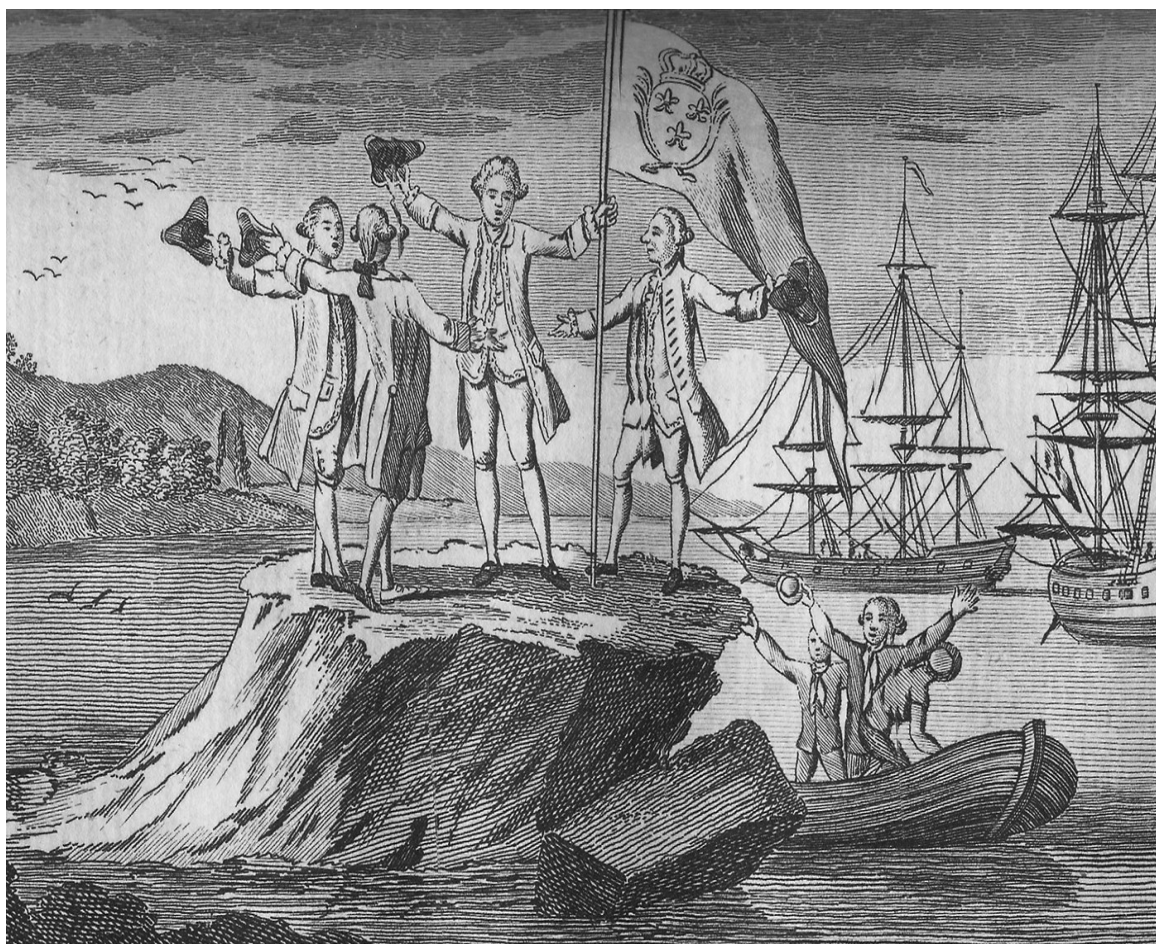


Falkland Islands: South Georgia & the South Sandwich Islands - The History

by Roger Lorton



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Other works by the author:

A-Z of Policing Law 2nd Ed. 2001 ISBN-10: 0117028126 / ISBN-13: 978-0117028128

A-Z of Countryside Law 2nd Ed. 2000 ISBN-10: 0117023833 / ISBN-13: 978-0117023833

A-Z of Neighbourhood 2001 Law ISBN-10: 0117026212 / ISBN-13: 9780117026216

Internet books:

Falklands War: The First 400 Years

Falklands War: Countdown & Conflict 1982

Website:

<http://falklandstimeline.wordpress.com/>

Introduction

I began this as a blog site with the aim of furthering my own knowledge, so that I could better understand the arguments employed by Argentina in its long running battle to gain ownership of this small group of islands.

Set out as a time-line, it rather reflects the way that I like to view things, in factual chunks, the better to understand the processes involved and to see the relationship between one event and another.

It is my belief that history needs to be viewed in context, and that seemingly unrelated incidents may still have a direct influence on the matter at hand. There is little that can be viewed in isolation.

This is the result. 95% of which was discovered on the internet; which is itself quite amazing.

It is not just a history of the archipelago, it is also a history of the disputes of which Argentina's claims are only the latest. The Falklands appear destined to cause controversy, whether it be 1865, 1870 or 1833. Or even 1982. Even 2012.

And all connected; the Falkland Islands are tied as much to South America's history as they are to Europe's.

If any nation ever had a better claim to those far flung, windy, islands, than Britain, then it was Spain, but they let go. Not in 1811 as it so often stated, but after 1836 when that great State came to recognise that the American dominions were lost to it.

The Falkland Islands were already firmly British by then, and not just West Falkland, but the whole archipelago. They have remained so for the 179 years since sovereignty was re-established in 1833.

Re-established !

I started out with an opinion that the Islands were British. An opinion based more on faith than any real knowledge. I have finished with the same opinion, although now I believe that the historical evidence plainly supports my opinion. To that end I've avoided any comments of my own in the main text, indeed there's very few even in the footnotes. History should speak for itself.

Most of the facts in this history I obtained free of charge from the internet. Now I give them back.

Roger Lorton 2012

NB. Argentina's history commenced with a complicated and ever changing puzzle of provincial allegiances, centered around Buenos Aires. Wherever possible I've tried to use the correct title for the time, otherwise '*Argentina*' is the default setting to reduce confusion.

1480 - 1768



1481 – June, a Papal Bull, *Aeterni regis*, issued by Pope Sixtus IV, confirms the *Treaty of Alcáçovas* which recognises Spain's sovereignty over the Canary Islands. In Spain and Portugal's attempt to carve the unknown world between them, Portugal gets everything to the south of the Canaries.

1491 – ships leave Bristol; “ *in search of the island of Brazil and the seven cities.*”

1493 – May 4th, Pope Alexander VI issues the *Inter caetera*, dividing the New World lands between Spain and Portugal by establishing a north-south line of demarcation 100 leagues west of the Cape Verde Islands. Undiscovered non-Christian lands to the west of the line are to be Spanish possessions and those to the east belong to Portugal.

1494 – Portugal complains that the Pope's decision breaches the previous agreement. Representatives of Spain and Portugal meet in the Spanish town of Tordesillas to discuss the matter.

June 7th, the two sides sign the *Treaty of Tordesillas* with the line of demarcation now relocated to a position 370 leagues west of the Cape Verde Islands.¹

The agreement is not recognised by other European States, '*Pacta tertiis nec nocent nec prosunt*'.²

1496 – March 5th, King Henry VII gives *Letters Patent* to John Cabot; “*Be it known and made manifest that we have given and granted as by these presents we give and grant, for us and our heirs, to our well-beloved John Cabot, citizen of Venice, and to Lewis, Sebastian and Sancio, sons of the said John, and to the heirs and deputies of them, and of any one of them, full and free authority, faculty and power to sail to all parts, regions and coasts of the eastern, western and northern sea, under our banners, flags and ensigns, with five ships or vessels of whatsoever burden and quality they may be, and with so many and with such mariners and men as they may wish to take with them in the said ships, at their own proper costs and charges, to find, discover and investigate whatsoever islands, countries, regions or provinces of heathens and infidels, in whatsoever part of the world placed, which before this time were unknown to all Christians. .. And that the before-mentioned John and his sons or their heirs and deputies may conquer, occupy and possess whatsoever such towns, castles, cities and islands by them thus discovered that they may be able to conquer, occupy and possess, as our vassals and governors lieutenants and deputies therein, acquiring for us the dominion, title and jurisdiction of the same towns, castles, cities, islands and mainlands discovered;..*”³

1 The Falkland Islands lay within the area granted to Spain, while South Georgia and the South Sandwich Islands would have lain in Portugal's sphere of influence.

2 i.e. a treaty binds the parties and only the parties. “.. *the scanty international code of the Middle Ages could deal with questions of vassalage and supremacy, and settle the legal effects of the conquest or cessation of territory; but it was powerless to decide what acts were necessary in order to obtain dominion over newly discovered territory, or how great an extent of country could be acquired by one act of discovery or colonization.*” *The Principles of International Law* T.J.Lawrence 1905

3 *The Precursors of Jacques Cartier, 1497-1534* H.B. Biggar (ed.), Ottawa, 1911, pp. 8-10. Latin text first printed by

1498 – July 25th, the Spanish Ambassador, Don Pedro de Ayala, writes to the Court of Spain; “*I think your Majesties have already heard that the King of England has equipped a fleet in order to discover certain islands and continents, which he was informed [by] some people from Bristol, who manned a few ships for the same purpose last year, had found. I have seen the map which the discoverer has made, who is another Genoese like Columbus, and who has been in Seville and in Lisbon asking assistance for his discoveries. The people of Bristol have, for the last seven years, sent out every year two, three, or four light ships, in search of the island of Brazil and the seven cities, according to the fancy of this Genoese . . . I have seen on a chart the direction which they took and the distance they sailed, and I think that what they have found, or what they are in search of, is what Your Highnesses already possess. . . . I write this because the King of England has often spoken to me on this subject, and he thinks that Your Highnesses will take great interest in it. . . . I told him that, in my opinion, the land was already in the possession of Your Majesties; but though I gave him my reasons, he did not like them. I believe that your Highnesses are already informed of this matter; and I do not now send the carta, or mapa mundi which that man has made, and which, according to my opinion, is false, since it makes it appear as if the land in question was not the said islands.*”

1501 – March 19th, Letters Patent, issued by Henry VII grant permission to Richard Warde, Thomas Ashurst and John Thomas, of Bristol; “*to undertake explorations in the west.*”

1506 – the Pope grants official recognition to the *Treaty of Tordesillas*.

1507 – islands near South America , and close to the 50° parallel appear in a map by a German cartographer, Martin Waldseemuller.⁴

1516 – Juan Diaz de Solis, a Spanish navigator, steps ashore on land to the south of the Rio de la Plata.

1519 – August 10th, Ferdinand Magellan, the Portuguese explorer employed by Spain, sets sail for South America in his quest to find the western route to the spice islands of the Pacific.

1521 – Estêvão Gomes, a Portuguese captain with Magellan, deserts the expedition and returns to Spain.⁵

1522 – September 6th, the battered remains of Magellan's expedition arrive back in Spain.

Islands near to the 50° parallel appear in the *Circolus Antarcticus* chart by Pedro Reinel.⁶

Hakluyt in 1582. PRO 178/8 (Public Records Office)

4 Waldseemuller's sources are unknown although there is some evidence that Martin Behaim, a German explorer working for Portugal, may be one. Behaim is credited with providing at least some of the information that led Magellan to discover his Strait, indicating Portuguese knowledge of those seas as early as 1500.

5 He was jailed on his return. It will later be claimed that Gomez encountered several islands near the coast of South America, which members of his crew named the, '*Islas de Sansón y de los Patos*'. “*It is indeed said, that, .. they (the Spanish) have, in order to supply the weakness of that general and exclusive right which they pretend to all the Magellanic regions, set up the claim of prior discovery to these islands, which they attribute to some of their most early navigators, and pretend that they had been named by them Islas Patos: ... a claim of such a nature is of too little importance to be taken any further notice of.*” '*Annual Register*' Edmund Burke 1771. This questioned the Spanish claim of discovery by Gomes. A claim not made public before 1765.

6 Topkapi Museum Library, Istanbul.

1536 – February 2nd, a settlement on the Rio de la Plata is founded by Pedro de Mendoza and is named Ciudad de Nuestra Señora Santa María del Buen Ayre.⁷

1541 – the settlement is abandoned following repeated attacks by Indians.

1549 – Spain establishes the *Gobernación del Río de la Plata* to administer its new lands around the area of the River.

1577 – November 15th, Francis Drake commences an expedition against the Spanish in the America's.

1579 – June 17th, after passing through the Magellan Strait and sailing up the Pacific coast of South America, Drake claims land on the western coast of North America for England; naming it *New Albion*.

1580 – September 26th, Drake arrives back in England having circumnavigated the world. His ship's hold is full of gold, silver and jewels taken from Spanish treasure ships.⁸

Bernardino de Mendoza, Spanish Ambassador, complains about English ships in 'Spanish' seas and makes an angry and vehement demand for satisfaction from Queen Elizabeth I who responds that “.. *she would not persuade herself that [the Indies] are the rightful property of Spanish donation of the Pope of Rome in whom she acknowledged no prerogative in matters of this kind, much less authority to bind Princes who owe him no obedience; or to make that New World as it were a fief for the Spaniards ... the Spaniards by their unfairness towards the English, whom they had prohibited from commerce, contrary to the right of nations, had brought these troubles upon themselves. . . . Her Majesty does not understand why her subjects and those of other Princes are prohibited from the Indies, which she could not persuade herself are the rightful property of Spain by donation of the Pope of Rome . . . and that only on the ground that Spaniards have touched here and there, have erected shelters, have given names to a river or promontory; acts which cannot confer property. So that this donation of alien property (which be essence of law is void) and this imaginary proprietorship ought not to hinder other princes from carrying on commerce in these regions, and from establishing Colonies where Spaniards are not residing, without the least violation of the law of nations.*

“... prescription without possession availed nothing, and that every nation had a right by the law of nature to freely navigate those seas and transport colonies to those parts where the Spaniards do not inhabit.”⁹

The Spanish settlement on the Rio de la Plata is refounded. Its harbour is called Puerto de Santa María de los Buenos Aires.

1588 – Spain sends an Armada to invade Britain. The attempt is thwarted by good seamanship, good luck, bad weather and a resolute Queen; “ *..I am come amongst you at this time, not as for my recreation or sport, but being resolved, in the midst and heat of the battle, to live or die amongst you all; to lay down, for my God, and for my kingdom, and for my people, my honor and my blood, even the dust. I know I have but the body of a weak and feeble woman; but I have the heart of a king, and of a king of England, too; and think foul scorn that Parma or Spain, or any prince of Europe, should dare to invade the borders of my realms:...*”

7 City of Our Lady Saint Mary of the Fair Winds

8 It is estimated that the Queen's half share exceeded all her other income for that year.

9 Quoted in *England in America, 1580-1652* Lyon Gardiner Tyler 1904

1592 – August 14th, English sea-captain John Davis in the *Desire*, is; "driven in among certain isles never before discovered by any known relation, lying fifty leagues or better from the shore, east and northerly from the Straits ..." ¹⁰

1593 – Richard Hawkins is commissioned; "To attempt some enterprise with a ship, bark, and pinnace against the king of Spain, his subjects, and adherents upon the coasts of the West Indies, Brazil, Africa, and America, or in the South seas, granting him and his partners whatsoever he shall take either by sea or land, reserving to the Queen, her heirs and successors, one fifth part of all treasure, jewels, and pearls."¹¹

1594 – February 2nd, Hawkins sees a group of islands; "we fell in with the land of Terra Australis, in 50 degrees, 55 leagues off the straits of Magellan, east-northwest from the straits."¹² Sir Richard, believing that the islands have not previously been named, calls them, 'Hawkins' Maidenland.'¹³

1598/1600 – Dutchman, Sebald de Weerdt, a vice-admiral of the *Dutch East India Company* makes the first accurate charting of the Islands' location.¹⁴

1604 – August 18th, the *Treaty of London* between England and Spain brings peace.

1606 – James I founds the *Virginia Company* with the purpose of establishing settlements on the east coast of North America; an area Spain considers its own.

1612 – Don Pedro de Cuñega¹⁵, Spanish Ambassador to the English Court, demands that England removes its colonies in the Americas.

June 20th, England's representative in Madrid, Sir John Digby, writes to London; "They are very much displeased ... with our Plantation of Virginia, which they stick not now to say, that if his Majesty will not cause it to be recalled, this King will be forced by a strong hand to essay the removal of it; ... I doubt not but he will receive a cold answer, and for their doing anything by the way of hostility, I conceive they will be very slow to give England so just a pretence to be doing with them."¹⁶

1648 – January 30th, a Treaty of Peace is signed between Spain and the Netherlands, in which Spain, for the first time, recognises limits to the *Treaty of Tordesillas*; "...and in the said treaty shall be comprehended all potentates, nations, and people, with whom the said Lords the King and States, or members of the East and

10 *The Falkland Islands, a Memoir, descriptive, historical, and political* Robert Greenhow in *Hunt's Merchant Magazine Feb 1842*. John Davis had originally sailed with Thomas Cavendish to search for the Northwest Passage from the far (western) side. Having failed, they headed back through the Strait of Magellan. Davis was trying to regroup with the fleet when he sighted what were probably the Falkland Islands.

11 'America and West Indies: Addenda 1593', *Calendar of State Papers Colonial, America and West Indies, Volume 9: 1675-1676 and Addenda 1574-1674* 1893, p.30

12 This from the narrative written up by John Ellis, one of the officers with Hawkins' expedition.

13 Hawkins only wrote up his own account some 29 years after he made the journey and some of the details he provides appear to have become confused in the interim, e.g. he refers to the presence of 'indians'. History has it that he chose the name in honour of the 'maiden', Queen Elizabeth I.

14 Quite what he sighted isn't very clear. A small group of islands, now known as the Jason Islands, to the north-west of West Falkland, seem most likely. There are slightly different dates for the de Weerdt sighting depending on the source.

15 Or possibly Don Pedro de Zúñiga ??

16 *Sir John Digby to Sir Dudley Carleton* in *Calendar of State Papers Colonial, East Indies, China & Japan Vol 2 1513-1616*. Spy, may be a more accurate term than 'representative'.

West India Companies in their name, within the limits of their said grants, are in friendship and alliance. And each one, that is to say the said Lords the King and States, respectively, shall remain in possession of and enjoy such lordships, towns, castles, fortresses, commerce and countries of the East and West Indies, as well as of Brazil, and on the coasts of Asia, Africa, and America, respectively, which the said Lords ... hold and possess, ... it has been agreed and stipulated, that the Spaniards shall keep their navigation to the East Indies, in the same manner they hold it at present, without being at liberty to go further; and the inhabitants of those Low Countries shall not frequent the places which the Castilians have in the East Indies.”

1655 – Oliver Cromwell's, 'Western Design' sees English forces challenging Spanish possessions in the Caribbean. Britain seizes Jamaica.

1670 – **July 18th**, the *Treaty of Madrid* is signed between England and Spain. Under the terms of the *Treaty*, Spain recognises English possessions in the Caribbean and both sides agree not to trade in each other's territory, however there is no reciprocal recognition of Spanish possessions.

“Moreover, it is agreed, that the Most Serene King of Great Britain, his Heirs and Successors, shall have, hold, keep, and enjoy for ever, with plenary right of Sovereignty, Dominion, Possession, and Propriety, all those Lands, Regions, Islands, Colonies, and places whatsoever, being situated in the West Indies, or in any part of America, which the said King of Great Britain and his Subjects do at present hold and possess, so as that in regard thereof or upon any color or pretense whatsoever, nothing more may or ought to be urged, nor any question or controversy be ever moved, etc.”

1675 – Anthony de la Roche, an English merchant, discovers South Georgia after being blown off course.

Dutchman, Frederik de Wit, produces a map of South America with the Falklands shown as the 'Sybold de Waerde Eylanden'.

1683 – William Dampier, John Cook and Ambrose Cowley visit the Islands; *“..we made the Sibbel de Wards, which are 3 islands lying in the latitude of 51 deg. 35 min. south, and longitude west from the Lizard in England, by my account, 57 deg. 28 min.”*¹⁷

1690 – **January 27th**, the Islands are sighted by Captain John Strong from the ship *Welfare*. Strong records in his log, *“.. this land doth show like a great many Islands, it is a large land and lyeth East and West nearest, there is several keys that lye along the shore. We sent our boat on shore to one of them and they brought on board abundance of Pengwins and other fowl and seal ..”*

On **January 29th**, Strong sails down the passage between the main Islands which he names 'Fawlkland Channel' after Anthony Cary, 5th Viscount Falkland. A crew member, Richard Simpson, notes, *“As for Hawkins Land, tis parted by a great sound which we passed through ...The Sound in several places was so full of weeds that the ship could hardly make her way and if one might judge by appearance, there it was we sailed through a medow. The island,if it were not quite destitute of wood would make a Nobel plantation;it bears an English name, good Harbage and a great variety of land and sea fowl.”*

¹⁷ *“the first discoverer of the group was is uncertain; but the English navigator Cowley saw the islands in the year 1684.” The Sydney Morning Herald* May 17th, 1851. There is some doubt about the exact date. Some sources put the visit in January (1684?) but Cowley's own account places it in early December 1683. He puts the Islands at 47 degrees South and calls them Pepy's Island. An error in navigation is the likely cause of the discrepancies as no islands exist at the given latitude.

Cpt. Strong makes the first recorded landing at Bold Cove; " *Wednesday this morning we weighed and stood unto an harbour on ye west side and there came to an anchor and sent our boat on shoar for fresh water and did kill abundance of geese and ducks but as far as wood there is none...*"

The ship's surgeon, Richard Simson, records a description of the Falklands wolf in his log.

1696 – William Dampier returns to the South Atlantic, and circumnavigates the Falklands archipelago.

1698 – French privateer-entrepreneurs from St. Malo are increasingly active around the tip of South America.¹⁸

January 4th, Whiteall Palace burns down, destroying many public records including maps from Francis Drake's circumnavigation.

1701 – French naval captain, Jacques Gouin de Beauchêne, in the *Prudent*, discovers a remote island to the south of the main Falklands archipelago.¹⁹ French investment in the south seas trade is estimated at 500,000 livres per annum.²⁰

1703 – 3 vessels return to St Malo from South America. Their combined cargoes realise 7 million livres.

1705 – French investment in the south seas trade is now estimated to average 4 million livres per annum.

1706 – *Maurepas*, and *St. Louis*, both French ships, visit the Falklands; " *If I have in this chart suppressed imaginary Lands, I have also added some real, in 51 Degrees Latitude, which I have called New Islands, because discover'd since the Year 1700, most of them by ships of S. Malo. I have laid them down according to the memoirs or Observations of the Maurepas and the S. Louis, Ships belonging to the India Company, which saw them near at hand and even the latter was watered there in a Pool, which I have set down, near Port St.Louis. The water was somewhat ruddy and unsavory; in other respects good for the Sea. Both of them ran along several Parts of them, but non .. so close as the S. John Baptist, commanded by Doublet of Havre, who endeavor'd to pass into an Opening he saw about the Middle; but having spy'd some low islands, almost level with the Water, he thought fit to tack about. This range of Islands is the same that Monsieur Fougret of Anican S. Malo discover'd and to which he gave the Name of Aniland.*"²¹

"In 1706, the French ships Maurepas and Saint Louis sailed homeward from the South Sea. The Saint Louis put into a harbour in the SE part of John Davis's Land, where they found fresh water of a reddish colour and soft,

18 On average, 10 ships left St. Malo every year between 1703 and 1713 for the South Seas. Concepcion in Chile was a major port of call. The *South Sea Company* estimated that the import of precious metals had passed 300 million livres by 1711 and all in defiance of Spain's proclaimed monopoly. *cf 'In Search of Empire: the French in the Americas, 1670 – 1730'* J. S. Pritchard 2004

19 It now carries his name.

20 " *.. Between the years 1700 and 1708 many French ships from St. Maloes, sailed into the South Seas, by some of them these Islands were discovered and the French name of Malouines was attached to them, which name the Spaniards have adopted.*" Francis Baylies, *United States Charge d'Affaires at Buenos Aires, to Manuel Vicente de Maza, Acting Minister of Foreign Affairs of Argentina* July 10th, 1832. " *About the beginning of the last century they were also seen and visited by French vessels from Saint Malo in Brittany, engaged in fishing, and in the contraband trade with the Spanish coasts of the Pacific; and thus they obtained the name of Iles Malouines, ..* " Greenhow 1842

21 *A Voyage to the South-Sea, And along the Coasts of Chili and Peru, In the Years 1712, 1713, and 1714, particularly describing the genius and constitution of the inhabitants, as well Indians as Spaniards: their customs and manners, their natural history, mines, commodities, traffick with Europe, &c.* Amédée-François Frézier 1716. Eng. Trans 1717. It was also printed in Dutch. The routes taken by the *Maurepas* and the *St.Louis* are marked on the accompanying map.

but in other respects good. This harbour they named Port Saint Louis. About this time, John Davis's South Land began to be distinguished by the name of the Malouines, given to them by the seamen of Saint Malo, by whom they were most frequently seen."²²

1708 – December 23rd, Privateers Woodes Rogers and William Dampier, in the *Duke* and the *Duchess*, pass the Islands on their way to the Pacific. Woodes refers to the archipelago as the *Falkland Islands*.

Assumption, a French vessel, passes along the north coast of the Islands. “*The North Part of those Lands, which is here under the .. Name of the Coast of the Assumption, was discovered 16th of July 1708, by Poiezos S. Malo, who gave it the Name of the Ship he commanded...*”²³

1711 – the British ‘*South Seas Company*’ is established, with a monopoly, to trade with Spanish colonies in South America.

St. Jean Baptiste, a French ship, visits the archipelago, while the Sebald Island group are seen by the *Incarnation*; “*..commanded by Sicur Brignon of S. Malo. .. they are at least seven or eight Leagues from the New Islands*”

1712 – ‘*Falkland Islands*’ is used in a publication describing the *Welfare*’s journey, 22 years before.

January 7th, Amédée-François Frézier, a Lt. Colonel in the French Intelligence Service, is sent to South America to spy upon and survey the Spanish defences in Chile and Peru.

1713/14 – the *Treaties of Utrecht* are signed, ending the War of Spanish Succession. Philip, Duke of Anjou is recognized as Philip V, King of Spain. Two of the *Treaties* concern British/Spanish relations, the first is a peace agreement, the second deals with commercial matters.²⁴

Under *Article 8* of the peace agreement, Britain promises to assist in the return of Spanish possessions in the West Indies, as they had existed at the start of the war in 1701.¹

1716/17 – Frézier, publishes a book and a map of the South American coastline. He shows a small group of islands named, *I. Sebald*, sitting to the west of a larger island, which has a number of islets positioned around it. These he refers to as ‘*Les Isles Nouvelles*’. Only the eastern side of the larger island is shown, on which a pond, small lake or watering hole is marked (*Étang*), and the name, ‘*Port St. Louis*’ indicated. The map tracks the routes taken by *Maurepas* and *St.Louis* in 1706, and the *Assumption* in 1708.²⁵

“*The Tracks I have traced will shew the Bearing of those Lands in regard to Streight le Maire, which the S. John Baptist was come out of, when he saw them,..*”

1722 – a new French map by Guillaume Delisle refers to the islands as ‘*Les Iles Malouines*’.

22 *A Chronological History of the Discoveries in the South Sea or Pacific Ocean* vol. 4 James Burney 1803-1817 p.454

23 Frézier 1716

24 “*The terms of these conventions were however so vague, that they seemed rather to increase than lessen the causes of dipute.*” Greenhow 1842

25 The map indicates that these are some of the discoveries of St. Malo vessels around 1700. cf. Frézier 1716. “*The French claimed the honour of having made the original discovery but Frezier, a French author, whose relation of a voyage to the South-Sea was published at Paris in 1716, admits that “ces Isles sont sans doute les memes que celles que le Chevalier Richard Hawkins decouvrit en 1593” and his admission has been adopted by MalteBrun, his countryman, the inimitable Geographer of modern times.*” Francis Baylies, *United States Charge d’Affaires at Buenos Aires, to Manuel Vicente de Maza, Acting Minister of Foreign Affairs of Argentina* July 10th, 1832.

1740 – Commodore George Anson, 1st Baron Anson, sails from England in *HMS Centurion* intent on attacking Spanish possessions in South America. Accompanied by *Gloucester*, *Severn*, *Pearl*, *Wager*, *Tryal* and the store ships *Anna* and *Industry*, the journey turns into a circumnavigation of the world. Anson passes the Falkland Islands on his route to Cape Horn.

1744 – Anson completes his circumnavigation, arriving back in England with a treasure of 1,313,843 pieces of eight, and 35,682 ounces of silver taken from the Spanish Galleon *Nuestra Señora de Cavadonga*.²⁶

1748 – 'A Voyage Round the World' is published by George Anson. The Admiral uses the book to promote his argument for the establishment of British bases in the South Atlantic and South Pacific; *“That it was scarcely to be conceived of what prodigious import a convenient station might prove, situated so far southward and close to Cape Horn ... and that (these islands) might be of great consequence to this nation and in time of war would make us masters of the seas.”*

Admiral Anson, persuades the Earl of Sandwich, and the Admiralty, to send two sloops for the purpose of surveying the Falkland Islands, before moving on into the Pacific Ocean.

Information of the proposal reaches the Spanish court, which, already annoyed by Anson's circumnavigation, immediately protests any further encroachment into what it regards as its own area of influence.

Sir Benjamin Keene, describes the Spanish view of exclusive rights to distant seas as 'whimsical'.

1749 – April 24th, the Duke of Bedford writes to Keene in Madrid; *“The Board of Admiralty having proposed to His Majesty some time ago the sending out two Frigates in order to make Discoveries in the American Seas, which might tend to the Improvement of Commerce and navigation in general, the King, ... was graciously pleased to approve of their Intention... But as this scheme has been represented by major General Wall, to His Catholick Majesty's Minister at this Court, liable to so many Misrepresentations at the Court where you reside, and which might possibly tend towards creating an Uneasiness and Suspicion between His Majesty and the Catholick King, I am commanded to inclose to you, for your Information a Copy of the Earl of Sandwich's Letter to me, explaining the Design of the Board of Admiralty... you will find that the full Discovery of Pepys's and Falkland's Islands, lying to the eastwards of Cape Blanco, was the first Object of this undertaking, which when completed, the Ships were to return to Brazil to refit, to proceed afterwards into the South Seas in order to make further Discoveries there. As this latter part of the Scheme cannot be carried into Execution without wooding and watering at the Islands of Juan Fernandez, & possibly coming sometimes within sight of the Spanish Coasts of Chili and Peru, it is apprehended here that an Attempt of this Nature may alarm the Court of Madrid, and give them Suspicions ... This having been represented to the King in the Light I have now stated it to you, he has been pleased to direct the Admiralty to proceed no further in the projected Discoveries, than what is contained in the first Part of the plan laid down, & to direct the Sloops to return Home, after they shall have searched sufficiently the Seas about Pepy's and Falkland's Islands.*

There is no intention of making any Settlement in either of those Islands, and as His Majesty's Sloops will neither touch upon, or even make any part of the Spanish Coast, the King can in no shape apprehend that this Design can give any Umbrage at Madrid, ...

I am commanded to give you this full & circumstantial Account of this Affair, to enable you to speak to the Spanish Ministers about it, in the same Manner as I have done to Major General Wall, and I am glad to be able to inform you, that I don't find him averse to our proceedings on the first Part of the Plan, provided we are

26 ADM 7/704 National Archives

willing to depart from the second."²⁷

May 21st, Keene suggests to the Spanish Minister, Carvajal, that Anson's proposed expedition is only to rediscover and survey the Falkland Islands; *".. he fell upon the inutility of pretending to a further discovery of them and affirmed they had been long since first discovered and inhabited by the Spaniards; who called them the Islands de Leones from the quantities of these amphibious animals to be met upon their coasts and that there were already in the books in their offices very ample descriptions of the dimensions, properties, etc, of those islands."*²⁸

June, concerned with effecting a rapprochement with the Spanish Court following the end of two merged conflicts with Spain²⁹, and completing a commercial treaty, the British Government postpones the mission;

*" .. for the present, and without giving up the right to send out Ships for the discovery of unknown & unsettled Parts of the World."*³⁰

*" .. This expedition, though, perhaps, designed to be secret, was not long concealed from Wall, the Spanish ambassador, who so vehemently opposed it, and so strongly maintained the right of the Spaniards to the exclusive dominion of the South sea, that the English ministry relinquished part of their original design, and declared, that the examination of those two islands was the utmost that their order should comprise ... yet the Spanish court was neither gratified by our kindness, nor softened by our humility .. The ministry, therefore, dismissed the whole design, but no declaration was required, by which our right to pursue it, hereafter, might be annulled."*³¹

1750 – the *Treaty of Madrid* is agreed between Spain and Portugal. This agreement rejects the limits placed on Portuguese expansion set by the *Treaty of Tordesillas 1494*, relying instead on, *uti possidetis, ita possideatis*³² which acknowledges the real situation in South America at the expense of Spain.

1754/5 – Louis-Antoine de Bougainville serves on the staff of the Marechal de Levis-Mirepoix, the French Ambassador in London.³³

*"A perusal of admiral Anson's voyage around the world fixed his ideas for finding the Malouine Islands, and determined him to make them the first object of his expedition, and to form a settlement there."*³⁴

27 *Archivo General de Indias, Seilla Seccion V, Audiencia de Buenos Aires Correspondencia con los Gobernadores Anos 1732 - 1760*

28 Keene to Bedford quoted in Goebel 1927. *"The discoveries of the Spaniards in the new world, and the adjacent seas, were certainly extensive and important; but unfortunately for Spain, the information thus obtained was generally kept secret by her government, ...while the English, the French and the Dutch, on the contrary, published accounts .. as soon as they had been made... when disputes arose,.. the Spanish government could only produce,.. bare assertions, or manuscript journals and charts of questionable authenticity."* Greenhow 1842

29 *The War of Jenkin's Ear (1732-39)*, and the *War of Austrian Succession (1740-48)*,

30 Keene to Bedford May 21st 1749

31 *Thoughts on the Late Transactions Respecting Falkland's Islands* Samuel Johnson 1771. Ricardo Wall was an Irishman employed by Madrid.

32 A principle of Roman Law, *'Who owns by fact, owns by right.'*

33 *A Short Biography of Louis-Antoine de Bougainville, 1729 – 1811* John Robson 2005. It appears likely that he met Admiral Anson, who was by then First Lord of the Admiralty. Bougainville went on to Canada, where he fought the British.

34 *The History of a Voyage to the Malouine (or Falkland) Islands, made in 1763 and 1764, Under the Command of M. de Bougainville, in order to form a settlement there.* Don Pernetty 1771

1759 – Bougainville formulates a plan with Nicolas Duclos-Guyot to place a settlement on the Falklands.

In **August**, Carlos III succeeds to the Spanish throne on the death of his brother. Carlos is concerned about British privateer attacks on Spanish shipping and fears for the maintenance of his Empire.

1761 – August 15th, the latest *Family Compact* between the Courts of Spain and France is completed; “any power which shall become the enemy of one or other of the two Crowns shall be the enemy of both.”

December, Spain joins France's war with Britain.³⁵

1762 – September, a British fleet arrives off Manila and lays siege to the Spanish City.

October 6th, the defenders of Manila sue for terms after their walls are breached by a bombardment. The British agree not to sack the city in exchange for 4 million dollars, the '*Manila Ransom*'. After an account taken for looting, and an initial payment, \$2,000,000 remains outstanding which the acting-Governor, Archbishop Rojo, promises that Spain will pay.³⁶

1763 – in Paris, Bougainville completes a proposal for an expedition to the Falkland Islands using the displaced Arcadians from Nova Scotia as settlers. He places this before the French Government which, while interested, is unwilling to fully finance the venture.

In **February**, to facilitate funding, Bougainville forms the *Compagnie de St. Malo* with his uncle Jean d'Arboulin and a cousin, Michel-Francois Bougainville de Nerville. They seek investors from d'Arboulin's contacts amongst French Royalty, and the Government.³⁷

February 10th, a peace treaty, the *Treaty of Paris*, is concluded between France, Spain and Britain, ending the Seven Years war.

In **May**, the French Minister du Marine, Étienne-François, comte de Stainville, duc de Choiseul, gives the Government's blessing for Bougainville's project, promotes him to Capitaine de vaisseau, and agrees that the State will underwrite some of the costs.

June 18th, William Henry Nassau, the 4th Earl of Rochford, is named Ambassador to Spain.

August 14th, King Louis XV sends a letter wishing the expedition well.

September 8th, Bougainville departs the French coast with two ships, the frigate *Aigle* and a corvette, *Sphinx*.

December 28th, arriving at Montevideo to await the arrival of the *Sphinx*, Bougainville arouses the suspicion of the Spanish authorities.

“The Governor afterwards desired M. de Bougainville to permit him to take a copy of the orders he had received from the King of France for the command of the two frigates, because he was obliged to send it to the court of Spain, together with a circumstantial account of out anchorage. M. De Bougainville readily complied with his request.”³⁸

35 The *Seven Years War* had started in 1756.

36 *Great Britain, the Manila Ransom and the First Falkland Islands Dispute with Spain* G. Rice 1980.

37 Robson 2005

38 Pernetty 1771 p.112

Governor Joaquín de Viana sends a message to Madrid querying the purpose of the French ships.

Lord Rochford, now at the Spanish Court, demands payment of the *Manila Ransom*, but is met with a refusal.

1764 – January 1st, the *Sphinx* arrives at Montevideo.

January 16th, Bougainville's two vessels depart Montevideo.

January 31st, the French expedition arrives off; '*Les Iles Malouines*'.

February 3rd, the expedition enters; "*a great bay at the Eastern extremity of the Malouines.*"³⁹

February 17th, Bougainville begins the construction of *Fort de St. Louis* on East Falkland. With no wood available, the buildings have stone and 'grass-box' walls, with rushes as a roof. Cattle are released.

March 21st, a small pyramid is constructed in the center of the fort. Inside is a silver plate and a sealed glass bottle containing names, ranks and countries of both ship's companies. An inscription giving details of the expedition, its leaders and the latitude and longitude readings are set into one side of the pyramid. Two wooden medallions with the bust of the French King, and the Arms of France are set in the two other faces.⁴⁰

April 5th, a 21 gun salute heralds the ceremony to take formal possession of the island.

"All the company being assembled at the fort, the pyramid was opened; I then solemnly sang Te Deum, after that the psalm Exaudiat, then thrice Dominesahum sac regent. After this I rehearsed the verse Fiat manus tua, Domine, super virum dextera tuce ...

We cried Vive le Roy seven times and fire twenty-one cannon. We cried again Vive le Roy seven times. M. de Bougainville then produced the king's commission, appointing a governor in the new colony, which was delivered to M. De Nerville, who was immediately received and acknowledged as such."

The *Sphinx* sails for Guadeloupe in the west Indies.

April 8th, Louis-Antoine de Bougainville departs on the *Aigle*, leaving behind some 28 Arcadians from Nova Scotia under the command of his cousin, Bougainville de Nerville.⁴¹

June 17th, Commodore John Byron, who had been a midshipman in Anson's fleet, is ordered to the south seas by His Britannic Majesty, George III; "*Whereas nothing can redound more to the honour of this Nation, as a maritime power, to the dignity of the Crown of Great Britain, and to the advancement of trade and navigation thereof, than to make discoveries of countries hitherto unknown; and whereas there is reason to believe that lands and islands of great extent, hitherto unvisited by any European power, may be found in the Atlantic ocean, between the Cape of Good Hope and the Magellanic streight, within the latitudes convenient for navigation, and in climates adapted to the produce of commodities useful in commerce; and whereas his Majesty's islands called Pepy's island, and Falklands islands, lying within said tract; have never yet been sufficiently surveyed as that an accurate judgment may be formed of their coasts and product: his Majesty; conceiving no conjuncture so proper for an enterprize of this nature; as a time of profound peace, which his kingdoms at present happily enjoy, has thought fit that it should now be undertaken.*"⁴²

39 *The Gentleman's Magazine Vol 42 1772*

40 Pernetty 1771 p.240

41 Robson 2005. Pernetty 1771

42 *An Account of the Voyages Undertaken by the Order of His Present Majesty for Making Discoveries in the Southern Hemisphere* John Hawkesworth, vol.1 1773, quoted in the *Scots Magazine* vol. 35

June 26th, Bougainville arrives back in France to discover that the Spanish Ambassador, the Conde de Fuentes, has been asking questions.

June 28th, Bougainville reports to the Duc de Choiseul.

July 8th, news reports of Bougainville's settlement circulate Paris.

August 13th, a notice of the expedition appears in the *Gazette de Hollande*.⁴³

August 28th, the *Sphinx* arrives back in France.

October 6th, Bougainville and the *Aigle* sets out for the Falklands again.

1765 – January, the Court in Madrid demands that France relinquish any claim to the Les Iles Malouines and hand them over to Spanish troops.

January 3rd, Bougainville's second expedition arrives at Fort Louis.

January 13th, Byron in *Dolphin*, accompanied by *Tamar*, explores the Falklands Islands.⁴⁴

*“.. we espied land, which appeared to be a considerable number of islands near each other, some of them seeming very low, and almost even with the surface of the water. The second day after, at three in the morning, we stood in towards the land, and hoisted out our boats to sound. These were gone till noon, when they returned, with the agreeable news of their having found a fine convenient bay, entirely secure from the fury of the winds, with its entrance lying to northward... In passing on the starboard side many fine small bays and harbours open to the view, and to the third of these, we gave the name of Port Egmont ..”*⁴⁵

January 22nd, Byron formally claims the Falkland Islands for King George III; *“The Union Jack was erected on a high staff and being spread I named the whole of His Majesty's Isles which I claimed for the Crown of Great Britain, His heirs and successors.”*⁴⁶

January 27th, Commodore Byron sails away having founded a watering-place and vegetable garden. A hunting party from the French settlement report seeing two ships which they believe to be British.

April 25th, Bougainville sets off for France leaving 75 settlers at Port Louis.

August, back in Paris, Bougainville is told that the Spanish Government has demanded that France relinquish all claims to the islands, removes the Arcadian settlers and cedes the Islands to Spain. Bougainville argues that the Spanish claim is invalid as the Spanish have never attempted to settle the Islands and do not appear to know where they are.⁴⁷

Choiseul, aware of British interest in the South Atlantic, is concerned that they may attempt to settle the Islands themselves. In defiance of Spain's demands, Choiseul authorises a further expedition to the Islands.⁴⁸

43 Spain complains later that they had only heard of Bougainville's expedition from the *Journals*, and not from their allies.

44 Byron had been a midshipman in Anson's fleet, so this was not his first visit to the Falkland Islands. The news of this expedition was not broadcast but can be seen as the successor to Anson's proposal of 1748.

45 Named after John Percival, the Lord Egmont and First Lord of the Admiralty. *A Voyage Round the World* J. Byron 1767.

46 *PRO ADM 51 4535* Journal of J. Cummins, First Lieutenant.

47 A surprising claim given that maps had been available since 1716.

48 Robson 2005

July 20th, Henry Conway, Secretary of State for the Southern Department, instructs the Admiralty to ready a frigate, a sloop and a store-ship for an expedition to Port Egmont where they are to; “*immediately complete the settlement begun last year.*”

“If any lawless persons should happen to be found seated on any Part of the said Islands, they are to be compelled either to quit the said island, or to take the oaths, acknowledge and submit themselves to His Majesty's government as subjects of the Crown of Great Britain. And if, contrary to Expectations, the subjects of any Foreign Power in Amity with Great Britain, should under any real and pretended authority, have taken upon them to make any settlement of any kind ... the commanders of His Majesty's ships are to visit such settlement, and to remonstrate against their proceedings...to warn them off the said islands & to transport themselves with their effects within a time limited, not exceeding six months from the day of the notice so to be given.”⁴⁹

On the same day, Lord Egmont writes to the Duke of Grafton; “*... as to Spain, it is impossible that even their pretended title from the Pope's Grant or any Treaty (so far as I can recollect) can give them the least claim to an Island lying 80 or 100 leagues in the Atlantick Ocean eastward of the Continent of South America, to which it cannot be deem'd appurtenant.*”⁵⁰

September, Lord Rochford again demands settlement of the *Manila Ransom*. He is again met by a refusal.

In **November**, the *Aigle* and *Etoile* sail for the south Atlantic without Bougainville.

1766 – January Captain John MacBride arrives at Port Egmont in the *Jason*, accompanied by *HMS Carcass*, the store-ship *HMS Experiment* and 25 marines. He erects permanent buildings including a blockhouse for the garrison. Cattle, goats, sheep and pigs are put ashore to support the settlement.

January 19th, the Spanish Court acknowledge that the *Manila Ransom* is a legal and just debt, but asks for more time to investigate the circumstances of the agreement. Rochford continues to apply pressure, as he does not believe that the Spanish will pay.⁵¹

During **March**, the British Court becomes aware that the French and British settlements may be in the same island group.⁵²

In **April**, Bougainville travels to Madrid to argue the French claim and right of settlement, however, the Spanish are unimpressed and invoke the '*Pacte de Famille*' between Charles III of Spain, and his cousin, Louis XV of France.⁵³ The first cargo of seal products is delivered by the *St. Malo Company* to France.

May 5th, the Spanish Committee of Ministers meets and, following an intervention by Carlos III, announces that Spain is prepared to reimburse all legitimate costs. Bougainville has no choice but to agree.

The Secretary of the British Embassy in Madrid reports; “*I find it now agreed between the French and Spanish Courts that the former shall renounce all claim to these Islands and that M. de Bougainville shall be reimbursed by Spain the expenses of his settlement, but this last matter is to be left to be finally adjusted by Count de Fuentes ..*”⁵⁴

49 Goebel 1927

50 *PRO State Papers, Spain Supp 253*

51 Rice 1980

52 Goebel 1927 p.239

53 This third pact had been signed in 1761.

54 *Lewis de Visme to Henry Conway, May 19th, 1766* quoted in Goebel 1927 p.228

May 15th, Lord Rochford is appointed Ambassador to the French court, but illness delays his departure.

July, the Spanish Ambassador to the Court of St. James, Don Filippo Vitorio Amadeo Ferrero de Biella, Prince of Masseran, complains to the British Government about the presence of a British settlement on the Falklands.⁵⁵

August, Masserano demands '*clarification*', claiming that a settlement breaches *Article 8* of the *Treaty of Utrecht*. Lord Shelburne, the Southern Secretary, informs Masserano that the British right is based on first discovery and that Britain does not regard *Article 8* as a prohibition on discoveries in the South Seas.

Prince Masserano writes to the Spanish Foreign Minister, Grimaldi, urging an attack on the British settlement.⁵⁶

September, the oft-delayed reinforcements are finally ready to depart for the Falklands, France ratifies the agreement with Madrid over Port Louis,⁵⁷ and Spain repeats that its acquisition from the French is; "*in consequence of the Treaty of Utrecht, as by it all but Spaniards are excluded from settling in that part of the World.*"⁵⁸

Masseran again seeks clarification of the British position. He receives much the same answer as before. Lord Shelburne also reminds the Ambassador that the *Manila Ransom* remains unpaid.

October 2nd, Choiseul becomes concerned that Britain may be preparing for a war for which both France and Spain are badly unprepared. He writes to Grimaldi urging calm, suggesting that they need evidence of Spanish occupation of the Falklands in the previous century to be able to rely upon *Article 8* of the *Treaty of Utrecht 1713*.⁵⁹

October 4th, the *St. Malo Company* officially signs over its settlement in the Falkland Islands;

"I, Monsieur Louis de Bougainville, colonel of his most Christian Majesty's army, have received six hundred and eighteen thousand one hundred and eight livres, thirteen sols, and eleven deniers, being the amount of an estimate that I have given in, of the expenses incurred by the St. Malo Company in equipments for founding their intrusive establishments in the Malvina Islands, belonging to his Catholic Majesty, in the following manner:—

"Forty thousand livres delivered on account to me in Paris, by his Excellency the Count de Fuentes, ambassador of his Catholic Majesty to that court, for which I gave the proper receipt.

