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26ABR82 – Sinclair a Holmes. Posturas anteriores de Argentina frente a la Corte de Justicia Internacional.

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Private Secretary (Mr Holmes)

N. Coles (No 10)

*J.H. Holmes
26/4*

You asked for a form of words which the Prime Minister might use in her Panorama interview this evening if asked about the ICJ. I suggest something on the following lines:

"Argentina has never been willing to submit to the jurisdiction of the ICJ as regards the dispute over sovereignty. In 1955 we made a unilateral application to the Court in view of Argentine encroachments in the Dependencies. The Argentine Government refused to accept the jurisdiction of the Court. Much more recently, in 1977, Argentina rejected a binding award of the Court of Arbitration in the Beagle Channel dispute between Argentina and Chile. In the circumstances, how could one have any confidence that Argentina would respect a judgment of the ICJ if it rejected the Argentine claim to sovereignty over the Islands?"

You also asked for a form of words about trusteeship. I suggest the following:

"Theoretically, it might be possible to place the Falkland Islands under the trusteeship system of the United Nations. But it would take many months to work out the terms of a trusteeship agreement and there is no certainty that any scheme worked out would be approved by the UN General Assembly without change. We have in any event always insisted that the wishes of the Islanders must be respected. They would have to be consulted on any such proposal; and they cannot be consulted until Argentine forces are withdrawn from the Islands. The overriding and desperately urgent need is therefore to secure that withdrawal."

Ian Sinclair

Ian Sinclair
Legal Adviser

26 April 1982

cc PS/PUS