between the Argentine Republic and the United Kingdom, in conformity with the repeated decisions by the United Nations (General Assembly resolution 2065 (XX) and subsequent ones); to act otherwise, in addition to rewarding an act of usurpation, would be to undermine the territorial integrity of the Argentine Republic. The principle of self-determination applies only to peoples subject to a colonial power. In the case of the Malvinas Islands, the people colonized cannot be distinguished from the colonizer ...”

Fiji’s representative speaks to the committee.

“... the Declaration on the Granting of Independence to Colonial Countries and Peoples called for an end to colonialism when the peoples of colonized territories exercised their right to self-determination. The process of self-determination should not be imposed on the people, but it was for them to exercise that right when the time was ripe. The draft resolution focused on the issue of sovereignty which was not in the Committee’s mandate...”

496 UN Document A/52/23 (Supp) dated January 1, 2000
Chile’s draft-resolution is adopted by the Special Committee by consensus.

“The Committee requested the two Governments to resume negotiations to find a quick and peaceful solution in accordance with General Assembly resolutions on the issue,...” 497

Sierra Leone’s representative then makes a statement in support of the Islanders; “.. in which he said that while efforts by Argentina and the United Kingdom to solve the issue by peaceful means were praiseworthy, significance should be given to the wishes and interests of the people of the islands. The resolution should have made reference to the important question of self-determination for the islanders. There was no alternative to that ...”

On the same day the South-West Atlantic Hydrocarbons Commission, comprising representatives from Argentina, the UK and the Islands, holds its 3rd meeting in Buenos Aires.

**July 23**th, once again visiting London, Minister Guido di Tella holds talks with the new Labour Government on a range of matters. Di Tella complains about opposition by the British Government to the headquarters of the Antarctic Treaty group being sited in Buenos Aires and about the continuing British ban on arms sales to his country. He also expresses his government’s dissatisfaction over the lack of contact with the Falklands archipelago where, with the exception of relatives visiting the war graves at Darwin, Argentine passport holders are not allowed to land. After the meeting he is quoted as saying; “We did not expect anything and we did not get any more than we expected.”

**August 2**nd, **LanChile** commences a weekly flight into Mount Pleasant Airport.

**September 24**th, at the UN, in a speech at the opening of the General Assembly, Minister Di Tella repeats his country’s call for negotiations on the issue of sovereignty.

In early **October**, Britain’s new Ambassador to Argentina, Sir Peter Westmacott, meets Guillermo González in Paris.

“The first meeting between the two ambassadors was held in the first fortnight of October 1997 in the Parisian La Ferme Saint-Simon, ... After a long conversation, Westmacott opened the topic and, smiling, said: "If we were to make a story of the history of the events, we should start when Di Tella suggested that he was willing to consider a solution that included the cessation of the Argentine claim and the recognition of sovereignty.” González interrupted him and also with another smile said that this was “an obscene and crude language, unfit for gentlemen. Particularly those who want to keep their heads on their shoulders”. Then, after some clarification on what Di Tella had said, they began working on a draft left by Mardsen. The Argentine diplomat said: “Argentina has two minimum objectives in this exercise. The first is to improve our relative situation, not to make it worse as you are suggesting by mentioning 'some kind of recognition'. The second objective of minimum is to ensure that on a certain date agreed between the parties a complete review of the new state will take place with the clear possibility of reviewing it.” PW: Within these guidelines I do not see clearly what are the benefits for the United Kingdom. People will ask "what's in it for us." González said that the new Labor administration sought to act on an ethical basis and that this was a great opportunity to demonstrate that Britain remains a great moral and ethical example.” 498

Argentina’s proposal includes a condition that argentine flags fly in the islands and a bust of San Martin is erected.

497 UN Yearbook 1997
498 Falklands: reserved negotiations and attempts by Argentina and the United Kingdom to reach an agreement Juan Bautista Yofre in Infobae December 9, 2019

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When asked why, González explained that the “cultural and symbolic” element was necessary to gain the support of the Argentine people. González suggests that a bust of George Canning could also be erected. The meeting breaks up without conclusion.

**November 10th**, the General Assembly defer, yet again, the question of the Falklands for another year. 500

**November 21st**, at a second meeting between Sir Peter Westmacott and Guillermo González in Paris, they discuss the announcement of a visit to the UK by President Menem in 1998. As regards the Falklands, González says; “Our goal is to reach an agreement that has the characteristics of shared sovereignty.” González makes a proposal for a bi-lateral treaty.

> “The United Kingdom will grant the Falkland Islands a new status. The islanders will have expanded powers reflected in their institutions, providing complete internal government. Argentina will have a new relationship with the islands. Everything that is not modified by applying this agreement will remain in its current form.”

Westmacote declines to consider it as the proposal is so far away from Britain’s position. The meeting breaks up without agreement. 501

**November 24th**, the South Atlantic Fisheries Commission meet in Buenos Aires.

**December 5th**, the South-West Atlantic Hydrocarbons Commission holds its 4th meeting in London.

1998 — in his New Year message to the Falklands, Prime Minister Tony Blair assures the Islanders; “... that I am committed to protecting your right to choose your own way of life. I am also fully committed to ensuring your security.” 502

**January 2nd**, in its annual press statement, the Argentina Government repeats its claim that British forces expelled the Argentine inhabitants of the Falklands in 1833.