"Two hundred thousand livres, which are to be delivered to me at the same court of Paris, according to bills drawn in my favour by the Marquess of Zambrano, treasurer-general of his Catholic Majesty, upon Don Francisco Ventura Llorena, treasurer-extraordinary of the same; and sixty-five thousand six hundred and twenty-five hard dollars, and three-fourth parts of another, which are equivalent to the three hundred and seventy-eight thousand one hundred and eight livres three sous and eleven deniers, at the rate of five livres per dollar, which I have to receive in Buenos Ayres, on account of bills which have been delivered to me, drawn by

55 There had been a number of plans to reinforce MacBride's tiny force all of which had been delayed, and any of which may have alerted the Spanish network of spies. *cf.* Rice 1980.

56 Masserano to Grimaldi 11 August, *Archivo General de Simancas, Inglaterra, Legajo 6961*. Goebel 1927. Rice 1980

57 *De Visme to Shelburne September 15th*

58 *Lennox to Shelburne September 17th* The contentious section says; "*... it is hereby further agreed and concluded, that neither the Catholic King, nor any of his heirs and successors whatsoever, shall sell, yield, pawn, transfer, or by any means, or under any name, alienate from them and the crown of Spain, to the French, or to any other nations whatever, any lands, dominions, or territories, or any part thereof, belonging to Spain in America.*" My emphasis. England had never recognised Spain's ownership of territory under either the *Papal Bull* or *Treaty of Tordesillas*.

59 Rice 1980.

his excellency the Baylio Fray, Don Julian Arriaga, secretary of state for the general department of the Indies and navy of his Catholic Majesty.

"In consideration of these payments, as well as in obedience to his Most Christian Majesty's orders, I am bound to deliver up, in due formality, to the court of Spain, those establishments, along with the families, houses, works, timber, and shipping built there, and employed in the expedition; and, finally, every thing therein belonging to the St. Malo Company, as included in the accounts which are so settled, and to his Most Christian Majesty, by this voluntary cession, making void for ever all claims that the company, or any person interested therein may have, or might produce, upon the treasury of his Most Catholic Majesty; nor can they henceforth demand more pecuniary, or any other compensation whatsoever. In testimony whereof, I set my name to this present instrument and voucher, as one principally interested, as well as authorized to receive the whole of this sum, agreeably to a registry in the department of state in St. Ildefonso, 4th October, 1766.

Carlos III, issues a Royal Decree denoting the Malouines as a dependency of Buenos Aires. Captain Felipe Ruiz Puente is named as the first Governor of the new territory.

October 15th, at a meeting of the *Cabinet* in London it is suggested that the British Court may be prepared to relinquish its claim to the Falklands, if the Manilla Ransom is paid.⁶⁰

October 17th, news of Bougainville's release of his settlement to Spain reaches London.

October 19th, Minister Choiseul has one of a number of informal conversations with Lord Hertford⁶¹, who is in Paris on private business. This is recounted by Hertford in a letter of the 20th; "*... I was sitting with my old acquaintance, the Comte de Fuentes, the Spanish ambassador at this court. The Duke came in and sat between us and began the conversation with that ease and freedom with which we have often talked of the affairs of Europe: M. de Choiseul then said, that he had taken that opportunity of talking to me, because he wished that my friend, the Comte de Fuentes, should be privy to what he said upon the establishment we were going to make in the Isles Maloines, and the just jealousy that Spain entertained upon our expedition into the South Sea. He said this matter was of so serious a nature, that he had already, by his own influence with the Spanish ministers employed at Paris and London, prevented a memorial being presented at the court of London, which was little less than a declaration of war, and that he had sent a messenger to Comte Guerchy relative to this matter, till time could be given for the two courts to know better upon what foundation these expeditions were made.*

He then told me, in the presence of M. de Fuentes, that when M. de Bougainville had made an establishment there for the court of France, it had given such offence to the Spanish court, that they were immediately obliged to desist from any further attempts upon it, without interrupting the harmony which at present subsisted between them; though there was not the same reason for jealousy whilst that intimate connection lasted, as there would naturally be with a power so formidable at sea as England was. To this matter I could properly make no other answer, than that commercial nations were desirous of trading and knowing the coasts of all parts of the world, and that if peace was to be preserved, the continuation of it was more likely to be obtained by confidence than by unreasonable suspicion; and that if the matter was thought of so serious a nature to the court of Spain, I took it for granted M. de Masserano would talk to the English ministers upon it. ... The world at Paris is, I find, in possession of the uneasiness of the court of Spain, and with their usual quickness have determined that we shall soon have a war."

60 William Pitt: *Earl of Chatham* Albert Von Ruville 1907 p.205

61 Hertford was an ex-Ambassador, but held no official positions at this time.

In a further conversation with Hertford, Choiseul suggests that if Britain agrees not to establish itself in the South Seas, in compliance with the Spanish interpretation of *Article 8*, then France will act as a mediator over the outstanding *Ransom* amount. Choiseul indicates that the matter could be resolved by January.

Lord Hertford agrees to convey this message to London.⁶²

October 28th, Lord Rochford finally arrives in Paris.

November 2nd, Choiseul and Rochford meet. Choiseul suggests that the cancellation of Anson's proposed expedition of 1748 was a recognition of Spanish rights in the South Atlantic. Rochford denies this, reasserting Britain's right to claim unexplored lands, unrestricted by *Article 8*.

Choiseul then suggests that, if both the Spanish and English Courts left it to them, the two Ministers could reach an accommodation combining both the Falklands and the *Manila Ransom*, within '*half an hour*'. Rochford makes no comment.⁶³

Hertford, back in London, reports his conversations with Choiseul to Lord Shelburne, but fails to mention French mediation and indicates only the basic exchange suggestion which, if agreed, would have the Spanish Court settling its debt in January. More importantly he fails to mention the necessity of British recognition of *Article 8*'s supposed restriction in the South Seas.

November 5th, Bougainville sails from Nantes on the frigate *Boudeuse*. The store-ship *Etoile* is to follow.

November 15th, the *Cabinet* meets to discuss the Falklands / *Manila Ransom* proposal as reported by Hertford. The decision is to proceed with a negotiation but avoiding any French involvement. Rochford is instructed to inform Choiseul that *Article 8* of the 1713 *Treaty* does not restrict Britain's rights in the South Seas, "*.. the Spaniards' Romantick and absurd Notions to the Contrary notwithstanding.*"⁶⁴

November 22nd, in a meeting between Lord Chatham and the French Ambassador in London, it becomes apparent that Hertford has misreported the proposal. French involvement is not acceptable to the British Government, any more than is any prohibition on discoveries and settlements in the South Seas.

November 25th, unaware of what is happening in London, Lord Rochford meets Choiseul once again, and proposes that both Spain and Britain desist from establishing themselves on the Falkland Islands, and that Spain promptly settles the outstanding *Ransom* amount.

November 28th, Rochford writes to Earl Chatham; "*Your Lordship knows that a prime minister here has very extensive power, and I am convinced none of the Duc de Choiseul's predecessors ever enjoyed it in a greater extent. He has made himself absolutely necessary to the French King; and though much abuse in private is vented against him, it avails but little The only essential affair that can disturb the peace of Europe is our disputes with Spain; and I here found him so sincerely terrified (if I may use the expression) at the court of Spain's taking some absurd step, that I am confident there is no reasonable proposal he would not come into, for accommodating the Manilla ransom, and the affair of the islands of Falkland.*"⁶⁵

62 Rice 1980. Goebel (1927) appears to know little, if anything, of Hertford's involvement and blamed Rochford for the misunderstandings that followed.

63 *Rochford to Shelburne, Nov 5th*. Quoted in *Life of William, Earl of Shelburne, afterwards First Marquis of Lansdowne, with Extracts from his papers and correspondence* E.G. Fitzmaurice, 2nd Ed. 1912.

64 *Shelburn to Rochford Nov 17th*, quoted in Rice 1980.

65 *Anecdotes of the life of the Right Hon. William Pitt, 1st Earl of Chatham* John Almon vol.3 1792

December 4th, Captain MacBride discovers the French settlement. In compliance with his orders, Macbride gives the French 6 months to evacuate the islands. Bougainville-Nerville responds with a similar demand.⁶⁶

December 12th, Rochford learns of the confusion caused by Hertford's omissions. Negotiations stall.

1767 – January 2nd, Earl Shelburn writes to Rochford; "*The King's sincerity is undoubted as appears by the whole transaction. His steadiness I am certain will not be less. If any attempt therefore is made to negotiate away the substance of the proposal first made to His Majesty, your Excellency may be assured that His Majesty will not listen to it, so that if the Ministers of Spain endeavour on the return of their messengers to start fresh difficulties, the only consequence will be, that the station in question at the Isles of Falkland, the importance of which His Majesty fully knows, will remain open to be established by His Majesty, and the Manilla Ransom cannot be forgotten by His Majesty nor his subjects, till some happier moment shall come, when the Minister of the Court of Spain may be more disposed to do justice, where it is so unquestionably due.*"⁶⁷

January 13th, Choiseul repeats the offer of French mediation to Lord Rochford, but Spanish Minister Grimaldi informs Choiseul that his assistance is no longer required. Choiseul pointedly responds by indicating that France will not be in a position to support Spain if there's a war.

Spain and Britain each wait for the other to take the initiative.⁶⁸

January 30th, Louis de Bougainville arrives in Montevideo and awaits the Spanish party.

February 28th, Bougainville, accompanied by the Spanish ships, *Esmeralda* and *Liebre*, sails from the Rio de la Plata.

A child is born to Georges Joseph Charpentier and his wife at Port Louis.⁶⁹

March 24th, the 3 vessels anchor near Port Louis.

April 1st, in a simple ceremony, Louis de Bougainville hands over the French settlement to Felipe Ruíz Puente, Commander of the *Esmeralda*, and the new Spanish Governor of the Islas Maluinas. Port Louis is renamed Puerto Soledad. "*I delivered our settlement to the Spaniards, who took possession of it by planting the Spanish colors which were saluted at sun-rising and sunset from the shore and on the ships. I read the King's letter to the French inhabitants of this infant colony, by which his Majesty permits their remaining under the government of his Most Catholic Majesty. Some families profited of this permission, ...*"⁷⁰

April 27th, the new Spanish Governor sails away, leaving behind Bougainville to await his store-ship.

June 2nd, Bougainville finally leaves the islands.⁷¹

66 The story has it that, the formalities satisfied, the two groups settled down to a convivial evening. The official reports however, describe a more formal encounter.

67 Fitzmaurice 1912

68 The *Ransom* was never paid. With Britain unwilling to wage war, and France and Spain unprepared, it would be 3 years before the next step.

69 *RootsWeb World Connect Project*

70 *A Voyage Round the World* Bougainville 1772 cited in Goebel 1927 p.230. Other texts suggest that all the Arcadians left. cf Robson 2005

71 Bougainville went on to circumnavigate the world, perhaps suggesting that he had absorbed rather more from Admiral Anson than just the strategic advantages of the Falkland Islands.

September, Lord Shelburne informs Prince Masserano; “.. *that if the Spaniards, in talking of their possessions included the American and Southern Seas, and our navigating these gave occasion to them to suspect a war, he had no hesitation to say that he would advise one, if they insisted on renewing such a vague and strange pretension long since worn out.*”⁷²

1768 – Captain Rayner takes over as Military Commander at Port Egmont.

February 25th, Julián de Arriaga, Spanish Minister of the Navy and the Indies, issues an order to the Governor in Buenos Aires, Don Francisco de Paula Bucarelli, to expel any British settlement discovered on the Falkland Islands.

*“His Majesty orders me to instruct Your Excellency to be on the look out so that no British settlement whatsoever is allowed, and to expel by force any already formed if warnings according to law are not enough: and without the need for further orders or instructions, nor to use in this any further measure than that necessary from your own forces against what they have, so you don't expose yourselves with inferiority if you don't succeed...”*⁷³

In **August**, Sir James Grey, Ambassador to the Spanish Court, leaves Madrid in the hands of the Secretary of the Embassy, Mr. James Harris, until his replacement, Lord Rivers, can arrive.⁷⁴

Lord Rochford resigns from his embassy to Paris, returns to Britain and accepts a *Cabinet* seat.



72 Fitzmaurice 1st Ed. 1875

73 *Ordenanza real del 25 de febrero de 1768 (de Arriaga a Bucareli)*

74 Lord Rivers never left England, which is why subsequent events in 1770/71 were handled by Secretary Harris.

1769 - 1774



1769 – Captain Anthony Hunt, *HMS Tamar* takes charge as Military Commander at Port Egmont.

In **November**, Bougainville is granted a life pension of 50,000 livres by the French Government to compensate him for his losses over the failed settlement in the '*Iles Malouines*'.⁷⁵

November 28th, Captain Hunt requires a Spanish schooner, the *Goleta*, seen surveying the area, to leave; "*I fell in with a Spanish schooner, taking a survey of them, and on examination found him belonging to a Spanish Settlement on the east part called Port Soledad, in possession of the French in 1767, and by them called Port Louis. Agreeably to my orders, I warned him to quit the islands; ..*"⁷⁶

November 30th, the *Goleta* returns; "*.. in a few days after joined me again, in a harbour on the island the Settlement is on, with an officer of infantry on board him, and two letters from the Governor of the Settlement;..*"

Don Philip Ruiz Puenta writes to Cpt. Hunt; "*The master of the Goleta, in which the bearer, lieutenant of foot, Mario Plata, of this garrison, continues the execution of his commission, gave me the first intelligence of your arrival and continuance in this Streight ...I cannot refrain from declaring to you my great astonishment at hearing from the said pilot, that the interruption of his voyage, and his putting into this port, are owing to your having forced him to it; and if so, which I must question ... I can hardly think, that an officer of your rank, commanding a ship of war ... should be so much wanting in attention and respect due to the King my Master's flag, especially within his dominions.*"

Hunt responds; "*I have received your letter by the officer, acquainting me, that these islands, and coast thereof, belong to the King of Spain, your Master. In return, I am to acquaint you, that the said islands belong to his Britannick Majesty, my Master, by right of discovery, as well as settlement; and that the subjects of no other power whatever can have any right to be settled in the said islands, without leave from his Britannick Majesty ...I do therefore, in his Majesty's name, and by his orders, warn you to leave the said islands ..*"

December 10th, the Spanish infantry officer brings another protest; "*... the officer, sent by the government of port Solidad, made three protests against captain Hunt, for threatening to fire upon him; for opposing his entrance into port Egmont; and for entering himself into port Solidad.*"⁷⁷

Capt. Hunt repeats his previous message, adding that his orders were to keep possession.

December 12th, a further message arrives from the Spanish Governor; "*... I now tell you,.. and to all who may come under your command as subjects of his Britannick Majesty, that on receipt of this second warning and requisition, you, with the greatest dispatch, quit every Settlement made within these territories and islands of my government, the legal possession of which belongs to my sovereign, and without his superior licence or permission, which you have not produced, no person can navigate, much less make a Settlement, without*

⁷⁵ Robson 2005

⁷⁶ *The History, Debates and Proceedings of both Houses of Parliament of Great Britain* vol.5 1792 p.480

⁷⁷ Johnson 1771

violating the sacredness of the present treaties..”

December 16th, Hunt responds by repeating his requirement that the Spanish quit the Islands.

1770 – February 20th, two Spanish frigates arrive at Port Egmont seeking fresh water. The Spanish commander, Don Fernando de Rubalcava, on board the *St. Catharine*, writes to Captain Hunt expressing; “.. *great astonishment at seeing an English flag flying, and a kind of settlement formed; (and) charged him with a violation of the last peace, and protested against the act in all its parts; at the same time declared that he would abstain from any other manner of proceeding, till he had acquainted his Catholic Majesty with this disagreeable transaction.*”⁷⁸

Capt. Hunt requires the Spanish ships to depart, which they do 8 days later, after taking on water.

Disturbed by the encounters, Capt. Hunt sails for England to inform the British Government. Captain Farmer of the frigate *Swift*, and Captain Maltby of the *Favourite*, remain at the settlement.⁷⁹

May 6th, a Spanish fleet sails from Buenos Aires.

June 3rd, Capt. Hunt arrives in Plymouth⁸⁰ and informs the Admiralty of the Spanish demand that he evacuate Port Egmont. Inaccurate rumours circulate in London, which the Admiralty immediately deny.

June 4th, the Spanish frigate *Industria*, commanded by Captain Juan Ignacio de Madariaga, anchors at Port Egmont claiming to need water. Captain William Maltby, in the *Favourite*, requires the vessel to leave.⁸¹

June 7th, the *Industria* is joined by 4 other frigates, *Santa Bárbara*, *Santa Catalina*, and *Santa Rosa*, plus the three decked xebec *Andaluz*. In addition to the seamen, there is now a force of some 1400 marines armed with 27 cannon, 4 mortars and 200 bombs opposing the British garrison.⁸²

Captain Farmer orders the remains of the crew from the *Swift* to the shore defences, while Captain Maltby brings the *Favourite* in as close as he can. Two of the Spanish vessels fire at the *Favourite* as she manoeuvres, but miss.

Maltby protests as no hostilities have been declared; “ *His answer was, they were not fired at the Favourite, but as signals to him.*”⁸³

June 8th, Madariaga states, in an exchange of letters; “ *Finding myself with incomparable superior forces of troops, train of artillery, utensils, ammunition and all the rest corresponding, for to reduce a regular fortification, with 1,400 men for disembarking, for which 526 are of choice regular troops, as you may see, I see myself obliged in this case to intimate to you, according to the orders of my court, that you should quit that began establishment; for, if you do not execute it amicably, I will oblige you by force, and you will be answerable for all the ill results of the action and measures I shall take.*”⁸⁴

78 *Annual Register 1771*

79 The *Swift* subsequently sailed to the Strait of Magellan and was lost in a storm. The majority of the crew survived however, and managed to return to Port Egmont after a 3 week journey in an open cutter.

80 This date is mentioned in a later Parliamentary debate and also by the *Annual Register*, however Chatham (Almon 1792) gave the date as May 3rd.

81 *The History, Debates and Proceedings of both Houses of Parliament of Great Britain* vol.5 1792 p.486 Maltby gives the date as the 3rd, Farmer as the 4th.

82 British forces have only a wooden blockhouse and a small battery of 12-pound cannon.

83 *Capt. George Farmer to Mr. Stephens*, from *HMS Favorite* dated September 1770

84 Quoted in *Statistics of the Colonies of the British Empire* R.M. Martin 1839

*"Letters were wrote from the Spanish commodore ... to both captains separately, requesting them in the tenderest terms, to consider his great power, and their own defenceless situation; and that they would, by quitting the place, prevent his being under a necessity of proceeding to hostilities, the consequences of which would render them incapable of pursuing their voyage home."*⁸⁵

June 9th, the Spanish commander again writes to the British Captains. He offers to allow the garrison the liberty of carrying away whatever they were desirous to remove, and promises his receipt for what should be left, that no loss might be suffered. If however; *".. contrary to all expectation, you should be determined to maintain your new Establishment, I will avail myself of the forces under my command, to make you quit the place with the fire of my guns and musquets, and you will be the cause of your own ruin .."*⁸⁶

The British forces are given 15 minutes to comply.

".. our officers returned; for answer, that words are not always deemed hostilities, and that they could not think that he would, in a time of profound peace, and when the greatest harmony subsisted by his own acknowledgment between the two crowns, attempt to put his threats in execution. That they did not doubt but he was thoroughly convinced, that the King their master was sufficiently capable to demand satisfaction, in all parts of the globe, of any power whatsoever that should offer to insult the British flag. And that therefore, was the time limited even shorter than the fifteen minutes he had allowed, it should make no alteration in their determined resolution, to defend, to the utmost of their power, the charge committed to them."

The British Officers are invited to inspect the Spanish troops which they do, and can see the superiority of the opposing force. Undeterred, Captain Maltby, with 50 crew and two cannon, reinforce the blockhouse during the night as the battery sited there has sunk into the mud and the cannon cannot be aimed.

June 10th, Spanish forces land to the north of the settlement and march towards it. One frigate sends boats directly towards the shore covered by cannon fire from the other Spanish ships, all of which passes over the blockhouse; *"Our people fired some shot, but seeing the impossibility of defending the settlement, and the Spaniards having now broke through all the limits of peace and amity, even to the actual committal of hostilities, so that their conduct was neither capable of being denied, or explained away; our officers, as they had judiciously led them to this explicit avowal, and supported the honour of their own country as far as the means in their hands would admit of, with the same propriety preferred saving the valuable lives of their people, and leaving the injury to be redressed by their country ... They accordingly hung out a flag of truce, and demanded articles of capitulation."*⁸⁷

July, Adrien-Louis de Bonnières, comte de Guines is appointed French Ambassador to the Court in London.

July 11th, the British garrison leaves Port Egmont, having been given a receipt for goods seized by the Spanish authorities. The inventory notes 20 gardens under cultivation.⁸⁸

In **August**, Madrid receives notice of the action.

85 *Annual Register 1771*

86 *The History, Debates and Proceedings of both Houses of Parliament of Great Britain* vol.5 1792 p.490

87 There are different versions of events. Captain Farmer's account suggests that the British force fired a few shots, and then surrendered before any Spanish troops landed.

88 This delay in allowing the force to depart appears to have been due to the need to make a full inventory, rather than to any belligerence on the Spanish side. However, the delay, together with the removal of the *Favourite's* rudder to prevent any escape, appears to have been subsequently viewed as an insult.

August 22nd, James Harris, Secretary to the Embassy in Madrid, sends news of Madariaga's attack to London; *"My Lord. The following fact was brought from Buenos Ayres to Cadiz, by the St. Nicholas de Barry, setting forth, that in consequence of two of his Catholick Majesty's vessels having touched at Port Egmont in the month of January, and finding it occupied by the English, who not only refused to evacuate the place, but even denied them admittance, a squadron of five frigates, with three hundred man of the regiment of Majorca, and the old battalion of Buenos Ayres, were destined to sail from thence the 6th of May last ... with orders to dislodge the English establishment there."*⁸⁹

September 9th, Lord Rochford, now Northern Secretary, consults with King George III.

September 10th, a Cabinet Meeting of the King's Ministers is held.

September 12th, Mr. Harris, in Madrid, is sent instructions by Lord Viscount Weymouth; *"The Spanish Ambassador here having informed me, that he had good reason to believe his Catholick Majesty's Governor of Buenos Ayres has taken it upon him to make use of force, in order to dispossess the English of their settlement at Port Egmont in Falkland's Islands; adding, that he was directed to make this communication, to prevent the bad consequences which might arise ... I told His Excellency, ... that I knew his Majesty's instructions to the officer who made the settlement at Port Egmont, and to those who have succeeded him in that command, were, to warn the subjects of other powers (if any such were found there) to withdraw themselves from thence; .. I therefore asked His Excellency if he was ordered to disavow the conduct of Mons. Bucarelli? His answer was, that he had no instructions from his Court on that head, and could give no answer to that question, without hearing again from Madrid...*

... you will immediately await upon Monsieur Grimaldi, ... and to ask, whether his Catholick Majesty by disavowing a measure which his Ambassador here acknowledges not to have been authorised by his particular instructions, and by restoring things to the precise state in which they stood before M. Bucarelli undertook this rash expedition, will put it into his majesty's power to suspend those preparations, which, under the present circumstances, his honor will not permit him to postpone."

September 13th, the Admiralty orders the preparation of sixteen 'guardships'.

September 19th, press warrants from the Admiralty are dispatched to Portsmouth, for the manning of the fleet. 22 more ships are ordered. On hearing the news, the Stock Market falls.⁹⁰

September 20th, press gangs strip the merchant ships in Portsmouth of all useful hands before doing the same in the town.

September 21st, the Hon. Robert Walpole, *chargé d'affaires* in Paris, reports that France appears keen to avoid a conflict. Lord Rochford does not believe the report and instructs Walpole to gather intelligence on ship building in Toulon, and to investigate a reported military build up in Corsica.

Bertrand de Frances, the French *chargé d'affaires* in London, reports events directly to the duc de Choiseul.⁹¹

89 *The History, Debates and Proceedings of both Houses of Parliament of Great Britain* vol.5 1792 p.465

90 An early case of 'insider trading', as two Lords, on receiving word of the attack, immediately sold their stock.

91 Now the equivalent of Britain's Prime Minister, Choiseul's control over French policy was weakening, but there is little doubt that he still looked to gain some advantage from this situation. Matters had been fermenting since 1766 and France had used the time to build up its military resources; however the main problem was political will.

September 22nd, the *Favourite* arrives and anchors at Motherbank, near Plymouth. Messages are sent to the Admiralty in London.

September 28th, Mr. Harris writes to Lord Weymouth regarding an interview with the Spanish Minister; “ .. *Mr. Grimaldi answered me in very vague terms concerning the expedition and its success; that we had reason to foresee such an event would happen, since their disapprobation of our establishment on Falkland Island was notorious, and that it had often been the subject of discussion; that, however, he was sorry, exceedingly sorry, it had taken place, and that the moment they heard it was intended, they had despatched a vessel from Corrunna to prevent it, which unfortunately arrived too late; that still he could not blame the conduct of Mons. Bucharelli, as it was founded on the established laws of America...*”⁹²

At the beginning of **October**, Lord Rochford orders the Admiralty to ready the fleet for war.

News of the British preparations generates irritation, and doubts, in Madrid.

October 4th, Horace Walpole writes; “*England that lives in the north of Europe, and Spain that dwells in the South, are vehemently angry with one another about a morsel of rock that lies somewhere at the very bottom of America, for modern nations are too neighbourly to quarrel about anything that lies so near them as in the same quarter of the globe..*”⁹³

October 5th, Harris informs Weymouth; “*I have great reason to believe that His Catholic Majesty is inclined, personally, to come to an accommodation with us at almost any rate ...*”⁹⁴

October 10th, acting on instructions from Madrid, the Spanish Ambassador, proposes a convention;

*“ ... in which he is to disavow any particular orders given to Mons. Bucarelli, upon this occasion, at the same time that he is to acknowledge, that he acted agreeably to his general instructions, and to his oath, as governor. He is further to stipulate the restitution of Falkland Islands, without injury to his Catholic Majesty's right to those lands, and he expects that his majesty is to disavow the menace of Captain Hunt...”*⁹⁵

Negotiations commence, while military preparations continue.

October 17th, the Admiralty reports that 30 ships of the line are being readied for active service. Lord Weymouth enquires whether the number can be increased. The Admiralty respond that 10 more ships may be available by the end of the month.

On the same day, Weymouth writes to the *chargé d'affaires* in Madrid and Paris, informing them that the proposal suggested by the Prince of Masseran is unacceptable to the British Crown. Britain demands the disavowal of Bucarelli and the restoration of Port Egmont without further discussion or conditions. The actions of Captain Hunt are not to be criticised.⁹⁶

October 29th, Minister Grimaldi speaks to Harris; “*... I wish to God, ... I knew what you expect; I thought we had done so much that there remained nothing for us to do. ... We have allowed ourselves to be in the wrong; we have offered the most ample reparation; surely it is very hard, in the point wherein we are insulted*

92 *Diaries and Correspondence of James Harris, First Earl of Malmesbury* James Harris 1844. This letter included a survey of the Spanish fleet, which was judged to still be in a 'deplorable' condition.

93 *Horace Walpole's Correspondence with Sir Horace Mann* W.S.Lewis 1967

94 James Harris 1844 p.57

95 *Lord Weymouth to Mr. Harris* October 17th. This was confirmed in Spanish/French correspondence which added that Spain was proposing a mutual abandonment of the Falkland Islands, leaving the question of sovereignty unresolved.

96 *The History, Debates and Proceedings of both Houses of Parliament of Great Britain* vol.5 1792 p.472

(meaning the menace of Captain Hunt) you will not listen to our solicitations, although they are such as you might acquiesce in without the least diminution of the satisfaction we give you."⁹⁷

November 7th, James Harris is summoned, once again, to see Grimaldi, and is told that their Ambassador in London has been given new instructions; " ... 1st. his catholic Majesty's desire of coming to an amicable accommodation and of preserving peace. 2nd. that his Catholic Majesty is disposed to give every reasonable satisfaction to the insult his majesty thinks he has suffered by his subjects being dislodged from Port Egmont. And thirdly that his Catholic Majesty is moreover ready to come into any method regarding the manner of giving this satisfaction, as appears most eligible to his majesty; that, however, at the same time as he agrees to these three articles, he expects, first that as he has gone so far as to save the honour of his majesty, that his majesty would also contribute to the saving his, as far as it did not interfere with the satisfaction he received..... "⁹⁸

The Prince of Masseran submits two draft declarations, both of which include a reciprocal rejection of their officers' actions. Lord Weymouth declines to accept either, as any disavowal may compromise Britain's sovereignty claim.

November 13th, the King, in his speech on the State Opening of Parliament, says; "By the act of the Governor of Buenos Ayres, in seizing by force one of my possessions, the honour of my crown, and the security of my people's rights, were become deeply affected. Under these circumstances, I did not fail to make an immediate demand, from the court of Spain, of such satisfaction as I had a right to expect for the injury I had received. I directed also the necessary preparations to be made, without loss of time, for enabling me to do myself justice, in case my requisition to the court of Spain should fail of procuring it for me;... "⁹⁹

November 22nd, in the Lords, Earl Chatham speaks about the Falklands; "... I object to our negotiating at all, in our present circumstances. We are not in that situation in which a great and powerful nation is permitted to negotiate. A foreign power has forcibly robbed his Majesty of a part of his dominions. Is the island restored? Are you replaced in statu quo? If that had been done, it might then, perhaps, have been justifiable to treat with the aggressor upon the satisfaction he ought to make for the insult offered to the Crown of England. But will you descend so low? Will you so shamefully betray the King's honor, as to make it matter of negotiation whether his Majesty's possessions shall be restored to him or not?

I doubt not, my Lords, that there are some important mysteries in the conduct of this affair, which, whenever they are explained, will account for the profound silence now observed by the King's servants. The time will come, my Lords, when they shall be dragged from their concealments. There are some questions which, sooner or later, must be answered. The ministry, I find, without declaring themselves explicitly, have taken pains to possess the public with an opinion, that the Spanish court have constantly disavowed the proceedings of their governor; and some persons, I see, have been shameless and daring enough to advise his Majesty to support and countenance this opinion in his speech from the throne. Certainly, my Lords, there never was a more odious, a more infamous falsehood imposed on a great nation. It degrades the King's honor. It is an insult to Parliament. His Majesty has been advised to confirm and give currency to an absolute falsehood. I beg your Lordship's attention, and I hope I shall be understood, when I repeat, that the court of Spain's having disavowed the act of their governor is an absolute, a palpable falsehood. Let me ask, my Lords, when the first

97 James Harris 1844

98 *Harris to Weymouth* November 7th.

99 There was a good deal of criticism leveled at Lord North's Administration not least because of the apparent lack of action between June, when the first report arrived, and September, when the 'Favourite' returned. It appears that Parliament had been told very little about what had been happening, yet another cause of complaint.

communication was made by the court of Madrid of their being apprised of the taking of Falkland's Island, was it accompanied with an offer of instant restitution, of immediate satisfaction, and the punishment of the Spanish governor? If it was not, they have adopted the act as their own, and the very mention of a disavowal is an impudent insult offered to the King's dignity. The King of Spain disowns the thief, while he leaves him unpunished, and profits by the theft. In vulgar English, he is the receiver of stolen goods, and ought to be treated accordingly....

My Lords, the pretended disavowal by the court of Spain is as ridiculous as it is false. If your Lordships want any other proof, call for your own officers who were stationed at Falkland Island. Ask the officer who commanded the garrison, whether, when he was summoned to surrender, the demand was made in the name of the Governor of Buenos Ayres or of his Catholic Majesty? Was the island said to belong to Don Francisco Buccarelli or to the King of Spain?

If I am not mistaken, we have been in possession of these islands since the year 1764 or 1765. Will the ministry assert, that in all that time, the Spanish court have never once claimed them? that their right to them has never been urged, or mentioned to the ministry? If it has, the act of the governor of Buenos Ayres is plainly the consequence of our refusal to acknowledge and submit to the Spanish claims. For five years they negotiate; when that fails, they take the islands by force.

If that measure had arisen out of the general instructions constantly given to the Governor of Buenos Ayres, why should the execution of it have been deferred so long?

*My Lords, if the falsehood of this pretended disavowal had been confined to the court of Spain, I should have admitted it without concern. I should have been content that they themselves had left a door open for excuse and accommodation. The King of England's honor is not touched till he adopts the falsehood, delivers it to his Parliament, and adopts it as his own.*¹⁰⁰

Lord Gower responds; " ... by his own acknowledgement, our right to Falkland's island was litigated from the first: he forgets that the Spaniards often applied to our ministry upon this very subject, and that of consequence our pretensions to the exclusive possession, are neither so ancient nor so clear, as the noble lord would insinuate; I am not saying that this justifies the capture of the island, but I must nevertheless insist, that it is a reasonable plea for our negotiating with Spain."

November 23rd, the Spanish Ambassador has three inconclusive meetings with Lord Weymouth, who instructs Harris; "As Prince Masseran continues to hold a language which gives very little reason to expect just satisfaction for the insult committed in the midst of profound peace, and the most friendly declarations of the Court of Madrid, ... you may take such method as you shall think most adviseable, to apprise, as privately as possible, the lieutenant governor of Gibraltar of this uncertain state of affairs, and of letting him know that, general Cornwallis, and other officers, belonging to that garrison, are ordered to their posts, and are to embark immediately. You will also apprise his majesty's consuls at Cadiz, Alicante and in other ports of Spain, of the danger of a rupture, that they may take such precautions, with regard to their papers and effects as shall appear to them prudent ..."¹⁰¹

King George III writes to Lord North; "I saw Lord Weymouth on his coming from the Spanish Ambassador; the projet produced this differed but little from that of Wednesday. Lord Weymouth has renewed the demand of the Governor of Buenos Ayres being disavowed, and the island restored unattended by any discussion on the

100 As is the case in modern times, there were at least two 'parties' in Parliament, with each seeking political capital out of any given situation. In 1770, the Government was being attacked by the 'Opposition' as being 'wet', and these attacks usually involved more rhetoric than facts. Calls for war were counterbalanced by an equal number opposed.

101 *The London Magazine Vol. 40*

right. Prince Masserano said he saw we meant war, but on going said he would draw up another projet, which Lord Weymouth declared he could not accept unless agreeable to the demand. Lord Weymouth wished I would name an Admiral for the Mediterranean squadron and give orders for augmenting the army; the former I thought ought to be proposed first at a Cabinet meeting, the latter I thought ought to be deferred until Monday, by which time we should know whether the Ambassador has powers to conclude in a manner suitable to our just demands."¹⁰²

November 24th, all land officers are ordered to report to their posts.

November 25th, Lord North asks Parliament to increase the Navy's strength from 16,000 to 40,000 seamen.

November 28th, 7.35pm King George writes to Lord North; “.. I have but little hopes of any change in the conduct of the Court of Spain, yet I shall be very anxious to learn what shall pass between you and Mr. Frances; therefore, if he leaves you by ten, I wish you would call on me; if not, that you will send me a line, for every feeling of humanity, as well as the knowledge of the distress war must occasion, makes me desirous of preventing it if it can be accomplished, provided the honour of this country is preserved.”

The French *chargé d'affaires*, Bertrand de Frances, has a meeting with Lord North.¹⁰³

The King's *Cabinet* of Ministers resolve to recommend war if Spain fails to accept its demands.

November 29th, Lord Rochford meets with the Prince of Masseran and pointedly opens the meeting by emphasizing Britain's claim to the Falkland Islands. Rochford tells the Prince that the British will be prepared to discuss the legal issue of Spain's claim once restitution had been made. Masseran responds that there would have to be a mutual abandonment first or that Spain's position will be compromised. Rochford ends the meeting by suggesting that war seems inevitable.¹⁰⁴

After the Prince leaves, Bertrand de Frances arrives for his own meeting with Rochford.¹⁰⁵

November 30th, at a meeting of the *Cabinet*, Ministers' agree that any restitution has to be both 'public' and 'complete'. On being informed of the rejection of Masserano's proposals, Frances declares that Britain has “opted for war.”¹⁰⁶

December 1st, the Secretary to the British Embassy in Paris, Robert Walpole, writes to Harris; “.. I cannot account for such unreasonable behaviour in the Court of Spain, ... This obstinacy, in not at once granting what

102 *The Correspondence of King George the Third with Lord North From 1768 to 1783* W. B. Donne Vol. 1 1867

103 It is alleged that at this meeting Lord North said, emphasising that his own remarks were personal; “If Frances would promise that this conversation would not be made public he would say in confidence that they did not desire to keep the island, that it was worth nothing to them and if Spain would give the satisfaction demanded they would certainly evacuate.”, Goebel 1927 p.308. There is no confirmation of this in any British source. It has been suggested that the relatively inexperienced Lord North's verbal assurance was promptly dismissed by the King. *cf* “*British Foreign Policy and the Falkland Islands Crisis 1770-71*” G.Rice, 2010. It is not known what the French said to the Spanish, but it would seem that the Spanish Court read far too much into this comment, which came at an early stage in the negotiations. Lord North always emphasised that he was speaking unofficially.

104 Goebel 1927 p 309 & G. Rice 2010 p 288

105 Goebel states that Rochford provided Frances with a similar message to that given by Lord North the day before and he goes on to claim that the proposed evacuation now had Government approval. However, this assertion does not fit well with the conversation that had just taken place with Masserano, and even Goebel describes it as 'strange'. Goebel's source appears to be a letter from *Masserano to Grimaldi* dated December 3rd. *cf*. Goebel 1927 p 310

106 “ *The proposal made by Frances of a formal confirmation by the king of the secret promise was duly considered at a plenary session of the cabinet, and it was rejected.*” Goebel 1927 p.310. This is a big leap as no clear 'promise' appears to have been made. Again Goebel's source seems to be the December 3rd letter from *Masserano to Grimaldi*.

*the honour of our nation justly requires, makes me think that Court more in the wrong than what I have all along wished, .. where is the difficulty, .. if the Court of Spain had never given any orders ?”*¹⁰⁷

That same day, Frances and North meet again. The British Minister confirms that there can be no discussion over “right”, but only on “satisfaction.”

December 3rd, Lord North is visited yet again by the French *chargé d'affaires*. North opens by emphasising the unofficial nature of the conversation but then says that the Falklands did not suit England and that they were not interested in keeping them because of the expense.¹⁰⁸

December 4th, Lord Weymouth asks the Admiralty to prepare a further 15 ships of the line. The British Fleet is ordered to Spithead.

December 5th, Lord Weymouth seeks the King's permission to recall Mr. Harris from Madrid.

December 6th, Lord Rochford writes to the King detailing the preparedness of the naval force. King George writes back expressing reservations about Weymouth's proposal to sever diplomatic relations with Spain while negotiations are still proceeding.

On the same day Minister Grimaldi writes to the Prince of Masseran to inform him that the Spanish Court is willing to drop their demand that Hunt's action be subject to criticism, that they will be willing to let the British return to Port Egmont but that some agreement must be reached on a reciprocal evacuation of the Islands.¹⁰⁹

December 7th, Rochford reminds the King about the unpaid Manilla Ransom.

Weymouth, places his proposal to sever diplomatic relations before the *Cabinet*. The proposal is rejected.

December 11th, Weymouth writes to the King asking to be replaced.

December 13th, the French *chargé d'affaires*, Frances, puts a proposal to the Spanish Ambassador in which the Catholic King, “forgot and took no notice” of the actions leading up to June 10th and allowed the English garrison to return to the Islands without prejudice to the rights of Spain which must be recognised by the Court in London.¹¹⁰

Masserano refuses to accept it without explicit instructions.¹¹¹

December 14th, Rochford now also proposes the withdrawal of Harris from Madrid.

Frances writes to Choiseul describing the internal divisions within the British *Cabinet*; their distrust of any French involvement and the warlike character of Weymouth.¹¹²

December 15th, King George writes to Lord North; “*I am extremely desirous of being informed what Mr. Frances has to communicate, and therefore shall be desirous of seeing you at any convenient time this evening, as I am able to hear, but, by a severe cold in my breast, am prevented from speaking. I should rather imagine Lord Weymouth will decline [to] be one at the conference.*”¹¹³

107James Harris 1844 p.60

108Goebel does not cite his source for this conversation. cf Goebel 1927 p.311

109Grimaldi to Masserano, December 6th 1770 (*Arch. Gen. Sim. Est., leg 6980*) quoted in Geobel 1927

110Projet de declaration in Choiseul to Masserano, December 3rd 1770 (*Aff. Etr., Angleterre, 494*)

111Masserano could not yet have seen the letter from Grimaldi dated the 6th.

112Frances to Choiseul, December 14th, 1770 (*Aff. Etr. Espagne, 561*)

113 Donne 1867

December 16th, Lord North again meets with the French *chargé d'affaires*, who suggests Choiseul's proposal comprising disavowal, restitution and a reservation of Spanish right. Lord North refuses to recognise any Spanish right to the Islands but does agree to put the proposal to the *Cabinet*.

December 17th, the Spanish Ambassador is given permission, by Madrid, to demand his passports if the situation did not improve.¹¹⁴

December 19th, the *Cabinet* meets again and rejects the proposals. Lord Weymouth's resignation is made public, and Lord Rochford adds Weymouth's Southern Department to his own.¹¹⁵

Choiseul, now aware of Grimaldi's letter of the 6th, writes to Madrid saying that the question of right would not be taken up by the British and that the only way to avoid war is to make the demanded declaration of restitution and trust the British to deal with the legal issue after. He suggests that a reservation, even in writing, may be acceptable to London.

Prince Masseran also writes to Minister Grimaldi, suggesting that the Spanish Court rely on Lord North's vague assurances, rather than on Choiseul's proposal which does not include any commitment by the British to evacuate the Islands.¹¹⁶

December 20th, Frances meets Lord North for further talks. North declares positively that if peace is dependent upon a declaration of rights by Spain, then war is inevitable.¹¹⁷

December 21st, Lord Rochford, instructs Harris to leave Madrid, severing diplomatic relations; “*All negotiations having been for some time at an end between Lord Weymouth, or myself, and the Spanish Ambassador... I am now to signify to you the king's pleasure, that your stay at Madrid appearing entirely unnecessary, you prepare to return home with all convenient speed, after taking leave in the usual manner.*”

December 23rd, King Louis dismisses Choiseul on the grounds that his Minister has been indulging in correspondence with both Madrid and London without consulting him. In a letter to the Spanish King, Louis offers to mediate but states that he is not for war.

“*My Minister would have war, but I will not.*”¹¹⁸

“*Here the King of France interfered. He declared positively against a war. In consequence of this interposition, the King of Spain sent fresh instructions to Prince Maserano; of which the following is the purport, viz. “The King of Spain condescends, out of regard for his loving brother, the King of France, to relinquish Falkland's Island; but at the same time protests against any claim the English may set up to the right.”*”¹¹⁹

December 26th, King George to Lord North; “*I cannot refrain from communicating to you an [intercepted?] letter which I have received from the Duke de Choiseul to the French Charges des Affaires at Hamburgh, as it confirms my opinion that we shall not have such offers from the Court of Spain as can enable me to preserve to my subjects the blessing of peace.*”¹²⁰

114Grimaldi to Masserano December 17th (Arch. Gen. Sim. Est., leg 6980 fo. 9) Geobel 1927

115In essence becoming Foreign Secretary.

116Masserano to Grimaldi December 19th 1770 (Arch. Gen. Sim., Est., leg, 6980, fo. 10) quoted in Goebel 1927 p.326

117Frances to Choiseul December 22nd, 1770 n. 66 (Aff. Etr. Angleterre 494)

118 Donne 1867

119The History, Debates and Proceedings of both Houses of Parliament of Great Britain vol.5 1792 p.479

120 Donne 1867

December 31st, information is received by Rochford that; "*... war with England was agreed on between the courts of France and Spain in the beginning of last year, in consequence of which agreement orders were some time after sent to the Governor of Buenos Ayres to take the Island of Falkland in order to irritate the English to declare war,*" ¹²¹

1771 – January, 26 ships are moored off Spithead, commanded by Rear-Admiral Matthew Buckle.¹²²

January 2nd, Minister Grimaldi instructs his Ambassador to present a declaration meeting British demands, but that; "*.. this declaration shall not prejudice the anterior rights of his Catholic Majesty to the Islands called Malvinas and by the English Falkland, but is solely to restore things as a matter of law and of fact, to the state they were before the expulsion .. they assure us that they will evacuate the Falklands later, and that we should rely on their promise, the King has determined to concede that which is to save his honor and leave for later the negotiation on the evacuation of the island, accepting their offer although it be merely verbal. Your Excellency should secure this in the best way possible either by an explanation of the British King,... or at least by his Ministers at the time when your Excellency executes the declaration..*"¹²³

January 3rd, Lord Rochford informs Prince Masserano of Harris' recall instructions. Masserano is offended by the action and accuses Rochford of bad faith.

January 4th, Mr. Harris receives the recall order from Rochford. Harris notifies the other British Consuls and representatives at the Spanish ports by courier. He does not immediately inform the Spanish Court in order to give time for his reports to reach the Consuls.

January 10th, the French King, Louis XV, writes to his Ambassador in London, the Count de Guines; "*The recall of Harris is a circumstance which seems to announce the real disposition of the English for an early war, ... if any of the events which you have anticipated should take place in regard to the Prince de Masserano, it is my will that you and M. Frances should conform exactly to the course of conduct which he may follow, either to remain in England or to withdraw simultaneously with him.*"¹²⁴

January 13th, Harris informs the Spanish Minister of his recall orders.

Ambassador Masseran receives instructions from Madrid authorising the French Ambassador to mediate, but Masserano refuses to comply until diplomatic relations have been restored between Spain and Britain.

January 16th, Grimaldi's letter of the 2nd reaches the Prince of Masseran.

January 22nd, Lord Rochford sends instructions to Harris to return to Madrid immediately. The instruction is 'backdated' to the 18th.

On the same day, the Spanish Ambassador presents a declaration stating that the Spanish King "*disavows the violent enterprise of Buccarelli*" and promises "*to restore the port and fort called Egmont, with all the artillery and stores.*"

Lord Rochford, acting on the instruction of King George, accepts, and signs the document.

121 *Consul Banks to Weymouth* quoted in *Charles III of Spain* Joseph Addison 1900 p.87.

122 When 12-year-old Horatio Nelson joined the Royal Navy, in 1771, he did so through the patronage of his mother's brother, Captain Maurice Suckling. Following a period of '*defence cuts*' when there had been no recruitment, Suckling was finally able to take the boy on as a midshipman because of the crisis over the Falkland Islands.

123 *Grimaldi to Masserano January 2nd, 1771* (*Arch. Gen. Sim., Est., leg, 6980, fo. 15*)

124 Goebel 1927 p.353

“.. Lord Rochford, in the House of Lords, said that the Spanish Ambassador, by order of the King his master, had presented a declaration relative to the disputes about Falkland's Island, which the King had ordered him to accept, and to lay it before the House on Friday next.”¹²⁵

“On the 22d of January 1771, the Prince of Masserano, the Spanish Ambassador, settled, with the Ministers of His Britannic Majesty, the essential point of this negociation, the decision of which restored to England, the possession of the Falkland Islands. The ratification of the court of Madrid, was only wanting; ... From this moment, the peace seemed assured; since this agreement of the three powers, upon the essential point, demonstrated their pacific views.

