

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 by Roger Lorton ¹

Paper 10²

1960 – 1971 Decolonization & Rights

“It is for the Islanders to determine what their ultimate constitutional status should be.”³



With the Antarctic question safely tucked away, Britain could breathe a little easier. Threats to its Antarctic and sub-Antarctic territories nullified. However, that still left the Falkland Islands, South Georgia and the South Sandwich Islands. To these Argentina would now turn its full attention, and in the United Nations, Buenos Aires saw an opportunity. Enlarged, as it was becoming, with newly independent States, the UN was keen to pressure the United Kingdom into abandoning the last vestiges of Empire.

This paper considers the processes of decolonization as seen through the prism of the United Nations in its formative years. In particular, the slow development of the right of self-determination for those non-self-governing territories listed by the organization and the events that led up to UN calls for Anglo-Argentine negotiations in 1965. Decolonization and self-determination or, perhaps, decolonization versus self-determination.

1960 – a documentary, *Islands of the Sea*, is filmed on the Falkland Islands. ⁴

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

“Argentina at present occupies nine and Chile four bases in the Falkland Islands Dependencies. Both Governments have also erected navigational beacons and refuge huts in the area. Her Majesty's Government made formal protests when each installation was set up. The Antarctic Treaty signed in Washington on 1st December, 1959, on behalf of twelve nations, including the United Kingdom, Argentina and Chile, provides for the maintenance of the legal status quo as regards territory. The Treaty, when ratified, will ensure that United Kingdom sovereignty in the Antarctic is fully safeguarded.” ⁵

May 31st, the United Kingdom ratifies the Antarctic Treaty, with little opposition from Parliament. ⁶

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 LL.B(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. **NB.** These papers concern the disputes surrounding the Falklands. The full research can be found here – <https://falklandstimeline.wordpress.com/>

2 Citation = Lorton, Roger. *Falklands Wars: Timeline History of the Falkland Islands*. Wordpress 2011 Paper 10

3 British representative to *Sub-Committee III* of the *Special Committee on Decolonization* September 8, 1964.

4 An Academy Award Nominee

5 *HC Deb 02 March 1960 vol.618 c1220*

6 However, the process of ratification met substantial resistance in both Chile and Argentina

September 20th, newly independent States are admitted as members to the United Nations.

*“... 17 new independent states (16 in Africa plus Cyprus) were admitted as members of the UN on a single day (20 September 1960). That began a transformation of the UN, and the new members were keen to extend the benefits of independence to the remaining colonial territories.”*⁷

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

*“The States that set up the United Nations founded its Charter upon the lofty and humane ideals of equality of rights and the self-determination of nations and peoples. Born in the period of victorious conclusion of the Second World War, the United Nations embodied hopes that the inequality and enslavement of some nations and peoples by others would disappear along with the barbarity and criminal acts of fascism and militarism. But not all the hopes of the peoples came true. Still unsolved is a vital problem of our time: the complete liberation of mankind from the shameful colonial regimes inherited from the past.”*⁸

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

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

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

Indonesia's Representative speaks before the meeting.

*“... it is a matter of great importance to us that this declaration is designed to prevent any attempt aimed at the partial or total disruption of the national unity or territorial integrity of a country. It emphatically declares in paragraphs 4, 6 and 7 that the integrity of the national territories of peoples which have attained independence shall be respected.”*⁹

The Soviet delegate states, with regard to a proposed paragraph on 'territorial integrity' that; *“.. no attempt should be made to raise private claims and reservations to the level of a general principle **restricting** the inalienable right of every people to self-determination.”*¹⁰

7 *Falklands Facts and Fallacies: The Falkland Islands in History and International Law* Graham Pascoe 2020 p.289

8 *Declaration on the Grant of Independence to Colonial Countries and Peoples submitted by Mr. N. S. Khrushchev, Chairman of the Council of Ministers of the USSR September 23, 1960 – UN Document A/4502*. See – <https://falklandstimeline.files.wordpress.com/2021/04/declaration-on-the-grant-of-independence-to-colonial-countries-and-peoples-submitted-by-mr.-n.-s.-khrushchev.-un-document-a4502.pdf>

9 *A/PV.936 para.55*

10 *CO 936/879 Sankey to Jerome 21.1.64* My emphasis.

On the same day, a draft-resolution is introduced by Cambodia on behalf of 26 African and Asian nations.¹¹ Guatemala attempts to amend the draft by the addition of a new paragraph.

“The principle of the self-determination of peoples may in no case impair the right of territorial integrity of any State or its right to the recovery of territory.”

This amendment is rejected.

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

*“... paragraph (6) was not considered by most speakers to be a key paragraph; most emphasised 2 (right to self-determination), 3 (inadequacy of preparation should never serve as a pretext for delaying independence) and 5 (immediate steps should be taken to transfer all powers to the peoples of the territory)’. The allusion to territorial integrity had only appeared in the final draft partly as a result of the Congo civil war and the attempted secession of Katanga (which independent African states opposed) and partly due to Indonesia's hostility to the Dutch presence in West Irian. However, when Guatemala tabled an amendment to include a categorical affirmation to the effect that “the principle of self-determination of peoples may in no case impair the right of territorial integrity of any state or its right to the recovery of territory”, the 43 Afro-Asian sponsors of the draft Declaration **refused** to endorse it...”¹²*

“It is significant that the wording of the African-Asian draft Colonial Declaration was adopted by the General Assembly without a single vote of dissent; even the European colonial powers abstained rather than vote against it. However, in the days before the final vote, a proposed amendment to the draft by Guatemala threatened to derail the consensus. ... Guatemala was concerned that paragraph 6, as drafted, placed insufficient restrictions on the exercise of self-determination in territories that were the subject of dispute or litigation. ... In any event, the Guatemalan amendment received little support in the General Assembly.”¹³

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

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

Declares that:

- 1. The subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and co-operation.*
- 2. All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.*
- 3. Inadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying independence.*

11 Number of sponsors eventually rose to 43. The USSR also sought to amend this, but was voted down.

12 *The Genesis of the Falklands (Malvinas) Conflict* Martin Abel Gonzalez 2014 p.34. My emphasis

13 *Self-determination in Disputed Colonial Territories* Jamie Trinidad 2018

14 See [https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/1514\(XV\)](https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/1514(XV)) cf. *Declaration on the Granting of Independence to Colonial Countries and Peoples* E. McWhinney 1960

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

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

6. Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations.¹⁵

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

Eight-nine nations vote in favour. Nine abstain. There are no votes against.

Researcher's Comment: While the abstainers were, for the most part, the old colonial powers, there is little doubt that the admission of 16 new 'decolonized' nations in 1955, and a further 17 in 1960, facilitated the passing of this resolution. As is clear from the lack of past tenses, 1514 has no retrospective effect.

“.., we have never regarded Resolution 1514 as binding on us. Indeed, our reservations on Resolution 1514, which Mr. Ormsby-Gore (as he was then) expressed on 14th December, 1960, obliged us to abstain in the vote for its adoption. ...The Argentine case rests essentially on the reference to territorial integrity in para. 6 of Resolution 1514 (XV). The Spanish interpretation of this paragraph, shared by the Argentine and by Guatemala, and indeed by many of the Latin American supporters, constitutes in each instance the keystone of their case at the UN for pressing their respective territorial claims. But it is one which we have always rejected. We regard paragraph 6 of Resolution 1514 as referring only to the territorial integrity of colonial territories. The paragraph ... is in our view irrelevant to territorial claims by long-established sovereign states, which themselves fall clearly outside the general purview of Resolution 1514, addressed to "colonial countries and peoples."..”¹⁶

“The term 'territorial integrity,' as used in paragraph 6 of Resolution 1514 (XV), referred to the wholeness and indivisibility of territories which had been administered as a single unit ... to be distinguished from the principle of geographic integrity, which applied to adjacent areas, or areas apparently forming part of a single geographical unit. The latter meaning had clearly never been intended in Resolution 1514 (XV), since that would have meant that almost any colonial Territory could have become subject to a claim by an immediate neighbour.”¹⁷

“The ICJ has implicitly approved of a GA decision deferring its own effect, but has denied any retroactive effect to both GA and SC decisions.”¹⁸

15 Clarified by the International Court of Justice in 2019. See below.

16 *UK Mission to the United Nations (Shaw) to FCO (Diggins) January 22, 1969* in FCO 7/1080 at 186. Following *Advisory Opinion of the International Court of Justice regarding the Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965* February 25, 2019, this appears to be the correct interpretation. See below.

17 *The Right of Self-Determination in Very Small Places* Thomas M Franck & Paul Hoffman 1976

18 *The Legal Effects of Resolutions of the UN Security Council and General Assembly in the Jurisprudence of the ICJ* Marko Divac Öberg in *European Journal of International Law*, Volume 16, Issue 5, November 1, 2005 pp.879 – 906

*“The wording forbids present and future actions to break up colonies and does not refer to the past. It certainly does not cover “recovery of territory,” based on claims about nineteenth century history.”*¹⁹

*“Resolutions 1514 and 2625, as well as the ICCPR and the ICESCR, refer to ‘all peoples’ as right-holders. ... In the context of decolonization, the peoples of mandated territories, trusteeship territories, and NSGTs have been recognized as holders of the right.”*²⁰

*“With regard to external self-determination, academic and judicial determinations have held the right to self-determination as having the status of an erga omnes right, a legal obligation which all states have a legal interest in protecting.”*²¹

*“... ambiguity in the drafting and subsequent interpretation of paragraph 6 has generated uncertainty regarding the role of territorial integrity as a limit on self-determination in the decolonization process, ... This ambiguity has arguably created space for a range of ‘irredentist’ interpretations of paragraph 6, the most far-reaching of which hold that paragraph 6 can be invoked to justify the subversion of present day territorial sovereignty over a Non-Self-Governing Territory in favour of a ‘reintegration’ claim by a neighbouring State, grounded on the existence of pre-colonial ties between the irredentist State and the Non-Self-Governing Territory in question.”*²²

*“153. The wording used in resolution 1514 (XV) has a normative character, in so far as it affirms that “[a]ll peoples have the right to self-determination”. ... In order to prevent any dismemberment of **non-self-governing territories**, paragraph 6 of resolution 1514 (XV) provides that: “Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations.” ...*

*160. The Court recalls that the right to self-determination of the people concerned is defined by reference to the entirety of a non-self-governing territory, as stated in the aforementioned paragraph 6 of resolution 1514 (XV) (see paragraph 153 above). Both State practice and opinio juris at the relevant time confirm the customary law character of the right to territorial integrity of a non-self-governing territory as a corollary of the right to self-determination. ... The Court considers that the peoples of non-self-governing territories are entitled to exercise their right to self-determination in relation to their territory as a whole, the integrity of which must be respected by the administering Power. It follows that any detachment by the administering Power of part of a non-self-governing territory, unless based on the freely expressed and genuine will of the people of the territory concerned, is contrary to the right to self-determination”*²³

“(Paragraph 6) deals with the important question of the integrity of the national territory of dependent peoples. Territorial integrity is addressed four times in 1514. The last preambular paragraph speaks of the inalienable right that all peoples have to the integrity of their national territory. The fourth paragraph requires that colonial States respect the integrity of the national territory of dependent peoples. Paragraph 6 goes a step further by declaring that an attempt by an administering Power to dismember partially or totally the national unity and territorial integrity of a country is incompatible with the purposes and principles of the

¹⁹ *The United Nations, Self-Determination and the Falkland Islands* Prof. Peter Willetts 2013 (published on the South Atlantic Council website). See also A/L325 in *General Assembly Fifteenth Session Official Records, ... Agenda Item 87*

²⁰ *Does the Population of the Falkland Islands (Malvinas) really have the right to Self-Determination.*” Fabian Raimondo 2014, first published in the *Hague Yearbook of International Law* 2014 vol.27

²¹ *Uti Possidetis: The Procrustean Bed of International Law?* M. Wesley 2017

²² Trinidad 2018 p.23

²³ *Advisory Opinion of the International Court of Justice regarding the Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965* February 25, 2019. My emphasis. See <https://www.icj-cij.org/files/case-related/169/169-20190225-01-00-EN.pdf>

*Charter. This paragraph incorporates a very serious and solemn declaration. The fourth reference to territorial integrity is in paragraph 7, which calls for respect for the sovereign rights of all peoples and their territorial integrity. The relevance of this paragraph to this case is that it clarifies that the unit for self-determination for colonial peoples is their territory in its entirety..”*²⁴

*“In its (Chagos) Advisory Opinion, ... the ICJ was convinced that, both in terms of its content and the circumstances of its adoption, resolution 1514 had ‘a declaratory character with regard to self-determination as a customary norm’, which was reflected in its key provisions. The Court also arrived at the conclusion that the subject of the right to self-determination – the ‘people’ concerned – was to be defined by reference to a NSGT as a whole and the customary right to territorial integrity was the corollary of the wider entitlement to self-determination, by virtue of paragraph 6 of the Colonial Declaration.”*²⁵

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

Article 28. NON-RETROACTIVITY OF TREATIES

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

*The non-retroactive principle has also been confirmed in several judgements of the International Court of Justice, for example in the Lockerbie Case of 1998 and the Genocide Case in 2003. It is therefore abundantly clear that paragraph 6 of Resolution 1514 cannot apply to any events that took place before 1960, so it does not apply to Britain’s actions in 1833.”*²⁶

December 15th, also passed by the General Assembly, resolution 1541 announces the *Principles which should guide Members in Determining whether or not an obligation exists to transmit the information called for under Article 73e of the Charter.*²⁷

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

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

*Principle VI: A Non-Self Governing Territory can be said to have reached a full measure of self-government by - (a) Emergence as a sovereign independent State; (b) Free association with an independent State; or (c) Integration with an independent State.”*²⁸

²⁴ *Separate Opinion of Judge Robinson in Advisory Opinion of the International Court of Justice regarding the Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965* February 25, 2019.

²⁵ *Self-determination, the Chagos Advisory Opinion and the Chagossians* Stephen Allen 2010 in *International & Comparative Law Quarterly* 2020

²⁶ Pascoe 2020 p.292

²⁷ See [https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/1541\(XV\)](https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/1541(XV))

²⁸ Free association was only available to British territories up until the Anguilla crisis of 1967; after which the UK decided that the arrangement was too fraught with difficulties. These three, remain the basic criteria for the United Nations, despite a fourth option being added by Resolution 2625(XXV) in 1970. *cf.* 1967 & 1970.

“... as far as the UN is concerned, Principle VI of the Annex to Resolution 1541 (xv) sets out three alternative courses of decolonisation, of which integration with a sovereign independent state is only one. In any case, according to Principle IX of the same resolution such integration "should be the result of the freely expressed wishes of the territory's peoples, acting with full knowledge of the change in their status, their wishes having been expressed through informed and democratic processes impartially conducted and based on universal adult suffrage"..."²⁹

“Resolution 1541 is just as important to the Falklands as is the Decolonisation Declaration. It specifies that the Falklands must remain on the agenda of the Decolonisation Committee until one of the three options has been chosen and implemented. It also specified that no option will be valid, unless it is freely chosen by the people of the Falklands. This means that even if some future British government were to agree to hand the Falklands over to Argentina the Falkland Islanders would still have the right to say yes or no to the integration option. The very fact of being on the agenda of the Decolonisation Committee each year is the strongest possible evidence that the Falkland Islanders do have the right to self-determination.”³⁰

“Is the population of the Falklands/Malvinas distinct ethnically or culturally from the UK? ... As stated on the website of the Falkland Islands Government, the heart of the community is predominantly of British descent. The UK's government itself reconfirms this fact. In the light of this data, the population of the Islands is certainly not distinct ethnically or culturally from the administering power and, therefore, it would not qualify as a NSGT entitled to self-determination, on the basis of resolution 1541.”³¹

“... the General Assembly passed Resolution 1541 (XV), which like 1514 has central relevance to the Falklands: Resolutions 1514 and 1541 state definitively that the peoples of all non-self-governing territories have the right to self-determination, and the UN includes the Falklands on its list of non-self-governing territories, the "Chapter XI territories" (i.e. those covered by Chapter XI of the UN Charter), thus expressly confirming that they are covered by resolutions 1514 and 1541. Those Resolutions, together with 2625, rule out Argentina's aim of taking over the Falklands, but Argentina misuses the first Resolution and disregards the others.”³²

Researcher's Comment: In many ways as important as 1514, Argentina studiously ignores resolution 1541. In an 11 volume work covering Argentine activity at the United Nations between 1983 and 2008 - *Malvinas, Georgias, y Sandwich del Sur: Diplomacia Argentina en Naciones Unidas* – there is not a single mention of it. Not on a single one of its near 5000 pages.

“The constant suppression of any mention of UN Resolution 1541 in Argentine works ... is a blatant distortion of history and of the legal situation. The reason for that omission is clear: 1541 enshrines the "wishes" of the Falkland Islanders as paramount in discussions of the future of the Falklands, and hence destroys Argentina's case.”³³

29 Shaw to Diggins (1969) in FCO 7/1080. A discussion regarding a 1969 article in which it was claimed that the only possible way to decolonise the islands was by; “... returning them to the Argentine Republic,” (integration).

30 Willetts 2013. Original emphasis. Resolution 2625 (1970) added a fourth option.

31 Raimondo 2014. It should be noted that this principle is concerned with the transmission of information from an Administering Power to the United Nations. Not about the applicability of the right of self-determination.

32 Pascoe 2020 p.290

33 *Ibid.* p.297

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

*“President Arturo Frondizi flew by helicopter to Antarctica. From the Argentine Base on Deception Island he once again proclaimed to the world Argentina’s inalienable rights to Antarctic sovereignty.”*³⁴

March 13th, in *La Prensa* newspaper, Argentine diplomat, Dr. Alberto Candiotti, argues against ratification of the Antarctic Treaty.³⁵

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

Redundant whalers, *Southern Spray* and *Southern Chief*, are scuttled off Stromness Bay, South Georgia.

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

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

*“... the legitimate claim of our province on the Argentine Antarctic Sector is based on the effective and uninterrupted occupation exercised by the national State since 1904, consolidating itself with exploration, scientific and technological activities, highlighting the First Testimony of Sovereignty signed on December 5, 1954. As previously noted, in 1957 the creation of the national territory of Tierra del Fuego, Antarctica and the South Atlantic Islands took place. At the international level, midway through the second decade of the 1950s, the international scientific community proposed the celebration of the Third Polar Year, which in fact became the International Geophysical Year (1957–1958). Within it, all states claiming rights on the Antarctic continent allowed free access for scientists of any nationality, as well as the unrestricted exchange of research results. In a favorable climate of cooperation, the Antarctic Treaty was signed in Washington on December 1, 1959, Argentina being a signatory State. The treaty entered into force on June 23, 1961. It is significant that the Treaty arises from the need to reach a compromise on the territorial differences raised, as well as seeking adequate protection from the fragile Antarctic environment. ... Article 4 of said treaty establishes that "no provision of the same would be understood" ... as a waiver, by any of the contracting parties, to their rights of territorial sovereignty or to the territorial claims in Antarctica, which it would have previously asserted... ”.*³⁶

*“The Australians had also dragged their feet over ratification due to fears, similar to those in South America, that the Treaty represented a surrender of national interests...”*³⁷

“At the heart of the Antarctic Treaty, which entered into force in June 1961, were three core principles: the region should be a zone of peace; international scientific collaboration was to be encouraged; and the existing sovereignty disputes should be put on hold in favour of general cooperation and confidence building through the free exchange of information and a right to inspect each other’s scientific stations. The resource potential of the Antarctic was not discussed in the treaty, and this omission unquestionably helped to secure overall

34 *Reluctant collaborators: Argentina and Chile in Antarctica during the International Geophysical Year, 1957–58* A. J. Howkins 2008 in *Journal of Historical Geography* 34 (2008) 596–617. Bibliography reference – Howkins 2008 (2)

35 See also *Nuestra Antártida no es tierra conquistada ni anexada. El Tratado Antártico no debe ratificarse* Alberto M. Candiotti 1960

36 Argentine Congress August 3, 2006 *Document 4302-D-06*. cf. 1991

37 *Frozen Empires: A history of the Antarctic sovereignty dispute between Britain, Argentina, and Chile, 1939 – 1959* A. J. Howkins 2008. Bibliography reference – Howkins 2008 (1)

consensus, given the disputes over ownership of territory and resources. Scientific diplomacy loomed large, and it was hoped that signatories (and those who joined later) would embrace the spirit and purpose of the treaty, with its underlying commitment to peaceful coexistence.”³⁸

November 27th, UN resolution 1654 (XVI) establishes a Special Committee of 17 members with a mandate to consider implementation of resolution 1514. Full name is to be – '*Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.*'³⁹

Membership consists of Australia, Cambodia, Ethiopia, India, Italy, Madagascar, Mali, Poland, Syria, Tanganyika, the USSR, the UK, the USA, Uruguay, Venezuela and Yugoslavia.⁴⁰

“... an international lobby for absolute independence regardless of the consequences...”⁴¹

1962 – March 3rd, in an administrative re-organisation, the British territorial area subject to the Antarctic Treaty is separated from the other Falklands Dependencies and renamed the '*British Antarctic Territory*'.



The new territory is to be administered by a High Commissioner.⁴²

“We are not in any way seeking to extend our territory but to rename and divide a particular part of it, the reason being that our Antarctic territory bore previously a name derived from the disputed area outside the Treaty area. We thought it better to change it in the interests of general agreement and working together in the area.”⁴³

“Britain’s Antarctic Treaty Order of 3 March 1962 laid out the country’s entrance into the AT regime and at the same time reaffirmed the validity of its territorial claims on the British Antarctic sector, but this was mainly an attempt to divide the sector’s administration from that of the Falkland Islands, which further embittered

38 Britain and the British Antarctic Territory in the wider geopolitics of the Antarctic and the Southern Ocean Klaus Dodds & Alan D. Hemmings 2013 in *International Affairs* 89: 6 (2013) 1429–1444

39 Special Committee on Decolonization. Informally known as the C24 following its enlargement in December, 1962. As of 2019, the Committee would become, officially, the Special Committee. cf. December, 1962

40 See [https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/1654\(XVI\)](https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/1654(XVI))

41 *The Participation of Micro-States in International Affairs* Professor Roger Fisher 1968

42 Later a Commissioner.

43 Reginald Maudling to the House of Commons in *HC Deb 13 March 1962 vol.655 cc1108-9*. The British Antarctic Territory consists of that segment of the Antarctic continent lying south of latitude 60°S and between longitudes 20° and 80°W. It comprises the Antarctic Peninsula with all adjacent islands, the South Orkney and South Shetland Islands and the Weddell Sea, as well as the landmass extending to the South Pole.

relations with Argentina. Thus the formerly titled Falkland Islands Dependency (FID) became the BAT and its administration was assigned to the BAS (formerly known as the FID Survey).”⁴⁴

“The entry into force of the Antarctic Treaty had implications for the UK’s administration of its most southerly colonial territories. The FID (Falkland Islands Dependencies) were, in effect, broken up, and the territories below the Antarctic Treaty’s zone of application (south of 60°S) were separated from the SGSSI (South Georgia South Sandwich Islands). Created in March 1962 in the aftermath of the dissolution of the FID, the BAT remains by far the UK’s largest overseas territory in terms of geographical area (over 660,000 square miles). It comprises the region south of 60°S, encompassing the territory between longitudes 20°W and 80°W.”⁴⁵

Chilean newspapers urge their Government to protest.

March 22nd, Britain’s Prince Phillip, Duke of Edinburgh, arrives in Buenos Aires for a short visit. He is greeted by Argentina’s President, Arturo Frondizi.⁴⁶

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

December 17th, UN GA resolution 1810 (XVIII) enlarges its Decolonization Committee to 24 members.⁴⁷

“In terms of membership, the balance was now clearly tipped against the colonial powers, with the Afro-Asian bloc controlling half of the seats and four others reserved for Eastern European countries. Furthermore, the new committee’s competence included the examination of the political situation in each non-self governing territory and the making of recommendations for the early attainment of independence.”⁴⁸

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

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

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

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

That paragraph lays down that “all powers” shall be transferred to the peoples of “Trust and Non-Self-Governing Territories or all other territories which have not yet attained independence” (thus including the Falklands), and that it shall occur “without any conditions or reservations, in accordance with their freely expressed will and desire” – ... paragraph 5 of Resolution 1514 unambiguously gives Falkland Islanders the full right of external self-determination and rules out an Argentine takeover of the islands. In referring specifically

44 *On thick ice: scientific internationalism and Antarctic affairs, 1957-1980* Turchetti, Naylor, Dean & Siegert 2008

45 Dodds K. & Hemmings A. D. 2013

46 The visit was a part of a 54-day, 11 nation, tour of South America.

47 Although numbers have since changed again, the Committee is still widely known as the C24. See [https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/1810\(XVII\)](https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/1810(XVII))

48 Gonzalez 2014 p.34

to that paragraph two years later in Resolution 1810, which increased the membership of the Special Committee to 24, the UN General Assembly expressly confirmed the direction in which the C24 was to go. Sadly, in the case of the Falklands it has actually gone in the opposite direction.”⁴⁹

1963 – in **January**, redundant whale catchers *Stora* and *Southern Star* are scuttled off South Georgia.

July 31st, following a claim by Portugal that its colonies were both overseas territories and part of Portugal’s metropolitan area, the UN Security Council pass SC resolution 180 (1963). Portugal’s act is deemed contrary to the UN Charter principles. The SC confirms UN GA resolution 1514 (XV).⁵⁰

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

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

“Once regarded as a natural leader of South America, Argentina found herself, following the collapse of the Peronist experiment, a prey to political instability and economic stagnation. “Las Malvinas” appealed to her politicians as a tempting battle-cry calculated both to rally nationalist sentiment and to win “anti-colonialist” sympathy throughout Latin America and the Third World. In 1963, the government of President Illia decided to press its claim through the United Nations and ... the Falkland Islands was made a major target for Argentine diplomacy and internal propaganda.”⁵¹

November 29th, Britain's Embassy in Buenos Aires raises its fears of an Argentine attack in a letter to London.

“The islands are less than a day's steaming from the nearest Argentine naval base at Ushuaia. It is a remote spot and they could quickly and unobtrusively prepare an offensive by a small body of men capable of overcoming resistance from the Islands' population or Voluntary Defence Force;...”⁵²

December 11th, at the United Nations in New York, the Security Council considers a failure to reach agreement on the meaning of self-determination.

“4. Reaffirms the interpretation of self-determination laid down in General Assembly resolution 1514 (XV) as follows: “All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic social and cultural development.”...”⁵³

December 16th, with resolution 1970 (XVIII) the General Assembly expresses its decision to dissolve the 'Committee on Information from Non-Self Governing Territories', requiring instead that the 'Special Committee on Decolonization' study issues with regard to information transmitted under Art. 73e of the Charter by Administering Powers.⁵⁴

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

49 Pascoe 2020 p.298

50 See below.

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

52 CO 1024/433

53 SC resolution 183 (1963). Passed with ten votes for, none against, one abstention – France. See – [https://undocs.org/S/RES/183\(1963\)](https://undocs.org/S/RES/183(1963))

54 See [https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/1970\(XVIII\)](https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/1970(XVIII))

1964 – February 25th, at the first annual meeting of the UN’s Special Committee on Decolonization (C24), Carlos María Velázquez, Uruguay’s Ambassador to the UN, is voted in as First Vice-Chairman. A decision is made to form three sub-committees to consider the list of non-self-governing territories. The Falkland Islands NSGT falls under Sub-committee III, chaired by the First Vice-Chairman.

*“(Velázquez was) ... a strong supporter of Argentina’s claim. On 25 February 1964, ... the Committee decided to divide the non-self-governing territories into three groups, with a special Sub-Committee of the C24 responsible for each; the territories in the Americas fell under Sub-Committee III. And the chairman of Sub-Committee III was none other than Carlos María Velázquez.”*⁵⁵

Representatives of the Administrating Powers are restricted to full membership of only **one** sub-committee.

*“In the case of the Falklands, ..., this apparently inconsequential bureaucratic reorganisation has a series of significant political effects, contributing to a structuring of the discussions in Argentina’s favour. To begin with, the reform led to Britain’s loss of full membership in the subcommittees... the Afro-Asian majority decided that administering powers could only be members of one subcommittee, while they would be invited to participate without a vote in the rest. ... The lack of full membership did have two important negative effects on Britain’s position on Subcommittee III, where the Falklands came to be discussed: on a symbolic level, it put the Argentine delegate on an equal footing with that of the administering power; procedurally, it deprived the British delegate of the right to participate in the private caucuses that would be held to consider the conclusions and recommendations drafted by the subcommittee’s rapporteur... The committee’s subdivision also magnified the value of (Argentina’s) allies... The regional character of each subcommittee attracted the Latin American members to participate in Subcommittee III... Subcommittee III was thus composed of delegations whose profile made them less menacing for the Argentine position.”*⁵⁶

February 26th, Britain’s Foreign Office recognises that Sub-committee III deliberations are likely to be adverse.

*“If, in the face of our denial of the Argentine claim and our maintenance of the principle of self-determination for the Falklands, the Committee passes an unacceptable resolution favouring the Argentine, we shall simply ignore it, as we have done with other unacceptable resolutions, as an emanation from a non-competent body.”*⁵⁷

March 6th, HMS *Protector* lands a survey party (geologist, zoologist and botanist), supported by Royal Marines, land on Candlemas Island in the South Sandwich group.⁵⁸

March 16th, in the Falkland Islands, two days of elections are held. For the first time, elected councillors hold a majority position in the Legislative Council.

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

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

“I have the pleasure ... to remind you that next September 8, at the Meeting of the 24, the future of our Malvinas Islands shall be considered. The Representatives of the foreign powers, at that act, shall

55 Pascoe 2020 p.299

56 González 2014

57 FO 371/173663 Marnham to Arrowsmith

58 *British Antarctic Survey Scientific Reports No.91*

*consider the problems inherent to colonialism and peoples' self-determination and, in that agenda, the Malvinas Islands shall be included in the British colonies. The Argentine Republic can not and must not accept this decision because Malvinas Islands are a piece of its territory that was seized by force... it is very important – due to the psychological force of this action – to explain to the students of the educational institutions of the country the vicissitudes that the nation is experiencing, under the threat of the definite loss of a piece of its soil.”*⁵⁹

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

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

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

“We place a jealous preoccupation in the defense of territorial sovereignty. We do not aim for anything that is not ours, but we can not yield anything that is owned.”

June 10th, Argentina establishes 'Malvinas Day,' to commemorate the 1829 decree by the Province of Buenos Aires, announcing the Political and Military command over East Falkland Island.⁶⁰

The United Nations 'Convention on the Continental Shelf' of 1959 comes into force.⁶¹

*“... when the Geneva Convention entered into force in June 1964, the Illia government needed to act quickly before the treaty (until then only signed by 22 states) gained recognition as definitive in international law. Boycotting the emerging regime was impractical and irresponsible for a nation that championed the consolidation of world order. An alternative was to strengthen Argentine legislation with the aim of reasserting the sovereignty claim over the whole of the adjacent continental shelf: in August Illia submitted to Congress a draft law that updated and improved Perón's 1946 decree and specifically mentioned Argentina's rights over the Malvinas. Yet it would take more than a piece of domestic legislation to attain an international acceptance of Buenos Aires' maritime jurisdiction.... What was imperative for Argentina was to gain a clear UN recognition of the islands' disputed character...”*⁶²

June 11th, Britain's Mission to the UN is instructed to; *“... persuade the Sub-Committee and the Committee to recognise that it is for the people of the Falkland Islands to determine their constitutional future.”*⁶³

In **July**, at the UN, after intense Argentine lobbying, the question of the Falkland Islands is placed at the top of those items to be considered by Sub-committee III.

*“During this year's sessions, the United Nations commission in charge of studying the situation of the Non-Self-Governing Territories is preparing to consider the problem of the Malvinas Islands. The case, however, is totally outside the competence of that commission. The Malvinas are not a Non-Self-Governing Territory of the British Empire. They are Argentine territory occupied by Great Britain since 1834. ... if there is a commission in the United Nations competent to deal with the situation of a territory never owned by a member state, but seized by force from another member state, that commission, and not that of non-autonomous territories, is the one who must make out the matter.”*⁶⁴

59 Quoted in *Malvinas as an educational policy* Alberto Sileoni 2010

60 *Research Department Memorandum – The Falkland Islands Dispute: Developments from 1965 -1968 (May 3, 1973) Annex 1 in FO 7/3201 attached to 281*

61 See 1950, 1958 & 2016

62 González 2014 p.109

63 *CO 936/816*

64 *Las Islas Malvinas en la Historia* Bonifacio del Carril in *Diario La Nacion* July 26, 1964

“... ensuring that it was discussed before the second round of debates on Gibraltar at the main Committee. This immunised the Argentine case from any collateral damage arising from the re-examination of the controversial Spanish claim.”⁶⁵

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

“This was in effect a decision not to allow self-determination to apply in Africa.”⁶⁶

August 1st, Argentina's Government submits a draft law to Congress asserting sovereign rights over the continental shelf off its Atlantic coastline. Included within this domestic legislation, is the shelf around the Falklands' archipelago.⁶⁷

*“Art. I: Sovereignty of the Nation Argentina extends its territory adjacent to sea to a distance of two hundred nautical miles measured from the line of the lowest tides, except in cases of the gulfs San Matías, Nuevo and San Jorge in which they shall be measured from the line connecting the ends that form their mouth.”*⁶⁸

“It is... absurd to claim that because islands stand on the continental shelf adjacent to a continental coastal state that state has thereby a claim to sovereignty over the islands. Then France could claim the UK.”⁶⁹

August 3rd, the Falklands Legislative Council send a message to the Special Committee on Decolonization.

*“We, ... understand that the Special Committee proposes to discuss the Falkland Islands in September. We accordingly wish to make known to members of the Special Committee the wishes of the people of this colony. We are proud to be citizens of this British Colony which was settled and developed by people from the United Kingdom. We wish to retain and strengthen our link with the United Kingdom and to state in the strongest possible terms that any constitutional association with a foreign power would be completely repugnant to us. ... respectfully request you to arrange for this telegram to be circulated to all members of the Special Committee.”*⁷⁰

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

*“We the Chairman and Members of the Stanley Town Council wish to declare to the Special Committee on colonialism that as free agents and representatives of the people of the capital of the Falkland Islands we have no wish to be ruled by any person or in any manner not of our own choosing. In this tiny but democratic country we realise through our councils the wishes of the people as to the manner in which they live and are governed. Though small in number of population we have created an entity with its own way of life, sound economy, and freedom for all. No solution by imposition without reference to us would be fair or in accordance with the United Nations Declaration that all peoples have the right to self determination.”*⁷¹

65 Gonzalez 2014 p.66

66 Dunnett 1983 p.417

67 In 1999, it would be determined that the archipelago sits on its own micro-plate. See – <https://falklandstimeline.files.wordpress.com/2021/03/geology-of-the-falkland-islands-1999.pdf>

68 This would eventually become Argentine Law 17.094 on December 29, 1966

69 CO 936/910

70 UN Document A/AC.109/102 p.44

71 CO 1024/434 Annex D

August 11th, following a request by the Minister of Foreign Affairs, Dr. Miguel Angel Zavala Ortiz, Argentina's 'Academia Nacional de la Historia de la República Argentina' produces a review of the country's history in relation to the Falklands. ⁷²

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

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

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

c) The peaceful and exclusive occupation of the archipelago by Argentina from 1820 until January 2, 1833, (and) that its authorities were forcibly evicted.” ⁷³

Researcher's Comment: The early history of the archipelago has been dealt with in other papers in this series, but a brief reminder may be useful.

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

b) A confusing argument as Spain recognised British sovereignty at Port Stanley in 1863. Argentina more usually argues that its independence should be dated from 1810. There was no legal continuity after 1810, as the seat of the Viceroyalty moved to Montevideo. A declaration of independence was made in 1816 but no nation State existed before 1860. No claim was made over the Falklands until 1829, by a city, Buenos Aires, acting *ultra vires* (see 1879 & 1882) and immediately protested by the UK. In 1863, Spain finally recognised Argentina as an independent country, but did not possess any part of the Falklands that it could give.

c) Argentina did not occupy the archipelago in 1820. A first successful attempt at occupying East Falkland Island may be dated from 1826, although this was a private business venture by a Hamburg national – Luis Vernet. The Province of Buenos Aires did not make its pretensions public until 1829. Vernet's settlement was broken up by the USA in 1831. A second attempt to impose authority over East Falkland Island in 1832, with troops from Buenos Aires, resulted in that garrison being ejected – peacefully – by the British in January, 1833 following two written protests.

August 19th, Cosmo Dugal Patrick Thomas Haskard is gazetted Governor of the Falkland Islands. ⁷⁴

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

At the beginning of **September**, the merits of Britain opening negotiations with Argentina are discussed within the Foreign Office.

⁷² Published as *Los derechos argentinos sobre las islas Malvinas* 1964. The timing of this request suggests that, on September 9, 1960, Dr. Ruda would base his speech to *Sub-Committee III* of the United Nations on the resulting report.

⁷³ *Malvinas: las causas inmediatas de la Guerra* Mario Meneghini in *La Razon Historica. Revista hispanoamericana de Historia de las Ideas* No.29 2015 p.67

⁷⁴ *The London Gazette* No.43424

*“Offers to enter into talks where there is no real hope of agreement seem to us more likely to end in exacerbating the position rather than calming it.”*⁷⁵

*“The (UN) Mission ... feared that a persistent rejection of talks risked alienating the Western allies, most importantly the United States.”*⁷⁶

September 8th, early in the day, a Buenos Aires radio station, *Radio el Mundo*, broadcasts a message to the islanders telling them to; *“... keep calm during an imminent occupation by the Argentine Navy.”*⁷⁷

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

*“Today my country, awakened from a long sleep, conscious of her moral and material grandeur, has decided to recuperate her island territory.”*⁷⁸

*“I took off for Río Gallegos, the capital of the province of Santa Cruz, following straight ahead to the Malvinas archipelago, which is five hundred and fifty kilometres away. Navigating through clouds, I noticed some clearings that allowed me to determine the location of the islands, orienting myself between the island of Gran Malvina and Soledad Island when I saw the San Carlos channel. The British flag was flying over the governor's residence, showing me the direction of the winds, which I took advantage of to land, after describing several circles about the population. ... I landed in a horse racing field ... Immediately I put the Argentine flag on a pole. Five people arrived who asked me in English if I wanted or needed something. I told them that it only remained to hand over a sheet of paper that was intended for the representative of the British government in the archipelago. I did it like that. Ten minutes later I got up again to go to Río Gallegos ...”*⁷⁹

On being made aware of Fitzgerald's stunt, the UK Embassy in Buenos Aires immediately presents the Argentine government with a formal note protesting Fitzgerald's actions.

*“Although the Argentine Government disassociated itself from this incident, after a strong protest from Britain, the aviator returned home a hero.”*⁸⁰

At the UN, Britain's delegate to Sub-committee III makes an opening statement.

*“... the United Kingdom Government cannot agree to participate in discussions of sovereignty over the Falkland Islands either in this Sub-Committee and Committee or indeed in bilateral talks with the Argentine Government...”*⁸¹

Argentina then successfully applies to be represented during the deliberations of Sub-committee III.

Britain's representative comments:

75 Donald Dery to Falle September 4, 1964 in CO 936/879

76 González 2014 referring to a UKMIS telegram of September 1, 1964

77 UN Doc A/5800/Rev.1

78 *Falkland Islands Monthly Review* October 5, 1964

79 Fitzgerald quoted in Alejo 1982. When questioned, Fitzgerald, unconnected to any political group, spoke of being pro-Argentine rather than anti-British. There was also a rumour he'd been '*dared*' to spend his birthday on the islands by members of his flying club.

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

81 CO 1024/434/182

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

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

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

It seems to my delegation, and I think it will be agreed by any fair-minded person who reads the terms of the Declaration without preconceived ideas, that paragraph 6 cannot possibly be construed as imposing a limitation of such importance on the universal application of the principle of self-determination, which is indeed guaranteed under the Charter itself.”⁸²

“(Velázquez) ... was thus able to focus support for Argentina’s Falklands claim.”⁸³

September 9th, Argentina’s representative, Dr. José María Ruda, makes a statement to Sub-committee III in which he lists the bases of Argentina's alleged rights to the archipelago.⁸⁴

- that Spain discovered the archipelago
- that England had admitted that it had no right in 1748
- that it was clear from the 1771 document that England had accepted the sovereignty of Spain
- that when the British left in 1774, the lead plate only claimed one Island
- that Port Egmont was destroyed in 1777, with the full knowledge of Britain
- that the Nootka Sound agreement limited British rights in the South Seas
- that the rights held by Spain had been succeeded to by the Argentine Republic in 1810
- that David Jewett applied Argentine fishing regulations in the Islands
- that Buenos Aires appointed Don Pablo Areguati Governor in 1823

82 Quoted in *UN Document A/AC.109/102 p.45*

83 Pascoe 2020 p.299

84 *19 UN GAOR Annex 8 (Agenda item 21, addendum item part 1), UN Doc. A/5800/Rev.I. Also A/Ac.109/106*

- that the 1825 treaty had contained no reservation by Britain concerning the islands
- that Vernet's first expedition was '*partially successful*'
- that the Lexington attacked Puerto Louis under a French flag
- that Britain and America conspired together
- that Britain expelled '*almost all*' the Argentine settlers in 1833
- that Argentina had protested continually since 1833
- that Britain had taken South Georgia and the South Sandwich Islands by force
- that the Islanders' are only a temporary population
- that Britain's possession violates Argentina's '*territorial integrity*'

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

"We consider that the principle of self-determination should not be implemented in situations in which part of the territory of an independent state has been separated against its inhabitants' will, by force, by a third state, as was the case of Malvinas. No subsequent international agreement ratified this de facto situation; on the contrary, the offended state has constantly complained about this circumstance. These considerations are specially aggravated when the original population has been forcefully evacuated and replaced by floating groups of citizens from the occupying power. Besides, the indiscriminate implementation of the principle of self-determination to territories so scarcely populated by citizens of the colonialist power would leave the fate of such territory in the hands of a power which has settled there by force, violating the most basic rules of law and the international morals. The fundamental principle of self-determination must not be used to transform an illegitimate possession into a full sovereignty, under the protection of the United Nations." ⁸⁵

Cecil King, Britain's representative, exercises a right to reply.

"The Argentine representative had suggested that the status of the Falkland Islands as a British colony was an anachronism; the Sub-Committee might consider whether it was the United Kingdom Government's clearly stated policy of allowing the Falkland Islanders to choose their constitutional future or the Argentine Government's desire to annex a small Territory against the wishes of its inhabitants that was more in keeping with modern thought. ... his delegation found nothing in the Charter or in the Declaration on the granting of independence to colonial countries or peoples to suggest that the principle of self determination should not be applied to communities of British descent..." ⁸⁶

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

• Discovery cannot be attributed with any certainty until the Englishman, Davis, in 1592. There may have been an earlier sighting but the odds are equally divided between Spanish and Portuguese navigators. Anything before 1592, is merely conjecture.

85 Quoted in *Malvinas and the Self-Determination of the Nations* Luciano Oscar Fino & Luciano Pezzana 2013

86 *UN Doc A/5800/Rev.1* p.442

- England admitted no such thing in 1748, or even 1749 when it had an exchange with Spain over a proposed expedition. That expedition was postponed, not cancelled as a result of Spanish concerns. An English chart published in 1753 clearly identified the island(s) as British.⁸⁷
- It was Spain that had been forced to recognise British rights in 1771 when Port Egmont was restored. Spain had, of its own volition, removed its marks and signs of sovereignty from Port Egmont and the western islands.
- This may be true, depending upon interpretation. However, Britain had long referred to Falklands Island as a single unit, rather than Falkland Islands.
- Port Egmont was not destroyed in 1777. The buildings at Jasons Town and Fort George were burnt down in 1780 during an Anglo-Spanish war. No Spanish flag was raised over any of the islands surrounding Port Egmont (a body of water) and, following the destruction, Spanish forces withdrew. At no point after 1770 had Spain attempted to raise its flag over the western islands.
- The Falklands are not in the South Seas, which was the name given to the South Pacific. Nootka was a success for Britain. A failure for Spain, which was forced, in circumstances similar to 1771, to recognise limitations on its claims to the Americas. Spain could only claim territory it occupied. Spain at no time occupied West Falkland Island or the isles that were adjacent to it. In any case, the archipelago was not deemed to be 'adjacent' to the coasts of South America and therefore, the Nootka Convention did not apply.
- Argentina did not exist in 1810. As the United Provinces, independence was declared in 1816. When independence was actually attained, however, is at best, moot. The separate provinces did not combine to become a nation State before 1860. No inheritance was recognised by any international convention at that time.
- David Jewett, an American privateer in the employ of Buenos Aires did not attempt to enforce any fishing controls during his limited stay on East Falkland in 1820/21. Buenos Aires did not recognise Jewett's actions in the islands until 1832.
- No governor was appointed by Buenos Aires in 1823. No 'Governor' was appointed until 1829. That appointment led to a formal protest by Britain.
- The commercial Anglo-Argentine treaty of 1825 was based upon information supplied by Buenos Aires to the British envoy, Woodbine Parish, in 1824. That information was published in 1825 and included a full list of the territory claimed by Buenos Aires. There was no mention of the Falklands archipelago.⁸⁸ Buenos Aires did not publicly claim the Falklands until 1829.
- Vernet's first expedition (1824) had been sub-contracted to an Englishman (Schofield). The last remnants of it had to be rescued by English sealers.
- It is a tradition for a visiting ship to display the flag of the port on its arrival. USS *Lexington's* commander would seem to have viewed Berkeley Sound (Accaron Bay) as French. Little had been made public regarding Spain's garrison there from 1767 to 1811.
- Quite the contrary. It was fears of American interest that forced the UK, in 1832, to decide upon a physical assertion of its own rights to the islands.
- No settlers were expelled in 1833. A trespassing garrison was requested to leave. All but 4 of those settlers that had been present at Port Louis before the arrival of the armed force from Buenos Aires, were still there after it had departed.