**February 3rd**, at a symposium in London, organised by the South Atlantic Council, ex-Argentine Minister, Roberto Aleman, makes a speech.

> “It is now fifteen years since the conflict occurred, but the main subject of sovereignty still has not been resolved. We in Argentina still assert the islands are ours. For 156 years we have longed for them. All sections agree about this, all of our society, civilian and military. We have written it in the constitution. ... Britain does not accept the Argentine position. Despite the UN asking them to negotiate and OAS support for negotiations. The Islanders prefer to be independent under British protection. These three positions are quite impossible to put under one compromise.

Sovereignty is not to be in partnership: it is either one thing or the other... The Islands should be run autonomously. They should elect their governor, like an Argentine province or a state of the Union, and run their own affairs. They should keep their culture, traditions, language and laws. But together with this, Argentines should be able to travel and do business. ... The fact is, bluntly, one thousand five hundred adult Islanders control, by their veto, the policy of ninety million Britons and Argentines. ... This small problem in the South Atlantic should be solved.”

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499 Britain’s Foreign Secretary in the 1820s
500 UN GA Decision 52/409 cf. 1989
501 Falklands: reserved negotiations and attempts by Argentina and the United Kingdom to reach an agreement Juan Bautista Yofre in Infobae December 9, 2019
502 A/Ac.109/2105
Sukey Cameron, the Falklands Government representative in the UK, responds.

“Attempts to find a 'solution', whether by Argentina or by third parties, are based on the premise that there is a 'problem' and that the views of the Falkland Islanders are at best inconvenient and, at worst, unimportant. As far as we are concerned, there is simply no point in discussing any permanent solution or settlement which ignores the concept of self-determination since we are completely happy with the current constitutional arrangement over sovereignty and regard it as entirely permanent... We seek support from those who share our ideals of self-determination and self-sufficiency, to help ensure that our future is secure.” 503

March 18th, Argentine law 24.950 is sanctioned. 504

“Article 1: Declare "National Heroes" those Argentine fighters who died during the Malvinas War, in 1982, in defense of national sovereignty over the Islands of the South Atlantic.

Article 2: In order for these heroes to endure in the memory and historical consciousness of generations to come, the list of national heroes (is) cited...”

In April, Foreign Office Minister Tony Lloyd visits the archipelago. He confirms; “The unwavering support of HMG for the people's self-determination.”

April 27th, an exploratory oil well is drilled in the North Falklands Basin by the Borgny Dolphin. Plans for five further exploratory wells are announced by the International Oil Corporation.

April 30th, Argentina rejects the UK’s “right” to authorise oil drilling on the continental shelf; again demanding a 3% 'royalty' on any oil found. Buenos Aires also threatens punitive action against the oil companies involved. Governor Ralph dismisses Argentine claims as “fanciful.” Minister Anthony Lloyd responds.

“We do not recognise any right of the Argentine Government to become involved in commercial activities in Falkland waters.”

May 21st, in Parliament, Tony Lloyd replies to a question concerning compensation from Argentina for the devastation caused in the islands by its invasion in 1982.

“We have no plans to ask the Argentines for compensation for the damage done during the Falklands conflict.” 505

In a private initiative, an Argentine national, Conrado Bullrich, and a British member of the South Atlantic Council, Alastair Forsyth, publish proposals for joint administration of the archipelago. Islanders immediately reject the proposals as; “... the kind of thing that has been produced over the years by people with a superficial understanding of the problem.” 506

“In May 1998, with the sponsorship of Americanos del Sur, 'The Bullrich-Forsyth Proposal: A Way Forward' paper was published in the Penguin News and received an interesting reception.” 507

June 10th, Argentina commemorates the, “effective exercise of sovereignty” with the; “... establishment of the Political and Military Command of the Malvinas Islands and the Islands adjacent to Cape Horn in the Atlantic Ocean, in accordance with the decree by Interim Governor Martin Rodriguez in 1829 ...” 508

503 South Atlantic Council's website.
505 This issue had been dealt with in the first joint statement following the 1989 negotiations. cf. October, 1989
506 Laver 2001
507 Bullrich 2000 p.232 Risible may be a more accurate description than 'interesting'.
508 UN Doc A/AC.109/1999/12. cf. 1829
July 6th, at the UN, the Special Committee on Decolonization considers the Falklands. Falkland Island Councillors Norma Edwards and Sharon Halford represent the people of the Islands; while Maria Angelica Vernet, Enrique Pinedo and Alejandro Betts act as petitioners for Argentina. Chile introduces a draft-resolution calling for negotiations on sovereignty.

In his address to the Committee, Argentina’s Foreign Minister claims that the human right of self-determination is not applicable to the peoples of the Falklands, as it only applies; “… to peoples subjected to a colonial Power. In the case of the Malvinas Islands, it is obvious that the inhabitants are descended from the settlers who were transplanted illegally to those Territories by the occupying Power in the nineteenth century…”

Fiji’s member of the Committee questions its ability to pronounce upon the issue.

“… his delegation believed that the issue of sovereignty over the Falkland Islands was beyond the responsibility of the Special Committee and was, therefore, ultra vires of its mandate. The issue for the Special Committee was one of decolonization, not one of sovereignty. The future of the peoples of Non-Self-Governing Territories must be decided by the people themselves.”