But it was necessary, in order to stifle every seed of dispute, to agree to disarm respectively: and that Spain, who perhaps would have wished for a reciprocal abandonment of Falklands Islands, should rely (for the future evacuation of these islands by England, about to resume possession of them) on the little interest that power would have to preserve them.

It was these two last articles of negotiation, which viewed in different lights, occasioned immense speculations on the exchange of London. It is easily conceived, however, that since the courts of Versailles, Madrid and London, equally wished for peace, these same articles, purely accessory to that which had been adjusted on the 22d of January, could not present any real doubt of it; except to those who were ignorant of the true intentions of the three courts.”¹²⁶

January 25th, Rochford writes to Harris; *"I enclose to you a copy of the declaration signed on Tuesday last by Prince Maserano, with that of my acceptance of it in his Majesty's name."*

SPANISH DECLARATION.

“His Britannick Majesty having complained of the violence which was committed on the 10th of June, 1770, at the island commonly called Great Malouine, and by the English Falkland's Island, in obliging, by force, the commander and subjects of his Britannick Majesty to evacuate the port by them called Egmont; a step offensive to the honour of his crown; - the Prince de Maserano, Ambassador Extraordinary of his Catholick Majesty, has received orders to declare, and declares, that his Catholick Majesty, considering the desire with which he is animated for peace, and for the maintenance of good harmony with his Britannick Majesty, and reflecting that this event might interrupt it, has seen with displeasure this expedition tending to disturb it; and in the persuasion in which he is of the reciprocity of sentiments of his Britannick Majesty, and of its being far from his intention to authorise any thing that might disturb the good understanding between the two Courts, his Catholick Majesty does disavow the said violent enterprize, - and, in consequence, the Prince de Maserano declares, that his Catholick Majesty engages to give immediate orders, that things shall be restored in the Great Malouine at the port called Egmont, precisely to the state in which they were before the 10th of June, 1770: For which purpose his Catholick Majesty will give orders to one of his Officers, to deliver up to the Officer authorised by his Britannick Majesty the port and fort called Egmont, with all the artillery, stores, and effects of his Britannick Majesty and his subjects which were at that place the day above named, agreeable to the inventory which has been made of them.”

“The Prince of Masseran declares, at the same time, in the name of the King his master, that the engagement of his said Catholic Majesty, to restore to his British Majesty the possession of the port and fort called Egmont,

¹²⁵ *Duke of Richmond to Earl Chatham Jan 23rd 1771*

¹²⁶ *Memorial of the Count de Guines, the French Ambassador to the Court of London; against Messieurs Tort and Roger, formerly his secretaries, and against Mr. Delpech. London 1777.*

cannot nor ought any wise to affect the question of the prior right of sovereignty of the Malouine islands, otherwise called Falkland Islands.”¹²⁷

“In witness whereof, I the under-written Ambassador Extraordinary have signed the present declaration with my usual signature, and caused it to be sealed with our arms. London, the 22nd day of January, 1771.”¹²⁸

(L.S.) (Signé) “LE PRINCE DE MASSERAN.”

ACCEPTANCE¹²⁹

“His Catholick Majesty having authorised the Prince of Maserano, his Ambassador Extraordinary, to offer, in his Majesty's name, to the King of Great Britain, a satisfaction for the injury done to his Britannick Majesty by dispossessing him of the port and fort of Port Egmont; and the said Ambassador having this day signed a declaration, which he has just delivered to me, expressing therein, that his Catholick Majesty, being desirous to restore the good harmony and friendship which before subsisted between the two Crowns, does disavow the expedition against Port Egmont, in which force has been used against his Britannick Majesty's possessions, commander and subjects; and does also engage, that all things shall be immediately restored to the precise situation in which they stood before the 10th of June 1770; and his Catholick Majesty shall give orders, in consequence, to one of his Officers to deliver up to the Officer authorised by his Britannick Majesty, the port and fort of Port Egmont, and also all his Britannick Majesty's artillery, stores and effects, as well as those of his subjects, according to the inventory which has been made of them. And the said Ambassador having moreover engaged, in his Catholick Majesty's name, that what is contained in the said declaration shall be carried into effect by his said Catholick Majesty, and that duplicates of his Catholick Majesty's orders to his officers shall be delivered into the hands of one of his Britannick Majesty's Principal Secretaries of State within six weeks; his said Britannick Majesty, in order to shew the same friendly disposition on his part, has authorised me to declare, that he will look upon the said declaration of the Prince de Maserano, together with the full performance of the said engagement on the part of his Catholick Majesty, as a satisfaction for the injury done to the Crown of Great Britain. In witness whereof, I the under-written, one of his Britannick Majesty's Principal Secretaries of State, have signed these presents with my usual signature, and caused them to be sealed with our arms. London, the 22nd day of January, 1771.

(L.S.) (Signé) “ROCHFORD.”

That same day, the agreement is laid before Parliament by Lord North, and the debates start.

“Colonel Barre ... called the Spanish Declaration scandalous and infamous; dishonorable to the Crown, and disgraceful to the nation.”¹³⁰

January 29th, the Declaration and Acceptance are published in the London Gazette. “The expedition is disavowed, and the island is restored. The Spaniards have stipulated that the grant of possession shall not

127 “The reservation was a nullity, inasmuch as she had no claim, either by prior discovery, prior possession, prior occupation or even the shadow of a name.” Francis Baylies, *United States Charge d'Affaires at Buenos Aires*, to Manuel Vicente de Maza, Acting Minister of Foreign Affairs of Argentina July 10th, 1832

128 Translation from - *A Collection of All the Treaties of Peace, Alliance and Commerce, between Great-Britain and Other Powers: From 1754 to 1784* by Charles Jenkinson, Earl of Liverpool, 1785

129 Palmerston, in 1834, entitles this the 'Counter Declaration', a title repeated in Argentina's 1887 protest to the United States.

130 *The History, Debates and Proceedings of both Houses of Parliament of Great Britain vol.5 1792*

*preclude the question of prior right; a question which we shall probably make no haste to discuss, and a right of which no formal resignation was ever required. This reserve has supplied matter for much clamor, and perhaps the English ministry would have been better please without it. But when we have obtained all that was asked, why should we complain that we have not more? ...To push advantages too far is neither generous nor just. Had we insisted on a concession of antecedent right, may it not misbecome us,.. to consider what Grimaldi could have answered. We have already, he might say, granted you the whole effect of right, and have not denied you the name. We have not said that the right was ours before this concession, but only that what right we had is not by this concession negated."*¹³¹

February 4th, Lord North lays the papers relative to the crisis before Parliament. Two questions are moved by Lord Chatham, in the House of Lords, for the opinion of the judges.

"1. Whether, in consideration of law, the imperial crown of this realm can hold any territories or possessions thereunto belonging, otherwise than in sovereignty?

*2. Whether the declaration, or instrument for restitution of the port or fort called Egmont, to be made by the Catholic King to his Majesty, under a reservation of a disputed right of sovereignty expressed in the very declaration or instrument stipulating such restitution, can be accepted or carried into execution without derogating from the maxim of law before referred to, touching the inherent and essential dignity of the crown of Great Britain ?"*¹³²

Lord Mansfield refuses to refer the questions to the judges, asserting that the answers are, "self-evident".¹³³

February 5th, Lord Camden writes to William Pitt, the Earl of Chatham; *"I spent the whole evening last night in considering the law point of your Lordship's questions... I am .. extremely concerned at your Lordship's hasty introduction of the business yesterday; ... I cannot satisfy myself that the reservation of the question of right, in the King of Spain's declaration, does in anywise touch the King of Great Britain's right of sovereignty. That becomes absolute jure coronae from the moment the restitution takes place. Nor does it seem to me the King's title is abridged or limited; inasmuch as the reservation neither denies the right on one side nor asserts it on the other. The question remains as it stood before the hostility; the King of Spain declaring only that he ought not to be precluded from his former claim by this act of possessory restitution."*¹³⁴

February 7th, Madrid sends out orders for the restitution; *"To Don Felipe Ruiz Puente."*

It being agreed between the King and his Britannic Majesty, by a Convention signed in London on the 22d of January last past, by the Prince of Masserano and the Earl of Rochford, that the Great Malouine, called by the English Falkland, should be immediately replaced in the precise situation in which it was before it was evacuated by them on the 10th June last year; I signify to you, by the King's order, that, as soon as the person commissioned by the Court of London, shall present himself to you with this, you order the delivery of the Port de la Cruzada or Egmont, and its fort and dependencies, to be effected, as also of all the artillery, ammunition and effects, that were found there, belonging to his Britannic Majesty and his subjects, according to the inventories signed by George Farmer and William Maltby, Esqs., on the 11th July of the said year, at the time of their quitting the same, of which I send you the enclosed copies, authenticated under my hand; and that, as

131 Johnson 1771

132The debate was not recorded, other than the motion was lost 69:22

133This from 'Junius', a famous contributor to the *Public Advertiser*. "*.. the answer to them was self-evident, that they answered themselves; by which his Lordship was understood to mean that both queries clearly answered themselves in the negative.*" Junius wrote under a variety of titles and is now suspected to be Sir Philip Francis, a politician.

134 *Correspondence of William Pitt, Earl of Chatham* W.S. Taylor (ed.) vol.4 1838 - 1850

soon as the one and the other shall be effected with the due formalities, you cause to retire immediately the officer and other subjects of the King which may be there. God preserve you many years.

Pardo, 7th February 1771.

“The Balio Fray, Don Julian De Arriaga.

February 8th, Harris receives his instructions to return. Having taken time to pack up all his household, he has only reached Algoa, 20 miles from Madrid. He finds a fast horse.

February 9th, Mr. Harris arrives back at Madrid and immediately seeks an appointment with Minister Grimaldi; who refuses to recognise him without the production of new credentials.¹³⁵

February 13th, the House of Commons, after much debate, approves the agreement by 271 votes to 157 against.

However, the issue meets opposition in the Lords with 18 Peers of the Realm signing a 'Dissentient' decrying the result; “ ... an unparalleled and most audacious insult has been offered to the honour of the British flag, by the detention of a ship of war of his Majesty's, for twenty days after the surrender of Port Egmont, and by the indignity of forcibly taking away her rudder...

10. Because in the said declaration the restitution is confined to Port Egmont when Spain herself originally offered to cede Falklands Islands. It is known that she made her forcible attack on pretence of title to the whole, and the restitution ought, therefore, not to have been confined to a part only; ...

11. Because the declaration, by which his Majesty is to obtain possession of Port Egmont, contains a reservation or condition of the question of a claim of prior right of sovereignty in the Catholic King to the whole of Falkland's Islands, being the first time such a claim has ever authentically appeared in any public instrument jointly concluded by the two courts. No explanation of the principles of this claim has been required, although there is just reason to believe that these principles will equally extend to restrain the liberty and confine the extent of British navigation. No counter-claim has been made on the part of his Majesty, to the right of sovereignty, in any part of the said island ceded to him; any assertion whatsoever, of his Majesty's right of sovereignty, has been studiously avoided, from the beginning to the accomplishment of this unhappy transaction; which, after the expense of millions, settles no contest, asserts no rights, exacts no reparation, affords no security, but stands as a monument of reproach to the wisdom of the national councils, of dishonour to the essential dignity of his Majesty's crown, and of disgrace to the... untainted honour of the British flag.”¹³⁶

February 14th, Harris reports from Madrid, *“They keep the declaration here as secret as possible. I do not find any to whom they have shown it, except those to whom they are obliged to communicate it. They also report that we have given a verbal assurance to evacuate Falkland's Island in the space of two months”*.¹³⁷

February 21st, Lord Rochford and Prince Masserano meet. Rochford informs Masserano that, the point of honour having been met, he is prepared to listen to proposals. Masserano responds that he has no instructions to make proposals.

Bertrand Frances speaks to Lord North on the issue of an evacuation of the Falklands by the British and the means by which the two powers should disarm to a level where peace can be assured. North speaks extensively about the latter point but seems confused as to the suggested evacuation.

135 James Harris 1844 p.64

136 Junius in the 'Public Advertiser' February 13th, 1771

137 James Harris 1844 p.66, also Palmerston 1834.

*“In the matter of the right to the Malvinas, however, Frances asked how the ministry proposed to carry out its word and preserve peace, North inquired what he meant by the question of right.”*¹³⁸

February 22nd, Mr. Harris is promoted temporarily to Minister Plenipotentiary to the Court of Spain, until Lord Grantham¹³⁹ can arrive and take over the embassy.

February 28th, the Spanish Ambassador speaks to Lord Rochford about the mutual disarmament and asks when the promises of the ministry regarding the Falklands will be carried into effect. Rochford responds that his Government is only sending a single frigate, a sloop and a store-ship to Port Egmont and that once they had taken possession the affair would be regarded as being at an end. Masserano complains that the matter would only be at an end when the island was abandoned. Rochford tells him that disarmament and the Falklands are two different issues, and the question of right has not yet been touched upon.¹⁴⁰

March 1st, Rochford speaks to the French *chargé d'affaires*, suggesting a conference to discuss disarming; and he raises the issue of restitution, saying that the ceremony must take place at Port Egmont, and not at Puerto Soledad as proposed, so as not to suggest any recognition of Spanish right. Frances says that Masserano's only interest is an evacuation of the Falklands and that although both Bourbon courts wished to disarm, neither would do so until the question of right was settled.

Fresh rumours of war over the Falkland Islands circulate and the stock market falls.¹⁴¹

*“Possession of the Falkland Islands having been restored to England, the decisive questions between France, Spain, and that power, in the months of March and April 1771, which the public were ignorant of, and which must have fixed a rise or fall in the funds, were, 1. If Spain should consent to disarm, and to follow in this point, the example which England had proposed to give. 2. If Spain should rely for the evacuation of Falkland Islands by England, on the little interest that power could find in keeping them.”*¹⁴²

March 4th, “.. the French and Spanish ambassadors went to Lord Rochford, and demanded that a day should be fixed for settling the question of prior right to Falkland Island. Lord Rochford refused to name any day. The Spanish messenger, who brought the ratification and Masserano's instructions to make this demand, set out this evening for Madrid.”¹⁴³

138 Goebel 1927 p. 380. The misunderstanding over North's *unofficial* conversations with Frances permeates this whole episode. The Frenchman, and through him the Spanish, continued to misinterpret what had been said despite Lord North's emphasis that he was never acting in any official capacity. Even Masserano, initially skeptical, came to read far too much into the diplomatic language of English Ministers. When Rochford talked of disarmament and a reduction in the garrison's strength on the Falklands, Masserano believed that he was complying in some way with the fictional 'promise', rather than dealing with the mutual reduction of forces required to return to a state of peace.

139 The leader of the Opposition who had accused Lord North of compromising the honour of the country by making a secret promise to abandon the Islands. James Harris 1844 p.67

140 Goebel 1927 p.383

141 It was alleged that the French Ambassador's Secretaries had been playing the stock exchange! The Comte de Guines' secretary, Bathelemy Tort, was accused of passing on inside information in order to manipulate the markets. At a trial in Paris in 1775, Tort claimed to have been acting on direct instructions from the Comte. Guines was found 'not guilty'. *The Perreaus and Mrs. Rudd: Forgery and Betrayal in Eighteenth-Century London* D.T. Andrew 2001. There were many similar allegations of stock market manipulation during this period.

142 *Memorial of the Count de Guines*, printed London 1777. p.44. Without any clear agreement either for a mutual abandonment, or for England to leave, the only Spanish hope was that the English would become disinterested in the Islands.

143 Taylor (ed.) 1838 - 1850

March 5th, Lord Rochford meets with Masserano. Rochford declares that he is ready to treat on the matter of right; that any abandonment in the manner suggested by Spain will not involve a loss of right and that Britain can return at any time. Masserano demands to know when his hopes of a British evacuation may be realised. When Rochford declines to answer, the Prince says; *"If that is so then even these are lost forever."*¹⁴⁴

March 7th, a messenger arrives in London with an order for the Spanish Ambassador to make a positive demand for the formal cession of the Falkland Islands to the King of Spain.

March 8th, Frances is informed that the British Ministers will not discuss any mutual abandonment before repossession has taken place. Rochford reaffirms that restitution must take place at Port Egmont.

Lord Rochford informs Harris; *"His Majesty has been pleased to order the Juno frigate of thirty-two guns, the Hound sloop, and Florida store-ship, to be prepared to go to Port Egmont, in order to receive the possession from the Spanish commander there; and as I have spoken so fully to Prince Maserano on the manner of its being executed, it is needless for me to say any more to you upon it.*

"I think it right to acquaint you, that the Spanish ambassador pressed me to have some hopes given him of our agreeing to a mutual abandoning of Falkland's Islands, to which I replied, that it was impossible for me to enter on that subject with him, as the restitution must precede every discourse relating to those islands.

"You will endeavour, on all occasions, to inculcate the absurdity of Spain having any apprehensions, from the state in which Port Egmont was before its capture, or the force now sent out, of his Majesty's intending to make use of it for the annoyance of their settlements in the South Sea, ... nothing can be farther from the King's inclination, who sincerely desires to preserve peace between the two nations."

March 11th, Prince Masseran sees Rochford and demands a date for the restoration of the Island to the "Crown of Spain." Rochford refuses to enter in any discussion.

March 14th, Rochford and Masserano meet again to discuss the issue of ownership. A heated discussion takes place where Rochford questions the 'impertinence' of Spain; Masserano responds; *"No more impertinent than the English pretension to something that belongs to Spain."* Lord Rochford retaliates; *"Be assured, that even if we go to war over it, it will be a big war and by no treaty of peace will we cede the island."*¹⁴⁵

March 15th, Lord Rochford sends instructions to the Admiralty; *"...Your lordships will direct Captain Stott to behave with the greatest prudence and civility towards the Spanish commander and the subjects of his Catholic Majesty, carefully avoiding any thing that might give occasion to disputes or animosity, and strictly restraining the crews of the ships under his command in this respect; but if, at or after the restitution to be made, the Spanish commander should make any protest against his Majesty's right to Port Egmont, or Falkland's Islands, it is his Majesty's pleasure that the commander of his ships should answer the same by a counter-protest, in proper terms, of his Majesty's right to the whole of the said islands, and against the right of his Catholic Majesty to any part of the same".*

March 25th, Grimaldi writes to Masserano; *"With reference to the evacuation of Gran Malvina we shall see whether they wish there to give credit by their own acts that their most sacred promises can be relied on."*

March 28th, a message from Versailles informs the French Ambassador that both Spain and France will disarm.

144 Goebel 1927 p.388. No source is cited although the letter, *Masserano to Grimaldi March 9th* (*Arch. Gen. Sim., Est., leg. 6980, fo. 64*) seems likely.

145 Goebel 1927 p.398

April 7th, the Count de Guines receives a message stating that the Spanish Court will rely on England evacuating the Falklands.

April 12th, Masserano responds to Minister Grimaldi, warning that the British insist that they have made no official promise.

April 23rd, Lord Rochford instructs the Admiralty to reduce the men, “.. to be employed in His Majesty's service at sea to 25,000, the French and Spanish Ambassadors having, in the name of their respective courts, declared their readiness to disarm to their peace establishment at the same time as His Majesty.”

June 18th, “Saw 3 New England Schooners cruising for whales. Sent a boat on board one who told us that he had yesterday spoke an outward bound Englishman, who told him that all was peace in Europe, and that the Spaniards had agreed to pay the Manilla ransom with interest in one year and a million of Dollars for damages done at Falklands Islands.”¹⁴⁶

September 13th, British forces return to Port Egmont. Capt. John Burr, of *HMS Hound*, is appointed Military Administrator.

September 16th, Lt. Don Francisco de Orduna makes formal restitution to Capt. Stott.

December 9th, Captain Stott arrives back at Plymouth after a journey from Port Egmont lasting 70 days, to report the handover to the Admiralty; “*I must beg leave to refer their lordships to the letter I had the honour of writing you from Rio de Janeiro, the 30th of July last, for the occurrences of my voyage to that time; from whence I sailed, with his Majesty's ships under my command, the next day, and arrived at Port Egmont the evening of the 13th of September following. The next morning, seeing Spanish colours flying, and troops on shore, at the settlement formerly held by the English, I sent a lieutenant to know if any officer was there on behalf of his Catholic Majesty, empowered to make restitution of possession to me, agreeably to the orders of his Court for that purpose, duplicates of which I had to deliver him: I was answered, that the commanding officer, Don Francisco de Orduna, a lieutenant of the royal artillery of Spain, was furnished with full powers, and ready to effect the restitution. He soon after came on board the Juno to me, when I delivered him his Catholic Majesty's orders. We then examined into the situation of the settlement and stores, adjusted the form of the restitution and reception of the possession—instruments for which were settled, executed, and reciprocally delivered (that which I received from the Spanish officer, and a copy of what I gave him, are here enclosed). On Monday, the 16th of September, I landed, followed by a party of marines, and was received by the Spanish officer, who formally restored me the possession; on which I caused his Majesty's colours to be hoisted and the marines to fire three volleys, and the Juno five guns, and was congratulated, as were the officers with me, by the Spanish officer, with great cordiality on the occasion. The next day Don Francisco, with all the troops and subjects of the King of Spain, departed in a schooner which they had with them. I have only to add, that this transaction was effected with the greatest appearance of good faith, without the least claim or reserve being made by the Spanish officer in behalf of his Court.*”

December 11th, details of the restitution are announced; “*On Monday 16th September Capt. Stott landed, followed by Party of Marines, and was received by the Spanish Officer, who formally restored him Falklands Island, Port Egmont, its Fort and other Dependencies, giving him the same Possession as His Majesty had before the 10th of June 1770.*”¹⁴⁷

146 *The Endeavour* journal of Joseph Banks, 25 August 1768 - 12 July 1771

147 *The London Gazette*, No. 11204.

Thomas Robinson, 2nd Baron Grantham, travels to Madrid as British Ambassador to the Spanish Court.

1772 – January 2nd, Grantham writes to Rochford; *"I have received the honour of your lordship's despatch, containing the agreeable intelligence of the restitution of Port Egmont and its dependencies, with the due formalities. On receiving this notice I waited on the Marquis de Grimaldi, to assure him of his Majesty's satisfaction at the good faith and punctuality observed in this transaction. M. de Grimaldi seemed aware of the intention of my visit, and was almost beforehand with me in communicating notice of this event's being known in England. He seemed well pleased at the conclusion of this affair, but entered no further into conversation.."*

January 21st, the King, in his speech on the Opening of the 5th Session of the 13th parliament;

*"The performance of the engagement of the King of Spain, in the restitution of Port Egmont and Falkland's Island, and the repeated assurances that I have received of the pacific disposition of that court, as well as of other powers, promises to my subjects the continuance of peace ..."*¹⁴⁸

February 15th, Admiralty to Rochford; *"Having received by the Florida store-ship, lately arrived at Spithead, a letter from Captain Burr, of his Majesty's sloop the Hound, dated at Port Egmont, in Falkland's Islands, the 10th of November last, giving an account that, in the preceding month, two Spanish vessels had arrived there with the artillery, provisions, and stores, which had been taken from thence by the Spaniards, and that he had received the same from a commissary appointed by Don Philip Ruiz Puente, to deliver them up to him; we send your lordship herewith a copy of Captain Burr's said letter, together with a copy of the inventory of the artillery, provisions, and stores, which he had received as aforesaid, for his Majesty's information."*¹⁴⁹

March 6th, Rochford informs Grantham; *"It may be of use to inform your Excellency, that his Majesty has determined to reduce the force employed at Falkland's Island to a small sloop with about fifty men, and twenty-five marines on shore, which will answer the end of keeping the possession: and, at the same time, ought to make the court of Spain very easy as to our having any intention of making it a settlement of annoyance to them."*¹⁵⁰

March 20th, the Viceroy of Peru, His Excellency Don Manuel de Amat, writes to the Secretary of the Indies in Madrid; *"... as to the matter of an English settlement in these Seas or their vicinity; of which I make no doubt, and never have doubted since I communicated my opinion to that effect some years ago. This, indeed, has received increasing corroboration day by day from my own observation and from intelligence received. The only thing that would have caused me to waver in this opinion would have been the honest and sincere abandonment by England of the Malvinas islands, because I have never been able to understand nor never will believe that these can offer a suitable field for any regular plantation, or considerable fortification, unless for the sole purpose of using the advantage of their situation as a port of call for vessels to refresh at, when bound to and from the South Sea, and which might in time become as prosperous as that which Holland possesses at the Cape of Good Hope. ..it will make its occupiers complete masters of these seas... The tenacity with which the English persist in retaining their foothold in the Malvinas has served to augment the force of these considerations and, according to the account given by the Governor, Don Xavier Antonio Mufloz, under date the 4th of November, 1771 (which I have by me, quoted in full), they are daily rendering their occupancy more effectual, and more secure."*¹⁵¹

148 *The London Gazette*, No. 11215

149 *The London Gazette*, No. 11222

150 "... which will answer the end of keeping the possession .." is a reference to the alleged 'promise', which Rochford is clearly dismissing. At the same time he does not wish to provoke a Spanish reaction, hence the small garrison.

151 Quoted in *The Voyage of Captain Don Felipe Gonzalez in the ship of the line San Lorenzo, with the frigate Santa*

1773 – Lt. Samuel Clayton is appointed the Military Administrator on West Falkland.

January 23rd, Domingo Chauri is appointed Governor at Puerto Soledad.

1774 – January 5th, Francisco Gil de Taboada y Lemos takes over as Spanish Governor at Puerto Soledad.

Lt. Clayton receives orders to evacuate Port Egmont; *”But previous to your departure from the Falkland Islands, you are to take the strictest care to erect on the principle parts on the Port, Fort and islands proper Signals and Marks of Possession, and on its belonging to His Majesty.”*

February 11th, Lord Rochford writes to Ambassador Grantham, about a proposed evacuation of the Falklands;

*“...as a matter of small consequence, that, in order to avoid the expense of keeping any seamen or marines at Falkland’s Island, they would be brought away, after leaving there the proper marks or signals of possession, and of its belonging to the Crown of Great Britain. ... it is only a private regulation with regard to our own convenience; yet I am inclined to think from what passed formerly on this Subject that they will be rather pleased at this Event, your Lordship may, if they mention it to you, freely avow it without entering into any other Reasoning thereupon. .. it is neither more nor less than a small part of an economical naval regulation.”*¹⁵²

The garrison departs on *HMS Endeavour*, leaving behind a number of gardens, three storehouses, five dwellings, a Union Jack and a lead plate stating¹⁵³ -

Know all the Nations, the Falkland Islands, with its ports, warehouses, landings, natural harbours, land and coves belonging thereto, are of exclusive rights and ownership of his most sacred Majesty George III, King of Great Britain. In testimony whereof, placed this plate and the colours of his British Majesty left flying as a sign of possession by S.W.Clayton, official Commander of the Falkland Islands. 1774 A.D.'

Rosalia in company, to Easter Island in 1770-1 B.G. Corney 1908 p.98 (Journals, royal commands, minutes, and despatches, relating to the voyage of the San Lorenzo and Santa Rosalia to Easter Island in 1770)

152 *“By 1774 it seemed to most country gentlemen that Lord North had achieved what no one else had been able to do since 1763: he had ended the period of war-finance and was well on the way to paying off the burdens left by the last War of Empire.”* *The Reign of George III, 1760 -1815* J.S. Watson 1963. To other commentators it seems that Lord North finally gave that which he had offered so often at his unofficial meetings with Frances during 1770/71; ie. the abandonment of the Falklands.

153 In his 'Report' of 1832, Luis Vernet dismisses this act, *“... it is of no importance whether or not they left inscriptions there. The fact is, they abandoned the place ...”*. But later he goes on to state, in defence of a right for Buenos Aires, that; *“... according to the principles laid down, the abandonment of a territory does not annul the right to it, unless it be spontaneous, and without any intention of returning to it.”* The question of whether marks and signs were sufficient in international law to maintain a claim would continue to exercise legal minds until the 1850's, although it has to be noted that Spain made extensive use of iron crosses to indicate its claimed territory in the Americas. *cf* 1854

April 9th, an *Order* is sent from the Court in Madrid, to the Governor at Puerto Soledad; “*The Court of London having lately offered to abandon the establishment they have formed in the Great Malvina, and to withdraw from thence the few soldiers and inhabitants they have there, the King decrees me to inform you of the same, in order so that you may in consequence prudently and carefully watch whether the English do actually abandon their said establishment, without forming any other new one in that neighbourhood, and in case of their having done so, you will from time to time assure yourself that they do not return to that place, and your will inform me of the particulars of every thing that takes place there as well now and for the future: All which I have His Majesty commands to communicate to you for your guidance, and until a more complete instruction can be given with respect to all that may relate to the matter. Until further instructions which I shall send you, you are not to exceed the better part of my present order, nor allow any one to visit the said abandoned establishment, except those you may send there in furtherance of the said order*”¹⁵⁴

Ten whaling vessels hunt around the Falkland Islands, including the *Montague* from Boston, and the *Thomas* out of Cape Cod.¹⁵⁵



154 Similar instructions were sent to the Governor in Buenos Aires. A copy of this *Order* was obtained by Woodbine Parish in 1830 and forwarded to London with his letter of November 20th of that year. *PRO FO 6 499*.

155 *The Blackheath Connection: A Website Book* Dan Byrnes 2000.

1775 - 1822



1775 – Britain claims South Georgia following the first landing by Captain James Cook.

" .. Here Captain Cook displayed the British Flag, and performed the ceremony of taking possession of those barren rocks, in the name of his Britannic Majesty, and his heirs forever. A volley of two or three muskets was fired into the air." ¹⁵⁶

The South Sandwich Islands are also discovered by Captain Cook and named after the 1st Lord of the Admiralty, the 4th Earl of Sandwich.

A Falkland Islands whaling and sealing fleet is established by four New England oil merchants, including Francis Rotch. Sixteen vessels are outfitted at Martha's Vineyard and instructed to begin whaling off Brazil and rendezvous at Port Egmont, to winter and take seals. ¹⁵⁷

Rotch has arranged British protection for the vessels which are to sell their oil in England. 13,000 seal skins from the Falklands are sold in Canton, China for \$5 each, by American vessels. ¹⁵⁸

Towards the end of the year, a Spanish vessel commanded by Pascual Callejas, arrives at Port Egmont. The lead plaque containing the British claim is removed, and taken to Buenos Aires. ¹⁵⁹

Two whaling vessels captained by William and Jonathon Mooers of London, take a cargo of Elephant Seals from the Falklands to Dunkerque. ¹⁶⁰

1776 – January 1st, William Clayton, the last Military Administrator at Port Egmont, describes the archipelago in a reading to the Royal Society. ¹⁶¹

February 7th, Ambassador Masseran, complains that English vessels have been seen in Port Egmont; “ ... in opposition to the solemn and repeated protestations with which Spain had been assured of the total abandonment of that place.” ¹⁶²

March 1st, the wording of the lead plate left behind at Port Egmont, is reported to the Court in Madrid. ¹⁶³

156 Journal of Georg Forster, German Naturalist, on the 'Resolution'.

157 *Chronological List of Antarctic Expeditions and Related Historical Events* Robert Headland 1989. The four merchants are named as Francis Rotch, Richard Smith, Aaron Lopez and Leonard Jarvis. Rotch is reported to have sat out the United States War of Independence on West Falkland. The Rotch family had owned the *Dartmouth* when its cargo of tea was thrown overboard in Boston 1773.

158 *The War against the Seals: A History of the North American Seal Fishery* by Briton Cooper Busch 1985

159 Argentine sources have it that the inscribed plate was preserved until June, 1806 when it was seized by General Beresford and sent back to London.

160 Headland 1989. “In 1775 the first British attempt was made at the Southern fishery. Ships of from one hundred to one hundred and nine tons were sent to ..., the coast of Brazil, the Falkland Islands, ...” cf. *A History of the Whale Fisheries* James Travis Jenkins 1921

161 *An Account of Falkland Islands by William Clayton, Esq. Of His Majesty's Navy* W. Clayton 1776

162 *Report of the Political, and Military Commandant of the Malvinas, Buenos Ayres*, Luis Vernet, 10th August, 1832

163 The message translated the inscription as; “Be it known to all nations that the Falkland Islands with this fort, the stores,

April 1st, a suggestion is made in the House of Commons, that convicts should be sent to the Falkland Islands.¹⁶⁴

The *Whale Fishery, etc. Act 1776* extends the bounty system to the Southern Whale fishery.¹⁶⁵

In **August**, King Charles III of Spain creates the Vice-Royalty of the Rio de la Plata.

“.. the viceroyalty of La Plata is represented as extending southward to the latitude of 41 degrees; and in the map accompanying it, a line drawn from the Andes eastward to the head-waters of the river Colorado, and down that stream to its mouth in the Atlantic, near the 40th degree, is given as the boundary between the viceroyalty and Patagonia.”¹⁶⁶

The Falkland Islands are not included within the new Viceroyalty.

1777 – Captain Cook publishes his *Report*, noting the huge numbers of seals around South Georgia.

April 1st, Don Pablo Sisur is commissioned to survey the area of the Islands near Port Egmont; “In his *Instructions he was ordered, if he found there any American Vessels, to make to them the before-mentioned intimation, as it was no longer under British dominion; and in case he should find there any English Vessels, he should make the same intimation to them, and further accuse them of a want of good faith.*”¹⁶⁷

Spanish Governor, Francisco Gil de Taboada y Lemos, leaves Puerto Soledad and is replaced by navy lieutenant, Don Ramón de Carassa y Souza.¹⁶⁸

October 1st, the *Treaty of San Ildefonso* between Spain and Portugal recognises Portuguese rights to Brazil and reaffirms both the *Treaty of Madrid 1750*, and the abandonment of the *Treaty of Tordesillas 1494*.

1778 – large numbers of 'maruading' sealers, American and British, are noted by the Spanish force at Soledad.

Juan de la Piedra is sent out to explore and found settlements along the coast of Patagonia south of latitude 41 degrees. A settlement is founded on the Rio Negro, and at San Julians.

“Our occupation of the Falkland Islands, in the first instance, and the work shortly afterwards published by Falkner in this country, pointing out the defenceless state of Patagonia, joined to the enterprising character of the British voyages of discovery about the same period, appears to have stimulated the Spaniards, in alarm lest we should forestall them, to examine their coasts, to explore their rivers, and to found settlements, of which every record was concealed from public view, lest the world at large should become better acquainted ..”¹⁶⁹

moles, ports, bays and creeks adjacent thereto, belong in a sole right and property to his most Sacred Majesty George III King of Great Britain, France, and Ireland, Defender of the Faith Yea. In testimony where of this plate is fixed here, and the colors of his Britannic Majesty hoisted in token of possession by J W Clayton Commanding Officer in the Falkland Islands A.D. 1774”

164 *Convicts and Empire: a Naval Question, 1776-1811* A. Frost 1980

165 *16 GEO. III c.47* quoted in Jenkins 1921 & Headland 1989. Initially introduced to encourage expansion of the industry at £1 per ton in 1733, this increased to £2 in 1749.

166 Greenhow 1842 quoting from *Revolucion Hispano-Americaux* Mariano Torrente 1829. Torrente actually says (p.11); “*The Viceroyalty of Buenos-Aires was located from 15° and 37° latitude South.*”

167 Vernet 1832

168 “*Of the extent of the Spanish settlement at Soledad during this period, we have no distinct accounts... It was under the superintendence of an officer entitled Commandante of the Malvinas, who was dependent on the viceroy of La Plata.*” Greenhow 1842

169 *Buenos Ayres and the Provinces of the Rio Del La Plata* Woodbine Parish 1839

1779 – July 8th, Spain declares war against Great Britain, citing a number of grievances and joining the French in support of the Americans, although she declines a formal alliance with the colonists.¹⁷⁰

November 22nd, navy lieutenant, Don Salvador Medina y Juan takes command at Soledad.

1780 – Viceroy Vértiz orders the surviving buildings at Port Egmont to be destroyed.¹⁷¹

A Spanish fort (*presidio*) is established on East Falkland island.¹⁷²

1781 – February 26th, Frigate Lieutenant, Don Jacinto Mariano del Carmen Altolaguirre takes command of the *presidio* on Soledad. He oversees the work of a priest, a Minister of the Royal Treasury, 3 officers, 1 surgeon, 50 soldiers, 43 convicts, 1 bricklayer and 1 baker.

1783 – Spain's new settlements along the Patagonian coast are abandoned on the orders of Viceroy Vértiz.¹⁷³

Naval Captain, Don Fulgencio D. Montemayor, takes over at Soledad.

Captain Frost in the *General Knox*, hunts seals at the Falklands.¹⁷⁴

1784 – June 28th, Lt. Don Agustín de Figueroa takes over command of the garrison on East Falkland island.

1785 – May 15th, Frigate Captain, Don Ramón de Clairac y Villalonga takes over control of the *presido*.

1786 – an American sealer, *United States*, takes 13,000 fur seal skins, and 300 tons of elephant seal oil from the Falklands.

Under *An Act for the Encouragement of the Southern Whale Fishery* bounties become payable to vessels fishing the Southern Fishery below 35° S.¹⁷⁵

Lt. Thomas Edgar of the British Royal Navy, in the whaler *Hope*, surveys West Falkland.¹⁷⁶

“Between the two main islands the sound is from 7 to 12 miles broad; and many of the smaller islands are situated in it. This channel is navigable for ships of any size, and by attending to the best chart, which is that of

170 The revolting colonies setting a bad example to her own.

171 *Las Islas Malvinas* R. R.Caillet-Bois 1952. An act of war, as West Falkland was the closest British territory to the Viceroyalty. Ruins at Port Egmont remain today, so there some doubt about whether this order was carried out.

172 Various described as a '*penal colony*', '*fort*' or '*garrison*', little is known about this settlement on East Falkland. The Spanish tended to put outposts around their claims in the Americas, and the occupants were a mixture of military men and prisoners sentenced to hard labour who literally did provided the workforce in these garrisons. In earlier times those same prisoners would have found themselves in the galleys. The garrison is unlikely to have been large, and was only supplied by one ship visiting from Montevideo, once a year. All the Commanders of the garrison, invariably called '*Governors*' by Argentina, were junior officers of the Spanish navy.

173 *Historia del Río de la Plata* vol.1 Roberto P. Payró 2007

174 The Lloyds Lists (insurance) show that during the 1780's British whalers; "*were exploiting Brazil, Trinidad, the Falkland Islands, South Georgia, and, after the establishment of Botany Bay, Norfolk Island.*" cf. Byrnes 2000.

175 26 *GEO III* c50 955-75

176 *A Chart of West Falkland Island from an Actual Survey by Lieu. Tho. Edgar of the Royal Navy in the Years 1786 & 1787* London: Published by A. Arrowsmith 1797. Edgar sailed with Capt. Cook on his third voyage and Port Edgar is named in honour of this work. Edgar actually arrived in the Falklands in a whaling ship, but it was common for the Admiralty to make use of vessels heading in the right direction rather than employing an expensive Royal Navy ship. The whaler would have had a contract dictating its arrangement with the Admiralty.

*Lieutenant Edgar, it may be passed through with safety, as all the dangers are there laid down.*¹⁷⁷

May 25th, Lt. Don Pedro de Mesa y Castro takes over at Soledad.

1787 – a British whaling ship, *Amelia*, commanded by Capt. James Shields, visits the Falkland Islands.

*“In 2 cruizes made by Don Ramon Clairac in 1787, he found in different parts of the Islands, the ship Hudibras, the Shallop Audaz, and the Brig Malplaquet, all English Vessels. They made divers excuses for being there, and were all likewise ordered off.”*¹⁷⁸

In **March**, the Marquis of Loreta, Don Pedro Meza, reconnoiters but finds no sign of foreign vessels.

May 15th, Captain Don Ramón de Clairac y Villalonga takes command of the presidio.

1788 – British ships visiting the Falklands and South Georgia include the *Lucas*, under Captain William Aiken, the *Intrepid*, under Captain John Leard and the *Quaker* under the command of Shadrack Kearn.

Thomas Delano in the *Lord Hawkesworth* leaves South Georgia with a full cargo of seal furs.

April 4th, the sealer, *United States*, arrives at Dover with 25,000 gallons of oil from the Falkland Islands.¹⁷⁹

April 10th, Lt. Don Pedro de Mesa y Castro takes command on East Falkland.

April 28th, *“By a Royal Order, dated in Aranjuez on the 28th of April, 1788, Instructions were given to foment the Fisheries in the Islands, and to reconnoiter their Establishments, in order not to allow any English to remain, either on Falkland, or any other part.”*

July 16th, Captain Leard writes to Charles Jenkinson, Lord Hawkesbury, the President of the *Council for Trade and Foreign Plantations*, suggesting seal conservation measures for the Falkland Islands and South Georgia. He proposes that a '*South Seas Company*' be established to regulate sealing and that limits be applied, based upon the age, sex and species of the seals to be taken.

1789 – May 16th, Captain Don Ramón de Clairac y Villalonga returns for his third posting in command of the garrison on East Falkland Island.

1790 – William Raven, in the *Jackall*, visits South Georgia.

In **February**, an American Schooner, *Peregrine*, is ordered away from the Falklands by the Spanish.¹⁸⁰

June 30th, Lt. Don Juan José de Elizlade y Ustariz takes over at Soledad.

October 28th, Britain and Spain sign the *Nootka Sound Convention No.1*¹⁸¹; 'Article 6: *It is further agreed with respect to the eastern and western coasts of South America and the islands adjacent, that the respective subjects shall not form in the future any establishment on the parts of the coast situated to the south of the parts of the same coast and of the islands adjacent already occupied by Spain; it being understood that the said respective subjects shall retain the liberty of landing on the coasts and islands so situated for objects*

177 *A voyage towards the south pole, performed in the years 1822-24* James Weddell 1825.

178 Vernet 1982

179 *She Captains: Heroines and Hellions* Joan Druett 2000

180 *Ibid* p 415

181 This, the first of 3 *Conventions*, appears to have been intentionally vague and open to differing interpretations.

connected with their fishery and of erecting thereon huts and other temporary structures serving only those objects.'¹⁸²

*Article 7: In all cases of complaint or infraction of the articles of the present convention, the officers of either party, without permitting themselves previously to commit any violence or act of force, shall be bound to make an exact report of the affair, and of its circumstances, to their respective Courts, who will terminate such differences in an amicable manner.*¹⁸³

The agreement also contains a 'Secret Article'; "Since by article 6 of the present convention it has been stipulated, respecting the eastern and western coasts of South America, that the respective subjects shall not in the future form any establishment on the parts of these coasts situated to the south of the parts of the said coasts actually occupied by Spain, it is agreed and declared by the present article that this stipulation shall remain in force only so long as no establishment shall have been formed by the subjects of any other power on the coasts in question. This secret article shall have the same force as if it were inserted in the convention."¹⁸⁴

December 3rd, the Convention is laid before Parliament; "... and became the subject of discussion in both Houses. By the friends of the ministry it was extolled and defended in general terms, as vindicating the honor of the nation, ... The opposition, on the other hand, contended ... that the rights of British subjects had been materially abridged ... They observed that, ... they were by this treaty prohibited from going nearer than thirty miles to a Spanish territory, ..." "To remove all possibility," said that gentleman (Mr. Fox), "of our ever forming a settlement to the south of her American colonies, was an object for which Spain would have been willing to pay a liberal price." Of the truth of this assertion, there was sufficient proof in the efforts made by the Government of Spain to prevent other nations from planting colonies in the Falkland Islands; from which islands, it may be remarked, both parties to the convention appear to have been excluded by the terms of the sixth article."¹⁸⁵

December 13th, the *Malaspina Expedition* visits Port Egmont.

1791 – South Georgia is visited by a Capt. Cook in the *London*, William Clark in the *Sparrow* and Christopher Horner in *Astrea*.

March 1st, Captain Don Pedro Pablo Sanguineto takes command of the garrison at Soledad.

November 22nd, the Spanish Commander of the Falklands is ordered to reconnoiter the Cape Horn and Tierra del Fuego with a frigate and a brig; "according to the literal tenor of Article VI, the English should not be allowed to fish or construct huts on Coasts... such as the Coasts of Deseado, those of San Jose, and even the

182 The insertion of the word '*adjacent*' undoubtedly placed the Falkland Islands outside the agreement. Eighteenth Century dictionaries refer to, '*lying near*', '*near or bordering upon*', '*contiguous or touching*', '*meeting so as to touch*', etc. The Falklands are 300 nautical miles from Patagonia, a distance greater than that lying between London and Paris, which is unlikely to have been considered '*adjacent*' to the English capital city. Port Egmont was sited a little north of Soledad and there were no Spanish settlements on the mainland coast opposite the Falklands at this time. *cf.* Lord Egmont's comments of July 20th, 1765. In modern times, it was decided that; "... it is evident that by no stretch of imagination can a point on the continental shelf situated say a hundred miles, or even much less, from a given coast, be regarded as "*adjacent*" to it' - *North Sea Continental Shelf Cases*, International Court of Justice, 1969.

183 Nootka forms one of the foundations for Argentina's argument for sovereignty rights over the Falklands on the basis that the British action of 1833 was prohibited by this *Treaty*. Spain, under *Article 7*, did not complain in 1833.

184 Rarely mentioned by Argentina, this clause is believed by some commentators to justify Britain's reassertion of its claim.

185 *Memoir, historical and political, on the northwest coast of North America, and the adjacent territories, illustrated by a map and a geographical view of those countries* Robert Greenhow, United States. Dept. of State 1840

Bay of San Julian, and other places in which we may have had occupation or settlements, or which may be accessory to Districts actually occupied."¹⁸⁶

Captain Eckstein in the whaler, *Sydenham*, hunts near the Falkland Islands.¹⁸⁷

1792 – Thomas Pittman, in the *Ann*, takes 3,000 barrels of Elephant Seal oil and 50,000 Fur Seal pelts from South Georgia, while the American sealer Benjamin Page, in the *Hope*, takes a cargo of Fur Seal skins from the Falklands to China.

March 1st, Lt. Don Juan José de Elizalde y Ustariz returns to Soldad to command the garrison.

Relations between France and Britain break down.¹⁸⁸

1793 – February 1st, Captain Don Pedro Pablo Sanguineto returns to East Falkland for his second tour in command of the garrison there.

In **September**, Don Juan Latre, patrolling East Falkland in the Spanish Brig, *Galvez*, sends a warning to the American Brig, *Nancy*; "*In consequence of the recent Treaties between the Spanish and British Governments, and of the orders I have received from the Commander and Governor of these Islands of Malvinas, it is my duty to inform you that you have no right either to fish or to anchor in the neighborhood of Spanish settlements; as solely the English Royalists are allowed to fish at 10 leagues from the said Establishments.*"¹⁸⁹

September 14th, Lt. Latre discovers 6 more American fishing vessels and 1 French ship. All are ordered away and their huts and gardens destroyed.

American sealing vessels *Betsey*, *Josephus* and *Swallow* hunt at the Falkland Islands. *Swallow* takes 16,000 Fur Seal skins and a quantity of Elephant Seal oil.¹⁹⁰

1794 – January 2nd, the *Malaspina Expedition* returns to Port Egmont where it remains for 18 days.¹⁹¹

January 11th, Spain and Britain agree to a mutual abandonment of Nootka Sound.

In **April**, Lt. Don José de Aldana y Ortega takes command on East Falkland.

May 12th, a map of South America is published by Laurie & Whittle of London; "*The Isles of Falkland belong to Great Britain by Right of first Discovery. The English have a Fort & Settlement at Port Egmont in Saunders Island, on the North of the Western Falkland, & the Spaniards have a Fort in the Eastern Isle. As Port Egmont,*

186 Vernet 1832

187 Headland 1989

188 Britain was almost constantly at war with France between 1792 and 1814. The shifting alliances between Spain and France had a direct effect on Spain's relationship with Britain, and on its ability to govern its colonies.