87 See – <https://falklandstimeline.files.wordpress.com/2018/01/1753-john-green-map-detail.png>

88 See – https://falklandstimeline.files.wordpress.com/2018/01/an_account_historical_political_and_stat.pdf

- The Argentine Confederation made a protests in 1833, 1834, 1841 and 1849. There were none after 1850 for 34 years until an informal protest in 1884.
- The first time that Britain had to use force, or the threat of force, to eject an invader would be in 1982.
- Ruda used a whole new definition of '*temporary*'. Many of the Islanders in 1964 had been there for five generations. Far more than most Argentinians could claim to have been Argentine.
- As the Falklands archipelago had never been a part of Argentine territory, this would appear impossible. A clear reference to operative paragraph 6 of resolution 1514 of 1960, which had no retrospective effect (ie. it only applied from 1960 – not 1833).

Latest opinions (Chagos AO 2019) suggests that operative paragraph 6 only refers to the territorial integrity of non-self-governing territories.

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

*"It is arbitrary to say, as was stated by Representative King, that Argentina wants to "annex this small territory against the wishes of the inhabitants." Naturally, the Britisher defends the occupation because he is a patriot and because he believes that the history set before him is sincere. The Falkland Islander, on the other hand, abstains from supporting the British position and harbours very serious doubts as to the legitimacy of the present occupation... Many Islanders are hoping that the Argentines will take some basic measure in their favour... Many would prefer to form part of Argentina because of the proximity of its ports and the greater facility to acquire food and medicines. They listen with pleasure to the radio transmissions from Comodoro Rivadavia and Puerto Gallegos."*⁸⁹

*"From 1945 Argentina made a very brief mention of its claim at the United Nations every year for 20 years but did little else. The new stridency dates from 9 September 1964, when Argentina's UN representative, José María Ruda, made an 8,000-word speech to UN Sub-Committee III, which was part of the UN Decolonisation Committee ..., His speech ... was riddled with errors and gave a profoundly false account of history. Nevertheless Ruda's speech ultimately resulted in the passing of Resolution 2065 ..."*⁹⁰

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

*"... the strict application of the principle of self-determination... would place the fate of the territories in question in the hands of a small group of settlers brought in by the conquering Power... Those considerations were particularly true in the case of the Malvinas, which had been originally uninhabited and where the present population came almost entirely from the mother country and fluctuated with the seasons."*⁹¹

89 *The Inhabitants of the Falkland Islands* Juan Carlos Moreno in *La Nacion*, May 2, 1965. Translation in CO 1024/434. It is clear that this author had not actually consulted any Islanders.

90 *False Falklands History at the United Nations How Argentina misled the UN in 1964 – and still does* Graham Pascoe and Peter Pepper 2012. See <https://falklandstimeline.files.wordpress.com/2019/04/false-falklands-history-at-the-un-2012-2nd-ed..pdf>

91 Quoted in Pascoe 2020 p.304

*“In his opening speech on 10 September, Velazquez himself admitted that the Decolonization Committee was not entitled to judge on the merits of a territorial claim or to decide on a sovereignty dispute. However, the committee's lack of authority to settle a territorial conflict was one thing; its right to examine each and every aspect of a colonial situation, ... was quite another.”*⁹²

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

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

*“The territory on which our position in the Committee is weakest is the Falklands. There are only 2,000 people involved and we can hardly offer independence as the alternative to the Argentine claim. The Falklands have no petitioners who could appear effectively before the Committee of 24. No doubt because of this Uruguay and Venezuela brought it forward as the first territory to be discussed.”*⁹³

September 16th, at a further meeting of Sub-committee III, Dr. Ruda speaks again.

*“The Argentine Republic is a peace-loving country which is pacifist by tradition and which has been accustomed in its short history to settle its disputes, some of which were very serious, by peaceful means. ... Argentina is prepared to negotiate a full settlement of the problem with the United Kingdom in accordance with the wish expressed by all the members of this Sub-Committee.”*⁹⁴

Responding for Great Britain, Cecil King expands upon the UK's interpretation of resolution 1514.

“Whatever the history and background of the evolution of legal principles on the American continent, the meaning and interpretation of paragraph 6 of resolution 1514 (XV) must stand on its own; in my delegation's opinion, it cannot be a requirement for understanding a General Assembly resolution that one should be an expert in inter-American legal history. Words must be assumed to mean what they say, in General Assembly resolutions if not in documents of a more legal character.

Mr. Chairman, if I understood your learned exposition correctly, your contention was that paragraph 6 of this resolution gave international validation to an established principle of American law under which no country should accord recognition of sovereignty over territory acquired illegally or by the use of force. Leaving aside for a moment the question whether British sovereignty over the Falkland Islands was in fact so acquired, it seems plain to my delegation that paragraph 6 in fact says nothing of the kind.

Let me read the text of the paragraph to the Sub-Committee: "Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations." Mr. Chairman, if words mean what they say, this paragraph is an injunction addressed to all countries to take no actions in the future – I stress "in the future" because the word used in the resolution is "attempt" – whose consequences would be to split existing territories or States or which would infringe their sovereignty in a manner inconsistent with the United Nations Charter, and in particular with Article 2 of the Charter. There is no justification for regarding this paragraph of resolution 1514 as constituting a limitation on the principle of self-

92 González 2014 p.60

93 Donald Derx quoted in CO 936/879 14.9.64

94 Quoted in CO 1024/434/

determination assured by paragraph 2 of the same resolution and by Article 1, paragraph 2 of the Charter... ”⁹⁵

King also deals with the question of Anglo-Argentine negotiations raised during the previous speeches.

“It has been suggested by several speakers that the Sub-committee should appeal to Britain and Argentina to hold discussions of the problem and thus find a peaceful solution...

The reservation which I must express on the question of possible discussions between my Government and the Government of Argentina is made necessary not by any intransigence or unwillingness on the part of my Government to settle problems by peaceful means, but by the inescapable facts of the situation. My Government has in its care the security and interests of a community of people who cannot be negotiated or compromised out of existence. These people have rights, and they look to my Government for the protection of those rights. ...

When therefore it is suggested that a solution to the problem lies in negotiations between the parties directly concerned, I hope the Sub-committee will remember that the party most directly concerned of all is the people of the islands themselves, and that the British Government's first and paramount obligation is to them. The question of their own future and of sovereignty over the islands is not therefore a matter on which my Government can or will negotiate with Argentina, or on which, in justice to the islanders, there can be any compromise...

Once again, I reaffirm that my Government, which has no doubts as to its sovereignty over the Falkland Islands, stands by the principle of self-determination for these Islands, and I hope that the Sub-Committee will do nothing that could be construed as limiting or weakening that principle. As I have said, it is for the Falkland Islanders themselves to determine what their ultimate status should be,... In this conflict between, on the one hand, an attempt to annex a peaceful and prosperous community against its wishes, and on the other hand, the principle of self-determination as enshrined in the Charter, there should in my delegation's view be no question about the proper choice for this Sub-Committee.”⁹⁶

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

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

The text proposed by Iran and eventually adopted by the subcommittee consisted of three conclusions and two recommendations. The first conclusion merely stated that the subcommittee had examined the situation in the territory. When it came to name the latter, the Latin Americans managed to add the phrase 'otherwise known

⁹⁵ UN Document A/AC.109/102 p.54. See also November, 1965. See 2019

⁹⁶ CO 1024/434

as Malvinas islands' to the original draft's use of the traditional 'Falkland Islands' denomination, thereby buttressing the petition that Argentina was separately making to the General Secretariat to obtain the recognition of the Spanish nomenclature. In its second conclusion, the subcommittee confirmed the applicability of Resolution 1514, thus asserting its competence vis-a-vis this colony. Velazquez attempted at this point to include a specific reference to paragraph 6 of the resolution so as to highlight the prominence of the principle of territorial integrity in this particular colonial situation, but he withdrew the suggestion when most of the other members made it clear that is paragraph 6 was mentioned, the text would also need to cite paragraph 2 on self-determination. In its third conclusion the subcommittee 'took note of the existence of a dispute between the Government of the United Kingdom and Argentina on the sovereignty of the Falkland (Malvinas) Islands'. Here Uruguay and Venezuela, this time backed by Italy, were more successful in overriding the concerns of the Afro-Asian delegations, which preferred to dilute the text's wording by substituting 'question' or 'situation' for 'sovereignty.'..."⁹⁷

"The outstanding work of Ambassador Ruda and Ambassador Lucio García del Solar, at that time Chargé d'affaires ad interim at the United Nations, deserves to be underlined once again. When it comes to recognizing the impeccable efforts of both, an inevitable reference must be added to a distinguished Uruguayan jurist and diplomat, Ambassador Carlos Velázquez, Permanent Representative to the United Nations, who provided valuable and decisive support to our representatives in the better traditions of River Plate diplomacy..."⁹⁸

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

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

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

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

*(e) The Sub-Committee recommends that the Special Committee should invite the two above-mentioned Governments to inform the Special Committee or the General Assembly of the results of their negotiations."*⁹⁹

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

*"... I should like to refer once more to the reservation which I expressed in my delegation's statement... when I made it clear that my Government cannot contemplate discussions with the Government of Argentina on the question of sovereignty over the Falkland Islands... The essential point is that the right of the Falkland Islands people to self-determination is not negotiable."*¹⁰⁰

97 González 2014 p.68

98 *Malvinas: Un Nuevo Enfoque en la Relación con el Reino Unido* Vicente Berasategui in *Malvinas y la construcción de un reclamo soberano: pasado, presente y futuro* Bologna (et al.) 2017

99 CO 1024/434 Annex A. cf. resolution 2065 of 1965.

100 Quoted in CO 1024/434

“Commenting on these recommendations the United Kingdom Representative regretted that there was no reference in the draft to the **principle** of self-determination, or at least to the wishes and aspirations of the people of the Falkland Islands.”¹⁰¹

On the same day, the UK's mission submits written comments to the United Nations.

“In the opinion of Her Majesty's Government the two elements in the principle of equal rights and self-determination of peoples are complementary to one another; and in so far as self-determination is a legal, and not merely a political concept, it is properly expressed as a principle and not as a right. The concept of self-determination has been invoked, or prayed in aid, in a number of different circumstances) its relevance, it is submitted, can only be determined in relation to the circumstances of each particular case, and in the light of other principles which are affirmed in the United Nations Charter.

Indeed, the principle of self-determination has been of fundamental importance in British policy towards the non-self-governing territories and has played a cardinal part in their evolution to self-government and independence. It is, however, in the opinion of Her Majesty's Government to place an unwarrantable gloss on the Charter to derive from the wording of either Article 1 (2) or of Articles 73 (b) and 76 (b) a "right" of self-determination...

*In the opinion of Her Majesty's Government, although the principle of self-determination is a formative principle of great potency, it is not capable of sufficiently exact definition in relation to particular circumstances to amount to a legal right, and it is not recognized as such either by the Charter of the United Nations or by customary international law.”*¹⁰²

“... it was not before the 1970s, at the earliest, that the United Kingdom accepted that it could be said that the principle of self-determination had become a right under general international law.”¹⁰³

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

*“The United Kingdom Government ... replied to that note, declaring its willingness to enter into discussions with the Argentine Government through diplomatic channels, and asking that topics for such discussions should be suggested, bearing in mind the United Kingdom's reservations concerning its sovereignty over the Falkland Islands and the need to take into account the wishes and interests of the people of the islands.”*¹⁰⁴

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

*“... a situation of this kind, which challenges the basic assumption of Resolution 1514 that all colonial peoples are struggling to get rid of the yoke, is bound to be irritating to anti-colonialists; and the irritation can only be increased when the Administering power invokes the principle of self-determination, thus assuming the unpopular role of the Devil quoting scripture to further its ends.”*¹⁰⁵

September 29th, in London, the Joint Intelligence Committee reviews Falklands' defences in light of Fitzgerald's illegal landing, and Colonial Office concerns regarding incursions from Argentina.¹⁰⁶

101 CO 1024/434. My emphasis. At this time, the UK considered self-determination to be a principle, rather than a right.

102 UN Document A/5725/Add.4 of September 22, 1964. cf. 1970

103 Counter-Memorial of the United Kingdom in Chagos Marine protected Area Arbitration (Mauritius v United Kingdom) 2015 at the Permanent Court of Arbitration. See UN resolution 2625 below.

104 Fourth Committee, 1552nd Meeting Tuesday November 9, 1965

105 King to Falle September 21, 1964 in FO 371/173657

106 JIC/786/64

October 1st, Sub-committee III's report is published at the UN. Foreign Office legal adviser, Arthur Watts, prepares a counter-argument to the points presented by Dr. Ruda. ¹⁰⁷

"The Colonial Office, however, repeatedly vetoed its publication, fearing that the paper's arguments were not cast-iron, ... Only after heavy pressure did the Colonial Office belatedly agree to the use of Watt's memo, but only as a defensive recourse rather than as the proactive response to Ruda's 1964 allegations..." ¹⁰⁸

October 15th, a left-wing Government takes power in the UK with Harold Wilson as Prime Minister.

"... a modernising government intent on redefining Britain's role in the world, which included a withdrawal from areas east of Suez and a new attitude towards overseas territories." ¹⁰⁹

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

October 30th, Britain's mission to the UN assesses the situation.

"The Argentines are in a stronger position than Spain. They are not a Colonial power and the Communists will not be rocked by fears of favouring a Fascist State; they have had some success in getting across the idea that the Falkland islanders are temporary white settlers, a fiction which appeals to the Afro-Asians; and the Chileans will try to avoid coming out against their fellow Latin Americans." ¹¹⁰

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

November 6th, the Ambassadors of Chile and Argentina meet in Santiago. They agree that the territorial dispute between them regarding the rivers Palena and Encuentro should be settled by arbitration. Chile suggests that the arbitrator should be Britain. ¹¹¹

"One of the most bizarre aspects of the developing Falklands dispute in the 1960s was that precisely during the years when Argentina was escalating its activities at the United Nations, with Ruda's speech and the passing of Resolution 2065,..., Argentina was yet again accepting Britain as a judge entitled to rule on how far Argentine territory extended." ¹¹²

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

"Resolution 1514 (XV) solemnly affirmed the inalienable right of all peoples to the integrity of their national territory and stated, in paragraph 6, that any attempt aimed at the partial or total disruption of the territorial integrity of a country was incompatible with the purposes and principles of the Charter of the United Nations.... The United Kingdom representative had insisted that paragraph 6 of resolution 1514 (XV) was applicable only for the future. He had thought thus to obtain a bill of indemnity against the territorial dismemberment carried out before the United Nations Charter had

107 FO 371/179725

108 González 2014 p.84

109 Pascoe 2020 p.310

110 *Dex to Derrick* quoted in Gonzalez 2014 p.75. Also CO 936/818. Argentina's colonization of Patagonia appears to have passed unnoticed.

111 Argentina accepted the suggestion on November 25, 1964.

112 Pascoe 2020 p.318. Three British judges were appointed to the arbitration panel and they reached a decision on November 24, 1966. Both Chile and Argentina accepted the result which largely favoured Argentina.

*been signed. He had been mistaken, however, for although the United Kingdom had seized the Malvinas before the Charter had been signed, it was a question of preventing the legalization of a de facto situation that had never been accepted: it was therefore a question which had to be resolved at the present time, and not before the signing of the United Nations Charter.”*¹¹³

Britain's representative exercises a right of response.

*“The United Kingdom Government had no doubts concerning its sovereignty over the Falkland Islands and must formally reserve its position on the question.”*¹¹⁴

November 13th, at the UN, the Special Committee on Decolonization, sitting as a whole rather than in sub-committees, hears from the UK's representative.

*“... my delegation made it clear in both its statements to the Sub-committee that the United Kingdom cannot agree to participate in discussions of sovereignty over the Falkland Islands, even in the Special Committee and its sub-committees, or with the Government of Argentina,...”*¹¹⁵

*“His Government considered that the Special Committee was not empowered by its terms of reference to consider territorial claims or disputes over sovereignty, and it would therefore not consider itself as bound by any recommendations of the Committee on those subjects. The United Kingdom had no doubts about its sovereignty over the Falkland Islands. Where the future of the islands was concerned, his Government would be guided by what it regarded as the interests of the Falkland Islanders themselves, as required by Article 73 of the Charter. ... He wished to make a formal reservation concerning the use of the phrase 'otherwise known as the Malvinas Islands' ..., which his Government interpreted as indicating purely the Spanish translation of the name of a Territory, and thus as having no implications with regard to the question of sovereignty over the Territory...”*¹¹⁶

Dr. Ruda responds on behalf of Argentina.

*“This sophisticated interpretation of the intentions of bilateral negotiations keeps the problem at a standstill, because it is set up in such a way as to keep out of the negotiations the one point which throws a shadow on the excellent relations which my country has maintained and wishes to preserve with the United Kingdom. What meaning could be attached to bilateral negotiations between the United Kingdom and Argentina if the substance of the problem, namely re-establishment of our territorial integrity by the restoration of the Malvinas Islands, is not touched upon?”*¹¹⁷

Lucio Garcia del Solar, head of the Argentine delegation, also speaks.¹¹⁸

“... The problem had arisen from an act of military force by the United Kingdom in 1833 against a part of the Territory of Argentina... following which the Argentina authorities and inhabitants had been expelled from the islands and later replaced by settlers from the United Kingdom. The... United Kingdom could invoke no international instrument giving it any rights over the Malvinas Islands...”

113 Fourth Committee, 1552nd Meeting Tuesday November 9, 1965. See 2019.

114 Ibid.

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

116 Ibid.

117 Quoted in CO 1024/434

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

Argentina had never ceased to press its claim for reparation of the injury done to it, which no lapse of time could validate. ... since the Islanders were not the original inhabitants, but had simply replaced those expelled by force, paragraph 5 of General Assembly resolution 1514 (XV) could not be blindly applied, and the terms of paragraph 6 must be taken into account. ”

*“Where political interests were concerned, the truth of history, the factual state of the territory and the wording of UN resolutions did not matter. The Sub-Committee, and after it the whole C24, was "hijacked" by Argentina, with the connivance of Uruguay, into following Argentina’s line, that it was time for Britain and Argentina to start negotiating on the islands’ future.”*¹¹⁹

November 24th, Sub-committee III's report is adopted, without a vote, by the full Special Committee on Decolonization.¹²⁰ Chile's delegation, having previously challenged the committee's competence to discuss sovereignty disputes, now openly supports Argentina. Chile endorses 'hemispheric solidarity' and complains that the 'occupation' of American territories is frustrating regional integration.¹²¹

*“The 19th session of the United Nations (1964-5) was anomalous since the UN was suffering a financial crisis due to the refusal of a number of countries to pay their contributions. Some countries were two years in arrears, which meant that under Article 19 of the UN Charter they lost their right to vote. To avoid a confrontation, and while discussions were held on resolving the crisis, it was agreed that no contentious votes would be taken during the session.³ That is reflected in the number of "Resolutions and Decisions adopted" by the UN in the 19th session, which was only a tenth of the average number at that time... That also explains the hiatus between the presentation of a draft resolution on the Falklands on 18 September 1964 and the actual vote on what became Resolution 2065 (XX) on 16 December 1965.”*¹²²

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

The Falklands question was a sideshow.

In **December**, Grytviken whaling station finally closes.¹²³

*“There is no doubt that sealing from Grytviken made an important contribution to the revenues of the whaling companies and to the economies of South Georgia and the Falklands. ... During 1909-1964, some 9,628,171 barrels of marine mammal oil were produced in South Georgia, 5.2 percent of which (498,870 barrels) was seal oil. ... Revenue also accrued to the Falkland Islands government from royalties and licence fees.”*¹²⁴

December 7th, the reports of the Special Committee, incomplete, are not placed before the General Assembly.

*“(The) reports were not considered at the 1964 Session of the General Assembly.”*¹²⁵

However, during a general GA debate, Argentina's representative addresses the question of the Islands.

119 Pascoe 2020 p.307

120 Adoption by consensus is a method to get around the rule that only members who are fully paid up can vote.

121 Alleged that, in order to gain Chile's support, Argentina made promises with regard to a Beagle Channel arbitration.

122 Pascoe 2020 pp.299-300

123 Ragnor Thorsen remained as caretaker until 1971.

124 *Seal Fisheries of the Falkland Islands & Dependencies: A Historical Review* A. B. Dickinson 2007 p.152. The last licence to hunt sea lions was issued by the Falkland Islands government in 1967.

125 CO 1024/434

*“We are prepared to negotiate with the United Kingdom for the return of the Malvinas Islands, covering the interests of the small group of settlers who inhabit the archipelago. The conclusions of the Committee of 24 recommend these bilateral conversations...”*¹²⁶

December 21st, in a Colonial Office *minute*, Edward Jerrom suggests making Argentina an offer of negotiation. However, the potential to then cause an issue with Spain over Gibraltar, is recognised.¹²⁷

*“... I entirely fail to see any need to make the first move in the present situation... If Argentina thinks she has a valid claim let her put it to the International Court...”*¹²⁸

December 22nd, at the UN, Sori Coulibaly submits the report of the Special Committee to the Secretary-General.

*“3. Falkland Islands (Malvinas) is a Colony and has been under British control since 1833. The first settlement in the group was that of a French colony at Port Louis on East Falkland, established in 1764. In 1767, the French settlement was sold by the Government of France to Spain at a reported payment of £24,000. A small British garrison was established at Port Egmont on Saunders Island in 1765; five years later; however, the Spanish took over the control of the garrison. In 1771, the garrison settlement was restored by the Spanish but in 1774 the settlement was abandoned by the British. In 1833, the occupation of the Islands was resumed by the British Government and through 1841 the settlement was in the charge of a serving naval officer. In 1842, a civil Lieutenant-Governor was appointed, and in 1843 an Act of Parliament placed the civil administration on a permanent footing, changing the Lieutenant-Governor's title to Governor. In 1844, the seat of government was removed from Port Louis to Port William, which was renamed Stanley.”*¹²⁹

Researcher's Comment: Argentina's historic distortions had been accepted. Port Egmont was not 'on' Saunders Island, but was described at the time as the harbour surrounded by three islands – Saunders, Kepple and West Falkland Island. This well supported by the cartography of the 18th century. And there was no abandonment in 1774, merely the withdrawal of a garrison. Britain's continuing claim was nailed to the door on Fort George almost at the same time as the whalers moved into Jason's Town. Spain had always expected the English to return.

It is a sad indictment that the Special Committee on Decolonization had fallen for Argentina's lies, but that was a reflection of its membership. It must be remembered that the Special Committee was not, and is not, the United Nations. It consists only of a small number of the overall membership. Many of them with their own axes to grind. That said, the resultant resolution (2065) would represent the high point of Argentine diplomacy at the United Nations.

A success for the nation of *viveza criolla*. Based upon falsehoods – how else?

126 CO 1024/434

127 CO 936/880. Spain had been increasing aggressive over Gibraltar; using border restrictions to virtually cut off the colony. *cf.* Gonzalez 2014

128 Note added to minute in CO 1024/438, dated December 23, 1964 and signed Miss E. M. Ware

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

1965 – January 1st, in response to fears of another Argentine stunt, a Royal Marine detachment consisting of 30 men remain at Stanley when HMS *Protector* takes the Governor to visit the Dependencies. Before leaving, Governor Haskard asks the British Embassy in Buenos Aires to publicise the presence of troops. ¹³⁰

January 6th, Argentina's *Commission for the Recovery of the Falkland Islands* demands that the; “*Argentine flag should fly everywhere in Puerto Soledad, the island's capital.*” ¹³¹ Foreign Minister Zavala Ortiz tours South and Central America.

“... *the Argentine claim to the Falkland Islands figured high on the agenda.*” ¹³²

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

March 4th, entry to the Falkland Islands by any person, other than a permanent resident, without a permit is prohibited by the *Immigration Ordinance 1965*. ¹³³

“*In practice control is exercised by the Civil Commissioner on the advice of a local Immigration Committee, which gives local people a veto on immigration. As a result, would-be immigrants from the South American mainland would find it difficult if not impossible to be allowed to settle in the Falklands, unless they are married to Falkland Islanders or British nationals.*” ¹³⁴

In **April**, the British Government inform the UN Secretary-General of the extension of the *Narcotics Convention* to various British territories, including the Falkland Islands. Argentina promptly protests; “... *in a Note to the British Ambassador in Buenos Aires about the inclusion... and claimed that the territory was an Argentine archipelago. The Note went on to remind the Embassy of the conclusions and recommendations of the Committee of 24 as regards the Falkland Islands in which the Governments of Argentina and the United Kingdom had been invited to negotiate on a peaceful solution to the problem.*” ¹³⁵

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

May 2nd, in Argentina, *La Nacion* reports.

“*The Special Decolonization Committee of the United Nations gave a favourable recommendation on the Argentine case on the Falkland Islands, and submitted it to the General Assembly for final consideration. The Committee recommended that Argentina and Great Britain should be invited to find a solution to the problem of sovereignty, taking into account the United Nations' objectives and the interests of the Islands inhabitants. ... For the first time, since the Archipelago's arbitrary occupation, the task of recuperating our southern Islands was decisively confronted. Argentina's thesis was adhered to by the majority of the countries members of the Decolonization Committee.*” ¹³⁶

130 *Official History of the Falklands Campaign, Volume 1: The Origins of the Falklands War* L. Freedman 2005 vol.1. Also *HMS Protector 1964-1965* private publication, undated. Foreword by Captain M. S. Ollivant. The detachment would become a permanent deployment shortly thereafter.

131 *British Broadcasting Service Monitoring Report V/1751/I*

132 *FO 371/179725*

133 A 'permanent resident' was defined as a person born in the Islands, or a person who had been ordinarily resident there for at least 7 years; dependents of any such person, or a person naturalised locally.

134 *The Falkland Islands, 5th Report from the Foreign Affairs Committee Session 1983-1984 HC 268 25.10.1984* para.152

135 *CO 1024/434*. Conclusions not adopted by the General Assembly in 1964.

136 *The Inhabitants of the Falkland Islands* Juan Carlos Moreno in *La Nacion* May 2, 1965. Translation in *CO 1024/434*

An economic survey carried out in the Islands, estimates that the average income per head of the population is £503 per annum.¹³⁷

July 6th, back in London, the Foreign Office mulls Britain's options

*“... there may in certain circumstances be both material and moral advantage in coercing the few in order to gratify the many. We may have other reasons for opposing the Argentine claim to the Falkland Islands in addition to the reluctance of the Falkland Islanders to be governed from Buenos Aires. But if it is our only motive, we should perhaps calculate how much it would cost us to bribe all 3,000 Falkland Islanders to emigrate to New Zealand (or to accept Argentine sovereignty on the basis of special local guarantees and privileges) as against what it would cost in military expenditure and the loss of economic interests if we were to have a really serious quarrel with the Argentine.”*¹³⁸

July 16th, the International Telecommunications Union in Berne, Switzerland, publish a note provided by the British Embassy identifying the Falkland Islands, South Georgia and the South Sandwich Islands as overseas territories of the UK.¹³⁹

August 2nd, Britain's Ambassador in Buenos Aires is instructed to respond to Argentina's note of April by making it plain; *“... (that) HMG had no doubts as to its sovereignty over the Falkland Islands and reserved its position...”* He is to make no reference to negotiations.¹⁴⁰

September 20th, a further note from the Argentine Government, invites Britain to enter into negotiations on the question of the sovereignty of the Falkland Islands, South Georgia and the South Sandwich Islands.¹⁴¹

*“In virtue of the fact that the ... Committee of 24 requests that the Committee should be informed of the result of the negotiations, and in order to ascertain the British Government's wishes in regard to the opening of ... negotiations, the Argentine Government extends its invitation to hold these negotiations...”*¹⁴²

September 27th, at the United Nations, Argentina's Foreign Minister, Miguel Zavaia Ortiz, addresses the General Assembly.

“We are dealing here with an illegal administration that the United Kingdom of Great Britain and Northern Ireland exercises over an integral part of our national territory, a portion of our national soil that was occupied by violence after the Argentine authorities that had peacefully exercised the right of sovereignty there, were evicted, even though they exercised that sovereignty as the unchallenged heirs of the territorial rights of the Spanish mother-country. It must be stated that the Malvinas Islands never formed part of the territory of the United Kingdom. Neither could they have constituted a colony, in the classic sense of the term, since none could create a legal status that in itself would alter the absence of any right to occupation or the right of Argentina to claim its territorial unity. This being the case, there is also no legal basis for speaking of self-determination. Argentina has always recognized that all the peoples of the earth have this right. But self-determination requires that as its first condition that it be achieved in a territory properly one's own, not in one torn from the possession of others.

137 UN Working Paper 1969 A/AC.109/L.584

138 Quoted in CO 1032/406

139 See February, 1966

140 CO 1024/434

141 UN Yearbook 1965 and CO 1024/434 Annex B

142 Quoted in CO 1024/434

To leave the fate of the Malvinas archipelago to the self-determination of those presently occupying it would be tantamount to leaving it to those whom the United Kingdom itself has placed there. It would be tantamount to permitting the United Kingdom all by itself to resolve the question. It would be tantamount to allowing the despoiler, in order to save himself, to create his own entitlement. For obviously, the settlers all represent the British Empire. And how is this? Simply because England scattered the original population, replaced it and cut the Islands off from the rest of the world, turning them into an isolated land behind a padlock of British exclusivity.”

*“... since 1964 Argentina has been allowed to present false versions of the history of the Falklands as justification for taking over the islands against the wishes of their inhabitants, thus depriving them of self-determination. ... Ortiz of Argentina, who of course mentioned Argentina’s Falklands claim. He repeated some of the central untruths in Argentina’s version.”*¹⁴³

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

*“Argentina expects to be able to present to the assembly all elements necessary to determine the justice of the recommendation and of our claim, and will do so in due course before the appropriate Committee. ... we have invited the United Kingdom to meet with us and discuss the settlement of this dispute. We trust that the United Kingdom will agree to this.”*¹⁴⁴

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

*“... to inform you upon the instructions of my Government, that the United Kingdom Government cannot accept the statement of the distinguished Argentine Foreign Minister insofar as it disputes the United Kingdom's sovereignty over the Falkland Islands.”*¹⁴⁵

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

*“It will be seen that the draft recommends accepting the principle of discussions while making it clear that we are not prepared to negotiate about sovereignty. This safe-guard is, at least formally, watertight and not inconsistent with the position taken publicly hitherto. The Argentine Government may not take up this limited offer, since they are only interested in sovereignty, and there is in fact not much else to discuss. But if discussions did start one can never be sure where they might eventually lead to, especially since the results would be reportable to the United Nations; and our own Foreign Office themselves have been dropping hints in recent months that they would like to regard the Falkland Islands as an expendable irritant in Anglo-Argentine relations... The Argentine claim to the Falklands is an impertinence, and to sacrifice the Islanders to Anglo-Argentine relations might be widely regarded as an unworthy act. One's first reaction therefore would be to dismiss the Argentine Note with a firm “No”, ... The Argentine Government would perhaps not be reviving their ancient claim to the Falklands if they did not sense that the international climate and British preoccupations might make the moment propitious... if the Colonial Office money and Admiralty hardware which have for years been devoted to the peaceful Antarctic were applied to strengthening our position in the Falkland Islands, we might now be in a position, if we wished, to snap our fingers at this Argentine Note. As things stand, I have felt obliged to recommend a somewhat risky form of playing safe.”*¹⁴⁶

143 Pascoe 2020 p.307

144 CO 1024/423. cf. September 18, 1964

145 CO 1024/434 Annex C

146 CO 1024/438

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

*“We see no room for compromise on the question of sovereignty. Other considerations apart, in view of the public position taken as recently as last year it would seem impossible to open up this question without at least a fresh Cabinet decision and consultation with the Falkland Islanders themselves.... In present circumstances it could also be very damaging in the Gibraltar context...”*¹⁴⁷

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

November 1st, Britain formally responds to Argentina's invitation to negotiate.

*“Her Majesty's Government are in no doubt as to their sovereignty over the Falkland Islands and they cannot regard this as a matter for negotiation. At the same time they are anxious to minimise any damage which the controversy may cause to the otherwise cordial relations between the United Kingdom and Argentina. Subject to the reservation about sovereignty above, and bearing in mind the position which Her Majesty's Government have consistently maintained in regard to the wishes and interests of the Islanders themselves, Her Majesty's Government would accordingly be glad to enter into discussions with the Argentine Government.... and would welcome any suggestions which the Argentine Government would care to make regarding the topics for discussion. For their part Her Majesty's Government would think it useful to discuss, inter alia, the practical obstacles which presently impede free movement between the Falkland Islands and Argentina...”*¹⁴⁸

Buenos Aires is reminded that the Dependencies are not part of the Falklands; and not within the UN's remit.¹⁴⁹

In New York, at the UN, Argentina's representative addresses the Fourth Committee, which is reviewing the work of the Special Committee.

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

Britain's representative exercises a right of reply.

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

147 *Ibid*

148 *CO 1024/438 at 113*

149 *PREM 19-0625 6 May 1982*

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

*“What Argentina needed was a General Assembly resolution that would in itself constitute a response to the British note by demonstrating both that the Argentine claim was universally recognised and that Argentina's rights rather than the islanders' were the paramount factor in decolonizing the archipelago. In the struggle for that resolution, Buenos Aires' most important asset was the 'hate Britain year'. As Caradon had feared, the 20th General Assembly marked the zenith of anti-British sentiment ...”*¹⁵⁰

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

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

*“On 10 June 1829, my great-grandfather, Don Salvador Maria del Carril, as a Minister of the Buenos Aires Government, drafted and signed together with the provisional Governor, General Martin Rodriguez, the decree setting up the Political and Military Command of the Malvinas Islands. Three and a half years later, on 2 January 1833, a British naval detachment forcibly ejected the small Argentine garrison which was guarding the place. As a result of that act of force Great Britain took possession of the Islands and is continuing to have dominion over them. ... It falls to my lot to come and claim before this Assembly, in which 117 countries of the world are represented, the reparation of the spoliation unjustly suffered by the Argentine Republic...”*¹⁵¹

*“We have of course our obligations under Article 73 of the Charter, but we have never regarded Resolution 1514 as binding on us.”*¹⁵²

*“While there was a core group of Malvinas enthusiasts who, in some cases, went as far as arguing in favour of Argentine sovereignty over the islands, most delegations simply endorsed the call for negotiations, without passing judgement on the parties merits or the specific outcome to be expected from the talks. In fact, a number of them felt the need to make their neutral stance clear by explaining their vote. Moreover, there was a third group – the Western bloc – that remained overwhelmingly sceptical towards the Argentine initiative. Even Italy, under strong British pressure, came close to defecting, triggering a major Argentine operation that succeeded in prolonging Rome's support.”*¹⁵³

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

November 11th, in Argentina, a new organisation is founded to agitate for a statue of Antonio Rivero – *Comisión pro Monumento a Antonio Rivero*.¹⁵⁴

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

150 González 2014 p.119

151 *UN Document A/C.4/SR.1552*. Translation by Dr. Graham Pascoe. *cf.* October, 1975

152 *UK Mission to the United Nations to FCO (Diggins) January 22, 1969 in FCO 7/1080 at 186*

153 Pascoe 2020 p.124

154 For the events that Rivero was involved in see August, 1833. See also – March, 1956, January, 1966, April, 1966, August, 1972, April 1982, August 2012 and March 2015

*“Diaz Gonzales (Venezuela) spoke this morning on the Falkland Islands. He gave a brief historical account from 1810. The Falkland islands was a Colony, but on occupied territory – it must be reintegrated with Argentina in accordance with paragraph 6 of Resolution 1514. Self-determination must not be misused to legitimise a 'de facto' situation... He then introduced draft resolution...”*¹⁵⁵

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

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

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

*... he had clearly explained to the Special Committee that the Argentine population of the Malvinas Islands had been dispersed after the occupation of the islands by the British in 1833 and had since been replaced by a population of British origin, most of whom lived there for part of the year only.”*¹⁵⁶

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

*“(The resolution) displayed the masterly drafting skills of its originator, the Uruguayan vice-chairman of the C24 and chairman of Sub-Committee III, Carlos María Velázquez. He was well aware that no resolution that unequivocally supported Argentina’s claim to the Falklands would be passed (or at least not without amendments that would negate its purpose), so he drew up a fairly anodyne text that sounds eminently reasonable...”*¹⁵⁷

November 18th, the Fourth Committee accepts the draft-resolution.

*“Various delegations spoke supporting it, most either explicitly endorsing Argentina’s claim or at least recommending the draft as a good way forward. Only an occasional voice was raised in defence of the islanders...”*¹⁵⁸

The Fourth Committee also agrees that the name to be used in UN documentation is - 'Falkland Islands (Malvinas),' in all languages except Spanish, when the name is to be - 'Islas Malvinas (Falkland Islands).'¹⁵⁹

*“In addition, where a reference to the Falkland Islands (Malvinas) may raise or bear upon the question of sovereignty over the Territory, it should be accompanied, as the case requires, either by the standard disclaimer ... or by a note or footnote as follows: "A dispute exists between the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland concerning sovereignty over the Falkland Islands (Malvinas).”...*¹⁶⁰

155 CO 1024/438

156 Pascoe 2020 p.309

157 *Ibid.* p.311

158 *Ibid.* p.310

159 This issue had been discussed within *Sub-Committee III* in 1964 following a proposal by Syria and adopted by 19 votes to 1 (UK) with 2 abstentions (Australia & USA). However, the 1964 conclusions had not been considered by the General Assembly during that session. See also 1944 and 1950.

160 Quoted in *UN Doc ST/ADM/Ser.A/1084*

*“Velazquez (Uruguay) emphasised that the usage proposed had no legal implication.”*¹⁶¹

Britain makes a statement.

*“... with regard to the decision of the Fourth Committee... regarding terminology to be used in describing the Falkland Islands in United States documents, my delegation wishes to reaffirm that this decision cannot affect either British sovereignty over the Falkland Islands or the correct name of the territory.”*¹⁶²

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

December 16th, the General Assembly adopts the resolution.¹⁶³

General Assembly Resolution 2065

“The General Assembly,

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

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

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

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

*1. **Invites** the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland to proceed without delay with the negotiations recommended by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples with a view to finding a peaceful solution to the problem, bearing in mind the provisions and objectives of the Charter of the United Nations and of General Assembly resolution 1514 (XV) and the interests of the population of the Falkland Islands (Malvinas);*¹⁶⁴

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

161 UK Mission New York telegram No.2536 to Foreign Office CO 1024/483. Carlos Velazquez was Uruguay's Ambassador to the UN, and had been the Chairman of *Sub-Committee III* in 1964.

162 CO 1024/438

163 Adopted with a vote of 94 for, none against and 14 abstentions including the UK. See [https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/2065\(XX\)](https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/2065(XX))

164 The term '*population*' has caused some to suggest that this is recognition that the Islanders were not considered a '*people*' by the UN, despite being identified as such in 1952. However, other UN resolutions, many calling for action by the Special Committee, have associated the word '*population*' with that of '*self-determination*.'

“Resolution 2065 (XX) says nothing about returning the Falklands to the Argentine Republic, and, as far as the UN is concerned, principle VI of the Annex to resolution 1541 (XV) sets out three alternative courses of decolonization, of which integration with a sovereign independent state is only one. In any case, according to Principle IX of the same resolution, such integration “should be the result of the freely expressed wishes of the territory’s peoples, acting with full knowledge of the change of their status, their wishes having been expressed through informed and democratic processes impartially conducted and based on universal adult suffrage”... del Carril says that “the terms of the Resolution [no. 2065] are unequivocal. In it, all references to the wishes and so-called rights of the inhabitants of the Malvinas islands was omitted”. This is an extremely selective interpretation, since the resolution, ... refers not only to the interests of the Falklands’ population, but also to Resolution 1514 (which states that “all peoples have the right to self-determination”) and above all to the provisions and objectives of the Charter, with the quite unequivocal obligations placed on us by Article 73.”¹⁶⁵

“In Resolution 2065 (XX) of December 16, 1965 and Resolution 3160 (XXVIII) of December 14, 1973 the United Nations General Assembly has recognized the existence of a territorial dispute, has not addressed the current inhabitants as a “people”, but as a “population”, whose interests need to be borne in mind, and has urged the two States “to proceed without delay with the negotiations...”¹⁶⁶

“Contrary to what is believed by sources that are not well informed, the process that began in Subcommittee III until the approval of resolution 2065 was not like walking on a bed of roses. It was a path characterized by difficult negotiations, not without moments of tension. Although the existing minutes and documents do not tell the whole story, it is possible to get closer to the truth by simply reading the resolution, starting with the title: “Question of the Falkland Islands (Malvinas)”, which is already a situation controversial. When the text of the document is reached, the last preambular paragraph says: “Taking note of a dispute between the Governments of Argentina and the United Kingdom ... about sovereignty over these Islands.” Anyone familiar with the meaning of “taking note” in multilateral diplomacy knows that it is a formula to get out of trouble when it is not possible to reach an agreement that commits the voting delegations. Furthermore, although it does not appear in the minutes, an effort by our representatives and their allies to “recognize” the dispute, did not materialize to preserve the large majority that should be obtained in the vote. The first operative paragraph invites both Governments to continue without delay the negotiations recommended by the Decolonization Committee “in order to find a peaceful solution to the problem ...” What is the problem, which does not appear in the operative part of the resolution? Our representatives would have promoted a more direct formula, but they wisely preferred not to risk the loss of votes,... Nor does the resolution make explicit the principle of territorial integrity, to avoid a complicated debate on the scope of self-determination,...”¹⁶⁷

Having abstained in the voting, Britain's representative exercises a right of reply.¹⁶⁸

“... my Government has welcomed the suggestion by the Argentine Government that our two Governments should hold talks on the question of the Falkland Islands... bearing in mind our well-know reservations regarding sovereignty and the need to respect the wishes and the interests of the people of the Falkland Islands. It is because of those reservations and the phraseology used in parts of the resolution which has just been adopted that my delegation abstained from the vote...”¹⁶⁹

165 UKMis to FCO January 22, 1969 in FCO 7/1080 at 186

166 Falkland Islands/Malvinas Michael Waibel 2011 in *Max Planck Encyclopedia of Public International Law* 2011

167 Berasategui 2017

168 The abstention, rather than a vote against, was the result of a direct instruction from the Labour Government in London.