Chile’s draft-resolution is adopted by the Special Committee on Decolonization without a vote. 510

“In a 6 July resolution, the Special Committee reiterated that a peaceful and negotiated settlement of the sovereignty dispute between Argentina and the United Kingdom would put an end to the colonial situation of the Falkland Islands (Malvinas) and accordingly requested them to resume negotiations.” 511

In response, Sierra Leone’s representative complains.

“(The) resolution should make appropriate reference to the important issue of self-determination. As the Special Committee was aware, there was no alternative to that principle.”

July 10th, an updated Bullrich-Forsyth proposal is published in Penguin News. Despite claiming to have taken account of comments from Islanders after the May, 1999 presentation, the proposals still suggest a form of joint sovereignty. Once again the proposals meet with ridicule. 512

July 30th, the South-West Atlantic Hydrocarbons Commission holds its 5th meeting in Buenos Aires.

In August, Minister Tony Lloyd speaks to the House of Commons.

“... we remain fully committed to protecting the right of the Falkland Islanders to determine their future. There is no inconsistency between that and our real commitment to continue working with the Argentines on all other aspects of our relationship.”

August 20th, the Supreme Court of Canada gives its opinion on the legality of succession by Quebec. On the definition of ‘peoples,’ the court says; “It is clear that a ‘people’ may include only a portion of the population of an existing state. ...”

509 UN Yearbook 1998
510 A/AC.109/2122
511 UN Yearbook 1998
512 The suggestion that Argentina had a right to a 3% royalty on any oil or gas production did not help.
October 10th, Chile’s ex-dictator, General Pinochet, in London for medical treatment, is arrested under a warrant issued in Spain which alleges human rights violations.  

October 27th, Carlos Menem arriving in London, tells the press; “... I think that to a certain extent the wounds have healed, ...” Island Councillor Jan Cheek, in London for a meeting with the Foreign Secretary, speaks to the Guardian newspaper:

“He couldn't go back to Argentina if he didn't raise the issue. Our concern is that he's turning what should be a visit to improve bilateral relations and trade into an opportunity for flag-waving over the Falklands.”

“... reports from before President Menem's visit to London in October... suggest that secret talks were already taking place with the Blair government ... including the following elements: ● an extension of the current sovereignty umbrella for another twenty years; ● talks on sovereignty on the first day after the twenty-year extension; ● the flying of two flags (Britain and Argentina) or three flags (Britain, Argentina and United Nations or the colours of the islands); and ● closer links, trade, and communications between the islands and the mainland, including a lifting of the ban to Argentina visitors.”

At a working lunch between Prime Minister Tony Blair and President Menem, the conversation does not include any mention of the Falkland Islands. After the meeting, Blair clarifies that; “The islands will not change their status unless their inhabitants express that desire themselves.”

October 28th, speaking to an audience at Lancaster House, Menem says; “As President of the Argentines, I repeat that we are fully convinced of the legitimacy of our historical rights.” He makes no apology for the invasion of the Islands in 1982, but suggests a 'joint sovereignty' arrangement may still work.

November 2nd, the General Assembly again defer consideration of the Falkland Islands for another year.

November 12th, the South Atlantic Fisheries Commission holds its 14th meeting in Buenos Aires.

November 27th, a UNESCO conference debating the principle of self-determination concludes:

“The principle and fundamental right to self-determination of all peoples is firmly established in international law, including human rights law, and must be applied equally and universally. The peaceful implementation of the right to self-determination in its broad sense is a key contribution to the prevention and resolution of conflicts, especially those which involve contending interests of existing states and peoples, including indigenous peoples, and minority communities. ... Self-determination is achieved by fully participatory democratic processes among the people who are seeking the realisation of self-determination, including referenda where appropriate.”

513 Pinochet was held, in hospital, for 18 months before returning to Chile where he was indicted but never tried. A supporter of Britain during the 1982 Falklands War, ex-Prime Minister Margaret Thatcher fought for his release and visited him in hospital. Pinochet died in 2006.

514 Laver 2001

515 Falklands: reserved negotiations and attempts by Argentina and the United Kingdom to reach an agreement Juan Bautista Yofre in Infobae December 9, 2019

516 UN GA Decision 53/414

1999 – January 1st, in his New Year's Message to the Falklands, PM Tony Blair, says; “... when I spoke to President Menem ... I told him unequivocally that the sovereignty of the islands was not for negotiation, nor was the right of you, the Falkland Islanders to determine your own future ...”

Robin Cook's message to the Islanders as Foreign Secretary addresses the Bullrich-Forsyth proposals of the previous summer.

“We have made it perfectly clear that the wishes of the Falkland Islanders are what count. They do not want shared sovereignty and in those circumstances there is no question of us agreeing shared sovereignty...” 518

January 2nd, in a press release, Argentina expresses; “... its unwavering determination to regain, through diplomatic negotiations, the exercise of sovereignty over the Malvinas Islands...”

“In January of 1999, the Argentine government carried out an aggressive diplomatic offensive to reopen negotiations on sovereignty. The Falkland/Malvinas issue was considered by US President Bill Clinton, his secretary of state, Madeleine Albright, UN Secretary-General Kofi Annan, and the British foreign secretary, Robin Cook.” 519

January 16th, on South Georgia, Grytviken church is re-inaugurated by the Bishop of Tunsberg, Magne Storli.

