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“UN Involvement After Argentine Withdrawal”

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CABINET

DEFENCE AND OVERSEA POLICY COMMITTEE
SUB-COMMITTEE ON THE SOUTH ATLANTIC AND THE FALKLAND ISLANDS

FALKLAND ISLANDS: UN INVOLVEMENT

AFTER ARGENTINE WITHDRAWAL:

Memorandum by the Foreign and Commonwealth Office

1. Some involvement by the United Nations in the interim and longer term arrangements introduced following the withdrawal of Argentine forces from the Falkland Islands could be to Britain's advantage. In the context of an agreement reached with Argentina, almost any sort and degree of UN involvement would be widely welcomed by the international community. Britain's willingness to invoke United Nations machinery would help to offset any loss of international support which may occur if force has to be used. It could also be popular in certain sections of parliamentary and public opinion. A UN presence in the Islands, short or long-term, could provide an element of political deterrence of future Argentine or even Soviet encroachment.

2. Annexed to this paper is a list of some of the options that could be considered. The paper itself briefly examines three ideas: a UN observer force to monitor implementation of a UK/Argentine agreement; a UN force to support a Security Council guarantee of the Falkland Islands' future security; and a test of Islander opinion under the auspices of the United Nations.

(A) UN Observer Force

3. Such a force could be charged with verifying the parties' compliance with the military provisions of any UK/Argentine interim or long-term agreement, most probably those concerning the withdrawal and non-reintroduction of forces. This would not be a peacekeeping

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force of the sort intended physically to separate opposing armed forces, since by definition the agreement would already have started to draw them apart. In any case, the nature of the geography would make this peculiarly difficult.

4. An observer force needs to be acceptable to both parties. It need not necessarily be a UN force. But there would be advantage to us internationally if it were. It would offer a sufficient and relatively convenient way to secure UN involvement in the issue with minimum risk of exposing the substance of the Falklands problem to UN interference. On the assumption that Argentina would concur, it would meet with almost universal approval. The Soviet Union would not like it, but probably would not veto it. But the force's mandate would have to be for a fixed term (6 months is usual), thus giving the USSR regular opportunities for mischief-making.

5. It would formally be for the Secretary-General to recommend the composition of the force to the Security Council. In practice he would do this only after consultation and agreement with all the parties involved, possibly including in this case the Americans. The UN Secretariat would handle all other modalities concerning the force. They have acquired a good deal of competence in this field. On past form the force would be financed on the basis of a voluntary system of contributions.

6. Given the presence of air and naval units and the large area over which they can be deployed and would therefore need to be observed, a wholly effective observer force would however need to be staffed and equipped to a level of sophistication unprecedented in UN peacekeeping/observer history. Reliable surveillance over the seas and air space around the Falklands, not least of submarines, would be beyond the capability of the sorts of units normally placed at the disposal of the Secretary-General for tasks of this nature. This problem could be met if the Americans, probably the only acceptable country with resources that come close to matching the task, could be involved in the UN observer force. This may be difficult to arrange. The Russians, for instance, might oppose it in the Security Council to the extent of casting a veto.

7. Even if such a force's operational capability were limited, it would still possess, for us, the advantages outlined in paragraphs 1 and 4 above. For really effective monitoring of Argentine compliance we would in any event have to rely on our own and US resources. And a UN presence, even if little more than symbolic, could still represent some deterrent to the Argentines. It would also make Soviet involvement more difficult. Use of United States military observers on their own to fulfill the same function in their national capacity would have as much or more of a deterrent effect on the Argentines and the Russians, but without the benefits to us at the United Nations and in terms of our international support.