169 CO 1024/438

“... the terms of the resolution (No. 2065) are unequivocal. In it, all reference to the wishes and so-called rights of the inhabitants of the Malvinas Islands was omitted.”¹⁷⁰

“... the resolution... refers not only to the interests of the Falklands’ population, but also to resolution 1514 (which states that “all peoples have the right to self-determination”) and above all to the provisions and objectives of the Charter, with the quite unequivocal obligations placed on us by article 73.”¹⁷¹

“Of course, the General Assembly is not a legislature. Mostly its resolutions are only recommendations, and it has no capacity to impose new legal obligations on States.”¹⁷²

“Although for the first time Argentina obtained international recognition of the existence of the dispute and succeeded in tying the Falkland’s decolonization to that dispute’s resolution, there was no UN acknowledgement of Argentine sovereignty or open acceptance of the superiority of territorial integrity over self-determination as guiding principles for the settlement of this conflict. ...”¹⁷³

“Ambassadors Ruda and García del Solar ... preferred to avoid what I call a “diplomatic battle” - which could have ended in failure – and obtain a compromise text that brought the United Kingdom to the negotiating table, as agreed in the joint statement Zavala Ortiz-Stewart in January 1966, by which the United Kingdom accepted an express reference to resolution 2065 and the texts included in it. ... The resolution ... was undoubtedly a resounding political success that declared Argentina a party to the controversy and opened the way to these bilateral negotiations, but to give it the character of a document that favors our position on the issue of Sovereignty is an impossible difference... What is more, I can add knowingly that Ambassadors Ruda and García del Solar were of the opinion that what really mattered were negotiations and not returning to the General Assembly to reopen a process that could lead us to regress on what has already been obtained.”¹⁷⁴

“The resolution establishes jurisprudence for occupied territories that are not subject to “self-determination” but are part of another State from which a portion of the territory was taken away by the colonizing power.”¹⁷⁵

“... it merely calls for negotiations to begin, and lays down that their result should be a peaceful solution to the problem. Expressed like that, it sounded like a mild, positive call for peaceful progress, so it is not surprising that no country voted against it (including Britain, whose heart was not in the job of defending the Falkland Islanders).”¹⁷⁶

“(2065)... was read by the Argentine governments (and is still considered today) as a diplomatic victory although, in short, it summoned both parties to enter into rapid negotiations.”¹⁷⁷

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

170 Ambassador Bonifacio de Carril quoted in *Shaw to Diggines (1969)* in FO 7/1080

171 *Shaw to Diggines (1969)* in FO 7/1080

172 *The Creation of States in International Law* J. Crawford 2007 (2nd ed.) p.113

173 González 2014 p.21

174 Berasategui 2017

175 *Las declaraciones de Madrid O la diplomacia como la continuacion de la guerra por otros medios* Guillermo Martin Caviaasca 2018

176 Pascoe 2020 p.311

177 Mira & Pedrosa 2021

December 20th, at the UN, resolution 2105 (XX) is adopted by the General Assembly.¹⁷⁸

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

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

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

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

*“... what is the scope of a General Assembly resolution? ... it would suffice to mention in this regard what the Charter of the United Nations and the Rules of Procedure of the General Assembly say. They are ultimately "recommendations" ...”*¹⁷⁹

December 30th, before a visit by Secretary of State Michael Stewart, to Buenos Aires, under-secretary John Rennie advises that, in the course of any discussion, talks regarding the sovereignty of the Falklands should be avoided.

*“... apart from weakening our position in the Falkland islands Dependencies and the British Antarctic Territory, it would inevitably lead to an increase of pressure against British Honduras and British Guiana, and to the stiffening of the Spanish attitude towards Gibraltar. It could also be embarrassing to us further afield, e.g. in Aden. Indeed, it is impossible to say where the chain reaction would stop.”*¹⁸⁰



178 See [https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/2105\(XX\)](https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/2105(XX))

179 Berasategui 2017

180 CO 1024/433

1966 – January 3rd, a new Argentine department, *Instituto de las Islas Malvinas*, is created by presidential decree to; “... a) campaign for the return of the Falkland Islands to the Argentine, b) Collect relevant historical documents, c) Promote conference, and d) Establish a library.”

*“This will, to all intents and purposes, be a Government propaganda organization under the Ministry of Foreign Affairs.”*¹⁸¹

*“Although long expected, the fact that the Decree was “No.1 of 1966”, that it was published on the anniversary of the expulsion of the Argentine settlement from the Islands in 1833 and that this was only a few days before the Secretary of State’s visit gave it some emphasis. But it needs more than one raindrop to make a shower and we have no evidence to say whether this presages a renewed wave of interest.”*¹⁸²

*“Shortly afterwards the Government created the Instituto y Museo Nacional de las Malvinas y Adyacencias (Falkland Islands and dependencies Institute and National Museum) to be housed in a building under the control of the Ministry of Foreign Affairs. The aim of the institute was to “stimulate the national conscience”, to demand the return of the Islands to Argentina, and to collect and disseminate information about the question. In addition, a specialist library was established and arrangements were put in hand for propaganda talks and films throughout the country.”*¹⁸³

In Buenos Aires, the *Comisión pro Monumento a Antonio Rivero* hold a ceremony.

*“...at which Leguizamón Pondal asserted that Antonio Rivero had been a captain in the army of Manuel Dorrego fighting against Lavalle in the uprising in December 1828 before “fleeing” in 1829 to the Malvinas, where he headed the “rebellion of 26 August 1833”, and that he died fighting in the battle of the Vuelta de Obligado in 1845. There is in fact no evidence for any of that; Leguizamon Pondal presented none, and Rivero cannot have been a captain since he was illiterate.”*¹⁸⁴

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

*“In our experience, no good is served by keeping unwilling subjects under one's flag, but when the inhabitants' wishes are clear, as in this case they are clear, then the wishes of the Falkland islanders are more important than those of either the Government of the United Kingdom or that of Argentina...”*¹⁸⁵

Minister Ortiz responds.

*“... one had to consider whether it was possible to apply the principle of self-determination in this case. He did not think it could be applied when its application might be detrimental to other principles generally accepted by the international community, such as those of territorial integrity and national sovereignty.”*¹⁸⁶

*“The Argentines... suggested that discussions should be continued without delay through diplomatic channels,...”*¹⁸⁷

181 *British Embassy, Buenos Aires to American Department, Foreign Office January 4, 1966*

182 *British Embassy, Buenos Aires to American Department, Foreign Office January 7, 1966*

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

184 Pascoe 2020 p.165. *cf.* 1833, 1956, 1965, 1966, 1972, 1982, 2012 and 2015

185 Quoted in *The Times* January 14, 1966

186 *FO 371/185135*

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

*“When I visited Buenos Aires in January, 1966 I discussed this matter (sovereignty) with the then Argentine Foreign Minister. I stressed the importance we attached to the wishes of the inhabitants and suggested the removal of the existing Argentine obstacles to free movement. The Argentines did not respond to this.”*¹⁸⁸

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

*“In keeping with the conciliatory spirit of the Resolution adopted by the 20th General Assembly of the United Nations, passed on 16 December 1965, both Ministers held a valuable and frank exchange of views during which they both reiterated the positions of their respective Governments. Finally, as a result of these conversations, the two Ministers have agreed on continuing without delay with the negotiations recommended in the above mentioned Resolution, through diplomatic channels or any other means they may agree upon in order to reach a peaceful solution to the problem and prevent the matter from affecting the excellent relations between Argentina and the United Kingdom. Both Ministers agreed to communicate this decision to the Secretary-General.”*¹⁸⁹

*“Anglo/Argentine exchanges on the Falkland Islands date from 1966, following the December 1965 United Nations Resolution inviting both parties to hold discussions...”*¹⁹⁰

*“This, in itself, represented an important change for a power that since 1833 had denied that there was anything to discuss at all. ... Britain wished that the dispute should not damage Anglo-Argentine relations and accepted the talks with this in mind, but it had no doubt about its sovereignty.”*¹⁹¹

*“... diplomatic negotiations between Argentina and the United Kingdom were initiated after the adoption by the United Nations General Assembly of the aforementioned resolution 2065 (XX) and the Joint Communiqué, known as the Zavala Ortiz-Stewart Communiqué, which followed on January 14, 1966.”*¹⁹²

January 19th, an editorial in Argentine newspaper, *La Nacion*, comments on Stewart's visit.

*“... the British and Argentine Foreign Ministers joint communique – and above all perhaps, the frankness with which Mr. Stewart approached the subject in the talks held during his visit – show the significance of the stage and interpret the new spirit in which Britain is beginning to deal with a subject which she had earlier evaded. ... (it was) agreed that discussions recommended by this Resolution (2065) should be pursued without delay through diplomatic channels, or such other means as may be decided, with the purpose of finding a peaceful solution to the problem and to prevent this question affecting the excellent relations existing between Argentina and the United Kingdom. ... the occupation of the Falkland Islands and their illegal retention by Britain have continued to act on Argentine opinion as a thorn in the flesh, the effects of which cannot be erased by anything less than a return to the situation ended by violence 133 years ago. From this point of view Argentina cannot negotiate with that which it is not in her power to trade: her sovereign rights over the lost Archipelago. ... Thus is renewed a dialogue which was interrupted in 1834...”*¹⁹³

188 Memorandum by the Secretary of State for Foreign and Commonwealth Affairs December 15, 1968 in FCO 7/1079 at 154

189 FO 371/185135

190 FCO 76/1892 Annex 3

191 *Missed Opportunity? The Anglo-Argentine Negotiations over the Sovereignty of the Falkland Islands, 1966 – 1968* Martin Abel González 2009

192 Berasategui 2017

193 Translation in *British Embassy, Buenos Aires to American Department, Foreign Office January 24, 1966* in FCO 371/185135

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

“... *far from Zavala Ortiz's subsequent pompous claim that a deal had been within reach at the summit, the record shows both sides restating their respective titles and positions.*”¹⁹⁴

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

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

*“I did not discuss British sovereignty over the Falkland Islands with the Argentine Government; Her Majesty’s Government does not consider that this is negotiable. I did, however, suggest that the Argentine Government should consider the removal of obstacles to free movement between Argentina and the Falkland Islands. We hope to discuss that subject again during further talks with Argentine officials.”*¹⁹⁵

February 7th, in Buenos Aires, Argentina’s Ministry of Foreign Affairs and Worship informs the British Embassy that it does not consider the information provided to the International Telecommunications Union in Bern, Switzerland, by the UK as affecting; “... *Argentine sovereignty over ‘Las Malvinas’, the Islas Georgias del Sur e Islas Sandwich del Sur’ of which the United Kingdom holds possession by virtue of an act of force never recognised by the Argentine Government...*”¹⁹⁶

February 9th, Britain, and Argentina, write to the UN’s Secretary-General to inform him of the proposals.¹⁹⁷

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

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

Average *per capita* annual income in the Falklands is £503; “... *high by colonial standards.*”¹⁹⁸

Argentina’s Ambassador to London requests that negotiations move forward; “... *a preliminary meeting was arranged in London for July 19th and 20th.*”¹⁹⁹

April 19th, at the United Nations, a *Working Paper* is prepared by the Secretariat on the question of the Falkland Islands. It notes the deliberations leading to Resolution 2065 of 1965 and the information from both Argentina and Britain that talks were to commence. The paper adds that no new information regarding the territory is available.²⁰⁰

On the same day, in Buenos Aires, notable academics Ricardo Caillet-Bois and Humberto Berzio, respond to calls for a monument to commemorate the gaucho Antonio Rivero as a revolutionary hero. In an open letter, these experts criticise demands for a statue.

194 *Ibid.* p.114

195 *Hansard January 31, 1966 col.161W*

196 *FCO 371/185135*. See July 1965

197 *UN Document A/AC.109/145* of February 16, 1966

198 *Guillebaud Report 1967* quoted in *FCO 42/429*

199 *Ibid.*

200 *UN Document A/AC.109/L.274* of April 19, 1966. Working Papers prepared by the Secretariat are published every year.

That for Working Paper for 2021 can be found here – <https://falklandstimeline.files.wordpress.com/2021/04/working-paper-2021.pdf>

They state that the documentary record did not support a project founded; “... with more good faith and patriotic enthusiasm that historical truth.” Their opinion immediately comes under attack from nationalists.

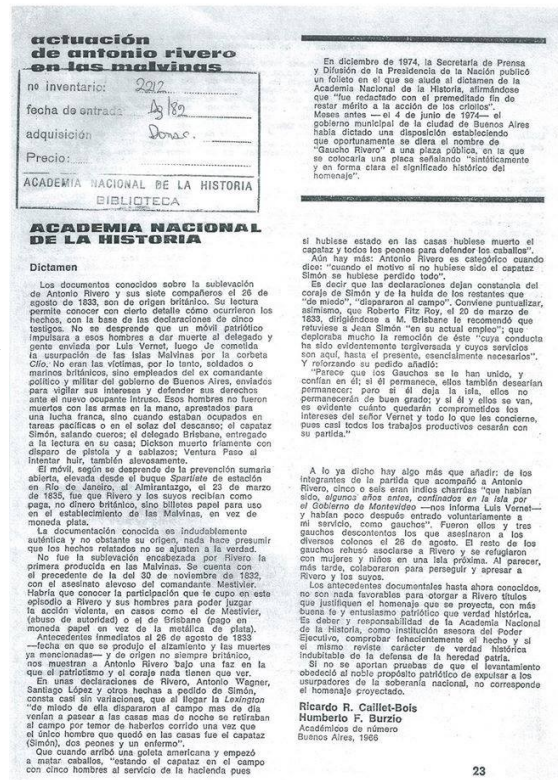
“... To comprehend the quality of the impulse that inspired the struggle of Antonio Rivero, the boldness of his bravery, the driving force of his patriotism, it is necessary to begin by being Argentinian... With his qualities and his defects, his roughness and his tenderness, his triumphs and his defeats, Argentina is in Rivero and Argentina is Rivero, as a supreme protagonist of the drama of our lives, struggling against powers and empires, a vibrant will for justice which extols the native community of Argentinians, on the stages of that same human and political journey on which we travel and on which travelled Antonio Rivero...”²⁰¹

“... the authors of the opinion were disqualified intellectually and even morally, within the Instituto y Museo Nacional de las Islas Malvinas y Adyacencias, which worked with the Ministry of Foreign Affairs...”²⁰²

“The Rivero Myth was discredited in a “dictamen” (official opinion) written by the Argentine historians Ricardo Caillet-Bois and Capitán Humberto Burzio, adopted unanimously by the Academia Nacional de la Historia and published on 19 April 1966, pointing out that Rivero and his group did not rebel against Britain and that they killed representatives of Argentina.... The publication of the Academy’s opinion at once unleashed a storm of protest in Argentina.... the Rivero Myth has been repeated many times by successive Argentine governments and Argentine authors.”²⁰³

Researcher's Comment: A gaucho, Antonio Rivero, led a murderous riot at Port Louis in August 1833. This resulted in the deaths of the settlement’s managers, who worked for Luis Vernet; the ‘Governor’ of the archipelago appointed by Buenos Aires in 1829. However, children’s stories written in the 1950s had changed the character of Rivero to that of a revolutionary hero. In 1833, Luis Vernet damned him as a murderer. In 1966, Argentina proclaimed him a hero.²⁰⁴

May 18th, in Madrid, the Spanish Government proposes that the terms of the *Treaty of Utrecht 1713* be cancelled, and Gibraltar handed over to Spain. The British government immediately rejects the proposal.²⁰⁵



201 Dictamen que agravia la soberanía Enrique Corominas & Oscar Uriondo in *Propósitos* May 5, 1966

202 *Agresión Militar de los EE.UU. a las Islas Malvinas y El Gaucho Antonio Rivero* Tesler Mario 2013

203 Pascoe 2020 pp.165-166

204 cf. 1833, March, 1956, November, 1965, January, 1966, August, 1972, April 1982, August 2012 & March 2015

205 Rejecting a cession of sovereignty in Gibraltar’s case had ramifications for the other remaining colonial territories, including the Falklands. cf. González 2014

June 2nd, following a sharp drop in the price of wool, likely to affect the Falklands economy, Foreign Office under-secretary Henry Hohler, notes; “... (there) is now a much better prospect of reaching agreement over the Falklands since the islands are losing population and ceasing to be self-supporting. ... the islanders may themselves come to desire union with the Argentine.”

June 24th, Governor Haskard is informed of negotiations with Buenos Aires, and provided with a legal opinion from the Law Officers.

*“Thank you for your secret and personal letter FST.462/47/09 of 24th June regarding the Anglo-Argentine talks on the subject of the Falkland Islands. I note that the memorandum summarising the opinions of the Law Officers is for my personal information only.”*²⁰⁶

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

July 19th, in London, a preliminary meeting opens between teams led by Henry Hohler and Argentine Ambassador Dr. Alejandro Lastra.²⁰⁷ Argentine diplomat, Juan Carlos Beltramino, submits a formal note asserting that restitution of the Islands to Argentina would be the; “... only solution within the aims pursued by Resolution 1514 (XV) of the General Assembly.”

*“In accordance with the rights and guarantees established in the Argentine Constitution my Government will assure the small number of inhabitants of the Islas Malvinas full enjoyment of their civil rights and religious freedom. Likewise, it will authorize the use of the English language both in schools and other activities, in order to avoid any harm to their interests. Moved by the same spirit it is prepared to consider exemption from military service for the inhabitants for a period to be determined.”*²⁰⁸

*“The first round of formal talks was held in London in July 1966 when the Argentines handed over a Note claiming the “return” of the islands and making certain offers about ways in which the Argentine Government would be ready to respect the Islanders’ interests by offering safe-guards and guarantees to protect their position under a change of sovereignty.”*²⁰⁹

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

*“In addition, the British delegation asked the Argentines to consider the problem in human and not simply legal terms: it was argued that serious consideration had to be given to the Islanders’ interests and that they had to be persuaded of the benefits of Argentine citizenship.”*²¹⁰

206 Haskard to Bennet July 31, 1966 in CO 1024/585. This legal opinion remains embargoed despite, apparently, repeating that of 1947 which is in the public domain.

207 Leading Argentina's delegation, Lastra had been viewed as a person who the Foreign Office could “work with,” as he had previously expressed his desire to assist in a “revival” of the traditionally good relations between the two countries. After this initial round of talks, however, he resigned his position. Out of favour with the new regime in Argentina.

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

209 Memorandum by the Secretary of State for Foreign and Commonwealth Affairs December 18(?), 1968 in FCO 7/1079 at 154

210 Research Department Memorandum – The Falkland Islands Dispute: Developments from 1965 -1968 (May 3, 1973) in FO 7/3201 attached to 281. Also The Falkland Islands, 5th Report from the Foreign Affairs Committee Session 1983-1984 HC 268 25.10.1984 para.29

“... what the Foreign Office had in mind for the July round was not what Buenos Aires interpreted. .. Henry Hohler,.. strove to convince his guests that the Falklanders' needed to be in a position to fully appreciate the benefits of Argentine citizenship in order to change their mind. For this to occur, Buenos Aires had to remove the restrictions of movement...”²¹¹

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

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

*“Our aim should be to **get shot** of the Falkland Islands in an honourable manner, with a transition period long enough to enable the younger Islanders either to settle down under Argentine rule or to emigrate, and the older Islanders to live out their lives under British rule where they now are.”*²¹²

The Colonial Office inform Governor Haskard.²¹³

July 23rd, Argentina is defeated, controversially, in the quarter-finals of the 1966 World Cup competition.

*“First they stole the Falklands from us, and now the World Cup.”*²¹⁴

David Hewlett of the *Bank of London and South America*, is interviewed on the BBC South American Service.²¹⁵

“The talks on the Falkland islands that have recently been held in London between the Argentine and British Governments were by no means the first. The ownership of these remote and inhospitable islands in the South Atlantic has been in dispute since the British first landed there in the 17th century. In the 18th century they were sighted and settled on by sailors from St. Malo and name Isles Malouines. France later ceded her claim to Spain and as Islas Malvinas they were considered to be part of Spain's Empire in the New World. Britain however continued to regard the islands as her own.

Islas Malvinas are some 300 miles east of the southern tip of Argentina and geographically they would appear to be part of the South American continent. When Argentina declared her independence from Spain a century and a half ago, the islands were regarded as being included in the Spanish vice-royalty of the River Plate and thus part of the Republic of Argentina. Britain's claim of ownership of the islands was not recognised, nor considered relevant.

Britain has never acknowledged this point of view. In the days of sailing ships and early steam navigation, the Falkland Islands were a useful provisioning and fuelling station for ships around Cape Horn. The opening of the Panama Canal reduced their usefulness considerably, though they were still regarded as having some value as a naval base. This view has subsisted to the present day, though it must be admitted that Britain's naval operations in the South Atlantic can hardly be regarded as being of major significance these days. As a reason for retaining possession of the islands, their usefulness to Britain is relatively unimportant. Rather more weight should perhaps be attached to the wishes of the population, such as it is, which consists of some 2000 sheep farmers of mainly British origin. It is said or assumed that they have no desire to become part of the Argentine nation. It is hard to believe that a change would make any material difference to their lives on this remote group of small islands, but

211 FO 371/1851/39

212 Quoted in FO 371/1851/37. My emphasis.

213 Telegram 96 cited in Haskard to Bennet July 31, 1966 in CO 1024/585

214 Argentine press reports.

215 The *Bank of London and South America*, operated in South America between 1923 and 1971 as a result of a merger between the *London, Buenos Ayres and River Plate Bank* and the separately owned *London and Brazillian Bank* overseen by *Lloyds Bank* in the UK, with which it merged in 1986.

tradition and emotional ties are strong and the British Government very properly holds that their views must be respected.

It is not known what possible solutions were discussed at the recent talks, nor what prospects there may be for a satisfactory settlement when they are resumed in October, but several arrangements have been suggested from time to time that might satisfy the chief interests involved though there are complex legal problems to overcome.

Argentina bases her claim on geographical and historical grounds and the question of sovereignty over the islands is a matter of great emotional importance in Argentina.

One suggestion is that if Britain were to relinquish her claim in favour of Argentina, the 2000 inhabitants and their descendants could have dual nationality, like many thousands of people of British parentage born in mainland Argentina.

If the islands really had any value as a naval base, it should not be too difficult for Argentina to allow Britain to retain a base there as is commonly done in other parts of the world.

There is also the argument that Britain could benefit without affecting the interests of the islanders by a gesture towards Argentina by Britain which would show a proper recognition of Argentina's very real aspirations and would meet with two important results. In the first place, improved Anglo Argentine diplomatic relations might be reflected in better trading between the two countries and in the second place the gesture would greatly enhance the popular standing of the new government of General Juan Carlos Ongania. If, as now seems very likely, General Ongania has in his hands the keys to the solution of Argentina's economic and social problems it is in Britain's power to give him valuable assistance and so contribute indirectly to Argentina's future prosperity. This itself would be to Britain's material advantage since Argentina is one of our most important trading partners." 216

This interview is widely heard in the Falkland Islands. There is a very negative, reaction.

"The commentary on the Falkland Islands ... was most disturbing. The impression given that the Islands could easily be given over to Argentine sovereignty by arranging that the Falkland Islands inhabitants were given dual nationality concessions was particularly upsetting..." 217

"The reaction to this broadcast was immediate and in general antagonistic. The BBC is regarded here as being the mouthpiece of the British Government and almost everyone who has commented to me on the broadcast has tended to assume that it was officially inspired. There is in fact a strong feeling that the British Government is prepared to sacrifice the interests of the Colony and its inhabitants for reasons of expediency." 218

"That such a broadcast should come from London rather than Buenos Aires was the first public indication that the British Government were inclined to appease Argentina." 219

July 24th, following a meeting of the Falkland Islands Executive Council, Governor Haskard telegrams the Foreign Office.

216 Transcription in CO 1024-585

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

218 Haskard to Bennet July 31, 1966 in CO 1024/585

219 Governor Cosmo Haskard quoted in Tatham (ed.) 2008 p.275

*“Council wishes to emphasise that Falkland Islanders have no desire whatsoever to be handed over to Argentina. On the contrary population wishes to retain closest possible ties with Britain and rejects any suggestion that Colony of Anglo-Saxon stock should be used as pawn for any transitory political or material advantage.”*²²⁰

July 31st, Governor Haskard writes to the Colonial Office.

*“As you say, reference to the International Court might present a mid-way course between complete stone-walling and some more radical solution and I am **interested to note from the final sentence of the memorandum summarising the views of the Law Officers that, assuming a case has to be argued internationally, it would be less difficult to do so before a legal body than in a political forum at the United Nations.** The determining factors, as you say are likely to be the political and practical ones and I appreciate the implications of the Gibraltar dispute for this Colony. ... for most Falkland Islanders our right to be here is regarded as beyond any question of doubt.”*²²¹

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

August 4th, Britain’s Foreign Office writes to the new Commonwealth Office.

*“Many thanks for your letters FST 462/47/09 of 1 and 28 July about the possibility of referring the Falkland Islands dispute to the International Court. ... We have consulted the Foreign Office Legal Advisor about this. Sir Francis Vallat intends to write to the Legal Secretary to the Law Officers, mentioning the 1947 opinions of this subject and asking how he thinks the present Law Officers would like to deal with the matter.”*²²²

August 11th, in London, George Brown is appointed Britain’s Foreign Secretary.

On the same day, meetings between the Foreign Office and the Commonwealth Office consider the possibility of Argentina taking a case to the ICJ.

*“There seemed no doubt that, if the Argentines propose that we take their claim to the Court, we should have to agree to do so because this would accord with our general policy towards the United Nations and the International Court. Whether we should ourselves propose to go to the Court was a rather different matter. It did, however, appear fairly certain that an offer to go to the Court would be made by us to the Spaniards over Gibraltar and, if this happened, it would seem that we would have to make the same offer to the Argentines. If we did not do so it would be assumed that we considered we had not got as good a title to the Islands as we had to Gibraltar. ... The first step would be to get an opinion from the Law Officers...”*²²³

August 17th, John Bennet, of the Commonwealth Office, writes to Edmonds at the American Department of the Foreign Office.

“We here... have come to believe that if the Argentines ask us to go to the Court we would have to agree to go and if we do, as seems probable, propose to the Spaniards that we take the Gibraltar

220 FCO 42/67

221 Haskard to Bennet July 31, 1966 in CO 1024/585. My emphasis.

222 Atkinson to Sugg August 4, 1966 in CO 1024/585. cf. 1947

223 *Ibid.* This meeting was attended by Galsworthy (Foreign Office) Bennett, Gordon-Smith and Sugg (all Commonwealth Office).

dispute to the Court, we would have no alternative but to do the same thing with the Argentines over the Falklands.”²²⁴

September 7th, the newly formed *Dependent Territories Division* at the Foreign Office adds its opinion.

*“(British) policy since 1945 has been not to accept any specific and binding international commitment which could limit the freedom of the British government to decide on the most suitable constitutional goal for any territory when the time had come to do so. This policy has taken account of two major aims: to do the best we can for the people of any territory in their ‘particular circumstances,’ and to ensure that the government of the day remains free to decide how best to safeguard essential or important British or Allied interests.”*²²⁵

September 8th, John Bennet notes; *“... it has now been established informally from the Law Officers Department that they are **likely to confirm the previous Opinion of 1947** and will not expect another full-dress submission starting from scratch...”*²²⁶

*“... in our view, whilst it is not easy to express views with confidence in the unsettled state of International Law in relation to acquisition and loss of territory, Great Britain has a reasonably strong claim to have acquired the Falkland Islands by acquisitive prescription in the nature of usucaption consisting in its de facto possession and occupation of the Falkland Islands since the year 1833. ...²²⁷ Between 1841 and 1849 there were spasmodic protests by the Argentine Government to Britain; protests were renewed from 1884 to 1888. From 1908 onwards there have been a series of protests. Since 1833, however, there has not been any manifestation at all of physical control by the Argentine over the Islands. The protests made by the Argentine can be described as paper protests in that they were never followed up by further positive action. Furthermore, they were punctuated by long periods of silence so far as Great Britain is concerned, during which the Argentine showed no animus either way. There was, for example, such a period of silence between 1849 and 1884 (35 years), and between 1884 and 1908 (24 years). ... no positive attempt was made by the Argentine to have the matter referred to any process on international arbitration (although it is true that Dr. Ortiz suggested arbitration in 1884), even after the establishment of the League of Nations the Argentine did not bring the matter before this body. ... Britain, on the other hand, from 1833, or at least from 1841,²²⁸ ... had had factual occupation of the Islands without physical disturbance of any sort and without adverse claim from any quarter, apart from the Argentine, until the present day. ... in our view by international law Britain has acquired a prescriptive title to the Falkland Islands, and we accordingly think that if the matter were adjudicated upon, Britain would be successful in establishing her case...”*²²⁹

September 9th, from Buenos Aires, Ambassador Creswell writes to Henry Hohler. He argues that Britain should accept Argentina's proposals, perhaps via some lease-back arrangement.

224 *Bennett to Edmonds August 17, 1966* in CO 1024/585. cf. January, 1947 & December, 1966

225 Quoted in CO 936/977

226 CO 1024/585. cf. 1947

227 Usucaption is *“The acquisition and possession, undisturbed and uninterrupted of a territory which was formerly under another State's sovereignty or occupation ie., which was not terra nullius”* (FCO 76/1892 Annex 3 footnote to p.12.)

228 It seems that the Law Officers were not made aware of Lieut. Smith's 1834 appointment as Residential Officer.

229 1947 Law Officers opinion in LCO 2/490. See also FCO 76/1892. The 1947 opinion considered the archipelago to have been *terra nullius* after 1811 but, to support an argument regarding usucaption, that could not have been the position in 1833. Therefore, they reluctantly concluded that Argentina had gained a title to East Falkland Island between 1829 and 1833.

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

*“While Creswell was convinced that Britain should pick up and exploit Argentina’s own proposal, agreeing to concede sovereignty immediately in exchange for an extended list of guarantees for the islanders, there were voices, such as that of John Bennett – head of the Gibraltar and South Atlantic Department – which raised the opposite alternative of putting a brake on Buenos Aires’ diplomatic offensive at the UN by submitting the dispute to the International Court of Justice.”*²³⁰

September 20th, Governor Haskard arrives in London to join the discussions.

*“... he was convinced that more than 90% of the Islanders disliked Argentina and wished to continue in close association with the UK.”*²³¹

*“The Governor firmly expressed his view that Creswell’s proposal would generate a political storm in the islands, and that at a minimum what was needed was a long period of time for the older generation to pass away under British rule and for the younger islanders to plan ahead their future in a changed situation. Bennett added that disregarding the islanders’ wishes would weaken Britain’s Gibraltar policy vis-à-vis Franco’s Spain; hence his preference was for the submission of the controversy to the International Court as a time and face-saving move.”*²³²

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

*“Argentina would refuse to accept the referee’s decision and we would still have the dispute on our hands.”*²³³

Rather than wait for Argentina to suggest an approach to the ICJ, the Commonwealth Office suggest that Britain should take the initiative and make an offer in line with that being made to Spain. Although bound to be rejected by Argentina, the offer would; *“... gain us some support in the UN, ... give us an advantage in our negotiations, and buy some time.”*²³⁴ Others at the meeting are not enthusiastic about a British win at the ICJ; *“... we should be saddled with an indefensible group of islands with a declining population that is of no possible use to us.”*

*“The question was not, however, pursued further. This was partly because reference to the Court would have had no attraction for Argentina, but more because the composition of the courts had by then become less favourable for the UK on what is seen by many other members of the UN as a colonial problem.”*²³⁵

A further legal opinion regarding an approach to the ICJ is sought from Britain’s Law Officers – the Attorney General and the Solicitor General.²³⁶

September 26th, Britain’s Prince Phillip, the Duke of Edinburgh, flies out to Argentina for an unofficial visit.

230 González 2009

231 FCO 42/67

232 Minute by R. Edmonds, September 22, 1966 in FO 371/185140

233 Ibid.

234 Meeting of September 27, 1966 in CO 1024/585

235 Brief No. A6 ALW 0420/325/1 (FCO 07-3801) 1980. cf. November, 1966

236 Exact date and terms of reference unknown. This request is deduced from a subsequent report, the contents of which remain embargoed. See November 25, 1966

September 28th, an armed group of 19 Argentines, from the extremist *Condor* group, hijack an *Aerolíneas DC4* and force it to fly to the Falklands. The plane has 26 passengers on-board, including Admiral Jose Guzmán. Finding no runway, the aircraft is forced to land on the race-course at Stanley. A few inquisitive Islanders are seized as hostages.



Arms are issued to the *Defence Force* and police officers, who surround the aircraft.

*“The airliner, by far the largest aircraft ever seen over the Falklands, was carrying about forty passengers, fresh produce and crates of newly hatched chicks. It had taken off several hours earlier from the northern Patagonian town of Bahia Blanca for a flight to Rio Gallegos in the far south. Soon after take-off a number of the passengers emerged from their seats, reached into their hand luggage and produced guns. The hijackers, ..., were the extreme right-wing Condor Group. They ordered the captain to change course for the Falklands, where they intended to reclaim the Islands for the motherland. The crew must have had concerns, but the Argentine guerrillas appeared blissfully unaware that Stanley had no airport. ... the DC4 needed to put down somewhere and Islanders felt a mixture of alarm and relief when it began to descend in the direction of the racecourse. Landing such a large aircraft on a soft stretch of grass with fences and grandstands on each side was desperately dangerous better, though, than running out of fuel in mid-air. Showing remarkable skill, the pilots touched down lightly and managed to reduce the DC4's speed before the undercarriage began ploughing into the soft turf. Eventually it came to a jarring stop, still upright but with its wheels well and truly stuck.”*²³⁷

*“There’s no future if you don’t know your history. That is why today I also want to honor, and today we wanted to honor, that group of young people who back in the sixties went to place, not arms, not arms, went to place our flag, the flag of all Argentinians, on our Malvinas Islands. I want to thank them and María Cristina Verrier, who is surely listening to me, and who was the keeper of those flags.”*²³⁸

*“They had, however, neglected to take the elementary precaution of finding out whether there was an airport in the islands – and at that time there was no airport at all. They were crackpots of course – who in their right mind hijacks an aircraft to a place with no airport to land at? They became distinctly edgy on realising there was no airport, and the lives of all on board were saved by the weather (it was clear and there was no typical Falklands storm or low cloud or fog) and by the skill of the pilot, who successfully brought the plane down on Stanley racecourse. If there had been a storm, or fog, or there had been vehicles parked on the racecourse, all on board would have died.”*²³⁹

Later in the day, a hostage exchange takes place later when Marines' Captain Ian Martin, and the local Police Sergeant, Terry Peck, replace the hostages.²⁴⁰

237 *Invasion 1982: the Falkland islanders' Story* Graham Bound 2007

238 President Cristina Kirchner in a speech of April 2, 2014 quoted in *Malvinas between dictatorship and national Independence: Argentinian history in CFK's speeches* Paula Salerno 2019

239 Pascoe 2020 p.314

240 Admiral Jose Guzmán, was the then governor of Tierra del Fuego; the administrative area in which Argentina included the Islands. After the exchange, and on being taken past the Governor's residence, he called out, *"Mi casa"* (“My house”).

In Buenos Aires, Ambassador Creswell is summoned to the Foreign Ministry where Under-Secretary Mazzinghi disassociates his Government from the hijackers actions. Referred to as, “piracy.”²⁴¹

September 29th, in Buenos Aires, shots are reported as having been fired towards the British Embassy, where Prince Philip is staying. Demonstrations are held and the British consulate in Rosario, ransacked.

*“In Buenos Aires, police cars constantly patrol outside the residence of the British Ambassador, Sir Michael Creswell, where the Duke of Edinburgh is staying. The Duke who is here on an unofficial visit, received a verbal apology yesterday from the government for the shooting up of the Embassy residence by unknown nationalists on Thursday as he was dressing for a dinner with Commonwealth diplomats. In London the Defence Ministry said that the 2,300-ton British frigate Puma, which sailed from Simonstown naval base, South Africa, for the Falklands on Friday morning, would continue her 4,000-mile voyage as a precautionary measure.”*²⁴²

In the Falklands, following a cold night and a mass with Father Rudolph Roel, the hijackers surrender.



“Stanley's meagre military force was mobilised to support the handful of unarmed policemen. It was a moment of glory for the Defence Force. Only six Royal Marines were then based in Stanley, training the local men and advising the Governor on issues of security and defence. They suggested the Defence Force stake out the DC4, denying the 'pirates' water, warmth and sleep. This may have been the only terrorist incident that ended thanks to Jimmy Shand, Russ Conway and the Beatles. The Force set up loudspeakers around the plane and a DJ maintained a constant flow of furious Scottish jigs and rinky-tink piano tunes. This was a

*low trick and the Argentines could not hold out for long. ... As light faded, the temperature dropped, the plane's toilets backed up, water became short and the DJ introduced his pièce de résistance – his collection of Beatles' singles. The next morning the guerillas asked the priest to convey their surrender to the authorities.”*²⁴³

Under arrest, the Argentine hijackers are detained in an annex to the Catholic Church.

*“In the same self-serving and appeasing fashion that characterised policy in the months before the 1982 invasion, London decided that Argentina was not to be provoked with a stiff response. There would be no local trial and the hijackers were held in an annexe to the Catholic church rather than in prison.”*²⁴⁴

September 30th, controversially, the Condor hijackers are repatriated.

*“The hi-jackers left Port Stanley, the Falklands capital, on Friday night for Argentina and a probable trial for piracy. The British motor vessel Philomel sailed from the port to take the band to the Argentine ship Bahia Buen Suesco, which was waiting offshore. The 20 nationalists, who include blonde playwright Maria Verrier, have been threatened with the full force of the law by President Ongania.”*²⁴⁵

241 Britain's Prince Phillip was due to play polo with Argentina's President, General Ongania, who was embarrassed personally by the hijack.

242 *Canberra Times* Monday October 3, 1966

243 Bound 2007

244 Bound 2007

245 *Canberra Times* Monday October 3, 1966

*“President Onganía condemned the incident and skilfully avoided further trouble by having the extremists removed from the Falklands not to Buenos Aires, where they would have been fêted as heroes, but to Ushuaia on the grounds that their offence had been committed within the jurisdiction of the Governor of Tierra del Fuego. Much of the President’s displeasure over the episode was due to the fact that the talks already initiated with the British Government seemed to him to offer the distinct possibility that Argentina’s ambitions in the Falklands might at last be fulfilled. On the other hand, the hijacking and symbolic seizure of the Islands made the British public generally aware of the existence of the dispute and left an unfavourable mark on public opinion.”*²⁴⁶

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

*“... the mounting domestic and international tension over Gibraltar was tying Britain more and more to the principle of respecting the wishes of the populations of its remaining colonies.”*²⁴⁷

Responding, the UK offers to take the question of Gibraltar to the International Court of Justice.²⁴⁸

*“... an offer that Argentina did not want to see re-enacted in the Malvinas case.”*²⁴⁹

October 23rd, an executive of *Baring Brothers Bank* suggests that Britain lets Argentina “infiltrate” the Falklands by selling them the *Falkland Islands Company*.²⁵⁰

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

In **November**, at a court in Ushuaia, the Condor Group hijackers are tried, and found guilty, of offences relating to an unlicensed possession of firearms and the illegal detention of the other passengers.²⁵¹

Britain's Treasury gives its opinion on the future of the archipelago.

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

November 22nd, in London, the Cabinet's 'Defence & Overseas Policy Committee' review the Falklands' question.²⁵² Secretary of State for Foreign Affairs, George Brown, makes a presentation.

“British commercial interests in the Falklands are modest and we have no strategic interest in maintaining our position there. Our only major concern is with the welfare of the population, which now numbers just over 2,000. The population is slowly declining through emigration and labour has to be imported from other countries, including Chile. The islanders unanimously wish to maintain, and if possible strengthen, their links with the United Kingdom. Access to Argentina having been discouraged for some twenty years, the younger generation has little idea of what Argentina is like or of the benefits which association with Argentina might bring. If the present barriers were lifted, this generation (which

246 Research Department Memorandum – *The Falkland Islands Dispute: Developments from 1965 -1968 (May 3, 1973)* in FO 7/3201 attached to 281. The Governor of Tierra del Fuego had been a hostage on the aeroplane.

247 González 2009

248 A *Compromis* proposal was duly drawn up and dated October 11, 1966. Spain declined.

249 González 2014 p.158

250 FCO 7/132 Meeting Gore-Phillimore 23.10.67

251 Not air-piracy as had been demanded by the United Kingdom. Sentences ranged from 2-3 years imprisonment, although the majority were freed after 9 months.

252 Formed in October, 1963 to replace both the Defence Committee and the Overseas Policy Committee. Chaired by the Prime Minister, core membership included the First Secretary of State/Deputy Prime Minister, the Foreign Secretary, the Chancellor of the Exchequer or Chief Secretary to the Treasury, the Home Secretary, the Commonwealth and Colonial Secretary and the Minister of Defence.

*is showing signs of dissatisfaction with the confined life of the Islands) might, over an extended period of time, come to prefer association with Argentina to the present position. The Islands have a very small volunteer defence force which is not capable of defending the Colony without external help. They cannot quickly be reinforced because there is no airfield and in present circumstances the Ministry of Defence are not normally able to station one of HM ships in the area except during a few months of the southern summer. The Argentine pirate escapade of September 1966 was fortunately surmounted but the margin was very narrow. If the Argentines were to occupy the Islands by force, as they easily could, we should be obliged to go to war with Argentina to recover them. In short, possession of the Falkland islands is a political liability. This liability is likely to grow in future. We should do all we can to solve this problem now, for the following reasons:- (a) if the problem remains unsolved, it must continue to strain Anglo-Argentine relation; (b) Argentina can count on overwhelming support in the United Nations, as has already been proved by discussions there in 1964 and 1965; (c) if the dispute is not solved, Anglo-Argentine co-operation in the economic field may be prejudiced.”*²⁵³

*“The arguments in favour of seeking an early settlement of this problem were put to Ministers on 22 November 1966 by my predecessor Mr. George Brown...”*²⁵⁴

November 28th, information regarding a proposed extension to Argentina’s territorial waters, reaches the US Embassy in Buenos Aires.

*“... the (US) Buenos Aires Embassy warned that Argentina plans to substantially increase its territorial waters in the coming weeks, encompassing the Malvinas in its new configuration. “The press reports and various sources from the embassy confirm that the new Argentine legislation, which unilaterally changes the maritime jurisdiction, is in an advanced state of review,” says the document, which attributes the urgency of the decision to the alarm raised in the country's armed forces for the appearance in Argentine waters of Cuban and Soviet ships. The embassy explains that it has tried to stop the decision by informing Argentine officials that such a change will not solve the problem and could create “new sources of misunderstandings and conflicts.” ...”*²⁵⁵

*“A WikiLeaks cable found that the dictator Juan Carlos Onganía considered retaking them (the Falkland Islands) in 1966.”*²⁵⁶

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

*“At the first session, the British delegation put forward in broad terms the proposal, ... that normal freedom of movement should be established between the Islands and the mainland of Argentina. It was also suggested that a transitional period of a minimum of 30 years should be allowed for the normalisation of relations between the Islands and Argentina and that the possibility of economic and other co-operation should be studied. At the end of the agreed period the Islanders would be free to choose between Argentina and British sovereignty... Administration of the Islands would remain in British hands and independent Argentine activities would not be tolerated...”*²⁵⁷

²⁵³ Memorandum by the Secretary of State for Foreign and Commonwealth Affairs December 18(?), 1968 in FCO 7/1079 at 154

²⁵⁴ Secretary of State for Foreign & Commonwealth Affairs, Michael Stewart, in Memorandum by the Secretary of State for Foreign and Commonwealth Affairs December 18(?), 1968 in FCO 7/1079 at 154

²⁵⁵ Urgent 24 November 28, 2010. A draft-law had been submitted to Congress in August, 1964 in response to the provisions of the United Nations Convention on the Continental Shelf.

²⁵⁶ Chronicle of a referendum foretold: what next for the Malvinas–Falklands? Cara Levey & Daniel Ozarow 2021. Not actually what the cable said.

²⁵⁷ The Falkland Islands Dispute: Developments from 1965 -1968 (May 3, 1973) in FO 7/3201 attached to 281

*“However, the question of offering to refer the dispute to the International Court was not pursued further. The Foreign Office came to the conclusion that such a course would be inadvisable because: a) the composition of the Court might be less favourable to HMG (especially on colonial questions) after February, 1967, b) reference to the Court would have no attraction for Argentina, c) any tactical advantage in the UN would be temporary, and d) it would not solve the problem.”*²⁵⁸

*“The Hohler-Beltramino talks were conducted in secret and were clearly predicated on an eventual transfer of sovereignty. The chief concern was to find a means of protecting the rights and way of life of the islanders and to secure the continued development of the islands' economy.”*²⁵⁹

*“The Argentine negotiators were enthusiastic because, according to Carlos Ortiz de Rozas, a privileged participant of these meetings, there were conversations with the British where they pointed out that: With the development of new arms with intercontinental missiles, the islands had lost the strategic importance they had during the two world wars, and that the geographical proximity with Argentina, sooner or later, condemned them to an integration with our country.”*²⁶⁰

December 2nd, J. S. Bennet of the Commonwealth Office, notes the opinion from the Law Officers, answering the September request regarding a submission to the International Court of Justice.²⁶¹

*“As forecast, the Law Officers confirm the Opinion given by their predecessors in 1947... and say in effect that the British legal title to the Falkland Islands is strong enough to justify referring the issue of sovereignty to the international Court if it seemed politically desirable to so and if the Argentine Government would agree. We could throw in the Dependencies too if necessary. There is no doubt about our title to South Georgia, the only inhabited dependence and although our title to the South Sandwich Islands is apparently a little shaky, nobody is likely to worry much over those windswept uninhabitable rocks near the Antarctic Circle. ... The effect of this Law Officers' opinion is to arm us with a second shot to our bow if the current Anglo-Argentine discussions about the Falklands fail to reveal any other basis of agreement. The present position is that the Argentine delegation are considering the British proposal, made at the meeting on 29th November, for a 40-year legal moratorium coupled with unfreezing communications between the Falkland Islands and the Argentine, at the end of which period the inhabitants of the Islands would be allowed to choose between British and Argentine sovereignty. It is uncertain whether the Argentine Government will see enough in this proposition to interest them, but we may hope that discussion of it will at least keep the talks going for a while. The immediate tactical objective is to prevent the talks grinding to a halt before the close of the current Session of the United Nations General Assembly just before Christmas. If the Argentine Government do turn our proposal down out of hand and there is a risk of the dispute going back to the UN, we are now in a position, if we wish, to counter with an offer to refer the dispute to the International Court,...”*²⁶²

“In 1966 the question arose as to whether in the course of negotiations with the Argentines the UK should offer to refer the dispute over the Falkland Islands to the International Court of Justice. The Law Officers were asked to advise whether the strength in law of the British case for sovereignty over the Falkland Islands and dependencies was sufficient to justify a reference to the International Court of Justice. The law officers in an

258 FCO 76/1892 Annex 3 of 1979

259 *The Battle for the Falklands* Max Hastings & Simon Jenkins 1997. Juan Carlos Beltramino was a career diplomat with United Nations experience.