February 1st, in another private initiative, a 'bundle of ideas' is put forward by Anglo-Argentine journalist Nicolas Tozer to Island Councillors Mike Summers, Lewis Clifton and Richard Cockwell with the implied support of Argentina's Foreign Ministry. The 'ideas' are based upon the premise that the Argentine Military Cemetery on the Islands would be declared as Argentine sovereign territory allowing Argentina to claim that it has achieved its aims of regaining sovereignty. That piece of land would fly the Argentine flag and have its own 'representative' at Stanley. In return, Argentina would drop its sovereignty claim, amend its constitution and support a move for Stanley to host the Antarctic Treaty Secretariat. 520

“As with prior initiatives, the islanders were highly negative in their opinions. ... Press reports indicated that islanders deemed the proposal laughable. They failed to see the rationale of an Argentine territory consisting of a cemetery with a representative.” 521

March 9th, Prince Charles visits Argentina where he makes a speech.

“My hope is that the people of modern, democratic Argentina, ... will in the future be able to live amicably alongside the people of another modern, if rather smaller democracy lying a few hundred miles off your coast...”

Argentina's Vice-President, Carlos Ruckauf, responds to a radio audience.

“The Prince took an intolerable attitude. The Islanders have no right to self-determination as the Prince suggested. His kingdom is a powerful country which has stolen the islands.”

March 13th, Prince Charles arrives in the Falkland Islands.

518 Quoted in Laver 2001
519 Laver 2001
520 There was a suggestion at that time that this 'bundle of ideas' were not dissimilar to suggestion put forward by Conservative MP David Davies in the early 1990's.
521 Laver 2001
March 17th, in London, a Government White Paper – ‘Partnership for Progress and Prosperity: Britain and the Overseas Territories’ proposes a new relationship between Britain and its Overseas Territories, based on 4 principles – 1. self-determination, with Britain willingly granting independence where it is requested and is an option; 2. responsibilities on both sides, with Britain pledged to defend the Overseas Territories, to encourage their sustainable development and to look after their interests internationally, and in return expecting the highest standards of probity, law and order, good government and observance of Britain’s international commitments; 3. the Overseas Territories exercising the greatest possible autonomy; and 4. Britain providing continued financial help to the Overseas Territories that need it.

“Part of the basis of the document was that the colonies (Overseas Territories) maintain their links with Great Britain if so desired. Thus Great Britain changed its traditional claim over the Falklands based on its interpretation of the historical facts (certainly a weak position) for the principle of self-determination of the people. ... Nothing is said about resolving the sovereignty disputes that exist over the Falkland Islands and Gibraltar, but the paper makes clear the policy of retaining the status quo,...” 522

March 27th, Buenos Airean newspaper, Clarín, announces a visit by Guido di Tella to London with proposals for a direct air service between Argentina and the Islands as an alternative to the current LanChile service.

April 6th, Andres Cisneros, Argentina’s Vice-foreign Minister, flies to Chile to talk about the LanChile flight.

April 10th, Lan Chile suspends the air link with the Falklands for 90 days in “protest” at the detention of General Pinochet. However, contrary to the reasons given by Chile’s Foreign Ministry, La Nacion in Buenos Aires reports that the Argentine Foreign Ministry; “... had got Chile, Uruguay and Brazil to reject the establishment of direct contact between their territories unless the flights stopped in Argentine territory.”

# Researcher’s Comment: The suspension was only effective at isolating Chileans working on the Islands.

May 15th, Falklands Fisheries Protection officers fire on an unlicensed Taiwanese fishing vessel, Shan Fu 8, which refuses to stop and be inspected, instead fleeing from the scene. Shan Fu 8 is hit but still refuses to heave-to. The pursuit is abandoned at nightfall.

May 25th, in Madrid, Anglo-Argentine talks take place with regard to further co-operation over fish stocks, conservation and mineral resources. The UK’s delegation includes four members of the Falkland Islands Legislative Council. Views on air links are exchanged but no decisions are reached.

June 10th, Argentina issues its annual press release.

June 16th, the South Atlantic Fisheries Commission holds its 15th meeting in London. Revenue from fishing licenses issued by the Falkland Islands Government is estimated at £20 million.

“The Argentine delegation made reference to the concern of the Government of Argentina about the situation created by the British decision with respect to the area described in the annex to the joint statement of 26 November 1990 and the area to the west of it. It expressed the hope that the matter would be resolved. The British delegation re-stated its position.”

Donald Alexander Lamont becomes Governor of the Falkland Islands.

July 1st, at the UN, the Special Committee on Decolonization commences its annual consideration of the Falklands NSGT. Speakers include Sharon Halford and Jan Cheek of the Islands’ Legislative Council and Argentine petitioners Alejandro Betts, Carlos Moyano Llerena and Ricardo Ancell Patterson.

522 Bullrich 2000 p.224
Chile introduces a draft-resolution calling for sovereignty negotiations.

Argentina's Foreign Minister speaks before the Committee.