189 Vernet 1832

190 Headland 1989

191 "*The celebrated navigator Malespina, who, from the years 1792 1795, was employed by Spain to explore the Pacific Ocean, and her colonies washed by its waves, was, soon after his return to Cadiz, arrested and thrown into prison, ... All the papers and drawings belonging to the expedition were seized, and the botanists and other men of science, who accompanied Malespina, received orders to suspend their labours. Though part of the narrative was actually printed, the impression was suppressed; and the details of that interesting voyage are buried, as so many others have before been, amongst the dusty archives, and in the mouldy recesses of the Spanish chancery.*" *History of the Viceroyalty of Buenos Ayres; containing the most accurate details relative to the topography, History, commerce, population, government, &c. &c., of that valuable colony* Samuel Hull Wilcocke 1807. Some reports have Malespina driving away British sealers operating around Port Egmont; others suggest he surveyed the area. Very little has been published to date.

is a safe and capacious Harbour, It will become of great utility to the British Navy & even to Privateers, in any future war, to annoy the Spanish Trade in the South Sea."¹⁹²

British sealing ships, *Active, Ann, Fox, Kitty, Lively, Lord Hawksbury, Mary, Minerva* and *Sybil*, visit South Georgia during the austral summer.

1795 – Nicholas Vansittart presents a plan to Henry Dundas, British Secretary of War suggesting the overthrow of Spanish colonial rule in South America.

June 15th, Captain D. Pedro Pablo Sanguineto returns yet again to take command of the *presidio* on Soledad.

1796 – sealers *Sally* and *Young William* visit South Georgia. The *Sally* is wrecked, but the full complement is rescued by Capt. Mackay in the *Young William*.

March 15th, Lt. Don José Aldana y Ortega returns to the Soledad posting.

August 27th, Lt. Don José Aldana y Ortega is promoted to Captain.

October 5th, Spain forms an alliance with France and declares war against Britain.¹⁹³

*"The Nootka Sound convention grew out of certain rights on the part of Great Britain, which existed long prior to the formation of that convention. Gentlemen had talked about certain concessions on the part of Spain, certain benefits which had been conceded to England in the Nootka Sound convention; but it would be remembered that that convention was ended by the war of 1796."*¹⁹⁴

*"Spain declared war against Great Britain.. since which period, no distinct allusion to the convention of 1790 appears to have been made by either of the parties, in its public acts addressed to, or its engagements concluded with, the other."*¹⁹⁵

1797 – British forces blockade Spain to cut her off from her American dominions.

February 20th, Lt. Don Luis Medina y Torres takes over on Soledad.

1798 – **March 17th**, Captain Don Francisco Xavier de Viana y Alzaibar takes command of the *presidio*.

Sealers *Prince Edward* and *Sybil* visit South Georgia. The American ship, *Regulator*, is wrecked at South Georgia and its cargo of 14,000 Fur Seal pelts is sold to the British ship that rescues the crew.

1799 – in **April**, Captain Don Luis Medina y Torres returns to East Falkland to take over command of the fort there.

192 *A map of South America containing Terra-Firma, Guayana, New Granada, Amazonia, Brasil, Peru, Paraguay, Chaco, Tucuman, Chili and Patagonia, from Mr. d'Anville with several improvements and additions, and the newest discoveries .. A chart of Falkland's Islands named by the French Malouine Islands and discovered by Hawkins, in the year 1593* Laurie & Whittle, 53, Fleet Street, 12th May, 1794 See also *Kitchin's General Atlas, describing the Whole Universe: being a complete collection of the most approved maps extant; corrected with the greatest care, and augmented from the last edition of D'Anville and Robert with many improvements by other eminent geographers, engraved on Sixty-Two plates, comprising Thirty Seven maps.*, Laurie & Whittle, London, 1797.

193 *Treaty of Ildefonso*

194 *March 9th 1846 - Abridgment of the Debates of Congress, from 1789 to 1856. From Gales and Seatons' Annals of Congress; from their Register of debates; and from the official reported debates.* John C. Rives vol.5 1860

195 Greenhow 1842

1800 – a British ship, *Morse*, visits South Georgia, as does the *Duke of Kent* and the *Eliza*.

March 15th, Captain Don Francisco Xavier de Viana y Alzaibar takes command of the Soledad garrison.

Major-General Thomas Maitland, aware of the unused Vansittart plan, proposes an attack on Spanish colonies in South America beginning with Buenos Aires; to secure new markets for British goods.

1801 – Responsibility for the Colonies is transferred to the *War and Colonial Office*.

The *Earl Spencer* is wrecked off South Georgia. The *Favourite* from Nantucket hunts at the Falklands.

Bougainville, still believing that the French have superior title to the Falkland Islands, writes to Napoleon urging him to raise the matter during the negotiations with the British leading to the *Peace of Amiens*.¹⁹⁶

March 31st, Lt. Don Ramón Fernández y Villegas takes command on East Falkland.

1802 – Captain McLean in the *Anna Josepha*, en-route from Sydney to Cape Town, stops at West Falkland with the crew suffering from scurvy. James Grant RN notes the presence of American sealers.¹⁹⁷

January 31st, the American ship, *Juno*, under the command of Capt. Kendrick stops off at Soledad for the purpose of taking on water. He tells Lt. Villegas that he was advised to do so by the Spanish Consul in the USA. Villegas writes to the Viceroy for advice.¹⁹⁸

Captain Isaac Pendleton in the *Union*, maps South Georgia.¹⁹⁹

March 17th, Lt. Don Bernardo de Bonavía takes over the *presidio*.

May 4th, the Viceroy responds to Lt. Villegas' request for advice, telling him to obey his orders and instruct foreign vessels to leave.²⁰⁰

1803 – the cost of the penal colony on East Falkland is put at 24,564 pesos.²⁰¹

At the end of **February**, Lt. D. Antonio Leal de Ibarra y Oxinando commands at Soledad.

1804 – a discussion takes place between William Pitt, Lord Henry Melville and Sir Homes Rigg Popham on the merits of the Maitland plan to attack South America. Popham believes a better plan would be the taking and holding of strategic positions; *“The next point from Europe must certainly be Buenos Ayres, and to accomplish this object it will be necessary to have a force of three hundred men ..”*²⁰²

March 21st, Captain Don Bernardo de Bonavía takes command on East Falkland.

196 Diego Luis Molinari: *La Primera Unión del Sur, Orígenes de la Frontera Austral Argentino-Chilena Patagonia, Islas Malvinas y Antártida*, Buenos Aires, 1961, p. 67 quoted in Pascoe & Pepper 2008

197 Which he subsequently reported on his arrival back in London. cf. Headland 1989

198 Vernet 1832

199 Not published until 1906.

200 Vernet 1832. Vernet did not provide any evidence to support his assertions, and this 'advice' may have been a general command rather than an instruction specifically for Villegas.

201 Torrente 1829. This cost is listed in the expenses of Buenos Aires, although Torrente does not include the Falklands within the Viceroyalty.

202 *Memorandum by Capt. Sir Home Popham, 14 October 1804* : *American Historical Review*, vol. VI, no.3, April 1901, pp.509-517, nb p.516.

1805 – Spanish maps start to refer to the islands as the ‘*Malvinas*’.

March 21st, Lt. Antonio Leal de Ibarra y Oxinando takes over the *presidio*.

October 21st, the Battle of Trafalgar severely reduces the capacity of Spain to communicate with its South American colonies.

1806 – January, Sir Homes Rigg Popham leads 6000 soldiers in the capture of the Dutch colony at the Cape, in South Africa, which is taken without much of a fight.

March 20th, Captain D. Bernardo de Bonavía returns to command the garrison on East Falkland.

April, Popham, with the 71st Regiment of Foot, heads towards South America, via St. Helena, intent on taking Buenos Aires. He has no orders to do so.

June 27th, Popham and General William Carr Beresford, leading some 1,600 troops and marines, attacks and occupies Buenos Aires.

Viceroy Rafael de Sobremonte, flees to Córdoba, losing his treasury to British troops on the way.

July 2nd, the city authorities capitulate and the British marines re-embark, leaving 1,200 troops to hold the city.

The wealthy and political classes welcome the British arrival, but the merchants and poorer groups do not. The fledgling Republican movement is disturbed when Beresford declines to assist them in their cause.

A detailed account of the extent of the Viceroyalty is prepared; “*The recent brilliant acquisition by the British forces under General Beresford and Sir Home Popham of the very important settlement of Buenos Ayres, renders an account of the extensive Viceroyalty to which it gives its name doubly desirable.*”

*...If the limits of the work will admit, it is intended next to introduce succinct accounts of such of the adjacent countries, as, though not included in the political denomination of the Viceroyalty of Buenos Ayres, have, nevertheless, natural relations towards it, which make them objects of interest at the present time. Peru and Chili on the west; and the unexplored districts of Patagonia to the south; with the Falkland islands and others, scattered in the Atlantic ocean, on the east; are those alluded to.*²⁰³

August 10th, Spanish irregular forces, led by a Frenchman, Santiago de Liniers, attack and retake Buenos Aires. The 71st Regiment of Foot lose both their Regimental Colours.²⁰⁴

August 12th, Gen. Beresford agrees to surrender, but not unconditionally. Liniers agrees and the British force lays down its arms on the condition that they may return to England.

August 25th, Liniers notifies Beresford that the *Cabildo* has rejected the terms of the capitulation and will not allow the British troops to leave the United Provinces. Beresford protests. Sir Homes Rigg Popham writes; “*The object of this expedition was considered by the natives to apply principally to their independence; by the blacks, to their total liberation: and if General Beresford had felt himself authorized, or justified in confirming either of these propositions, no exertions whatever would have been made to dispossess him of his conquest.*”²⁰⁵

203 Wilcocke 1807. Sadly the limits of the work did not, apparently, allow.

204 Popham was with his small fleet at this time and was not in a position to assist Beresford. British casualties were put at 48 dead and 107 wounded, and 10 missing. Spanish casualties were estimated at 700.

205 *Annual Register* 1807, p.217

September 20th, the British force is dispersed amongst the Provinces. Beresford and his officers are detained as prisoners of war.²⁰⁶

October, Popham captures the port of Maldonado and awaits reinforcements.

December 13th, an Order from the Treasury is Spain, provides that; “.. *for the expenditures and payments we shall consider from now onwards the establishment of Malvinas as a ship sailing and all the employees at that destination as depending on the ship, and the Navy shall have the same accounts in the same way as the ones of the other warships according to their particular and exclusive ordinances*”.²⁰⁷

1807 – January 5th, Rear-Admiral Stirling arrives at Maldonado to relieve Popham, and immediately besieges Montevideo.

February 3rd, Montevideo is captured in an operation involving some 10,000 British soldiers and marines under the command of General Samuel Auchmuty.

General Beresford effects his escape and returns to England.

March 6th, Sir Homes Rigg Popham's court-martial commences on the *Gladiator* at Portsmouth. He is charged with leaving his post at the Cape.²⁰⁸

"The court has agreed that the charges have been proved against the said Captain Sir Home Popham. That the withdrawing, without orders so to do, the whole of any naval force from the place where it is directed to be employed, and the employing it in distant operations against the enemy, more especially if the success of such operations should be likely to prevent its speedy return, may be attended with the most serious inconvenience to the public service, as the success of any plan formed by his majesty's ministers for operations against the enemy, in which such naval force might be included, may by such removal be entirely prevented.

And the court has further agreed, that the conduct of the said Captain Sir Home Popham, in the withdrawing the whole of the naval force under his command from the Cape of Good Hope, and the proceeding with it to Rio de la Plata, is highly censurable ; but, in consideration of circumstances, doth adjudge him to be only severely reprimanded, and he is hereby severely reprimanded accordingly."

May 10th, Lieutenant-General John Whitelocke arrives in Montevideo with orders to; “.. *reduce the Province of Buenos Ayres.*”

June 28th, Whitelock lands at Ensenada with 7,800 men and 18 field-pieces.

July 1st, Lt. General Whitelocke defeats Liniers, forcing his retreat, but does not attempt to enter the city. He demands instead that the city authorities surrender, and become '*prisoners of war*'.²⁰⁹

July 3rd, Whitelock again demands that Buenos Aires surrenders. The reply is short, "*If you want your arms you must come and take them.*"

206Something akin to an '*open house arrest*'; hunting and shooting were apparently permitted.

207 *Malvinas: towards an integrating conception* Marcelo Luis Vernet in *The Question of Malvinas Islands and the Bicentennial Argentina* 2011

208 *The European Magazine, and London Review* Vol. 51 1807

209This unusual demand was the subject of one of the charges against Whitelocke at his court-martial.

July 5th, Brigadier-General Robert 'Black Bob' Craufurd, with a light brigade that includes a battalion of the 95th rifle regiment, enters the city. He is met by a mixed-race militia, bolstered by regular troops and assisted by the local inhabitants positioned on the rooftops. Unused to urban combat, the British suffer heavy losses.²¹⁰

July 6th, Lt. General Whitelocke surrenders to de Liniers under terms that require the abandonment of Montevideo, even though that city is well garrisoned and not under threat.

*"In that very town, the capture of which would have raised me to the heights of military glory if I had been left to myself, I, two days afterwards, found myself in the humiliating situation of a prisoner."*²¹¹

September, Whitleock withdraws from the Rio de la Plata, evacuating Montevideo.

*"The interior of St. Domingo is light and airy, without much decoration; but it contains objects that swell the beating hearts of Englishmen – the British standards ranged around the dome, the trophies of Beresford's and Whitelock's expeditions. Crawford, with part of his division, it will be recollected, took refuge in this church. I have viewed those flags with the most painful recollections, obtained, as they were, not in open fight, but by concealed and inaccessible enemies; and have felt for the fate of my unhappy countrymen, slaughtered, without an opportunity to retaliate, by those who could not have stood one half-hour before them in a fair field of battle."*²¹²

1808 – British ships, *Otter* and *Swan*, visit South Georgia.

January 28th, Lt. General Whitelocke's court-martial commences in Chelsea College;²¹³

*"This is not the Case of an Officer on his Trial by Court Martial for any one particular fact alledged against him, but it is the **first** Trial by Court Martial, instituted to investigate into the Conduct of a General Officer, having the command of an Expedition against a foreign Province."*

Whitelock is charged with general incompetence but a charge of 'cowardice' is rejected by the Judge-Advocate. More seriously, Whitelocke is charged with ceding Montevideo; *".. tending to the dishonour of his Majesty's arms, and being contrary to his duty as an officer, prejudicial to good order and military discipline, and contrary to the articles of war."*

In **February**, Napoleon Bonaparte turns on his Spanish allies and occupies Spain.

March 14th, after 30 days of prosecution evidence, Lt. General Whitelocke commences his defence.

March 19th, Charles IV of Spain abdicates in favour of his son.

On being found guilty on all charges but one, Lt. General Whitelocke is dismissed.

April, Napoleon takes Charles IV as prisoner to Bayonne, and summons Ferdinand.

May 5th, Charles IV retracts his earlier abdication, and abdicates again, this time in favour of Napoleon.

210 British losses have been put at 311 dead, 679 wounded and 1,808 captured or missing, although Liniers believed that the British had 2,500 dead when he proposed the terms of surrender. *cf. The English in South America*, M.G. Mulhall 1924

211 *Robert Craufurd to his wife*. Quoted in *Rifles*, Mark Urban 2003. Famous for a strict approach to discipline, and for marching 3 battalions 62 miles to Talavera in 26 hours, Craufurd was killed in 1812 at the siege of Ciudad Rodrigo.

212 *Five Years Residence in Buenos Ayres during the years 1820 to 1825 ...* George T. Love 1825

213 *Trial of Lieutenant General John Whitelocke Commander in Chief of the Expedition against Buenos Ayres* Samuel Tipper 1808

May 6th, Ferdinand VII agrees to recognise the abdication of his father, and is then forced to renounce his own claim to the Spanish throne. Popular uprisings break out around the country.

June 6th, Napoleon proclaims his brother, Joseph, as José I, King of Spain and the Indies.

August, British troops land in Portugal. Pilot Don Gerardo Bordas takes command of the *presidio* on East Falkland.

September 25th, Spanish partisans fighting Napoleon form a temporary government, the *Supreme Junta*, to serve as a surrogate for the absent King.

1809 – January 14th, the *Supreme Junta* signs a treaty of alliance with Britain.

May 22nd, the *Supreme Junta* invites representatives from its overseas territories to sit in a *Cortes*. Invitees include Peru, Buenos Aires and Chile.

July 30th; in the the *Sydney Gazette and New South Wales Advertiser*; “*The affairs of the River Plate are unsettled – The French General Liniers, who was the Acting Governor of Buenos Aires had banished most of the principle inhabitants to Falkland's Islands; but the Spanish Governor of Monte Video, much disgusted by so tyrannical a measure, immediately on receiving the information sent vessels to their relief, and prepared a welcome reception for the exiled patriots at Monte Video, whither they were accordingly removed.*”

1810 – January 29th, following military reverses the *Supreme Junta* dissolves itself and a five person *Council of Regency of Spain and the Indies* is tasked with pursuing the idea of a *Cortes*.

At the end of January, Pilot Don Pablo Guillén Martínez takes over command of the garrison on East Falkland from Don Gerardo Bordas, who goes to Montevideo to request payment of the wages due to him.

March 20th, Rear-Admiral Salazar passes on Bordas' request to Viceroy Cisneros, who instructs that certified copies of the *Treasury Order* of 1806 be sent to the Navy Minister at Montevideo.

May 20th, Salazar again requests action regarding Commander Bordas' wages.

May 22nd – 25th, a meeting is held in Buenos Aires to decide the future of the *Viceroyalty*. Delegates refuse to recognise the authority of the Council of Regency, but eventually declare for Ferdinand, professing to sustain the provinces in; “*the most constant fidelity and adherence to their beloved Ferdinand VII, and his legal successors to the crown of Spain.*”²¹⁴

Buenos Aires Province forms its own, '*Primera Junta*',²¹⁵ with the Viceroy, Baltasar de Cisneros, forced to resign before being exiled.

May 30th, the issue of Bordas' wages is taken up by Cornelio Judas Tadeo de Saavedra, President of the *Primera Junta* who countersigns the request, and also asks for the *Treasury Order* of December 13th, 1806 to be sent to Montevideo.²¹⁶

214 *Present State of the Spanish Colonies* William Walton vol II 1810. Some historians have suggested that declaring for the King was merely a ruse, called the *Mask of Ferdinand VII*, to gain and consolidate power, hence the rejection of the royalist *Council of Regency*.

215 The *Grande Junta* followed the *Primera Junta* and also voted to stay loyal to Ferdinand.

216 Marcelo Vernet 2011. There is no indication that Bordas ever got paid. Importantly this procedure is put forward as evidence of the *Primera Junta*'s claim to the Falklands as early as 1810. However, the matter is about who should pay

In a reflection of the confusion in Spain, not all the Provinces agree on who to support, and conflict erupts.

Montevideo endorses the *Council of Regency*, and its Governor, Francisco Javier de Elio, declares himself, *Viceroy of the Rio de la Plata*. The garrison on East Falkland stay loyal to the *Junta* in Spain.

June 2nd, *La Gazeta de Buenos Ayres* is founded by Decree; “*the people have a right to know the behaviour of their representatives.*” The Gazette is to publish official announcements, appointments, notices and decrees.

“*Before the revolution there was a printing press in Buenos Ayres, whence issued a weekly newspaper, merely for the purpose of printing and publishing sundry papers and documents for the convenience of the viceroy, and under his sanction entirely. ... This press is still continued, and the ministerial paper, called the Buenos Ayres Gazette, issues from it weekly. ... The press has never been tolerated with a single day of genuine and manly freedom in Buenos Ayres. Nothing is published but what is flattering to the powers that be...*”²¹⁷

September 18th, a *Junta* in Santiago (Chile) declares full independence.

September 24th, the new *Cortes* meets in Cádiz.²¹⁸

1811 – January 19th, Francisco Javier de Elio is confirmed as *Viceroy* by the *Junta of Cadiz*, with Buenos Aires declared a rebel city.

February, the rural population of the Banda Oriental²¹⁹ rebel and besiege Montevideo, threatening the Viceroy's position. All loyal troops are ordered back to Montevideo, including those stationed on East Falkland.²²⁰

February 13th, Pilot Don Paul Guillén Martínez, evacuates the garrison from Puerto Soledad, leaving a plate in the bell tower containing the inscription²²¹ -

" This island with its ports, buildings, units and contents belongs to the sovereignty of Sr. D. Fernando VII King of Spain and the Indies, Soledad of Malvinas 7 February 1811 - Governor Paul Guillén."

May 14th, a *Junta* in Acuncion (Paraguay) declares full independence.

July 5th, a *Junta* in Caracas (Venezuela) declares full independence.

for work completed by January 1810 and it is quite clearly being passed to the loyal Spanish authorities in Montevideo; suggesting that Buenos Aires was not prepared to take responsibility.

217 *Report of Theodorick Bland, Special Commissioner of the United States to South America, to John Quincy Adams on the condition of South America* November 2nd 1818 in *Diplomatic Correspondence of the United States Concerning the Independence of the Latin-American Nations* William R. Manning vol. I 1925 p.428

218 There were three Representatives from the Rio de la Plata.

219 An area covering modern day Uruguay plus other territory which is now a part of Brazil.

220 “*...the Cortes at Cadiz expressed their intention of reoccupying them when the situation was more propitious ..*” *Falklands or Malvinas? The Background to the Dispute.* J.Metford *International Affairs* 44 July 1968 pp.463-481, reprinted in the introduction to Goebel, 2nd Ed. 1982

221 “*Esta isla con sus Puertos, Edificios, Dependencias y quanto contiene pertenece a la Soberanía del Sr. D. Fernando VII Rey de España y sus Indias, Soledad de Malvinas 7 de febrero de 1811 siendo gobernador Pablo Guillén.*” This plate is reminiscent of the lead plaque left by the British in 1774, with the exception that it only refers to 'island' (singular) and not 'islands' (plural).

August 30th, Louis-Antoine de Bougainville dies in Paris. He is given a State funeral on September 7th.

November 18th, following defeat at the hand of the rural forces, de Elio returns to Spain, ending the *Viceroyalty de la Rio Plata* and its administration of Spanish territory both around the river; and at Soledad.

1812 – In **January**, Francisco Javier de Elio resigns his position as *Viceroy de la Rio Plata*.

British forces under Arthur Wellesley, advance into Spain.

February 27th, Manuel Belgrano unfurls the first triband flag of light blue and white. The *First Triumvirate* refuse to accept the new flag, as they rule on behalf of Ferdinand and a flag would be an act of independence.

March 19th, the *Cortes* in Cádiz promulgates a written *Constitution*. *Article 1: "The Spanish nation is the collectivity of the Spaniards of both hemispheres."*²²²

1813 – **February 8th**, the British ship *Isabella* is wrecked off the coast of Eagle Island. The Captain, George Higton, and 5 of the crew set out to get help in one of the ship's boats leaving the rest of the crew behind.

April 5th, the American sealer *Nania* finds the marooned British seamen who are unaware that the US and Britain are at war. On finding this out the British crew seize the *Nania* and maroon Captain Barnard and the American sailors.

October, Napoleon's forces retreat from the Iberian Peninsular.

1814 – British vessels, *Admiral Colpoys*, *Diana* and *Recovery* visit the Falkland Islands.

The Provinces of the old *Viceroyalty de la Rio Plata* descend into a series of civil and internecine wars that will last until 1876.

January 14th, Charles IV renounces his rights to the Spanish throne in favour of Ferdinand.

March, Ferdinand VII, King of Spain, re-enters his country and takes up his throne. Napoleon abdicates.

May 4th, Ferdinand VII refuses to accept the liberal *Constitution* of 1812, attempting to reimpose absolute monarchy over Spain, and its dominions in the Americas.

June, Buenos Airean forces under General Carlos Alvear, capture Montevideo.

July 5th, a *Treaty of Friendship and Alliance* is signed between Britain and Spain.

August 28th, additional *Articles* are agreed between Spain and Britain, reinstating all *Treaties* of commerce existent before 1796 but only until new negotiations take place;

*"Art. 1.—It is agreed that, pending the negociation of a new Treaty of Commerce, Great Britain shall be admitted to trade with Spain upon the same conditions as those which existed previously to the year 1796. All the Treaties of Commerce which at that period subsisted between the two nations being hereby ratified and confirmed."*²²³

²²²Although declaring the legitimacy of Ferdinand VII, the *Constitution* effectively reduced the power of absolute monarchy and attacked the powers of both Church and Nobles. Under this constitution the concept of sovereignty resided in the nation, rather than the monarch, raising the hope of self-rule in the Americas.

²²³ *"But this article could have related only to the treaties of commerce between the European dominions of the parties;*

Art. 3. - His Britannic Majesty being anxious that the troubles and disturbances which unfortunately prevail in the dominions of His Catholic Majesty in America should entirely cease, and the subjects of those provinces return to their obedience to their lawful sovereign, engages to take the most effectual measures for preventing his subjects from furnishing arms, ammunition, or any other warlike article to the revolted in America."²²⁴

Manuel Belgrano and Bernardino Rivadavia are sent to Europe, via Rio de Janeiro, to negotiate the establishment of a constitutional monarchy, with a Spanish or English prince as King of a United Provinces.²²⁵

In **November**, Capt. Barnard and his crew are rescued by the British whalers, *Asp* and *Indispensable*.

December 12th, during heated negotiation preceding the signing of a *Treaty of Peace and Amity between His Britannic Majesty and the United States of America*, James Bayard, a negotiator for the US, raises the case of the Falkland Islands with Henry Goulbourn; "*Why,*" (in a transport of rage,) said Goulbourn, "*in that case we sent a fleet and troops and drove the fellows off; and that is what we ought to have done in this case.*"

I [Adams] said I believed the gentleman's recollection of the case was not exact; that, as I remembered it, the Spaniards in that case had driven the British off, and Great Britain had insisted upon being restored to the possession, though she immediately afterwards abandoned it, and the claim to the islands themselves.

"Well," said Goulbourn, "*we fitted out a fleet and troops, and Spain knew that we would have taken them, and so she chose to give them up.*"²²⁶

1815 – the *Norfolk*, visits South Georgia. Edmund Fanning, in the sealing ship, *Volunteer*, leaves a sealing gang at Port Louis with orders to hunt in the area until his return due in 1817.²²⁷

January 9th, Carlos Alvear is chosen as Supreme Director in Buenos Aires. He instructs Manuel Jose Garcia to negotiate the placing of the United Provinces under British protection. Garcia is entrusted with letters to the British Foreign Minister stating that the United Provinces wished to belong to Britain and accept her laws. The letters also asked for the deployment of troops to restore order.

Garcia arrives in Rio de Janeiro and speaks to the British Ambassador, Lord Strangford, who cannot negotiate as he has already been instructed to act in harmony with Spain on the issue of its revolting colonies.

May, Belgrano and Rivadavia arrive in Britain but quickly recognise that the Government there will not support their ambitions. A revised plan to interest Charles IV in forming one or more monarchies around the Rio de la Plata also fails.²²⁸

for in the first place, no commerce existed agreeably to treaty, between either party or its colonies and the colonies of the other, before 1796; and moreover, another article in the same Treaty of Madrid provides that, "in the event of the commerce of the Spanish American colonies being opened to foreign nations, His Catholic Majesty promises that Great Britain shall be permitted to trade with those possessions, as the most favored nations." Thus it would seem that the convention of October, 1790, between Great Britain and Spain, expired in October, 1795, and has not since been renewed; and if that be the case, Great Britain and Spain should each stand with regard to the Falkland Islands, as if it never had been concluded." Greenhow 1842. Greenhow dates the Anglo-Spanish War to 1795 in his article.

224 These *Articles* also partially reinstated the *Nootka Sound* agreement, to the extent that it was concerned with commerce.

225 The United Provinces were apparently unaware of the agreements between Britain and Spain. In any case, Belgrano and Rivadavia were strange choices for the mission as both were anti-monarchist. However the dissension amongst the old Rio de la Plata Provinces had got so bad that they were desperate. True independence was not considered realistic without a major sponsor. *Pan-Americanism: its beginnings* Joseph Byrne Lockey 1970

226 *Memoirs of John Quincy Adams, comprising portions of his diary from 1795 to 1848* C.F. Adams 1874 vol. III p.108

227 Headland 1989

228 Lockey 1970 pp. 85 – 89. Belgrano returned to Buenos Aires early in 1816.

1816 – March 24th, a Congress meets in Tucumán, with representatives from the Provinces. The *Federal League*, however, are not represented.²²⁹

July 9th, the United Provinces of South America formally declares independence from Spain at the Congress of Tucumán. Delegates point to the refusal of Ferdinand VII to accept the *Constitution* of 1812, and states that any union between Spain and its Dominions was broken on Ferdinand's abdication.²³⁰

July 20th, Belgrano's triband flag is accepted as the flag of the new nation.

August 14th, General José de San Martín writes to the Governor of the city of San Juan; "On the 31st last month, the Minister of War stated the following to me: *“The government is desirous of ending the misery of those who are held in jails, dungeons or other prisons located in the territory of these provinces, as a result of their reprehensible conduct/excesses and to preserve public peace. With the purpose of rendering them useful to the State under the guidance of expert chiefs that shall draw them away from their misplaced past and turn them into honourable citizens that shall serve the common good, His Excellency has decided that you provide that all the persons of the high class that are imprisoned in the jurisdiction under your command sentenced to the jails of Patagones, Malvinas or other places be sent to this capital city, escorted with the strictest surveillance possible, and along with a copy of their respective sentences, including any deserters contempt of court. His Excellency hopes that, driven by the spirit of zeal and philanthropy of that Government, it shall take, without delay, the measures required for the prompt complying of this resolution, circulating them to the lieutenant governors and to any other persons as may be appropriate in the jurisdiction under your command, and has ordered me to convey the message that I have the honour to transmit to you, for its compliance, accountable by the dispatching of the aforementioned individuals.”*²³¹

1817 – Captain Edes in the sealing ship, *Pickering*, visits the Falkland Islands.

April 6th, George W. Erving, US Minister to Spain, writes to Secretary John Quincy Adams; *“With respect to the colonies, I believe it to be very certain that England has offered her mediation. But here the two governments cannot agree. Spain in the true spirit of her system, insists on their returning to their ancient unqualified allegiance, & her pretensions are still upheld by calculations on the flattering intelligence, true or false, which she every now & then receives from various parts of South America. England besides the reasonable objections which she has to oppose to such absurd & hopeless overtures, cannot find that she has any interest in making them; she does not wish to separate the colonies from Spain, on the contrary; but she desires that the trade to them may be open.”*²³²

In **August**, the British Foreign Minister, Lord Castlereagh, circulates a note to the European Allies; *“..founded upon the previous application from Spain, soliciting the mediation of the allies between her and her Colonies. It proposes that they should undertake the mediation, on condition that Spain should agree to three principles to form the basis of it: 1. A general amnesty to the insurgents. 2. That the South Americans should be admissible*

229The United Provinces comprised most of the former *Viceroyalty of the Rio de la Plata* and, for much of the period, had Buenos Aires as its capital city. The *Federal League* was made up of Montevideo and its surrounding areas. The Spanish *Viceroyalty* had included, in addition to Buenos Aires and its surrounding lands, modern Uruguay, Paraguay, Bolivia, and parts of Chile and Peru, but not Patagonia. Modern Argentina would eventually form from some, but not all, of these 'Provinces'.

230 Effectively 'backdating' independence.

231 General Martin was apparently unaware that the penal colony on East Falkland had stayed loyal to Spain, and had abandoned the *presidio* 5 years before.

232 Manning 1925 vol.III

to offices and honors equally with the Spaniards. 3. That the Colonies should enjoy a free commerce with other nations, subject to certain suitable preferences in favor of Spain.”²³³

October 29th, General Mason introduces Don Manuel Aguirre to Secretary Adams in Washington; “He gave me a letter to the President, containing the declaration of independence of Buenos Ayres, with an exposition of the motives of that act, written by himself, and two commissions to himself, inclosed in a sealed packet addressed to me. One commission was from the United Provinces of South America (Buenos Ayres), signed by the Supreme Director Puyrerredon, styling Aguirre Commissary-General of War, and constituting him agent of the Government near that of the United States.”²³⁴

As the US does not recognise the United Provinces, Adams informs Aguirre that he will not be viewed as a Minister from Buenos Aires, but merely as an Agent.

December 4th, the United States sends out three commissioners, Rodney, Bland and Graham, to ascertain the condition and prospects of the La Plata provinces. “Mr Bland,... in his report, describes the boundaries of La Plata with great minuteness, .. gives as its southern limit the parallel of thirty eight and a half degrees of south latitude.”²³⁵

“To the South of latitude thirty-eight degrees and a half, and between the Andes and the Atlantic, as far as the straits of Magellan, is, at present, entirely in possession of the various tribes of Patagonian savages, over whom the colonial Government exercised no authority, nor asserted any claim, other than a right of pre-emption and of settlement in their territory against all foreign nations; to which rights and benefits the independent Government claims to have succeeded.”²³⁶

December 24th, Secretary John Quincy Adams has a meeting with Aguirre; “.. and I had with him a conference of nearly two hours. He gave me a copy of the Declaration of Independence of Buenos Ayres of 9th July, 1816, and read to me in English a paper urging the acknowledgment of that Government by the United States. I asked him if it was in consequence of any new instructions. He said, No, but in consequence of what had passed in Congress on the subject. His instructions were to urge the recognition of Buenos Ayres as circumstances might occur to favor the demand; but he was expressly instructed not to urge it at the hazard of embroiling the United States with any of the powers of Europe. He told me there were three public agents of Buenos Ayres in Europe one at London, one at Vienna, and the third had been under the guarantee of the British Minister at Madrid, but he believed was now gone to Paris.

The proposals that he had made to Spain were, that the King of Spain s brother, the Infant Don Carlos, should be the sovereign of Spanish South America, but upon two conditions, one, the absolute independence of South America ; and the other, that Don Carlos should go over alone, without any troops.

Spain rejected these proposals, and would hear of nothing but unconditional submission, upon which the Declaration of Independence was made.”²³⁷

1818 — the Tucumán Congress breaks up following disagreements between the Unitarians and the Federales.

233 Adams 1874 vol. IV p.137

234 Adams 1874 vol. IV p.14

235 Greenhow 1842.

236 *Report of Theodorick Bland* in Manning 1925 vol.1 pp.382 & 389

237 Adams 1874 vol. IV p.30

March 25th, Henry Clay speaking in Washington, calls for \$18,000 to outfit and salary a Minister for the United Provinces. The motion is defeated.

July 25th, John Quincy Adams notes in his diary a visit to see President Monroe; *“ He gave me yesterday two letters to read in confidence, as they had been communicated to him. One was from Judge Bland at Buenos Ayres, to J. S. Skinner, the Postmaster at Baltimore, .. Bland’s letter is long, private, and confidential contains much information concerning the state of the country, a decided opinion that they will never again submit to the dominion of Spain, and an opinion equally strong that the Government of the United States ought not at present to recognize that of Buenos Ayres. He has a very bad opinion of Pueyrredon, and still worse of his Secretary of State, Tagle.*

Two days ago he had very abruptly asked me to see Mr. Bagot and propose through him to the British Government an immediate co-operation between the United States and Great Britain to promote the independence of South America. I asked him what part of South America. “All South America, and Mexico, and the islands included”; I told him I thought Great Britain was not yet prepared for such a direct proposition; and, entering into details, I immediately found it was a crude idea, which he immediately abandoned.”

In **August**, the French statesman, the 5th Duc de Richelieu proposes to Ferdinand VII that one of the Spanish princes be crowned at Buenos Aires. Ferdinand refuses.²³⁸

September, French agents in Buenos Aires report that Manuel Belgrano and the Government there favour a close political connection with France, and would still prefer a monarchy rather than republicanism.

November 7th, John Quincy Adams, in consultation with President Monroe over the President's annual Message to Congress, notes in his diary; *“ ... with regard to the facts relating to the European mediation, some of them had been communicated to us in close confidence by the British Government, and the President could not dilate upon them without giving them a color to charge us with a breach of that confidence. Still less can he enlarge upon the facts in the internal condition of South America which operate against the acknowledgment of the Government of Buenos Ayres, the principal of which is that they pretend to the sovereignty of the whole Viceroyalty of La Plata, while Portugal is in possession of Montevideo, Artigas of the Banda Oriental, Paraguay under other separate government, and the Spanish royalists in five other provinces.”*²³⁹

November 9th, the British Prime Minister, Lord Liverpool, writes; *“Mediation between Spain and her Colonies is the most embarrassing question. The last proposition of the new Spanish Minister in London suggested that the commerce of England and other friendly Powers with the Colonies should only be carried on through Spanish ports. This is obviously impossible ..”*²⁴⁰

December 14th, Mr. De Forrest, an American citizen, presents an application to the US Government for his recognition as Consul-General for Buenos Aires. The application is rejected. Secretary Adams informs him; *“That it might be well for him to make known to his Government that if the United States should hereafter acknowledge them, it will be without involving themselves in any question as to the extent of their authority or territory; particularly they will not be considered as taking any part in their questions with the Portuguese, or Artigas, upon the Banda Oriental, or with Paraguay, Santa Fe, or any provinces contesting their authority ; that we should also expect to know whether the independence that we were to acknowledge was complete or partial.”*

238 Lockey 1970 p.92

239 Adams 1874 vol.IV p.167

240 Liverpool to Castlereagh Nov. 9th, 1818

1818 / 19 – British whalers and sealers, *Arab, Anne, Echo, Grand Sachem, Indispensable, King George, Dove, Norfolk, Recovery* and *Mary Ann*, hunt off South Georgia.

1819 – January 14th, Spain announces penalties for any subject of a foreign state who joins the standard of their revolting colonists. “*News reached England that ships of war flying the Spanish flag had orders to cruise against the merchant ships of every country presuming to trade with her insurgent Colonies.*”²⁴¹

Jose Valentin Gomez is sent to Paris from Buenos Aires empowered; “*to negotiate and make proposals to the Ministry of France to the end of causing the cessation of the hostilities which inundate with blood the Provinces of the Rio de la Plata.*”²⁴²

France attempts to persuade Ferdinand VII to support the idea of a Spanish prince on the throne of a kingdom around the Rio de la Plata, with the capital at Buenos Aires. Ferdinand maintains his stubborn approach to the whole question.

February 12th, Richard Rush, US Minister to Great Britain has a meeting with Lord Castlereagh on the subject of Spain's colonies; “*.. he observed, that while Great Britain had, from the first, anxiously desired to see the controversy at an end, and had done her best to effect this desire, it had always been upon the basis of a restoration of the supremacy of Spain;*”

Rush informs John Quincy Adams; “*... I have learned that the Spanish ambassador at this court, makes frequent and earnest remonstrance's against the military supplies and assistance which it is notorious are going almost daily from English ports to South America. It seems difficult to reconcile the professions with the conduct of the British cabinet upon this subject; for certainly, lax as the existing laws of England may be in all power to restrain these armaments, it would be easy to strengthen them.*”

February 18th, Manuel de Sarratea takes over as Governorth in Buenos Aires. A republican, he denounces the monarchist intrigues.²⁴³

February 19th, Captain William Smith in the merchant brig, *Williams*, sights Livingston Island, the most northerly of the South Shetland Islands.

An Act of Parliament prohibits the service of British subjects in the ranks of the revolting Spanish Colonies.

“*The Republic of the United Provinces of South America comprehends, with some exceptions, the same territory as the Vice-Royalty of Rio de la Plata, which was established in 1778. It extends from the 16th to the 45th degree of south latitude.*”²⁴⁴

In **October**, Smith returns, lands on King George Island and claims the South Shetland Islands for Britain.

Towards the end of the year, a Patrick Lynch in Buenos Aires, purchases the French frigate *Braque* and refits her as a privateer. She is renamed *Heroina*.

1820 – Captain Smith and the *Williams*, with a *Charter* from the Royal Navy, return to the South Atlantic to survey the South Shetlands, accompanied by Lieutenant Edward Bransfield.

241 *History of England: from the great war of 1815* Spencer Walpole 1912 vol.ii chap.ix

242 Lockey 1970 suggests that the Minister was empowered to negotiate the establishment of a Orleanist monarchy.

243 By this time the British had become aware of the attempt to place a monarchy in the revolted colonies and had made it very clear that they would oppose any such attempt.

244 *Letters on the United Provinces of South America, addressed to the Hon. Henry Clay* Vicente Pazos Kanki 1819

January 5th, David Jewett is commissioned *Colonel* in the service of the National Marines, by Matias de Irigoyen, Minister of War.²⁴⁵

January 30th, Smith and Bransfield discover the Antarctic Peninsula.

Patrick Lynch obtains a '*corsair*' license from the Supreme Director, Jose Rondeau, permitting his privateer to pursue and capture Spanish ships.

February 14th, the French Corvette *Uranie* founders at the entrance to Berkeley Sound.

March 21st, Colonel David Jewett, takes command of the *Heroína* and its crew of 200; sailing after Spanish prey.²⁴⁶

*"There is scarcely a Buenos Ayrean privateer which has not committed piracy of every description - it appears that at Buenos Ayres itself commissions of Artigas have been sold to the Captains of the Buenos Ayres privateers, who have gone to sea, and used one or the other commission as suited their purposes... There is not a day passes but we hear of new crimes of this description committed under the flag and commission of Buenos Ayres ..."*²⁴⁷

July 11th, in the House of Commons; " .. on a call for information .., Dr. Lushington argued the broad principle, that England ought to recognize immediately and fully the independence of Buenos Ayres." ²⁴⁸

July 20th, Minister Rush writes from London, to Secretary John Quincy Adams in Washington;

"What I have heard is, that, in the month of April, (being subsequent to the establishment of the constitution of 1812,) the agents of Chili, Buenos Ayres and Venezuela, did meet together in this city, ... They jointly signed an address to the king of Spain asking that the independence of these countries might be acknowledged. This address was transmitted to Ferdinand through the medium of the duke of San Carlos, then the Spanish ambassador at this court. The reply to it through the same channel was, that no proposition would be listened to that had not for its basis the return of the colonies to their subjection to the mother country."

July 27th, in an act of piracy, the *Heroína* attacks a Portuguese ship, the *Carlota*, which is en-route to Lisbon. The crew are transferred to a passing ship.

August 19th, some members of the *Heroína*'s crew mutiny, but the mutiny is put down. Following a swift court-martial, Jewett executes two officers and four sailors for their involvement in the uprising.

October 27th, the *Heroína* arrives in the Falkland Islands after losing the *Carlota*, and the 50 men on it, in a storm. Jewett's remaining crew are in a poor condition; suffering from scurvy.

November 2nd, Colonel Jewett sends letters to some of the commanders of the ships scattered around the islands, announcing that he has an order to take possession of the Islands.²⁴⁹

245 *Revista del Archivo Nacional de Historia, Sección del Azuay, Issue 5, pp. 120-121*

246 In defiance of the USA's *Neutrality Act 1818*

247 John Quincy Adams July 20th, 1820

248 Manning 1925 vol.III

249 No '*Order*' for Jewett to claim the Falkland Islands on behalf of the United Provinces has ever been found. Indeed, the archives in Buenos Aires contain no information about the 1820 '*claim*' in any regard. *cf. Getting it Right: the real History of the Falkland/Malvinas* Pascoe & Pepper 2008.

*“National Frigate Heroína at Port Soledad : Sir, I have the honour to inform you of the circumstance of my arrival at this port, commissioned by the supreme government of the United Provinces of South America to take possession of these islands in the name of the country to which they naturally appertain. In the performance of this duty it is my desire to act towards all friendly flags with the most distinguished justice and politeness. A principal object is to prevent the wanton destruction of the sources of supply to those whose necessities compel or invite them to visit the islands, and to aid and assist such as require it to obtain a supply with the least trouble and expense. As your views do not enter into contravention or competition with these orders, and as I think mutual advantage may result from a personal interview, I invite you to pay me a visit on board my ship, where I shall be happy to accommodate you during your pleasure. I would beg you, so far as comes within your sphere, to communicate this information to other British subjects in this vicinity. I have the honour to be respectfully yours...”*²⁵⁰

British explorer and seal hunter, James Weddell, on the brig *Jane*, receives a copy of the letter. Weddell then walks the 7 or 8 miles from his mooring in Port St. Salvador to Puerto Soledad, where the *Heroína* lies.

“Captain Jewitt received me with great politeness, and notwithstanding the mutilated and worn out state of his crew, he assumed an air of power and authority beyond my expectation. He told me his business was to take possession of the Falkland Islands for his government, and that everything necessary for an establishment would be procured from Buenos Ayres so soon as he could purchase a cutter, of which there were several among the islands. It evidently appeared, however, that his principal business was to refresh his crew; for never, since the time of Lord Anson, perhaps, had an instance occurred where the scurvy had been so destructive to a ships company. ... The complement of men, when the ship sailed from Buenos Ayres eight months before, was 200: they had not now more than 30 seamen and 40 soldiers fit to do duty ... “

November 6th, Col. Jewett holds a ceremony; *“In a few days, he took formal possession of these islands for the patriot government of Buenos Ayres, read a declaration under their colours, planted on a port in ruins, and fired a salute of 21 guns. .. he had laid claim to the wreck of the French ship”*²⁵¹ .. to the entire exclusion of several vessels which had arrived, bound to New Shetland, (and) he was aware that an authoritative appearance was necessary.”²⁵²

November 9th, Capt. William B. Orne of the *General Knox* also receives a copy of Jewett's proclamation.

Jewett makes no attempt to impose any conditions on the ships present in the Islands. Nor is any attempt made to regulate the sealing activities that most the ships there are indulging in.²⁵³

November 20th, James Weddell sails, leaving Col. Jewett repairing his ship.

6 British ships, the '*Eliza*', '*George*', '*Hetty*', '*Indian*', '*Jane*' and '*Sprightly*' are moored around the Islands, together with 9 US ships, including the *Physicienne*, *Charity*, *General Knox* and the *Sir Andrew Hammond*.²⁵⁴

1821 – February 1st, Colonel Jewett prepares a 13 page report about his journey for the authorities in Buenos Aires, but makes no mention of his claim of the previous November. He also asks for a relief as he too has

250 Weddell 1825.

251 *Uranie*

252 Weddell 1825

253 Some Captains of vessels which received Jewett's letter considered confronting him, as they recognised that even with a force reduced in number and sickly, he was still a dangerous pirate/privateer. At least one suggested that they band together to attack Jewett's crew. Weddell claimed to have talked them out of it. *cf* Weddell 1825

254 When the *General Knox* left she took 5,000 Fur Seal skins and 600 barrels of Elephant Seal oil. The *Hetty* took 15,000 Fur Seal skins back to Britain while *Sprightly* took 9,200.

become sick with scurvy.

Jewett seizes the US schooner, *Rampart*, in a further act of piracy, claiming that it has a cargo bound for Spain.

In **March**, Capt. Guillermo Mason takes over as commander of the *Heroína*. Jewett returns to the mainland.

April, Capt. Mason and the *Heroína* sail away from the Falkland Islands leaving nothing behind.²⁵⁵

June 6th, the *General Knox* arrives back in Salem, Massachusetts, with a copy of Jewett's circular.

June 8th, the *Salem Gazette* reproduces the letter; "*National Frigate Heroína, Port Soledad, 9th Nov. 1820: "Sir, I have the honour to inform you of my arrival at this Port, to take possession of these islands, in the name of the Supreme Government of the United Provinces of South America. This ceremony was publicly performed on the 6th day of this present November, and the National Standard hoisted at the Fort, under a salute from this Frigate, in the presence of several citizens of The United States and Subjects of Great Britain, I am, etc..."*²⁵⁶

August, Jewett's announcement appears in a London newspaper, and is then picked up by the press in Gibraltar and Spain.