260 *Las estrategias argentinas hacia Malvinas (1945-2012): negociaciones y guerra* Alejandro Simonoff 2015

261 Opinion dated November 25, 1966

262 Bennet note dated December 2, 1966 in CO 1024/585

opinion dated 25 November 1966 expressed the view that the strength in law of the British case is sufficient to justify such a reference, although they could not exclude the possibility that the International Court might find against the UK in relation to sovereignty over the Falkland Islands, and particularly, over the South Sandwich Islands. With regard to the South Sandwich Islands, they were of the opinion that the case was not very strong, but considered a reference to the International Court would be justified if it was thought advisable to add the Dependencies in the reference to the Court.”²⁶³

December 9th, Argentina's delegates rejects Britain's November 29th proposals.

“... both questions – the return of the Islands to Argentina and the freeing of communications – were bound up with one another. ... it was agreed that discussions should be continued on an informal basis in 1967...”²⁶⁴

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

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

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

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

*Article 3 – The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter...”*²⁶⁵

“The United Kingdom strongly opposed the inclusion of [article 1], holding that self-determination was a principle not a right. The essential objection from the United Kingdom point of view was that because of the vagueness of the article, it could be interpreted as imposing on a colonial power greater obligations in respect of dependent territories than the Charter itself.”²⁶⁶

“Self-determination was thereby confirmed as a right of all peoples including those of non-self governing territories, and it became an obligation on states responsible for such territories to promote "the realization of the right of self-determination" for the peoples living in them. That self-evidently means external as well as internal self-determination – without external self-determination (the right to decide their relations with other countries) those peoples would not be able to "freely determine their political status", as paragraph 1 of the ICCPR puts it. Thus Britain is obliged to promote external self-determination for the Falkland Islanders. To hand the islands to Argentina would be a breach of that obligation...”²⁶⁷

December 17th, at the UN, the Fourth Committee commences a review of the decolonization process to date.

²⁶³ Noted in FCO 76/1892 Annex 3 of 1979 – a draft OD (Overseas Policy & Defence Committee) paper.

²⁶⁴ Research Department Memorandum – *The Falkland Islands Dispute: Developments from 1965 -1968 (May 3, 1973)* in FO 7/3201 attached to 281

²⁶⁵ Destined to take effect on March 23rd, 1976. The UK signed September 16, 1968 and ratified it on May 20, 1976. Argentina ratified August 8, 1986. See [https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/2200\(XXI\)](https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/2200(XXI))

²⁶⁶ Report of a Working Group of Officials on the Question of Ratification of the International Covenants on Human Rights, August 1, 1974, Annex D, para. 5

²⁶⁷ Pascoe 2020 p.312

*“During the discussions on the question which took place at the twenty-first session of the General Assembly in the Assembly's Fourth Committee, many Members, ..., welcomed the information that talks between Argentina and the United Kingdom were continuing. Uruguay and Venezuela emphasized that the solution arrived at ... should be compatible with the paragraph (paragraph 6) in the Assembly Declaration of 14 December 1960 ... which stated that any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the United Nations Charter. Iran considered it essential that the views not only of the people of the territory but of the people of Argentina should be taken into consideration, while India expressed concern at the leisurely rate at which the talks were proceeding...”*²⁶⁸

Off the Falkland Islands, an Argentine submarine, *Santiago del Estero*, commanded by Captain Horacio González Llanos, approaches the coast.

*“... just before Christmas 1966, a small US-built submarine, leased to the Argentine navy and called the Santiago del Estero, broke off from an exercise near the Patagonian coast and headed south-east towards the Falklands. The absence of the submarine was noticed when the other vessels returned to port. The navy's official explanation was that Santiago had stayed behind to patrol the shallow waters near the mainland off the coastal resort of Mar del Plata.... Within three days the Santiago del Estero had slipped quietly and undetected into Falklands waters some forty kilometres north of Port Stanley. Just after sunset Captain Llanos ordered the operation to get underway. About fifteen marines climbed into two rubber craft and began paddling with silent speed towards a beach a few hundred yards away. Their mission was to use the available twelve hours of darkness at that time of the year to survey the beach and its surroundings as a site of a possible future landing... A strong current took both craft off course and they spent most of the night trying to regroup on shore... Captain Llanos decided to give it a second try. After spending a further day submerged, the Santiago surfaced again the next night and the two craft were sent back... For over four hours they inspected the beach, measured distances and probed the nearby countryside for tracks before returning to their submarine.”*²⁶⁹

December 20th, the Fourth Committee report to the General Assembly on the Question of the Falkland Islands.

“With reference to General Assembly resolution 2065 (XX) of 16 December 1965 concerning the question of the Falkland Islands (Malvinas), the Fourth Committee took note of the communications dated 15 December 1966 of Argentina and the United Kingdom of Great Britain and Northern Ireland. In this regard there was a consensus in favour of urging both parties to continue with the negotiations so as to find a peaceful solution to the problem as soon as possible, keeping the Special Committee ... duly informed about the development of negotiations on this colonial situation, the elimination of which is of interest to the United Nations within the context of General Assembly resolution 1514 (XV) of 14 December 1960”

The General Assembly approves, without objection.

December 29th, Argentine law 17.094 comes into force, extending the claimed territorial waters to 200 miles.²⁷⁰

268 UN Yearbook 1966

269 *Land that Lost its Heroes: How Argentina Lost the Falklands War* Jimmy Burns 2012 p.38. This story has never been verified and a number of versions exist. One, *Historias de Patagonia: El secreto mejor guardado de Malvinas* by Mario Novack in *El Diario Nuevo Dia* October 17, 2020, asserts that the incursion took place at the end of October, 1966. According to Burns, the Second Officer on the *Santiago* was one Juan Jose Lombardo. Admiral Lombardo in 1982.

270 *Research Department Memorandum – The Falkland Islands Dispute: Developments from 1965 -1968 (May 3, 1973)* in FO 7/3201 attached to 281. cf. 1958 & 1964

1967 – January 12th, in London, an internal Foreign Office *memo* considers the prospects for a deal.

*“There was a point of fundamental disagreement. The British Government could not give a fixed date, however remote, on which the islands would be ceded to Argentina. The Argentine Government could not, for juridical as well as political reasons, abandon the restrictions on communications (which they would regard as a great concession) simply in return for an undertaking that, at some given date, the islanders should be given the option of joining Argentina.”*²⁷¹

*“I have explained to the Foreign Office that the Commonwealth Office and the Governor were reluctant to contemplate a period of less than 30 years before the Islands could be handed over, since it would be unlikely that a shorter period would be politically acceptable to the Islanders.”*²⁷²

February 14th, a *Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean* (the *Treaty of Tlatelolco*) is signed in Mexico City.²⁷³

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

*“The American Department took advantage of both the perceived Argentine openings and its firmer hold on Falklands policy to recommend, for the first time, that Britain should make a statement manifesting its readiness in principle to cede sovereignty over the islands, though only if cession could be shown to be in accordance with the wishes of the inhabitants. These would be determined by means of a referendum to be held before 1991, because the Antarctic Treaty would come up for review from that year onwards and if the Falklands question was still alive, the continuity of international cooperation in the white continent – of far greater importance for British interests – could be threatened.”*²⁷⁴

*“Foreign Secretary is not satisfied ... In his view there is no chance whatever that the Argentines would accept now an agreement providing for a referendum on sovereignty to be held "towards the end of the century." ... Mr Brown thinks we have reached the point where we must be prepared to negotiate in realistic terms.”*²⁷⁵

*“It would be a two-edged weapon to shorten the proposed transitional period for the referendum below the minimum of 30 years which (as you know) the Governor advised was necessary to facilitate a change of heart.”*²⁷⁶

Researcher's Comment: It is worthy of note that, from the outset of negotiations on the future of the Falkland Islands, the Islanders were considered to be the only ones who could make the final decision.

In **March**, the USA protests Argentina’s extension of its maritime limits to 200 miles, under law 17.094 of December, 1966.²⁷⁷

271 FCO 7/140

272 Minute by Trafford Smith (Commonwealth Office) January 13, 1967 in FCO 42/67

273 Under this treaty, the signatories agreed to prohibit the testing, use, manufacture, production and acquisition of nuclear weapons, as well as the storage and deployment of such weapons within the Caribbean and South America. The treaty has two additional protocols. The first binding non-Latin nations with territory within the area to the treaty's terms and the second requiring that nuclear States refrain from undermining the treaty. The UK ratified Protocol 1 in 1969. One of the original signatories, Argentina did not ratify the treaty until 1994. It was not therefore protected by its terms in 1982. *cf.* April, 1982, 1994 & December, 2003

274 González 2009

275 Hohler to Trafford Smith March 2, 1967 in FCO 42/67

276 Trafford Smith to Hohler March 9, 1967 in FCO 42/67

277 Levey & Ozarow 2021

March 13th, in London, a meeting of the Cabinet's *Defence & Overseas Policy Committee* approves revised proposals for the Anglo-Argentine talks. These are that British Government is prepared to cede sovereignty of the Falklands, providing that the Islanders agree.

"We should make it clear that we cannot abandon our position of principle regarding the consultation of the Islanders own wishes. It would be up to the Argentine Government to persuade the Islanders of the advantage of becoming part of Argentina." ²⁷⁸

"Dick Crossman wanted to know how did we get started on this ridiculous thing at all when, it was quite clear, we could not reach agreement with the Argentine on conditions acceptable to ourselves? Once again the Foreign Office officials have been going beyond their remit... It was (George Brown) who had started the overtures without even consulting the Prime Minister." ²⁷⁹

March 17th, in London, Britain's Secretary of State for Foreign Affairs, speaks to Argentina's Ambassador, Eduardo McLoughlin. Brown suggests that Argentina reopens free communications between the islands and the mainland, and that, after a suitable period, the islanders could be asked to decide on whose sovereignty they would prefer.

"After the problem had again been submitted to Ministers in March 1967 (OPD (67) 20) we proposed to the Argentines that an agreement should be made to reopen communications between the islands and Argentina, and that this agreement should include a clause freezing the legal position of both countries for the duration of the agreement which might be for 40 years. It was proposed that on its expiry the islanders would be free to choose between British and Argentine sovereignty. This proposal was rejected by the Argentines, but it was agreed that the talks would be continued." ²⁸⁰

"Revised proposals, approved by ministers and put to the Argentine Ambassador on 17 March, suggested a reduction in the length of the transitional period and stated that Britain would be prepared to cede sovereignty over the islands under certain conditions, one of which was that the wishes of the Islanders had to be respected. The Argentine Ambassador replied that the proposals contained "constructive bases for further negotiation" but rejected the proviso that the proposed cession must be acceptable to the Islanders." ²⁸¹

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

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

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

The Falkland Islands Dependencies Survey (FIDS), responsible for research in Antarctica, changes its name to the British Antarctic Survey (BAS).

April 17th, the Foreign Office receives a message from the Argentine Embassy rejecting the proviso that the Islanders' wishes should be taken into account. ²⁸²

April 26th, at a further meeting in London, George Brown tells Ambassador McLoughlin; *"If the Argentine Government were seriously to state that the wishes of the people should be ignored, it would be impossible to*

278 Quoted in *FCO 42/67*

279 Castle 1984 p.566

280 *Memorandum by the Secretary of State for Foreign and Commonwealth Affairs December 18(?), 1968* in *FCO 7/1079*

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

282 *Ibid.*

make progress.” Argentina’s Ambassador complains that the potential veto by the Islanders; “... *“could be interpreted as the equivalent of a referendum.”* Brown responds that; “... *great countries could not hand over other peoples as though they had no part to play in their own destiny.”*”

May 30th, on Anguilla, there is revolt against rule from St. Kitts. ²⁸³

“Associate statehood ceased to be attainable for the Falklands as a result of the Anguillan crisis which revealed its weaknesses. The 6,000 Anguillans, who feared domination by Saint Kitts, rebelled in 1967. The Government in Basseterre responded by declaring a state of emergency and cut all communications with Anguilla. In July the Anguillans formed an interim government and announced their intention to secede from Saint Kitts. The transfer of internal affairs restricted the British Government’s manoeuvrability. It was unable to intervene militarily because the rebellion was an internal matter. The 1967 West Indies Act prevented Britain from passing legislation to change the status of Anguilla without the consent of the Legislature of the associated state in Basseterre. The UN interpreted the issue as a colonial problem. ... The Conservative and Labour parties concluded that associate statehood had failed and would not be offered to other colonies.” ²⁸⁴

May 31st, at a Foreign Office meeting regarding the Falklands, it is made clear that; “... *because of Gibraltar, we could not budge from our condition about the transfer of sovereignty being acceptable to the people.*” ²⁸⁵

June 13th, in London, a proposal is sent to the Argentine Embassy.

“... in an attempt to define the differences to date between Argentina and Britain a working document setting out a draft outline for a Treaty on the Falkland Islands issue was delivered to the Argentine Ambassador...” ²⁸⁶

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

“(Whatever) the justification for the British decision, its consequences, as seen from Buenos Aires, were overtly negative. Argentina would have to fight fiercely – perhaps ... more fiercely than Spain itself – to prevent the UN from granting any measure of legitimacy to the referendum, since this would seriously weaken the case against using this instrument in the Falklands. As a result, Argentine diplomats would be even more reluctant to reach any settlement with Britain that sanctioned or appeared to legitimate the islanders’ veto powers.” ²⁸⁷

June 20th, Anglo-Argentine talks, *in camera*, continue in London

“Dr. José Ruda, Argentine Representative at UN, leads Argentine delegation, including Dr. Quijano, a senior official in the Argentine Ministry of Foreign Affairs, and Brigadier McLoughlin, the new Argentine Ambassador in London. First formula for Article 1 of proposed Agreement put to Argentines and rejected by them.” ²⁸⁸

283 On February 27, 1967 the British territory of Saint Christopher-Nevis-Anguilla had been granted 'free association' status with the UK. An acceptable decolonization arrangement recognised by the United Nations in resolution 1541 of 1960. However, in a move unforeseen by the United Nations, the Anguillans were unhappy with the arrangement and voted to return to being a British dependency. Saint Kitts & Nevis went on to full independence. To date, Anguilla remains a British Overseas Territory. As a direct result of this awkward event, the UK has not offered a 'free association' arrangement to any of its remaining territories, since 1967.

284 *British Interests in the Falkland Islands: Economic Development, the Falkland Lobby and the Sovereignty Dispute 1945 to 1989* Ellerby 1990 pp.120-121 citing 'Report of the Commission of Inquiry... the Anguilla Problem', Cmnd. 3021 (H.M.S.O., London), Nov. 1970, pp.7-50.

285 FCO 42/44

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

287 González 2014 p.187

288 Research Department Memorandum – *The Falkland Islands Dispute: Developments from 1965 -1968* (May 3, 1973) Annex 1 in FO 7/3201 attached to 281

June 23rd, in New York, George Brown meets Dr. Nicanor Costa Méndez and José Ruda.

Méndez emphasises that making any transfer of sovereignty subject to the will of the islanders would not be acceptable to Argentine public opinion. Brown stresses that he could not carry either parliamentary or public opinion if he attempted to act against the wishes of the Islanders. Méndez reminds Brown that resolution 2065 had referred to 'interests' and not 'wishes.' Brown responds that 2065 merely called for talks, not a transfer of sovereignty.

“We had... good talks with George Brown about the possibility of reaching an agreement that could be on the basis of recognition of sovereignty by the British, and, in turn, acceptance of British authorities, for a certain amount of time, by Argentina. That was the basis of the whole thing. The Labour trend was towards decolonization.” ²⁸⁹

“In 1967 the British Foreign Minister, George Brown, began conversations with his Argentine counterpart in New York, stating that his country was ready to concede sovereignty in return for the guarantee that the rights and the style of life of the inhabitants of the islands would be preserved.” ²⁹⁰

In Buenos Aires, Argentine objections are confirmed to Britain's Ambassador.

“In a subsequent discussion with HM Ambassador in Buenos Aires the Argentine Foreign Minister declared that, furthermore, it would be unacceptable for the Argentine Government to make a transfer dependent on "consultation" with the Islanders.” ²⁹¹

July 19th, the question of the Falkland Islands is considered within the Cabinet's 'Defence & Overseas Policy Committee'.

“... various draft formulae designed satisfactorily to define the conditions under which Her Majesty's Government would be prepared to consider a transfer of sovereignty to Argentina were approved by OPD on 19 July when they considered recommendations made by my predecessor in his Memorandum OPD(67)54.” ²⁹²

July 20th, in London, Hohler holds further talks with Ambassador Ruda.

“... for Argentina, the problem (is) not really of economic, territorial or strategic importance; it was essentially an emotional problem, in which Argentine feeling was in some respects similar to the British feeling about Gibraltar.”

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

“The British side attempted without success to persuade the Argentines to make some concession to HMG's need to take account of the express wishes of the Islanders, and to emphasise the common need to improve the atmosphere in the Falklands by making a start on removing obstacles to communications in return for the concessions already made by Britain to the Argentines. The Argentines rejected the wording of Article 1, of the draft outline for a Treaty (“Her Britannic Majesty will be prepared to transfer sovereignty over the Falkland

289 Dr. Nicanor Costa Mendez interviewed in *Little Platoon* M. Charlton 1989 p.100

290 *Democratisation in Argentina and the End of the Cold War: The Impact on Anglo-Argentina Relations* Jose Octavio Bordon 1996 in *Argentina: Foreign Relations and the New Foreign Policy Agenda* Colin M. Lewis & Celia Szusterman (eds) 1996

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

292 *Memorandum by the Secretary of State for Foreign and Commonwealth Affairs December 18(?)*, 1968 in FCO 7/1079 at 154

Islands to Argentina, provided that the change is acceptable to the inhabitants of the Falkland Islands") on the grounds that, without explicitly envisaging a referendum, the Article implicitly subordinated the transfer of sovereignty or, as the Argentines preferred to regard it, the acknowledgement of their sovereignty, to the wishes of the local inhabitants." 293

July 28th, within the Foreign Office, it is suggested that negotiations may be better served by consideration of a "lease idea." 294

August 10th, back in Buenos Aires, Dr. Ruda announces that the Argentine Government cannot accept London's proposals for a treaty; rejecting specifically Britain's statement that - "Her Majesty's Government will be prepared to transfer sovereignty to Argentina provided that the guarantees and safeguards for the Islanders' interests offered by the Argentine Government are acceptable to the Islanders." 295

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

"... which Her Majesty's Government in turn found unacceptable." 296

September 1st, invited to the proposed referendum in Gibraltar, the UN's Special Committee on Decolonization declines to send observers to oversee the proceedings. 297

"... the Special Committee... has completely disregarded this right of self-determination and has been seeking to award territory... against the wishes of the people who reside on that territory." 298

September 4th, Britain's Government suggest an alternative draft of Art.1 of the proposed agreement with Buenos Aires, to read - "Her Majesty's Government will be prepared to transfer sovereignty to Argentina provided that she is satisfied that the guarantees and safeguards for the Islanders offered by the Argentine Government are acceptable to the Islanders." 299

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

September 15th, a Royal Navy Hovercraft arrives in the Falklands for testing by the Royal Marine Detachment (NP8901). With a crew of four, the vessel is capable of carrying a passenger load of 28-30. 300

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

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

294 Trafford Smith to Hohler July 28, 1967 in FCO 42/67

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

296 *Ibid*

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

298 *The Status of Gibraltar* Howard S. Levie 1983

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

300 Returned to the UK in 1972.

*“Trafford Smith commented that he thought ideally there should be a period of 25 years after an agreement and before the islands were handed over. He stressed the immediate problems involved and he again put forward the suggestion of a long lease, suggesting that if the Argentines had no further proposals to make, both sides should break off to consider their position.”*³⁰¹

September 18th, Argentina responds to the alternative offered on September 4th, with an *aide-memoire* rejecting the suggested change. Their own offer rewords the article yet again – *“Her Majesty’s Government is prepared to recognise the sovereignty of the Argentina Republic over the Islands provided that the guarantees and safeguards offered by the Argentine Government are sufficient to satisfy the interests of the Islanders.”*³⁰²

September 21st, in New York, Brown and Méndez meet again at the United Nations.

*“In discussions with the Argentine Foreign Minister in New York on September 21st, the Foreign Secretary re-emphasised Britain’s basic position that any transfer of sovereignty must be acceptable to the people of the Islands and went on to discuss the practical problems that would arise in restoring free communications when a satisfactory agreement on the question of sovereignty had been reached. The Argentine Foreign Minister agreed that a need existed for an air service to link the Islands with the mainland and a relaxation of formalities for both Argentines wishing to visit the Islands and for Falklanders wishing to visit the mainland...”*³⁰³

*“The Argentine foreign minister told Brown that he simply wanted to make sure that Britain would somehow or other give the islands to Argentina. Brown replied that the islanders would have to be able to express a view in one form or another. In order to break the stalemate, and under pressure from Ruda to seize the historical opportunity to recover the islands, Costa Méndez made ... concessions. ..., he agreed that the two delegations should informally explore the modalities to open communications, so that British Ministers could be reassured that all the related procedures would be in place once an agreement on sovereignty had been finalised.”*³⁰⁴

September 27th, Minister Costa Méndez tells Lord Caradon that; *“... that his Government would now be prepared to give leaseholders in the Falklands capital to buy their land and would consider offering Islanders free land and passages to the mainland if they indicated a wish to settle there.”*³⁰⁵

October 2nd, Costa Méndez makes a further concession.

*“.. he told Caradon that Argentina was ready to accept the British government’s obligation to consult the islanders, although he emphasised that such a consultation could only be limited to the Argentine guarantees (not to the transfer itself) and that it should be conducted in an informal manner so as not to imply that the Falklanders' had been granted a veto...”*³⁰⁶

Caradon writes to London.

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

301 FCO 42/67

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

303 *Ibid.*

304 González 2009

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

306 González 2009

*“The issue of Islands opinion, previously emphasised by Lord Caradon at the UN, was acknowledged. The British intended to win the islanders round by demonstrating the benefits which a link with the mainland would bring. The Argentines were happy to provide guarantees of continuity of customs and lifestyle. It was sovereignty, not a colony, which they craved.”*³⁰⁷

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

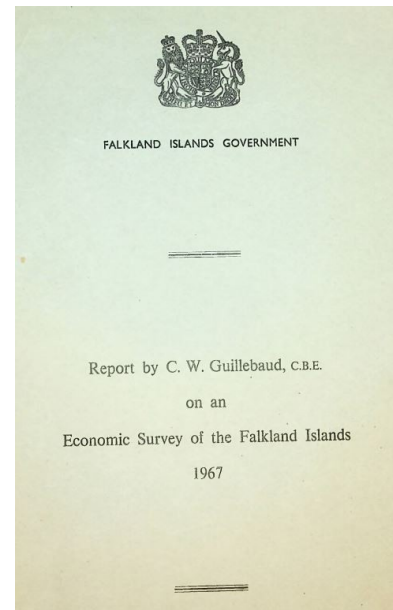
*“During the talks in New York the Argentine Foreign Minister said that his Government now accepted that Her Majesty’s Government was entitled to consult the Islanders before accepting the safeguards and guarantees offered by the Argentine Government, although in any formula the transfer of sovereignty should not be subordinated to the Islanders’ veto.”*³⁰⁸

October 17th, in the Falklands, the FIG publish an economic survey conducted by Claude W. Guillebaud.³⁰⁹

*“In conclusion, I wish to express my personal belief and faith in the viability of the Falkland Islands1 economy But resolute action will be needed if a situation, which today is merely somewhat precarious, is to be prevented from reaching a stage when it becomes irreparable. It is not too much to say that it is the whole future of the Colony that is now at stake.”*³¹⁰

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

*“Our links, sentimental and economic, bind us firmly to England. Argentina, seen through Falkland eyes is unknown, foreign, aloof, disdainful, corrupt, feared,...”*³¹¹



October 24th, in London, the question of the Falkland islands is again considered by the Cabinet's 'Defence & Overseas Policy Committee'.

*“... the question was resubmitted to Ministers in Mr. Brown’s paper OPD(67)77 of 24 October, 1967. This laid down the framework within which the negotiations have proceeded over the past years, ie. that Her Majesty’s Government’s conditional offer to transfer sovereignty should be written into a Memorandum of Understanding which would include an expression of the Argentine Government’s willingness to reopen communications with the Islands, and it should be accompanied on publication by a unilateral statement by Her Majesty’s Government in which they would state that the British Government would not “feel able to regard the Argentine safeguards and guarantees as satisfactory unless they were satisfied that the population of the Islands was ready to accept these guarantees and safeguards. Therefore the practical effect of this would be that sovereignty would not be transferred unless the change were acceptable to the population of the islands.”...”*³¹²

307 Hastings & Jenkins 1997

308 FCO 42/67

309 Hyperlink to the full report contained in the image.

310 *Economic Survey of the Falkland Islands* C. W. Guillebaud 1967

311 Quoted in FO 7/154

312 *Memorandum by the Secretary of State for Foreign and Commonwealth Affairs December 18(?), 1968* in FCO 7/1079 at 154

October 26th, the Foreign Office comment; “... any process of consultation with the islanders will have to be a genuine one... we will be asked in Parliament to do the same as we have just done in Gibraltar.”³¹³

October 27th, in London, the 'Defence & Overseas Policy Committee' discuss the situation.

“Prime Minister Harold Wilson... observed that Britain could not compromise its stand on the principle formulated in the Rhodesian context that “the British Government would need to be satisfied that any basis proposed for independence was acceptable to the people of Rhodesia as a whole”; a Falklands policy even at small variance with this principle could have “awkward implications”. Lord Shepherd, ... backed this view and added that “we had also to bear in mind our policy in the case of Gibraltar and British Honduras.”...”³¹⁴

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

*“Desirous of responding in a positive spirit to the views expressed by Dr. Costa Mendez in New York, Her Majesty’s Government, after careful consideration, now wish to offer the following proposals for the solution of the outstanding points of disagreement. Her Majesty’s Government propose that the position so far reached in the talks should be recorded in a Memorandum of Understanding... In this connection, the Argentine Government will note that, according to the terms of paragraph 4... Her Majesty’s Government would not feel able to regard the “safeguards and guarantees” as satisfactory unless they were satisfied that the population of the Islands was ready to accept them. Her Majesty’s Government would be obliged to explain this publicly at the time of the announcement of the Memorandum of Understanding.”*³¹⁵

*“It was clearly explained that the revised proposals took the form of a draft Memorandum of Understanding rather than a Treaty or Agreement... because it appeared at this stage in the negotiations the purposes of both sides would be more readily served by a less elaborate document. It was also agreed that the proposed text should serve as the basis for a public announcement.”*³¹⁶

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

*“... we cannot expect the Argentine Government to agree publicly to the re-opening of communications with the Islands before that are in a position to make a statement that they have reached some agreement which touches on the question of sovereignty...”*³¹⁷

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

*“... the most difficult problem in transferring the Islands to Argentina still remains gaining the acquiescence of the Islanders themselves. The Argentines have always tended to think this was relatively unimportant, apparently believing that the British were using this problem simply as a device to avoid coming to terms with the sovereignty issue. However, even though the British are willing to accept Argentine sovereignty over the Islands, they cannot transfer Island administration to the Argentines against the will of the Falkland Islanders ...”*³¹⁸

313 Minute by A. Galsworthy, October 26, 1967 in FCO 42/47

314 González 2009

315 Quoted in Research Department Memorandum – *The Falkland Islands Dispute: Developments from 1965 -1968* (May 3, 1973) Annex 5 in FO 7/3201 attached to 281.

316 *Ibid.*

317 Quoted in FCO 42/67

318 Quoted in *Pink Ice: Britain and the South Atlantic Empire* K. Dodds 2002 p.129

November 22nd, Governor Haskard telegrams London.

*“Surely it is public opinion here, not in Argentina, that has to be influenced...”*³¹⁹

November 30th, in London, Argentina’s Ambassador McLoughlin, sends a message to the Foreign Office.

*“... his Government had given very careful study to the British proposals handed to him on 10 November. They accepted that an agreement should be drawn up in the form of a Memorandum of Understanding, and that its publication should be deferred... (he) said that the Argentine Government wished to review the wording of paragraphs 2, 3 and 4... As expected, the most important point of difficulty for the Argentines was the phrase "are acceptable to the population of the Islands." ...”*³²⁰

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

*“We fully realise the difficulties of getting Islanders to accept formula but Ministers involved have some responsibility towards Argentine public opinion (because of British interests there) as well as towards Parliament and the Falkland Islands, and something along the lines of the present formula appears to be the best way to bring about conditions to make possible HMG’s desire for a satisfactory solution... You should now have received FO telegram No.936 giving Argentine reactions to the memorandum but Members should not repeat not, be told of these.”*³²¹

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

On the same day, Britain’s Mission to the UN, informs the Secretary-General that; *“... Her Majesty’s Government has continued negotiations with the Government of the Argentine Republic in accordance with resolution 2065 (XX) and the consensus approved on the 20th December, 1966... progress has been made towards narrowing the area of divergence between the two governments...”*³²²

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

December 19th, proposed by Uruguay, and agreed by the Fourth Committee, a consensus is passed.

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

On the same day, the United Nations General Assembly adopts resolution 2353 (XXII), in which the fifth preambular paragraph affirms; *“... any colonial situation which partially or completely destroys the national unity and territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations and specifically with paragraph 6 of General Assembly resolution 1514 (XV),...”*³²³

319 FCO 42/67

320 Ibid

321 Quoted in FCO 42/67

322 Ibid

323 Aimed at the question of Gibraltar, but the paragraph was not restricted and would therefore appear to be of general application. Not an operative paragraph, however. Britain claimed that resolution 1514 was only applicable to the non-self-governing territories listed at the UN for decolonization. An interpretation confirmed in the ICJ’s Chagos advisory opinion. cf. 2019

Britain's Lord Caradon addresses the General Assembly.

"There are two basic principles which we cannot betray. First, the principle that the interest of the people must be paramount, and, second, that the people have the right freely to express their own wishes as to their future." ³²⁴

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

"The common objective is to make early progress with practical measures for promoting free movement between the Falkland Islands and Argentina, the purpose being to create conditions under which the dispute over sovereignty can be finally and amicably settled, taking full account of the interests of the population of the Islands. The Argentine Government, in a desire to contribute towards such a settlement, will promote free movement between the mainland and the islands. Discussions on the practical measures to be taken to implement this policy will now take place in Buenos Aires. The Government of the United Kingdom have indicated that as part of such a final settlement they will be prepared to recognise Argentine sovereignty over the Islands with effect from a date to be agreed provided that the Government of the United Kingdom are satisfied that the safeguards offered by the Argentine Government are acceptable to the population ..." ³²⁵

December 30th, Argentina's President Onganía gives an end-of-year speech.

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

"By the end of the year the fundamental difficulty remained: that of reconciling the opposing views of the British and Argentine Governments on the "wishes" and "interests" of the Falklanders themselves... (Argentina's) continuing refusal to contemplate a change of sovereignty which would be conditional on the wishes of the Islanders made any substantial progress in the talks impossible..." ³²⁶

December 31st, the population of the Islands is put at 2,122. ³²⁷

"In December 1968 the number of children receiving education in the Territory was 381, compared with 342 in December 1967. In 1968, the number of schools was seven and the number of teachers (including itinerant teachers) was thirty-nine. ... The territory awards scholarships annually to boarding schools in the United Kingdom and Montevideo, Uruguay. In 1967/68 ten scholarship students from the Territory attended schools overseas: five in the United Kingdom and five in Montevideo; thirteen other children were receiving education overseas, aided by grants from the Falkland Islands Government" ³²⁸

324 Quoted in *HL Deb 15 February 1968 vol 289 cc275-310*. Caradon was talking about Gibraltar, but his comments were noted at the Foreign Office for their effect on the Anglo-Argentine discussions over the Falklands.

325 Annex 6a of *Research Department Memorandum – The Falkland Islands Dispute: Developments from 1965 -1968* (May 3, 1973) in FO 7/3201 attached to 281. cf. August, 1968

326 *Ibid* in FO 7/3201 attached to 281. Also FCO 7-137 Telno 777

327 *UN Yearbook 1968*

328 *UN Working Paper 1969 A/AC.109/L.584*

1968 – January 19th, following the arrival in the Falklands of David Summerhayes, Councillor from the British Embassy in Buenos Aires, Governor Haskard telegrams London.

*“I have recently become increasingly concerned that (the) cardinal factor in Falkland Islands, namely the human problem, is in great danger of being overlooked. The island population has been sheltered from outside influences for years and has purposely been kept in ignorance of the talks. ... I appreciate that a gesture is necessary to satisfy Argentine aspirations and convince the Argentine of our good faith. I therefore put forward for discussion the suggestion that consideration be given to handing over South Georgia and South Sandwich Islands to the Argentine, pointing out that manifest human problems of the Falkland Islands are in a different category. Because of intense feelings of the population it is necessary for the Argentine first to woo the inhabitants before any declaration of intent to transfer sovereignty and meanwhile existing administration must continue.”*³²⁹

*“... two years into the negotiations and not a word had been said about them either to Parliament (apart from a brief 'written answer') or in Port Stanley. The Foreign Office policy had been to prepare a satisfactory package of safeguards as well as economic benefits, to be presented to the islanders in such a way that the good news outweighed the bad. Aware of the sensitivity involved on both sides, officials wanted to avoid publicity 'until ministers were ready.' This could not last.”*³³⁰

February 14th, Governor Cosmo Haskard flies into the UK to seek reassurances.³³¹

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

Governor Haskard goes straight to see the Foreign Secretary. Also present are John Beith, and a representative from the Commonwealth Office.

*“... when Sir Cosmo met Foreign Secretary George Brown, the depth of the islanders' hostility to change apparently took Mr Brown by surprise. "Mr Brown said he was exceedingly angry at the situation which had developed over the handling of the Falkland Islands' dispute with the Argentines," the minute of the meeting noted. "He could not understand why he had not been told before by the Commonwealth Office, that, in the Governor's opinion, we were going too far." ...”*³³²

Pressed by Haskard for some form of statement for the people of the Falklands, the Foreign Office notes; *“We shall probably have a battle over this because the sort of statement the Commonwealth Office have in mind would not suit us, if we are to take account of the delicate present juncture of Anglo-Argentine relations and the present negotiations... I expect to have an argument with the Commonwealth Office about it tomorrow morning.”*³³³

February 15th, Britain's Embassy in Buenos Aires refer to a proposal to delay talks with Argentina until the situation in the islands is considered; *“For tactical reasons it is no doubt better to try and work on the basis of the Argentine re-draft... the Argentines will no doubt accuse us of backsliding. ...”*³³⁴

329 Quoted in FCO 7/156

330 Simon Jenkins & Max Hastings 2010

331 Research Department Memorandum – *The Falkland Islands Dispute: Developments from 1965 -1968 (May 3, 1973)* Annex 1 in FO 7/3201 attached to 281

332 *Birmingham Post & Mail* December 19, 2017

333 *John Beith February 14, 1968* in FCO 7/137

334 FCO 7/137. I am unable to find any details of the “re-draft” which would seem to have affected paragraph 4 of the December 21, 1967 MoU (not available). Not all the documents are present in the file, presumably having been removed for the sake of secrecy.

The Embassy suggest that the consent of the islanders to any deal should not be sought.³³⁵

On the same day, in the House of Lords, there is a debate on the situation with Gibraltar. Baroness Emmet refers to Lord Caradon's speech before the General Assembly of December 19, 1967.³³⁶

"If I may quote from Lord Caradon's speech at the United Nations on December 19 of this year, he recalled the fact that there is not another case in the history of the United Nations in which a territory has been decolonised in defiance of the freely expressed will of the people."

Lord Shepherd also speaks.

"My Lords, my noble friend Lord Caradon at the United Nations left no one in any doubt as to the attitude of the United Kingdom Government — and, I believe, of Parliament — to this resolution, which he described as disgraceful because, among other things, it flouted the Charter of the United Nations. My noble friend stated our position in the following words: "There are two basic principles which we cannot betray: first, the principle that the interests of the people must be paramount; and second, that the people have the right freely to express their own wishes as to their future. These principles have guided us and will continue to guide us in our task of carrying out our responsibilities to the peoples of the dependent territories for which we are responsible."

May I break off for a moment to say that we are not thinking in terms just of Gibraltar but of how it is going to affect all the other people who are now living under colonial rule.

My noble friend Lord Caradon continued: "In the whole process of decolonisation we have adopted the methods of consultation and consent. We shall not abandon those principles in the few Dependent Territories for which we are still responsible. We have consequently maintained and constantly stated that to hand over this small, proud, united community of free men against their will, bound for ever to a régime which has done so much in an endeavour to harm them, would be an intolerable injustice."

My Lords, those are the views of Her Majesty's Government expressed by my noble friend Lord Caradon."

Foreign Office's John Beith responds to that day's telegram from Buenos Aires.

"...2. Proposal in your paragraphs 6 and 7 has been carefully considered, but cannot be accepted because it would conflict with HMG's recent statements at the United Nations (e.g. Lord Caradon on Gibraltar) that they cannot hand a population over to another country against their will. Essence of your proposal is that consent of the people would not be sought or required.

3. We have therefore concluded ... that best course would be to continue negotiations on the memorandum of understanding on existing lines. But we should tell the Argentines that we had concluded, after careful consideration that if we were to accept the phraseology in paragraph 4 of the memorandum which they have now suggested this might damage Anglo-Argentine relations by leading the Argentine authorities and public opinion to suppose that HMG could effect the transfer of sovereignty against the wishes of the Islanders, or that it might be possible to persuade the latter to accept within a short time, say a couple of years, the safeguards and guarantees offered. We cannot expect the Islanders to abandon their present attitudes so quickly, nor can we expect all arrangements

³³⁵ Foreign Office to Buenos Aires February 15, 1968 in FCO 7/137. Despite this, correspondence suggests that Ambassador Creswell's sympathies lay with the Islanders. An attitude not appreciated by John Beith at the Foreign Office. He complained about it to Lord Hood in a note of February 16, 1968; suggesting Creswell's recall. See FCO 7/137

³³⁶ HL Deb 15 February 1968 vol 289 cc275-310

for rendering palatable a change of status to be negotiated between the two Governments in less than 5 to 10 years. We would therefore propose to introduce into the Memorandum some reference to procedures taking place over a period of time before cession of sovereignty can be decided upon..."³³⁷

February 22nd, Haskard informs Islanders of his progress, via the Falkland Islands Broadcasting Service.

"You all know from press statements which have been issued from time to time that confidential talks have taken place between Her Majesty's Government and the Government of Argentina. I have referred to these talks in periodic statements in the Legislative Council ... I decided to visit London to do my best to ensure that the views of the Falkland Islanders are fully appreciated at the present time; ... Letters and telegrams have their uses but I felt very strongly that what was needed was personal contact....

I think I can confidently say that I was able to make certain that those in positions of authority are fully informed on Falkland Islands affairs and in particular the feelings of the people of these Islands. A very full programme of conversations had been arranged for me. I was twice seen by the Secretary of State for Foreign Affairs, Mr George Brown. I had two meetings with the Secretary of State for Commonwealth Affairs, Mr. George Thompson. I met the Minister of State for Commonwealth Affairs, Lord Shepherd, on several occasions. In addition I had meetings almost every day of my stay in London with senior officials in the Commonwealth Office and the Foreign Office who are directly concerned with the Falkland Islands. In these discussions I met with a sympathetic response to my attempt to convey what I conceive to be the general viewpoint of Falkland Islanders. ...

*But, to be realistic, ... it would be wrong to pretend that our situation is a straightforward one. I could only wish that it were. The future of these Islands has to be looked at against the background of the resolution which was passed in the United Nations and this leads us to realise that, sooner or later, some solution will have to be found. That solution must respect the **interests** of the people of the Falkland Islands. ... The negotiations have not come to an end and the talks are still confidential, but in these negotiations I am assured that the British Government are being guided by a strong regard for the **interests** of the people of the Falkland Islands ..."*³³⁸

February 24th, in Stanley, members of the Executive Council send a memo to the Governor.

*"Having studied the text of the broadcast address made by Your Excellency after your return from official "talks" in London, and compared it with draft 'Memorandum of Understanding' at present under discussion between Governments of Britain and Argentina we, the elected and nominated members of your Executive Council are dismayed that so little attention has been or is being paid to the **wishes** (repeat wishes) of the Islanders. ... Your Excellency's broadcast does nothing to reassure Islanders that their expressed wishes to remain under the British flag will be observed. On the contrary the broadcast suggests that British Government proposes to act sooner or later in precisely the opposite manner and does nothing to dispel the atmosphere of uneasiness, speculation and indeed fear of future now prevailing in the Islands due to secrecy enforced by Whitehall in its handling of our affairs."*³³⁹

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

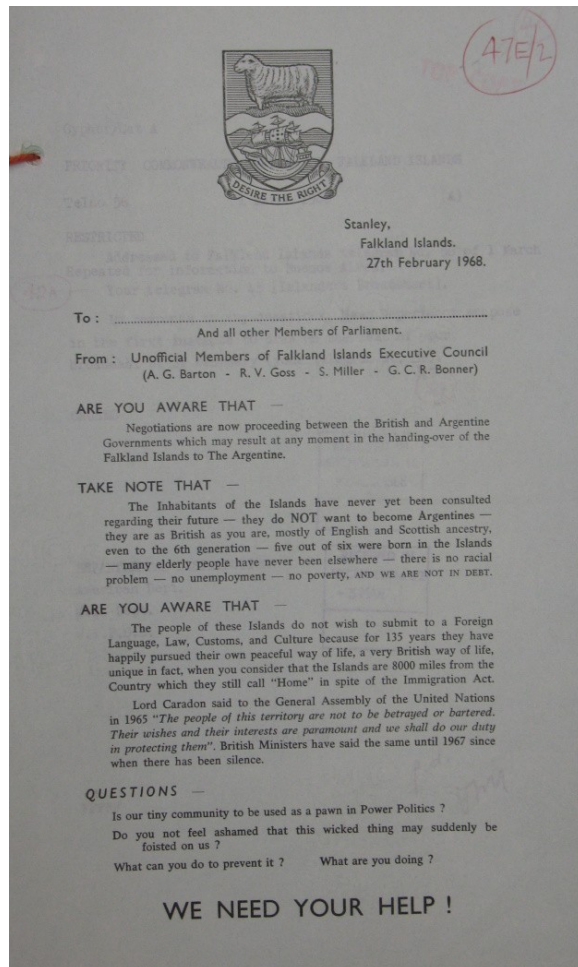
337 Quoted in FCO 7/137. Unlikely that the Foreign Office was aware of the House of Lords debate when this was drafted.

338 FCO 42/67. My emphasis

339 Quoted in FCO 42/67. Signed by A.G. Barton, R.V. Goss, S. Millar and G.C.R. Bonner. My emphasis

*“Sir Cosmo did nothing of the kind. Instead he asked for a Minister to visit – to see local reaction for himself. But the FO didn't want this until the MOU was agreed. Islanders wanted the Queen to come on her planned Latin-American tour – but both Argentina and the Falklands were deliberately left out.”*³⁴⁰

February 27th, Governor Haskard telegrams London, with a warning for the Commonwealth Office.



*“... Broadsheet written by unofficial members of the Executive Council can be expected to reach members of British Parliament by air mail leaving Punta Arenas about 2 March. ... Potentially embarrassing clauses ... Copies of the Broadsheet addressed to Sugg are being brought by Naval Officer due in England next week.”*³⁴¹

March 1st, Haskard sends a further warning.

*“It is likely that local correspondents of Reuter, Associated Press, Daily Telegraph and Daily Mirror may telegraph text on 2 March.”*³⁴²

March 2nd, in the UK, every Member of Parliament receives a copy of a broadsheet from the Falkland Islands.

“To Members of Parliament

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

*TAKE NOTE THAT -
The Inhabitants of the Islands have never yet been consulted regarding their future – they do NOT want to become Argentines – they are as British as you are,*

mostly of English and Scottish ancestry, even to the 6th generation – five out of six were born in the Islands – many elderly people have never been elsewhere – there is no racial problem – no unemployment – no poverty, and we are not in debt.