“When we speak of the Malvinas Islands, we do not hesitate to recognize the existence of an identifiable and well-defined community. There is no doubt that many of the islanders are the descendants and the result of a forcible territorial occupation which took place at the beginning of the nineteenth century. Virtually cut off from what was taking place only a few kilometres away, they lived and evolved alongside continental Argentina. It is clear from the events which occurred in 1833 that there was an earlier community, which had been largely displaced from the islands. The island community, whose existence and culture we are committed to respecting in our own Constitution, has a clear, dominant British identity, a characteristic which we recognize, but which is largely a result of the administrative shackles imposed for decades by the occupying Power, which have distorted the normal development of the South Atlantic.”

As every year from 1991, the committee adopts Chile's draft-resolution by consensus.

“In a 1 July resolution [A/54/23], the Special Committee reiterated that a peaceful and negotiated settlement of the sovereignty dispute between Argentina and the United Kingdom would put an end to the colonial situation of the Falkland Islands (Malvinas) and accordingly requested them to resume negotiations.”

Speaking after the committee’s decision.

“The representative of Antigua and Barbuda said the issue of the Falkland Islands was not an issue of decolonization, but rather it was an issue that should be placed before the Security Council or the General Assembly. The representative of Venezuela said that his country believed that negotiations between Argentina and the United Kingdom were the only way to resolve the dispute. The representative of Indonesia expressed confidence that the dispute would eventually be amicably settled to the satisfaction of all parties concerned.

The representative of Fiji said his delegation believed that it was necessary to focus on the persons inhabiting the Territories, and that the Committee needed to consult with the International Court of Justice for a legal opinion on the dispute. The representative of Grenada said that the dispute between Argentina and the United Kingdom had become less confrontational. He suggested that the inhabitants of the Falkland Islands should be involved in the process of discussions.”

July 2\textsuperscript{nd}, further Anglo-Argentine talks take place in New York; attended by members of the FIG.

July 11\textsuperscript{th}, in Stanley, some 350 Islanders, aware that talks are taking place, but uninformed and suspicious about what is happening, stage a protest.

“They were declaring their concern and venting their frustration that there had been insufficient consultation with all Islanders to assess their attitudes and allow them to voice their opinions.”

Chile suspends the LanChile flight for a further 180 days.

523 UN Doc A/Ac.109/2000/11. Port Stanley is 1198 kilometres (1180 miles) from Buenos Aires and 782 kilometres (486 miles) from Rio Gallegos.
524 UN Yearbook 1999
525 Ibid.
526 Falkland Islands Newsletter No.75 October 1999. This incident was confused by The Times and Guardian newspapers with another small demonstration about a visitor to the Argentine Military Cemetery unfurling an Argentine flag. The Times, in rather sensational headlines, reported 2000 people present – rather more than the population of Stanley. The flag incident only provoked a small demonstration of 150 people, on the airport road, as the visitors were leaving.
July 13th, Argentine and British delegations meet in London.

“The United Kingdom delegation was led by the Secretary of State, Robin Cook, and the Argentine delegation by the Minister of Foreign Affairs, Trade and Worship, Guido Di Tella. The United Kingdom delegation included members of the Falkland Islands Legislative Council...”

July 14th, in a Joint Statement, Britain and Argentina announce an agreement; after first reasserting the overarching use of the sovereignty-umbrella used in 1989.

“The two Ministers recalled the Joint Statements made by the United Kingdom and Argentine delegations in Madrid on 19 October 1989 and 15 February 1990, which made possible the normalisation of relations between the two countries, and the re-establishment of successful cooperation in the bilateral sphere. They agreed that the formula on sovereignty in paragraph 2 of the Joint Statement of 19 October 1989 applied to this Joint Statement and to its consequence. ...

II. Access and Air Services: 1. Argentine citizens will be able to visit the Falkland Islands, on their own passports. This provision applies equally to Argentine citizens travelling by air and sea. 2. Full support for the immediate resumption of direct scheduled civil air services between Chile and the Falkland Islands by Lan Chile or any other carrier agreed between the Parties. From 16 October 1999, these services will include stops in mainland Argentina, where they will be able to take on and discharge passengers, cargo and mail. 3. The possibility of flights between the Falkland Islands and third countries was welcomed with the option, from 16 October 1999, of making stops in mainland Argentina.

III. Fishing: In the light of the shared commitment to the maintenance and conservation of fish stocks in the South Atlantic, existing levels of cooperation between the United Kingdom and Argentina will be enhanced. In this context officials will meet shortly to consider the question of the relative stability of fish stocks, poaching, and other questions related to it and to recommend coordinated programmes of practical measures with the objective of putting them in place before 9 October 1999.

IV. Confidence Building: 1. With a view to the further development of reconciliation and mutual understanding: a memorial to members of the Argentine armed services killed in action in 1982 will be constructed at the Argentine cemetery in the Falkland Islands. 2. The Argentine Government is prepared to look at the question of toponymy in the Falkland Islands. To that end it will continue to consult the appropriate national institutions. 3. As the Prime Minister of the United Kingdom and the President of Argentina agreed in October 1998, the two Governments will continue to work together to evaluate the feasibility and cost of clearing the land mines still present in the Falkland Islands.”

“The surprise agreement signed by the Argentine and British Foreign Ministers on July 14th was the result of an initiative taken by Falkland Islands Councillors. ... there was a need for greater cooperation on fisheries, especially to combat poaching. There was a need to resume the flights from Chile that the Chilean Government had stopped as a reprisal for general Pinochet’s detention in Britain and as a result of Argentine pressure. Councillors believed that to retain the support of the British Public and Parliament they had to allow access to Argentine passport holders. Councillors also had the broader aim of achieving good neighbourly relations and building on the goodwill engendered by the visits of President menem to Britain and the prince of Wales to Argentina.”