August 24th, *La Gazeta de Buenos Ayres* is replaced with another official Gazette by Bernardino Rivadavia; "... under the direction of the Ministry of Government it will organize and publish an official register, and must include all laws, orders and decrees and acts of a general effect or that demand a circular communication".

October 6th, all Privateer commissions issued against Spain are annulled by Buenos Aires.²⁵⁷

November 6th, a Buenos Aires Tribunal considering the mutiny on board the *Heroína*, approves Colonel David Jewett's actions in suppressing it. No mention is made of Jewett's claim to the Falkland Islands.²⁵⁸

November 10th, the news report reaches the United Provinces, and is reproduced in the *Buenos Aires Argos*.²⁵⁹

December, the South Orkney Islands are discovered and claimed for Britain by Captain George Powell.

British sealers *Enchantress, Hetty, John, Pomona, Sprightly, Jane, Beaufoy, Jane Maria, Wasp, Livonia, Robert* and *Grace* hunt at the Falklands.

1822 – March 9th, Joaquin de Anduaga, Spanish Minister to the United States, to John Quincy Adams; "*Sir: In the National Intelligencer of this day, I have seen the message sent by the President to the House of Representatives, in which he proposes the recognition by the United States of the insurgent Governments of Spanish America. ... what is the present state of Spanish America, and what are its Governments, to entitle*

255 Some texts claim that Jewett and Mason were *Governors* of the Falkland Islands in 1820/21, however there is no record of any such title being granted to either man. Neither attempted to impose or enforce United Provinces laws and, on their departure, no settlement, or marks of sovereignty, were left behind by either.

256 A copy of this news report was all that Luis Vernet was able to supply as proof of Jewett's alleged, "*Act of Sovereignty*", in his *Report to Francies Baylies* in 1832.

257 *British & Foreign State Papers 1821 – 1822* p 386. cf. *British & Foreign State Papers 1828 – 1829* p.1198

258 *David Jewett: Una Biografía para la historia de las Malvinas* Jose Antonio da Fonseca Figueira 1985

259 There was no official reaction to the newspaper reports either by Buenos Aires or the British Government; nor were there any diplomatic channels between the two countries. The political situation in the United Provinces between 1814 and 1826 was very complex with a centralist approach adopted by Buenos Aires, resisted by the federalists in the other Provinces. This resulted in civil conflict in 1814, a Supreme Directorship between 1814 and 1820 and little or no central authority amongst the Provinces between 1820 and 1826. It is hardly surprising that there was no official reaction to a newspaper article which remained unconfirmed by the official report subsequently submitted by Jewett.

them to recognition? Buenos Ayres is sunk in the most complete anarchy, and each day sees new despots produced, who disappear the next. ... Where, then, are those Governments which ought to be recognised? where the pledges of their stability? where the proof that those provinces will not return to a union with Spain, when so many of their inhabitants desire it? and, in fine, where the right of the United States to sanction and declare legitimate a rebellion without cause, and the event of which is not even decided? ... I think it my duty to protest as I do solemnly protest, against the recognition of the Governments mentioned, of the insurgent Spanish provinces of America, by the United States, declaring that it can in no way now, or at any time, lessen or invalidate in the least the right of Spain to the said provinces, or to employ whatever means may be in her power to reunite them to the rest of her dominions."²⁶⁰

March 20th, the *Heroína* is challenged by the Portuguese frigate *Pérola* off Gibraltar. Mason surrenders.

'Case of the *Heroína*:

The Commander, it appeared in evidence, was a North American of the name of William Robert Mason, and his commission was dated in April, 1820, authorising him only to molest Spanish vessels, enjoining, and imposing on him the obligation to avoid every abuse of his trust, and all irregularities on the high seas which might implicate the Buenos Ayres flag.

In his cruize he was directed to overhaul every vessel, both armed and traders navigating under the Spanish flag, and examine their commissions and papers to see if they were legal, and the use made of them, and also to punish all excesses committed against neutral and friendly vessels.

*The Heroína was fitted out and commissioned as a vessel belonging to the Government of Buenos Ayres. On examination, however, 45 men, composing the crew, spontaneously confessed, that this corvette pursued a system of piracy, robbing all the vessels they could. From the depositions, it appeared, that early in August, 1820, in the latitude of La Isla de Flores, they met a Portuguese vessel, called the *Carlotta*, bound with a cargo from Bahia to Lisbon, which they captured, after an action of two hours. The crew were put in irons five days, and then sent on board a vessel accidentally met with. The captain of the privateer afterwards had two officers and four sailors shot; and his prize, the *Carlotta*, was lost in a storm.*

*Towards the close of 1820, being at the Falkland Islands, an American schooner entered, which they captured, and sent to their consignee at Buenos Ayres. On the 14th June, they captured the Spanish brig of war, *Maypu*, bound from Lima to Cadiz and armed her to accompany them on their piratical expedition.*

*In the latitude of Cabofrio, they chased the Portuguese brig, *Infante Don Sebastian*, firing at her, but being unable to come up with her, they chased a Portuguese galley to leeward, and the captain having come on board the *Heroína*, near Cape St. Vincents, accompanied by a slave, the pirates had the latter hung up to compel him to declare where his master kept his money. on the 12th July, 1821, they captured the Portuguese ship *Viscondessa de Rio Sceo*, near Bahia, which they took to the island of St. Vincents, conveying on board the privateer the greatest part of the moveable effects, and after selling the hull, they shipped the cargo in the American brig *Aligator*, and conveyed it to the island of Boa Vista, where it was transhipped on board the brig *Hunter* of London, for the purpose of going to Buenos Ayres. Numerous other similar cases are detailed in the proceedings. The privateer and her consort generally made their attacks under the British flag."²⁶¹*

Mason is found guilty and imprisoned in Portugal for two years before being released.²⁶²

260 Manning 1925 vol.III p.2009

261 Report of the trial in Lisbon, in the *Morning Chronicle*, London, dated Friday, June 7, 1822

262 There is no mention of Jewett's part in the newspaper report, although he was the captain of the *Heroína* till March 1821. Much of what is known about Jewett's actions during his voyage, and in the Falkland Islands, is as a result of a

*“A great deal of money was made and lost by speculators, at the time privateering was allowed in Buenos Ayres. The last vessel that sailed was the Heroine (formerly the French Braak), commanded by a North American, named Mason ...”*²⁶³

April 22nd, the British brig *Romeo* arrives in the Rio de la Plata from the Islas Nuevas.²⁶⁴

May 2nd, in the House of Commons, during a debate on Spain's South American colonies; *“Lord Londonderry ..., in answer to the questions of Sir James Mackintosh, that whilst this government had neither formally recognized, or entered into any correspondence that would imply a recognition of, these new governments, it had nevertheless considered them as governments de facto; ..”*²⁶⁵

June 21st, the Spanish Court circulates a 'Manifesto' to European Governments and the United States;

“His Catholic Majesty, in calling the attention of his august allies towards the dissident Spanish provinces of America, judges it not only useless, but unseasonable, to examine the causes which produced in those countries a desire to separate from the mother country; it is sufficient to his Catholic Majesty to have the consolation that it was not the abuse of power nor the weight of oppression which originated so serious an event; and that only extraordinary circumstances, and the terrible crisis in which Spain saw herself compromised, to free her throne and her dignity from the imminent risk of a foreign usurpation, could occasion a disunion so fatal between the members of one and the same family.

... his Catholic Majesty desires ardently to put an end to a situation so painful of anxiety and of uncertainty; and, carrying into execution the beneficent resolutions of the Cortes, has named the respective Commissioners to proceed to the dissident provinces of Ultramar, hear their propositions, transmit them to the Spanish Government, and open a frank and sincere correspondence, which may have for object and end the good of those countries and that of the nation in general...

It is now twelve years since Buenos Ayres, delivered to its own fortune, has toiled in vain to consolidate a Government, and the misery and depopulation suffered by the provinces of Costa-firma have retarded, instead of accelerating their wealth and prosperity. ...

But it appears only as if a new calamity has taken place, in confirmation of the evils which should have been foreseen; the insurrection of the American continent has given color and support to the piracy of the seas, and commerce in general begins to suffer from the insecurity and dangers of this immoral and barbarous war, which knows no law but that of sordid interest, and which treats and despoils as enemies the industrious individuals of all nations, indiscriminately....

H. C. M. flatters himself with the greatest satisfaction that, about to establish with the dissident provinces this ample and friendly communication, he will find in the other Governments that circumspect and deliberate conduct that justice prescribes, and that policy recommends, and that sentiments of impartiality and benevolence inspire. The Spanish nation, treating to put an end to a domestic discord, the same inviolable respect which it professes to the rights of other nations inspires it with the just confidence of being treated reciprocally with the same considerations, not being able to suspect, even on the part of the nations who desire to continue in friendship; and harmony with her, any hazarded step which might suppose already resolved the

letter Mason sent from prison, complimented by the account from James Weddell. Jewett's own report concentrated on the mutinies that he'd suffered.

263 Love 1825

264 *AGN Sala X 42-3-10* This name for the Falkland Islands, translated from the French name given them by Frezier (1716), continued to be used within the United Provinces. *cf.* Pascoe & Pepper 2008 p.5

265 Manning 1925 vol.III

*question which the Spanish nation is about to decide as its own, in use of its legitimate acknowledged rights, and which it has never in any manner renounced...*²⁶⁶

August 3rd, the *Adeona*, under the command of Captain William Low, sails from the Rio de la Plata for the Falklands.

September 17th, James Weddell departs England in the brig, *Jane*, bound once again for the south seas. The *Jane* is accompanied by the cutter, *Beaufoy*, captained by Matthew Brisbane.²⁶⁷



266 Manning 1925 vol.III p.2017
267 James Weddell 1825

1823 - 1832



1823 – May, James Weddell, arrives back in the Falklands, for the austral winter.

July 4th, Minister Bernadino Rivadavia, having negotiated a cease-fire in the war of independence with Spain, signs a *Preliminary Peace Convention* with the Spanish commissioners; “ .. a preliminary Convention had actually been since agreed to, and signed by the Commissioners sent out .. by the Cortes.”²⁶⁸

*“Buenos Ayres has implicitly withdrawn from the struggle Buenos Ayres pacts with the Spanish to the detriment of the American cause.”*²⁶⁹

July 23rd, a William Robertson, in Buenos Aires, writes to the British Government to inform them that a convention, has been agreed with Spain, whereby hostilities should cease for 18 months between Spain and her former colonies. Robertson also reports an arrangement whereby the Provinces produce \$20 million, which is to be made available to Spain, and used to resist French aggression, and in return for which Spain will acknowledge the independence of her former colonies.²⁷⁰

*“The year of 1823 was one of great drought, and the cattle perished by thousands: the beef market was in so terrible a condition, that scarcely any were to be had, and what there was was very bad ...”*²⁷¹

In **August**, Luis Vernet²⁷², a French Huguenot with a cattle business to the south of Buenos Aires, together with his partner, Jorge Pacheco, approach the Government for permission to hunt wild cattle on East Falkland.

*“ .. Don Jorge Pacheco and myself, convinced of the right of this Republic, and seeing it recognised by the tacit and general consent of all Nations during the 3 preceding years, solicited and obtained from the Government the use of the Fishery, and of the Cattle on the Eastern Malvina Island, and likewise tracts of land thereon, in order to provide for the subsistence of the Settlement we should establish there...”*²⁷³

August 19th, the US Minister in London, Richard Rush, writes to Washington; “ Wishing, however, to be still more specifically informed, I asked whether Great Britain was at this moment taking any step, or contemplating any, which had reference to the recognition to those states, this being the point in which we felt the chief interest. He replied that she had taken none whatever, as yet, but was upon the eve of taking one, not final, but preparatory, and which would still leave her at large to recognize or not according to the position of events at a future period. The measure in question was, to send out one or more individuals under authority from this government to South America, not strictly diplomatic, but clothed with powers in the nature of a commission of inquiry, ..”²⁷⁴

268 Parish to Canning Letter 3 April 12th, 1824. Ratified on the 23rd.

269 *Memorias de general O'Leary* Daniel Florencio O'Leary 1883

270 There were so many conditions that this measure had no hope of success. cf. Manning vol.III 1925 p.1499

271 Love 1825

272 For consistency I shall use the Spanish name most often employed. The alternatives are Louis or Lewis.

273 *'Report of the Political, and Military Commandant of the Malvinas'* - Buenos Ayres, 10th August, 1832, Luis Vernet, in *British and Foreign State Papers 1831-1832*

274 Manning 1925 vol.III

August 20th, Foreign Secretary George Canning writes to Ambassador Rush; “1. We conceive the recovery of the Colonies by Spain to be hopeless. 2. We conceive the question of the Recognition of them, as Independent States, to be one of time and circumstances. 3. We are, however, by no means disposed to throw any impediment in the way of an arrangement between them, and the mother country by amicable negotiation. 4. We aim not at the possession of any portion of them ourselves. 5. We could not see any portion of them transferred to any other Power, with indifference. If these opinions and feelings are as I firmly believe them to be, common to your Government with ours, why should we hesitate mutually to confide them to each other; and to declare them in the face of the world?”

August 28th, Vernet and Pacheco receive the permission of Buenos Aires to take an expedition to the Islands. Pacheco is given a grant of land on East Falkland in lieu of a debt owed to him by the Province.

An English merchant, Robert Schofield from Montevideo, is brought in as another partner by Luis Vernet. He provides 2 vessels for the venture.²⁷⁵

October, Woodbine Parish is named British *Consul-General* to Buenos Aires, tasked with the promotion of trade between Britain and the United Provinces; “*He will recollect always that his character is purely a commercial one, and his object expressly of a conciliatory nature.*”²⁷⁶

So little is known of the political situation that Parish is also required to obtain information about the Government of the United Provinces, including answers to questions, including;

“1st. *Has the Government so constituted already notified by a public act its determination to remain independent of Spain and to admit no terms of accommodation with the mother country?*

2nd. *Is it in military possession of the country ...?*”²⁷⁷

Parish is provided with the traditional 3 snuff boxes, embossed with images of the King, to give as gifts to, “*persons of the highest consideration.*”²⁷⁸ He is also told that if, in the event of relations of a political, as opposed to purely commercial nature, being established with Buenos Aires, other persons would be appointed, after which Parish's functions would be confined to those of a purely consular nature.

Also in **October**, the *Polignac Memorandum* is issued by George Canning, the British Foreign Secretary following discussions with France and America. Britain declines to assist Spain in the retention of her colonies in South America, opening the way for diplomatic relations with Buenos Aires, Colombia, and Mexico.

December 2nd, in his seventh *State of the Union* address, President Monroe of the United States declares; “... *the occasion has been judged proper for asserting, as a principle in which the rights and interests of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers....*

... We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of

275 The exact nature of the agreement is unknown other than that there was a contract between the partners. Vernet would later complain that it had been breached but the details are vague.

276 *Sir Woodbine Parish and Early Days in Argentina* Nina Louise Kay Shuttleworth, 1910 Appendix II (the author was Parish's grand-daughter. An abridged version also seems to have appeared as 'A life of Sir Woodbine Parish' published that same year.)

277 Shuttleworth, 1910 p.267 Parish's instruction suggest that doubts existed about the United Provinces' independence.

278 Rivadavia received two, and the third went to General Las Heras.

this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European power we have not interfered and shall not interfere. But with the governments who have declared their independence and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power in any other light than as he manifestation of an unfriendly disposition toward the United States..."

This becomes known as the *Monroe Doctrine*.

Canning responds that the United States has no right; *"to take umbrage at the establishment of new Colonies from Europe in any unoccupied parts of the American continent."*²⁷⁹

December 18th, just his gauchos are about to leave, Vernet recognises that the United Provinces could benefit from an act of sovereignty and applies for a title for the expedition's leader;²⁸⁰

"Most Excellent Sirs,

The citizen Don George Pacheco says respectfully to your Excellency that the expedition to Port Soledad declined to make use of the uniformed unit which the goodness of your Excellency had favoured us, being ready to depart, Pablo Areguati, Captain of Militia will accompany it, by our mutual agreements and in order that the labourers and crews of foreign vessels may feel some unfair impressions of regards and submission it could be convenient both to the interests of governments and to commerce to install some authority. Therefore your Excellency will please to give to said Areguati the letter of Commander of the place without salary. By this insurance the country will get use of that abandoned Islands and even cause the vessels to pay anchorage of which due accounts shall be rendered to the Treasury. And Areguati intends to form out of the labourers a company of militia with its corporals and sergeants, to give to this establishment all projects for representation to secure its fortification, taking with him the arms and ammunition at the expense of the expedition. And if your Excellency would be pleased to destine a few cannons for defence against pirates.

The abandoned batteries would be repaired and put in a state of service whenever Govt. may choose to re-establish it as an exile. I have projected the domestication of the wild cattle, and the formation of Estancias in which two thousand merino sheep may graze with the intention to introduce their wool into the country and to show with what exactitude I shall fulfill this offer.

I present this petition signed by my bondsman begging that for the realisation of this project your Govt will please using its high faculties to grant me as property the necessary lands that I may require for such extensive undertakings, ordering the commander that I have proposed to give me regular possession as to a citizen of this province; who will defend that territory as a sacred property of the state.

I believe excellent sir that the character of my solicitations bears the stamp of convenience and justice and that it will search the approbation of your excellency and in confidence of which I beg and pray that in consideration of which I have said.

Your excellency will please to decree agreeable to my dictation."

279 The US, without the British Royal Navy, would have struggled to fulfill this threat had it been challenged. The Monroe Doctrine came out of an offer by Britain to the US to present a united front to the Holy Alliance in Europe which was intent on promoting monarchy over liberty. Britain opposed the Alliance's objectives and wanted to make it plain that she would prevent any attack on Spain's colonies. Although ex-President Jefferson was enthusiastic, Adams advised Monroe to present an *'American'* position rather than make any joint announcement with the British. While Canning found the second part of Monroe's speech acceptable, he did not fully agree with the first; which was aimed at Russian pretensions in north-west America. Defending colonists was one thing, preventing the colonisation of empty lands quite another.

280 *PRO FO 6 499*. NB Vernet's reference to East Falkland as being *'abandoned'*.

No mention of any title however, is made in the response; “... [this] Government, considering it a duty to protect commerce and to encourage every branch of industry in the country, has thought it proper to grant the Petitioner the lands that he solicits, under the express condition to make manifest the measurements under fixed boundaries in order to obtain the titles of property. ...”²⁸¹

An Englishman in Buenos Aires notes the involvement of Robert Schofield in Vernet's expedition; “An Englishman has lately undertaken a speculation which has cost him a considerable sum, to have the exclusive privilege of taking cattle in the Falkland Islands – in fact to be sole proprietor for a term of years. He has forwarded to his new sovereignty a small colony of settlers, servants, &c.; the chances of his success are very doubtful. Buenos Ayres claims the jurisdiction of these islands, and those claims will not cause such a dispute as in the year 1770. The voyage to them is made in about fourteen days.”²⁸²

December 21st, Woodbine Parish leaves Britain on *HMS Cambridge*.

December 26th, the Conde de Oñate, Spanish Minister for Foreign Affairs, writes to Sir William Acland, British Minister to Spain to propose a conference in Paris on the subject of the American colonies;

“The King, our Sovereign, being restored to the Throne of his ancestors in the enjoyment of his hereditary rights, has seriously turned his thoughts to his American Dominions, distracted by civil war, and reduced to the brink of the most dangerous precipice. As during the last three years the Rebellion which prevailed in Spain defeated the constant efforts which were made for maintaining tranquillity in the Costa Firme, for rescuing the Banks of the River Plata, and for preserving Peru and New Spain, H. M. beheld with grief the progress of the flame of Insurrection, but it affords at the same time consolation to the King that repeated and irrefragable proofs exist of an immense number of Spaniards remaining true to their oaths of loyalty to the throne, and that the sound majority of Americans acknowledge that that hemisphere cannot be happy unless it live in brotherly connexion with those who civilized those countries.”²⁸³

1824 – January 24th, Ferdinand VII of Spain decrees that his Government has no authority to negotiate the recognition of any revolted Spanish-American colonies.²⁸⁴

January 30th, the British Government informs the US Minister in London that it will not attend the Paris conference proposed by Spain.

February 2nd, Pablo Areguati, with 25 gauchos, arrives on East Falkland.

February 12th, Areguati writes, “We are without meat, without ship’s biscuits, and without gunpowder for hunting. We support ourselves by chance captures of rabbits, since there is no fat meat since we cannot go out to slaughter as there are no horses. I have resolved to tell you that we are perishing.”²⁸⁵

March 31st, Woodbine Parish, after a delay at Rio, finally arrives in Buenos Aires.

281 cf. Pascoe & Pepper 2008.

282 Love 1825. There is a suggestion that Schofield was effectively running the expedition and that Vernet complained about Schofield's reckless spending.

283 Manning 1925 vol.III

284 “El Rey” to Silvestre Collar, Jan 26th, 1824, *Archivo General de Indias, Indiferente General*, 146 -1-18, quoted in *The Recognition of the Spanish Colonies by the Motherland* William Robertson in *The Hispanic American Historical Review* vol.1 1918.

285 *Archivo General de la Nacion (AGN) VII 129. Doc 51* “Estamos sin carne, sin galleta, y sin polvora pa cazar. Nos mantenemos de conejos azados pues no hay graza a causa de no poder salir a carnear por qe no hay caballos. Con decirle a V qe estamos pereciendo, he concluido.”

April 7th, in the *Buenos Ayres Gazette*; “... Mr. Parish, the Consul-General, and Mr. Griffiths, the Vice-Consul, were received for the first time at the House of the Government by Senor Don Bernadino Rivadavia, Minister of State for Foreign Affairs, when they presented their credentials ... it is the first official Document from Europe, in which the Government of the Country is addressed in a direct manner suited to the character which this Country has been endeavoring to deserve these 15 years...”

April 8th, Captain William Low, of the British ship *Adeona*, threatens to denounce Areguati's party as 'pirates'.¹²⁸⁶

April 12th, Parish has a long interview with Minister Rivadavia; “With respect to Spain, he at once said, there was one positive determination come to by all People of whatever Party in the State, viz. To decline to enter into any negotiations whatever with the Government of that Country unless founded upon a previous Recognition of their Independence.”

April 27th, Parish writes to Foreign Secretary Canning, informing him of the problems Buenos Aires is experiencing in its negotiations with Spain. Spain refuses to cede any territory to the new Government.

May 26th, Parish attends a banquet to celebrate the anniversary of the revolution. Toasts are drunk to the 'State of Buenos Aires'.

Bernardino Rivadavia negotiates a one million pound loan, through the sale of provincial bonds, with Barings Bank, on behalf of Buenos Aires.

June 7th, Areguati abandons East Falkland and returns to Buenos Aires in the *Fenwick*. He leaves 8 gauchos behind, including the foreman Aniceto Oviedo.

June 25th, Woodbine Parish sends a report on the present condition of the United Provinces to the Foreign Office in London; “The United Provinces of la Plata, or, as they are sometimes called, the Argentine Republic, comprise, (with the exception of Paraguay and the Banda Oriental, which have become separate ..) the whole of that vast space lying between Brazil and the Cordillera of Chile and Peru, and extending from the 22nd to the 41st degree of south latitude. The most southern settlement of the Buenos Ayreans as yet is the little town of Del Carmen, upon the river Negro.”²⁸⁷

July 23rd, Canning urges the King to recognise Buenos Aires arguing that it had been virtually independent for many years during which no Spanish soldier had set foot there, and that a great number of British subjects had settled there. He concludes that Parish should be given powers to negotiate a Treaty which, when ratified, would amount to diplomatic recognition.²⁸⁸

July 24th, the remaining gauchos are rescued from East Falkland by the British sealer, *Susannah Anne*. On their arrival back in Buenos Aires they are paid off. Vernet's investment is lost.²⁸⁹

August 24th, Woodbine Parish is instructed to negotiate a commercial Treaty; “.. placing on a permanent footing the commercial intercourse which has so long existed between His Majesty's subjects and those States.”

286 AGN Sala VII legajo 132 Doc 8 Letter in German from Emilio Vernet to Louis Vernet quoted in *False Falklands History at the United Nations: How Argentina misled the UN in 1964 - and still does* Pascoe & Pepper 2012

287 Parish 1839. The early part of this work was prepared for Lord Londonderry in 1822. cf. Shuttleworth 1910 p.232/285

288 Shuttleworth 1920 p.261

289 AGN Sala VII legajo 127 Doc 33

On the same day, there is a new Decree for a system to improve the publishing of official acts;

*“An Official Register shall be organised and published under the direction of the Ministry of Government. The Register shall be composed of all the laws, decrees, and orders, of a general tendency, or which demand a circular communication. ... Every thing inserted in the Register shall be considered to be officially communicated and published.”*²⁹⁰

November 30th, at a St. Andrews Day celebration in Buenos Aires, Woodbine Parish; “.. *hinted at the speedy acknowledgment of the independence of Buenos Ayres by his government. This intimation was received with great enthusiasm by a numerous company, among whom were the principle members of government.*”²⁹¹

December 30th, Foreign Secretary Canning informs the US Minister that the British Government has decided to recognise the independence of three new American States – Mexico, Colombia and Buenos Ayres.²⁹²

December 31st, Britain's decision becomes general knowledge.

1825 – January 16th, George Slacum arrives in Buenos Aires as Consul for the United States of America.

January 21st, the Court of Spain protests at the decision to recognise the independence of its colonies; “As to Buenos Ayres, England herself hardly can tell who it is that commands, or what form of Government exists there at present. Nevertheless, she must be apprized that a person called Albear, who, a short time ago, was proscribed, is now called upon to defend those who banished him ; and she cannot be ignorant that that unhappy Country is a prey to the rapacity of a few ambitious individuals: and that, in the state of progressive decline to which anarchy has been leading it, it may perhaps ere long be equally a prey to the Indian Savages who threaten it, and who, with impunity, make frequent inroads on its Territory. ... H. M. considering that no act of proceeding of a third power can alter or weaken, much less destroy, the Right of His Sovereignty feels that he ought not to renounce them, nor will he ever do so. ..H. M. therefore declares in the face of the whole world that although he is ready to make to His American Subjects such concessions as may be compatible with His legitimate Sovereignty, with justice, with their real necessities, and well founded claims, that He neither acknowledges, nor ever will acknowledge, either directly or indirectly the independence of the Governments, which have established or shall hereafter establish themselves in Mexico, Terra-firma, Buenos Ayres, or any other part of His Trans-marine Dominions. H. M. declares also, that if, what he cannot expect, the Gov*, of H. B. M. shall persist in carrying into effect the conclusion of Treaties of Commerce with them, and the consequent diplomattick recognition which the communication of the English Minister announces, H. M. protests and will protest in the most solemn manner against these measures, by which the Treaties existing between the two Powers will be violated and the legitimate and imprescriptible Rights of The Throne of Spain attacked in the most serious manner.”²⁹³

January 23rd, the Congress of the United Provinces passes a provisional law granting the Government of Buenos Aires power to conduct foreign relations on its behalf.²⁹⁴

290 Decree Relative to the Publication of the Acts of Government in Nuñez 1825

291 Love 1825

292 Manning 1925 vol.III p.1527

293 Francisco de Zea Bermudez, Minister of Foreign Affairs, to His Britannic Majesty's Charge d'Affaires, Madrid. Manning 1925 vol.III

294 John M. Forbes, Acting charge d' affaires of the United States at Buenos Aires, to John Quincy Adams, Secretary of State of the United States January 23, 1825.

February 2nd, the *Treaty of Amity, Commerce, and Navigation* is signed by Woodbine Parish on Britain's behalf; "In spite of the difficulties caused by intrigues on the part of the United States to obtain "most favoured nation" terms with Buenos Ayres, and to prove that a treaty of commerce was no recognition, and that consequently the United States were, and remained, the only true friends of the United Provinces,..."²⁹⁵

Jose Manuel Garcia Ferreyra signs for the United Provinces.

Article 1 states, "There shall be perpetual amity between the dominions and subjects of his Majesty the King of the United Kingdom of Great Britain and Ireland, and the United Provinces of Rio de la Plata, and their inhabitants."

Article 3, " His Majesty the King of the United Kingdom of Great Britain and Ireland engages further, that in all his dominions situated out of Europe, the inhabitants of the United Provinces of Rio de la Plata shall have the like liberty of commerce and navigation, stipulated for in the preceding Article, to the full extent to which the same is permitted at present, or shall be permitted hereafter, to any other nation."²⁹⁶

The Treaty is passed to the Congress of the United Provinces for ratification. The process is confused and takes some days but eventually it is passed.²⁹⁷ Congress then appoints Don Bernardino Rivadavia, as Minister Plenipotentiary to the Courts of England and France.

Senor Don Ignacio Nuñez, is appointed Secretary of the Legation to the English and French Courts.

Vice-Consul Griffiths takes the Treaty to London.

In **March**, Austria, Prussia, France and Russia object to Britain's recognition of Buenos Aires.

March 25th, Foreign Secretary George Canning responds to Spain's protest; "M. Zea concludes, with declaring that ... the British Gov*, as violating existing Treaties; and the imprescriptible rights of the Throne of Spain. Against what will Spain protest? It has been proved that no Treaties are violated by us; and we admit that no question of right is decided by our recognition of the New States of America."

"Mr Canning is highly popular in Buenos Ayres he is looked up to as the firmest friend of South American liberty."²⁹⁸

April, American diplomats attempt to persuade the Spanish Court to recognise the independence of their revolting colonies, without success.²⁹⁹

Nuñez, publishes a book about his country.³⁰⁰ The work is comprehensive and lays out the political organisation and geography of the United Provinces, even including longitude and latitude readings for the main towns. He puts the most southerly of the United Provinces' settlements at 37° S latitude.

No mention is made of the Falkland Islands.

295 Shuttleworth 1910 p.296

296 Recognition almost by default, as this *Treaty* is about commerce and the rights that each sides' commercial interests shall have in their dealings with each other. There is no detailed recognition of Argentina's borders and no specific mention is made of the Falkland Islands which remained uninhabited apart from visiting whalers and sealers. *Article 3* allows for a business venture, such as Vernet's.

297 Parish to Planta Feb 18th 1825

298 Love 1825

299 *American State Papers, Foreign Relations, V.794*

300 *An account, historical, political, and statistical, of the United Provinces of Rio de la Plata, with an appendix, concerning the usurpation of Monte Video by the Portuguese and Brazilian governments.* London 1825

A new post of *Permanent Under Secretary for the Colonies* is created within the *War and Colonial Office*.

In **June**, Minister Plenipotentiary Don Bernardino Rivadavia is not presented to the King at the levee because; “he had no regular credentials.”³⁰¹

July 23rd, Griffiths returns to Buenos Aires with news that Woodbine Parish is appointed British *chargé d'affaires* in Buenos Aires, pending the arrival of a Minister.

August 6th, the new *chargé d'affaires* is presented to the Governor by Foreign Minister Garcia. Parish is presented with a \$6,000 plate.

September 25th, the US Ambassador to Spain, Alexander Everett, reports back to Washington on the progress of moves to convince Spain to recognise its Spanish Republics; “... he remarked repeatedly, that the King would never abandon his claim to these His ancient and rightful Possessions; and that the Cause was a good one; ..”³⁰²

October 11th, despite his initial reluctance, and those of his close adviser the Duke of Wellington, King George IV declares his intention to receive the Minister of the New States.

October 20th, Everett again reports from Madrid; “No offer of formal Mediation has been made by England since her recognition. Indeed her interest as a commercial and manufacturing Country, is now on the other side. The longer the War continues, the longer She enjoys a monopoly of the Spanish American Market for her fabrics ... the British Government is now quiet in regard to this matter, and makes no attempt to influence the decision of Spain.”

December 8th, in a speech to the House of Commons, Foreign Secretary George Canning says; “I called the New World into existence to redress the balance of the Old.”

1826 – January, in an attempt to recoup his previous losses, Luis Vernet leads a further expedition to the islands managing to establish a tentative base next to the old settlement of Puerto Soledad, on East Falkland.³⁰³

January 20th, US Ambassador Everett, writes to the Duke of Infantado about the war between Spain and its South American colonies; “.. the Independence of the Colonies has appeared .. , for some years past, to be well established, they (the US Government) can imagine no other means of effecting the great purpose in question, except by the consent of His Majesty to treat with his ancient Provinces on the footing of Sovereign and Independent States; ...”³⁰⁴

February 28th, Lord John Brabazon Ponsonby is appointed Minister Plenipotentiary and Envoy Extraordinary to the River Plate Provinces.

301 *The Papers of Henry Clay Volume 4: Secretary of State 1825* Hopkins (ed.) 1982

302 *British & Foreign State papers 1825-1826* p 432

303 In his 'Report' of 1832, Vernet, attempted to explain the attitude of Buenos Aires to the Islands in the period immediately following its declaration of independence; “ *The apparent indifference of the Republic with respect to the Malvina Islands, during the first 10 years of its political existence, may perhaps be adduced as an argument against its right of sovereignty over them; but such objection would be entirely void of good faith, for according to the principles laid down, the abandonment of a Territory does not annul the right to it ... This non use by the Republic during those 10 years did not arise from a want of will to occupy, but from another most powerful and extraordinary motive, ... the necessity of securing its independence by supporting expensive wars.*”

304 *British and Foreign State Papers 1828-1829*

April 7th, the Government in Buenos Aires is informed of American attempts to gain recognition for them.³⁰⁵

June 22nd, many of the new States of the Americas meet at the Congress of Panama to discuss a common approach to dealings with Spain.³⁰⁶

In **September**, the sealer *Sprightly* hunts at the Falkland Islands.³⁰⁷

September 15th, Ponsonby arrives at Buenos Aires on *HMS Ranger*.

September 19th, Lord Ponsonby presents his credentials to the President.

In **November**, as part of negotiations with the United States over the northwest coasts of North America, the British commissioners present their opinion regarding the attainment of sovereignty rights; *“Upon the question of how far priority of discovery constitutes a legal claim to sovereignty, the law of nations is somewhat vague and undefined. It is, however, admitted by the most approved writers- that mere accidental discovery, unattended by exploration- by formally taking possession in the name of the discoverer's sovereign – by occupation and settlement more or less permanent – by purchase of the territory, or receiving the sovereignty from the natives – constitutes the lowest degree of title; and that it is only in proportion as first discovery is followed by any or all of these acts, that such title is strengthened and confirmed.”*³⁰⁸

1827 – January 28th, 'Port Louis, ile Falkland'; *“Captain Low is leaving immediately for England. We are going to leave the island to go to our destination. We have found at this place all that we were promised by the Spaniards, we have eaten much local game and fish. Captain Upham has taken on two passengers here - an American belonging to the ‘Sprei’ and a Spaniard from the island of Chiloe. Captain Norris of the ‘Sprei’ is a little better of the scurvy. Please excuse my style of writing. They are hurrying me to have lunch and go ashore to advise Captain Norris, who is sailing in Captain Low’s ship.”*³⁰⁹

March 9th, Lord Ponsonby writes to Foreign Secretary Canning to inform him that the Provinces have all rejected the central authority of Buenos Aires, declaring against the proposed *Constitution* and, in some cases, recalling their representatives from the Congress.

Ponsonby, in a further letter to Canning, describes the inhabitants of the Banda Oriental; *“wild and savage, but not more so than here (Buenos Ayres), and, I believe everywhere else on this continent.”*³¹⁰

March 23rd, William Langdon, in the *Hugh Crawford*, sails from Hobart, Tasmania en-route to England via Cape Horn.³¹¹

305 *John M. Forbes to Henry Clay June 17th 1826*

306 Chile and the United Provinces did not attend. Britain had 'observer' status.

307 Headland 1989

308 *Messrs. Huskisson and Addington to Gallatin* quoted in Greenhow 1842

309 This pre-stamp letter was handed to Captain Low of the *Adeona* for posting in England, where the ship arrived around July 20th. It is addressed to Monsieur Goupilleau, Courtier de Marine, demeurant sur la Fosse, a Nantes, France and was written by a French Surgeon, L Gautier, on board an unnamed vessel commanded by Captain John Upham.

310 Shuttleworth, 1910 p.332

311 Lt. Langdon R.N., had retired from the Royal Navy around 1815, purchased his first ship and spent most of the next two decades trading between England and Tasmania, with the Falklands as a regular port of call after 1827. His first vessel, the *Lusitania* was followed by the *Hugh Crawford*, the *Wanstead* and finally the *Thomas Laurie*. Langdon played a part in the early colonisation of the Falkland Islands through his association with both Luis Vernet, and George Whittington.

Rivadavia, now President of the United Provinces, denounces the Provincial chiefs as rebels and anarchists.

Lt. William Langdon, arrives at the Falkland Islands on his voyage from Van Diemens Land to England. The vessel is low on water after being becalmed for 5 weeks off Cape Horn. He purchases beef at 2d per pound from Luis Vernet's brother.³¹²

June 27th, President Rivadavia is forced to resign. Central authority largely collapses.

1828 – January, Woodbine Parish writes; “.. *the New States are torn by the most lamentable dissensions, and all in their discontent seem ready to cut each other's throats.... It is almost impossible now, I fear, to preserve the National Executive of Buenos Ayres ... and all must go to anarchy and confusion.*”³¹³

Luis Vernet formulates a plan to convert his fledgling settlement from a commercial enterprise, to a political one;

“... *having realised the natural advantages that it might provide the country, I conceived the project of establishing a Colony directly subordinate to Buenos Aires which at the same time would give the state the benefit of putting the sovereignty over the coasts and islands of the south beyond doubt.*”³¹⁴

January 5th, Vernet submits his proposal for a colony on East Falkland to the Government in Buenos Aires;

“.. *I have thought it convenient to exert myself in the establishment of a Colony on the island of Soledad of the cluster called Malvinas. But since for this the protection of Government is necessary, as well as those considerations that ought to be propagated, not only to the owner of this undertaking, but also to the new Colonists, I consider it expedient for the success of this important object that your Excellency will be pleased to cede to me both rights of possession and of property and to protect me in the same, with respect to all the lands of that Island that have not been ceded to Mr Jorge Pacheco, as also the Island of Staten land on the coast of Terra del Fuego. On condition of establishing a Colony within three years after the Date of the grant of permission to be under the immediate Dependence of Buenos Ayres, as also the Colonists who are to be considered Citizens of the Republic, and are to enjoy the same rights.*

That it shall also be a final condition that if it should be found useful to extend to other Islands on account of the increase of population, I shall be bound to communicate with the Govt. on the subject in order to determine with its concordance what may be most convenient. Also that the Colony once established, the Colony shall be free of every description of taxes, contributions, and duties for the post thirty years after its formation.

That for the same term the Colony shall enjoy the exclusive right of the fishery on the Coasts of Terra del Fuego - Malvinas and all other coasts and Islands of the Republic, which however shall not exclude the natives but only foreign nations.

It will be here proper to bear in mind that the Government, by permitting me to establish the Colony in the Malvina Islands under the stated conditions, does nothing more than reoccupy a territory that laid abandoned, but which once having been acquired by the Spaniards, this Government has not lost the right to take possession of.

There is no better way to prevent any other nation from entertaining private views than by the establishment of a Colony. This comes under the immediate inspection of a Government in every civilized country. These islands being found abandoned would belong to the first that occupied them particularly as they belong to the

312 *The Museum of Foreign Literature, Science and Art* vol.22 1833. Arriving in the austral winter, Langdon later claims to have spent 10 months at Port Louis; which is surprising as he had passengers on board.

313 Shuttleworth, 1910 p.338

314 *AGN, Sala VII, Legajo 129, doc. 59* in Pascoe & Pepper 2008. My emphasis.

line existing beyond the frontier. The object of my solicitation is that your Excellency may re-assume its rights, and put into execution the jurisdiction over these Islands which otherwise may be lost.

It is superfluous to analyse the incalculable advantages that will result from the colonisation of these Islands such as the increase of population, the extension of boundaries, the acquisition of excellent harbours, and the creating of a new branch of industry with the fishery, and which fishery having a tendency to the raising of many and good Seamen, natives of the country it is to be hoped that some future day the Navy of Buenos Ayres will become formidable wherefore I beg your Excellency will be pleased to grant me the requested permission, and what else is contained in this my petition”³¹⁵

General Don Juan Ramón Belcarce, Minister of War, issues a *Decree* that same day; “.. *that toward the settling and extension of Territory on the Southern Coasts the settlement on these Islands is a great step.*”ⁱⁱ

The 1823 land grant to George Pacheco is ratified by a separate *Decree* issued that same day.

“The Government, ... ; issued a Decree on the 5th of January, 1828, whereby, in conformity with the spirit of the Law enacted by the Honorable House of representatives, on the 22nd October, 1821³¹⁶, granted me the right of property to the lands on the Island, (after deducting tracts conceded to Don Jorge Pacheco, and 10 square leagues which the Government reserved to itself in the Bay of San Carlos) and likewise to Staten Land. It also conceded to the Colony an exemption of taxation for 20 years, and for the same period the exclusive right to the Fishery in all the Malvinas, and on the Coasts of the Continent to the South of the Rio Negro; under the condition that within 3 years I shall have established the Colony.” ³¹⁷

This is not published in the official *Gazette*, nor circulated amongst the diplomatic community.

January 30th, aware of the British claim to sovereignty, Luis Vernet submits his land grant to the Consul, requesting approval. The grant is counter-signed by Vice-Consul Charles Griffiths.³¹⁸

April 23rd, a ship, *Hope*, is wrecked off South Georgia. Capt. Matthew Brisbane, and part of his crew, sail to the coast of Patagonia in a small boat; across 2,600 miles of rough seas.³¹⁹

The United Provinces default on the Baring Bank loan.

May 5th, the Spanish Government protests the acknowledgment, by some European Governments, of the independence of the Spanish-American colonies.³²⁰

May 25th, Emilio Vernet writes in his diary about the 1810 Revolution celebrations on East Falkland; “.. *dawn broke with some heavy showers and hail. At sunrise three cannon shots were fired and the flags of both Great Britain and Buenos Aires were hoisted; 10 at noon, three more cannon shots were fired, and three more in the evening. After lunching meat roasted with hide on and cakes especially prepared for the occasion, we practised target shooting until dusk. People organized a ball at the cooper’s ranch, which lasted all night.*”³²¹

315 *PRO FO 6/499*

316 This legislation was concerned with fisheries off the coasts of Patagonia. It made no mention of the Falkland Islands.

317 Vernet 1832. In his report, Vernet also claimed that the Government in Buenos Aires had granted his colony an exemption of taxes and imposts for 20 years.

318 Pascoe & Pepper 2008, p.13.

319 *British Packet and Argentine News*, May 2nd 1829.

320 William Robertson 1918

321 Marcelo Vernet 2011. No explanation is offered as to why the British flag was hoisted.

June 30th, the sealer *Adeona* sails from the Patagonian coast to the Falkland Islands, en-route to Britain, carrying letters from the surveying vessels *Adventure* and *Beagle*.³²²

In **July**, Vernet purchases 31 negro slaves at Patagones, on the Rio Negro, for shipment to East Falkland.

July 31st, Lord Ponsonby transfers to Brazil, leaving Woodbine Parish as the only British representative in the United Provinces. Stephen Henry Fox is appointed to replace Ponsonby.

August 14th, William Beach Lawrence, *charge d'affaires* of the United States in London, writes to Henry Clay, Secretary of State of the United States; *"The three Spanish American Ministers or Charges recognized at Court, are never included, except on the most formal occasions, in the invitations even of the Secretary for Foreign Affairs. Though personal civilities have been extended by Lord Aberdeen, since his accession to office, to all the Representatives of European Powers and to me and though the Court circular announced that he had entertained all the Foreign Ministers, the gentlemen referred to have been wholly unnoticed."*³²³

September 4th, Emilio Vernet records the arrival at Soledad of his brother's slaves, on the *Luisa*, in his diary.³²⁴

December 1st, General Juan Lavalle stages a coup and takes over the Province of Buenos Aires.

December 3rd, Lavalle announces to Parish, and the representatives from France and the USA, his appointment as Provincial Governor. After consulting they agree to delay recognition of the new regime.³²⁵

1829 – March 12th, proclamations announce the formation of a new force for the defence of Buenos Aires, to be made up of foreigners, the '*Batallon del Comercio Extranjero*'. The order is signed by Admiral Brown.

Unable to enforce his fisheries concession around the Falklands, Vernet once again approaches the rulers in Buenos Aires; *"The depredations of Foreigners on the Coasts still went on and there was no force in the Colony capable of restraining them nor was there any public Officer to protest against them. This state of disorder obliged me to require the Government to adopt some measures."*³²⁶

Buenos Aires newspapers reports the intended establishment of a penal colony in the Falkland Islands.

March 15th, Parish writes to the British Foreign Secretary, Lord Aberdeen; *"In a sentence lately passed upon some Convicts, and signed by the acting Government of Buenos Ayres it was ... that they were to be banished to the Martin Garcia; "until the establishment at the Falkland Isles should be ready for their reception ... This, and the circumstances of this Government having taken upon itself at various times to grant to individuals privileges to form temporary Settlements in those Islands for the purposes of Sealing and taking the Wild Cattle which are to be found there, induces me to bring the pretensions of this Government to the Sovereignty of those Islands under your Lordships notice, not being aware that His Majesty has ever formally relinquished his ... claims to them, and considering that now that the Commerce of the Pacific is open to the World, they may perhaps be thought of much greater value than formerly, when His Majesty settled his Rights with the Court of Spain. It was the practice of the Spaniards previously to the South American Revolution constantly to maintain a guard in one of those Islands over Convicts who were sent there for punishment, and also a small vessel of War, which, as well as the guard, was annually relieved from Buenos Ayres.*

322 Commanded by Captain P. Parker King RN. Captain Low of the *Adeona* had died of scurvy around May 14th.

323 William R. Manning vol. III 1925 p.1590

324 AGN Sala VII Legajo 141

325 Shuttleworth, 1910 p.350

326 *Report* Vernet 1832

*... this practice was discontinued, but the Buenos Ayreans have not the less ever considered the Territory as belonging to them, and as far as I can learn, they now have some idea of re-occupying it in the same manner and for the same purpose as the Spaniards did.*³²⁷

*"Hearing that England claimed the sovereignty of the Islands, he (Vernet) now applied to Great Britain, through their Charge d'Affaires, for the protection of his colonists."*³²⁸

March 18th, following a further announcement of a military force to be made up of all foreigners, the 'Battalion of the Friends of Order', Woodbine Parish protests and points out that such an Order is in breach of the *Treaty of 1825*. Lavalle is forced to rescind the Decree. The French follow suit, and there is an outburst of anti-British sentiment in the Province, whipped up by Rivadavia.

March 21st, George Whittington talks to Labouchere at the Colonial Office about colonising the Falklands.³²⁹

April 12th, Lieutenant W. Langdon, currently in England, writes to Thomas Potter MacQueen;

Lord: Having captained a merchant ship during five trips to New South Wales and returned to London via Cape Horn, I have seen the need to establish a colony in the Falkland Islands in order to provide water, supplies or repairs in case of accident. ...

Numerous boats are now used commercially in New South Wales and Van Diemens land exclusively prisons ships and whalers. Most of them are forced to anchor in one of the Brazilian ports for water, etc., if they return by the Eastern route. All this would be absolutely unnecessary if there was an established colony ... A contingent of 100 men would do, and everything you need will be forwarded through any prison ships, these ships on behalf of the government might take a certain amount of masts for each colony and leave them there for the provisioning of the ships of His Majesty or any other that requires them.