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

340 UK Considered Handover to Argentina in 1968 Peter Pepper in Falkland Islands Newsletter January, 2002 p.20

341 Falkland Islands to Commonwealth Office February 27, 1968 in FCO 42/67

342 Telno 48 in FCO 42/67

QUESTIONS -

Is our tiny community to be used as a pawn in Power Politics?

Do you not feel ashamed that this wicked thing may suddenly be foisted on use?

What can you do to prevent it?

What are you doing?

WE NEED YOUR HELP!"

"Along comes an incident, affecting a tiny group of people, which can overthrow a government, or throw out of gear its economic planning... We needed the Falklands issue as much as we needed a hole in the head! ..." ³⁴³

March 4th, the potential effects of the broadsheet cause concern at both Foreign and Commonwealth Offices.

"This is bound to cause a revival of Parliamentary interest in this question and there may soon be pressure for Ministers to divulge the substance of these talks, which are being conducted with the Argentine Government on a confidential basis. In particular Ministers may be asked whether sovereignty is being discussed: this has not hitherto been publicly admitted." ³⁴⁴

March 5th, the Commonwealth Office proposes a strategy.

"It must, of course, be fairly obvious that the difficulty of defending the Islands must be one of the main reasons for our seeking to reach agreement with the Argentines. The people of the Islands are, I think, aware of this and a statement about it would endorse their own feelings and fears and help bring them to a realisation that the Islands cannot be as secure in the future as in the past. They may even think that it might be in their long-term interests for the U.K. to come to terms with the Argentine. This will have to be said sooner or later and as the Falkland Islanders have themselves forced the pace, it might be better said sooner than later." ³⁴⁵

March 8th, from London, Governor Haskard is instructed to reassure the Islanders; *"... that the U.K. will continue to attach the same importance to their interests that she has done in the past."* ³⁴⁶

"3. We do not know whether the Governor approved or otherwise of the recent Broad-Sheet but he might hint that efforts of this sort by making things difficult for the Government in Parliament may not assist in the solution of their problem, although this is not likely to do much good as they will almost certainly continue to bring all pressure they can to retain the status quo." ³⁴⁷

March 12th, the *Times* confirms that it has received a copy of the Islanders' broadsheet, and quotes a Foreign Office spokesman as saying that the Anglo-Argentine talks are confidential. The newspaper also reports that Islanders Barton, Goss, Miller and Bonner are travelling to London to address the Conservative 'Commonwealth Affairs Group'.

343 Barbara Castle quoted in Charlton 1989 p.17

344 C.W. Wallace March 4, 1968 in FCO 42/67

345 Sugg A. March 5, 1968 in FCO 42/67

346 FCO 42/67. Somebody appears to have missed the point, as it was the Governor's emphasis on the word "interests" rather than "wishes" that had so roused the islanders following his radio broadcast.

347 Sugg A. March 8, 1968 in FCO 42/67

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

"... when the matter was raised in another place on 13th March the evasive answers of the noble Lord, Lord Chalfont served only to heighten the anxiety already felt. We were told then that nothing could be said about confidential talks proceeding between the British and Argentine Governments, but that whatever was decided the principles of consultation and consent would be applied. ..." ³⁴⁸

"The simple fact of the matter is,... that you really cannot, in the long run, conduct the foreign policy of an important international power, according entirely to the interests, and certainly not to the wishes, of a couple of thousand inhabitants of some islands in the South Atlantic." ³⁴⁹

March 16th, Michael Stewart succeeds George Brown as Britain's Secretary of State for Foreign Affairs.

March 25th, in England, a lobby group – the 'Falkland Islands Emergency Committee' – is formed to promote the wishes of the Islanders.

"Do you want its earliest roots? I attended a meeting of the Court of the Worshipful Company of Clockmakers, of which I was then a member, and, at the end of the lunch, another member of the Court came up to me. He was a senior officer, serving at that time in the Admiralty, Captain Pennefeather, Royal Navy and a member of the Committee still. And he said, 'Bill, George Brown's gone mad! He wants to sell the Falkland Islands to Argentina. I can't do anything about it. You have to do something about it!'... we got a promise from the Falkland Islands Company that they would pay our expenses. We got Labour members of Parliament to join, we got Conservative and we got liberal members. And we set to work." ³⁵⁰

"It seems that the emergent lobby was motivated by a combination of imperial nostalgia, a sense of obligation to people who wished to remain British, and resentment against the United Nations for appearing to ignore the wishes of peoples in the interests of decolonization... The Falkland Lobby was formalized on 25 March by the formation in London of the Falkland Islands Emergency Committee. It was instigated by Bill Hunter Christie, a barrister at Lincoln's Inn. Christie was the Third Secretary at the British Embassy in Buenos Aires between 1946 and 1948. He developed an interest in the Falklands and subsequently wrote an authoritative history of Antarctica. ... On 25 March a meeting was held at the F.I.C.'s London office to consider the manifesto sent by the unofficial members of the Executive Council. It was attended by the Directors of the F.I.C., Barton, Mitchell, Christie, Professor Metford of Bristol University, Dr. Robin of the Scott Polar Research Institute, Falkland landowners and farm managers, and the Labour M. P. Clifford Kenyon and the Conservative M. P. John Smith. A committee was formed composed of Sir John D. Barlow, Bt., (a Director of the F.I.C. and former M.P.), Barton, Christie, Kenyon, Smith and Norman 'Cameron. Christie persuaded the meeting that the Committee should not be partisan (despite overwhelming Tory support) and should have Labour and Liberal representation. Mitchell was appointed Secretary and Sir John Barlow Chairman." ³⁵¹

"Chalfont complained that Barton and Sid Miller communicated by phone with the Falklands Emergency Committee nearly every day." ³⁵²

348 Mr. Bernard Braine MP *HC Deb* 26 March 1968 vol.761 cc1446-67

349 Lord Chalfont quoted in Charlton 1989 p.22

350 William Hunter Christie quoted in Charlton 1989 p.78

351 Ellerby 1990 pp.153 & 154 citing *Nationalism and Internationalism: Britain's Left and Policy towards the F.I.s, 1982-1984'* C. J. Christie 1985 (April) *Hull Papers in Politics* no.37 p.3

352 Pepper 2002. Alun Gwynne Jones, Baron Chalfont, was the governments spokesman on foreign affairs in the House of Lords. Barton was described by Chalfont as "*irredeemably reactionary*" in his opposition to Argentina.

*“Knowing that they could not successfully fight the Foreign Office alone, a group of leading Islanders mobilised influential friends in Britain, including back-bench Members of Parliament, into a remarkably effective pressure and lobby group. The Argentines hated the Emergency Committee, as it was known, sneering that it was actually the instrument of the Falkland Islands Company who simply want to continue plundering the Islands' economy. But the committee became a permanent thorn in the side of the Foreign Office.”*³⁵³

*“... the "Falklands Lobby" objected to any ceding of sovereignty over the islands, which hampered the flexibility of British negotiators.”*³⁵⁴

*“The fate of a small British community under threat from an aggressive neighbour had such an emotive and nationalistic appeal to MPs and the right-wing press that parliament would probably have been sceptical of any Falklands deal even without the encouragement of the Committee...”*³⁵⁵

A well-known naturalist, Peter Scott, writes to the *Times* newspaper.

“... in Buenos Aires I found a general impression that any minute now the Islas Malvinas, as they call them, would be part of Argentina.”

March 26th, Secretary of State Michael Stewart speaks in Britain's House of Commons about the talks that have been taking place with Argentina. He asserts these have not been taking place behind the backs of the Islanders.

*“It is the normal practice for talks like this to be confidential, but there are some things which it would be appropriate to say about them now. Our object in conducting these talks is to secure a lasting and satisfactory modus vivendi between these islands and Argentina, because we believe this to be a necessary long-term aim of policy. ... We have thought it right, in pursuance of this objective, that the question of sovereignty should be discussed in these talks... if one is genuine in saying that one wants good relations, one cannot refuse to discuss a subject even if one's views and the views of the other party are completely at variance and even if one cannot see, at the beginning of the talks, how those differences are to be reconciled. The House will accept that there was here a genuine problem to be resolved... it would not have been prudent, far sighted and in the interest of the islanders for us to preclude any possibility of discussion by saying that we would not even discuss this question of sovereignty. ... I say this quite clearly, Her Majesty's Government would agree to ... a cession only, first on the condition I have mentioned that it must be part of an agreement fully satisfactory in other respects, and secondly, only if it were clear to us, to the Government in the United Kingdom, that the islanders themselves regarded such an agreement as satisfactory to their interests.”*³⁵⁶

During the debate that follows, a number of MPs speak their minds.

“Mr. John Smith (Cities of London and Westminster):... the mere possibility that these islanders should be bartered away to gratify another Government fills me with indignation and shame and I have sat here until a quarter past Seven in the morning in order to say so... Mr. Bernard Braine (Essex South-East):... If the Government are not preparing to sell our fellow Britons down the river, why then were their leaders not reassured? Why was the Governor not empowered to inform his Executive Council and to speak to this small community and allay their fears?... If, as I understand it, the negotiations are taking place in pursuance of

353 Bound 2007

354 *When Governments Collide in the South Atlantic: Britain Coerces Argentina during the Falklands War* Patrick Bratton & Wallace Thies 2011 in *Comparative Strategy* 30:1 1-27

355 *Britain and the Dictatorships of Argentina and Chile 1973-82* Grace Livingstone 2018

356 *HC Deb 26 March 1968* vol.761 cc1446-67

*Resolution 2065 of the United Nations General Assembly, which called upon the two Governments to find a peaceful solution to the problem, in what way would the openly expressed views of the inhabitants of the Falkland Islands be in conflict with that Resolution? ... Does not Article 73 of the Charter of the United Nations make it plain that the interests of the people of a colonial territory are paramount and that their political aspirations must be respected? We know the political aspirations of the Falkland Islanders. They have made them quite plain. ... what all of us are saying is that the Falkland Islanders are not to be betrayed.”*³⁵⁷

At the end of an all-night sitting, Michael Stewart responds.

“We have no doubt whatever that the sovereignty is now legally ours. I need not go over all the legal and historical arguments that have been advanced. Since it is in our sovereignty, we have a clear duty, as we have towards any other place in our sovereignty, to defend it. ...

We do not want to be at odds with a friendly nation. We do not want to betray people who have a claim on us. This is not a matter which can be quickly dismissed or quickly resolved. I say, in what event or in what time could a transfer of sovereignty be considered? To that my answer would be, first, only as part of an agreement which would secure a permanently satisfactory relationship between the islands and Argentina, in which there would be no harassing, no vexation, no inconveniences, and an arrangement also in which if there were a transfer of sovereignty there would be the fullest safeguards for the special rights of the islanders, the fact of their descent, their language and so on.

*That is one condition, that the cession of sovereignty could be considered only as part of an agreement of that nature, but further – notice this – the right to agree to such cession lies with Her Majesty’s Government here. That, of course, is a simple point of law, that the actual power to decide over a transfer of sovereignty lies with Her Majesty’s Government here. But I say this quite clearly, Her Majesty’s Government would agree to such a cession only ... only if it were clear to us, to the Government in the United Kingdom, that the Islanders themselves regarded such an agreement as satisfactory to their interests.”*³⁵⁸

March 27th, in Britain’s House of Lords, Foreign Office Minister, Lord Chalfont, defends the Government.

*“Her Majesty’s Government believe that a transfer of sovereignty could be considered only as part of an agreement which would secure a permanently satisfactory relationship between the Islands and Argentina, and one which would fully safeguard the special rights of the Islanders. That is one condition. The cession of sovereignty could be considered only as part of an agreement of this nature. While the power to decide over a transfer of sovereignty lies with Her Majesty’s Government, they would agree to such a cession first on the condition I have mentioned, that it must be part of an agreement fully satisfactory in other respects, and, secondly, only if it were clear to us, to Her Majesty’s Government, that the Islanders themselves regarded such an agreement as satisfactory to their interests... My Lords, the legal question of sovereignty over the Falkland Islands resides with Her Majesty’s Government. It will be for Her Majesty’s Government to negotiate and arrive at decisions with the Argentine Government. We shall do so on the basis of the two principles I have already outlined, ...”*³⁵⁹

Bombarded with adverse comments, Lord Chalfont defends himself.

357 Ibid. cc1454-67

358 Ibid. cc1463-64

359 HL Deb 27 March 1968 vol.290 cc990-6990

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

*“The Government had entered into the negotiations with Argentina with the implicit assumption that it was the best judge of the interests of the islanders and that they could be brought to share its judgement. They were soon disabused.”*³⁶⁰

April 1st, criticised over the terminology used by himself and Lord Chalfont, Secretary Stewart informs Parliament that; *“... the wishes of the islanders are an absolute condition...”*³⁶¹

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

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

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

*“My Lords, a plebiscite appears to be unnecessary and unsuitable in the circumstances of the Falkland Islands, particularly as we regard consultation with the people as a continuous process. ... a plebiscite is an unusual process within the British Commonwealth. The situation in the Falkland Islands is that there are some 1,200 electors, some 800 of whom are householders. We believe that the type of consultation we have in mind, which may take place over a period of years, is quite suitable and will be democratic. We believe that by this process – and I give the noble Viscount this assurance – not only Her Majesty's Government, but Parliament also, will be satisfied that the wishes of the people of the Falklands are clearly understood.”*³⁶²

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

“Stewart strove to convince McLoughlin that the British proposal already went a long way to meet Argentine needs, since “it does not say explicitly that the islanders will be consulted in some particular way about

360 *Towards Resolution?: Falklands/Malvinas Dispute* Wayne S. Smith 1991

361 *HC Deb 01 April 1968 vol.762 cc3-5*

362 *HL Deb 25 April 1968 vol.291 cc738-9*

sovereignty." However, he admitted that in reality "Her Majesty's Government would have to take into account the islanders' views on both aspects of the question [the guarantees and the transfer] since they are virtually inseparable",...³⁶³

May 24th, in Stanley, the Falkland Islands Legislative Council urges a visit by a senior Foreign Office official be arranged. To explain what is going on.

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

*"Taking the worst case of an invasion threat, when the Chiefs of Staff last considered the defence of the Falklands in July 1968, they concluded that it would be necessary to station a force of about Brigade-strength on the Islands to provide a militarily convincing deterrent to an officially-backed Argentine invasion and that the problem of transporting such a force to the Falkland Islands and providing accommodation for it, quite apart from the difficulties and cost of logistic support, ruled this out as a practical proposition."*³⁶⁴

British press reports denigrate an announcement that the Queen will not visit the Falkland Islands during the forthcoming tour of South American countries. In Buenos Aires, newspapers report the decision to exclude Argentina.

*"... the press here had received very calmly the definite news that The Queen will not be visiting Argentina this year. They have naturally singled out the Falkland islands question as the principal reason for this. ... The most helpful and balanced comment is as usual by Manfred Schonfield, writing in La Prensa. The decision not to visit either the Falkland islands or Argentina is, he says, a typical example of British pragmatism and tactfulness although severely criticised by the right wing press in Britain..."*³⁶⁵

July 4th, the Governor's office informs London that Executive Council members are complaining.

*"Council members are becoming increasingly restive and I have received letter from unofficials complaining of lack of information from me. In particular I am asked: (a) explain to public why Her Majesty the Queen cannot visit her subjects in the Falkland Islands; (b) when can we expect visit from senior member of Her Majesty's Government to gain first hand knowledge of our difficulties and worries; (c) what financial aid Her Majesty's Government is prepared to extend to accelerate development in farming industry; (d) what consideration is being given to strengthening our defences. ..."*³⁶⁶

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

July 9th, referring to the Governor's request for a Ministerial visit to the archipelago; John Beith pens a Foreign Office minute; *"... the Foreign Office had taken the line that a Minister should not go to the Falklands until he could put over to public opinion there the merits of whatever Memorandum of Understanding we might have agreed upon with the Argentines. But the timing of agreement on this memorandum has slipped so far that I think it would be reasonable now to see the visit in slightly different guise. ... i) the Minister should be briefed to explain cogently to his audience the facts of present-day life and the need to improve relations with*

363 González 2009

364 Memorandum by Michael Stewart October 21st, 1969 in FCO 7/1081

365 British Embassy Buenos Aires (J. Martin) to the Foreign Office (M. W. Atkinson) July 8, 1968 in FCO 7/137

366 FCO 7/156

Argentina... ii) the Minister should stop at Buenos Aires on his way back and talk to the Argentines, preferably launching talks about the re-opening of communications if these have not already begun;...”³⁶⁷

At Britain’s Ministry of Power, enquiries with regard to oil exploration licences for the seas around the Falklands are made by a British subsidiary of an American company, controlled by a J. Grynberg, titled the *Atlantic Oceanic Resources Company*.³⁶⁸

July 23rd, Governor Haskard writes from Stanley.

“Our political problems are being discussed in a realistic way in ExCo these days. We are only five in number at the moment, namely Goss and Pitaluga, both elected, Rowlands, the acting treasurer who is a Falkland Islander, Thompson and myself. The implications of the memorandum of understanding are not welcome to us but members accept that a ‘new look’ one day is inevitable. None of us like one little bit either the British or the Argentine version of paragraph 4... I may be able to come forward with some practical suggestions from this end.

*Hitherto it has been left to the British and Argentine Governments to argue the toss, with the Falkland Islands very much on the sidelines. But even here time does not stand completely still and some members of the community are beginning to think in terms other than a complete refusal to face the facts of the situation. I think that everything favours a policy of taking things slowly and allowing thought to mature in the Colony. The object of this letter is therefore merely to ask that everything be done to delay any form of commitment.... Surely it is in the interest of all parties to open up communications first and let people on both sides have a look at each other before scaring everyone here with a declaration of this sort.”*³⁶⁹

August 9th, in London, negotiators settle on a form of words for a ‘Memorandum of Understanding’ (MoU); “ad referendum to Ministers” (subject to agreement by Ministers).

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

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

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

*(6) The two Governments have taken note of each others policies and share the view that a certain period of time should facilitate the development of conditions for a definitive settlement. If no definitive settlement had been reached, a meeting of special representatives could be held at the request of either Government to review progress or to examine the question, at a date not less than four years or not more than ten years from the signature of this Memorandum.”*³⁷⁰

367 *Ibid.*

368 *Annex B to the Memorandum by Michael Stewart October 21, 1969 OPD (69)51 in FCO 7/1081*

369 *Haskard to Bennet July 23, 1968 in FCO 7/1082. ExCo = Executive Committee.*

370 *FCO 7-1075. Also Falkland Islands Review (Franks Report) Lord Oliver Franks 1983 para.23.*

*“There is little doubt that this early indication of the United Kingdom’s willingness to consider the transfer of sovereignty both coloured subsequent discussions between the two governments and provided fertile soil in which Argentina’s subsequent sense of grievance could grow.”*³⁷¹

*“... some people are aware that in 1968 both Foreign Affairs Ministries, at officer level, wrote a memorandum of mutual understanding which included terms and conditions for a 'surrender' of sovereignty (or, as we would prefer to say, a 'devolution' of sovereignty).”*³⁷²

Researcher's Comment: Controversial and subject to much debate, it is often forgotten that this was not the final document. It was subject to agreement by British Ministers, despite growing evidence that Ministers were unlikely to accept anything that did not carry Islander consent. Parliament certainly would not ratify any accord that did not meet such a condition. Some see this MoU as an attempt by the Foreign Office to railroad the Government into an agreement with Argentina. If so, it backfired badly. Even today, it forms one of the foundations for Islander mistrust of the Foreign Office.

Britain’s Foreign Office seeks a legal opinion on the *Memorandum*.

*“The Memorandum of Understanding is not a legally enforceable document, and neither imposes any legal obligations nor creates any legal rights; it is merely a record of the degree of understanding which we have reached with the Argentines... We can continue to refuse to transfer sovereignty simply by stating that we are not satisfied. The criteria for our being satisfied lied entirely within our own judgement. ...”*³⁷³

*“... advice was to the effect that signature of the memorandum could not be held to commit us at any time to transfer sovereignty against the islanders’ wishes, that it would not be a legally enforceable document and that it would neither impose any legal obligation nor create any legal rights. Accordingly we have told the Argentines that we would not regard it as registrable as such under Article 102 of the United Nations Charter as a treaty or international agreement.”*³⁷⁴

To accompany the MoU, separate interpretations of each country’s views are prepared – without consultation.

*“... the parties had so little confidence in the common ground they had attained that they "agreed" to complement the Memorandum with unilateral statements that each would make in order to lay out their diametrically different interpretations of the text...”*³⁷⁵

Unknown at this stage to Argentina, Britain’s *Unilateral Statement* says:

“On 26 March and on several other occasions this year Ministers have explained to Parliament their reasons for holding talks with the Argentine Government about the Falkland Islands. In these talks Her Majesty's Government have kept constantly in view the need to protect and safeguard the interests of the population of the Falkland Islands now and in the future. The Foreign Secretary told the House of Commons that for a small community like this to be seriously at variance with a large continental neighbour could be an increasing source of vexation and uncertainty to the Islands and he made it clear

371 *The Falkland Islands, 5th Report from the Foreign Affairs Committee Session 1983-1984 HC 268 25.10.1984 para.29*

372 Jose Octavio Bordon in *Argentina: Foreign Relations and the New Foreign Policy Agenda* Colin M. Lewis & Celia Szusterman (eds) 1996

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

374 *Memorandum by the Secretary of State for Foreign and Commonwealth Affairs December 18(?), 1968 in FCO 7/1079 at 154*

375 González 2009. Quite what had been agreed about these would be the subject of argument later.

that in pursuance of Her Majesty's Government's policy to secure a lasting and satisfactory modus vivendi between these Islands and Argentina they thought it right that the question of sovereignty should be included in the talks with the Argentine Government. Since that time the talks have continued, and the two Governments have not reached a measure of understanding. This has been set out in a joint Memorandum of Understanding, which the two Governments will in due course communicate to the Secretary-General of the United Nations.

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

3. The memorandum of Understanding contains a conditional undertaking by Her Majesty's Government to recognise Argentine sovereignty over the Falkland Islands with effect from a date to be agreed. Her Majesty's Government wish to repeat that they have never had any doubt as to their sovereignty over the Falkland Islands, which will not be affected by the present understanding with Argentina except in the circumstances described in paragraph 4 of the memorandum of Understanding, and in this statement.

4. Paragraph 4 of the memorandum of Understanding refers to a divergence between the two Governments, and indicates that until that divergence has been removed there can be no final settlement. This divergence refers specifically to the role that consultation with the people of the Islands should play in the final decision as to the efficacy of the safeguards and guarantees. Her Majesty's Government would not feel able to regard the safeguards and guarantees referred to in paragraph 4 of the Memorandum of Understanding as satisfactory unless they were first satisfied that the Falkland Islanders themselves regard them as satisfactory.

5. Her Majesty's Government believe that the greatly improved relationship between the Islands and their nearest neighbour, Argentina, is in the best interests of the Islanders. Her Majesty's Government are equally conscious of the close ties between the population of the Islands and the United Kingdom and of their loyalty to the Crown and it is Her Majesty's Government's intention to ensure that the present inhabitants of the Falkland Islands should in any circumstances retain their British nationality for as long as they wish.

6. The questions still to be resolved are complex, particularly those concerning the safeguards and guarantees, about which it will be necessary fully to consult the people of the Islands. As the next step in this process of consultation the Minister of State, ... Office, will visit the colony from ... to ... 1968, to inform the people of the Islands about Her Majesty's Government's policy in their talks with the Argentine Government. Her Majesty's Government wish to make it clear at once however that throughout this process of consultation they will ask the Islanders to regard the question of the efficacy of the safeguards and guarantees and that of a possible cession of sovereignty to Argentina as a single issue.

***7. The practical effect of this would be that sovereignty would not be transferred unless the change were acceptable to the population of the Islands.** As is clear from the memorandum of Understanding, both Government agree that the process of consultation and negotiation of appropriate safeguards and guarantees will take time. When, and only when, they are satisfied that the basis proposed for the*

transfer of sovereignty is acceptable to the population of the Islands, would the British Government of the day be able to proceed to a final settlement with the Argentines.”³⁷⁶

Unknown at this stage to Britain, Argentina’s Unilateral Statement says:

“The Argentine Government and the Government of the United Kingdom of Great Britain and Northern Ireland have signed a Memorandum of Understanding on the question of the ‘Islas Malvinas’ opening a decisive stage in the process of their restitution to the Argentine Republic.

Within the frame of Resolution 1514 (XV) entitled ‘Declaration on the Granting of Independence to Colonial Countries and Peoples’ the general Assembly adopted, on the 16th of December 1965, Resolution 2065 (XX) which acknowledges the dispute existing between the Governments of Argentina and of the United Kingdom of Great Britain and Northern Ireland regarding the sovereignty on said Islands. In two further occasions, in 1966 and 1967, the Organization of the United Nations urged, by way of consensus, the solution of the problem.

This solution is of the exclusive responsibility of both Government, as been declared by the General Assembly, stated by both Parties and is expressed in the text of the Memorandum of Understanding.

The same document points out the existence of a divergency with regard to the criteria according to which the Government of the United Kingdom shall consider whether the interests of the islanders would be secured by the safeguards and guarantees to be offered by the Argentine Government.

The Argentine Government sustains that in this process the principle, that the decisions are of the exclusive and absolute resort of each one of the Governments cannot be impaired, and consequently, in no case the recognition of sovereignty can be submitted, either directly or indirectly, to the consideration of the inhabitants.

The interests of the inhabitants of the Islands have been a constant preoccupation for the Argentine Government throughout this negotiation and it has offered, consequently, to assure them adequately. In doing so the national Government conforms not only to Resolution 2065 (XX) but also and above all to the Argentine Constitution and laws as we have already made known.

The Argentine Government, reiterating previous statements in that sense, wishes to point out again that it is its intention that the interests of the inhabitants may not be impaired because of the recognition by the United Kingdom, of the Argentine sovereignty. It confidently hopes, on the contrary that a stage of harmony, communication and benefits will be opened thus for the inhabitants.

Furthermore, the Argentine Government emphasizes its conviction that this Memorandum of Understanding fully proves that the solution of international controversies can be reached by peaceful means and that, in doing so, Argentina as well as the United Kingdom render an outstanding contribution towards the improvement of the existing international atmosphere; they also underline the importance of the United Nations Organization which has been so effective in the process and consequently contributed to its strengthening.

The friendship and mutual understanding in which the negotiations between Argentina and the United Kingdom have been carried, have helped to the agreement on the memorandum of Understanding. The final settlement of this dispute by way of its definitive solution, within the same climate and with due

376 FCO 7-1073. My emphasis.

*attention to the interests of the inhabitants, will also signify a contribution and a homage paid to the causes of justice and humanity. By releasing to the Nation the Memorandum of Understanding, the Argentine Government points out that the restitution of the Malvinas is and will continue to be a permanent national objective, until their complete reintegration to the Argentine Republic.”*³⁷⁷

August 29th, Argentina’s *Instituto de las Islas Malvinas y Tierras Australes Argentinas* (Institute for the Malvinas Islands and Southern Argentine Territories³⁷⁸), writes to the United Nations.

*“... In view of the statements by the United Kingdom Government and Parliament in connexion with a note submitted by the so-called Executive Council of Port Stanley concerning the diplomatic negotiations to restore Malvinas to Argentina’s national territory, this Institute wishes to state...: It considers the petition of the Executive Council to be without legal force; the Council cannot represent the people of the Malvinas, nor can it approach the London Government, since, in accordance with the principles of United Kingdom public law, the British Empire does not exercise sovereignty over the colonists of the Malvinas, who are bound to the Crown solely by an oath of allegiance.”*³⁷⁹

August 30th, in a confidential minute for the Foreign Secretary, Secretary of State for Commonwealth Affairs, MP George Thomson, notes:³⁸⁰

*“You will recall that in reply to a question in the House on 2 July about a Ministerial visit to the Falkland Islands I said that I knew such a visit would be welcome...”*³⁸¹

3. In regard to the present state of our negotiations with the Argentinians on the memorandum of Understanding the position, as you will know, is that agreement has been reached at the official level on the draft text of the Memorandum. The draft, which is in full accordance with the decisions of the OPD last October, is ad referendum to both Governments. It will shortly be submitted, together with the draft Unilateral Statement (British version), for Ministerial approval here.

4. We have always known that when the time came to publish the memorandum, and thereby confirm our intention to cede sovereignty of the islands to the Argentinians, albeit on conditions, there would be a violent adverse reaction among the Falkland Islanders. The plan we worked out last year to counter this (which is still appropriate in my view) would be for Ministers to introduce and explain the memorandum simultaneously in Parliament here and in the Falkland Islands. This would involve a Minister arriving at Stanley a few days before the Parliamentary statement was made so that he could have confidential discussions with the Executive Council in order to enable final adjustments to be made to the Unilateral Statement if this should be necessary. ...

9. My view on balance, based on the foregoing, is that so long as it is felt a premature leakage can be avoided, a Ministerial visit should take place during, or shortly before, the Christmas recess. I hope you will agree.

377 *Ibid.*

378 President Alfredo Diaz de Molina

379 FCO 7/1082. One of a number of faintly ridiculous letters sent to the UN at this time. Other Argentine organisations writing in, included the *Committee for the Erection of a Monument to the hero Antonio Rivero and the Restitution of the Malvinas Islands*. Another, the *National Board of the Peoples Party of Argentina*.

380 A draft for this appears to have been dated July 30th, and forms the basis of an article – *UK planned to give Falklands to Argentina* BBC News January 8, 1999

381 *HC Deb 02 July 1968 vol 767 cct1290-2*

10. I appreciate that in order to achieve this timing there may have to be on our part some delay in confirming to the Argentine Government our agreement to the Memorandum of Understanding. Alternatively, if we confirm our agreement in the near future, there will be some risk of embarrassing leakage on the Argentine side. ...”³⁸²

September 6th, on a minute considering the timing of a ministerial visit to the Falkland islands, Foreign Secretary Michael Stewart notes with regard to the Memorandum of Understanding; “... their Embassy have just told us that they are now ready to give us their Government’s decision and would like to do it as soon as possible.”³⁸³

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

*‘Falklands Sell-Out’ The Government is to hand over the Falkland Islands to the Argentine. It has now been decided in principle – after a tremendous tussle between Ministers – that the colony must eventually pass under the sovereignty of the Argentine.*³⁸⁴

September 24th, Britain’s Cabinet discuss the position reached in the Anglo-Argentine talks.

“On 24 September Ministers discussed the proposals submitted to them for the signature and publication of an Anglo-Argentine Memorandum of Understanding together with a unilateral statement by Her Majesty’s Government. In his summing up of this discussion, the Prime Minister said that it would be easier to accept the proposed agreement if we could ensure that our proposed unilateral statement, which made clear that sovereignty would not be transferred unless the inhabitants themselves were satisfied, was included as an annex in explanation of paragraph 4 of the memorandum. Accordingly, I was asked to seek Argentine agreement to the annexing of Her Majesty’s Government’s unilateral statement to the Memorandum of Understanding, or to some alternative way of ensuring that “our unilateral statement would have a status as nearly equivalent as possible to that of the proposed agreement itself”. It was concluded that when the outcome of this approach and the Argentine attitude to our unilateral statement were known, the cabinet would wish to consider further whether the proposed “agreement” should be signed.”³⁸⁵

“Really the problem of winding up the last outposts of empire is almost ludicrously difficult. I thought to myself that this is a classic example of how on these so-called moral issues one can’t win. Which should be our parliamentary priority? To defend to the last ditch the rights of a small group of people to remain Britishers? To do nothing which would increase defence expenditure? Or to observe UN resolutions?”³⁸⁶

“The biggest stumbling block was Britain’s wish that any MOU should say that Islanders must consent to any transfer of sovereignty. Foreign Secretary, Michael Stewart, was adamant about this... This was bitterly opposed by Argentina. Their insistence and British weakness got it removed from the draft memorandum – but not from British policy. So the MOU itself just said that Britain had to be satisfied with the Argentine “safeguards and guarantees” to secure Islander consent. But to put Islander approval back Britain planned to publish a ‘Unilateral Statement’ at the same time as the MOU stating it would not cede sovereignty without Islander consent.”³⁸⁷

382 FCO 7/156.

383 *Ibid.*

384 *Daily Express* September 20, 1968

385 *Memorandum by the Secretary of State for Foreign and Commonwealth Affairs December 18(?)*, 1968 in FCO 7/1079 at 154

386 *The Castle Diaries 1964-70* Barbara Castle 1984 p.520

387 Peter Pepper 2002

September 26th, in New York, both Argentina and the UK send letters to the UN's Fourth Committee.

*“... in accordance with the General Assembly's resolution of 16 December 1965 and its consensuses of 20 December 1966 and 19 December 1967, their Governments had continued negotiations for the purpose of reaching a solution to the problem of the dispute over the Islands. They were proceeding with the talks with a view to reaching a peaceful settlement as soon as possible.”*³⁸⁸

September 30th, in London, Minister of State for Foreign and Commonwealth Affairs, Lord Chalfont, tells the Argentine Ambassador, Brigadier McLoughlin, that Britain has not yet made a final decision regarding the MoU.

*“Lord Chalfont reminded the Ambassador that our basic position was that sovereignty would not be transferred unless it were clear to HMG that the change would be acceptable to the islanders. The Memorandum contained no reference to the wishes of the Islanders and we should therefore depend very largely on our unilateral statement to explain this to our public and Parliamentary opinion. Lord Chalfont said that if our position was to be fully understood it would be necessary for us to give as much attention to our unilateral statement as to the Memorandum. Most important of all, we would not, by signing the Memorandum, commit ourselves to anything which conflicted with our unilateral statement.”*³⁸⁹

Chalfont tells McLoughlin that it was hoped that the texts of the unilateral statements could be exchanged in New York at the UN. Chalfont suggests that the two statements be attached to the MoU as annexes.

October 1st, in Buenos Aires, the Foreign Minister summons Britain's Ambassador.

“Foreign Minister asked me to call tonight to discuss our relations in general terms before his departure for New York tomorrow. ... He then turned to the question of the Falkland Island and said he was looking forward to discussing this with you in New York. Despite the disappointing news he had just received, he was still hopeful of finding a satisfactory solution for which the Argentine Government had worked so hard with us, and with such goodwill.

2. When I asked him to explain he said he was referring to a telegram from McLoughlin about the unilateral statements (he was no longer apparently worried about the time factor for the Memorandum of Understanding, and said he fully understood the need for us to explain the situation by a Ministerial visit to the islands, and to choose the best time for presentation to Parliament).

3. I pointed out that we had made it clear all along during the negotiations that we would have to make a unilateral statement in order to present the Memorandum to our own public opinion. He did not demur but implied that the statement should not be at variance with the Memorandum itself (I of course denied that this would be the case) and said that there were certain things that it would not be possible for the Argentine Government on their side, to accept. He would have to discuss all this with you.

*4. he also said that the Daily Express campaign had done much harm and had come as a shock. I pointed out that there was bound to be pressure on HMG from newspapers and the pressure-group in Parliament, but that you had made our policy quite clear and HMG would not be deflected by newspaper articles and the like.”*³⁹⁰

388 UN Yearbook 1968.

389 FCO 7/1073

390 Buenos Aires to Foreign Office October 1, 1968 in FCO 7/137. Clearly intended for Michael Stewart.

October 2nd, Britain's Embassy in Buenos Aires reports that Argentina's news outlets are quoting information from the UK regarding an appeal by members of the Falkland Islands Emergency Committee; "... and a report that a Minister would probably visit the Falklands next month in order to assure the inhabitants quote – that the islands would not be handed over without their consent – unquote. To enable the Minister to visit Buenos Aires afterwards I think it will be very important to issue some statement before he goes to Stanley defining the purpose of his visit in more general terms, bearing in mind Argentine opinion." ³⁹¹

October 3rd, arriving in New York, Argentina's Foreign Minister, Costa Mendez, tells reporters that he intends to raise the subject of the Falkland Islands at the General Assembly; before the Fourth Committee and also with the British Minister.

October 10th, at the Argentine Mission in New York, Secretary Stewart hands a copy of the British unilateral statement to Minister Méndez.

"Dr. Costa Mendez, giving his preliminary reaction, said that in all frankness he felt bound to say that Argentina could not accept deference to the judgement of the Islanders on the question of the transfer of sovereignty and the adequacy of guarantees. This would be altering the whole basis of the Argentine position... Dr. Costa Mendez said that the Argentina side had negotiated all along on the basis of the principle that sovereignty was a question for the two Governments, not for the Islanders. This was a very important principle for Argentina. ... Dr. Costa Mendez said that the differences between the two sides must be clarified before the Memorandum could be signed. If the statements were attached to the Memorandum this could be held to mean that both parties accepted the terms defining the divergence. In the light of the Argentine position that the islands belonged to Argentina, deference to the judgement of the Islanders would not be acceptable." ³⁹²

The same day, Argentina's official response is handed in to the Foreign Office in London.

"This solution is the exclusive responsibility of both Governments, as (has) been declared by the General Assembly, stated by both parties and is expressed in the text of the Memorandum of Understanding. The same document points out the existence of a divergency with regards to the criteria according to which the Government of the United Kingdom shall consider whether the interests of the Islanders would be secured by the safeguards and guarantees to be offered by the Argentine Government. The Argentine Government sustains that in this process the principle, that decisions are of the exclusive and absolute resort of each one of the governments cannot be impaired, and consequently, in no case the recognition of sovereignty can be submitted, either directly or indirectly to the consideration of the inhabitants." ³⁹³

October 14th, in New York, Michael Stewart, Dr. Méndez and Dr. Ruda meet again.

"As he (Costa Mendez) saw it there would be three stages: (i) The memorandum of understanding. (ii) Some formal documents that would reflect the position of each party. The precise form had not yet been agreed, but each party would have formal cognizance of the other's position as stated. (iii) Further unilateral statements by each side which would be entirely free but would have been cleared with the other party. Talks would begin by 30 October at the latest and would be finished within a month or so,

391 Buenos Aires to Foreign Office October 3, 1968 in FCO 7/137

392 FCO 7/1073

393 Quoted in Annex 9 of Research Department Memorandum – The Falkland Islands Dispute: Developments from 1965 – 1968 (May 3, 1973) in FO 7/3201 attached to 281

*so that the General Assembly could be informed of the position before the present Session came to an end. As regards guidelines for officials, Dr Costa Mendez said that the last part of paragraph 6 and paragraph 7 of the draft unilateral declaration which the United Kingdom side had handed over at the last meeting would not be acceptable to Argentina. The practical effect of these paragraphs would clearly be to defer the question of sovereignty to the judgment of the islanders which the Argentine Government could not accept publicly.”*³⁹⁴

Stewart responds that he agrees in general with the points made, but as regards Islander agreement; “*It was most unlikely that Her Majesty’s Government would not be closely pressed on this point in Parliament. Some Member was almost certain to ask if the statement meant that sovereignty would not be transferred against the wishes of the inhabitants, and Mr. Stewart would have to say that it did.*”³⁹⁵

*“Dr. Costa Mendez did not commit himself as to the Argentine reaction to a statement in Parliament about the practical effect of the decision on safeguards to which the Argentinians clearly had not subscribed in any way. He said, however, that for the time being Argentina had no Parliament which made things easier, but equally accentuated the need for an early agreement; once there was an Argentine legislative assembly again the position of the Argentine side would be much more difficult.”*³⁹⁶

*“I met the Argentine Foreign Minister in New York on 10-14 October. On the first occasion we exchanged the draft texts of the proposed unilateral statement to be made by the two Governments on publication of the draft Memorandum of Understanding. At the second meeting I found that Dr. Costa Mendez was unwilling to drop his initial opposition to the idea of annexing the unilateral statement to the memorandum; indeed he said that it was “unacceptable” to him. In an attempt to find some other way of ensuring that the two governments should take formal cognizance of each other’s view of the divergence expressed in the Memorandum, I agreed that our officials should examine the possibility of an exchange of brief formal documents between the two Governments in order to clarify the nature of this “divergence”. It proved impossible to make progress with this idea”*³⁹⁷

October 15th, in Britain’s House of Commons, Fred Mulley speaks on behalf of the absent Foreign Secretary.

*“It is not the policy of Her Majesty’s Government to transfer sovereignty over these Islands against the wishes of the Islanders.”*³⁹⁸

On the same day, the UK’s mission to the United Nations write to the Foreign Office. Regarding a conversation with Minister Ruda.

*“He seemed quite happy with the way the meeting had gone on 14 October and had only two things to add. The first was that the Argentine side hoped very much that the United Nations would not play any active role. We should, of course, have to make a formal report but the Argentines thought that there would only be difficulties and complications if the United Nations were given any pretext to concern themselves in any way with any agreement that we might reach between us. Secondly, Costa Mendez thought that it ought not to be too difficult to reach agreement ...”*³⁹⁹

394 FO 7/3201

395 Ibid.

396 Ibid.

397 Memorandum by the Secretary of State for Foreign and Commonwealth Affairs December 18(?), 1968 in FCO 7/1079 at 154

398 Hansard 15 October 1968 col.1468-57 vol.761

399 Hildyard to Beith October 15, 1968 in FO 7/3201

October 16th, in New York, Argentina's Foreign Minister addresses the General Assembly of the United Nations.

"The titles on which Argentine sovereignty over these islands is based are well known... our position is thus very clear, but its importance for my government is paramount. It is nothing less than claiming the restitution to the national patrimony of a part of the territory of the Republic, torn away by force. ... Argentina demands recognition of its unquestionable sovereignty on the Islas Malvinas. Nevertheless it has accepted to negotiate that recognition with the United Kingdom... but we wish to point out clearly that, in the course of negotiations we will not accept any solution that may depart from the basic principles set by the United Nations not only with reference to the protection of the interests of the population but also as to the integrity of the national territory." ⁴⁰⁰

The UK immediately responds with a letter to the Secretary-General.

"... obliged to state that the United Kingdom Government does not accept the statement of the distinguished Minister of Foreign Affairs of the Argentine Republic in so far as it disputes the sovereignty of the United Kingdom Government over the Falkland Islands. The United Kingdom has no doubt as to its sovereignty over the territory of the Falkland Islands, and I wish formally to reserve the rights of the United Kingdom on this question." ⁴⁰¹

October 17th, in a civil service reorganisation, the Foreign and Commonwealth Offices merge to become the Foreign and Commonwealth Office (FCO). Foreign Secretary Michael Stewart becomes the first Secretary of State for Foreign and Commonwealth Affairs.

"... there have been two separate British policies. The Foreign Office believes that it is important to preserve good relations with, say, Argentina. The Commonwealth Office believes that the wishes of the 2,000-odd Falklanders must be respected. There is an attempt to mould the two views into one; it does not seem to have been recognised that the two views may be completely incompatible." ⁴⁰²

"The Falklands have undoubtedly suffered from the amalgamation of the Commonwealth Office with the Foreign Office; passing under the control of the Latin American Department whose main care is to foster easy relations with those states, not to defend a handful of people's rights to self-determination." ⁴⁰³

"After the merger of the foreign and commonwealth offices in 1968, the Falklands were transferred from the Gibraltar and South Atlantic Department to the West Indian and South Atlantic Department. Soon, they would arrive in the hands of the Latin American Department. Administration of the islands was now being conducted in isolation from other colonies." ⁴⁰⁴

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

"... to request the support of the States Members of the United Nations for the restitution of the Malvinas Islands to the Argentina State without further delay..." ⁴⁰⁵

400 FCO 7/1082

401 *Ibid* at 3. Signed L. C. Glass

402 *The Spectator Magazine* October 17, 1968

403 *Falkland Islands: Why do the British want to Quit?* Penelope Tremayne in *The Sunday Times*, Sept 25, 1977

404 *The British Government and the Falkland Islands, 1974-79* Aaron Donaghy 2014

405 Dated August 20, 1968 in FCO 7/1082

October 31st, in Britain's House of Commons, MP Michael Hutchinson, asks to be updated on the negotiations.

"I greatly regret that there is no mention in the Gracious Speech of the Falkland Islands and the Government's intentions about their future, or of the present state of negotiations with the Argentine Government. Not only I but many other hon. Members have been pressing the Government for more information. We have asked by means of Questions, letters, Motions and debate, because many of us are concerned, but we always get evasive answers. It is like hitting a pillow." ⁴⁰⁶

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

"I am glad to confirm to you that Her Majesty's Government is now prepared to sign the Memorandum of Understanding which records the stage reached in the discussions between our two Governments about the Falkland islands, held in accordance with the invitation contained in resolution 2065 (xx) of the United Nations General Assembly.

The Memorandum of Understanding refers to a divergence between our two Governments as to the criteria according to which the United Kingdom Government shall consider whether the interests of the Islanders would be secured by the safeguards and guarantees to be offered by the Argentine Government. As the Memorandum states, this divergence would have to be resolved as one of the conditions to be fulfilled before Her Majesty's Government could agree to transfer sovereignty to Argentina.