527 Act of Faith by the Falklands in Falkland Islands Newsletter October, 1999 no.75
The Joint Statement is accompanied by a Side Letter sent by Britain’s Foreign Secretary, Robin Cook to Argentine Foreign Minister, Dr. Guido di Tella.

“Visits
(1) An Argentine passport valid for the duration of the intended stay will be needed by an Argentine citizen for visits to the Falkland Islands.
(2) Argentine passports presented by visitors to the Falkland Islands will be stamped on the same basis as all other passports presented by visitors to the Falkland Islands.
(3) The number of visitors to the Falkland Islands at any one time needs to reflect local capacity including the availability of accommodation. Visitors will be required to arrange accommodation in advance and to have a return ticket and sufficient funds for their intended stay.

II Air Services
(1) The Argentine Government will seek the consent of the Chilean Government to the immediate resumption of civil air services between Chile and the Falkland Islands, operated by Lan Chile or any other carrier agreed between the Parties.”

LanChile stop-overs in Argentina are limited to two a month. Also, albeit not stated, responsibility for the upkeep of the Argentine Military Cemetery near Port Darwin, passes to the relatives of those buried there. Britain’s Foreign Secretary Robin Cook offers reassurances.

“‘There is nothing whatsoever in this agreement that compromises the position either of Britain or of Argentina in relation to sovereignty.’”

The Foreign Secretary adds; “... some of the responsibilities and commitments of the Government of the United Kingdom of Great Britain and Northern Ireland... will be discharged by Her Majesty's Government of the Falkland Islands.”

The Falkland Islands Government issue a statement.

“We recognise as much as anyone else that even limited access by Argentine passport holders is a very difficult pill to swallow ... we believe granting access to Argentine nationals is a necessary step to take in order to retain the support of the British public and Parliament.”

# Researcher’s Comment: Questions remain about the 1999 agreement. The plan for it, and the discussions, were kept secret from the majority of the Islanders, despite their right of self-determination. The reason is obvious – they were likely to oppose it very vocally and there was no doubt that they retained the support of the British public. Once written up, Islanders were presented with a fait accompli and the whole accord spun to appear rather better than it was. Spin being very much associated with the Blair years in government. The impetus seems to have originated with a few business interests and a Labour Government which had long been under pressure to make concessions to Argentina. The result would allow Argentine’s to antagonise the islanders with every flag waving batch of veterans sent on every flight. Seats paid for by their taxpayers. A bitter pill, indeed.

528 Plans for a cenotaph were approved in March, 2002, incorporating a statue of Argentina’s patron saint, the Virgen del Lujan. cf. 2002, 2012 & 2017
529 In other words, it would be the FIG stamping passports.
530 The History of the Falkland Islands M. Cawkell 2001 p.169. Anecdotal evidence suggests that the reaction from the majority of Islanders was close to insurrection. Unruly protests took place outside the homes of MLAs and two islanders broke into the armoury of the Falkland Islands Defence Force; removing firearms and ammunition. At the time, news of this Islander backlash was suppressed by the Blair government which feared an adverse reaction from the British public.
“Before the ink was even dry, President Carlos Saul Menem called his recent agreement with Britain to allow Argentine tourists to visit the Falkland Islands for the first time since the 1982 Falkland war ''the crown jewel'' of his 10 years in office. Overjoyed by his self-proclaimed diplomatic victory, Mr. Menem said his daughter, Zulema, would be on the first commercial flight between Argentina and the Falklands in October. He said he would soon follow, hinting that he might even make it to the South Atlantic archipelago before his term ends in December as a victorious swan song. Not to be outdone, Foreign Minister Guido Di Tella said he wanted to go...”

“The agreement was the climax of Di Tella's policy of seduction.”

July 16th, reported in Clarin.

“The name Puerto Argentino has its days numbered. The government already analyses the formal alternatives to repeal the decree by which the former de facto president Leopoldo Fortunato Galtieri renamed the malvinese capital on April 16, 1982. The joint statement signed by the foreign ministers of Argentina and the United Kingdom in London on Wednesday included that "the Argentine government is ready to discuss the issue of toponymy in the Malvinas Islands." A day later, with unexpected urgency, the project had already started. Yesterday two appropriate mechanisms began to circulate from the officialdom to remove – literally – from the map the Argentine port. The first is the law bill that will be presented today (by) the deputy Justicialist Fernando Maurette – with the permission of Chancellor Guido Di Tella – in the Lower House.”

July 21st, Chile's Government lifts the ban on the LanChile flight to the Falklands.

"... "... it is clear that Chile's attitude of support to the Argentine position has been a very decisive element in the agreement reached," said Foreign Minister Gabriel Valdés...”

July 22nd, the South-West Atlantic Hydrocarbons Commission holds its 7th meeting in Buenos Aires.

August 7th, the first renewed LanChile flight into Mount Pleasant Airport has 40 journalists on board.