What induces me to inform you that this is because you are a major landowner in Australia and naturally interested in this trade, ... I am sure that the importance and need for the British government to occupy a port of communication between the colony and the mother country can not go unnoticed by anyone who is interested in its prosperity.

Please let me add, Sir, I was in Berkeley Sound ten months ago and found the islands held by a German director and about 20 men ..., [who] had been sent there by a company of merchants of Buenos Aires [which] obtained a concession from the government of that state, and its aim was to kill the cattle to remove the skins. They had already met about 1000 and I think in the islands there are over 10,000 plus horses. They catered my boat with excellent salt beef and they said they had large quantities ready for export. They had been there for 12 months and none of them had been ill for a single moment.

The terrain looks very good in many places and saw several species of edible plants that grow abundantly. ...

*If you think these comments may be submitted to the government of His Majesty, I shall be happy, sir, to provide any additional information.*³³⁰

April 20th, Vernet reports to Parish that the Colony on Soledad now consists of; '10 white inhabitants, 10 seafaring men, mostly English and Americans, 18 Negroes indentured for 10 years, 12 Negro girls, 52 Negro males, a brother and brother-in-law of Mr. Vernet.'

327 PRO FO 6 499

328 Shuttleworth 1910 p.359

329 *Launceston Advertiser* August 29th, 1839

330 Caillet-Bois 1952 p.418

He adds that he is preparing to embark with more settlers; “ .. eight families including Mr Vernet, and seven single men, Germans. In all 33 individuals.”

April 25th, after speaking to Vernet, Woodbine Parish informs London; “I now enclose for your Lordships' information, copies of the Grants which have been made by the Government of Buenos Ayres, of the Isle of Soledad, as well as of Staten Land ...

I understand from him that he will have sent to Soledad, and Staten Land in this year, and the last, about one hundred persons altogether, of different Nations.

I have procured these papers from Mr. Vernet himself, a very intelligent person, who has passed three winters there, and is now returning with several Colonists to be located according to his Agreement with the Government ... he would, I believe, be very happy if His Majesty's Government would take his settlement under their protection ...”³³¹

May 2nd, Capt. Matthew Brisbane arrives in Buenos Aires, and reports the loss of the *Hope* to the Vice-Consul.

May 15th, a charter is agreed between Matthew Brisbane and Luis Vernet, for the brig *Betsy* to sail first for Port Louis and then Staten Land, after which the vessel is to be taken over by Brisbane in an attempt to rescue the remainder of his crew from South Georgia.³³²

June 10th, the Government of the Province of Buenos Aires announces the -

'Political and Military Command of the Malvinas' ³³³

"When by the glorious Revolution of May 25, 1810 these Provinces separated themselves from the Dominion of the Mother Country, Spain held the important possession of the Falkland Islands, and of all the others around Cape Horn, including that known under the name of Tierra del Fuego; that possession being justified by the right of being the first occupant, by the consent of the principal maritime powers of Europe and the proximity of these islands to the Continent that formed the Viceroyalty of Buenos Aires, unto which government they depended. For this reason, the Government of the Republic having succeeded to every right which the Mother Country previously exercised over these Provinces, and which its Viceroys possessed, continued to exercise acts of Dominion in the said Islands, its Ports and Coasts, notwithstanding circumstances have hitherto prevented this Republic from paying the attention to that part of the Territory which, from its importance, it demands. Nevertheless, the necessity of no longer delaying such precautionary measures as shall be necessary to secure the rights of the Republic; and at the same time to possess the advantages which the productions of the said Islands may yield, and to afford to the Inhabitants that protection of which they are entitled, the Government has agreed and decreed, as follows:

Article 1: The Falkland Islands and those adjacent to Cape Horn in the Atlantic Ocean, shall be under the command of a Political and Military Commander³³⁴, appointed immediately by the Government of the Republic.

331 PRO FO 6 499 and cf. *The Case of Antonio Rivero and Sovereignty over the Falkland Islands*, Richard Ware. *Historical Journal* 27. v.4 1984

332 cf FO 466/3. This was the start of a long relationship between the two men, ending in Brisbane's murder in 1833.

333 *British & Foreign State Papers 1831-1832* p 314

334 Translation is a problem. In *British & Foreign State Papers* this is translated as 'Governor'; in *Diplomatic Correspondence of the United States*, 'Commander'. The Spanish term is 'Comandante'.

Article 2 .- The Political and Military Commander shall reside in the Island de la Soledad, on which a Battery shall be erected under the Flag of the Republic.

Article 3 .- The Political and Military Commander shall cause the Laws of the Republic, to be observed by the Inhabitants of the said Islands, and provide for the due performance of the Regulations respecting Seal Fishery on the Coasts."

June 13th, this Decree is published in the Government's official Gazette.

Luis Vernet is granted the title of 'Civil and Military Commandant of Puerto Luis', but this is not gazetted.

*" .. By a Decree bearing date the 5th of January, 1828, the property of the waste lands on the Island of Soledad was granted to me, on condition that I should establish a Colony within the term of 3 years: to the Colony was granted an exemption of Taxes and Imposts for 20 years, with the enjoyment of the Fishery in all the Malvina Islands and on the coasts of the Continent to the South of the Rio Negro. By this it appears that the character of my undertaking to colonize the Malvinas was exclusively and essentially mercantile; and thus it was that I, with my own capital, and without any assistance whatever from the Government, had established the Colony and maintained it in the same manner, under the title of Director, which was conferred on me by the before-mentioned Decree. The Colony commences various labors, and entered on the enjoyment of the rights and privileges granted. The depredations of Foreigners on the Coasts still went on and there was no force in the Colony capable of restraining them, nor was there any public Officer to protest against them. This state of disorder obliged me to require the Government to adopt some measures. Accordingly, by Decree on the 10th of June, 1829, it ordered that a Civil and Military Governor of those Islands, and their adjacencies up to Cape Horn, should be appointed, imposing on him the duty of carrying into effect the regulations relative to the Seal-fishery. The nomination of this charge might have fallen upon any other person than the Director. But the Government, either believing me to be the most proper person, or to save the expense of a salary, which, in any case, would have been necessary, thought it expedient that the Director of the Colony should also be Civil and Military Governor; and, by another distinct Decree, although of the same date, it nominated me to fill this office. ... The Decree which ordered that a Governor should be named was published by the press; but the other under the same date, in which I was appointed Governor, was not published. This circumstance has doubtless given rise to the idea that I had appropriated to myself this title .."*³³⁵

Vernet has also requests a warship to assist in the fisheries protection. This is not granted, but he is provided with 4 cannon, 50 rifles and ammunition, 20 quintals of iron, a bellows and blacksmith equipment, carpentry, construction and farming tools.³³⁶

June 20th, the *Betsy* sails with Luis Vernet, Matthew Brisbane and 38 new English and German settlers, en-route to East Falkland. Vernet's wife, Maria Saez, and children, Emilio, Luisa and Sofia, are also on board.³³⁷

June 24th, the civil war started by Lavalle's take-over of Buenos Aires comes to an end.

June 26th, Woodbine Parish informs London of the Decree; *" ... I forward a copy for your Lordships information, formerly asserting the Rights of the Republic to those Islands.*

335 Vernet 1832

336 *Archivo General de la Nación Argentina. Fondo Luis Vernet. Sala VII 2-4-6*

337 *The British Packet and Argentine News.*

I believe that the steps lately taken by Mr Vernet to increase his Colony, at the Isle of Soledad, have drawn the attention of the Buenos Ayrean Authorities to the subject, and have led to this measure. But, I do not learn that they at present contemplate taking any further steps in pursuance of their Decree, beyond the conferring upon Mr Vernet himself the Honorary appointment of Political and Military Governor of his own Settlement."³³⁸

July 9th, Lord Aberdeen requests a legal opinion from Sir Herbert Jenner, the King's advocate-general.³³⁹

July 10th, the Colonial Office circulates a memorandum setting out the advantages of "resuming possession".³⁴⁰

July 15th, Vernet arrives back in the Islands with the resolve to; " ... employ all my resources and avail myself of all my connections in order to undertake a formal colonization which should...lay the foundation of a national Fishery which has been at all times and in all countries the origin and nursery of the Navy and Mercantile Marine...".³⁴¹

July 23rd, the Colonial Secretary, Sir George Murray, writes to the British Prime Minister, the Duke of Wellington; "It appears to me that the interval between the cessation of the power of old Spain and the consolidation of that of the new governments in South America would be the best time for our resuming our former possession of the Falkland Islands.... I have not spoken with Lord Melville on the subject, but I believe he is very sensible of the importance in the naval point of view of the occupation of those islands."

July 25th, Wellington responds; " It is not clear to me that we have ever possessed the sovereignty of all these islands. The convention certainly goes no farther than to restore to us Port Egmont, which we abandoned nearly sixty years ago. If our right to the Falkland Islands had been undisputed at that time and indisputable, I confess that I should doubt the expediency of now taking possession of them. We have possession of nearly every valuable post and colony in the world and I confess that I am anxious to avoid to excite the attention and jealousy of other powers by extending our possessions and setting the example of the gratification of a desire to seize upon new territories. But in this case in which our right to possess more than Port [Egmont] is disputed, and at least doubtful, it is very desirable to avoid such acts. I am at the same time very sensible of the inconvenience which may be felt by this country and of the injury which will be done to us if either the French or Americans should settle upon these islands, the former in virtue of any claim from former occupancy, the latter or both from any claim derived by purchase or cession from the government of Buenos Ayres.

That which I would recommend is that the government of Buenos [Ayres] should be very quietly but very distinctly informed that His Majesty has claims upon Falklands Islands and that His Majesty will not allow of any settlement upon, or any cession to, individuals or foreign nations of these islands by Buenos Ayres, which shall be inconsistent with the King's acknowledged right of sovereignty. I think that this is all that can be done at present. It will have the effect of impeding any settlement or cession by Buenos Ayres and as we may suppose that the French and Americans will hear of this communication they will not be disposed to act in contravention to it unless determined upon a quarrel with this country."³⁴²

338 PRO FO 6 499

339 It is unlikely that Parish's letter would have reached London by July 9th and therefore Lord Aberdeen could not have been reacting to the Decree unless he had other sources of information. It is far more likely that Aberdeen was acting in consideration of Langdon's letter of April 12th. This may be confirmed by the Colonial Office's memorandum which could only have appeared after some deliberation.

340 Unsigned. 10 July 1829, Colonial Office Papers PRO CO 78.2 FO. 160v in Ware 1984

341 Report Vernet 1832 p.420

342 Correspondence and Memoranda of the Duke of Wellington vol.6 p.41 1877

July 28th, Sir Herbert Jenner's legal opinion is given, "*the symbols of property and possession which were left upon the islands sufficiently denote the intention of the British Government to retain those rights which they previously acquired.*"³⁴³

August 8th, Lord Aberdeen sends instructions to Parish to inform the Government in Buenos Aires that the British claim should not be treated with indifference;³⁴⁴ "*It appears that the Republic, attempting to execute the full rights of sovereignty over these Islands, has made grants of land, and has conferred exclusive privileges upon certain individuals ..*

These acts have been done without deference to the validity of the claims which His Majesty has constantly asserted to the sovereignty of the Falklands; and it is therefore essential that the proceedings of the Republican Government should not be permitted to injure the rights of His Majesty,... which were founded upon the original discovery and subsequent occupation of the islands ... it cannot be ... that the abandonment of this (settlement) in the Year 1774 by the British Government is in any degree to be considered as ... to invalidate His Majesty's just pretensions. ... the symbols of possession and property were left ... the British flag remained flying; and all those formalities were addressed which indicated the rights of ownership ... the intention to assume the occupation of the territory at a more convenient season.

His Majesty's Govt are aware of the increased importance of those Islands. .. whether it shall be thought proper to restore possession of a settlement which had been extinguished for a time, although never abandoned. The question is one of much delicacy ... in order to preserve entire the rights of His Majesty, and to prevent all injury from the proceedings of the Government of Buenos Ayres, you will inform that Govt of the ... just rights of Sovereignty to which His Majesty lays claim, and which have heretofore been exercised by the crown of Great Britain."

August 30th, at Soledad, María Vernet writes in her diary; "*Very good Saint Rose of Lima day, so Vernet has decided to take possession today of the islands in the name of the government of Buenos Aires.*"

Vernet proclaims his Governorship, announcing; "*the formal act of dominion on behalf on the Republic of Buenos Aires on these Falkland Islands of Tierra del Fuego and its adjacent and other territories.*"³⁴⁵

The; "*.. Governorship and the Commandantcy of the Island was reinstalled, under salutes of artillery.*"³⁴⁶

"... and to that effect, the flag of the Republic has been hoisted and saluted in the best way permitted by the incipient condition of this population. The Commander expects that all inhabitants will be constantly subordinated to the laws, living like brothers and sisters in union and harmony in order that the expected population increase which the Superior Government has promised to foster and protect may give rise -in this Southern territory- to a community that will honor the Republic whose control we recognize. Hail the Nation!"³⁴⁷

Luis Vernet circulates a message to those whalers and sealers anchored around the Islands informing them of his newly granted authority. Puerto Soledad reverts to being called Puerto Louis.

343 *International Law Opinions, Cambridge 1956*, quoted in Ware 1984.

344 *PRO FO 6 499*

345 *AGN Fondo Luis Vernet. Sala VII 2-4-6*

346 Vernet 1832. Interestingly he only refers to 'Island' (singular).

347 Marcelo Vernet 2011

September, Woodbine Parish assists General Rosas in devising a scheme for the appointment of a permanent Government.³⁴⁸

September 17th, Lord Aberdeen writes to Parish informing him that his dispatches have been laid before the King; *“Having ... fully explained to you the opinion of HM Government as to the rights of the Crown of Great Britain with regard to those Islands, I have now only to instruct you to address a note to the Buenos Ayrean Minister ... protesting formally in the name of His Majesty against the terms of the above mentioned Decree, as infringing these just rights of sovereignty over the Falkland Islands which His Majesty has never relinquished.. His Majesty will not view with indifference nor can he recognise any cession of territory by the Government of Buenos Ayres either to individuals or to any foreign nation, which shall be found incompatible with the just rights of sovereignty to which His majesty lays claim; and which have hitherto been recognised by the Crown of Great Britain.”*³⁴⁹

October 2nd, US Secretary of State, Martin Van Buren, writes to the US Minister in Spain, Cornelius Van Ness; *“ ... The contest between Spain and her former colonies must now be considered as at end; yet, still entertaining vain hopes of reconquering them, she withholds her acknowledgment of an independence which has long since been recognized by the most powerful and influential Governments of Europe, ..”*

The Spanish historian, Don Mariano Torrente, writes in his historical account entitled *Historia de la Revolucion Hispano- Americana*; *“ The King's possessions in America occupy an immense plot that extends from 41° 43' lat. S. to 37° 48' lat. N...”*

November 14th, Woodbine Parish receives Lord Aberdeen's instruction dated August 8th.

November 19th, Parish presents an *Official Note* to the Foreign Minister, General Guido;³⁵⁰

”The undersigned H.B.M. Charge d’Affaire has the honour to inform H.E. General Guido the Minister encharged with the Department of Foreign Affairs that he has communicated to his Court the official document signed by General Rodriguez and Don Salvador Maria del Carril, in the name of the Government of Buenos Ayres, and published on the 10th of June last, containing certain Provisions for the Government of the Falkland Islands.

The undersigned has received the orders of his Court to represent to H.E. General Guido that in issuing this decree, an authority has been assumed incompatible with His Britannic Majesty’s rights of sovereignty over the Falkland Islands.

These rights, founded upon the original discovery and subsequent occupation of the said islands, acquired an additional sanction from the restoration, by His Catholic Majesty, of the British settlement, in the year 1771, which, in the preceding year, had been attacked and occupied by a Spanish force, and which act of violence had led to much angry discussion between the Governments of the two countries.

The withdrawal of His Majesty’s forces from these islands, in the year 1774, cannot be considered as invalidating His Majesty’s just rights. That measure took place in pursuance of a system of retrenchment, adopted at that time by His Britannic Majesty’s Government. But the marks and signals of possession and property were left upon the islands. When the Governor took his departure, the British flag remained flying,

348 Shuttleworth 1910 p.358

349 PRO FO 6 499 (draft)

350 Luis Vernet acknowledges the British protest in his 'Report' of 1832, *“How is it that the English Government did not wait for official intimation, to make, through Mr. Parish, the Protest which it conceived itself entitled to make?”*

and all those formalities were observed which indicated the rights of ownership, as well as an intention to resume the occupation of that territory, at a more convenient season.

The undersigned, therefore, in execution of the Instructions of his Court, formally protests, in the name of His Britannic Majesty, against the pretensions set up on the part of the Argentine Republic, in the decree of 10th June, above referred to, and against all acts which have been, or may hereafter be done, to the prejudice of the just rights of sovereignty which have heretofore been exercised by the Crown of Great Britain.”

November 25th, the Minister for Foreign Affairs, Tomas Guido, acknowledges receipt of the British protest; “... *The Government intends to give an attentive consideration to the Note of Mr. Parish and the Undersigned will be happy to communicate to him its Resolution, as soon as he shall receive orders to do so.*”³⁵¹

December 5th, Parish informs London of his formal protest; “*I herewith enclose for your Lordships information the copy of an Official Note which ... I presented to General Guido the Minister encharged with the Foreign Department, protesting in His Majesty’s name against the Pretensions set up in the past of the Republic to those possessions. Having explained at the same time generally to the Minister the tenor of my communication, he promised to give his immediate and serious attention to the subject.*”

December 8th, Juan Manuel de Rosas is elected Governor and Captain-General of the Province of Buenos Aires. Rosas' first act is to declare all the Decrees of his predecessor, 'null and void'.

1830 – February 5th, a daughter is born to Luis Vernet and his wife at Port Louis.

July 30th, reported in the *Australian* newspaper of Sydney, New South Wales; “*The Seringapatam frigate, on the Brazil station, has been ordered to take possession of the Falkland Islands, as a British settlement, on the plea that they do not now belong to any power. For its excellent harbour and good water, it will be highly beneficial to our shipping, as a place of rendezvous, and for refreshment.*”

During **September**, news arrives in Buenos Aires of the death of George IV in London. Rosas orders 3 days of public mourning.³⁵²

In **October**, the *British Packet and Argentine News* reports; “*Falkland islands: The arrival of Capt. Brisbane, from the above Islands has put us in possession of news, from the Emigrant settlement established at East Falkland Island, Port Luis, Berkeley Sound, under direction of Mr Luis Vernet.*

We rejoice to hear that it is in a prosperous condition; about 20 000 head of horned cattle are on the Island; poultry and pigs in abundance, and all sort of wild fowl, rabbits, Exc.; potatoes, cabbages and other vegetables thrive extremely well; wild horses abound, but the breed is small. Horses have however been imported from Patagonia; wood is scarce, but this want, as regards firing, is amply compensated by the great quantity of peat found on the Island. The Emigrants at present on the Island amount to about 70 persons.

A circular has been published by the Governor, (Mr Vernet,) with the decree of the Government of Buenos Ayres, of the 10th of June, 1829.”

351 *British and Foreign State Papers 1832 – 1833 p. 346.* No answer was ever received, but this is perhaps unsurprising given the political situation there. Juan Lavalle had taken power in a coup and his Government in Buenos Aires was not recognised as being legal from its outset. On ousting Lavalle, General Rosas very publicly disavowed all the acts of his predecessor.

352 Shuttleworth 1910 p.363

The 'Circular' includes a warning from Luis Vernet; *"The undersigned, Governor of the Falkland Islands, Terra del Fuego and adjacencies, doth hereby, in compliance passed by the Government of Buenos Ayres on the 10th June, 1829, to watch over the execution of the laws respecting the Fisheries ... inform you; that the transgression of these laws will not as heretofore, remain unnoticed.*

The undersigned flatters himself that this timely notice which he gives to all Masters of vessels engaged in the Fisheries on any part of the coasts under his jurisdiction, will induce them to desist since a repetition will expose them to become a lawful prize to any vessel of war belonging to the Republic, or to any vessel which the undersigned may think proper to arm in use of his authority, for executing the laws of the Republic.

The undersigned further warns persons against the practice of shooting cattle on East Falkland Island, the same being private property, and however innocent the act may be in those that are not aware of this circumstance, it becomes of course highly criminal in those who wilfully persist in such acts, and renders them liable to the rigour of the laws in similar cases.

On the other hand those who are in want of provision or refreshments, can receive them on moderate terms, by applying at the new colony at the head of Berkeley Sound, where no port charges are to be paid, desertion of men discouraged, and any assistance rendered to those that may stand in need of it, ..."

November, Henry John Temple, Viscount Palmerston, takes over as Foreign Secretary in London.³⁵³

November 20th, Woodbine Parish writes to London to inform them of Vernet's warning;

"I enclose a copy of an article lately published in one of the papers of this city upon the arrival of a vessel from Mr Vernet's settlement in the Falkland Island. The Captain Brisbane who is stated to give the account in question, is the person who was formerly with Mr Weddell in his voyage to South Georgia. He has since appreciated himself with Mr Vernet in his speculation in the Falklands.

Upon seeing the notice signed by Vernet, I thought it right to send for this person, and to acquaint him with the protest I had been instructed to enter here against the decree of the Buenos Ayres Government of June 1829, and I desired him as he was about to return immediately to the Falklands.

I communicated the tenor of it to Mr Vernet, a warning against his interfering with any of His Majesty's Subjects frequenting those coasts. Mr Brisbane promised me he would take care that my caution should be attended to (and) that the truth was the notice was more intended to draw vessels to Soledad for supplies, than to hinder their coming there, which in fact they had no means whatever at their disposal to present.

I thought it better to take this course than to make any further official representation to the Government upon this subject, being satisfied that neither Mr Vernet or Brisbane require orders from the authorities at Buenos Ayres to attend to my advice and caution.

Since my protest in December last the Minister has taken no further notice of this subject, ...

*Mr Vernet's expectations continue to be realised, and that he has found both the climate and soil as good as he could desire. He has confined himself to Soledad, the old Spanish settlement where the remains of the buildings originally erected by Mr de Bougainville in the year 1764 still exist."*³⁵⁴

353 A Statesman, best remembered for his direction of British foreign policy through a period when the United Kingdom was at the height of its power, serving terms as both Foreign Secretary and Prime Minister. A believer in 'gunboat diplomacy', some of his aggressive actions, were controversial.

354 PRO FO 6 499

1831 – January, the Argentine Confederation (*Federal Pact*) is proclaimed incorporating the Provinces of Buenos Aires, Entre Rios and Sante Fe.

February 10th, Secretary Van Burren writes to John M. Forbes, the US *chargé d'affaires* in Buenos Aires on the subject of the Decree of 1829 which has been reported in American newspapers, and is the subject of a complaint to the House of Representatives; ³⁵⁵

“ ... It appears from the decree, that the Government of Buenos Ayres asserts a claim to the Falkland Islands, and all others near Cape Horn, including that of Terra del Fuego, upon the grounds that they were formerly occupied by Spanish Subjects, were incorporated in the Vice Royalty of Rio de la Plata, under the Spanish Monarchy, and that the said government succeeded to all the rights of that Vice Royalty, as a necessary consequence of the Revolution of 25th May 1810, which rendered it independent of that Monarchy. The decree accordingly provides for the civil and military government of the said Islands, by officers to be appointed by the Buenos Ayrean Government, fixes the residence of the officers to be so appointed on the Island of Soledad, and invests them with authority to see to the execution of the regulations concerning the Fisheries upon the coasts of these islands, without defining the character or nature of those regulations. The principal object of the circular letter of Governor Vernet which is stated by Mr. Trumbull to have been communicated to the captains of American vessels, four or five in number, lately in the region, is evidently intended as a warning to those captain's and others engaged in the whale and seal fisheries there, to desist from the use of those fisheries though they have heretofore always been considered as entirely free to that of all nations whatever and as the exclusive property of none...

In the mean time, it is moreover the wish of the President, that you should address an earnest remonstrance to that Government against any measures that may have been adopted by it, including the decrees & circular letter referred to, if they be genuine which are calculated in the remotest degree to impose any restraints whatever upon the enterprise of our citizens, engaged in the fisheries in question, or to impair their undoubted right to the freest use of them. The Government of Buenos Ayres can certainly deduce no good title to these Islands, to which those fisheries are appurtenant, from any fact connected with their history, in reference to the first discovery, occupancy, or exclusive possession of them by subjects of Spain.”

June 14th, American *chargé d'affaires*, John Forbes, dies in post, without completing his instructions.

George Slacum, the American Consul, without any specific instruction or authorisation to do so, takes over the care of US interests at the legation whilst awaiting a replacement for Forbes.

July 15th, the ship *Elbe*, chartered by Luis Vernet, arrives in the Falklands with Joaquin Acuña, a Brazilian and Mateo Gonzalez from Uruguay, together with their wives.

July 30th, Vernet seizes an American sealer, the *Harriet*, and imprisons its Captain, Gilbert Davison, and his crew, on a charge of illegal sealing.

*“ .. in the year 1829, I found the Harriet loaded with Seal skins which had been taken in that jurisdiction. I generously permitted her to depart with her Cargo, warning her that in case of the recurrence of the offence, both Vessel and Cargo would be confiscated; and, to make the notification more complete, as she returned again in 1830, I delivered the Captain a Circular containing the same general warning.”*³⁵⁶

355 F. Trumbull to Noyes Barber. The Trumbull family were from Stonington and involved with the sealing industry there.
356 Vernet 1832

August 17th, Capt. Don Carew and the *Breakwater* are seized on similar charges.³⁵⁷

August 19th, Capt. Stephen Congar and the *Superior* are also taken and accused of ‘illegal hunting’;

“.. those 3 vessels continued the same traffic, and were consequently detained, together with every thing belonging to them, to be arraigned before the competent Tribunal; which voluntary violation has been confessed and admitted by the Captains of the *Harriet* and *Superior*, ..”³⁵⁸

Corrientes, Córdoba and Mendoza Provinces join the Federal Pact.³⁵⁹

September 8th, a contract is signed between Captains Davison and Congar, and Vernet, allowing one of them to go sealing on the west coast of South America, on Vernet's behalf, whilst the other ship, and its Captain, go to Buenos Aires to be tried for the offences that are alleged.³⁶⁰

Vernet selects the *Superior* and Capt. Congar to go sealing.³⁶¹

In **October**, Stephen Henry Fox finally arrives in Buenos Aires as the new British Minister.

October 22nd, the *Thomas Lawrie* arrives at Berkley Sound. The settlement is described by one of its passengers, who spends an evening with Luis Vernet and inspects the colony the following day.ⁱⁱⁱ

October 23rd, the Captain and owner of the *Thomas Lawrie*, William Langdon, dines with Luis Vernet and their respective families, and; “... a Captain Brisbane, and two American gentlemen belonging to a sealing schooner detained at the island by Don Vernet.”

Langdon arranges to purchase Luis Vernet's first land concession.³⁶²

“Don Vernet has divided the island into eleven sections: one he has colonized, and another he has sold to Lieutenant Langdon, to whom he has given a deed of grant, authorizing him to let other portions of the land to persons willing to emigrate to the country. This tract consists of about ten square miles, of six hundred and forty English acres each, as his property for ever, with a proviso that he, or some person appointed by him, shall settle on it within a given time. He has also empowered lieutenant Langdon to distribute, gratis, among ten families willing to emigrate, certain portions of the land. The above deed sets forth the condition under which emigrants will be received, and also Don Vernet's ideas on the subject of colonization.”

October 29th, in a written answer to an inquiry, a US Secretary of State says; “Measures were taken by my predecessor to ascertain on what foundation the claim of jurisdiction to these islands rested; but the sickness and death of Mr. Forbes, our charge d'affaires at Buenos Ayres, had for a time interrupted the investigation. Our right of fishery, however, in those seas, is one that the government considers indisputable, and it will be given in charge to the minister about to be sent there, to make representations against and demand satisfaction for all interruptions of the exercise of that right.”³⁶³

357 The *Breakwater* managed to escape after Capt. Carew and three of his men over-powered the guards. It is the *Breakwater* that took the report of Vernet's action to Washington. Capt. Carew remained behind with 4 of his crew and was eventually put on a British ship, *Elbe*, and taken to Rio de Janeiro, together with 5 men from *Harriet*'s crew.

358 Vernet also cites previous offences committed and warnings given. cf. *Report Vernet 1832*

359 They were joined by Santiago del Estero, La Rioja, Tucumán, Salta, San Luis, Catamarca and San Juan later.

360 cf. *British and Foreign State Papers 1831-1832*. The captains subsequently claimed coercion, while Vernet claimed that the men entered into the contract freely.

361 Vernet 1832

362 Pascoe & Pepper 2008

363 The Secretary of State is unnamed, but the date given is October 29th 1830. This is 8 months before Forbes actually died. A later date would clash with the Baylies ministry. An early typo? Quoted in *Davison v Seal-Skins, Circuit Court*

November 7th, Vernet leaves the Islands aboard the *Harriet*, with Capt. Davison, intent on prosecuting the Americans for their 'illegal' acts. Vernet also takes four trustworthy settlers to ensure the vessel reaches its destination. Matthew Brisbane is authorized by Vernet to act as his private agent, and to look after his property.³⁶⁴

November 14th, Ethan Brown, *charge d'affaires* to Brazil, writes to U.S. Secretary of State, Edward Livingston;

" Sir, I have the honor of enclosing to you a paper, handed to me by Mr. Wright, our consul, relating to the seizure of three vessels at the Falkland Islands by the writer of the same; who,..... styles himself Military and Civil Governor of these Islands and the Adjacencies under the authority of Buenos Ayres. Among the papers shewn to me ... there is one, printed, purporting to be a decree of that Government, for establishing its authority in those Islands etc; and carrying into effect the Regulations in regard to the fishery. To which is added the said Governor's proclamation, warning masters of vessels not to trespass. this is the first, and the only, information I have had of the aforesaid occupation and establishment at the Falkland Islands. You Sir! will see what authenticity it has. It is certain, however, that this Lewis Vernet has seized these vessels, on accusation of having infringed these pretended Regulations. One vessel, it seems, escaped and the other two are expected to take their trial at Buenos Ayres; ... ".³⁶⁵

November 20th, the *Harriet* arrives in Buenos Aires.³⁶⁶

November 21st, George Slacum, writes to the Minister for Foreign Affairs requesting an explanation; *" The Undersigned is at a loss to conceive upon what possible ground a bona-fide American Vessel, while engaged in a lawful trade, should be captured by an officer of a friendly Government and with which the United States are happily on terms of the most perfectly good understanding and amity. And he cannot bring himself to believe that the Government of Buenos Ayres will sanction an Act, which, under its present aspect must be viewed as one calculated materially to disturb them."*

He also informs the American Minister at Rio de Janeiro, and Washington in a letter dated 23rd. These include the sworn testimony of Gilbert Davison.

USS Lexington, under the command of Captain Silas Duncan, leaves the Rio de Janeiro station with instructions to investigate and, if necessary, offer protection to US citizens.

November 26th, following an uninformative response from Minister Tomas Manuel de Anchorena, Slacum formally protests; *"This unexpected reply from His Excellency the Minister can not be viewed .. in any other light than as a virtual avowal on the part of this Government of the right of Mr. Lewis Vernet to capture and detain American vessels engaged in the fisheries at the Falkland Islands, and the islands and coasts about Cape Horn. It, therefore, only remains .. to deny, in toto, any such right, as having been, or being now vested in the Government of Buenos Ayres, or in any person or persons acting under its authority; and to add his most urgent remonstrance against all measures which may have been adopted ... including the Decree issued on the 10th June 1829, asserting a claim to the before-mentioned islands and Coasts and the fisheries appurtenant thereto..."*.

D, Connecticut 1835 case No. 3661

364 In his instructions to his deputy, there was no reference to any civil or military authority. Later assertions that Brisbane assumed the title of 'Governor', are inaccurate. See *Fitzroy, v.II, p.272*. Vernet's family appear to have accompanied him to Buenos Aires as they were not present in the Islands when the *Lexington* arrived.

365 It seems reasonable to assume that this correspondence accompanied Capt. Carew, on the British ship *Elbe*.

366 Reported in *La Gaceta Mercantil*, November 22nd.

November 29th, the *Lexington* arrives at the Rio Plata and Capt. Duncan contacts the US Consul. Slacum forwards to the Commander the affidavit from Davison.

December 1st, Commander Duncan informs Consul Slacum; "*I consider it to be my duty to proceed thither with the force under my Command for the protection of the Citizens and Commerce of the United States, engaged in the Fisheries in question, ... I also learn that in consequence of these Captures, Seven Americans have been abandoned upon the Island of Staten land without the means of subsistence, ...*"

December 3rd, Anchorena replies, questioning Slacum's authority to make any formal protest and adding; "*.. it is an indubitable fact that the Government of the United States possesses no right to the afore-mentioned Islands or Coasts, nor to the fisheries thereon, whilst that vested in this Republic is unquestionable ..*"

In an immediate response, Slacum informs the Minister for Foreign Affairs of Captain Duncan's intention to sail to the Islands in the *Lexington*.

Slacum persuades Capt. Duncan to delay his departure until the 9th.

December 6th, the US President, Andrew Jackson, makes reference to the dispute in his annual *State of the Union* address: "*... I should have placed Buenos Ayres in the list of South American powers in respect to which nothing of importance affecting us was to be communicated but for occurrences which have lately taken place at the Falkland Islands, in which the name of that Republic has been used to cover with a show of authority acts injurious to our commerce and to the property and liberty of our fellow citizens. In the course of the present year one of our vessels, engaged in the pursuit of a trade which we have always enjoyed without molestation, has been captured by a band acting, as they pretend, under the authority of the Government of Buenos Ayres. I have therefore given orders for the dispatch of an armed vessel to join our squadron in those seas and aid in affording all lawful protection to our trade which shall be necessary, and shall without delay send a minister to inquire into the nature of the circumstances and also of the claim, if any, that is set up by that Government to those islands. In the mean time, I submit the case to the consideration of Congress, to the end that they may clothe the Executive with such authority and means as they may deem necessary for providing a force adequate to the complete protection of our fellow citizens fishing and trading in those seas...*".

December 7th, Silas Duncan demands that Vernet, "*... having been guilty of piracy and robbery, be delivered up to The United States to be tried or that he be arrested, and punished by the Laws of Buenos Ayres.*"³⁶⁷

Capt. Davison abandons his trial, and joins Duncan's crew.

December 9th, George Slacum writes to Edward Livingston in Washington; "*Doubtless our Government are well aware that the Government of Buenos Ayres has no legitimate right to the Islands and Coasts in question, and it would be presumption in me to offer any elucidation of the matter. I will however remark that I have been informed by the British Consul General that England has never abandoned or given up her right to them, and that at the time of the publication in this place of the Circular letter &c of Vernet he made a proper Communication upon the subject to this Government, hence, the observation of Vernet in the supplement that "he could not take English Vessels with the same propriety he could American."*

..... within a few hours Captain Duncan will proceed to the Falkland Islands to protect our Commerce and Citizens, by depriving these adventurers of the means of annoying them, the leader of whom Mr. Lewis Vernet

367 Commander Duncan to the Buenos Ayres Minister, United States Ship *Lexington* off Buenos Ayres, River Plate, 7th Demember, 1831 in *British & Foreign State Papers 1832 – 1833*.

is a German, and not long since a bankrupt, but now boasts of having made One hundred thousand Dollars by the Capture and pillage of American Property. He received his Authority under the Decree 10th June 1829. during the few months of the Revolutionary Government of General Lavalle Rodriguez ...”

At midday the *Lexington* weighs anchor and sails for the Falkland Islands.

During the afternoon, Minister Anchorena complains that the Consul Slacum should not; “ ... *interpose himself before the Government of this Province in a private contentious affair, in which there are parties who can exercise their rights, either by themselves or through their Agents ... the Government not recognising in him any right to interfere in affairs of this nature.*”

The Minister for Foreign Affairs, goes on; “ ... *if the Commander of the Lexington, or any other person ... should commit any act, or take any steps tending to set at naught the right which this Republic possesses to the Malvinas, and other Islands and Coasts adjacent to Cape Horn ... the Government of this province ... will use every means which it may deem expedient to assert its rights and cause them to be respected; ..*”

December 13th, Minister Fox presents his credentials to General Rosas, freeing Woodbine Parish of his responsibilities.

December 14th, Woodbine Parish sends his last letter to London, from Buenos Aires; “*Mr Fox will doubtfully inform your Lordship fully of the circumstances attending the late seizure of three North American Sealers by the Chief of the Buenos Ayrean settlement at Port Soledad in the Falkland Islands, and of the formal Protest which has been presented in consequence by the Consul of the United States here against these Acts, and against any pretensions set up by the Government of Buenos Ayres to appropriate to their own exclusive use of the fisheries on those coasts.*”

It appears that English as well as American vessels have been sealing in the same places, but the warning which I sent to Mr Vernet (as stated to your Lordship in my dispatch No.34 of last year) has saved them from similar consequences:- It is however no small aggravation in the eyes of the North Americans, that they should have been suffered to continue to do those Acts with impunity, which have led to the seizure of North American vessels, and to the ill treatment of their crews.

The United States Corvette “Lexington” has sailed from this river for Port Soledad, and it is reported that the “Warren” Frigate has also put to sea from Rio de Janeiro with the same destination, and avowedly to protect in the most effectual manner North American vessels from any further interruption whatever.

In addition to the general information which I have from time to time forwarded to the Foreign Office relative to these possessions, I now enclose to your Lordship a list of the shipping which has called at Port Soledad from the month of June 1826 up to March last:- Also a paper upon the climate and productions of the Falklands which Mr Vernet has drawn up at my request:- I believe there can be no doubt of the future importance of any settlement which may be planted there, and especially of its great utility to all shipping passing round Cape Horn.”³⁶⁸

In **December 15th**, Slacum responds, “ ... *This Protest is rejected by His Excellency the Minister, and if the Undersigned is not charged with having transcended the line of his duty, he is counselled to confine himself within it. But what are the facts that called for a Protest? Have not 3 American Vessels, while engaged in a lawful Trade been captured, and their Cargoes forcibly and illegally taken out of them, and immediately appropriated to the use of the Captors; have not their Officers and Crews, American Citizens, been violently arrested and imprisoned ... and has not this been done without any previous official notice having been given*

368 *PRO FO 6 499*. Woodbine Parish read Vernet's description of the Falklands to the Royal Geographical Society in 1833.

that (Buenos Aires) had set up claims of sovereignty and exclusive jurisdiction to the Islands and Fisheries in question?"

December 20th, Consul Slacum writes to Washington; " You will perceive, Sir, that this Government did not reply to the just and amicable propositions made by Captain Duncan, of the *Lexington*, until several hours after his departure; although he remained at anchor 'till 12 O'clock, meridian, of the 9th, and sailed from immediately in front of the Government House. The reply, however, of the Minister for Foreign Affairs could not have altered the intentions of the Commander of the *Lexington*, had he received it; as it not only does not accede to his propositions, but denies him the right to have made them. ... According to the decision of this Government, neither the Commander of a U. S. vessel of War nor the Consul of the United States will be heard in defence of the most aggravated attack upon the privileges of their nation and the interests of its citizens. So that, such case, a foreign Government may act with impunity and without irresponsibility.

I have had a conversation with the British Minister Mr. Fox, and Mr. Parish, the Consul General, and have seen and read the formal Protest made by the latter, acting as Charge d' Affaires, upon instructions sent out by his Government, at the time of the Decree of 10th July 1829. In that Protest, which was drawn up in London, England asserts her ancient, but dormant, right to the Falkland Islands, which were abandoned by her in 1774, leaving at the time, says the Protest, all the usual emblems of Sovereignty. No answer was given to the Protest by this Government except an acknowledgment of the receipt of it.

The Government of this Province has not the means to establish or to regulate any sort of authority over them there is not, nor has there been, as far as I can learn, any military establishment belonging to this Province on the Islands; and Mr. Vernet, who, I am informed, has received a sort of grant of them for a term of years, is nothing more than a private adventurer, associated with others here, principally foreigners (and among whom I suspect one or more Americans) for the purpose of monopolising the seal fisheries ; and it is worthy of remark, that in the correspondence with me he is only once styled "Commandant of the Falkland Islands." I have never seen any decree of this Government giving him that title. "

December 27th, *HMS Beagle* sails from Plymouth on her second surveying voyage. Captain Fitzroy's orders include; ".. before we finally quit the eastern coast of South America, it is necessary to advert to our present ignorance of the Falkland Islands, however often they have been visited. The time that would be occupied by a rigorous survey of this group of islands would be very disproportionate to its value; but as they are the frequent resort of whalers, and as it is of immense consequence to a vessel that has lost her masts, anchors, or a large part of her crew, to have a precise knowledge of the port to which she is obliged to fly, it would well deserve some sacrifice of time to have the most advantageous harbours and their approaches well laid down, and connected by a general sketch or running survey. Clear directions for recognizing and entering these ports should accompany these plans; and as most contradictory statements have been made of the refreshments to be obtained at the east and west great islands, an authentic report on that subject by the Commander will be of real utility."³⁶⁹

December 31st, Silas Duncan in the *USS Lexington* arrives in the islands and 'arrests' seven of Vernet's settlers, including Matthew Brisbane. The storehouse is opened and the seal skins seized by Vernet taken aboard the American vessel.³⁷⁰

369 *Narrative of the Surveying Voyages of His Majesty's Ship Adventure and Beagle between the Years 1826 and 1836...* Robert Fitzroy 1839 vol.II. The Orders are dated November 11th.

370 During the court case surrounding the 'salvage' rights to the skins held in Connecticut in 1835, Davison put the date of the *Lexington's* arrival as December 27th.

Capt. Davison is put aboard the schooner found being outfitted as a fisheries protection vessel; and sent to Staten Land to rescue the men left abandoned there as a result of Vernet's seizure of the American vessels.

1832 – January, US Secretary of State, Edward Livingston, requests Ambassador Van Ness, to make inquiries with the Spanish Court about the sovereignty of the Falkland Islands.³⁷¹

January 3rd, Francis Baylies is appointed American *chargé d'affaires* to Buenos Aires, and ordered to depart on the *Peacock*, from Boston. His instructions^{iv} from Edward Livingston leave little room for manoeuvre.³⁷²

January 20th, William Langdon writes to Under-Secretary of State R.W. Hay at the Colonial Office; “... ..from a conversation I had with Mr. Vernet upon the subject, I am authorised in saying no objection would be made to the occupation of it by the British Government, provided private property would not be interfered with ..”³⁷³

February 2nd, Woodbine parish arrives in Montevideo to find the *Lexington* there. He sends Captain Graham, of *HMS Rattlesnake*, to make inquiries; “He found nearly all the colonists on board; eight of them as prisoners, the rest of their own accord having requested to be conveyed to Monte Video upon the capture of their companions. The prisoners are the parties who were most active in the detention of the North American Vessels by Mr Vernet’s orders; the principal person is Brisbane the Englishman whom I have before had occasion to mention in my Dispatches upon the subject of these Islands. ... and the Commander tells Graham that he intends to send them to the United States for trial as pirates; this charge I apprehend, cannot be maintained, acting as they appear to have done under an authority from the Government of Buenos Ayres.

*I have taken upon myself to write a letter in favor of Mr Brisbane to Mr Slacum the North American Consul (who happens to be here on a visit from Buenos Ayres) and to say to him that he is a person who has always conducted himself very properly as far as I know, and that I trust his previous good character will avail him as far as possible in his present circumstances...”*³⁷⁴

February 3rd, Commander Duncan reports to US Navy Secretary, Levi Woodbury; “... I arrived here yesterday from the Falklands Islands and have now the honor to enclose duplicates of my communication to the Department of the 2nd Dec. 1831 – in Relation to the Capture of some of our fishing Vessels at and about those Islands. – In conformity to my intentions I proceeded to Berkeley Sounds, East Falklands, in order to ascertain the facts in connexion with these proceedings and for the purpose of affording the proper protection to our Citizens and Commerce, and particularly to protect the American Fisheries in the Southern Ocean.

Upon my arrival in Berkeley Sound East Falkland, I investigated the matters in question and finding them to be of the most inquisitous and illegal character, I determined to break up and disperse this band of pirates, many of whom had been sent from the prisons of Buenos Ayres and Monte Video, and were thus let lose to prey upon a peaceable and industrious part of our community under the direction of Louis Vernet and Mathew Brisbane.

371 It has been suggested that the result of this inquiry supported the subsequent British position. *cf. The Struggle for the Falklands* by W. M. Reisman 1983. This is surprising as it was more likely that the Spanish Court would claim Soledad as their own. Other than determining that Van Ness consulted a ‘Spanish historian’ I am unable to find what answer he was given. Coincidentally, his Secretary around that time was the novelist, Washington Irving, who was also an amateur historian; highly regarded by the Spanish for his work on Moorish Spain. Intriguingly Irving mentions Fort Egmont and the Falklands in *Astoria*, published in 1835, although Irving is not believed to be the historian consulted by Van Ness..

372 Baylies was a lawyer, politician, journalist and author. Described as a ‘political henchman’ of the US President, he had little diplomatic experience.

373 Pascoe & Pepper 2008 p.15, Caillet-Bois 1952 p.316

374 *Woodbine Parish to Viscount Palmerston February 3rd, 1832 PRO FO 6/ 499*

I have confined the individuals engaged in these transactions, who could be identified, and have besides brought off the whole of the population consisting of about forty persons, with the exception of some Gou chors or Horsemen who were encamped in the interior, and are employed killing cattle. But in taking this step I have consulted their own wishes, and they have embarked on board the Lexington by general consent; they say they have been deceived by Vernet and others, who have kept many of them upon the Island contrary to their inclinations and appeared greatly Rejoiced at the opportunity thus presented of Removing with their families from a desolate Region where the climate is always cold and cheerless and the soil extremely unproductive. These individuals some of whom have families, come from Buenos Ayres and Monte Video, also, and are principally Germans; they appear to be industrious and well disposed persons. I have landed a part of them at Monte Video and intend sending the remainder to Buenos Ayres by the first Conveyance.

I have now on board as prisoners seven individuals who are charged with illegally capturing and plundering the Schooner Harriet, as will appear by the affidavits of Captain G.R. Davison late master of the Harriet – Marked No.3. – These men will be detained on board the Lexington until some orders shall have been given with Respect to them from the Navy Department or the Senior officer of the Brazil Station.

I found a Schooner lying in Berkeley Sound (East Falklands) intended there is no doubt to have been fitted out to suppress our fisheries in the Southern Ocean. She had been sent from the U. States for Sale but the purchase not having been completed. I put on board of her Gilbert R. Davison late Master of the Schooner Harriet and two additional Seamen and directed her (with concurrence of the Master) to proceed to the Island of Staten land for the relief of Seven American Seamen who had been left there without the means of subsistence, in consequence of the Captain of their vessel, the Schooner Superior, by Vernet.

I found some guns lying near to the beach which I suppose were intended to have been put on board the Schooner as these men have declared it to be their intention to fit out a vessel for the purpose of putting a stop to the American Whale and Sealing Fisheries in these Seas. The guns have been rendered useless for any hostile purposes.

I also found a small Schooner on the coast of East Falkland, navigated by a part of the Crew of the American Schooner Belville, wreck'd on the coast of Patagonia. These men had built this Small Vessel or Shallop of 20 or 30 Tons after the loss of their vessel and were seized and made prisoners by Vernet and his associates and compelled to enter into their Service. I supplied them with Such Articles as they were in want of, and after repairing and fitting out their vessel, directed them to relieve their companions who had been left fishing about the rocks and small Islands and then proceed to the Coast of Brazil or the U. States as they would not be allowed to navigate the high Seas without the necessary documents from some Competent Authority. See No.5. I have communicated directly with the Department for the reason that I have been separated from the Senior Officer of the Brazil Squadron, and have deem'd it proper to give the Department the earliest information on these proceedings.