*I should like to make it clear that, as I told the House of Commons on 27 March this year, Her Majesty's Government could only consider a transfer of sovereignty to Argentina, first as part of an agreement which would secure a permanently satisfactory relationship between the islands and Argentina: and second **if it were clear** to the Government in the United Kingdom **that the Islanders themselves regarded such an agreement as satisfactory** to their interests."* ⁴⁰⁷

Argentina responds by providing its own draft-statement of acceptance.

"I have the honor... to inform you of my Government's decision to approve the Memorandum of Understanding on the Falkland Islands... I consider it appropriate to point out once again to your Excellency the criteria of the Argentine Government regarding the divergence referred to in paragraph 4 of the said Memorandum of Understanding. The decision for the definitive solution of this dispute falls within the exclusive responsibility of both Governments and both of them have so reaffirmed it. Consequently, the Argentine Government hold the view that neither is it possible nor will they accept direct or indirect transfer of that responsibility of decision and that, therefore, the consideration by the Government of the UK whether the interests of the Islanders would be secured by the safeguards and guarantees offered by the Argentine Government will have as its sole purpose to assess if those guarantees and safeguards are efficient for the securing of those interests." ⁴⁰⁸

November 11th, on his arrival in Rio de Janeiro, Lord Chalfont speaks to representatives of the press; including Reuters, Britain's *Daily Mirror* and the *Daily Telegraph*.

"... we had no doubt about our title to sovereignty over the islands and there was no question of transferring it against the wishes of the Islanders. There would be no Falklands sell-out. Unattributably, Lord Chalfont

406 *HC Deb 31 October 1968 vol.772 cc183-310*

407 *FCO to Buenos Aires November 6, 1968 in FCO 7/1073. My emphasis*

408 *Ibid.*

*explained that we were discussing the Argentine claim both because of the UN resolution and because of the interests of the Islanders. The islands communications with the mainland were suffering and there was a balance of interest between British protection and good communications. The interests of the Islanders were paramount in deciding where this balance lay... Lord Chalfont said that we had to think not only of the immediate future, but twenty-five or thirty years ahead. ... The long term interest of the Islands might, in the eyes of a God like observer, perhaps **lie locally in closer links with South America** but the important consideration was obviously the human one. ...”*⁴⁰⁹

November 12th, in London, after considering the British draft-statement of acceptance, Argentina’s Ambassador McLoughlin calls on John Beith at the Foreign & Commonwealth Office (FCO). McLoughlin asserts that his government’s view is that Britain’s unilateral statement did not conform to the; “... *real terms of the divergence.*” The Ambassador notes that the Memorandum of Understanding must state that Britain will recognise Argentina’s sovereignty over the archipelago from a date to be agreed and should not refer to a “*transfer of sovereignty.*”

*“Brigadier McLoughlin... had been instructed by his Government to say that they would not be able to accept an exchange of the documents defining the divergence as long as the British draft were on the lines of that submitted to them on 6 November.”*⁴¹⁰

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

*“The visit really arises out of the discussions that we have been having with the Government of Argentina as a result of a claim which they have made to sovereignty over the Falkland Islands. We were required by a United Nations Resolution to discuss that claim... In the whole of this, we have always made it clear that the wishes of the Falkland Islanders would have to be carefully consulted in whatever agreed position we arrived at...”*⁴¹¹

Back in Britain’s House of Commons, Under-Secretary of State for Foreign and Commonwealth Affairs, Mr. William Whitlock, addresses MPs.

*“... it is not the policy of Her Majesty’s Government to transfer sovereignty over these islands against the wishes of the islanders.”*⁴¹²

November 21st, in London, the Foreign Office proposes to Argentina’s Ambassador that a way around the impasse could simply be to not have any exchange of unilateral statements. McLoughlin says that he will consult with Buenos Aires.

November 23rd, Chalfont arrives off the Falklands archipelago in HMS *Endurance*; “... *and spent the day touring farms and settlements by helicopter and light aircraft.*”⁴¹³ The Minister is accompanied by Diggins and Tait from the FCO’s American Desk, and five journalists, including Richard Gott of *The Guardian*.

409 *Rio de Janeiro to FCO November 11, 1968 in FCO 7/1347.* Mt emphasis.

410 *FCO 7/1073*

411 *FCO 7/1085.* Chalfont was accompanied by 5 British journalists. Seaman, of *The Express* was a controversial choice as Argentina viewed that newspaper as particularly hostile; be it over meat exports, the Falklands or even football.

412 *FCO 7/1075*

413 *FCO 73/72*

*"I travelled to the Falklands with a group of diplomats in what was Britain's first and last attempt to get shot of the islands. Lord Chalfont... had the unenviable task of trying to persuade 2,000 islanders that the British empire might not last for ever – and that they should start to entertain the notion they might be better off being friendly to the near-neighbour, Argentina, which had long claimed the islands... Maybe the islanders could be paid to set up sheep farms in New Zealand. Over 10 days, we visited just about every farm and homestead in the two principal islands. We were greeted everywhere – and we could see the slogans and the union flag from the air before we landed – with the same messages: 'Chalfont Go Home' and sometimes 'We Want to Stay British'. ..."*⁴¹⁴

*"He (Chalfont) had a calm and friendly reception, and the islanders appeared to accept his categorical assurances that there would be no transfer of sovereignty against their wishes."*⁴¹⁵

Arrangements are made to maximise the effect of Lord Chalfont's visit on local leaders.

*"For the visit of Lord Chalfont to the Falkland Islands at the end of 1968 members of Legislative Council were invited to sit in on Executive Council."*⁴¹⁶



November 24th, at an initial meeting of an enlarged Executive Council, members are provided with copies of the Memorandum of Understanding and Britain's unilateral statement for consideration. They are not shown Argentina's unilateral statement.

*"Britain attempted to twist the Falkland Islanders' arms into accepting an Argentine takeover of their country, and in November 1968 sent Lord Chalfont to sound out their opinions (and to persuade them to accept a compromise agreement with Argentina). ..."*⁴¹⁷

*"Lord Chalfont broke the British government's plans to the Falkland Islands Council, emphasising however that there would be no transfer of sovereignty to Argentina against their wishes. The news was greeted with a stony silence..."*⁴¹⁸

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

Miller and Barton call the accord a "sell-out".

"... their initial reactions to the two documents were violent and there appeared even to be a possibility of resignations.... in the course of hard-hitting three hour meeting I believe I have made substantial progress in convincing them of: (a) Her Majesty's Government's good faith; and (b) that nothing in the

414 *Argentina's claim on the Falklands is still a good one* Richard Gott in *The Guardian* April 2, 2007

415 *Memorandum by the Secretary of State for Foreign and Commonwealth Affairs December 18(?), 1968* in FCO 7/1079 at 154

416 FCO 42/429. The Governor continued with this arrangement well into 1970; even proposing a 'single council' system.

417 Pascoe 2020 p.315

418 Islander Gerald Cheek quoted in *Penguin News* February 26, 2021

documents alters or detracts from our assurances that sovereignty will not be transferred against the wishes of the Islanders.”⁴¹⁹

*“Lord Chalfont said he was extremely surprised at the Executive Council’s reactions. He assumed its members were still interested in the welfare of the Falkland Islands, but they would not get far in their present frame of mind. He found quite extraordinary the suggestion that some form of confidence trick had been played on them: He must ask them to believe that HMG was acting in good faith and sincerely. ... He could understand their strong feelings; but if anyone suggested that the assurances that had been given in the British Parliament or elsewhere were in conflict with the two documents, this only showed that the documents had not been properly studied. He repeated that nothing in them conflicted with these assurances that there would be no transfer of sovereignty against the wishes of the Falkland Islanders. He would give an undertaking that if anyone could prove the contrary, he would immediately telegraph London and request that the whole policy be abandoned.”*⁴²⁰

*“As we had expected the executive Council’s first reaction to the memorandum was one of violent hostility, but after several hours of discussion they became somewhat more reconciled to it. On 25 November they authorised lord Chalfont to state in his further public meetings that, after a detailed discussion with him about the position reached in the Anglo/Argentine talks, and about the “agreed position” which was likely soon to be reached in them, they accepted Her Majesty’s Government had been acting in good faith. They also asked him to state that in their view the “agreed position”, if reached, would be fully in keeping with the promise that Her Majesty’s Government would not transfer sovereignty against the wishes of the Islanders.”*⁴²¹

*“Chalfont used his considerable negotiating skill in an attempt to persuade Councillors and the public that it was in their long term interest to come to an accommodation with Argentina. He explained in detail to council members the proposed contents of a memorandum of understanding with the Argentine Government and also of a unilateral statement which could be made in Parliament stressing that sovereignty would not be ceded without Islander consent. However, Chalfont failed to reassure his audiences.”*⁴²²

November 26th, Lord Chalfont answers questions on Falklands radio, put by Barton (Executive Council), Goss (Legislative Council) and by *Guardian* journalist Richard Gott.

“Mr. Gott: Lord Chalfont, you have often said in the last few days, that the way should be left open for a possible change in the views of the islanders; that there might be some stage in the future when they would see their future with the Argentine. Why do you think that the islanders attitude might change? We’ve had a tremendous lot of evidence that they want to remain British. What makes you think that they might possibly change their minds?

Lord Chalfont: The reason why I want to leave the situation flexible enough to cope with the change of mind if it should happen is that, in my view, a good deal of the attitude of the Falkland Islanders can be traced back to the present lack of communications and unsatisfactory relations between the Islands and the mainland, and especially Argentina.... I think that if there were a period of time (and I don’t want to set any limit to it) but if there were a period of time in which the Government of the Argentine adopted an entirely different attitude towards the Falkland Islands, the encouraged good communications, they

419 Chalfont to FCO November 25, 1968 in FCO 7/1075

420 FCO 7/1073

421 Memorandum by the Secretary of State for Foreign and Commonwealth Affairs December 18(?), 1968 in FCO 7/1079 at 154

422 Cosmo Haskard in *The Dictionary of Falklands Biography (including South Georgia): From Discovery up to 1981* D. Tatham (ed.) 2008 p.277

encouraged better links, cultural links, with the Islands, it seems to me not impossible that the minds of the Falkland islanders might change... and that either this generation, or some future generation, of Falkland Islanders might see this thing in a different light. ... I think that they are now genuinely anxious to settle this dispute that we have with them in an amicable and friendly way ..."⁴²³

*"The mission received considerable publicity since five journalists accompanied Lord Chalfont. Their opinions of the dispute were divided. Michael Field, of the 'Daily Telegraph, was sympathetic to the Islanders and stressed in his reports the Kelpers' suspicions and desire to remain British with headings such as "Falkland Patriots Turn Out" and "Don't Sell us for bully beef, say Islanders," Richard Gott, 'The Guardian' correspondent, sympathized with Chalfont and emphasized the Islanders' need to come to terms with Argentina."*⁴²⁴

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

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

In New York, at the United Nations building, the Fourth Committee continues its deliberation with regard to the process of decolonization.

"16. With regard to the Territories of Gibraltar, British Honduras and the Falkland Islands (Malvinas), the question arose whether they were Non-Self-Governing Territories within the meaning of 1514 (XV) or whether they were the subject of disputes over sovereignty between Member States. In the former case, the administering Power should be involved in the process which would lead to self-determination, and in the latter case, a decision on their fate should be taken in some other appropriate forum.

40. Mr. Martinez (Argentina), speaking in exercise of the right of reply, expressed surprise at the doubts which had been expressed by the representative of Barbados on the propriety of dealing with the question of the Falkland Islands (Malvinas) in the Fourth Committee. The Special Committee,



*resolution 2065 (XX) and two consensus of the general Assembly had recognised that the Fourth Committee was the forum in which that question should be discussed, a fact that had been also admitted by the representative of the United Kingdom and the Government of Argentina."*⁴²⁵

Miguel Fitzgerald, in a publicity stunt paid for by the Argentine newspaper *Cronica*, attempts to repeat his 1964 landing of an aircraft at *Stanley Racecourse*.

⁴²³ Extract from Broadcast Interview on Tuesday, 26 November made at Port Stanley in FCO 7/1080

⁴²⁴ Ellerby 1990 p.161. Over the decades since, Gott proved to be very pro-Argentine; and a regular guest at the Argentine Embassy in London during the tenure of Alicia Castro.

⁴²⁵ UN Document A/C.4/SR.1798 quoted in FCO 7/1079. The original speaker was the representative of Barbados, Mr. McComie. Resolution 2065 (XX) of 1965 was a UN GA resolution from 1965 (see above). McComie's point, however, was well made. If the territories he mentioned were a matter of decolonization via self-determination, then they fell under the remit of the Fourth Committee. If they were purely a matter of disputed sovereignty, then they did not. This question gets raised from time to time and rests on the applicability, or not, of the right of self-determination.

Discovering obstructions on the track, Fitzgerald crash lands in Eliza Cove Road. The pilot, Fitzgerald, a *Cronica* journalist, Garcia, and another journalist, Nava, are arrested at the scene.

*“Incident took place just before I was due to address a public meeting, which I am now doing later tonight after which we shall be better able to assess local reaction. Although no-one was hurt this was good luck rather than due to any apparent concern on this score by occupants of aircraft. ... My own view is that Her Majesty’s Ambassador in Buenos Aires should be instructed to lodge a strong formal protest... unless everything possible is done at once to repair damage the incident could prove a serious setback for negotiations we have been having.”*⁴²⁶

In Buenos Aires, Ambassador Cresswell telephones Méndez at 11.30pm to complain.

*“He replied rather weakly that he had seen no mention of it in the evening edition of Cronica... He said the Argentine Government could accept no responsibility for acts by individual newspapermen, he had done all he could to keep the press moderate these last days.”*⁴²⁷

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

Arrested and declared a ‘prohibited immigrant’, together with his two companions, Fitzgerald is “accommodated” aboard HMS *Endurance* for the journey back to Rio Gallegos.

November 28th, Britain’s Embassy in Buenos Aires reports to London.

*“As was to be expected, this morning’s ‘Cronica’ carries banner headlines about this exploit and photographs of Garcia and Fitzgerald before leaving Buenos Aires airport yesterday for Rio Gallegos. It also publishes messages from Rio Gallegos suggesting that no secret was made there of ultimate destination, that interest was aroused amongst Rio Gallegos population and that pilot remained in radio contact with airport control there, reporting his progress. Argentine aeronautical authorities were therefore in full connivance, if this is true.”*⁴²⁸

In Stanley, at a final meeting of the enlarged Executive Council, Lord Chalfont explains the British Government's position.

*“... while HMG had no doubt about their right to sovereignty over the Falkland Islands, if another sovereign state such as Argentina made a claim of this kind it was better to discuss the matter with them than to refuse to do so. ... The discussions had lasted several months, and it now looked as though they were close to arriving at an agreed position and publishing two documents which would define this position. ... He commented that parts of it might at first sight cause some surprise and distress but he believed that, when read as a whole, the apparent concessions in it to Argentina were heavily qualified. ... Finally he said that the Memorandum of Understanding was only a stage in HMG’s negotiations with Argentina, and that there would be continuous consultation with the Falkland Islanders at each subsequent stage.”*⁴²⁹

426 Chalfont to FCO November 27, 1968 in FCO 7/1347

427 Cresswell to FCO November 28, 1968 in FCO 7/1347. Fitzgerald's punishment was a three months suspension of his pilot's licence.

428 TelNo777 in FCO 7/1347 at 23

429 FCO 7/1073

*“The response was one of scepticism, to put it mildly. The view was quite simply, and I thought somewhat simplistically, ‘We are British. We are not interested in your plans for any future world in which we should become Argentinians. We are British, that’s all there is to it, and will you please take that message back to your masters in London’.”*⁴³⁰

*“The islanders were adamant. They wanted nothing to do with Argentina, and Chalfont left them with a promise that nothing would happen without their agreement.”*⁴³¹

December 1st, returning to Britain, Lord Chalfont stops off at Buenos Aires for a meeting with Costa Méndez.

*“(Méndez) told me that my visit to the Falkland Islands had been most helpful in making it clear to the Islanders that they would have to face inevitable changes and that their present views should not be allowed to fossilise. But he went on to say that although the Argentine Government liked the Memorandum of Understanding as it was now drafted, it would be pointless for them to sign if it were immediately to be cancelled out by a unilateral statement in Parliament. In answer to my question, he confirmed that he would not be prepared to sign the Memorandum, if a unilateral statement were made on the lines of the draft which he had seen in New York.... Dr. Costa Mendez suggested that a way out of this impasse might be possible if Her majesty’s Government were prepared to water down the unilateral statement and to reserve their position in the course of Parliamentary questions. Failure to sign the memorandum would inevitably result in a worsening of Anglo Argentine relations.”*⁴³²

*“In talks in Buenos Aires on December 1st with the Argentine Foreign Minister, Lord Chalfont was unable to persuade the Argentines that the Islanders should be given a chance to make up their minds about their own future. The Argentines reiterated their claim that transfer of sovereignty over the Islands could not be made dependent upon the ‘wishes’ of the inhabitants.”*⁴³³

*“My discussions with Costa Mendez were such as to convince me the line we were taking was the right one. They had a claim to sovereignty which we might not be prepared to accept in legalistic terms but, in realistic terms, for the future of our relations with Argentina and the future prosperity of the Falkland Islands, it seemed to me that we were on the right track.”*⁴³⁴

British journalists are invited to speak to the Foreign Ministry. Dr. Ezequiel Pereyra, head of the Falklands Islands and Antarctic Department, answers questions.

*“... we must think whether self-determination should be applied in this case. The isolation, the islands and the character of the population must be taken into account. The population was originally Argentine. It was expelled from the Islands and taken to Montevideo and replaced by British subjects. Looking at history, one saw that the principle of self-determination should have been applied at that time. ... Resolution 1514 of the United Nations emphasised two principles, self-determination and territorial integration (sic), and it was the second which should apply here.”*⁴³⁵

430 Lord Chalfont interviewed in Charlton 1989 p.23

431 *Argentina’s claim on the Falklands is still a good one* Richard Gott in *The Guardian* April 2, 2007

432 FCO 7/1079

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

434 Lord Chalfont quoted in Charlton 1989 p.23

435 *Buenos Aires to Foreign and Commonwealth Office: Tel. No. 805 December 5, 1968* in FCO 7/1078. Pereyra appears to be confusing the raid by the USS *Lexington* in December, 1831 (which took settlers to Montevideo) with the British ejection of a Buenos Airean garrison in January, 1833. The concept of self-determination had its origins only in the 20th century. cf. 1831, 1833 & 1945.

He adds, that the Islands population; “Changes from year to year. The majority were not born in the Islands but are there with contracts to work. This is not a problem of self-determination, rather a question of sovereignty.” Pereyra asserts that out of a total population of 2,172, 1960 saw 292 leave and 224 arrive; in 1961 this was 326 leaving to 244 arrivals; and that 411 left in 1962 to 268 new arrivals.

*“...the Argentine Government was seeking to safeguard the interests of the Islanders and to give them security so that they would not feel themselves affected by any change there might be. ... It was a question of looking at different aspects of the situation and studying them individually. There was, in Argentina, an ancient institution, the Municipality, which handled local government. With regard to language, a progressive solution would be sought that would not cause hardship to the Islanders. The ownership of small and large farms, including those belonging to companies in London, would be respected. On the economic side, the Islands would benefit from petrol and gas imported from Comodoro Rivadavia in place of coal from Britain. Tourist trade could be encouraged and a hotel built.”*⁴³⁶

*“Dr. Esequiel Pereira (sic), Head of the Argentine Foreign Ministry’s Malvinas (Falklands) Department, pressed home the view that the issue could only be settled by the two Governments and re-stated the principle of territorial integrity, while casting doubt on the principle of self-determination in regard to the Falklands both from the standpoint of Argentina’s historical arguments and because, he claimed, an important part of the present population of the Falkland Islands had not been born there.”*⁴³⁷

December 2nd, Lord Chalfont arrives back in the UK, in time for an evening meeting with the Prime Minister, Sir Harold Wilson, and Minister of State for Foreign and Commonwealth Affairs, Fred Mulley.

*“It was agreed that statements should be made in identical terms in Both Houses of Parliament tomorrow afternoon. ... The Prime Minister said that we could not accept the view expressed by the Argentine Foreign Minister... even if this risked incurring Argentine displeasure. We had fully conformed with the requirements of the United Nations. ... the Falkland islands would not be handed over to the Argentine against the wishes of the islanders.”*⁴³⁸

*“Renewed hostility of British public opinion on Lord Chalfont’s return. More accusations that Falklanders are to be betrayed. Vociferous press campaign to end negotiations.”*⁴³⁹

*“The newspapers became increasingly critical of Government policy after Lord Chalfont returned. 'The Guardian' editorial stated that, 'The option of Argentine sovereignty should never have been opened. It should now be closed.' The 'Daily Telegraph' announced, 'BRITAIN READY TO SURRENDER FALKLANDS,' and claimed that Chalfont had left the Islanders in a, 'depressed and nervous state. ... 'The Sunday Times' editorial considered that Chalfont's mission was an 'unconcealed example of diplomatic ambiguity' and concluded that 'Argentina must see London as an astonishingly soft touch.’”*⁴⁴⁰

On the same day, at a press conference in London, a Scottish company, Alginat Industries, announces that it has applied to the Governor of the Falkland Islands for a concession to exploit the seaweed.

436 Priority Buenos Aires to Foreign and Commonwealth Office December 4, 1968 in FCO 7/1078

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

438 FCO 7/1079 at 118

439 Research Department Memorandum – The Falkland Islands Dispute: Developments from 1965 -1968 (May 3, 1973). Annex 1

440 Ellerby 1990 p.162

“The company had surveyed the seaweed beds and estimated that it could harvest seaweed worth £12 million a year; which, after processing in Scotland, would be worth £100 million.” ⁴⁴¹

December 3rd, in Buenos Aires, after lunching with the President, Argentina’s Foreign Minister, Costa Mendez, tells journalists that; *“... an agreement with Britain on the Falkland Islands would be signed only if it conformed to national interests and if it included recognition of Argentine sovereignty. It could not provide for the recognition of sovereignty being made subject to an expression of will of the inhabitants.”* ⁴⁴²

Britain's Embassy considers the statistics provided to journalists on December 1st by Dr. Ezequiel Pereyra.

“These figures were quoted by Dr. Jose Maria Ruda, Argentine representative at the United Nations. They are not, however, supported by the statistics of the Falkland Islands Government. Moreover, the conclusions drawn from the figures quoted are misleading. Looking at the equivalent figures for Argentina, in 1967 we find that out of a total population of 22 million, 1,042,926 left and 1,014,336 arrived. Should we therefore consider that the population of Argentina is transitory? ... It is true however that there is evidence to suggest that the (Falklands) population is mobile. Out of the total population of 2,000 odd some 700 are not Islanders born and bred. But self-determination is not a concept that necessarily depends on numbers.” ⁴⁴³

In London, Minister Fred Mulley, makes a statement to the House of Commons.

“My right hon. and noble friend Lord Chalfont visited the Falkland Islands ... to establish direct ministerial contact with the people of the islands and to explain to them Her Majesty's Government's policy in their talks with the Argentine Government. ... he repeated to them the assurances that Ministers have given this House on many occasions this year, namely, that it is not the policy of Her Majesty's Government to transfer sovereignty over these islands against the wishes of the islanders... we are concerned to restore and improve communications between the islands and the nearest mainland since this would be of great benefit to the islanders. ... I hope that it may shortly be possible to conclude the present stage of the discussions and their outcome will then be reported to the House... Lord Chalfont did not have any formal talks or negotiations in Argentina.” ⁴⁴⁴

“On this occasion the mood of the House was belligerent, and Mr. Mulley did not succeed entirely in allaying members’ suspicions. The fact that fears for the future of the islands were voiced by MPs on both sides lent weight to those advocating a rethinking of policy.” ⁴⁴⁵

“... the position has now been transformed by the renewed Parliamentary hostility to any discussion of a possible transfer of sovereignty over the Islands. ... we may well need find some way of putting it (Memorandum of Understanding) into cold storage for the time being...” ⁴⁴⁶

“On 3 December Tory back-bench MPs replied to Fred Mulley's justification for the sovereignty talks with cries of, 'Resign!'.” ⁴⁴⁷

441 UN Working Paper 1969 A/AC.109/L.584

442 Buenos Aires to Foreign and Commonwealth Office December 4, 1968 in FCO 7/1078

443 Draft press release in Mansfield to Atkinson December 23rd, 1968 in FCO 7/1085

444 Quoted in FCO 7/1075

445 Latin American Department (Diggins) to Buenos Aires (Cresswell) December 18, 1968 in FCO 7/1079 at 166

446 Charles W. Wallace note in FCO 7/1079

447 Ellerby 1990 p.163

Lord Chalfont is interviewed by the BBC.

“Michael Barratt: Now, Lord Chalfont, by all reports it was made quite plain to you that the Falkland Islanders do want to remain British, so why in these circumstances are you still making negative statements, why will you not come out quite clearly and say: ‘The Falkland Islands is British and will remain so’?”

*Lord Chalfont: Because, you see, we’re engaged in discussions with the Argentine Government, partly because there is a United Nations resolution requiring us to do so and partly because we think it is in the long term interests of the Islanders to do so. We are discussing a claim made by the Argentine Government that the sovereignty of the Islands is theirs: now we have no doubt that the legal title to the sovereignty is ours, but like intelligent people behave in private life, we are behaving in diplomatic life, we’re discussing the claim with them... What I have made clear to the Falkland Islanders, to Argentina and today, again, to the House of Lords, whatever the future of the Falkland islanders may be, there will be no change of status, no change of sovereignty, against their wishes.”*⁴⁴⁸

December 4th, from Buenos Aires, Britain’s Embassy reports to London.

*“Argentine Foreign Ministers position has of course hardened since he saw you in New York in Mid October. He had not earlier gone so far as to say he would not sign unless we recognised Argentine sovereignty virtually unconditionally. 2. Yet I still think he may draw back from this apparent position, ... because I hear that his advisers in the Foreign Ministry strongly deprecated his statement to the reporters...”*⁴⁴⁹

Ambassador Cresswell adds his concerns that the Memorandum of Understanding, without the unilateral statement would create a legal issue for the UK should Argentina attempt to seek a ruling from the ICJ. Allowing them to claim that the UK had recognised Argentine sovereignty from the date the MoU was signed.⁴⁵⁰

“I remember that, some weeks ago, you were clearly opposed, after the Cabinet had discussed the views of the Law Officers of the Crown, to any possibility of accepting a memorandum of Understanding unqualified by a unilateral statement of equal status. ... Subsequently you seem to have taken a less severe view of this possibility...”

December 5th, Lord Chalfont reports.

*“I do not believe that the Falkland Islands can continue to exist for many years, as they are presently constituted. I believe one day that the Falkland Islands may be prepared to choose Argentine sovereignty. We must at all costs avoid giving the impression that we want to get rid of them, since that would set up precisely the reaction we would want to avoid.”*⁴⁵¹

He concludes that the British Government should; *“... disengage for the present from our talks with Argentina while doing all we can to avoid a clear break and to preserve some diplomatic contacts on this question. ... In view of the strength of Parliamentary and public feeling we regard (this) course as the only practicable one.”*⁴⁵²

448 FCO 7/1085 at 14

449 Buenos Aires to Foreign and Commonwealth Office Telegram no. 811 of December 8, 1968 in FCO 7/1079

450 Cresswell to Diggins December 4, 1968 in FCO 7/1080 at 172

451 Report by Lord Chalfont on the visit to the Falkland Islands 23-28 November 1968 in PRO FO 42/94

452 FCO 7/1079

A press report in *The Guardian* notes that Costa Méndez has reiterated that Argentina; “... would not sign any agreement on the Falkland Islands which did not include recognition of Argentine sovereignty ... his country would only sign an agreement in keeping with national interests which implied recognition of Argentine sovereignty and which did not subject this to the will of the islands' inhabitants.”⁴⁵³

December 6th, Lord Chalfont sends a message to the Secretary of State, who is in India. He outlines his views on the current state of Anglo-Argentine negotiations. After listing the pros and cons of possible ways forward, Chalfont recommends that the UK; “... disengage for the present from our talks with Argentina while doing all we can to avoid a clear break and to preserve some diplomatic contacts on this question.” The Minister notes that this would have the advantage of satisfying majority opinion in Parliament while aligning the FCO's position on the Falklands more closely with that of Gibraltar. Among the disadvantages, Chalfont highlights his fear that the Argentines will publish the existing Memorandum of Understanding, unless they can be convinced that any change is merely a suspension.⁴⁵⁴

The message is copied to Buenos Aires for Ambassador Cresswell, and New Your for Lord Caradon. Caradon's response is immediate.

*“... I would expect the Argentinians who have been so courteous and patient so far to turn on us viciously if they think that we are going to abandon the whole enterprise, and if they do they will certainly carry all of the Latin Americans with them. This will add greatly to our difficulties in dealing with such questions as Gibraltar and British Honduras but that is perhaps the least of considerations... It also seems to me that it will not be possible to prevent publication of the Memorandum of Understanding. I cannot imagine that the Argentinians would fail to publish or leak all or part of it. ... I am bound to say that it seems to me that much the best thing would be to publish and be damned.”*⁴⁵⁵

December 7th, Ambassador Cresswell responds to Lord Chalfont's suggestions, urging “perseverance”.

*“The proposal to +disengage+ and to make a statement in parliament announcing this would be taken by the Argentines as a definite rupture of negotiations on our part. For us to take the initiative of breaking off negotiations in this way would surely be both unnecessary and unduly harmful to Anglo-Argentine relations (and of course to our export trade). There is no need for us to take onto our shoulders the odium of a break since in fact it is the Argentines who have created this situation: they have known all along that we based our attitude on the Islanders wishes..., and only now have they said that this will prevent them from signing the Memorandum and so cynical and unsound a case can easily be exposed in the United Nations. ... Yet to send them packing as we should do by ourselves breaking off negotiations, would be taken as an open affront and would do far more harm to Anglo-Argentine relations than to let them prove inconclusive, with the process of gradual disengagement continuing next year. The latter situation would really surprise nobody here ... ”*⁴⁵⁶

An internal FCO memorandum considers the implications of a failure to reach agreement.

“... it might be helpful for you to have a brief note of the main UN points that should be taken into account. These are:- a) We and the Argentines have already informed the United Nations, in mutually agreed and identical Phraseology, that we hope soon to "report on the subject during the course of the

453 FCO 7/1075

454 Chalfont to Stewart December 6, 1968 in FCO 7/1079 at 101

455 UKMIS to FCO December 6, 1968 in FCO 7/1079

456 FCO 7/1075 & FCO 7/1079

XXIII session of the General Assembly". Although we have entered into no precise commitment, the impression has been created that an amicable settlement is expected. b) If no agreement is reached it is likely that the odium will fall on us and that the Argentines will accuse us of going back on intentions. The furore in Parliament would lend credibility to such an accusation. c) The Argentines are anxious that an agreement should be announced in the United Nations as soon as possible and in any case before the end of the current session on 20 December. It is conceivable that, failing agreement, a resolution hostile to us will be introduced in the Fourth Committee and may command wide support. d) If there is no agreement we would be alienating not only the Argentines but the whole Latin American bloc. The effect would be that we could not any more count on their 23 votes on a number of GA issues of importance to us (including Law of Treaties). More serious, we would lose their sympathy in the Security Council..."⁴⁵⁷

December 8th, Lord Caradon comments on Ambassador Cresswell's views.

*"I should comment first on our commitment to report to the Assembly before then end of this session on 20 December. If by then there is no breach with the Argentine Government then all we have to do is to agree on a form of words with the Argentine Mission here jointly reporting that the discussions between the two Governments continue. If effect the United Nations deadline is only significant or dangerous if there is deadlock."*⁴⁵⁸

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

*"With reference to the "bout de papier" you gave me on the 21st of November... I have been instructed to inform you that, after careful consideration, my Government are prepared to accept the British suggestion concerning the setting aside of a formal exchange of Notes at the time of the signature of the Memorandum of Understanding. Instead, from the time of the publication of the Memorandum, the Argentine Government intend to make an explanatory public statement, which we understand the British Government will also do ... the Memorandum would be signed by the Secretary of State and myself, here in London."*⁴⁵⁹

Beith reports.

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

*I reminded the Ambassador that the Memorandum of Understanding was still ad referendum to Her Majesty's Government as a whole."*⁴⁶⁰

Back from India, Britain's Secretary of State, Michael Stewart, telegrams Dr. Mendez in Buenos Aires.

"During my absence from London I have been kept informed of the progress of Lord Chalfont's visits to the Falkland islands and to Buenos Aires. You will also have learnt of the intense emotions and

457 Original emphasis. Only the first page remains in the file. No date, but before the 10th, when it was received by the archives. The wording is reminiscent of Lord Caradon's message of the 6th. See FCO 7/1079 at 120

458 UKMIS New York to FCO December 8, 1968 in FCO 7/1079 at 108

459 FCO 7/1073

460 Ibid. Original emphasis

opposition the Anglo/Argentine talks on the Falkland Islands have evoked in the British Parliament and press during the last few days. You may already know that as a result of this I have been asked to make a further Statement in the House of Commons this week. I hope to give you advance notice of its content as soon as I have conferred with my colleagues about the stage that has been reached in the Anglo/Argentine talks.”⁴⁶¹

December 10th, Secretary Stewart telegrams the British Embassy in Buenos Aires.

“The Argentine Ambassador called on Mr. Beith yesterday at his own request quote – to continue discussions – unquote. ...

2. After referring to his Government’s satisfaction at the recent visit of Lord Chalfont and of British officials to Buenos Aires, he said that the Argentine Government was prepared broadly to accept the procedure set in the bout de papier he had been given on 21 November for the publication of the Memorandum of Understanding. The Argentine Govt., agreed that there should be no additional exchange of letters by the two governments, and that both governments would make untrammelled explanatory statements about the Memorandum when it was published.

3. Brigadier McLoughlin said that he had been authorised to sign the Memorandum on this basis. The Memorandum of Understanding should be sent by the two countries’ delegates in New York to the Secretary-General of the United Nations on the day of publication under cover of a communication which should not contain further quote – statements, comments or annexes – unquote. He suggested that the two missions to the United Nations should keep in close contact about any further quote – presentational – unquote problems.

4. Mr. Beith thanked the Ambassador for his reply and reminded him that the procedure he had suggested on 21 November, and the text of the Memorandum itself, were still ad referendum to British Ministers. ... He pointed out that one significant difficulty remained, in that the Argentine Government had not agreed that British Parliamentary statements in explanation of the memorandum should be conveyed to the Secretary-General together with the Memorandum itself, which was an essential element in our position.”⁴⁶²

Ambassador Cresswell informs London that Costa Mendez has repeated to him, that Argentina is ready to sign and accept; *“... the procedure of untrammelled statements being made by both sides.”*⁴⁶³

December 11th, in London, a meeting of the Cabinet, chaired by the Prime Minister Harold Wilson, decides not to continue attempts to reach agreement, on the basis of the proposed Memorandum of Understanding.

*“For your own information, position is that because the Argentine Government have made it plain in recent public statements that they would not sign any Memorandum which did not clearly indicate that sovereignty would be transferred, without qualification, to Argentina, Ministers have decided that they could not proceed with the Memorandum in its present form. Ministers’ view is that if the Memorandum were to be signed, it would now itself have to make quite clear that sovereignty would not be transferred against the wishes of the Falkland islanders; it would not now suffice for this to be said in the accompanying unilateral statement.”*⁴⁶⁴

461 FCO 7/1079 at 120

462 FCO 7/1073 & FCO 7/1079 at 130

463 Buenos Aires to FCO December 10, 1968 tel. 817 in FCO 7/1079

464 Stewart to Haskard December 14, 1968 in FCO 7/1073

*“... the situation developed rapidly the week before last, and on my return to London on 7 December I found that Cabinet discussions on the problem during the Secretary of State’s absence in India and Pakistan had resulted in the conclusion that we should try to disengage from our present series of talks with the Argentine. Ministers had by then come to see serious difficulties about the fact that we were even talking about sovereignty with the Argentines. They found the ext of paragraph 4 of the Memorandum of Understanding wholly unacceptable in the present state of Parliamentary feeling here.”*⁴⁶⁵

*“... the Prime Minister said that the preponderant view in the Cabinet was that, in the political circumstances then prevailing, we could no longer contemplate any Memorandum of Understanding with the Argentine Government which did not make explicit within its text or by means of a specific link between the Memorandum and the unilateral statement, that the decisive voice on the question of sovereignty of the Falkland Islands must be that of the Islanders themselves.”*⁴⁶⁶

*“... the British Government decided at Cabinet level "not to continue to attempt to reach a settlement on the basis of the Memorandum of Understanding, since Argentina was not prepared to accept ... that the Memorandum should include a statement that any transfer of sovereignty would be subject to the wishes of the Islanders." ..”*⁴⁶⁷

*“Michael Stewart's last attempt to retrieve an agreement was rejected by the Cabinet on 11 December. Castle recorded that, "One by one we all turned on him and he was soon assuring us defensively that he had left Costa-Mendes in no doubt that we would not transfer the Falkland Islands without the agreement of the Islanders." ...”*⁴⁶⁸

Argentina’s Ambassador McLoughlin is summoned to the Foreign and Commonwealth Office to be told of Britain’s decision not to continue negotiations on the basis of the proposed Memorandum of Understanding.

“I began by reminding the Ambassador of the strong feeling in the House of commons about our discussions with the Argentine Government and that this feeling had been mounting in recent week. In the light of it I felt that I must make a statement to the House of Commons this afternoon. My statement would begin by explaining why we had entered into these discussions. I should go on to say that some progress had been made, but that there wee still important divergences of opinion. We wished therefore to continue our talks with the object of reconciling these divergences, which hinged on HMG’s position that there be no transfer of sovereignty against the wishes of the inhabitants. I should have to emphasise that this was still our position. ...

3. I said I should add that any expression of the Falkland islanders’ wishes must be genuine: we had not exerted and would not exert pressure or improper influence on them to make a decision which did not reflect their true wishes. ...

6. ... The Ambassador commented that the divergence between us looked wider than he had supposed: he thought we had agreed on the Memorandum of Understanding. He wondered what our decision on the Memorandum of Understanding would be. I replied that this would require examination and I could not give him a precise answer at present. When he raised the question of what should be said to the General Assembly before it went into recess next week, I said that this must depend on the progress reached at that point. But even if our talks went on longer than we had originally expected, I very much hoped that they could nevertheless continue.

465 Latin American Department (Diggins) to Buenos Aires (Cresswell) December 18, 1968 in FCO 7/1079 at 166

466 Memorandum by Michael Stewart October 21, 1969

467 *The Falkland Islands, 5th Report from the Foreign Affairs Committee Session 1983-1984 HC 268 25.10.1984.* para 29

468 Ellerby 1990 p.160 citing B. Castle, *The Castle-Diaries, 1964-1970* (London, 1984), pp. 568-569.

7. When the Ambassador asked whether the difficulties we saw were procedural, I said that they went rather further than that. And even the procedural difficulties which still remained in fact reflected the divergence over our view that there could be no transfer of sovereignty against the wishes of the inhabitants, and that this must be made clear in any communication to the Secretary General. I believed that we now needed time to take stock and then pursue the talks. I repeated that, if there was to be any hope of obtaining Parliament's agreement, the principle about the paramountcy of the wishes of the inhabitants must be made unmistakably clear.

Finally, I did not hold out any hope that we could get a final agreement before 20 December, though we should be available at any time to continue the talks.”⁴⁶⁹

Secretary Stewart sends a statement to Buenos Aires for immediate delivery to the Argentine Foreign Ministry.

“In my message of 9 December I said that I hoped to give you advance notice of the content of the statement which I expected to make in the House of Commons this week. I shall be making this statement this afternoon, and I have outlined its general content to your Ambassador here.

2. Nevertheless, I should like to give you the following summary of what I shall be saying. I shall start by explaining the very good reasons why our two governments have been holding talks about the Falkland Islands' question. I shall go on to say that we have reached a measure of understanding, but that there remains an important divergence relating to HMG's insistence that there could be no transfer of sovereignty against the wishes of the Falkland Islanders, and that this remains our policy. I shall, however, also make it clear that we are anxious to find a solution of this question and that we therefore propose to continue our talks with your Government to that end.

3. I am sure that you will feel, as I do, that we have made useful progress in this matter, and that you, like ourselves, will wish to continue our talks on the same friendly and constructive basis as before.”⁴⁷⁰

After delivering the message to the Argentine Foreign Minister, Cresswell reports; *“He gave me the impression that he was expecting something worse.”*⁴⁷¹

Later that day, Secretary of State Stewart makes a statement to Parliament.

*“In their talks with the Argentine Government, H.M. Government have been trying to reach an understanding with Argentina with the object of securing a satisfactory relationship between the islands and the nearest continental mainland. Since that time, the talks have continued and the two Governments have reached a measure of understanding although this is not yet complete. There is a basic divergence over H.M. Government's insistence that no transfer of sovereignty could be made against the wishes of the Falkland Islanders... Her Majesty's Government are very conscious of the close ties between the population of the islands and the United Kingdom and of their loyalty to the Crown. It is for this reason that Her Majesty's Government have insisted on the paramountcy of the islanders' wishes. Her Majesty's Government have not exerted any pressure on the islanders to change those wishes nor do they intend to do so.”*⁴⁷²

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

469 FCO 7/1079 at 131

470 FCO 7/1073. Copied to the Falklands Governor and the UK Mission at the United Nations.

471 FCO 7/1079 at 132

472 HC Deb 11 December 1968 vol.775 cc424-34

*“Whatever international law practice may have been in the past, I do not think, in the twentieth century, you go handing people over to a government that they will detest, and which can put up no case in law for the territory either.”*⁴⁷³

*“The paramountcy of the islanders' wishes as reflected in Parliament had been established, and the question of sovereignty over the Falklands had become an issue of domestic politics rather than foreign policy.”*⁴⁷⁴

*“This was now the crux of the dispute, a dilemma which would bedevil successive governments. For the islanders, the episode served as a catharsis. They had effectively been granted a veto; their wishes were paramount. After 1968, no minister ever forgot that.”*⁴⁷⁵

December 12th, from Buenos Aires, Argentina's Foreign Minister, Costa Méndez, responds to Stewart's message of the 11th.

*“I much regret that the British Government has not been able to sign the Memorandum of Understanding concluded on 12 August between the Foreign Office negotiators and those of our Embassy... I shall tonight, 12th, inform Argentine public opinion about the state of the negotiations. ... My Government is ready to continue the negotiations, as is laid down in resolution 2065 (XX).”*⁴⁷⁶

Minister Méndez issues a statement for the press.

*“After refusing for a century even to discuss this matter, the United Kingdom has finally accepted to discuss it. This new willingness to hear our reasons is in itself sufficient reason for continuing the negotiations and for believing that they will lead to their logical conclusion: recognition of Argentine sovereignty over the Malvinas, which recognition, moreover, the United Kingdom has not categorically refused to proclaim. ... Major differences still exist, of course. ...”*⁴⁷⁷

In London, Stewart confirms to the House of Commons, once again, his government's position.

*“I fear that I must begin by saying, once again, what I have said so often, ... It is this: we are not prepared to make any settlement which would oblige us to hand over the Islands against the wishes of the inhabitants. Every other conceivable remark that can be made about the whole matter must be interpreted in the light of that, which is a fixed point.”*⁴⁷⁸

*“In practical terms this gave the Falkland Islanders the right to veto future directions of British policy. It became, as it has remained, the central block in the Falklands issue.”*⁴⁷⁹

December 13th, Costa Méndez sends a further message to Stewart.

*“I repeat to you that my Government is anxious to reach an early solution of the question of the Malvinas Islands, as the United Nations have also repeatedly stated. My Government is ready to continue the negotiations, as is laid down in resolution 2065 (XX). I am confident that, by placing the controversy within the strict framework of that resolution it is possible to reach an adequate solution of the difficulties with which the negotiations are faced at this moment.”*⁴⁸⁰

473 Michael Stewart interviewed in Charlton 1989 p.25

474 Smith 1991

475 Donaghy 2014

476 Annex 11 of Research Department Memorandum – *The Falkland Islands Dispute: Developments from 1965 -1968* (May 3, 1973) in FO 7/3201 attached to 281

477 UN Doc A7623/Rev.1 vol. 4 chapter 31

478 HC Deb 12 December 1968 vol.775 cc590-716

479 Charlton 1989 p29

480 FCO 7/1079 at 137

“... Argentina was still anxious to reach an early solution to the problem ... but upheld the view that Argentina still could not accept that a transfer of sovereignty should be made dependent upon the wishes of the inhabitants.”⁴⁸¹

In Buenos Aires, Dr. Costa Mendez speaks to the press.