“The attitude of many was hostile, arrogant and intrusive and they produced some of the most malicious journalism the Newsletter has ever seen. Those Islanders known to oppose the recent agreement were targeted, and the Argentines gloated over the divisions in Falklands society that it had caused. ... La Nacion was unusually aggressive. Its reporter, Diego Perez Andrade, had been a Telam journalist during the '82 war.”

August 15th, the reporter from Argentina's Clarin newspaper writes of their departure from the Islands.

“Some 50 kelpers yesterday cut the road connecting the city with the airport of Mount Pleasant and attacked kicks and punches the micro carrying the Argentine contingent, which was the most serious incident of the visit. The kelpers, who mobilized some thirty trucks, were upset by the presence of Argentine and news of government plans for President Carlos Menem visit the islands on October 16...”

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531 New York Times July 31, 1999. There appears to have been another unwritten agreement that high-profile visits would not take place without a prior invitation from the Falkland Islands Government.
532 Bullrich 2000 p.228
533 Clarin July 16, 1999. the question, part of the agreement, appears to have been deferred until after the following election in October, 1999. Never again resurrected despite the accord.
534 La Nacion July 16, 1999
535 Falkland islands Newsletter October, 1999
August 24th, in response to an Argentine request that a permanent Argentine/British Parliamentary Commission be set up to deal with any issues following the latest agreement, Foreign Secretary Robin Cook declines, stating that the existing friendship group, headed by Tom Cox MP, should be quite sufficient.

September 2nd, an ad hoc meeting of the South Atlantic Fisheries Commission is held in Madrid.

September 5th, Argentina's Federacion Nacional de Veteranos de Guerra de Malvinas, at a congress in Sala, resolve not to return to the Falklands if they have to show their passports.

The New York Times reports.

"... the agreement has not turned out to be everything Mr. Menem had hoped. His hand-picked Vice President, Carlos Ruckauf, has sharply criticized the pact for obliging visiting Argentines to carry passports, an explicit recognition that the archipelago is foreign soil and not Argentine, as stated in the Constitution. ... There have been several small but nasty demonstrations against the agreement, including one in which a few hundred islanders burned an Argentine flag and threw stones at the house of a local official who supported the negotiations that produced the agreement. ... the British Governor on the islands gave an interview to Clarin that warned high-placed Argentines to stay away. "The atmosphere in the islands is such that it would be asking for problems and hostility toward the visitors," the Governor, Donald Lamont, said. "I don't want to sound negative, but there are people with very strong opinions." Councilor Mike Summers, who was one of two Falkland representatives who helped negotiate the agreement, told an Argentine radio station that Mr. Di Tella and Miss Menem ought to postpone their visits, because, "there are still angry feelings in the Falklands toward the Argentines.""

September 10th, at the UN, the Special Committee on Decolonization publishes its report for 1999.

"The Special Committee should continue to encourage the resumption of negotiations between the Governments of Argentina and the United Kingdom, aiming at finding a solution to the question of the Falkland Islands (Malvinas) and taking into consideration the interests of the population of the Territory, in accordance with the relevant United Nations resolutions and decisions."

However, there is no recommendation within the report that the General Assembly adopt the Committee's Falklands resolution of July. 536

# Researcher's Comment: Ever since its creation, the Special Committee on Decolonization prepared an annual report which it transmitted to the General Assembly (GA) via the Secretary-General. Acting on instructions from the GA, between 1982 and 1989 the Secretary-General added his own report before sending both to the GA. However, without a specific mandate after 1988, the Secretary-General's reports ceased while the Committee continued to inform the GA of its work. Between 1998 and 1999, there was a notable change to the format of the Committee's report. Up to, and including 1998, the Committee noted its decisions and resolutions for the various territories and either recommended their resolution for adoption by the General Assembly, or – as in the case of the Falklands – merely published the resolution in its entirety.

The 1999 report was different, containing a separate section specifically entitled 'Recommendations' in which the Committee listed those resolutions and decisions that it wished to see adopted by the General Assembly. In 1999, every Special Committee resolution of that year was listed with a recommendation for adoption by the GA except that of the Falkland Islands. The committee's Falklands resolution was published in the report before the

recommendations section. The implications should be obvious; that the attention the Special Committee gives to the issue of the Falkland Islands during its hearings is merely a placebo as it has no intention of recommending its resolution to the General Assembly of the United Nations.

**September 11th**, *La Nacion* describes Robin Cook’s response regarding the friendship group as effectively giving the go-ahead for sovereignty discussions; an assertion promptly denied by the London.

**September 21st**, at the opening of a new session of the UN, President Menem tells the General Assembly that he is convinced the conditions exist for Argentina and Britain to begin a dialogue towards a definitive solution of the sovereignty dispute. 537

**September 22nd**, the UK responds.

> “Representatives of the Territory had asked the Special Committee on decolonization to recognize that they, like other democratic people, were entitled to exercise the right of self-determination and reiterated that the people … did not want to be part of Argentina.”

**October 5th**, the UN’s Fourth Committee reviews the report of the Special Committee on Decolonization. Cuba and Uruguay make passing mention of the Falkland Islands, to which, exercising a right of reply, the UK’s representative tells the Committee that her Government’s position is well known.

**October 13th**, in a letter to the UN, responding to Britain’s response of September 22nd, Argentina rejects; “... the terms of the letter of the United Kingdom regarding the claim that the ‘wishes’ of the inhabitants of the Malvinas should be respected. The Argentine Republic has repeatedly proven its commitment to protect the ‘interests’ of the islanders.”

