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10 May 1982

CABINET

DEFENCE AND OVERSEAS POLICY COMMITTEE

SUB-COMMITTEE ON THE SOUTH ATLANTIC AND THE FALKLAND ISLANDS

ADMINISTRATION OF GOVERNMENT OF THE FALKLAND ISLANDS AND
DEPENDENCIESMemorandum by the Secretary of State
for Foreign and Commonwealth Affairs

1. There is a need to consider interim responsibility for the administration of the Falkland Islands and Dependencies following an end to the Argentine occupation and pending a return by the present Governor or another appointee.
2. Since the departure of the Governor at the time of the Argentine invasion there has been no formal administration of the Government. The Falkland Islands Letters Patent of 1948 provide that if no person specifically appointed under The Queen's Sign Manual is present in the Colony, the senior member of the Executive Council then in the Colony shall take on the administration of the Government. Such a person is however required to take an oath of office administered by the next senior member of the Executive Council before assuming the functions of the office.
3. The senior member of the Executive Council now in the Falklands is the Financial Secretary, Mr H T Rowlands OBE. We have however no reason to suppose that he has taken an oath of office since the departure of the Governor, Mr Hunt, and the Chief Secretary, Mr Baker, and it is most unlikely that he has done so.
4. We need contingency arrangements for a resumption of government in the event of either:
 - a) an Argentine surrender following an attack on the Islands; or
 - b) a negotiated Argentine withdrawal (which could entail a neutral supervisory presence on the Islands).
5. In the event of an Argentine surrender to British forces, one possibility would be for the Commander of the Task Force, Rear-Admiral Woodward (or another senior naval officer), to be specially appointed Officer Administering the Government under The Queen's Sign Manual.

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This might have advantages in view of what would presumably be the strong British military presence on the Islands and the necessary military involvement in action to get local administration going again.

6. But there are two arguments against this. For international and also for British domestic opinion, it would be presentationally unfortunate to be seen to be replacing an Argentine military Governor with a British military counterpart. Moreover, the arrangement could be inconvenient or impracticable. The Task Force Commander might be only irregularly present on the Islands themselves and additional responsibility for the local administration of the Islands would be a distraction from his military responsibilities.

7. In the event of an Argentine withdrawal following a political solution to the present crisis, we may expect a requirement for a counterbalancing phased withdrawal of British forces. In such a situation the rôle of Officer Administering the Government would necessarily fall to a civilian.

8. For political and practical reasons, the best solution would therefore be to activate Mr Rowlands' natural succession under the Letters Patent by ensuring that he takes the oath of office as soon as possible after an Argentine withdrawal. The fact that Mr Rowlands is himself an Islander will be presentationally helpful.

9. Although the office of Governor is formally combined with that of Commander-in-Chief in the Islands, this is largely in practice a courtesy title; and, in the view of the Governor, there should be no risk of a clash between Mr Rowlands' duties and those of the Commander of the Task Force. Mr Rowlands would in any case be known as Officer Administering the Government rather than Acting Governor and Commander-in-Chief.

10. We are here considering only an interim arrangement. Mr Hunt is ready to return to the Falkland Islands as soon as circumstances allow; but there will inevitably be a lapse of time before he could do so. Moreover, there may be circumstances (eg an agreement containing provisions for a temporary supervisory presence by third parties) in which it would not be possible for Mr Hunt himself to go back. The relatively low-key assumption by Mr Rowlands of the rôle of Officer Administering the Government would thus be more adaptable to the circumstances.

FP

Foreign and Commonwealth Office
10 May 1982