“The Argentine Government has directed its action in the negotiations with the United Kingdom in compliance with the following fundamental principles. 1. The United Kingdom Government should as a definite solution recognise Argentine sovereignty over the Islands and restore them to the Republic. 2. Such recognition should not be made conditional upon the agreement of the present inhabitants of the Islands. 3. The Republic will take into account and will ensure the interests of the inhabitants of the islands by means of the safeguards and guarantees to be agreed. The Argentine Government, in accordance with the principles which have traditionally directed its policy in the matter will welcome these settlers with the most generous disposition. It is disposed to ensure their interests in a satisfactory manner and is confident that overcoming their present isolation will constitute a real benefit for them and their descendants. 4. The conclusion of the agreement as a whole will have as a logical conclusion the development of free communications between the Islands and the rest of the Argentine national territory and the creation of definitive links with them. 5. The negotiations and agreements resulting from them will have to accord with the principles laid down in Resolution 2065 (XX) of the United Nations.... The United Kingdom after a century of refusing even to discuss the point has just admitted its discussion. This new disposition to listen to our case constitutes in itself a sufficient reason to continue the negotiations and to believe that they must reach their logical denouement. - the recognition of Argentine sovereignty over the Malvinas Islands – a recognition which in other respects the United Kingdom has not positively denied. It is quite true that important divergences still remain. The United Kingdom insists on making the recognition of Argentine sovereignty conditional on the wishes of the inhabitants, a condition which the republic can in no way accept. The British demand exceeds the terms of Resolution 2065 (XX) of the United Nations by virtue of which Argentina and the United Kingdom are negotiating on the question of the Malvinas Islands. This Resolution provides that the peaceful solution of the dispute must take duly into account the interests of the population. It in no way subordinates the recognition of sovereignty to the wishes of the inhabitants. There are then sufficient reasons and convenience in continuing the negotiations with the United Kingdom.... ”⁴⁸²

Mendez confirms that negotiations will continue at a diplomatic level in London.

From Buenos Aires, Ambassador Creswell telegrams the FCO in London.

“The Argentine statement is uncompromising but less polemical than some previous statements. There is no hint of flexibility on freeing communications before agreement is reached as a whole. ... subsequent remarks to the press emphasise in a positive way the Argentine belief that confidential negotiations should be continued but there is no attempt to gloss over the basic differences. The statement also emphasises the Argentine interpretation of UN resolution 2065 in a way that suggests they will use this argument in what ever statement they make in the General Assembly. I think that the Argentines have been taken aback by the strength of the Parliamentary and British press opposition ... they are under no illusion about the difficulty of reaching an agreement acceptable to both sides. ”⁴⁸³

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

482 FCO 7/1079 at 138

483 FCO 7/1079 at 141

Later in the day, Cresswell sends a further message to London; copied to the UK mission in New York.

*“Head of UN Department in the Ministry of Foreign Affairs told us today that the Ministry had been disappointed by the recent developments in London which they regarded as a step backwards. They were pessimistic about progress in the future. He said that the Government were seriously considering strong measures in the UN. They would not, however, want to risk a situation where any resolution proposed might secure less support than resolution 2065...”*⁴⁸⁴

December 14th, London informs Governor Haskard.

“3. We are now considering how best to take matters forward with the Argentines, ... We are of course most anxious to avoid a break with the Argentines, because this could hardly fail to increase the risk of adventurist operations against the Falklands. It will clearly be an exceedingly delicate task, ...

*2. While we quite realise the importance of keeping close contact with your Executive Council so as to maintain a relationship of confidence, you should not repeat not pass on this information to them for the time being. We intend to authorise you to do so, under conditions of strict secrecy, when the situation vis-a-vis Argentina has become clearer and when Parliamentary and Press interest has calmed.”*⁴⁸⁵

*“... our policy has now received a set-back on two counts:- (a) the recent emotional and ill-informed criticism of our policy in the Press and in Parliament. It is difficult to refute this without revealing the text of the Memorandum of Understanding and showing that it would not commit Her Majesty's Government to any transfer of sovereignty. (b) it is no longer practicable to sign the Memorandum in its present form, and to publish it together with our unilateral statement, because of the Argentines' repeated refusal to "accept" our draft unilateral statement. In so refusing they have disregarded the fact that we have made it clear to them, both at the beginning of, and during the negotiations, that we have to make a unilateral statement on the lines proposed.”*⁴⁸⁶

December 17th, at the UN, Argentina's Ambassador Ruda complains during a decolonization debate, about; *“... recognition of the Argentine sovereignty, as a definite solution, [being] subject to the wishes of the islanders.”*⁴⁸⁷

*“... it was a dispute of sovereignty. While self-determination was applicable in situations regarding decolonisation the ‘Principle of National Unity and Territorial Integrity’ should be applied here. The original inhabitants had been replaced by settlers of the occupying power... Resolution 2065 (xx) called for negotiations and referred to the interests, not the wishes of the people.”*⁴⁸⁸

Responding, Britain's representative confirms that the UK has “no doubts” about its sovereignty.

“I am very grateful to you for allowing me to speak shortly at this point in the debate in reply to my friend the Ambassador of Argentina. It is not my purpose today to enter into any controversy or dispute with him. He has spoken, as we would expect, with a desire to be fair and unprovocative, and certainly he puts his case with his usual persuasiveness and cogency. But on two issues I must reply at once: on the question of sovereignty and on the question of the interests and wishes of the people.

484 FCO 7/1079 at 143

485 Stewart to Haskard December 14, 1968 in FCO 7/1080. The FCO, and the UK's mission to the UN in particular, were opposed to the Executive Council learning that the Islanders had an effective veto over the negotiation process.

486 Memorandum by the Secretary of State for Foreign and Commonwealth Affairs December 18(?), 1968 in FCO 7/1079 at 154

487 United Nations: The Question of Malvinas and the Bicentennial, a pending question Jorge Argüello 2010

488 Ruda quoted in FCO 7/1082

*And on these two issues I must make very clear the position of my Government. On the question of sovereignty I am obliged to state that the UK Government does not accept the statement to which we have listened insofar as it disputes the sovereignty of the UK Government over the Falkland Islands. The UK Government has no doubt as to its sovereignty over the territory and I wish formally to reserve the rights of my Government on this question.”*⁴⁸⁹

Lord Caradon then reads out the statement made to Parliament by Michael Stewart, on December 11th.

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

“Notwithstanding the considerable headway made in the negotiations, important difficulties have arisen... Those difficulties arise from the British claim that recognition of Argentine sovereignty, as a definite solution should be conditioned to the wishes of the present inhabitants of the Islands. ...

*The Argentine Government is prepared to discuss any type of formula over the criterion by which the interests of the population are to be taken into account. It also maintains that the decision is exclusively a matter for the respective governments, that the United Kingdom may only take into account whether the guarantees and safeguards offered by Argentina are effective and adequate and that, under no circumstances, may the power of decision be transferred.”*⁴⁹⁰

*“... I have had a long heart-to-heart talk with Enrique Ros, the Counsellor in the Argentine Embassy here. I told him a good deal about the present situation in the Falkland islands, based on my visit, and I think he, at least, accepts that no real progress will be made unless and until the Argentines start to do something to remove the Islanders’ present almost pathological dislike and distrust of them...”*⁴⁹¹

December 19th, in further letters to the UN, both Argentina and Britain inform the Secretary-General that negotiations are continuing.

*“I am pleased to inform Your Excellency that, ... Her Majesty’s Government has continued negotiations with the Government of the Argentine Republic in accordance with resolution 2065 (XX) and the consensuses approved on 20 December 1966 and 19 December 1967 for the purpose of reaching a solution to the problem of the dispute over the Falkland Islands therein mentioned.”*⁴⁹²

*“Both Lord Caradon and Senor Jose Ruda, Argentine Representative at the UN, assured the UN Secretary General that both governments wished to continue discussions to enable further progress to be made towards reaching a peaceful solution.”*⁴⁹³

*“... it was recognised that, "failure to reach an understanding with Argentina carried the risks of increased harassment of the islanders and the possibility of an attack." The Government therefore decided to continue negotiations, while making clear the British attitude on sovereignty and that the islanders' wishes were paramount.”*⁴⁹⁴

The General Assembly decides to defer consideration of the issue.

489 UK Mission New York to FCO December 17, 1968 TelNo. 3331 in FCO 7/1079

490 FCO 7/1082

491 Latin American Department (Diggins) to Buenos Aires (Cresswell) December 18, 1968 in FCO 7/1079 at 166

492 UN Document A7468 of December 21, 1968

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

494 Baroness Young in *HL Deb 25 January 1983 vol.438 cc136-247*

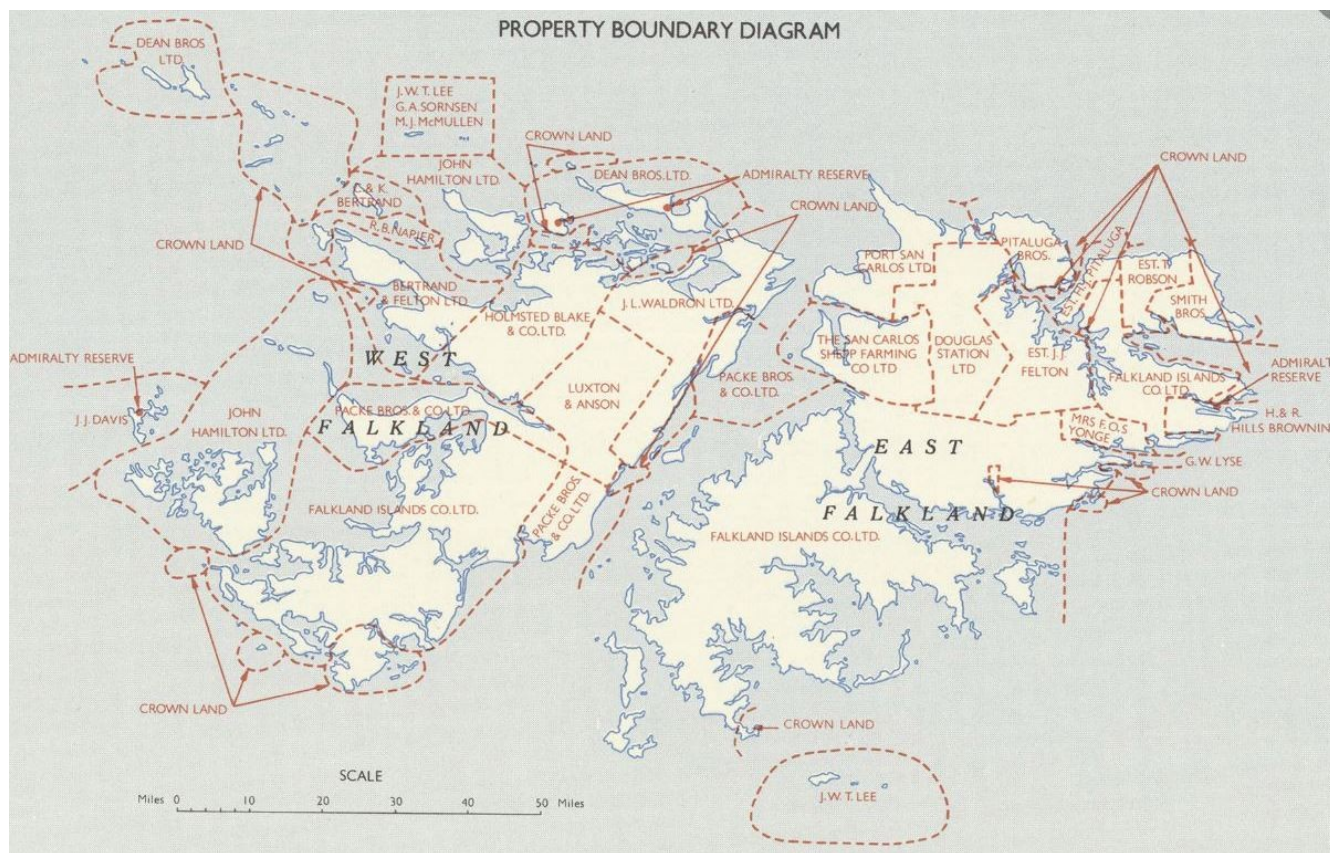
December 20th, from Buenos Aires, Ambassador Cresswell writes to express his concerns:

“... that myths expounded in Ruda’s speech should not become part of popular belief.” ⁴⁹⁵

December 23rd, in New York, Lord Caradon has a meeting with Argentina’s Ambassador Ruda.

“Neither of us had any instructions and we agreed that what we said must be solely on a personal basis. Ruda said that his Foreign Minister had shown some courage in reacting as he had done to the campaign in the British press and Parliament demanding an end to the negotiations. He said that his Foreign Minister had the full confidence of the Argentine Government and that pressure did not come from the military. There were however powerful civilian interests in his country which were pressing for more vigorous Argentine action ... He still hoped that some way forward would be found in the negotiations but could not do nothing indefinitely, for it was unfortunately the fact that the foreign policy of the Argentine in the United Nations and elsewhere was more influenced by the Falklands question than by any other issue.... He went on to say that it was necessary to consider what the future of the Falklands Company should be (the Argentine Government would still be prepared to buy it out) particularly bearing in mind that it was the Company, so he understood, which was one of the main instigators of popular feeling in England. Ruda had no positive proposal to put forward now but he said that the need was to open communications between the Argentine and the Islands. This should be the next step.” ⁴⁹⁶

An application for an oil exploration licence is submitted to the Governor of the Falkland Islands by Grynberg’s US oil company.



495 FCO 7/1082. Cresswell also raised a concern that Lord Caradon had not immediately refuted Ruda’s arguments.

496 FCO 7/1073

1969 – January 2nd, from New York, the UK mission to the United Nations telegrams the FCO in London.

*“We see... that the Department intends to authorise the Governor to inform the Executive Council in due course of Ministers’ view that, if the memorandum of Understanding were to be signed, it would now itself have to make quite clear that sovereignty could not be transferred against the wishes of the Falkland Islanders. There is surely a risk that, if this view were passed on to the Executive Council, it would seriously reduce the chances of an understanding with the Argentine in the future. ... we are of course concerned to avoid the consequences which would arise here if there were a complete breakdown in negotiations.”*⁴⁹⁷

January 17th, Britain’s Foreign & Commonwealth Office debates how to proceed with negotiations.⁴⁹⁸

*“It is in our interests to continue the Anglo/Argentine discussions on the basis laid down by the Prime Minister in his summary of the cabinet’s discussion about the Falkland Islands on 11 December, and as defined by the Secretary of State... Our basic objective in the talks is still unchanged, i.e. to create a framework within which a normal relationship between the Islands and Argentina can develop. Our guiding principle throughout any further talks should be that, while we would stand by the commitment that we would not transfer sovereignty over the Islands against the wishes of the Islanders, we would not stand in the way if at any time in the future they were to consider such a transfer to be in their interests.”*⁴⁹⁹

The recommendation is for talks to continue, accompanied by a disengagement from the Memorandum of Understanding and a focus upon a new text. Also that emphasis should be placed on persuading the Argentines to open up communications with the Islands. The Islands’ Executive Council to be kept informed. However, the UK’s mission to the United Nations once again express their concerns at the Islanders being told that their approval will be necessary for any transfer of sovereignty to Argentina.

*“The discretion of the Falkland Islands Councillors is, as you have said, impressive. Nevertheless, if the information... were passed on to them, they would surely regard it as a commitment on the part of HMG from which we could resile only at the cost of subsequent accusations of bad faith. In short, as we see it here, to make known in advance our intentions to the Falkland Islanders, even under pledge of secrecy, could not fail to tie our hands for the future and make a solution more difficult.”*⁵⁰⁰

January 23rd, from Buenos Aires, Ambassador Creswell writes to inform the FCO that the Argentine reaction to the failure of the talks has been more moderate than he had expected. Creswell raises the prospect of buying the Islanders off with financial inducements.⁵⁰¹

January 30th, Governor Haskard is informed that there have been no further developments.

During a dispute between Uruguay and Argentina over islands in the Rio de la Plata, a delegate from Montevideo reminds his opposite number of Uruguay’s own potential claim to the Falklands based on an - ‘inheritance’ from Spain; “... if he got on to historical precedents, Uruguay would establish her claim to the Falklands and, when she did, would acknowledge British sovereignty.”⁵⁰²

497 UKMis to FCO January 2, 1969 in FCO 7/1080

498 FCO 7/1073

499 Wallace Summary of January 24, 1969 in FCO 7/1073

500 J.D.B. Shaw (Ukmis) to J.H. Lambert (FCO) January 17, 1969 in FCO 7/1080 at 183

501 FCO 7/1073 & FCO 7/1080

502 Quoted in *The Falkland Story 1592 – 1982* M. Cawkell 1983 p.31. See 2013

February 4th, at the UN, Dr. Ruda assures Lord Caradon of Argentina's goodwill and their wish to continue the search for a negotiated settlement. ⁵⁰³

"We should now all try to find some formula to save both faces, while pursuing a practical approach to the problem of improving communications and relations. 2. He went on to say that his government has asked him to tell me ... that they considered that this year we would have to put in a substantive report of some kind to the UN; ..."

February 14th, reacting to a suggestion that Falkland Islanders should visit Argentina, the Governor telegrams London to discourage the notion. The Executive Council are disinclined to accept any formal invitation. ⁵⁰⁴

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

"There can be a question of transfer of sovereignty only as part of an arrangement which will give a permanently satisfactory relationship between the Islands and Argentina, and if the Islanders themselves regard such an arrangement as satisfactory to their interests. I think it will be desirable to resume the discussions, but they are bound all the time by that condition." ⁵⁰⁵

"... if we'd taken sovereignty off the agenda, we should have found ourselves unable to talk to the Argentines about anything. That would not have been convenient. We were quite prepared to go on discussing sovereignty but what we had to say about it remained the same." ⁵⁰⁶

February 21st, Argentina's Ambassador, Brigadier McLoughlin, recently returned from Buenos Aires, speaks to Lord Chalfont at the Foreign Office.

"Lord Chalfont, describing his visit to the Falkland Islands and Buenos Aires, said that the main impression that he had derived from it was the need to open up communications and for better relations between Argentina and the Falkland Islands. The major problem was the islanders' present complete isolation. ... They did not understand the benefits to them, irrespective of the sovereignty issue, of better communications and relations with Argentina. He had done his best to explain this to them, pointing out the dangers of continuing isolation. He now hope that the Argentine Government would be able to make some positive moves to improve communications and relations generally. In particular, it would be most helpful if progress could be made on the provision of an air service, and also if the Argentine Government could take urgent action to remedy such grievances as interference with Falkland Islands mail passing through Argentina..." ⁵⁰⁷

It is agreed that talks should continue without publicity.

"... a preliminary exchange of views following the suspension of the talks in December, 1968;... The main encouraging feature of the Argentine position is that they are prepared, despite their disappointment over our inability to sign the draft Memorandum of Understanding, to continue the discussion with us..." ⁵⁰⁸

"Discussions between officials were resumed, strictly ad referendum to Ministers, on the Argentine Ambassador's return in February 1969 after leave and consultations in Buenos Aires. The Argentines had no

503 New York to FCO March 7, 1969 in FCO 7/1073

504 FCO 7/1073

505 FCO 7/1075

506 Michael Stewart interviewed in Charlton 1989 p.25

507 Stewart to Creswell February 21, 1969 in FCO 7/1073

508 Memorandum by C. E. Diggins, Latin American Department, March 18, 1969 in FCO 7/1076

*new proposals to put forward (though they did say that we could not after more than two years of discussions merely continue to repeat to the Secretary General of the United Nations that negotiations were still continuing).”*⁵⁰⁹

In Buenos Aires, Foreign Minister Costa Mendez tells Ambassador Cresswell that he had been under pressure before Christmas 1968 to put an end to negotiation and publish the Memorandum of Understanding, unsigned. Mendez had resisted, but hoped that some further step could be taken during March.⁵¹⁰

February 24th, Costa Mendez, tells Ambassador Creswell that he believes it now possible for both sides to record, in an agreed document, their respective points of view.⁵¹¹

February 25th, Mendez sends a message to London, via the British Embassy in Buenos Aires, suggesting that talks culminate in July, so that the results can be presented at the United Nations.

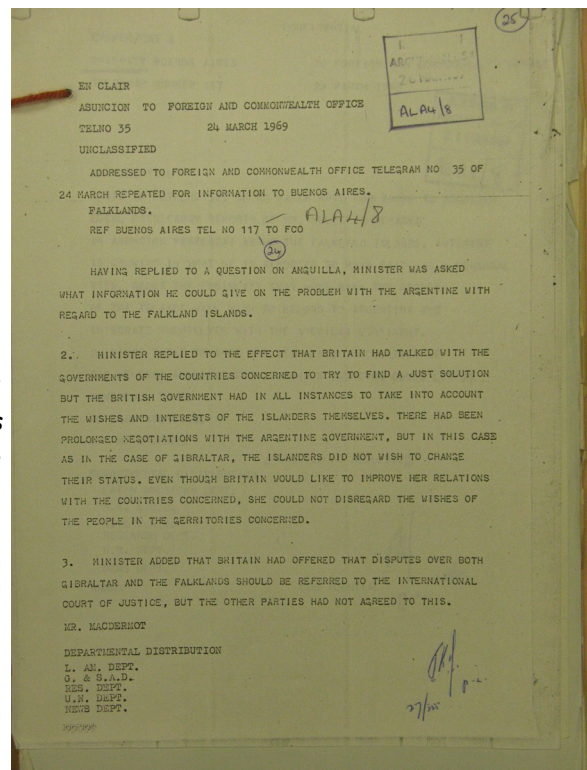
March 17th, during a debate in the House of Commons, Secretary of State for Foreign Affairs, Goronwy Roberts, is asked to assure the House that Falklands sovereignty will not be discussed with Argentina.

*“It would be impossible to avoid having the question of sovereignty raised by the Argentinians – this is their point of dispute – but ... if that question is raised, our basic and firm position is that no transfer is possible against the wishes of the Islanders.”*⁵¹²

March 19th, in the Falklands, *British Pathé News* visits the Islands to record material in celebration of the 21st anniversary of the inter-island air service.

March 24th, visiting Asuncion in Paraguay, Lord Chalfont holds a press conference, after which Britain’s Embassy telegrams the FCO.

*“Having replied to a question on Anguilla, Minister was asked what information he could give on the problem with the Argentine with regard to the Falkland Islands. Minister replied to the effect that Britain had talked with the Governments of the Countries concerned to try and find a just solution but the British Government had in all instances to take into account the wishes and interests of the Islanders themselves. There had been prolonged negotiations with the Argentine Government, but in this case as in the case of Gibraltar, the Islanders did not wish to change their status. Even though Britain would like to improve her relations with the countries concerned, she could not disregard the wishes of the people in the territories concerned. Minister added that Britain had offered that disputes over both Gibraltar and the Falklands should be referred to the International Court of Justice, but the other parties had not agreed to this.”*⁵¹³



509 Background briefing paper (unsigned & undated but after September, 1969) in FCO 7/1076

510 FCO 7/1080

511 Diggins to Hayman April 1, 1969 in FCO 7/1073

512 HC Deb 17 March 1969 vol.780 cc21-2

513 Telno 35, Asuncion to Foreign Office, March 24, 1969 in FCO 7/1085. This message was repeated to Buenos Aires for the information of FCO staff there and signed off by Brian C. MacDermot, British Ambassador to Paraguay.

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

On the same day, in London, Goronwy Roberts makes a further statement to Parliament, regarding *in camera* negotiations being held between Sr. Ros, of the Argentine Embassy, and Mr. Diggins, of the FCO.

“Further discussions about the Falkland Islands have taken place with the Argentine authorities, and these are continuing; but there is nothing of substance that I can add to the statements which my right hon. Friend made in the House on 11th and 12th December, 1968. ...

*It is impossible to exclude from these talks the main subject of dispute between us and the Argentine. However, we have made absolutely clear to the Argentine and to the world what our posture is on the question of sovereignty. There are also other questions relating to communications and good and fruitful relations between the islands and the mainland which can very usefully be pursued.”*⁵¹⁴

*“Our initial efforts concentrated on the possibility of evolving a joint draft communique or similar document, which would have the purpose of allaying speculation and suspicion about the nature and scope of the continuing negotiations. The idea was that the document should record the progress so far made in the discussions; set out the position of each party; define the area of agreement reached; but also record the essential divergences; and declare the intention of both sides to continue to work for a peaceful solution to the dispute. We realised, of course, that any such text which might be evolved would have to bear as little resemblance as possible to the earlier Memorandum of Understanding.”*⁵¹⁵

March 28th, Brigadier McLoughlin proposes that the British Government agree upon a joint text.

“The British and Argentine Governments have been holding talks since 1966 with the purpose of reaching their common objective of settling definitively and in an amicable manner their dispute over the sovereignty of the Falkland Islands (Islas Malvinas).

1. To this end during these talks which have been held in accordance with United Nations Resolution 2065 (XX) both Governments have had in mind the interests of the people of the islands and have covered several aspects of the relations between Britain, Argentina and the Islanders, including the establishment of communications and the nature of the safeguards and guarantees which would be offered by the Argentine Government. The following is the position so far reached:

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

3. The Argentine Government state that the interests of the Islanders would be duly secured by the safeguards and guarantees to be offered which they are prepared to consult with the British Government, and that the decision to settle definitively this dispute is the responsibility of the two governments and it cannot be transferred directly or indirectly.

514 *HC Deb 24 March 1969 vol.780 cc1030-1*. No details are available about these discussions other than, as in previous cases, the form of words was proving challenging.

515 Background briefing paper (unsigned & undated but after September, 1969) in *FCO 7/1076*

4. *In order to create conditions in which the present difference can be overcome and the common objective can be achieved, the two governments intend to make early progress with practical measures to promote freedom of communication and movement between the mainland and the Islands, in both directions, in such a way as to encourage the development of cultural, economic and other links. To that effect and in a desire to contribute towards the final settlement, the Government of the Argentine Republic will promote free communication and movement between the mainland and the Islands and the United Kingdom Government will collaborate in the implementation of this policy. To this end further discussions will now take place in Buenos Aires on the practical measures for an early development of communications.*

5. *Both Governments will proceed with consultations in London in order to define the details of the guarantees and safeguards for the interests of the populations on the Islands to be put forward by the Argentine Government which in principle will cover:- The full enjoyment of Civil Rights: The establishment of a system dealing with the option of citizenship: The exemption from military service: The establishment of a special system regarding the use of the English language: The respect for the right of private property: The payment of a fair price for properties which inhabitants of the Islands wish to sell in order to avoid loss of economic nature resulting from the change in the situation: The establishment of a system which will honour acquired rights: The establishment of a special favourable system of taxation: The operation of a regular air and sea transportation service between the Islands and the mainland.*

6. *It is considered that a certain period of time should facilitate the development of conditions for a definitive settlement. Both Governments agree that is no such settlement has been reached within four years of this statement, either Government could request a meeting of representatives to review progress and decide upon it.”*⁵¹⁶

*“The Argentine Ambassador called on me this morning as arranged... 2. In his talk with me today, the Ambassador did not explain clearly why the Argentines have suddenly started to take a more uncompromising line. He merely said... that they needed in the document a clear ‘decision’ on the part of the British Government to transfer sovereignty on a date to be agreed. I can only assume that he is apprehensive that, unless he can report to Dr. Costa Mendez that he has succeeded in inducing us to consider something on the lines of the second paragraph of the latest Argentine draft, his Foreign Minister will be dissatisfied. 3. I am sure that we should continue to resist this latest Argentine pressure and if at all possible to persuade them to revert to the general lines of the document on which Sr. Ros and Mr. Diggins have been working on for the past month.”*⁵¹⁷

*“The Argentines are repeating their tactics of last year, i.e. to keep on trying to extract more and more from us while making virtually no substantial concession themselves.”*⁵¹⁸

March 29th, the Secretary of State telegrams Britain’s Embassy in Buenos Aires, regarding a request for an update. Stewart attaches a copy of the Argentine revised text.

“The progress so far made in the talks which have been going on at Counsellor level was summarised in Diggins’ letter of 26 March. Yesterday however the Argentine Counsellor called at short notice and left a completely fresh draft of the proposed joint statement.

516 Stewart to Buenos Aires (attachment) March 29, 1969 in FCO 7/1073

517 Hayman to Chalfont March 28, 1969 in FCO 7/1073

518 Diggins to Harman March 29, 1969 in FCO 7/1073

2. When the Argentine Ambassador called... he explained the sudden production of this draft by claiming that the previous one under discussion represented a change in the 'area of understanding' previously reached. It was necessary from the Argentine point of view to have a clear statement of HMG willingness to recognise Argentine sovereignty over the Falkland Islands. He could understand the need to take account of the interests and wishes of the Islanders; but this could not in itself be decisive. ...

4. The Ambassador ... on the presentational problem he said that he realised the need to avoid anything too similar to the Memorandum of Understanding but did not see how the object embodied in para.2 of the new Argentine draft could be changed even if the wording were altered. From the Argentine point of view however, it was necessary to have an unconditional decision from the British Government about an eventual transfer of sovereignty. It would be this decision which would cause his Government to take practical steps regarding communications, safeguards, guarantees, etc." ⁵¹⁹

April 1st, Lord Chalfont speaks to Ambassador McLoughlin.

"... the latest Argentine draft includes some wording so like the Memorandum of Understanding that HMG could not possibly secure its acceptance by Parliament and public opinion. He could not therefore authorise officials to go any further with discussions based on that draft. There is always the danger of a leak, and if it emerged that there was discussion even at official level on wording of this kind, it would lead to another and perhaps even more severe uproar which could make it impossible to continue talks at all. ... There was no prospect of securing Parliamentary acceptance of a document which did not enshrine the point that the Islanders' **wishes** were paramount." ⁵²⁰

Ambassador McLoughlin agrees to convey Chalfont's message to Costa Mendez.

"The Argentine Ambassador... said that Argentina was prepared to agree to a document which did not resemble the Memorandum of Understanding, ... but they could not accept any change in the concept that, since the question of sovereignty was the reason for the talks, HMG should state clearly its 'decision' to transfer sovereignty from an agreed date. All other aspects, eg. communications and safeguards, were complimentary and secondary to that of sovereignty. It appeared from what Lord Chalfont had said that there had in fact been a change of attitude on the part of HMG from the kind of formula offered by Mr. George Brown, and that we were now going back beyond the 'area of agreement' reached by the Memorandum of Understanding. Argentina had accepted the need to put in hand practical measures in order to change the attitude of the Islanders, and had thought that HMG accepted this on the understanding that they stood by their intention to transfer sovereignty in due course." ⁵²¹

"... the Minister of State made it clear that there was no prospect of securing Parliamentary acceptance of a document which did not enshrine the point that in our view the islanders' wishes were paramount. He hoped that the Argentine Foreign Minister would agree that it was useless to negotiate any document which would create a furore in parliament and the result of which could only be to set the sides back even further than the two years during which the negotiations had taken place. It remained our view that if we could concentrate on improving communications with the mainland the whole climate might eventually change and the possibility of a change of sovereignty might one day emerge." ⁵²²

519 Stewart to Buenos Aires March 29, 1969 in FCO 7/1073

520 Quoted in FCO 7/1073. cf. Memorandum of C. D. Wiggin, April 29, 1969 in FCO 7/1076. My emphasis

521 *Ibid.*

522 Background briefing paper (unsigned & undated but after September, 1969) in FCO 7/1076

Britain's Board of Trade commence a feasibility study into the costs of an airfield in the Falkland Islands.

*"Most of the cost of the airfield survey carried out in the Islands was paid for by the Falkland Islands Government."*⁵²³

*"... the conclusion was that an air-field, without its ancillary facilities, would cost £230,000 to construct; amphibians were also considered, but found to be expensive. ... The last time the construction of an air-field was considered was in 1966 in the context of Defence when, for the reason that it might facilitate invasion, it was discarded."*⁵²⁴

April 29th, the Foreign Office's Latin American Department, composes internal – *Notes for Supplementaries*.⁵²⁵

*"Her Majesty's Government's reasons for going on with the talks are those which prompted them to embark on the discussions with the Argentine authorities in the first place. ... 2. Since the dispute is about sovereignty this cannot be excluded from the talks. ... a settlement involving the cession of sovereignty, which is what the Argentine Government want, could only be made subject to certain conditions, and we have made those conditions perfectly clear. 3. Her Majesty's Government's policy remains what it has repeatedly been stated to be, namely; that they "could only consider the solution of this dispute by a cession of sovereignty to Argentina first, as part of an arrangement which would secure a permanently satisfactory relationship between the Islands and Argentina, and second, if the Islanders themselves regarded such an agreement as satisfactory to their interests, and if it accorded with their wishes." ..."*⁵²⁶

May 5th, in the House of Commons, questions are asked about the reason that talks with Argentina continue. Minister of State for Foreign Affairs, Goronwy Roberts, replies.

*"Clearly it is necessary to talk about the improvement of communications, which at the moment the hon. Gentleman knows are not at all good. There are other aspects of the relationship of these islands and the country nearest to them on the mainland which ought to be discussed. Discussing these matters does not for a moment mean that the position of the future sovereignty of the islands is in any way prejudiced. ... I can say that discussions which have proceeded in the last few weeks have been amicable and reasonable and in no way have prejudiced the position which I have stated."*⁵²⁷

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

*"The Argentines have suggested at various times that the obstacles to communications have not all been erected by them, and that the Falkland Islands have imposed restrictions against Argentines going to the Islands. This is not so; there are no restrictions on Argentines wishing to visit the Islands apart from the normal visa requirements, and even these are waived in the case of passengers on visiting tourist ships."*⁵²⁸

523 Briefing note (unsigned & undated) in FCO 7/1076

524 FCO 42/429

525 Presumably supplemental questions arising from an address to Parliament by the Foreign Secretary or one of the Foreign Ministers.

526 FCO 7/1076

527 Hansard vol.783 debated Monday May 5, 1969

528 Memorandum by C. D. Wiggin, June 16, 1969 in FCO 7/1076

June 17th, a motion is presented in the House of Commons, calling for Anglo-Argentine talks to cease. ⁵²⁹

June 18th, a response for the Leader of the House is prepared.

“2. No progress on matters of substance has been achieved owing to the impossibility of reconciling the main Argentine condition that Her Majesty’s Government should agree in principle to relinquish sovereignty over the Falkland Islands with our own position which is that we could “only consider the solution of this dispute by a cession of sovereignty to Argentina, first, as an arrangement which would secure a permanently satisfactory relationship between the Islands and Argentina, and second, if the islanders themselves regarded such an arrangement as satisfactory to their interests and if it accorded with their wishes.” It follows that no transfer of sovereignty would be possible without the agreement of the islanders. ... there are nevertheless valid reasons why we should go on with the talks. They arise from the need to maintain reasonably friendly relations with Argentina, whose great economic potential offers opportunities for an expansion of British trade; our obligations as a member of the UN; and because of the need to explore ways of improving direct relations between the Falkland Islands and Argentina over such practical matters as the establishment of better communications. ...” ⁵³⁰

Ambassador Michael Creswell in Buenos Aires is replaced by (Reginald) Michael Hadow.

June 23rd, still feeling that they are being kept in the dark, probing by MPs in the Commons continues. The Government are asked whether sovereignty remains on the agenda. Minister Fred Mulley answers.

“As has been made clear on many occasions, there has been no change in the Government’s policy, which is that the question of secession of sovereignty to the Argentine can only arise if two conditions are satisfied—first, there must be a permanently satisfactory relationship between the islands and the Argentine and, secondly, the islanders must regard it as satisfactory, and it must accord with their wishes. That is the situation and that is how it stands.” ⁵³¹

July 10th, in the House of Lords, a question is raised by Lord Sorensen as to developments in the Anglo-Argentine discussions. Lord Chalfont replies.

“My Lords, ... further talks have taken place with the Argentine authorities. The purpose of these has been to continue to explore possible means of narrowing the differences which exist between the two Governments in this problem, and I hope for that reason that it will be possible to go on with the discussions. ... we shall of course keep the Government and through them, the people of the Falkland Islands in touch with any development that takes place, and there has been no development of any kind which requires that the people of the Falkland Islands should be informed of it.” ⁵³²

July 30th, in New York, the UN Secretariat publishes a *Falkland Islands (Malvinas) Working Paper*.

“... 4. As at 31 December 1968 the population of the Falkland Islands (Malvinas), excluding the Dependencies, was 2,105. The population of the Dependencies fluctuates with the sealing and whaling seasons.... 15. The economy of the territory remains almost entirely based on the export of wool to the United Kingdom. Attempts have been made at sealing and at the production of meat meal and tallow, as well as kelp meal from the vast seaweed beds surrounding the islands, but none of these have been successful.” ⁵³³

529 Early Day Motion 336 of June 17, 1969 in *FCO 7/1076*

530 *Brief for the Leader of the House* (draft) by the FCO dated June 18, 1969 in *FCO 7/1076*

531 *HC Deb 23 June 1969 vol.785 cc992-3*

532 Noted in *FCO 7/1076*

533 *A/AC.109/L.584*

On the same day, Counsellor Summerhayes from the UK's Embassy in Buenos Aires, meets with Governor Haskard at the Ambassador's Residence in Montevideo. Haskard is en-route to the UK.

"The Governor said all was quiet at the moment in the Falklands; the main concern just now was the hard winter, that the sheep farmers were all having to cope with. Argentina had receded rather into the background again, but it was nevertheless true to say that most Islanders were nowadays more open to discussing the political problem than they used to be, and the Governor believed that given time and a sensible attitude from the Argentines, a solution would come." ⁵³⁴

Discussing other issues, Haskard recognises that extending the Falklands claim over the continental shelf would be risky at this time, but that it would be difficult to refuse an oil exploration licence for areas already claimed as such would bring in needed revenue to the Falklands' exchequer. The Governor also complains about deliberate delays to Falklands mail and the defacement of letters as they pass through the Argentine postal system. Haskard informs Summerhayes that the Islanders remain reluctant to either visit Argentina, or accept visitors from Argentina.

August 7th, writing from Buenos Aires, newly arrived Ambassador Hadow raises the Falklands question.

"I have been doing a lot of reading of back files on the dispute and on the history and it has struck me that there are three fairly consistent factors, one or other of which appear whenever the Argentine Government decide to start making a major issue of their claim. These are:- i) A Government which is in trouble, not widely popular and needing an issue to 'unite the country'. ii) A sector of the population which wishes to attack or weaken the Government, and uses the Falklands as a popular issue with which to do so; and iii) a Foreign Minister who wants to make a name for himself. Without wishing to cry wolf, I think we should be aware that all of these three factors are now present on the Argentine scene" ⁵³⁵

August 19th, the FCO respond to Ambassador Hadow's letter, raising their concerns about the applications for oil exploration licences.

"... we have not been inactive since you left, doing our homework and also trying to keep the Argentine Embassy here in play... As for oil, we are still treating that subject on a need-to-know basis here because of its awful implications. ... We are under no illusions about the dangers of giving Grynbergs the green light to go ahead, whether or not oil is found and whether or not extension of the Continental Shelf is involved. ... But equally we are under no illusions (nor indeed is Lord Shepherd) as to the domestic Parliamentary implications, once the news gets out, of exercising a governmental veto on licensing exploration/exploitation if the Islanders are keen to go ahead; and according to Haskard they are, for obvious economic reasons. If we do veto, or stall indefinitely, the news is bound to get out. ...In circumstances where one cannot win, one's instinct, inevitably, is to play for time. We are searching for reasons to stall which might look reasonably convincing to Parliament and the press. The best we have been able to think up so far is another geological survey to be financed by ODM which might buy us another year or 18 months." ⁵³⁶

534 FCO 7/1082

535 Ibid.

536 Hayman to Hadow August 19, 1969 in FCO 7/1082

August 26th, in London, Argentina's Ambassador McLoughlin proposes that the annual joint letters sent to the UN's Secretary-General; "... should this time include a reference to separate talks on communications."⁵³⁷

*"After a considerable interval the Argentine Ambassador in London tentatively floated the idea that our annual letters to the United Nations should this time include a reference to separate talks on communications. And on his return from leave and consultation in Buenos Aires on 26 August he stated that he had been authorised to confirm this suggestion. His Embassy also produced a draft text of the letters to the United Nations. ... there are still some difficulties. The main one is that the Argentines want it understood that the talks on communications should take place in Argentina;.. The Governor, who is home on leave, believes that the idea of holding talks at all would be viewed with suspicion by the Islanders, and that it would be very difficult to persuade them to take part in talks in Argentina. We suggested Montevideo, ... but the Argentines rejected this..."*⁵³⁸

*"Despite Argentina's reluctance to abandon the principle that an unconditional recognition of her sovereignty should precede any further action, the Argentine Government finally agreed, in August 1969, that bilateral talks confined to the subject of communications, and with the participation of representatives from the Falkland Islands, as members of the British Delegation, should be held in 1970."*⁵³⁹

August 28th, at the FCO, after seeing Counsellor Ros from the Argentine Embassy in London, Charles Wiggin completes a memorandum.

*"(Ros) said that his Foreign Minister would undoubtedly have to make some reference to the Falkland Islands in his main speech to the general Assembly. ... He said that the Argentine Government were not looking for controversy in the United Nations..."*⁵⁴⁰

September 2nd, Counsellor Ros, of the Argentine Embassy, calls on the FCO.

*"Mr. Ros began by referring to the agreement last year, at official level, on the Memorandum of Understanding and Her Majesty's Government's subsequent decision not to sign that Memorandum. ... Mr. Ros then produced a new draft."*⁵⁴¹

September 5th, from Buenos Aires, Ambassador Hadow responds to the FCO.

*"I well understand your dilemma over the oil exploration question. It could become a most awkward issue and buying time seems to be the only answer for the moment. As it is very much in the Islanders' own interests to keep the temperature down in the dispute with Argentina, they should also I think accept that there are limits to their freedom of action in anything concerning sovereignty over the Continental Shelf."*⁵⁴²

In the Falkland Island, overseas education allowances are increased.⁵⁴³

September 12th, in London, there are further talks between Ros, and Wiggin.⁵⁴⁴

537 FCO 7/1076

538 Memorandum by Michael Stewart October 21st, 1969 in FCO 7/1081

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

540 Memorandum for the Record by Charles Wiggin in FCO 7/1082 at 56

541 FCO 7/1082

542 FCO 7/1081 at 57

543 Falkland Islands Gazette 1970

544 FCO 7/1082

September 16th, the US oil company which has submitted oil exploration licence applications, commence lobbying for an answer.

“... latterly Gryberg’s have begun to step up the pressure. On 16 September Sir Dingle Foot called on Sir Denis Greenhill to urge favourable consideration of Grynberg’s applications.” ⁵⁴⁵

“When Sir Dingle Foot (who represents the oil company) came to see me after he had seen Sir Denis Greenhill, he talked of the company investing up to £30 million for the exploration of oil and of providing up to 5,000 new jobs on the Islands if oil were found. I think he may have been talking big in the hope of selling his client’s commercial case.” ⁵⁴⁶

September 21st, during a discussion between Britain’s Secretary of State and Argentina’s Foreign Minister, it is agreed that the differences over where communication talks should take place should not delay letters to the UN Secretary-General to the effect that they were taking place. ⁵⁴⁷

September 25th, in New York, Argentina's Foreign Minister makes a speech at the opening of the UN session.

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

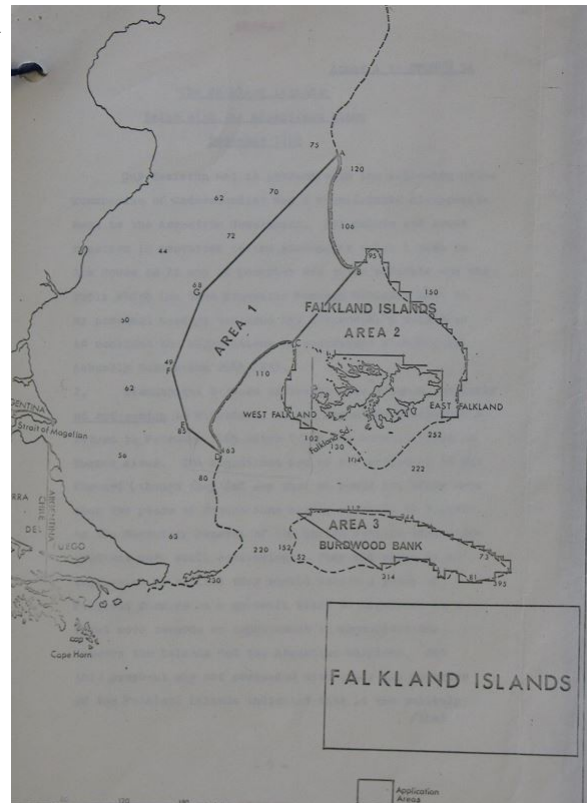
On the same day, internal correspondence within the British Foreign and Commonwealth Office confirm that Argentine Counsellor Ros is fully aware of the difficulties.