Ex-Foreign Minister Guido di Tella visits the Falkland Islands as a tourist. His replacement, Adalberto Giavarini, complains that his predecessor is recognising the rights of the Islanders by producing his passport for stamping.

**November 25th**, the South Atlantic Fisheries Commission holds its 16th meeting in Buenos Aires.

In **December**, Foreign Office Minister Battle speaks to the House of Commons.

> “A number of the measures set out in the British-Argentine Joint Statement of 14 July have already been implemented. The Falkland Islands Government have admitted Argentine passport-holders to the Falklands since July. All deadlines have been met to restore air links between the Falklands and South America and to introduce measures to combat the common menace of poaching of fish stocks. We continue to consolidate progress on the remaining issues. We are working with Argentina on a Memorandum of Understanding on the terms of a study to determine the cost and feasibility of removing the remaining land mines from the Falklands. Both sides continue to work towards a multilateral arrangement to regulate fishing in the high seas of the South-West Atlantic.

An Argentine architect has recently visited the Falklands to discuss proposals for construction of a memorial at the Argentine cemetery there. The Argentine Government are committed to review their use of Falklands place names. None of these developments affect our commitment to defend the Islanders' right to determine their own future. The sovereignty of the Falkland Islands is not for negotiation.”

An Argentine film crew arrive covertly in the Falklands to film encounters with Islanders who are not informed as to their true purpose. Directed by Jose Luis Margues, the movie is called ‘Fuckland’.

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537 UN Yearbook 1999
“Fuckland's plot is simple: since Argentina can't get the islands back by force or persuasion – as tried by ex-President Menem's foreign minister Guido di Tella – Stratas has gone to inseminate the local females with Argentine genes. In a rare attempt at humour, the Economist once suggested sending Argentine women to the islands to out-breed the locals; Marques sees his film as more Argentine, a study of penetrative conquest. “The film is about the Argentine desire to make conquests with no sense of morality,” he says. Throughout their continent, Argentines are viewed as the most arrogant of Latin Americans.”

December 6th

December 6th, at the UN, the General Assembly defers the question of the Falklands for another year.

December 10th

December 10th, Argentina's new President, Fernando de la Rua, is sworn into office.

December 21st

On the same day, the South-West Atlantic Hydrocarbons Commission holds its 6th meeting in London.

December 24th

December 24th, in his Christmas Message to the Falkland islands, Tony Blair tells the Islanders.

“This has been an eventful year for the Falkland Islands. Earlier this year, your Legislative Council asked us to begin a new dialogue with Argentina to discuss some issues of importance to you. Councillors have played a significant part in this process and approved the joint statement that was signed on 14 July here in London by Robin Cook and Guido Di Tella. I want to pay tribute to their vision and determination. I believe they are pursuing a policy that is in the best interest of the Falkland Islands. Air links with South America have been re-established. Cooperation has been strengthened with Argentina to conserve fish stocks in the South West Atlantic. These are important achievements. They show that we can manage our differences with Argentina and still make progress on practical issues. As part of that July agreement, Councillors also lifted a ban which had been in place for almost two decades on Argentine passport holders visiting the Islands. I know that this was not an easy decision, but I am convinced that it was the right thing to do. The Argentine people now have the opportunity to see the Islands for what they are, to meet you, see how you live and to understand the essential Britishness of the Falkland Islands.”

A complicated period to sum up. On the one hand there's the process of reconstruction and consideration of the archipelago's future. On the other is the UK's brick-wall of resistance to further negotiations regarding sovereignty. And then there is 1989 and 1990. That deal was important and remains so thirty years later but there are a lot of unknowns. The Chicago Tribune report of October, 1989 referring to the question of sovereignty being put off 'indefinitely.' The small leak in 2010 that said - “All C24 resolutions on UK OTs reach the UNGA, except that on the Falklands (a position agreed by the UK and Argentina since the resumption of bilateral relations in 1989/90).” Obscure comments from the General Assembly. Hints that some deal was done which ensured that there would be no future negotiations on sovereignty and which, somehow, tied the hands of Argentina, its supporters and the UN. But not enough evidence to pin anything down in any detail. No evidence, except years of UN GA silence on the question of the Falklands. No new UN GA resolution. No member State asking for the situation to be discussed in the GA. Nothing but the machinations of the sub-sub-Committee

538 Falklands Girls Are Easy Chris Moss Guardian newspaper September 18, 2000. Starring Argentine actor Fabian Stratas and British actress Camilla Heaney, the movie was released in August, 2000. Not well received in the islands, or by critics, the British actress would later claim to have been duped. See also Everyday invasions: Fuckland, geopolitics, and the (re)production of insecurity in the Falkland Islands Mathew Benwell & Alasdair Pinkerton 2020

539 See 1989
known as the Special Committee on Decolonization which adopts a Falklands resolution every year but the fails to recommend it for adoption by the General Assembly.

Whatever the deal (some call it a gentleman's agreement) was, it has had carried some weight for three decades. If a week is a long time in politics; that's one fascinating agreement. Perhaps one day we will find out the details.

Paper 14 looks at the period following these years of calm; the resulting frustration among the Peronist faction within Argentine politics and their reactions on regaining power.