(B) United Nations Security Guarantee Force

8. As part of a long-term safeguard for the status of the Falkland Islands it could be worth considering whether we could obtain some form of Security Council underwriting of the Islands' future security, not necessarily related to a resolution of the sovereignty issue, for a definite or an indefinite term. A mere decision by

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the Council to assume responsibility for preserving the status of the Falkland Islands, or even to install a token force under the UN flag, though (as in (A) above) having some deterrent effect, would be insufficient to achieve this. For any such guarantee to be credible, armed forces would need to be stationed permanently on the Falkland Islands. But in practice the Council would not agree to take action of this kind without Argentine consent. And if this consent were subsequently revoked, the Council could not be relied upon to mandate a UN force to fight to preserve the status quo. The cost would normally be met by voluntary contributions. But many UN members might expect Britain and Argentina to pay. It would be an expensive long-term commitment, with little real benefit. And again, the force's mandate would have to be regularly renewed.

(C) United Nations Involvement in Test of Island Opinion

9. In view of the importance we have consistently attached to the wishes of the Islanders, some test of Islander opinion would be required in the context of any settlement of the Falkland Islands problem. The United Nations has organised or supervised tests of opinion in several territories. These have in the main been Trust Territories on the verge of independence, where the UN was supervising the necessary act of self-determination.

10. If the dispute over sovereignty remained unresolved there would be opposition to this in the General Assembly where a majority will probably persist in arguing that greater weight should be placed on the principle of 'decolonisation' and 'territorial integrity' than on self-determination. They might thus succeed in preventing a UN plebiscite. But the UN has never 'decolonised' a territory by allowing its inhabitants to be placed under alien rule against their freely expressed will. A UN plebiscite would of course carry more international validity, and be more difficult for Argentina to brush aside, than one run by us. There is a chance that we would obtain enough Security Council support, depending very much on the circumstances in which the proposal was launched.

Foreign and Commonwealth Office

23 April 1982

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(ANNEX)

1. The UN could help as follows in the three principal phases (negotiation, implementation of agreement, long-term status). Most would require the approval of the parties and of the Security Council. But while the Secretary-General would agree to use his good offices only with British and Argentine agreement, the Security Council need not be involved, and opportunities could therefore be denied for troublemakers to attach unwelcome conditions to his task.

I NEGOTIATION

(a) Secretary-General's Good Offices

The Secretary-General or a representative appointed by him could mediate between the parties or preside over a conference between them with a view to facilitating an agreement. It is also possible that he could authorise a representative to undertake a sounding of Islander opinion.

(b) Security Council Commission of Enquiry

eg. to ascertain the wishes of the Islanders.

II IMPLEMENTATION

(a) UN observer force

to monitor and report to the Secretary-General and thereby to the Security Council on the implementation of an agreement between the sides, notably the provisions concerning withdrawal of military (and perhaps civilian) personnel and their non-reintroduction into the area specified by the agreement. Civilian (eg. UN Secretariat, US, or neutral) components of such an observer force might also be required to monitor other aspects of the agreement such as the changes in administrative procedures.

(b) Temporary UN Administration

The parties could agree to transfer the administration of the Falklands to a UN Temporary Executive Authority and the Secretary-General could appoint a UN Administrator. The UN Administrator would run the territory for a predetermined or indefinite period, concluding possibly in a UN supervised test of opinion (III(c) below).

III LONG TERM STATUS

(a) Trusteeship

We could hand the territory over to the UN as a 'Trust' territory under Chapter XII of the Charter. There is no exact precedent. But according to whether this was designated as a 'strategic' trust territory or not - there are no established criteria but it would be primarily for us to decide - it would fall within the ultimate jurisdiction of the Security Council (if designated strategic) or the General Assembly. There would have to be one or more administering powers in Trusteeship agreement with the UN. The administering power(s) would be obliged to promote the progressive development towards self-government or independence of the territory in accordance with the UN Charter. There would at some stage be a UN supervised test of opinion.

(b) UN as guarantor

The Security Council could theoretically underwrite the eventual status reached for the territory by agreement between the parties and enforce this by a permanent military presence. In practice such a solution would not be politically feasible.

(c) UN supervised referendum

to test the opinion of the Islanders. The UN has considerable experience in the conduct of such tests, particularly in the context of plebiscites held in the various Trust Territories which have been brought to independence since the War.

/ (d) ICJ

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The dispute over sovereignty could be referred by the Security Council to the International Court of Justice, for an advisory opinion.

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