“Lord Chalfont has commented on your record, dated 16 September, of a meeting with the Argentine Counsellor: “We will not get through Parliament any document that does not include a clear reference to “the wishes” of the Islanders.” ⁵⁴⁸

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

“... the United Kingdom and the Argentine Governments have been engaged in talks on this subject in accordance with resolution 2065 (XX) of the General Assembly,... I am, however, obliged to state that the United Kingdom Government does not accept the statement of the distinguished Foreign Minister of the Argentine Republic in so far as it disputes the sovereignty of the United Kingdom Government over the Falkland Islands. ...” ⁵⁴⁹

October 10th, the Cabinet's Defence & Overseas Policy Committee (OPD) consider the issue of Falklands oil exploration licenses. ⁵⁵⁰



545 Appendix to Memorandum by Michael Stewart October 21st, 1969 in FCO 7/1081

546 Wiggin Briefing Paper for OPD meeting October 24, 1969 in FCO 7/1081 at 223

547 Background briefing paper (unsigned & undated but after September, 1969) in FCO 7/1076

548 FCO 7/1083 at 72

549 UN Doc A8023/Rev.1 vol.4 chapter 19

*“The areas are:- (a) An area to the north-west of the Islands is in international law part of the Continental Shelf of the Falkland Islands, but in domestic law has not been so designated. (b) An area which is both part of the Continental Shelf of the Falkland Islands in international law and in domestic law within the boundaries of the Falkland Islands. (c) Part of the Burwood Bank to the south of the Islands... Its status in international law is as yet undefined.”*⁵⁵¹

October 21st, for the information of the OPD meeting due on the 24th, Secretary of State for Foreign and Commonwealth Affairs, Michael Stewart, prepares a summary of the Falklands’ situation.

*“I recommend that:- ... (b) We should try discretely, through the Governor, to persuade the Islanders that to approve any of the applications for oil exploration would not be in their own interests. (c) We should in the first instance consider refusing Grynberg’s application outright and taking no further action on oil even if the Islanders wish exploration to proceed, this on the basis that the responsibility for the exercise of sovereign rights over the Continental Shelf rests with Her Majesty’s Government, and that it would not be in the British national interest (or the Islanders’ own) to take the risks involved in exploration. But one difficulty about this line is that under Article 73 of the United Nations Charter the interests of “the inhabitants” are held to be paramount; and that, in the broader context, we take the view that the wishes are an important factor in determining their interests. (d) If, however, my colleagues consider that (c) above is impossible for domestic, parliamentary or other reasons, we should seek to buy a year or more time by undertaking a Government survey of the sea areas in question in order to learn more about the oil prospects there; and perhaps offer the Islanders some additional “inducements” at some stage if necessary in order to help buy time...”*⁵⁵²

October 24th, the Cabinet’s OPD Committee consider the Falklands’ question; hearing views from both Ministers and submissions from FCO officials.

*“Some radical ideas have been floated in the past, e.g. sponsored immigration, condominium, leasing a base to the Argentines. They all present awful problems and it is very difficult to visualise any of them as starters at present. But we should not resign ourselves to allow this problem to continue to bedevil our relations with Latin America and to cause us difficulties at the UN, and we must keep trying. We should therefore continue our negotiations...”*⁵⁵³

The committee conclude that a decision on oil licensing around the Falklands archipelago should be deferred.

*“Exploration would arouse the gravest misgivings in Argentina, the more so if the Continental Shelf were extended in the process... The temptation to take physical action might well become irresistible.”*⁵⁵⁴

*“Since the Defence and Overseas Policy Committee considered the subject on 24 October we have heard of two more enquiries for exploration licences, one from ‘Grynbergs’, who were already in the field, and one from a Canadian company which may be a subsidiary of a United States company. There has also apparently been another enquiry from a third company. We are trying to find out more about these newcomers.”*⁵⁵⁵

“The British Government was anxious not to antagonize Argentina by initiating major unilateral development in the Falklands. This was illustrated by a meeting of the Defence and Overseas Policy Committee on 24 October. Michael Stewart, the Foreign Secretary, feared that Argentina would invade the Falklands if

550 FCO 7/1080

551 Annex B to the Memorandum by Michael Stewart October 21, 1969 in FCO 7/1081

552 Memorandum by Michael Stewart October 21st, 1969 in FCO 7/1081

553 Wiggin Speaking Notes for OPD meeting October 24, 1969 in FCO 7/1081 at 223

554 Memorandum by Michael Stewart October 21st, 1969 in FCO 7/1081

555 Falklands Oil November 24, 1969 in FCO 7/1076

approval was given to an American entrepreneur who wanted to drill for oil off the Islands. The meeting agreed to postpone a decision until after the next General Election.”⁵⁵⁶

October 29th, instructions are sent from the FCO, to the Governor of the Falkland Islands.

*“Ministers have approved proposals for talks on communications and text of United Kingdom draft letter to United Nations’ Secretary-General. 2. We shall resume discussions with Argentine Embassy here on Friday, 31 October with a view to reaching agreement on timing of issue of letters in the United Nations and venue of communication talks. ... 3. Unless you see difficulties please now proceed as follows. 4. Inform member of your Executive Council of contents of UN letter ... In talking to Council you should emphasise that:- (a) matter remains strictly confidential... (b) Argentines have assured us that talks on communications will be technical and practical and quite separate from any talks on political issues. (c) We believe this represents a considerable advance on the Argentine side and one which could in time bring concrete advantages to the Islands. 5. You may if necessary reassure the Council that there has been no, repeat no, change on the question of sovereignty. This is main reason why Argentine offer of communications talks constitutes an advance. Hitherto they have shown unwillingness to engage in such talks in the absence of agreement on central issues for fear of prejudicing their position on sovereignty.... 8. We shall also telegraph further shortly on the oil question. Please do not, repeat not, discuss the substance of oil problem with the Council before you receive a further message.”*⁵⁵⁷

October 31st, Anglo-Argentine talks recommence. Governor Haskard informs the FCO that the Executive Council have been made aware, and that the general reaction has been; “... not too unfavourable.”⁵⁵⁸

November 19th, reports from Buenos Aires suggest that the Argentine Foreign Minister has said that the joint statement due to be delivered to the UN’s Secretary-General, would have to be a positive step towards a solution of the conflict over possession of the Islands.⁵⁵⁹

November 20th, at the Cabinet’s OPD meeting, Michael Stewart informs Ministers that the Argentines are offering to discuss communication issues without the need for a prior commitment on the issue of sovereignty.

*“... this Argentine initiative could in time become of considerable significance. If we are ever to achieve a satisfactory resolution of this difficult problem it can only come about by the process of the Falkland Islanders and the Argentines getting to know each other.”*⁵⁶⁰



556 Ellerby 1990 p.170 citing R. Crossman, *The Diaries of a Cabinet Minister* (London, 1977), iii 697.

557 FCO to Falkland Islands TelNo 134 October 29, 1969 in FCO 7/1081

558 FCO 7/1083 at 81

559 FCO 7/1081

560 Wiggin Speaking Notes for OPD meeting November 20, 1969 in FCO 7/1081 at 230

An article in the *Financial Times* suggests that the British Government is hoping to resolve the Falklands dispute with Argentina through a process of economic attrition, by letting the Islands' economy wither to the point where all the Islanders are obliged to emigrate.⁵⁶¹

*"This suggestion is unfounded. An economic survey of the islands was carried out in 1967 and following this a soil survey was made. A team of agricultural experts are at present in the Colony studying the wool industry and the prospects for cattle. It is hoped that this will lead to improvements in the islands' economy. A geological map of the islands is at present being compiled here based on field work already done in the islands. These projects were and are being carried out under the auspices of the Ministry of Overseas Development and paid for by her Majesty's Government. Provision of some £40,000 annually in recent years has been made available to the Colony under the Colonial Development and Welfare Acts."*⁵⁶²

In the House of Commons, Secretary of State Michael Stewart informs MPs that negotiations with Argentina are continuing, and that the islanders are being kept fully informed. He confirms, once again, that there can be no transfer of sovereignty against the wishes of the islanders.

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

*"Your Excellency, ... I now have to inform you that, although divergence remains between the two Governments regarding the circumstances that should exist for a definitive solution of the dispute, it has been agreed that, within the general framework of these negotiations, special talks with a view to reaching agreement on practical measures for the implementation and promotion of free communications and movement in both directions between the mainland and the Islands, will take place early next year at a mutually convenient time. Both Governments will continue their efforts towards a definitive solution of the dispute and will report again to Your Excellency in due course."*⁵⁶³

*"The expression "Special Conversations" was used by agreement between the two Governments, at Argentine request, to differentiate these conversations from the negotiations on the question of the sovereignty ... According to the interpretation of the parties, "communications and movement between the mainland and the islands in both directions" included movement of persons,.. transport of people and merchandise, as well as other activities."*⁵⁶⁴

Falklands Governor, Sir Cosmo Haskard, speaks to the Islanders via the Falklands' Broadcasting Service.

"I expect that most people in the Colony will have heard the news items which have been coming over the wireless in the last couple of days. A good deal of publicity has been given to the fact that an announcement is to be made on this, this evening and I would say that advance publicity has been somewhat overdone. Modern means of communication result in surmise and conjecture being flashed around the world and stories, often inaccurate, get wide circulation. One such linked my trip home on leave three months ago with political talks on sovereignty. ..."

561 FCO 7/1076

562 Briefing note (unsigned & undated) in FCO 7/1076. See the *Guillebaud Report* 1967

563 FCO 7/1076. *UN Document A/7786* of November 21, 1969. Argentina submitted an exact copy in Spanish, to the Secretary-General

564 Las "Conversaciones Especiales" *Argentina-Gran Bretaña sobre comunicaciones entre el Territorio Continental Argentino y las Islas Malvinas de 1970-72. Una negociacion Diplomatica Tipica* Juan Carlos M. Beltramino 1997. In 1969, Beltramino was employed at the Argentine Embassy in London. He attended all the meetings with the FCO.

The British Government's position has been stated by Ministers in Westminster parliament time and again and was reaffirmed only yesterday by Michael Stewart, the Secretary of State for Foreign and Commonwealth Affairs, speaking in the House of Commons where he reiterated that there can be no transfer of sovereignty against the wishes of the people of these Islands." ⁵⁶⁵

On the same day, Argentina's Foreign Minister tells his country's press that it is; "Argentina's determination to achieve full re-integration of the Islands into the national patrimony." ⁵⁶⁶

November 22nd, Governor Haskard telegrams London.

"Rather too early to be able to gauge general public's reaction. Executive Council's reaction cautious and expressed some apprehension regarding possibility of Argentina attaining the position where she could exert increasing political control through domination of communication links." ⁵⁶⁷

November 24th, in the House Of Commons, Michael Stewart, makes a statement and takes questions.

"Last Friday, letters were sent by my right hon. and noble Friend Lord Caradon and by the Argentine representative to the United Nations, to the Secretary-General. The letters were published late that day. The text of my right hon. and noble Friend's letter—and a translation of the other letter—have been placed in the Library, and are being circulated in the official report. The letters state that the two Governments have continued negotiations and that, although divergence remains, special talks will begin early next year to promote free communications and movement in both directions between the mainland and the islands. Her Majesty's Government's position on the central question remains unchanged. I believe that the House will regard this as a welcome development. ... I really cannot say what the prospects are for a definitive solution. At present, we have made our attitude on this quite clear and the Argentine Government have made theirs clear. As the recent letters say, the divergence remains and I think that we must leave it there. On the question of an air link with Chile, there is, of course, at present no airfield in the Falklands, but an airfield feasibility study was carried out by experts of the Board of Trade this year for the islands and their report is under study. ... For some time we have been continuing discussions with the Argentine on the whole issue, including what I call the central issue, but now, within the framework of those negotiations, there will be these special talks which will be concerned solely with the promotion of communications and movement." ⁵⁶⁸

November 26th, at the FCO, a Briefing Note is prepared for the Leader of the House.

"... Some progress... has in fact been made in the latest discussions in that the Argentines suggested that separate talks should be held on how communications between the Islands and Argentine territory might be improved. This represents a definitive advance on the previous Argentine position since they had hitherto always maintained that talks on communications and other practical questions could not proceed a clear and unequivocal recognition of Argentina's claims to sovereignty." ⁵⁶⁹

November 27th, Britain's *Daily Express* newspaper publishes a claim that there is oil to be found near the Falkland Islands.

565 FCO 7/1076

566 *Ibid.*

567 *Telno.173 22 November, 1969 in FCO 7/1076*

568 *HC Deb 24 November 1969 vol.792 cc36-40. Also FCO 7/1081*

569 *Unsigned in FCO 7/1076*

December 2nd, at an informal lunch, Wiggin of the FCO and Councillor Ros of the Argentine Embassy discuss the issue of improved communications between Argentina and the Falklands.

*“He (Ros) said that the press and agency reports had put the wind up his Government and implied that his Ambassador had been urging them not to panic and to “trust the FCO.” He also expressed puzzlement at the reports, saying that all the Argentines own information suggested that there was no oil in that particular area.”*⁵⁷⁰

December 11th, at the UN, the General Assembly approves resolution 2548 (XXIV) on the *Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples*.⁵⁷¹

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

December 16th, before deferring the issue to 1970, the General Assembly of the United Nations considers the question of the Falklands.

“... note with satisfaction of the progress achieved in the negotiations... and urges the parties, bearing particularly in mind resolution 2065 (xx)... to continue their efforts to reach, as soon as possible, a definitive solution of the dispute...”

1970 – in the Falkland Islands; “A Tourist Board has been set up under the chairmanship of Mr Sloggie with the idea of improving facilities for tourists, particularly in the Stanley area.”⁵⁷²

February 23rd, in Parliament, the Foreign Secretary tells MP's that while talks continue, no date has yet been set for discussions with Argentina on improving communications.

March 15th, in the UK, the BBC airs a World About Us programme, entitled *The Unexpected Isles*.

*“Every year the Falkland Islands became just that much less unknown to the outside world and the imaginative project to take the Great Britain back to England has brought the Colony some unlooked for publicity. A film called “The Unsuspected Isles” has been well received on B. B. C. television; the material was fathered last year in the Falklands by Mr Tony Morrison, while Mrs Morrison gave the Colony same unexpected publicity in The Observer.”*⁵⁷³

From Buenos Aires, Britain's Ambassador, Michael Hadow, visits Stanley; “... to prepare the way for the talks.”

*“... that this successful visit was possible is an indication of the move towards a more relaxed and easier relationship with the Coast.”*⁵⁷⁴

April 13th, the hulk of SS *Great Britain* is lifted onto a pontoon for towing to Bristol.⁵⁷⁵

570 C. D. Wiggin (undated) in FCO 7/1074

571 See [https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/2548\(XXIV\)](https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/2548(XXIV))

572 *Falkland Islands Gazette* August 17, 1970

573 *Ibid*.

574 Sir Cosmo Haskard addressing the Legislative Council of the Falkland Islands, June 3, 1970

575 Built in 1845, SS *Great Britain* was famous before she ever sailed. After 40 years of service, she arrived off Stanley in 1886. Found to be unseaworthy, the ship was sold to the Falkland islands Company and used for coal storage until 1937.

May 11th, in London, a Government statement is made to the House of Commons.

“... exchanges have continued... The Falkland Islands Government have been kept fully informed throughout. It has been possible in these exchanges to identify some ways in which free communications and movement in both directions might be promoted, and both sides believe that these deserve detailed study. I expect the talks to proceed on a continuing basis. Meetings will be held from time to time with appropriate participation from the Falkland Islands.”

*“...two Honourable Members, Mr Pitaluga and Mr Hills, are already in the United Kingdom, together with the Senior Unofficial Member of Executive Council, Mr. Barton. There they are soon to be joined by the Colonial Secretary and Major Goss who, with Mr Pitaluga, have been nominated as the Falkland Islands representatives in the British delegation which is to meet in London a delegation from the Argentine Government in a round of talks on communications.”*⁵⁷⁶

June 3rd, Governor Haskard addresses the Legislative Council of the Falkland Islands.

*“We are proud Since 1885 the Colony has been financially self supporting and this is the way we wish it to be. It allows us to stand on our own feet and to look the world in the eye. ...Governors and Colonial Secretaries come and go but it is indeed upon the collective wisdom and ability of the unofficial members of the Executive and Legislative Councils that the well-being of the Colony depends in increasing degree. Perhaps not everyone realises this and so it is right to say it clearly and without misunderstanding. Our representatives – and I am not forgetting here the Honourable Member Mr. Pitaluga, who has already gone on ahead – will have the benefit in England of consultation with other Council members, Mr. Barton and Mr. Hill; they will bring themselves up to date with the thinking of the London Office of the Falkland Islands Company; they will have close discussion with the Foreign and Commonwealth Office about our communications needs; and then, well prepared, they will as part of the British Government delegation go on to talks with the Argentines, confident in the knowledge that the talks are about communications, not sovereignty; confident in the assurance so often given and once again repeated by the Secretary of State in Parliament on the 20th November last that no transfer of sovereignty can take place against the wishes of the people of the Falkland Islands.”*⁵⁷⁷

June 18th, in the UK, a General Election sees a change of Government. The Tory party's Edward Heath becomes Prime Minister, with Sir Alec Douglas Home appointed as Foreign Secretary.

Talks with Argentina continue.

*“Douglas-Home's only provisos were that sovereignty should not be on the agenda and that the islanders should be involved throughout.”*⁵⁷⁸

July 13th, in London, agreement is reached on the conditions for a round of talks regarding communications between the Falkland Islands and Argentina. Amongst a number of agreements on procedure it is decided to announce; *“... that the negotiations are continuous and confidential and that there will be no information to the press on the issues under discussion.”*⁵⁷⁹

*“British delegations also included some islanders in their capacity as advisers.”*⁵⁸⁰

576 *Ibid. Falkland Islands Gazette* August 17, 1970

577 *Ibid.*

578 Hastings & Jenkins 1997

579 Beltramino 1997

580 Ellerby 1990 p.171.

July 14th, in London, Anglo-Argentine communication negotiations resume. Britain's delegation includes two Islanders, Councillors Goss and Pitaluga. Britain's delegation submits an opening statement.

"... if, as we hope, the present round of talks would eventually result in some kind of agreement to promote freedom of communication before any general solution to the dispute has been reached (on sovereignty), then a corresponding agreement would be necessary in one form or another that would be without prejudice to the rights or claims of territorial sovereignty of either party." ⁵⁸¹

"The Government down-graded the importance of the dispute. A Foreign Office junior minister was made responsible for conducting the dialogue. He was assisted by David Scott, the Under-Secretary in charge of dependent territories. The Conservative Government fulfilled its pledge to remove sovereignty from the agenda of the Anglo-Argentine talks and to ensure that representatives of the Islanders participated." ⁵⁸²

July 24th, following a week of talks, a final communique is published.

"Several proposals and ideas for the promotion of free communications were considered. The two delegations discussed problems relating to the movement of persons in both directions, to the establishment of sea and air communications, to postal and telecommunication services, to the development of trade and to the promotion of cultural exchanges. Both sides agreed in principle that there appeared to be considerable scope for the promotion of free communications and that every effort should be made to try and reach agreement on practical measures to that end. ... Both sides agreed ... that there should be further meetings, ... that the next meeting should take place in Buenos Aires, and that thereafter a meeting should be held at Port Stanley."

In **September**, Governor Cosmo Haskard retires.

".. much to the relief of the Latin American Department of the FCO." ⁵⁸³

John Ashley Jones takes charge as Acting-Governor. ⁵⁸⁴

September 30th, in New York, Argentina's Foreign Minister makes a speech to the UN General Assembly.

"(We) agreed to negotiate with the United Kingdom regarding the dispute over the sovereignty of the islands. In so doing, we were interpreting the spirit and the letter of resolution 2065 (XX) and at the same time, we declared our irrevocable decision ... that the Malvinas islands should be restored to our territorial heritage." ⁵⁸⁵

October 24th, UN resolution 2625 (XXV), approves a *Declaration on Principles of International Law Concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations*. ⁵⁸⁶

The section titled *The principle of equal rights and self-determination of peoples* states:

*"By virtue of the principle of equal rights and self-determination of peoples enshrined in the Charter of the United Nations, **all** peoples have the right freely to determine, without external interference, their political status and to pursue their economic, social and cultural development, and every State has the*

581 Quoted in Beltramino 1997

582 *Ibid.*

583 Dodds 2002 p.146

584 *Falkland Islands Gazette* October 2, 1970

585 Quoted in *UN Doc A8423/Rev.1 vol.4 chapter 25*

586 See [https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/2625\(XXV\)](https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/2625(XXV))

*duty to respect this right in accordance with the provisions of the Charter... Every State has the duty to promote, through joint and separate action, realization of the principle of equal rights and self-determination of peoples, ...*⁵⁸⁷

*The establishment of a sovereign and independent State, the free association or integration with an independent State or the emergence into any other political status freely determined by a people constitute modes of implementing the right of self-determination by that people.*⁵⁸⁸

Every State has the duty to refrain from any forcible action which deprives peoples referred to above in the elaboration of the present principle of their right to self-determination and freedom and independence. In their actions against, and resistance to, such forcible action in pursuit of the exercise of their right to self-determination, such peoples are entitled to seek and to receive support in accordance with the purposes and principles of the Charter...

*The territory of a colony or other Non-Self-Governing Territory has, under the Charter, **a status separate and distinct from the territory of the State administering it**; and such separate and distinct status under the Charter shall exist until the people of the colony or Non-Self-Governing Territory have exercised their right of self-determination in accordance with the Charter, and particularly its purposes and principles...*

*Every State shall refrain from any action aimed at the partial or total disruption of the national unity and territorial integrity of any other State or country.*⁵⁸⁹

*“This represents a significant step in the progressive development of international law when compared with the positions taken in 1964. Many states had never before accepted self-determination as a right.”*⁵⁹⁰

*“It seems clear from this and other formulations of the principle of self-determination that where the principle applies, it does so as a right of the people concerned; it is not a matter simply of rights and obligations as between existing States. Another State well may be interested in the result of an act of self-determination... But to treaty of the alternative options open to the people concerned. ... It may thus be concluded that the people of a Chapter XI territory enjoy a separate legal status, and with it a measure of legal personality.”*⁵⁹¹

*“The idea of “any other political status” has never been expanded and it is unclear what it may mean. Presumably, it could cover the use of other existing models, such as the Isle of Man, the Aland Islands, Andorra or Liechtenstein, or some variation of free association, as options for self-determination.”*⁵⁹²

*“Although the islanders are British and identify as such, it would be difficult to argue against their claim that a distinctive society has developed there over the past 200 years... there is no requirement laid down anywhere that the population of a Non-Self-Governing Territory must have suffered alien subjugation or racial discrimination in order to qualify as a ‘people’.”*⁵⁹³

587 My emphasis. See 1967

588 Resolution 1541 of 1960 had established the first 3 criteria for 'decolonisation'. For a discussion on this see *A Report on the Referendum on the Political Status of the Falkland Islands* Peter Willetts 2013.

589 A clear reference to the future; not to the past. The UN, in identifying these as “principles of international law” clearly sought to influence, if not change, international law for cases arising after 1970. My emphasis.

590 *The Declaration of Principles of International Law Concerning Friendly Relations: A Survey* R. Rosenstock 1971

591 Crawford 2007 p.618

592 Willetts 2013

593 Trinidad 2018 p.150

*“Like Resolution 1514, Resolution 2625 makes it quite clear that its reference to territorial integrity refers only to future actions (i.e. after 1970) which "would dismember or impair" territorial integrity, and that every State "shall refrain" from such actions (our emphasis). So Resolution 2625 does not apply to past events such as the expulsion of the Argentine garrison from the Falklands in 1833...”*⁵⁹⁴

Researcher's Comment: Arguably more important for the right of self-determination than resolution 1514 of 1960. It was this that would force the UK, after some hesitation, to accept that self-determination was more than just a principle to be aimed for. Self-determination was a human right for all peoples. Including the people of the Falkland Islands.

In **November**, a three member delegation from the Falklands visits Atlantic ports in Argentina. Their purpose is to review trading opportunities.

*“The Colony required diesel fuel, fencing and food stuffs. Some Argentine nationalists objected to the rapprochement. A federal judge in Bahia Blanca even attempted to have Gleadell arrested.”*⁵⁹⁵

In **December**, the Falkland islands company announce that RMS *Darwin*, which carries mail, passengers, fuel supplies and fresh food on monthly voyages around the Islands, is to be withdrawn.

*“When in late 1970 the Falkland Islands Company (FIC) announced that they would be withdrawing the small freight/passenger (50) carrying vessel RMS Darwin, which plied monthly between the Islands and Uruguay, it was anticipated by a vast majority of the population that the British Government would automatically, and as a commitment to the colony, provide a similar type ship to continue the service. The Darwin provided the only communication with the outside world, taking around 4 and a half days, in good weather, to reach Montevideo... It brought eagerly awaited ‘Air Mail’ which would be flown from Britain and then languish in an office in Montevideo for several weeks before the ship arrived... Falklands residents returning home from holiday in Britain relied on the Darwin while Falklands children who attended the British school in Uruguay became regular passengers. However, unknown to the Islanders, the British Government had no intention of funding an expensive replacement vessel and, despite Argentina’s long-standing sovereignty claim, approached the Government in Buenos Aires and suggested that they might like to provide an air-link between the Argentine capital and Stanley and so establish a presence in the Islands. Unbeknown to the Falklands population they also hinted that so popular would the service become that it would be just a matter of time before the Islanders would forget about their much loved links with Uruguay, and that this would eventually lead to recognition of Argentina’s sovereignty claim.”*⁵⁹⁶

December 12th, on the recommendation of the Fourth Committee, the General Assembly decides to defer consideration of the Falkland Islands till 1971.

December 17th, a report in the UK's *Daily Telegraph* newspaper states that the British Government has rejected an application by the Soviet Union, for the leases of whaling stations on South Georgia.

December 23rd, Ernest Gordon Lewis is appointed Governor of the Falkland Islands.⁵⁹⁷

594 Pascoe 2020 p.313

595 Ellerby 1990 p.172 citing *The Financial Times* November 26, 1970

596 Patrick Watts MBE quoted in *Penguin News* February 26, 2021

597 *The London Gazette* No. 45280

1971 – January 11th, frustrated by the unwillingness of the UN Special Committee on Decolonization to consider any other option for a territory but independence, both the UK, and the USA, members of the Committee since its inception, announce their withdrawal in letters addressed to the Secretary-General. Britain confirms that its relationship with its remaining territories is a modern one in which the people of the territories have expressed their wish to remain associated with the UK. ⁵⁹⁸

“The withdrawal from membership in the General Assembly's Special Committee ... of the United Kingdom and the United States was noted with regret by a number of members when the Committee convened in 1971. Both States, it was observed, ... were responsible for the administration of the majority of the remaining dependent territories. In the view of some Committee members, the withdrawal of the administering powers impeded the full and speedy implementation of the General Assembly's resolution of 14 December 1960 concerning the granting of independence.” ⁵⁹⁹

A consultant firm, *Peat, Marwick, Mitchell & Co.*, are commissioned by the British Government to prepare a study of possible transportation services for the Falklands.

“... the team has started preliminary planning in London and has had talks with officials of the various ministries and with the Head Office of the Falkland Islands Company and other firms who have interests in the Islands. I have now been informed that the two-man team consisting of Mr. R.F. Morrison and Mr. J.G. Beckett will arrive at the end of March on the "Darwin" and leave on the 10th April. At the same time a third member will proceed to Latin America to carry out further investigations of the problem at that end. So we can look forward to a busy time in preparing for the arrival of the team but I know that, you will be encouraged by the fact that things are on the move.” ⁶⁰⁰

“The Argentine Government presented proposals for a direct air link with subsidized fares during the team's visit to the Islands.” ⁶⁰¹

February 12th, Governor Lewis addresses the Legislative Council.

“I see adequate physical communications not simply as an end in themselves but only part of the widening of our horizons so that we can play our role to the full in the world. That is why, in my opinion, we should look forward with confidence to the Talks on Communications with the Argentine. Our position on sovereignty has been made clear and if we can find a way of having more contact with the Argentine it can only be for the good for both parties.” ⁶⁰²

February 15th, seriously ill, Matthew McMullen is air lifted off the Falklands by an Argentine Navy *HU16B* amphibious aircraft (Pilot Carlos Alberto Quaglino) to Comodoro Rivadavia, for transfer to Buenos Aires. ⁶⁰³

May 17th, in Stanley, the Governor reassures the Legislative Council regarding the communications proposals.

“... any agreement on communications shall be conditional upon an arrangement such as the 'sovereignty umbrella'... HMG sees the whole communications exercise as a way of defusing the sovereignty issue and helping the Islands without any concession on sovereignty or their Britishness.

598 UN Doc A/8423/Rev.1 vol.1. See also Memorandum by the Foreign and Commonwealth Office O.T.18 May 2011.

599 UN Yearbook 1971

600 Governor Lewis addressing the Legislative Assembly of the Falkland Islands February 12, 1971 in the *Falkland Islands Gazette* 1971

601 Ellerby 1990 p.173 citing *F.I.A. archive (London), 1(D), Permanent Airfield Study, May 1975.*

602 *Falkland Islands Monthly Review* February 1971

603 Unconfirmed. McMullen does not appear to have survived.

*I was not appointed Governor and Commander in Chief of these Islands with a view to assisting in disposing of part of the Queen's realm.”*⁶⁰⁴

In **June**, a Foreign Office delegation, led by Under-Secretary D. A. David Scott, flies into Stanley.

*“... he repeated time and again that he was "not here to sell you the River Plate." He wanted to talk not about sovereignty but about a better standard of living.”*⁶⁰⁵

In London, Peat, Marwick, Mitchell & Co., submit their findings as to transportation possibilities.

*“The firm's report, submitted in June, recommended an air link with Argentine Patagonia supplemented by a maritime service making 12 trips to Puerto Deseado and five return voyages to Europe each year. The total maximum cost of the schemes was £267,000. The financial argument in favour of communications through Argentina was overwhelming, ... The total ordinary revenue of the Falkland Government in 1970/1971 was £489,000, while the present service via Montevideo cost £364,000 annually.”*⁶⁰⁶

June 21st, in Buenos Aires, a scheduled week of communication talks resume, with Islanders present.

*“... the heads of the two delegations made their initial statements and exchanged their respective draft proposals. The British text was centred on the conservation of the status quo on the islands with provisions on particular aspects of communications, and the Argentine text, for its part, on a number of detailed communications proposals.”*⁶⁰⁷

*“Two elected ‘Councillors’ ... Richard Hills and Lt. Colonel Richard Goss journeyed to Buenos Aires as part of the Foreign Office delegation and according to leaked reports they were locked in a room and given 30 minutes in which to accept or reject the proposed Communications Agreement. They had no means of communicating with colleagues back in the Falklands and they were harshly reminded by the leader of the Foreign Office delegation David Scott that should they reject the proposals then they would leave their constituents ‘high and dry’ and without any external communications whatsoever. The two unfortunate men had little option other than to accept the first stages of Argentine involvement in Falklands affairs...”*⁶⁰⁸

On the same day at the Hague, the International Court of Justice give an advisory opinion with regard to the Namibia case.⁶⁰⁹

*“... the subsequent development of international law in regard to non-self-governing territories, as enshrined in the Charter of the United Nations, made the principle of self-determination applicable to all of them.”*⁶¹⁰

*“(The) ICJ determined the right of NSGTs to self-determination under customary international law in 1971 and reiterated that legal finding on a number of occasions over the years.”*⁶¹¹

Researcher's Comment: An important decision in which the influence of UN GA resolution 2625 was apparent. There were no exceptions. The right of self-determination was applicable to ALL the Non-Self Governing Territories. ALL includes the Falkland Islands, despite attempts to paint white, black.

604 *Falkland Islands Gazette Supplement* June 1971. cf. June, 1987

605 Hastings & Jenkins 1997

606 Ellerby 1990 pp.173-174 citing *F.I.A. archive (London), 1(D), Permanent Airfield Study, May 1975.*

607 Beltramino 1997

608 Patrick Watts MBE quoted in *Penguin News* February 26, 2021

609 *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970), Advisory Opinion, I.C.J. Reports 1971*

610 *Ibid.* p.16

611 Raimondo 2014

In Stanley, Uruguay's Consulate closes.⁶¹²

June 22nd, Argentina and Chile sign an *Arbitration Agreement* under which they commit to place their dispute over the Beagle Channel to international resolution. It is agreed that Queen Elizabeth II should act as arbitrator; that the judges should be drawn from the Hague and that the final decision can only be to accept or reject the panel's conclusion, without an option to modify it. Both nation's also agree to abide by that decision.⁶¹³

July 1st, in Buenos Aires, negotiations regarding communications conclude, with an agreement establishing reciprocal air and sea services between the Falkland Islands and Argentina.

“In the city of Buenos Aires, from June 21 to 30, 1971, special talks on communications and movement between the Argentine mainland and the Falkland Islands continued between the delegations of the Argentine Republic and the United Kingdom of Great Britain and Ireland from the North, the latter with the participation of islanders.

The talks took place within the general framework of the negotiations recommended by res. 2065 (XX) of the General Assembly of the United Nations and in accordance with the letters addressed to the Secretary General of the Organization by the permanent representatives of both countries on November 21, 1969 and December 11, 1970.

The delegates concluded that, subject to the approval of their respective governments, the following measures should be taken on the understanding that they can contribute to the process of a final resolution of the dispute over the islands between the 2 governments to which refers res 2065 ... ”

An Anglo-Argentine *Joint Statement* announces:-

- the provision by Argentina of a travel document (the 'white card'), which guarantees freedom of movement within Argentina for residents of the Islands and serves as the only documentation necessary for Argentine residents visiting the Falkland Islands;⁶¹⁴
- reciprocal exemptions from duties and taxes;
- exemption for residents of the Islands from any obligation to perform Argentine military service;⁶¹⁵
- the harmonization of postal, telegraphic and telephone rates;
- provision of school places and scholarships in Argentina for children in the Islands;
- and the establishment of a special consultative committee in Buenos Aires, to consist of representatives of the Argentine Ministry of Foreign Affairs and the British Embassy, to deal with any questions arising over communications.⁶¹⁶

612 Opened in 1924 and a long-standing annoyance to Buenos Aires, which failed to notice its presence until 1952 when it issued a formal protest. See October, 1952.

613 See 1977.

614 The travel document contained a photograph of the holder, and such basic information as name, marital status, date of birth and place of birth. In Argentina issued white cards for islanders, the latter was invariably recorded as 'Puerto Stanley.' Argentina's change in nomenclature to 'Puerto Argentino' only originated during the 1982 war, following the short-lived *Puerto Rivero*. Prior to 1982, the main town of the Falklands was called *Stanley* within Argentina. cf. 1982 & 1989

615 Considered as Argentine citizens, Islanders were vulnerable to laws on conscription if they entered the country. **N.B.** Only the Falkland Islands were included. No mention of the Dependencies. This would become important in early 1982.

616 Franks 1983. Also Dodds 2002. The agreements were for the Falklands only and did not extend to South Georgia or the South Sandwich Islands which were, and remain "unlisted" at the UN. Argentina would try to claim otherwise in 1982.

*“The Joint Declaration provided that the discussions would continue through diplomatic channels and that a following meeting would be held in Port Stanley in 1972, and that if either of the Governments decided to terminate the said measures, it should inform the other within six months.”*⁶¹⁷

*“Afterwards, Beltramino told Scott in confidence that he regarded sovereignty as having been shelved for the time being. Scott added his personal view that the islanders would be under an Argentine flag within twenty-five years. Such was the confidence on both sides of the efficacy of the “hearts and minds” policy.”*⁶¹⁸

*“In 1971, following more secret talks, the pressure was ratcheted up. Falkland Islanders were told that their subsidised shipping link with Uruguay could not continue. They were presented with a new arrangement, one that pushed them firmly into bed with Buenos Aires. No one in the Islands liked it, but there was no choice. The Communications Agreement was dressed up as a joint commitment to support the Islands. The Argentines would build a temporary airstrip so that its state airline, Lineas Aereas del Estado (LADE), could operate a weekly service to and from the mainland. For its part, Britain would build a permanent airport, and (to counter the argument that too much reliance was being placed on Argentina) also provide a passenger-cargo ship operating to South America. It was implied that the new ship would be capable of trading with Uruguay if the Argentines ever abused their monopoly over air services. This fooled no one. The small print was alarming: to travel through Argentina locals would need a ‘tarjeta provisorio’, a provisional card, bearing their personal details and the Argentine coat of arms. Issued in Buenos Aires, the much-hated ‘white card’, as locals knew it, was a de facto Argentine passport.”*⁶¹⁹

*“... a substantial development as a consequence of the agreement reached in 1971, thanks to an understanding achieved with the valuable participation of Ambassador Juan Carlos Beltramino, then in charge of the Malvinas issue at the Chancellery, when he addressed a special negotiation that would not prejudge other ongoing conversations.”*⁶²⁰

*“In August 1971 the Communications Agreement was formally signed by representatives of the British and Governments. Within the Falklands population there was a combination of anticipation, excitement and a little trepidation too at the thought of being able to take a 2 hours and 20 minutes flight from Stanley, on a 45-seat turbo-prop aircraft, by the state airlines Lincas Acras Del Estado (LADE) to the city of Comodoro Rivadavia in the southern province of Chubut. Seats could be bought for as little as (but it was not long before the price escalated at an alarming rate and become un-affordable for many people). From Comodoro it was just a short 2 hours flight to the exotic city of Buenos Aires, known universally as the ‘Paris of South America’ and where most of the world’s major airlines offered flights to International destinations. Those who suffered seasickness welcomed the cessation of the 1,000 miles sea journey to Montevideo. The Communications Agreement also provided for Falklands children to attend, at no expense to their parents, British schools in Argentina, for their secondary education. Medical patients were afforded attention at the renowned ‘Hospital Britanico’ in Buenos Aires while after a period of 130 years of being carried by sea, air mail would be arriving weekly by air. Fresh fruit and vegetables would also be carried on the aircraft. Football mad Argentina would host the World Cup of 1978 and some fans were already making plans to attend the tournament. ... Two attractive Argentine female teachers would be sent across to teach Spanish in Stanley’s schools. The Argentine state fuel company YPF was given a monopoly to provide all fuel in the Islands – cheaply at first of course.”*⁶²¹

617 Beltramino 1997

618 Hastings & Jenkins 1997 p.28

619 Bound 2007

620 Berasategui 2017

621 Patrick Watts MBE quoted in *Penguin News* February 26, 2021

July 2nd, the motor fishing vessel, *Philomel*, catches fire while at anchor off Stanley. She is towed out to Fairy Cove where the fire rages for two days.⁶²²

July 12th, following discussions with the Treasury, the FCO release a press statement. It is confirmed that the Falkland Islands Company will continue to operate the colony's existing external shipping services. There is no money for a passenger-cargo ship.

*"It has been suggested that the British Treasury was responsible for the failure to establish a maritime link with Argentina."*⁶²³

*"The first back-sliding was a British one. Whatever Scott may have signed in Buenos Aires, he was not plenipotentiary over the Treasury. There was no sign of the promised maritime link to a port to replace Darwin. ... The Foreign Office had not secured the necessary finance from the Overseas Development Agency, and were thus unable to honour the British side of the agreement."*⁶²⁴

August 5th, in Buenos Aires, Argentina's Foreign Ministry approves the communications joint declaration.

"I have the honor to inform Your Excellency that the Government of the Argentine Republic approves the joint declaration on communications between the Falkland Islands and the Argentine mainland, which was initiated by the representatives of our 2 governments in Buenos Aires on July 1, 1971. For its part, the government of the Argentine Republic will implement the measures referred to in that Joint Declaration, with effect from the day of the date. I take this opportunity to reiterate to Your Excellency the assurances of my highest consideration.

Luis María de Pablo Pardo."

Britain's *charge d'affaires* Peters responds to the Argentine Government confirming that the UK is prepared to ratify the agreement of July 1st, provided that nothing in the *Joint Statement* shall be interpreted as renouncing, or supporting, any rights of sovereignty by either Government.⁶²⁵

"I have the honor to ... inform Your Excellency that the Government of the United Kingdom is willing to conclude an agreement with the Government of the Argentine Republic in the following terms:

1. a) Although there is still divergence between the two governments as to the circumstances that should exist for a definitive solution to the dispute over sovereignty over the Falkland Islands, nothing contained in the aforementioned joint declaration, and approved by our 2 governments on the day of the date, may be interpreted as:

i) A waiver by either of the 2 governments to any right of territorial sovereignty over the Falkland Islands;

ii) A recognition or support of the position of the other government regarding territorial sovereignty over the Falkland Islands.

b) No act or activity carried out as a consequence of the execution of the aforementioned joint declaration and while it is in execution may constitute grounds for affirming, supporting or denying the position of either of the 2 governments regarding territorial sovereignty over the Falkland Islands.

622 Purchased by the Falkland Islands Government, *Philomel* had arrived in the archipelago in February, 1948 where she operated as a coastal supply ship.

623 Ellerby 1990 p.175 citing *U.K.F.I.C. archive (Sussex)*, file: *Correspondence with F.I.s Government, Christie to Parker, 7 Feb. 1978.*

624 Hastings & Jenkins 1997

625 Agreement, as ratified, here – <https://falklandstimeline.files.wordpress.com/2020/06/1971-anglo-argentine-joint-statement-on-communications.pdf>

2. Either government may denounce this agreement subject to 6 months' prior written notice.

If the foregoing is acceptable to the government of the Argentine Republic, I have the honor to propose that this note, together with your response in the same vein, constitutes an agreement between the 2 governments that will enter into force on the date of your response." ⁶²⁶

A team of British and Argentine servicemen travel to the Islands to review construction of an airfield.

"They recommended a 1,250 metre runway costing 351,031,000, which could be used by Fockler 27 and HS 748 (Andover) aircraft without a full load. In November Bendel, Palmer and Tritton, a firm of consulting engineers, was commissioned to produce a feasibility study for an airfield to operate regular flights to Commodore Rivadavia, Punta Arenas and (in emergency conditions) Montevideo. Their report concluded that it would cost £1,784,000. An F27 with a full pay load would require a 1,525 metre length runway." ⁶²⁷

October 1st, in New York, during a speech to the General Assembly, Argentina's Foreign Minister announces the results of the communications negotiations.

"This does not, however, close the chapter of negotiations. These negotiations should continue until full implementation is achieved of the terms of resolution 2065. ..., the problem will soon be definitively solved with the restoration of the Malvinas to the national territory of the Argentine Republic." ⁶²⁸

During **November**, on entering Argentina, three Islanders' are forced to accept Argentine ID cards – contrary to the agreement concerning 'white cards'.

A delegation from the UK's branch of the *Commonwealth Parliamentary Association*, visits Port Stanley.

December 20th, at the UN, the General Assembly adopt a consensus noting with "satisfaction" the progress achieved on communications, and urges the parties to continue negotiations.

"I remember the 1970s as a time of fear that we were being pushed towards dependence on Argentina, against the wishes of a vast number of Falkland Islanders, if not the majority. I remember personal fear and a fear among the population that the UK Government was wishing to be rid of us and that our sovereignty wishes were going to be ignored or side stepped. The withdrawal of the RMS Darwin and the loss of our link with Uruguay was worrying for a great many as of trade and friendship had been forged. That was being wrenched away and we were going into the unknown. Having said that, we all knew what the ultimate goal of Argentina was with regard to the Islands..." ⁶²⁹

There is no real doubt that the high point of Argentine diplomacy over the Falklands was reached at the UN in 1965. Resolution 2065 called for negotiations, but that was all it did. The resolution did not suggest an outcome, despite Argentina attempting to read one into it. Once talks started, they quickly became bogged down over the question of Islander consent. Argentina's attempts to position the question as being between the two governments only was untenable. Resolution 1514 had made it plain that people had the right to be heard when it came to determining their future. The Islanders were no exception, and heard they were. British public opinion was not going to allow any UK government to over-ride the wishes of a faithful and patriotic group of people of British descent.

626 A sovereignty 'umbrella'. See 1987

627 Ellerby 1990 p.175 citing *F.I.A. archive (London), 1(D), Permanent Airfield Study, May 1975.*

628 *UN Doc A8723/Rev.1 vol.5 chapter 25*

629 Alisa Heathman quoted in *Penguin News* February 26, 2021

To be an NSGT there had to be a people. All – ALL – people, according to the UN, had the right of self-determination. As a result, the UN's decolonization process increasingly found itself hoist on its own petard.

Paper 11 considers the next phase of negotiation together with Argentina's increasing frustration. The euphoria of 1965 had been replaced by blind alleys and little hope of an outcome favourable to Buenos Aires. The resulting resentment would push the Argentines to try the final solution – trial by combat.



Bibliography <https://falklandstimeline.files.wordpress.com/2019/04/bibliography-1.pdf>