I intend leaving this place for Rio de Janeiro in about a week...."

February 8th, a letter from Luis Vernet is published *La Gazeta Mercantil* outlining his view of events.³⁷⁵

February 11th, the *British Packet & Argentine News* publishes an account of events together with the section of President Jackson's December address that dealt with US/Argentine relations. The political weekly refers to the archipelago as the, 'Falkland Islands'.

Commander Duncan, in a note addressed to the Minister of Foreign Affairs via George Slacum, offers to release the *Lexington's* prisoners on an assurance that they acted under the authority of the Government of Buenos Aires.

February 14th, Manuel Garcia, the new Minister of Foreign Relations, cuts all contact with George Slacum; “ ... the Government, - considering the aberration of ideas and irregularity of language in his Official Notes, relative to the occurrences with the American Fishing Vessels on the Coasts of the Malvinas, belonging to and in possession of this Republic, and the prejudices his conduct has given rise to ... has judged it expedient ... to suspend all official intercourse with Mr. Slacum, who can appoint any Person properly qualified to substitute him in his Consular functions; ..”

The Delegate Government of the Province to the People'

" The official details collected by the Government, have confirmed the truth of the scandalous acts, stated to have been committed in the Malvinas. The Commander of the United States' ship Lexington, has invaded, in a time of the most profound peace, that, our infant Colony; destroyed with rancorous fury the public property, and carried off the effects legally deposited there at the disposal of our Magistrates. The Colonists being unexpectedly assaulted under a Friendly Flag, some of them fled to the interior of the island; and others violently torn from their homes, or deluded by deceitful artifices, have been brought away and cast clandestinely upon the shores of the Oriental State which now extends to them a generous hospitality; while others, natives and fellow Countrymen of ours, are conducted as Prisoners to the United States, for the ostensible purpose of being tried there. The unanimous burst of indignation which this outrage has produced in you, is fully justified; and the same feeling will doubtless be evinced by men of honor in every part of the World, when they hear of this transaction

But, Citizens, it is as impossible that the Government of Washington should approve of such aggressions, as that your Government should tolerate them in silence. The former, acting up to the principles of moderation and justice which characterize it, will doubtless give satisfaction correspondent to the dignity of the two Republics. In the mean time, be assured that, whatever may be the issue of these unpleasant occurrences, your Government will maintain the inviolability of the Persons and Property of North American Citizens, with the same firmness as it will support its own rights, and in no case will stain itself with an ignoble reprisal of innocent men, who are under the safeguard of the national honor."

Juan Ramon Balcarce Manuel J. Garcia

On the same day, Edward Livingston writes to Francis Baylies with further instructions regarding the approach that the new Minister should adopt; "... the United States' sloop of war *Lexington*, Captain Duncan, put into Buenos Ayres, and after waiting some days for the answer of that Government, sailed, as we understand by advices from Montevideo, to the Falklands with the purpose (avowed to the Government of Buenos Ayres,) of

375 *Malvinas in the Argentine Press: from the creation of the Political Military Commandery to the USS Lexington* Tomas Giudici in *The Question of Malvinas and the Bicentennial* Agustin M. Romero (ed.) Buenos Aires: "Malvinas Parliamentary Observatory Committee", Honorable House of Deputies of the Nation. 2011

protecting our commerce, and disarming the band whom Vernet had left with orders to seize all Americans who might be found there. Should this purpose be executed, you are to justify it not only on the general grounds in your instructions, but on the further facts disclosed in the protest of the Captain of the Harriet, which show the lawless, and indeed piratical, proceedings of Vernet and his band—Imprisoning the crews—leaving part of them on desert islands—sending others to distant foreign ports—refusing them the liberty to come with their vessel to the port where he sends her for condemnation—forcing others into his service—encouraging desertion from our vessels—robbing those which he seized of their cargoes, and selling them for his own use, without any form of trial or show of authority from the Government of Buenos Ayres for such acts—and, finally, robbing shipwrecked mariners of the United States, and forcing them, by threats, into his service. These facts, which are clearly stated in the protests, and the further characteristic of his settlement, that it is composed of deserters from our ships, and renegades from all nations, governed by no laws but the will of Vernet, show clearly that it is an establishment, dangerous to our commerce, which it is necessary in self-defence that we should break up. Whether the Government of Buenos Ayres have a title to the jurisdiction of the Islands, or have not—if they have the jurisdiction, they have no right so to use it as in any way to interfere with our right of fishery, established by long usage; but above all to use it in the irregular manner stated in the affidavits—which they do not repress: and whether the omission proceeds from the want of means, or of inclination, the obligation of our Government to protect its own citizens, in either alternative, is equally imperative.”³⁷⁶

February 15th, Commander Duncan's offer to release his prisoners is forwarded to the Foreign Ministry by George Slacum. Consul Slacum indicates that the *Lexington* is due to sail for Rio de Janeiro on the 16th.

On the same day, Minister Manuel Garcia responds; “*The Undersigned, Minister of Foreign Relations, ... begs to state that Mr. Vernet was appointed Military and Political Commandant of the Malvinas, in virtue of the Decree of the 10th of June, 1829, published on the 13th of the same month; consequently the said Vernet, and the individuals serving under him, can only be amenable to their own Authorities.*”

Silas Duncan has already sailed.

February 16th, in a note to the Minister of Foreign Affairs, Slacum declines to appoint a successor; “*The Undersigned will not allow himself to make any observations upon the novelty of this procedure, but will only say that he has not received instructions from his own Government to cease his Consular functions here, ..*”

February 20th, Slacum advises Secretary of State Livingston, in Washington; “*What may be the ground of complaint on the part of this Government against me, I am at a loss to conceive. My official correspondence speaks for itself; and by that I am willing to be judged. Nor can I imagine any thing else on which this pretended complaint is to be founded... You will perceive, Sir, that every measure has been resorted to by this Government to inflame the minds of the people; and the ridiculous and false statements in the accompanying Gazettes will give you proof of the assertion...*”

Mr. Fox, the English Minister, opposes the preposterous claim of this people, and his opinion is, that his Government will insist upon the entire breaking up of Vernet's establishment and throwing the fisheries open, as heretofore, to all nations. You will understand, Sir, that no English vessel has been captured or molested. And why? They durst not do it. And at the moment of seizing upon our vessels, they knew they stood upon disputed territory, and for which they had not the title deeds. Sir, this Vernet has remained in those Islands upon sufferance; and he had been ordered by the British Consul here not to interfere with English vessels.

376 cf. *Diplomatic Correspondence of the United States Latin American Affairs 1831 – 1860* W. R. Manning vol.1 1932

*I will conclude, Sir, by assuring you that if this signal is passed over without immediate and ample satisfaction, we may bid adieu to all security for our Citizens and commerce.*³⁷⁷

February 21st, *El Lucero* calls for a forceful reaction from the Government in Buenos Aires. *La Gazeta Mercantil* reports the withdrawal of Consul Slacum's exequatur, and that; “*Slacum refused to appoint a successor and to deposit the U.S. naval papers with the Harbour Master’s Office of the Port, which stored all the navigation documents of vessels from countries that did not have a Consul in Buenos Aires.*”³⁷⁸

February 25th, Consul Slacum informs Washington that; “*... the measure of insult and indignity offered by this Government to my own is now complete the Consulate of the United States no longer exists.*”

In **March** the *Harriet* remains in Buenos Aires harbour under the guns of a schooner of war.³⁷⁹

April 3rd, Livingston sends further instructions to Baylies; ³⁸⁰

*“The Department has received intelligence which will have met you on your arrival at Buenos Ayres, of what was done by Captain Duncan at the Falkland Islands. It is proper you should, as soon as possible, know that the President has signified to Captain Duncan that he entirely approves of his conduct ... The nature of the establishment, without any legal organization, and its population composed of deserters from all nations, and the inability, or neglect, of the country, (whose citizens they claimed to be,) to restrain their excesses, made it proper and necessary to break it up, and deprive it of the means of annoying our commerce.”*⁴⁰

April 24th, Commodore Rodgers in the *USS Warren* returns the captives taken by Duncan to Rio de Janeiro, including Matthew Brisbane.

May 15th, the hospital ship *Strathfieldsay*, with naval and military invalids aboard, puts in at the Falklands en-route from Van Diemens Land to Britain.³⁸¹

June 5th, *chargé d'affaires* Francis Baylies, finally arrives in Buenos Aires.

June 12th, Baylies presents his papers to the Foreign Minister, Don Vicente Lopez; who promptly resigns.³⁸²

June 15th, *La Gazeta Mercantil* reports that Baylies is now recognised by the Government, following the presentation of his credentials to Don Manuel Vincente de Maza, now acting as Foreign Affairs Minister. The accreditation is also announced in the official *Gazette*.

June 18th, the Minister of War and Marine, General Balcarce, attends upon Minister Baylies at his lodgings and expresses his Government's desire to maintain friendly relations with the USA.

June 20th, Baylies sends a long letter of protest to de Maza accusing Vernet, *inter alia*, of interfering in the pursuit of lawful commerce and business by American citizens, unlawful arrest and detention, the seizure and sale of private property without lawful process, forcing American citizens into slavery under a forcibly imposed contract and the abandonment of seamen on a desolate island.³⁸³

377 *British & Foreign State Papers 1831 – 1832* p.330

378 Tomas Giudici 2011

379 *Slacum to Livingston No.10* March 20th

380 *Diplomatic Correspondence of the United State, Inter-American Affairs 1831-1860: Argentina* W. Manning vol.1 1932

381 *ADM 101/69/7*

382 *Baylies to Livingston June 20th*

383 *British and Foreign State Papers 1832 – 1833* p. 330 also *Diplomatic Correspondence of the United State, Inter-American Affairs: Argentina 1831-1860*

Baylies also accuses the Government in Buenos Aires of deliberately choosing a time when there was no senior US diplomat available in the city to deal with the matter, and of singling out the United States for attack; “.. a project was in contemplation involving the destruction of one of the most important and valuable national interests of the United States – the whale fishery – for he (Vernet) declared to Captain Davison, that it was his determination to capture all American ships, as well as those engaged in catching seals, upon the arrival of an armed schooner, for which he had contracted ...

... another declaration of the governor, from which an inference is fairly to be deduced, that the citizens of the United States were to be selected as the special victims of his power, while the vessels and seamen of other nations were to be unmolested, inasmuch as when he was told that the crew of the Adeona, a British vessel, had taken many seals on the islands, and even some on the Volunteer Rocks, at the mouth of the sound on which his establishment was placed, his reply was, “that he could not take an English vessel with the same propriety that he could an American.”

June 25th, Dr. Manuel Vicente de Maza, acknowledges the protest and requires Luis Vernet to make a report of his actions. The Minister informs Baylies of the action that he has initiated.³⁸⁴

June 26th, Baylies responds; “... His excellency has also been pleased to inform the Undersigned that explanations would be asked of Don Luis Vernet; the Undersigned will take the liberty to say, that as to the substantive matter of the complaint no further explanations are necessary, inasmuch as Don Luis Vernet has admitted, in the public newspapers of this city, under his own signature, that he has captured American Vessels, which admissions cannot be unknown ... the Government of the United States not only deny any right in the said Vernet to capture, or detain, the property or the Persons of their Citizens engaged in Fishing at the Falkland Islands, Tierra del Fuego, Cape Horn, or any of the adjacent Islands in the Atlantic Ocean, but also any right or authority in the Government of Buenos Aires so to do.”

June 30th, charge d'affaires Baylies informs Washington; “You will doubtless perceive the object of the provisional Minister of foreign affairs in his reply to my communication of the 20th which is to evade the main question, and to place me in the attitude of an accuser of Louis Vernet and so form an issue between him and the United States, and to shun the direct issue already formed between our country and Buenos Ayres.”

July 4th, Henry Fox writes to Baylies; “I learn from the Message of the President of the United States of America to Congress, of the month of December last, that you are charged by your Government to negotiate with the Government of Buenos-Ayres the settlement of certain questions arising out of events which have recently happened at the Falkland Islands.

I consider it to be my duty, as His Brittanick Majesty's Representative in this Republick, and in order that no prejudice may be done to the rights of my Sovereign, to acquaint you, officially, with His Brittanick Majesty's Rights of Sovereignty over the Falkland Islands; and with the steps which were taken at the proper time, by his Majesty's Government, to assert these rights and prevent them from being infringed upon.

With this view, I have the honor herewith to communicate to you an authentic copy of the Protest, which, by order of his Brittanick Majesty, was presented by the British Charge d'Affaires to the Government of this Republick on the 19th of November 1829, against a decree that had been issued by the Authorities of the Province of Buenos Ayres on the 10th of June 1829 containing certain provisions for the Government of the Falkland Islands incompatible with the just Rights of the Crown of Great Britain.

384 Report Vernet 1832

*I have likewise the honour to communicate to you a copy of the letter from the Secretary of State for Foreign Affairs of the United Provinces of Rio de la Plata duly acknowledging the receipt of that protest.*³⁸⁵

July 6th, *La Gazeta Mercantil* reports on an article in the American newspaper, the *Courier & Enquirer of New York*, which legitimises Duncan's actions on the basis that America has rights based on the archipelago's sovereignty being shared between Britain and Spain. *La Gazeta Mercantil* says that such is, 'unthinkable, insolent and absurd'. The editorial goes on to claim that 17 American vessels were warned away from the Islands in 1793 and that Britain has no rights due to the 1790 Nootka Sound agreement.

July 10th, Baylies, impatiently writes again to the Foreign Minister; “*The undersigned ..., has the honour to inform His Excellency the Minister of Grace and Justice charged provisionally with the Department of Foreign Affairs, that he has received no answer to the enquiry which he had the honour to submit to him in his communication of the 26th ..*

It appeared to the Undersigned that no deliberation was necessary to enable the Government of this Republic to answer this plain question; and therefore he expressed the hope that the reply might be speedy ...

Great Britain voluntarily abandoned these distant Dominions, taking every possible precaution, when she did so, to give evidence to the World, that, though she abandoned, she did not relinquish them. It is true, that many years have elapsed since, under these circumstances, she ceased to occupy the Falkland Islands. But the lapse of time cannot prevent her from resuming possession, if her own maxim of Law be well founded – nullum tempus occurrit regi – and, that she persists in her claim, is evident ...

But, if it be hypothetically admitted that the full and entire right of sovereignty was possessed by Spain - has Spain renounced it?

Has Spain ever, by any acknowledgement whatever, yielded the rights which she once possessed?

Has Spain, as yet, relinquished by any formal Act or acknowledgment any part of her claim to supreme dominion over these islands?

*If the rights of Spain are dormant they are not extinct; ...*³⁸⁶

The Foreign Ministry urges patience, and on the same day, an editorial in *La Gazeta Mercantil* claims that the United States Government had recognised the independence of the United Provinces and that the recognition had been accompanied by a map clearly showing the Falklands as part of the territory.³⁸⁷

July 24th, Baylies, empowered to negotiate a commercial Treaty with Buenos Aires, writes to Livingston opposing any agreement; “*... for we should abide by it, and they would consider the violation of a treaty no greater offence than a lie told by schoolboy. With the Bey of Tripoli or the Emperor of Morocco we might for a time maintain unviolated the provisions of a Treaty but with these people if a temporary advantage could be gained they would violate a treaty on the day of its ratification.*”

He adds a post script; “*It has been currently reported for a fortnight that the Sarandi, a small vessel of war mounting 6 or 8 Guns was fitting .. This morning the report has assumed a new shape and it is now confidently said that she is to proceed to the Falklands for the purpose of resuming possession and capturing American vessels.*”

385 Manning 1932 vol.1 *Argentina*

386 *British and Foreign State Papers 1831 - 1832* p.348.

387 Giudici 2011

August 6th, Francis Baylies again demands more than an acknowledgment, to his letter of June 20th.

August 8th, in response, the Foreign Ministry reviews the exchange of letters between itself and Consul George Slacum; complaining about his attitude, language and 'incivilities'; his lack of status and numerous 'diplomatic' offences. "Mr. Slacum instead of allowing this matter to rest which involved questions for the discussion of which a mere Consul is never considered competent, persisted not only in denying entirely the right of the Republic to detain American vessels for fishing on the shores of the Falkland Islands ... but also in protesting against all the means of enforcement which had been adopted as well as against the Decree of June 10th itself (1829) by which those Islands and territories were declared the property of the Republic which claimed jurisdiction over them and appointed persons to exercise its Authority.

... It is now many years since a colony was settled by the direction of the Argentine Government at the Falklands during the residence here of an American Charge d'Affaires. The Decree naming Don Lewis Vernet to be Military and civil Governor of the Colony and setting forth the powers with which he was invested was published in the Journals of this Capital without any objection on the part of Mr. Forbes nor has any citizen of the United States ever ventured to cast a doubt upon the rights of this Republic to dispose of those territories according to its own pleasure; this right has been acknowledged undoubtedly by the Government of Washington itself.

..Upon what grounds did Mr. Slacum question the right of Buenos Ayres? Does he not know that the Falkland Islands .. were comprehended within the territory laid out by the Kings of Spain as the former Vice Royalty of La Plate which the wishes and the valour of its citizens have since erected into an Independent Republic? Does Mr Slacum contest the right of Spain to that which was discovered, conquered, held and peopled by its subjects or consider that such rights have not passed to this Republic as fairly as those of Great Britain in North America have passed to the United States? Does he deny the right of Spain to those Islands ? Is he ignorant that although colonies have been founded there by the English and French they have been always withdrawn at the instance of Spain and that the trade to and fishing on them, though often the subjects of controversy, have always been claimed and successfully too by Spain which exerted itself to the utmost in the defence of its right of sovereignty. ³⁸⁸

The note does not answer the questions previously posed by Baylies.

On the same day, and in an attempt to go over Baylies' 'head', the Argentine Foreign Minister writes to Edward Livingston in Washington about the affair.³⁸⁹

August 10th, Luis Vernet submits his report to Argentina's Foreign Ministry, dealing with the charges levelled by the American *chargé d'affaires*, in considerable detail.³⁹⁰

August 14th, Argentina's Foreign Ministry finally send their answer to Baylies; "Mr. Luis Vernet, Political and Military Commandant of the Malvinas Islands, having rendered the Report that the Government required from him (an authorized Copy whereof is hereby transmitted,) relative to certain charges and complaints ...

388 Manuel Vicente de Maza, Acting Minister of Foreign Affairs of Argentina, to Edward Livingston, Secretary of State of the United States August 8th Translations differ and there are quite large differences between this version to be found in *Diplomatic correspondence of the United State, Inter-American Affairs 1831-1860* and that in *British & Foreign State Papers 1831-1832*.

389 Daniel Brent tersely acknowledged the correspondence on October 18th, and indicated that he would pass it on to the President. *Diplomatic Correspondence of the United States, Inter-American Affairs: Argentina 1831 - 1860*

390 Report Vernet 1832. Too long even for this work, cf *British & Foreign State Papers 1831-1832*.

All irregularity, injustice, insult and violence have therefore been on the part of Messrs. Slacum and Duncan but the more especially on that of the latter, for having carried to the last extremity his grossness and ferocity, destroying with unspeakable inhumanity and perfidy the Colony of Malvina Islands. ...

In the presence of such evident and scandalous aggressions, which do not admit of doubt or denial, it becomes the duty of the Government of this Province, acting for itself and as charged with the Foreign Affairs of the Republic, to demand, before all things, from the Government of the United States of America the most prompt and ample satisfaction for such outrages, and full redress and reparation to the Argentine Republic, to Commandant Vernet, and to the Colonists under his jurisdiction in the Malvina Islands, for all the damages and losses of whatever nature they may be, which they have suffered and are suffering in consequence of the aggressions committed by Captain Duncan ...

*The Undersigned has likewise received orders to state to the Chargé d'affaires of the United States of America, that, until this Government shall have obtained its demands, it will not enter into the discussion of any of the other points comprised in the before-mentioned Notes of his Honor, inasmuch as this would be equivalent to passing over the acts of Captain Duncan... ”*³⁹¹

August 18th, Francis Baylies, sends a short note to the Foreign Ministry; “*The Undersigned has the honour to acknowledge the receipt of the Note of His Excellency the Provisional Minister of Foreign Affairs, dated the 14th instant. A Communication addressed to his Excellency which accompanied the Note, appearing to be a Memorial of Lewis Vernet, is returned.*”³⁹²

Having no authority to stipulate that reparation shall be made to Lewis Vernet or to the Argentine Republic, for the acts of the Commander of the Lexington at the Falkland Islands; and being expressly directed by his own Government to justify those acts, - the Undersigned must yield to that alternative which His Excellency has made imperative; and, as his continuance here would be useless to his Country, he asks Passports for himself and his family. ...”

Foreign Minister de Maza is taken by surprise, both by the return of Vernet's 'Report' and by the sudden request for passports. He asks for a meeting.

August 22nd, in a report sent to the New York Evening Post; “*I am afraid this vexed Falkland Island question is going to become serious. Mr. Baylies and the Government are at direct issue, and he has asked his passports. The Government has asked a personal interview, which will take place to-day, and then we shall know whether we are to go to war or not.*”³⁹³

*“Mr Baylies had demanded his passport, but the Governor had requested a personal interview, ... It was said that matters had proceeded so far that Admiral Brown had applied to Government for two schooners, to attack the United States' sloop of war Lexington, lying in the river. The matter seems really to have assumed a very serious aspect.”*³⁹⁴

August 27th, Francis Baylies and de Maza meet at Government House. Minister de Maza tries to convince Baylies that he should send for further instructions from his Government before making any decision about leaving. Baylies restates his wish for the passports.

391 *British and Foreign State Papers 1831-1832 p.364*, Vernet's report from 369. Vernet's view of history commences 399.

The *Report* included supporting papers, such as copies of the applicable *Decrees*. Interestingly, in support of the claim that Jewett performed an “*Act of Sovereignty*” in 1820, Vernet was only able to supply a copy of the *Salem Gazette*.

392 Later correspondence between Baylies and Livingston indicates that Baylies did not read the *Report*.

393 *New York Evening Post*, October 22nd.

394 *The Sydney Herald* April 4th, 1833.

August 31st, the Admiralty in London issue orders to Rear-Admiral Baker at Rio de Janeiro, requiring the islands to be visited; "*Whereas Viscount Palmerston one of H.M. Principle Secretaries of State has signified to us the Kings Pleasure, that one of H.M. ships should be ordered to proceed to Port Egmont in the Falkland Islands for the purpose of exercising His rights of sovereignty there and of acting at the said islands as in a possession belonging to the Crown of Great Britain; you are hereby required and directed accordingly to dispatch one of the ships of your Squadron forthwith to Port Egmont, with instructions to the Commander for carrying into effect His Majesty's intentions as above mentioned. And you are further to cause the Falkland Islands to be visited annually by one of the ships on the South American Station for the purpose of keeping up and maintaining the Sovereign Rights of His Majesty over the islands.*"³⁹⁵

September 3rd, the Argentine Minister returns the American *chargé d'affaires'* passports.

September 6th, Francis Baylies appoints George Washington Slacum as Secretary to the American Mission.³⁹⁶

September 10th, Governor Rosas publishes a new *Decree*;

"The Political and Military Comandant of the Falkland Islands and their adjacencies in the Atlantic Ocean, Don Luis Vernet, being now in this Capital, and not being able yet to return, the Government of Buenos Ayres has resolved and decrees:

Article 1. In the interim, Brevet Sergeant Major, José Francisco Mestivier, of the Artillery, is appointed Civil and Military Commandant of the Falkland Islands and adjacencies in the Atlantic Ocean.

Article 2 Let it be communicated through the Department of War and Marine, charged with carrying into effect and publishing this Decree; and by the same Department let the instructions agreed upon be given to Sergeant Major Jose Francisco Mestivier. "

September 18th, the Government of Buenos Aires lays all the papers covering its discussions with the US, before the Legislative Body of the Province of Buenos Aires.³⁹⁷

September 23rd, a garrison of soldiers under the command of Sgt. Major Mestivier, sets sail from Buenos Aires in the *Sarandi*, captained by Lieutenant-Colonel José María Pinedo. A few of Vernet's employees are also on board.³⁹⁸

Pinedo's orders, signed by Juan Ramón Balcarce, Minister of War, are to; "*.. treat with the utmost circumspection foreign warships, never insulting them, but in the case of being being violently attacked ... defend .. never surrendering to superior forces without covering himself with glory in his gallant resistance ... shall not be competent to carry out orders to withdraw from the Falkland Islands.*"³⁹⁹

395 The phrase, "*... acting at the said islands as in a possession belonging to the Crown of Great Britain ..*" has exercised some commentator's minds, but may merely be an instruction for the visiting ships to act in the '*correct*' manner, e.g. ensuring that the Union Jack is raised, and respecting the property of the inhabitants.

396 This act '*astonished*' the Buenos Aires authorities, and may be viewed as a calculated insult.

397 *Message of the Government to the Legislative body of the Province of Buenos Ayres, transmitting Correspondence relative to the Misunderstanding with the United States, with respect to the Right of Fishery, &c., on the Coasts of the Malvinas or Falkland Islands 18th September 1832 in British and Foreign State Papers 1831-1832 p.311*

398 Pinedo appears to have outranked the new *Commandant* of East Falkland.

399 *Cuando un Pinedo entregó las Islas Malvinas a un marino inglés de 23 años* Roberto Bardini 2010

September 26th, Francis Baylies leaves the United Provinces, severing diplomatic relations.⁴⁰⁰

*“ ... He went there; stayed there not 3 months – just long enough to embroil his country in a senseless and wicked quarrel with the Government; and, without waiting for orders from his Government, demanded his passports and came home. Nothing but the imbecility of that South American abortion of a state saved him from indelible disgrace and this country from humiliation in that concern .. ”*⁴⁰¹

Baylies writes to Secretary of State Livingston from the US ship, *Warren*; “ ... The decree investing Don Jose Francisco Mestivier, a Frenchman, with Government of the Falkland Islands was, as I believe, intended a parting salute to me. The Government had not the sagacity to perceive that the decree was not only inoperative as to the United States but was a direct denial of the British claim of sovereignty.

I had a long conversation with Mr. Fox, the British Minister and informed him distinctly that nothing was claimed by the United States in the Magellanick region, but the right of free fishery, and that right would always be claimed as well against Great Britain as Buenos Ayres, .. and I took the liberty of asking him whether Great Britain, after giving notice to the United States of her rights to the sovereignty of the Falkland Islands, and formally asserting her claim to them as part of His Britannick Majesty's dominions, could, under such circumstances, justify herself for permitting a horde of pirates to harbour there ...

He assured me that he was preparing and should present a remonstrance in strong terms against the second occupation of these Islands by these intruders, which doubtless has been, or will be done. But the armed vessel called the Sarandi sailed on the 23rd, it is said for the Falklands with arms, ammunition and soldiers, apparently with the design of taking formal and military possession.

This measure will compel Great-Britain to act decisively. If she now renounces her sovereign rights she will do what she never yet has done she cannot yield a right of a character so high and so well founded as hers, to this petty nation to be used for the purposes of piracy.

I am inclined to think that the services of Captain Duncan will not be required in the second subversion of Vernet's establishment.

*Under all these circumstances there is but one course left for the United States. They will certainly be justified by the whole world if they now make their power known in the chastisement of this insolent Government which elated by the accidental capture of two British armies on their soil, and their success in the war with Brazil, affect to hold the United States in contempt. They must be compelled to respect our rights...”*⁴⁰²

September 28th, the British Minister, Henry Fox, presents a letter of protest to Buenos Aires;

“ The Undersigned, His Britannick Majesty's Minister Plenipotentiary, has observed, a decree lately published by the Government of Buenos Ayres, bearing date September 10 by which a Civil and Military Commandant, ad interim, is appointed over certain Stations in the Atlantic Sea, including the Falkland Islands.

His Excellency Senor Don Manuel Vicente Maza, Minister charged with the Department of Foreign Relations is aware that, as soon as the Decree of the 10th June 1829, issued by the Revolutionary Authorities at that period in possession of the Province of Buenos Ayres, and containing certain provisions for the Government of the Falkland Islands, had been made known to His Britannick Majesty's Government, an official Protest against

400 Formal diplomatic relations were not re-established until 1844. Baylies was rather short tempered for a diplomat. On August 9th 1832, in a letter to Livingston, he had even suggested that the US should declare war as the only effective way of dealing with the authorities in Buenos Aires.

401 Adams 1874 vol.IX, pp.446-447.

402 *Diplomatic Correspondence of the United States, Inter-American Affairs: Argentina 1831 - 1860*

any assumption of right of sovereignty over those Islands, on the part of the Argentine Republic, was, in pursuance of the express orders of his Court, presented to the Government of Buenos Ayres, by the Charge d'Affaires of His Britannick Majesty.

At the time when the events that had occurred at the Falkland Islands during the last year, became known at Buenos Ayres, the Undersigned refrained from making any observation upon those events, out of a sincere and friendly desire not in any way to embarrass the Government of the Republic, in the discussions in which it seemed likely to be engaged with the United States of America.

But, lest the silence of the Undersigned should by possibility be considered as implying an abandonment on the part of his Government, of the Rights of His Britannick Majesty, it becomes his duty now again officially to declare to the Government of Buenos Ayres, that the Sovereignty of the Falkland Islands, which compose a part of the Command granted in the Decree above alluded to, is vested in the Crown of Great Britain; and that no act of government or authority can be exercised over those Islands by any other power, without infringing upon the Just Rights of His Britannick Majesty.”

Fox also informs Lord Palmerston in London that; " ... the North Americans appear to claim, further, for themselves, an original right to freedom of fishery over all the waters adjacent to the Falkland Islands; and moreover to ground this claim (as Co-heirs as it were with Great Britain in America) upon the very fact of right of sovereignty over those islands being vested in the British Crown...".

October 7th, the *Sarandi* arrives at Puerto Louis.

October 10th, Sgt. Major Mestivier takes control of Puerto Louis in a formal ceremony.

October 29th, a citizen of Buenos Aires, living in the United States, writes to the *Journal of Commerce*; "I have received information which I could not believe, if I had not had it from an unquestionable source. It is this; that England has presented to the Government of the United States an official protest or notification that she is the rightful owner of the Falkland Islands, and that Spain only held it by sufferance from the year 1774. I will say nothing of the singularity of this political convention which has remained concealed for 58 years; without doubt it will soon be brought to light, and it may occasion serious disputes between governments."⁴⁰³

November 21st, the *Sarandi* sets out to patrol the Island.

November 29th, *HMS Clio* and *HMS Tyne* are dispatched from the Rio de Janeiro headquarters of the Royal Navy's South American squadron with orders to visit the Falkland Islands.⁴⁰⁴

Commander John James Onslow is instructed to direct any foreign force to leave, but, in relation to the settlers; "you are not to disturb them in their agricultural or other inoffensive employments."⁴⁰⁵

November 30th, nine members of the Argentine garrison mutiny and murder Sgt. Major Mestivier in front of his 22 year-old wife. The offenders are captured by crewmen from the British schooner, *Rapid*, sailors from a French whaler and some of Vernet's gauchos. Seven prisoners are detained on the *Rapid*, which is chartered to take them to Buenos Aires.

403 *The New York Evening Post* Tuesday April 16th, 1833.

404 *Official History of the Falklands Campaign: The origins of the Falklands War* by Lawrence Freedman, 2005 vol.1. Much of Freedman's work on the 18th and 19th century history of the Falklands has been criticised. He subsequently issued an apology stating that his task was the 1982 Falklands War and for the history before that he was merely providing, "a flavour of the debate." cf. *Falkland Islands Newsletter* No. 100 April 2009

405 *PRO ADM 1/2276*

Luis Vernet's 'Report', is published and sent to the US Government.

Baylies comments; *“Had I supposed that Vernet was the real Minister of Foreign Affairs at Buenos Ayres I should have read his memorial and replied to it. But if my attendants interpreted aright no such assertion was made to me. Nevertheless that memorial is now avowed by that Government, and has been communicated to this in a printed book ..”*⁴⁰⁶

December 7th, an American schooner, the *Sun*, is ordered away from the Islands by Lt. Col. Pinedo.

Commander Onslow in the *Clio*, arrives off Port Egmont.

December 23rd, the plaque removed in 1780 is replaced;⁴⁰⁷

“These Islands have been visited by His Britannic Majesty's ship Clio, for the purpose of exercising the rights of sovereignty, 23rd December, 1832”

December 29th, on his return from patrol, Lt. Col. Pinedo restores order amongst the remaining garrison and arrests First Lieutenant José Antonio Gomila, who is accused, *inter alia*, of inaction.



406 *Diplomatic Correspondence of the United States, Inter-American Affairs: Argentina 1831 - 1860*

407 *History of the British Colonies* Robert Montgomery Martin vol.2 1835 also Shuttleworth 1910 p.360

1833 - 1849



1833 – January 1st, *ex-charge d'affaires*, Francis Baylies writes a private letter to Edward Livingston; “The document which I have transmitted to you with the despatch 12. was obtained through the intervention of Mr Slacum from John Wyatt Lt. .. on board the *Heroine*. Wyatt is now at Buenos Ayres conducting himself reputedly, although formerly in danger of being hung as a Pirate. Although I am under no restriction as to the exposure of his name yet I could wish unless it is necessary that it be disclosed, that it might be concealed.

Jewett, Pirate as he is, having a deadly quarrel with the Govt. of Buenos Ayres on our side, and has given Captain Duncan much valuable information respecting the waters of the Rio de la Plata and the best mode of annoying Buenos Ayres. ⁴⁰⁸

January 2nd, the *Clio* arrives at Puerto Louis. Capt. Charles Hope in *HMS Tyne* arrives at Port Egmont.⁴⁰⁹

Commander Onslow sends a note to Pinedo aboard the *Sarandi*; “I must inform you that I have received orders from the Commander in Chief of the naval forces of His Britannic Majesty in South America, to make effective the right of His Britannic Majesty’s sovereignty over the Falkland Islands. Being my intention to hoist the flag of Great Britain in the territory tomorrow, I ask you to kindly lower yours and withdraw your forces with all objects belonging to your Government. I am, Sir, your very humble and very obedient servant.”

The Lt. Colonel protests.

January 3rd, Commander Onslow orders his men to lower the flag and hoist the Union Jack in its place. The ensign is folded with due respect and returned to the *Sarandi* with the message that the British had found, “a foreign flag in the territory of His Majesty.”

Lt. Colonel Pinedo, with only the remains of a mutinous garrison, and a British crew, offers no resistance other than a further verbal protest.

January 5th, the *Sarandi* evacuates the garrison, while the *Rapid* transports most of the prisoners. Before his departure, Pinedo provides a written order to one of Vernet's settlers, Jean Simon, a Frenchman, promoting him to ‘Political and Military Commander’ of the Islands. Simon is illiterate and, either unaware of the contents of the order, or disinterested in the responsibility as he takes no action.

“Commander Pinedo told the people that anyone who wished to go to Bs Ays., he would take him, and he took some gauchos.”⁴¹⁰

“... *H.B.M. Corvette of war Clio*, arrived there for the purpose of taking possession of those islands in the name of His Majesty – which no doubt was effected on the principle that might makes right. Commander Pinedo

408 *Diplomatic Correspondence of the United States, Inter-American Affairs: Argentina 1831 - 1860*

409 *Proceeding of the Second Expedition, 1831 – 1836, under the command of Captain Robert Fitz-Roy* P. P. King &

Charles Darwin 1839. This seems to concur with the accepted version of events. Confusingly, Onslow's log has it that he arrived on the 1st, and ordered Pinedo's flag lowered on the 2nd, but there are a number of versions.

410 *Jean Simon to Luis Vernet* April 2nd dictated to Ventura Pasos *AGN VII 130 doc. 62 folio 1 recto*

*yielded at last to the argument of force...*⁴¹¹

Capt. Onslow persuades the majority of Vernet's settlers to remain, including gauchos whose wages he pays in silver; "*I had great trouble to persuade 12 of the Gauchos to remain on the Settlement, otherwise cattle could not have been caught, and the advantages of refreshments to the shipping must have ceased.*"⁴¹²

Eighteen men remain in the settlement, including the Gauchos. William Dickson is an Irishman, Jean Simon, French, Antonio Werner and Charles Kusserley are German, while William Jones is English. Benjamin Pearson hails from Jamaica. There are also three women; Antonina Roxa, and two black slaves, Gregoria and Carmelita who has a child.⁴¹³ In addition there are others considered only as temporary residents as they are only there to hunt seals. This number includes nine men from the *Unicorn*.

Onslow appoints William Dickson, the settlement's storeman, as the British Representative on the Islands. Dickson's instructions are to fly the flag on Sundays and whenever a foreign vessel arrives at the port.

January 10th, the *Clio* sails away leaving Dickson as the only British authority in the Falklands.⁴¹⁴

January 14th, the *Tyne* arrives at Port Louis. Belford Hinton Wilson, a passenger en-route to Peru where he is to be Consul-General, speaks to the gauchos who complain about the wages Vernet pays them in promissory notes; "*These Gauchos would cheerfully remain on the Island under any Englishman whom the Government may please to appoint.*"⁴¹⁵

A description of East Falkland, prepared by Luis Vernet, is read by Woodbine Parish to the *Royal Geographical Society* in London. Parish also informs the *Society* that 89 British, American and French vessels visited the Islands for the whale and seal fisheries, between 1826 and 1831.⁴¹⁶

January 15th, the *Sarandi* and the *Rapid* arrive at Buenos Aires.

The *Sun* arrives at Montevideo and informs the new commander of the *USS Lexington*, Capt. Isaac McKeever, that the *Sarandi* forced the vessel to leave the Falklands. Capt. McKeever immediately writes both to Levi Woodbury, in Washington, and George Slacum in Buenos Aires, to tell them that he intends to take the *Lexington* back to the Falkland Islands in order to protect American interests.

"*At my suggestion the schooner Sun will return to the fisheries and continue her occupation in defiance of the illegal warning received.*"

January 16th, McKeever is made aware of the arrival of the *Sarandi* and delays his departure whilst enquiries are made in Buenos Aires.⁴¹⁷

The Government of Buenos Aires sends a protest to Minister Fox at the British Legation, who is unaware of events.

411 The *Journal of Commerce* quoted in *The New York Evening Post* Tuesday April 16th, 1833.

412 *PRO Adm 1/2276*. This is confirmed in Pinedo's Report; "*los habitantes que quisiesen voluntariamente quedar, que serian respetados ellos y sus propiedades como anteriormente...*" *AGN Sala VII legajo 60 p.22*

413 *PRO FO 6 500*

414 While the *Lexington's* raid initiated a physical response by Buenos Aires, it is somewhat surprising that the arrival of the British drew nothing more than a diplomatic protest. An indication perhaps of the awe in which British sea power was held; a far greater threat than the USA presented at that time.

415 *PRO CO78/1, 212-213*

416 *The Journal of the Royal Geographical Society of London, Vol. 3 1834 cf. End-note V*

417 *US Archives Naval Record Group 45, microfilm 18, Doc. 20. Quoted in Pascoe & Pepper 2008*

José Pinedo records in his ship's log, the names of those he has brought back from Puerto Louis; "Capt. D. Juan Antonio Gomila, Miguel Hernandez and his wife Maria Romero, Sgt. Santiago Almandos Almonacid, Soldiers: José Barrera, José Gómez, Manuel Francisco Fernández, Toribio Montesuma, Jose Soto, José Rodríguez, Juan Castro and his wife Manuela Navarro, Antonio García, Juan J. Rivas and his wife Maria I. Beldaño, Denis Godoy, Hipólito Villarreal and his wife Lucia Correa and two sons, Gregory Durán and his wife Carmen Manzanares, with two sons, Benito Vidal and his wife Maria Saisa. Daniel Molina.

Settlers: Joaquín Acuña, his wife Juana, Matthew González, his wife Marica.⁴¹⁸

Aliens: José Viel, John Quedy, Francisco Ferreyra, plus 1 prisoner."

Military prisoners removed on the *Rapid* are recorded as: Sgt. José María Díaz, Soldiers: José Antonio Díaz, Manuel Delgado, Mariano Gadea, Manuel Suares, Francisco Ramírez, Bernardino Cáceres, Manuel Saenz, Antonio Moncada, Women: María Rodríguez, with three children; Anastasia Romero; Encarnación Alvarez; Carmen Benitez; Tránsito González, with a son.⁴¹⁹

January 18th, HMS Tyne departs.

January 19th, the *Clio* arrives at Montevideo. "We understand that the government has determined to institute legal proceedings against Lieut. Col. Jose Maria Pinedo relative to his conduct."

January 22nd, a further protest is lodged with the British Legation. Minister Fox does not reply as he has no instructions.

January 24th, in the *Journal of Commerce*; "We are persuaded that the government of the U.S. Will make a most decided opposition to the pretensions of England, notwithstanding its Agent, rather perhaps for want of foresight than from criminal intent, defended them with energy. The importance of the Falkland Islands in the hands of the English cannot fail to be seen by the Americans who, by consenting to the occupation of them by the English, will see a great part of their commerce subject to the caprice of a rival power, which already rules the principal seas. In the same situation with the United States, is France and all other nations; who cannot, by tacit consent, authorize the absurd claim which is now attempted to be established, without exposing themselves to be excinded from our trade and that of the Pacific. It is for the interest of the whole world that the Falkland Islands should not be wrested from their true owner; i.e. the Argentina Republic, - and all nations, perceiving how much it would be for their advantage that these islands should remain under the same jurisdiction as at present, will unite in seeing that justice is done."⁴²⁰

February 5th, "The Council of War for the trial of the authors and accomplices of the military mutiny at the Falkland Islands, decided ... That Adjutant Jose Antonion Gomita, on account of his timidity and want of energy is sustaining the discipline of his company, be punished by one year's banishment from the capital, and within the Province, on half pay: That second sergeant Jose Maria Diaz, first corporal Fransisco Ramirez, and privates Bernardino Caceres, Juan Antonio Diaz, Jose Marta Suarez, Juan Moncada and Maunel Saonx Valient, BE SHOT, and hung four hours on the gallows; and that the right hand of Maunel Saonx Valientbe cut off before he is so suspended. That private Mariano Gadea suffer the infliction of 200 lashes, and 8 years renewal of service; and private Manuel Delgado, 100 lashes and 6 years renewal of service."⁴²¹

418 Contrary to subsequent claims, these were the only settlers to leave. Acuña was Brazillian, González from the Banda Oriental. AGN Sala VII, legajo 136

419 AGN Sala III doc 1320

420 *The New York Evening Post* Tuesday April 16th, 1833.

421 *Ibid.*

February 8th, the sentences are carried out.

February 14th, the Council of War meets in Buenos Aires to consider the case of Colonel Pinedo.

Also in **February**, US Secretary of State, Edward Livingston questions Francis Baylies, about the events during his time at Buenos Aires. Baylies responds, " *The existing Government have repeatedly denounced the intrusive government under which the decree of the 10th of June (was made) as mutinous, and have recognized none of their laws and decrees... It may be asked why should they exhibit such pertinacity in sustaining Vernet? In my opinion they should have abandoned him without hesitation, had not the interest of some of the leading men in the Govt. been in a degree involved... Vernet will eventually be compelled to relinquish his claims to the Falklands which will become in some way or other the exclusive domain of the ruling family. – Hence the strong effort to sustain Vernet.*"⁴²²

March 1st, Charles Darwin and Capt. Fitzroy arrive in *HMS Beagle*. "We anchored near the beach on which Freycinet ran the *Uranie*, after she struck on a rock off Volunteer Point, at the entrance of Berkeley Sound; and from a French boat which came alongside learned that ... there were only a few colonists left at the almost ruined settlement of Port Louis; and that the British flag had been re-hoisted on the islands by *HMS Tyne* and *Clio*."

Darwin writes about the remaining settlers in his diary; " *...The present inhabitants consist of one Englishman, who has resided here for some years, & has now the charge of the British flag, 20 Spaniards & three women, two of whom are negresses.*"

Fitzroy, merely notes that seven gauchos and five Indians remain.

March 3rd, Matthew Brisbane, with Vernet's employees Don Ventura Pasos and Thomas Helsby arrive in the Islands on board the *Rapid*.

March 4th, Brisbane presents his papers to Capt. Fitzroy; " *I was quite satisfied with their tenor, and the explanation he gave me of his business. ... Brisbane's instructions from Vernet authorized him to act as his private agent only, to look after the remains of his private property, and they had not the slightest reference to civil or military authority.*"⁴²³

Fitzroy visits Port Louis; " *Instead of the cheerful little village I once anticipated finding- a few half-ruined stone cottages; some straggling huts built of turf; two or three stove boats; some broken ground where gardens had been ...with here and there a miserable-looking human being.. "How is this?" said I, in astonishment, to Mr. Brisbane... "Indeed Sir, it was flourishing," said he, " but the Lexington ruined it.."*

March 9th, Lt. Col. José María Pinedo is suspended for 4 months without pay as a punishment for his passivity.

March 17th, Darwin notes in his diary; " *I walked one day to the town, which consists in half a dozen houses pitched at random in different places. In the time of the old Spaniards, when it was a Botany Bay for Buenos Ayres, it was in a much more flourishing condition.*"

March 24th, " *We have never before stayed so long at a place & with so little for the Journal. – For the sake of the fossil shells, I paid a visit of three days to the town. In a long ride I found the country no ways different*

422 Capt. Fitzroy, in his papers, mentions a rumour that the rights given to Vernet were in payment of debts which had been owed by the Government in Buenos Aires, to unnamed army officers, and which Vernet settled. This also in *The Museum of Foreign Literature, Science and Art*, Eliakim Littell 1833 vol.22 p.277

423 Fitzroy 1839

from what it is in the neighbourhood of the Ship. The same entire absence of trees & the same universal covering of brown wiry grass growing on a peat soil. The inhabitants are a curious mixed race; their habitations are in a miserable condition & deficient in almost every accommodation. The place bespeaks what it has been, viz a bone of contention between different nations. On Friday a sealing vessel arrived commanded by Capt. Lowe; a notorious & singular man, who has frequented these seas for many years & been the terror to all small vessels. It is commonly said, that a Sealer, Slaver & Pirate are all of a trade; they all certainly require bold energetic men; & amongst Sealers there are frequently engagements for the best "rookerys". & in these affrays Capt Lowe has gained his celebrity. In their manners habits &c I should think these men strikingly resembled the old Buccaneers. "

March 30th, Charles Darwin writes to his sister, Caroline - " ... We arrived here in the Falkland Islands in the beginning of this month & after such a succession of gales, that a calm day is quite a phenomenon. We found to our great surprise the English flag hoisted. I suppose the occupation of this place, has only just been noticed in the English paper; but we hear all the Southern part of America is in a ferment about. By the awful language of Buenos Ayres one would suppose this great republic meant to declare war against England! These islands have a miserable appearance; they do not possess a tree; yet from their local situation will be of great importance to shipping; from this Cause the Captain intends making an accurate survey ... "

In **April**, Minister Plenipotentiary to the Court of St James, Manuel Moreno writes to Sir George Shee, Under-Secretary of State for Foreign Affairs, asking whether the British Government ordered the eviction of the garrison by the Commander of the *Clio*.⁴²⁴

*"During the month we remained in Berkeley Sound, I had much trouble with the crews of whaling or small sealing vessels, as well as with the settlers, who all seemed to fancy that because the British flag was re-hoisted on the Falklands, they were at liberty to do what they pleased with Mr. Vernet's private property, as well as with the wild horses and cattle. The gauchos wished to leave the place, and return to the Plata, but as they were the only useful labourers on the islands ... I interested myself as much as possible to induce them to remain, and with partial success, for seven stayed out of twelve."*⁴²⁵

April 4th, Darwin sails for the Rio Negro in the *Adventure*.

April 5th, the *Rapid* departs Port Louis for Buenos Aires with a cargo of hides and skins for Luis Vernet.⁴²⁶

April 6th, Capt. Fitzoy follows the *Adventure* in the *Beagle*; *"Including the crews of some thirty whale-ships, hovering about or at anchor amongst the islands; the men of several American vessels, all armed with rifles; the English sealers with their clubs, if not also provided with rifles; those cut-throat looking gauchos, the discontented, downcast Indian prisoners, and the crews of several French whalers – who could not or would not see why that had not as good a right to the islands as Englishmen – there was no lack of elements of discord; and it was with a heavy heart and gloomy forebodings that I looked forward to the months which might elapse without the presence of a man-of-war, or the semblance of any regular authority."*⁴²⁷

April 15th, the 790 prime fur seal skins, together with 401 pup skins, liberated by Silas Duncan from Vernet's storehouse, and subsequently handed to Capt. Davison, arrive at Stonington in the United States.

424 Sir George Shee, Palmerston's, political Under-Secretary during 1830-34, noted, " Lord Palmerston never consults an Under Secretary. He merely sends out questions to be answered or papers to be copied when he is here in the evenings. "

425 Fitzroy 1839

426 PRO Adm 1/42 No.s 1 & 2

427 Fitzroy 1839

April 16th, the New York Evening Post reports; *“The brig Erie, Captain Penneyer, has arrived from Buenos Ayres, with papers of that place to the 14th of February. The excitement on account of the act of the British government in taking possession of the Falkland Islands appears to have somewhat abated. The Secretary of Foreign Relations had addressed a note to Mr. Gore, the British Charge d'affairs, protesting against the occupation of the islands, and asserting the determination of the Argentine republic to maintain its right to possess them. The garrison at Falkland Islands appears to have been composed of a gang of desperadoes, several of whom have now suffered death at Buenos Ayres for atrocious crimes.”*

April 23rd, Francis Baylies writes to Edward Livingston; *“The recent transactions at the Falkland's indicate truly what the character of any Colony from Buenos Ayres must necessarily be.*

An expedition prepared with much parade sent out in a national vessel under the national flag composed of national soldiers, a garrison, formally established military possession, taking the claim of sovereignty and the appointment of the Governor, announced by decree; in short, every thing done to announce to the world the solemn character of the measure. And yet the first act of these selected colonists and soldiers is the murder of their Governor! the new settlement baptized in the blood of its Chief! Any Colony emanating from Buenos Ayres and established at the Falklands will inevitably become piratical.

I find I am denounced in high terms by the renegade who conducts the Gaceta Mercantil for disclosing to Great Britain the extent of her rights, as if Great Britain who protested against the occupation of the Falklands in 1829 did not know her own rights!”⁴²⁸

April 27th, Manuel Moreno receives a reply from the Foreign Minister, Lord Palmerston, to the effect that Commander Onslow had acted in compliance with the instructions given to Admiral Baker.⁴²⁹

In **June**, Vernet sends six more employees to join the settlers on the islands. Brisbane resumes paying the gauchos in promissory notes.

June 17th, Minister Moreno sends an official protest to the British Government, complaining of the eviction of Argentina's garrison. Moreno goes on to have his complaint printed and circulated in London;

“The international question respecting the sovereignty of these islands, between Great Britain and the provinces of Rio de la Plata, being again brought under discussion, it is of paramount importance that the public should have a clear, and as it were tangible account of them, as well as of the claims of the respective competitors to their permanent and unmolested possession.”^{vi}

July 4th, General Lucio Mansilla, at a party to celebrate 57 years of American independence, *“after several toasts had been drank, rose, and in the most violent terms, impugned Great Britain for its occupancy of the Falkland Islands.”⁴³⁰*

July 12th, the British Minister in Buenos Aires is again asked to explain the actions of Onslow. He responds that his Government has only exercised its full and undoubted rights.⁴³¹

July 24th, the Buenos Aires Government meet to review the correspondence and to make decisions on how to proceed over the Falklands.

428 *Diplomatic Correspondence of the United States, Inter-American Affairs: Argentina 1831 - 1860*

429 *Minutes of the agreement concluded on July 24, 1833 after the usurpation of the Falkland Islands in El Historiador*

430 *Caledonian Mercury Oct 5th 1833*

431 *El Historiador*

August, the settlers on East Falkland are now; "Capt. Matthew Brisbane, superintendent; Thomas Helsby, William Dickson, Don Ventura Pasos, Charles Kussler, Antonio Vehingar, (known at Buenos Ayres as Antonio Wagner,) Juan Simon, (Capataz,) Tanstin Martinez, Santiago Lopez, Pascual Diaz, Manuel Coronel, Antonio Rivero, Jose Maria Luna, Juan Brasido, Manuel Gonzales, Luciano Flores, Manuel Godoy, Felipe Salazar, and Lattorre (the last five being Indians, having been sent by the Governor of Monte Video to this island for bad conduct); three women, viz. Antonina Roxa, Gregoria Madrid, Carmolita and her two children. Also, Captain William Low, and a boat's crew, late of the schooner Unicorn, were temporary residents ... viz. Henry Channen, John Stokes, Daniel Mackay, Patrick Kerwin, Samuel Pearce, George Hopkins, Joseph Douglas, Francis Machado, and Jose Manuel Pardo; likewise two men of colour honest John and (Antonio Manuel.)"⁴³²

August 26th, Antonio Rivero, a 26 year-old gaucho, leads a riot over pay. Dickson and Brisbane are killed, together with Anton Wegner, Jean Simon and Ventura Pasos ⁴³³; all employees of Luis Vernet.

The survivors, "... thirteen men, three women and two children..." take refuge on a Hog Island in Berkley Sound.⁴³⁴

".. I met Antonio Rivero, Jose Maria Luna, Juan Brasido, Manuel Gonzales, Luciano Flores, Manuel Godoy, Felipe Salagar and Lattorre, running towards the point armed with muskets, pistols, swords, dirks and knives. It was very evident they were going to kill someone, and I hastened towards the house of Captain Brisbane, for the purpose of informing him of what was going on. On my arrival I was alarmed at finding the doors locked and after knocking some time, was surprised at learning from two of the women that the aforesaid eight men had killed Captain Brisbane, Juan Capitaz Simon (the Capitaz) and had left Don Ventura for dead, he having been wounded by a musket ball in his throat, his head cut open, and his hand almost cut off by a sword, afterwards he escaped by a back window, and reached the house of Antonina Roxa, about 50 or 60 yards distant. On my way up from the point, I heard two musket shots fired at the house of Antonio Wagner, where they killed him, and William Dickson, to which two of the boats crew Joseph Douglas and Daniel McKay, were eye witness. ... They then returned to the house of Captain Brisbane, and not finding the body of Don Ventura, searched for him and on finding him, he ran out, when I saw him killed by their firing 2 or 3 musket shots at him."^{vii}

September, the *Harriet*, seized by Vernet, is auctioned off.

September 2nd, the refugees on Hog Island move to the more defend-able Turf Island.

September 29th, King Ferdinand VII dies and leaves the crown to his daughter the *Infanta* Isabella.⁴³⁵

October 23rd, the settlers hiding on Turf Island are relieved by the British sealer *Hopeful*. Mr. Rea RN hoists the Union Jack at Port Louis and writes an urgent letter to Rio de Janeiro; "... I feel convinced that if an English

432 *The Nautical Magazine* 1834

433 "Don Ventura Pasos was a nephew of the distinguished Argentine Don Juan Jose Pasos who, with Senores Chiclana and Saavedra, formed the Triumvirate which governed in the early part of the emancipation from Spain His eldest sister is married to the eldest brother of my wife Colonel Don Domingo Saez. Don Ventura and my other agents were murdered in Aug 1833 by some Indians mentioned by him in the above letter and some runaway sailors. Don Ventura was one of the principal settlers at Port Louis". Note by Luis Vernet, AGN Sala VII, Legajo 130, Documento 54 Page 2

434 Mr. Rea RN to Commanding Officer, South America Station Nov. 18th 1833 in *The Nautical Magazine* 1834. cf. *Account of the Port Louis Murders* Thomas Helsby 1834. The 'sailors' referred to had sold ammunition to the rioters the day before. They were not charged with any offences.

435 The child's mother, Maria Cristina, becomes *Regent*.

ship of war does not arrive here soon, more murders will take place.”⁴³⁶

November 19th, Philip Gore, British *chargé d'affaires* in Buenos Aires, sends a note to Minister Guido; *"In compliance with the orders of his court, the undersigned, his Britannic Majesty's Charge d'Affairs, has the honour to notify to the government of Buenos Ayres, that the Rear-Admiral Commander-in-Chief of his naval forces in South America has been directed to appoint a Lieutenant from under his command, with a certain number of men, to reside at the Falkland Islands, for the protection of his Majesty's rights on those Islands."*

December 3rd, in his *Annual Message to Congress*, US President Andrew Jackson, refers to Buenos Aires;

"The negotiations commenced with the Argentine Republic relative to the outrages committed on our vessels engaged in the fisheries at the Falkland Islands by persons acting under the color of its authority, as well as the other matters in controversy between the two Governments, have been suspended by the departure of the chargé d'affaires of the United States from Buenos Ayres. It is understood, however, that a minister was subsequently appointed by that Government to renew the negotiation in the United States, but though daily expected he has not yet arrived in this country."

1834 – January 9th, Lt. Henry Smith, together with 4 seamen volunteers, arrives with Capt. Seymour in *HMS Challenger*, as the *"Resident Naval Officer"* responsible for the administration of the Falkland Islands.⁴³⁷

*"Captain Seymour, and the consuls, being anxious to visit the settlement of Port Louis, landed some distance from it (the wind being strong from SSW), intending to walk there. About a mile from the houses they were met by an Englishman named Channon, sent by the gauchos to see who they were and whether the ship was a whaler in want of beef, or a man-of-war. He informed them that the gauchos and Indians had murdered Mr. Brisbane: Dickson, who had been left in charge of the flag by Captain Onslow: Simon; and two others: and had pillaged the houses, destroying everything in their search for money."*⁴³⁸

The settlers remaining are; Thomas Helsby, Charles Kussler, Faustin Martinez, Santiago Lopez, Pascual Diego, Manuel Coronel, Antonina Roxa, Gregoria Madrid, Carmelita and her two children.

January 27th, Smith records in his diary; *"9.30 arrived a gaucho of the name of Santiago Lopez ... with a message from Antonio Rivero the principal of the murderers saying if I would promise him pardon... he would give up the horses and himself and assist in capturing the others."*

January 28th, the Reverend Titus Coan and Capt. Nash, arrive in the Islands in the American schooner *Antarctic*, hoping to replenish the ship's stores.

".. here we heard an account of the shocking event and its immediate cause. Brisbane employed the Spaniard Antook as a shoemaker, and several Mestizos and South American Indians as herdsmen, bullock-hunters, etc. Failing to pay them promptly, from lack of means, as he said, they were angry, and determined to kill him and all his friends and plunder the village. According to the plot agreed on, Antook came to the door of this room one morning while Brisbane was sitting before the stove lighted with a fire of peat, the principal fuel of these islands, and demanded pay. Brisbane refused, and immediately a bullet went through his body. He grabbed

436 The letter is addressed to *"Rear-Admiral Sir M. Seymour, Bart., K.C.B.; any British Consul, or the Commanding officer of any British ship of war."* This letter was passed on to the sealer *Susannah Anne*, and was copied to London in the *Swallow*. In London the information was considered to be false as of the two Capt. Brisbane's on record, one had died in Florence, and the other was in England on half-pay. The Union Jack flying at Port Louis on the day of the riot, was taken to the island by the remaining settlers, and raised there. No other flag was raised.

437 Smith had been the First Lieutenant on *HMS Tyne*. His new duties gained him an increase in salary of 7 shillings a day.

438 Fitzroy 1839

*for his pistol, in a cupboard on his left, arose to fire, but staggered and fell, when he received a blow upon his head from a cutlass and three stabs from a dirk. He was then dragged to the door, his feet bound with raw-hide rope, and this being attached to the saddle of a horse, he was drawn out into the field, where he was stripped, mutilated, and left unburied. His clerk was also killed with several others at the same time, and the town was sacked, a few Englishmen escaping ..*⁴³⁹

January 8th, the British Foreign Secretary, Viscount Palmerston, responds to the Manuel Moreno protest;

"...The undersigned, &c. has the honour to acknowledge the receipt of the note of M. Moreno, &c. dated the 17th of June last, in which he formally protests, in the name of his government, "against the sovereignty lately assumed in the Malvina (or Falkland) Islands, by the crown of Great Britain."

Before the undersigned proceeds to reply to the allegations advanced in M. Moreno's note, upon which his protest against this act on the part of his Majesty is founded, the undersigned deems it proper to draw M. Moreno's attention to the contents of the protest which Mr. Parish, the British Chargé d'Affaires, at Buenos Ayres, addressed, in the name of his court, to the Minister for Foreign Affairs of the Republic, on the 19th of November 1829, in consequence of the British Government having been informed that the president of the United Provinces of the Rio de la Plata had issued decrees, and had made grants of land, in the nature of acts of sovereignty over the islands in question.

That protest made known to the government of the United Provinces of the Rio de la Plata:—

1st. That the authority which that government had thus assumed, was considered by the British Government as incompatible with the sovereign rights of Great Britain over the Falkland Islands.

2dly. That those sovereign rights, which were founded upon the original discovery and subsequent occupation of those islands, had acquired an additional sanction from the fact, that his Catholic Majesty had restored the British settlement, which had been forcibly taken possession of by a Spanish force, in the year 1771.

3dly. That the withdrawal of his Majesty's forces from the Falkland Islands, in 1774, could not invalidate the just rights of Great Britain, because that withdrawal took place only in pursuance of the system of retrenchment adopted at that time by his Majesty's Government.

4thly. That the marks and signals of possession and of property, left upon the islands, the British flag still flying, and all the other formalities observed upon the occasion of the departure of the governor, were calculated not only to assert the rights of ownership, but to indicate the intention of resuming the occupation of the territory at some future period.

Upon these grounds Mr. Parish protested against the pretensions set up on the part of the Argentine Republic, and against all acts done to the prejudice of the just rights of sovereignty heretofore exercised by the crown of Great Britain. The Minister for Foreign Affairs of the Republic acknowledged the receipt of the British protest; and acquainted Mr. Parish that his government would give it their particular consideration, and that he would communicate to him their decision upon the subject, so soon as he should receive directions to that effect.

No answer was, however, at any time returned, nor was any objection raised, on the part of the government of the United Provinces of the Rio de la Plata, to the rights of Great Britain, as asserted in that protest; but the Buenos Ayrean government persisted, notwithstanding the receipt of that protest, in exercising those acts of sovereignty against which the protest was specially directed.

439 *Adventures in Patagonia: A Missionary's Exploring Trip* Titus Coan 1880

The government of the United Provinces of the Rio de la Plata could not have expected, after the explicit declaration which had been so formally made of the right of the crown of Great Britain to the islands in question, that his Majesty would silently submit to such a course of proceeding; nor could that government have been surprised at the step which his Majesty thought proper to take, in order to the resumption of rights which had never been abandoned, and which had only been permitted to lie dormant, under circumstances which had been explained to the Buenos-Ayreal government.

The claim of Great Britain to the sovereignty of the Falkland Islands having been unequivocally asserted and maintained, during those discussions with Spain, in 1770 and 1771, which nearly led to a war between the two countries, and Spain having deemed it proper to put an end to those discussions, by restoring to his Majesty the places from which British subjects had been expelled, the government of the United Provinces could not reasonably have anticipated that the British Government would permit any other state to exercise a right, as derived from Spain, which Great Britain had denied to Spain herself; and this consideration alone would fully justify his Majesty's Government in declining to enter into any further explanation upon a question which, upwards of half a century ago, was so notoriously and decisively adjusted with another government more immediately concerned.

But M. Moreno, in the note which he has addressed to the undersigned, has endeavoured to shew that, at the termination of the memorable discussions referred to between Great Britain and Spain, a secret understanding existed between the two courts, in virtue of which Great Britain was pledged to restore the islands to Spain at a subsequent period, and that the evacuation of them, in 1774, by his Majesty, was the fulfilment of that pledge.

The existence of such a secret understanding is alleged to be proved; first, by the reservation, as to the former right of sovereignty over the islands, which was contained in the Spanish declaration, delivered at the time of the restoration of Port Egmont and its dependencies to his Majesty; and, secondly, by the concurrent description of the transaction, as it took place between the parties, given in certain documents and historical works.

Although the reservation referred to cannot be deemed to possess any substantial weight, inasmuch as no notice whatever is taken of it in the British counter-declaration, which was exchanged against it; and although the evidence adduced from unauthentic historical publications cannot be regarded as entitled to any weight whatever with a view to a just decision upon a point of international rights; yet as the allegations above-mentioned involve an imputation against the good faith of Great Britain, to which his Majesty's Government cannot but feel sensibly alive, the undersigned has been honoured with the King's commands to cause the official correspondence with the court of Madrid, at the period alluded to, to be carefully inspected, in order that the circumstances which really took place upon the occasion might be accurately ascertained.

That inspection has accordingly been made, and the undersigned has the honour to communicate to M. Moreno the following extracts, which contain all the material information that can be gathered from that correspondence relative to the transaction in question^{viii}

(after the extracts, Palmerston continues)

... M. Moreno will perceive that the above authentic papers, which have been faithfully extracted from the Volumes of Correspondence with Spain, deposited in the State Paper Office, contain no allusion whatever to any secret understanding between the two Governments, at the period of the restoration of Port Egmont and its dependencies to Great Britain, in 1771, nor to the evacuation of Falkland's Islands, in 1774, as having taken place for the purpose of fulfilling any such understanding. On the contrary, it will be evident to M. Moreno, that their contents afford conclusive inference that no such secret understanding could have existed.

The undersigned need scarcely assure M. Moreno, that the correspondence which has been referred to, does not contain the least particle of evidence in support of the contrary supposition, entertained by the Government of the United Provinces of the Rio de la Plata, nor any confirmation of the several particulars related in M. Moreno's note.

The undersigned trusts, that a perusal of these details will satisfy M. Moreno, that the protest which he has been directed to deliver to the undersigned, against the re-assumption of the sovereignty of the Falkland Islands by his Majesty, has been drawn up under an erroneous impression, as well of the understanding under which the declaration and counter-declaration relative to the restoration of Port Egmont and its dependencies were signed and exchanged between the two courts, as of the motives which led to the temporary relinquishment of those islands by the British Government; and the undersigned cannot entertain a doubt but that, when the true circumstances of the case shall have been communicated to the knowledge of the government of the united provinces of the Rio de la Plata, that government will no longer call in question the right of sovereignty which has been exercised by his Majesty, as undoubtedly belonging to the Crown of Great Britain.”

January 22nd, the schooner *Adventure* is directed to survey the Falkland Islands.

February 1st, Reverend Coan encounters 3 gauchos and negotiates for beef.

February 3rd, the gauchos, together with 4 other men, deliver beef to the *Antarctic*.

February 5th, Lt. Smith, with a party of 6 marines, discovers the *Antarctic* and hear about the gauchos.

February 12th, the American Minister in Madrid, Cornelius Van Ness, presses the new *Regent* for recognition of the independence of the Spanish-American colonies.⁴⁴⁰

In **March**, the frigate, *USS Potomac*, arrives off Port Egmont; “... a person by the name of Smith, of whose office or character nothing is known, has lately warned sealers not to visit these islands, - still it is presumed that they can do so with perfect safety. If they are molested, is is an easy sail for one of our sloops-of-war on the Brazil station to run down there and break up Mr. Smith... If Great Britain should advance any pretensions to the exclusive use of the fisheries at the Falklands, it is to be hoped that such pretensions will be a strenuously resisted as were those of the Argentine Republic – indeed more strenuously ...”⁴⁴¹

March 6th, Lt. Smith discovers the location of Antonio Rivero; “... he determined the following morning to betray his companions, and deliver the horses being his turn to take care of them, which he accordingly did, and the four Indians seeing the course things had taken, surrendered.”⁴⁴²

Smith arrests Rivero and eleven others, five of whom are Englishmen. A cutter is hired to take the prisoners to Rio de Janeiro.

March 10th, the *Beagle* returns to East Falkland. “Arrived in the middle of the day at Berkeley Sound, having made a short passage by scudding before a gale of wind. — Mr Smith, who is acting as Governor, came on board, & has related such complicated scenes of cold-blooded murder, robbery, plunder, suffering, such infamous conduct in almost every person who has breathed this atmosphere, as would take two or three sheets to describe. — With poor Brisbane, four others were butchered; the principal murderer, Antuco, has given

440 *British & Foreign State Papers*, XXV. 1026 quoted in Robertson 1918

441 *Voyage of the United States Frigate, Potomac* J.N. Reynolds 1835 p.515

442 *PRO Adm 1/42 doc 12* Letter to Rear-Admiral Sir Michael Seymour dated June 30th, 1834

himself up. — he says he knows he shall be hanged but he wishes some of the Englishmen, who were implicated, to suffer with him; pure thirst for blood seems to have incited him to this latter act. — Surrounded as Mr Smith, with such a set of villains, he appears to be getting on with all his schemes admirably well.”⁴⁴³

Antonio Rivero is placed aboard the *Beagle*; in chains.

March 29th, London's '*Morning Chronicle*' notes that, "At least 7,000 head of fine wild cattle, and 500 wild horses, are roaming over a large expanse of the most excellent pasturage. Game is also in abundance, particularly rabbits, and the shores abound with excellent fish, as well as whales and seals."

In **April**, Lt. Smith arranges for Antonina Roxa to tame cows caught by the gauchos in exchange for; “.. every other calf of every cow she tamed.”

April 7th, the *Beagle* sails with; “... two prisoners & the "Kings evidence.”⁴⁴⁴

April 30th, the *Gaceta Mercantil*, reports on the “vile” murders of Vernet's employees on East Falkland.

May 23rd, reported in the *Hobart Town Courier*, Tasmania; “Capt. Fitzroy, of the *Beagle*, is making a survey of the Falkland Islands. Lieut. H. Smith, late first lieutenant of the *Tyne*, is appointed Governor of these islands. A party of marines was also to be dispatched to form the nucleus of a new colony. A considerable number of British emigrants is already settled on the eastern island, at the head of Berkeley sound. The town is called Port Louis. About 7000 head of wild cattle and 500 horses were found roaming on a large extent of excellent pasturage of which these early settlers are availing themselves without risk of informations by grand jury or colonial attorney general. An immense number of rabbits cover the islands and the shores abound with the best of fish, as well as whales and seals. There is no timber on the islands but peat is plentiful. The climate is not severe and there is good anchorage all round the coast. A cargo of timber to this colony would pay well among the settlers, and the ship might speedily fill up with oil, seal skins and salt fish.”

June 12th, Spanish Secretary of State, Martinez de la Rosa, indicates that the Queen Regent is willing to reach a 'just and honorable arrangement' with any Spanish-American representatives that arrive before her Ministers in Paris or London.

A Buenos Airean businessman, Samuel Lafone, relocates to Montevideo following a public dispute with a business partner; an unauthorised interfaith marriage (Protestant/Catholic) and a fall out with the Government of General Rosas.

August, the new Colonial Secretary, Mr. Spring Rice, in considering what to do with Rivero and the other prisoners being held in Rio de Janeiro, states his view that, “.. as the Falkland Islands are an undoubted possession of Great Britain there can be no question as to the right which His Majesty possesses of ordering the Murderers to be sent home and to be submitted to the ordinary course of the law in this country.”⁴⁴⁵

December 5th, Sir Graham Hammond arrives at Rio Station to take over after the death of Admiral Seymour.

December 29th, Ambassador Moreno protests again, answering the Palmerston letter with a request that only that Puerto Louis and East Falkland now be restored to the United Provinces.⁴⁴⁶

443 Extract from the *Diary* of Charles Darwin. Antuco appears to have been a misheard 'Antonio' Rivero. Titus Coan makes the same error however, so perhaps it was the Indian's rendition.

444 Fitzroy 1839. According to this account, the '*King's Evidence*' is a gaucho, Jose Maria Luna.

445 *PRO CO 399.1 FO.17*

446 This seems to suggest that Palmerston's letter had convinced Buenos Aires that they had no case over West Falkland,

1835 – March, Antonio Rivero, and the others accused of murder, are sent to London for trial.

The case over the ownership and salvage rights, if any, of the seal skins removed from Luis Vernet's storehouse in 1832 comes up in the Admiralty Court of Connecticut.

Circuit Justice Thompson concludes that the actions of Luis Vernet in seizing the skins was not 'piratical', as he had acted under the authority of the Buenos Aires Government; “*Thus our government, four years after the seizure of the Superior, and, as must be presumed, with full knowledge of the fact, treated this right as a subject for negotiation between the two governments, and does not undertake to affirm such seizure to be a piratical act. And under this view of the case, I cannot consider the retaking by Captain Duncan a lawful act; and unless it was so, the claim of the libellant to compensation as for salvage services, in a court of admiralty, cannot be sustained.*”⁴⁴⁷

April 3rd, reported in the *Hobart Town Courier*, Tasmania; “*An association has recently been formed in London, under the patronage of Lords Falkland and Dundonald, for the colonization of these islands. ... this country affords the fairest opportunity for establishing sheep farms on an extensive scale, with the certainty of a most satisfactory result; for the experiment has already been tried with perfect success by Lewis Vernet, whose wool sold for nearly double the price, obtained for that of Buenos Ayres*”

May, in Britain, the Home Office seeks legal advice on the prosecution of Rivero and his followers, asking the Law Officers⁴⁴⁸ whether the accused can be prosecuted under British law; whether the evidence is likely to be sufficient and whether they would recommend a prosecution.

June 2nd, the Law Officers opinion is that the prisoners can be prosecuted under the legislation that was available; that the evidence appeared to be sufficient but that, “*.. under all the circumstances it appears to us that in a case of a conviction the sentence could not justly be carried into execution and therefore we cannot recommend a prosecution.*”⁴⁴⁹

June 16th, the Admiralty is asked to repatriate Rivero and the 3 other remaining prisoners.⁴⁵⁰

July 1st, Sir Woodbine Parish writes to Viscount Palmerston promoting the potential of the Falklands to further British interests in that region.⁴⁵¹

July 10th, Sir Graham Hammond values the properties belonging to Luis Vernet at less than £1,000.⁴⁵²

September, Antonio Rivero is quietly put ashore near Montevideo.

Ambassador Manuel Moreno, in London, receives instructions to go to Washington in order to pursue Argentina's claim for damages against the United States over the *Lexington* raid. Moreno declines, citing illness.

based on the events of 1770/71, and could only pursue a claim to East Falkland.

447 *Davison v Seal-Skins*, Case No. 3661, Circuit Court, D. Connecticut. 1835

448 Sir John Dodson (Advocate-General), Sir John Campbell (Attorney-General) and Sir Robert Rolf (Solicitor-General).

449 *Law Officer's Opinion HO 48.30, Case 5, 22-3*. Their reasoning is not very clear but appears to be based on the premise that, at the time of the murders, there was no British authority present, and that, therefore, no-one could be in receipt of the 'King's protection'.

450 Of the original 7 men indicted, one died at Rio de Janeiro, and two had died while awaiting trial in Britain.

451 *CO 78/2*

452 “*With regard to his proposal for an advance of £2000 I am of opinion that all the property on the Island (except the wild cattle) even if admitted to be his, would be overvalued at half this sum.*” *Hammond to the Admiralty 10.7.1835 PRO FO 6 501*, p.139 cited in Pascoe & Pepper 2008.

1836 – June 19th, reported in the *Launceston Advertiser*, Tasmania; “Port Louis, the residence of the colonists, consists of six habitable and 20 ruinous buildings; the Union Jack was displayed at the Lieutenants Residence (Mr. Smith R.N.) Coronel (the Gaulica) is the oldest resident, Antonina, an Indian of Salta by birth, is the next, and a German follows her in succession; the children, one about three years old and the other 18 months, were both born on the island; their mother is a negress. Lieutenant Smith acts as physician ... “

In **August**, the liberal Constitution of 1812 is reinstated in Spain.

November 7th, the Cortes in Madrid is consulted over recognition of the new States in South and Central America. Secretary Calatrava tells the Cortes that the revolted States wish to be considered independent, and that they desired Spain to renounce; “all territorial or sovereign right” over them. As this was contrary to the Constitution, the Cortes is asked to give its authority.⁴⁵³ Nine members of the legislature form a *Committee* to consider the problem.

November 27th, the *Committee Concerning Treaties with the New States of America*, reports to the Cortes; “... In the opinion of the committee, the honor and dignity of Spain demand that the Cortes should act generously in this important affair, The regret of the mother country on separating forever from her American children is natural and well-founded. But that sentiment is transformed into an agreeable emotion of national pride on considering that, during the brief period of three hundred years in which that large family has been ruled by the laws of Spain, its members have reached that stage .. which enables them to take leave of their mother and to begin their career as independent nations...”

*The general Cortes of the Kingdom authorizes the government of her Majesty that – notwithstanding articles 10, 172 and 173 of the political constitution of the monarchy promulgated at Cadiz in the year 1812 – it may conclude treaties of peace and amity with the new states of Spanish America upon the basis of the recognition of their independence and the renunciation of all territorial or sovereign rights on the part of the motherland ..*⁴⁵⁴

The Deputy for Badajoz declares; “The emancipation of the Americans is *de facto* accomplished; nations, like individuals, have their periods of vigor and strength; at present the Americans are in that stage. On our part we should give to their separation a legal character; in order to legitimize what they now possess, ..”

December 1st, the Spanish Cortes meets to consider the conclusions drawn by the *Committee*. During the debate, Miguel Cabrera de Nevaes, declares that the Spanish-American countries are; “*de facto independent*”, which they owed to themselves, but, “*to be independent de jure they will owe us.*”

December 3rd, the Cortes approves the *Committee's* work unanimously, allowing for recognition of a Spanish-American State, on application and the successful negotiation of a *Treaty of Recognition* in each case.⁴⁵⁵

December 9th, an article in *The Times* newspaper highlights the importance of the Falkland Islands to shipping in need of refit in the South Atlantic.

December 17th, Captain George Grey on *HMS Cleopatra* arrives at Port Egmont to conduct an inspection islands. He notes a naval party of six plus a gaucho, a Frenchman, a German, three women and two children plus three English deserters from merchant vessels.⁴⁵⁶

453 *Diario de las Sesiones de Cortes, estamento de ilustres proceres, legislatura de 1835 a 1836* Robertson 1918

454 *Diario de las Sesiones de Cortes, 1836 a 1837, I. Apendice al Numero 40, 1, 2.* Robertson 1918

455 Spain still hoped to exchange recognition for favorable trade agreements.

456 *The Falkland Islands: 1833 to 1876* S.A. Royle in *The Geographical Journal* vol. 151 No. 2 July 1985 pp. 204-214

1837 – March, Luis Vernet attempts to prevent the *Elizabeth*, chartered by an American, M. Burrows, from leaving Montevideo. The vessel, offered protection by *HMS Fly*, flees Montevideo, albeit without regaining the ship's *Register* which is held by the port authorities.⁴⁵⁷

April 11th, Luis Vernet agrees a contract with Samuel Fisher Lafone to '*speculate in the Falkland Islands*'. This agreement is to be drawn up and signed in May.⁴⁵⁸

*".. if your Memorialist (Vernet) with his own limited resources and under a weak unprotecting Government succeeded in establishing a prosperous little Colony ... it is evident that under the all protecting British Flag and the assistance of a powerful Company in England, as stipulated in the aforesaid Contract, and under proper management, there would now exist a very considerable Colony or Colonies in the Islands, .."*⁴⁵⁹

May 20th, Vernet refuses to sign the contract when it is presented, believing the terms have been changed to favour Lafone.

Also in **May**, General Carlos María de Alvear is appointed Minister to the United States and instructed; "(1) to promote the most satisfactory reparation for the insults inflicted upon Argentine sovereignty by Duncan's destruction of Vernet's colony, by his capture of innocent persons and their removal to foreign lands, and by Slacum's lack of respect for Argentine authority; (2) to promote reparation to the Argentine Republic, Vernet, and the colonists for all damages caused by Duncan's aggression; and (3) to clarify and defend Argentine rights to the Falklands and to fisheries along their coasts."⁴⁶⁰

Luis Vernet provides the General with a report of the events of 1832.⁴⁶¹

July 29th, William Hunter, the US *charge d'affaires* in Rio de Janeiro, in a letter to US Secretary of State, John Forsyth, considers Alvear's purpose; "*The mission to the United States from Buenos Ayres is doubtless for the purpose of reviving the old affair of the Falkland Islands, - Vernet's claims - our Captains alledged offences In connection with this case that of the Partheon has come to my notice. The Captain Adams was obliged to leave Monte Video without his papers, being pursued by Vernet for sealing on 'one of his' islands ...*"

1838 – January 3rd, John Henry Mandeville, British Minister at Buenos Aires, writes to Lord Palmerston about the opening session of the House of Representatives; "*It adverts to the worn out question of the Falkland Islands, and declaims as usual upon the injustice of its occupation by Great Britain – without, I believe, receiving much sympathy or support from the public, except the very few persons who have speculated on an establishment there. It will make an annual paragraph in the message until the subject dies of exhaustion, ..*"

Argentina offers to abandon any claim to the Falklands in exchange for the cancellation of the national debt owed to Barings Bank. The British Government declines.⁴⁶²

Lt. Robert Lowcay is placed in charge of the islands as Military Administrator.

457 M. Burrows had been the owner of the vessel *Superior*, when it had been seized by Vernet in 1832. The *Superior's* cargo of seal skins, taken to Vernet's storehouse, had been subsequently '*liberated*' by Commander Duncan of the *Lexington*.

Burrows had received the value of the skins in 1835. *Army & Navy Chronicle* vol.4 p.325

458 *Monsieur Vernet's Case 1852 - 1860* National Archive CO 78 43

459 Letter dated September 6th, 1852. *Monsieur Vernet's Case 1852 - 1860* National Archive CO 78 43

460 But if Alvear was unable to secure suitable satisfaction on the first point, he was not to pursue the others. *AGN, BA, SI-A1-A1 – num 5*. Quoted in *Argentina and the United States, 1810 – 1960*, Harold F. Peterson 1964.

461 '*Breves observaciones sobre los daños y perjuicios ocasionados por la destruccion de la colonia en las Islas malvinas por el Comandante de la Corveta de los Estados Unidos Lexington en 31 de Diciembre de 1831.*'

462 10 years after Argentina defaulted on the loan, it was worth, with interest, rather more than the Islands were.

Lowcay imposes the rule of law and announces that fishing rights extend to 3 miles from the shore. He also states that the cattle, horses and wild animals are protected and that any trespassers will be "... proceeded against ...".

Lt. B.J.Sullivan surveys the Islands. He reports a population in Port Louis of 43; of which 14 were associated with two sealing vessels.

July, a prospectus is published proposing the colonisation of the Falklands; "*The objects contemplated by this association (which upon investigation will be found, from its natural resources, utility, and beneficial employment of capital, to merit the fullest confidence of the public) are, to form a colony on the most easterly of the islands, the unusual facilities and advantages of which are demonstrated in the subsequent remarks to create in the magnificent and secure harbours of Berkeley Sound and Fort William that important national object—a naval and commercial depot for the shelter and repair of the numerous vessels now navigating the South Seas; to erect an establishment for supplying fresh and cured provisions, naval stores, water, fuel, and other requisites; to select parties properly qualified for carrying into effect extensive and most valuable fisheries, cattle farms, &c., for all of which nature has here prepared everything ready for the industry of man, with the superiority of important adjacent markets.*"⁴⁶³

July 9th, the *Arrow* sails from Falmouth Harbour. The ship is fitted out to survey the Falklands and has seeds, agricultural implements and 2 bloodhounds on board.⁴⁶⁴

October 14th, *Arrow* arrives at Port Louis; "*At 5 o'clock we came-to off the settlement, Port Louis, and were much disappointed at its insignificance, as it only consisted of two small houses, in one of which lived the governor, Lieut. Lowcay, and three or four mud huts, occupied by three gauchos and their families.*"⁴⁶⁵

November 25th, the British barque *Wave*, anchors in Berkeley Sound.

1839 — In **January**, the case of *Charles L. Williams v The Suffolk Insurance Company* reaches the US Supreme Court on Appeal. This case concerns the loss of the *Harriet* following its seizure by Vernet in 1831. The insurance company argue that, in accordance with the Connecticut case concerning the seal skins, Vernet was acting legally and that therefore they have no duty to compensate the owners. However, the court accepts the right of the US Government to decide the nation's position in matters concerning foreign relations, and finds for the owner; "*.. there is a controversy between this government and that of Buenos Ayres, whether the jurisdiction is rightful, which is assumed to be exercised over the Falkland islands by the latter; and that this right is asserted on the one side and denied by the other, ...*

Prior to the revolution in South America, it is known that the Malvinas, or Falkland islands, were attached to the vice-royalty of La Plata, which included Buenos Ayres. And if this were an open question, we might inquire whether the jurisdiction over these islands did not belong to some other part, over which this ancient vice-royalty extended, and not to the government of Buenos Ayres: but we are saved from this inquiry by the attitude of our own government,

.. can there be any doubt, that when the executive branch of the government, which is charged with our foreign relations, shall in its correspondence with a foreign nation assume a fact in regard to the sovereignty of any island or country, it is conclusive on the judicial department? And in this view it is not material to inquire, nor is it the province of the Court to determine, whether the executive be right or wrong.

463 Attributed to *The Morning Herald*, the report is quoted in *The Colonist (Sydney)* July 21st

464 *Some Account of the Falkland Islands, from a six month residence 1838* Laughlan Bellingham Mackinnon 1839. Also national Archive ADM53

465 Mackinnon 1839, p.17

It is enough to know, that in the exercise of his constitutional functions, he has decided the question. Having done this under the responsibilities which belong to him, it is obligatory on the people and government of the Union. ... It was the duty of the master to prosecute his voyage, and attain the objects of it, for the benefit of his owners: and, in doing this, he was not bound to abandon the voyage by any threat of illegal seizure. We think, therefore, that the underwriters are not discharged from liability ... it is the opinion of this Court, ... That, inasmuch as the American government has insisted and still does insist, through its regular executive authority, that the Falkland islands do not constitute any part of the dominions within the sovereignty of the government of Buenos Ayres, the action of the American government on this subject is binding on the said Circuit Court,.."⁴⁶⁶

Lt. Lowcay takes cattle over to West Falkland Island.

February 1st; reported in the *Sydney Herald*; *"The British have taken full possession of the Falkland islands. All vessels found fishing or sealing on their coasts will be treated as trespassers."*

March 21st, General Alvear, in Washington, submits Argentina's claim for reparations.

The *Falkland Islands Commercial Fishery and Agricultural Association* is founded by George Thomas Whittington, aimed at putting pressure on the British Government to permit the colonisation of the Falklands.

George Whittington argues his case with Henry Labouchere, Lord Taunton, at the Colonial Office in London.

March 25th, Captain E. Goldsmith of the barque *Wave*, writes to Whittington; *"Captain Langdon's opinion I fully confirm; the only obstacle in my mind is the want of timber, which may be overcome...I could not imagine how our Government could, for so long a time, have overlooked so valuable and important a place ..."*

April 6th, reported in *The Colonial Gazette*; *"A Mr. Whittington claims for himself and Lieut. Langdon, R.N., now in Van Dieman's Land, the credit of having been the first to direct the attention of the Government and of the public to the eligibility of the Falkland islands for a Penal Settlement...."*⁴⁶⁷

A letter from George Whittington is included by the *Gazette*; *"Sir, In the appendix to Mr. Montgomery Martin's work on the "Colonies of the British Empire," under head of the Falkland Islands, he says - "These documents, and many others relating to the subject, have been placed in my hands by Henry Moreing, Esq., a gentleman well qualified for carrying into effect his sound views as to the eligibility of the Falkland Islands for a penal settlement." The paragraph calls for my comment, not with any ill feeling towards Mr. Moreing, but as a matter of justice to myself and co-partner, Lieutenant W. Langdon, R.N., now in Van Dieman's Land. Mr. Moreing has not, and never had any original views on the subject of the Falkland Islands for Penal Settlement, &c. All the information he has relative thereto, he derived from me and from my documents. Lieutenant Langdon and myself were the originators of the scheme of Colonisation in question as early as 1830. We placed our views before the Colonial Office in 1831. ..."*⁴⁶⁸

September 18th, Lt. Lowcay reports to the Admiralty; *"... on 22nd July last I left Port Louis, in the Sparrow, for the Westward, principally with the Intention of observing the cattle put last Summer on West Falkland, and to look after the American Vessels generally cruising here... During the cruise no American or other Vessels were seen, nor have I heard of any Outrages having been committed by them."*⁴⁶⁹

466 38 US 13 Pet. 415 415 (1839)

467 Reprinted in the *Sydney Gazette and New South Wales Advertiser*, July 27th, 1839

468 The letter is dated 28th March 1839. Whittington's address is given as – 13, Sise Lane, City

469 *Sessional Papers Printed by Order of the House of Lords 1841*

September 19th, Commander William Smith of *H.M. Sloop Grecian*, writes to Commodore Sullivan in *HMS Stag*; “... *The Turf Hovels, in which the greater Number of the Settlers and Gauchos reside, are of the most miserable and wretched Description, and so small as hardly to contain the Persons that exist in them. It appears to me that if Government were to build a small Number of Cabins or Cottages sufficient for the Population, and charge a small Rent upon them, that Inhabitants would be very glad to occupy them. ... I conceive it my Duty to state that Lieutenant Lowcay has mentioned to me the Case of a French Settler having been detected committing an unnatural Crime, and that he had sent him off the Islands: the Excuse he made was that there were no Women...*”⁴⁷⁰

Lowcay leaves the settlement in the charge of Lt. Robinson, until his successor arrives. During his tenure, Robinson reports that the American vessel, *Benjamin de Wolf*, is taking cattle.

December 23rd, Lt. John Tyssen takes over as Military Administrator.

1840 – January 14th, the *Colonial Land and Emigration Commission* is created from two previous authorities. It is given the task of overseeing and reporting on the colonies, dealing with grants of land and the outward movement of settlers.

The first licence for sealing is issued by Lt. John Tyssen, for the rookery off Volunteer Point.

February 29th, Tyssen reports the presence of 25 settlers on the Islands.

August 22nd, having been asked to consider the case for the colonisation of the Falklands, the *Colonial Land and Emigration* officers report; “..*There appear to be Four Grounds upon which the Establishment of a regular Colony at these Islands has been urged upon the Government.*”

1) *The usefulness of affording to the Merchant Vessels which sail round Cape Horn a Port for Refit and Refreshment.*

2) *The Expediency of having a British Port placed as it were between the Atlantic and the Pacific Oceans, to which our naval Force on the South American Station could resort.*

3) *The Peculiar Advantages which the Islands afford for the Establishment of a Penal Colony.*

4) *their Fitness generally as a Settlement for agricultural and commercial purposes.*

On the Three first Grounds above stated, we entirely agree as to the Value and Importance of these Islands. On the Fourth, we think that considerable Doubt still rests.”⁴⁷¹

George Whittington sends 2 vessels to the Islands, under the direction of his brother, John Bull Whittington, with settlers, stores and a few sheep.

December 15th, the *Susan* arrives with Whittington's party of settlers.⁴⁷²

“.. *They have erected a large house and stores, and had a number of fine English long-wooled sheep, poultry and pigs, with some superior dogs. They were daily expecting the arrival of a second vessel from London, with further stores and immigrants. Lieutenant Tyssen, the Admiralty officer, was spoken of in the highest terms by all the settlers: he was effecting great improvements, but had not the power of government authority to*

470 *The Sessional Papers of the House of Lords: Session 4 & 5 Victoriae 1841*

471 *Sessional Papers of the House of Lords 1841*

472 Their arrival caused some surprise as there was no clear authority allowing them to be in the Islands. Lt. Tyssen facilitated their accommodation and reported the matter to the Admiralty. *Accounts & Papers: Thirty Two Volumes 1843*

prevent the lawless conduct of the Americans ...Mr. Whittington intended employing his vessel in whaling, sealing, and bringing sheep from the River Plate. Amongst his people was a party of Scotchmen .."⁴⁷³

Lt. Tyssen writes; *"From information I have received I firmly believe that American Vessels visit this Island to the Westward solely for the Purpose of killing wild Cattle, and from the Difficulty in detecting them in the Act they pursue this Robbery with Impunity..."*

December 27th, in its message to the Legislature, the Government in Buenos Aires reaffirms its claim.⁴⁷⁴

1841 – January 16th, John Whittington, now in Port Louis, presents Lt. Tyssen with a claim for 10 square miles of land which he says is the property of his brother, George Whittington; *"I beg to inform you, that I am duly authorized by George Thomas Whittington, esq. of 20, Adam Street, Adelphi, London, to take possession of certain lands, cattle &c. on the East Falkland Islands, comprising 10 square miles, in Section No.3, with other rights and privileges appertaining thereto, as fully specified in the documents which I am prepared to show, and I have now to request your Excellency will think proper to put me into quiet possession of the said property on behalf and for the account of the said George Thomas Whittington.*

January 18th, Lt. Tyssen responds; *"... I beg leave to inform you that I have no authority whatever from Her Majesty's Government to place you in possession of such lands."*⁴⁷⁵

George Whiting publishes a booklet extolling the virtues of a colony on the Falklands.⁴⁷⁶

March 5th, Capt. John Onslow, in London, suggests the relocation of distressed "Scotch Islanders" to the Falklands.

March 22nd, complaints are received at the Admiralty, from George Whittington, concerning the activities of American vessels operating illegally around the Islands. He also reports that he has; *".. despatched two ships with settlers, stores and other requisites, for founding a settlement, and that he was about sending a third, and that he has expended £15,000, which he hoped the government would repay him; the reply was, that as this expense was not authorised by the Government, the Government would have nothing to do with it."*⁴⁷⁷

March 30th, the Colonial Land and Emigration Commissioners make extensive recommendations regarding the establishment of a proper settlement, and the siting of a suitable port and Capital on the Islands. Port William is proposed as one option. They also suggest that Marines should be retained to bring law and order to the Falklands.

The Commissioners close their report by quoting from Capt. Fitzroy; *".. whomsoever it may happen to colonize these Islands, there can be no Doubt that Industry will be well rewarded; that Health, Safety and a frequent Communication with the Mother Country will be as certain as in any other Colony; and that the only Drawbacks to be contemplated are those likely to be caused by Wind, and Deficiency of solar Heat."*⁴⁷⁸

473 *Southern Australian* Adelaide September 14th 1841

474 Los mensajes, Historia del desenvolvimiento de la nacion argentina, redactada cronologicamente por sus gobernantes, 1810-1910. These messages were a feature from 1833 to 1849. After the *Treaty* with Britain was ratified, they stopped.

475 *Accounts & Papers: Thirty Two Volumes 2 February – 24 August 1843 Vol.XXXIII p.3* This land is undoubtedly that which was purchased by William Langdon from Luis Vernet in 1831. Langdon and Whittington seem to have had a partnership aimed at investing in the Islands. Whittington's title to the land was never recognised by the British Government.

476 *Southern Australian* Adelaide April 29th, 1841

477 *Geelong Advertiser* Victoria April 25th 1842

478 *Sessional Papers of the House of Lords* 1841

Juan Manuel de Rosas again offers to abandon Argentina's claims of sovereignty over the Falklands in exchange for forgiveness of the 1824 Baring Brothers' loan to Buenos Aires.

August 23rd, Lt. Richard Moody, an engineer officer, is appointed Lieutenant-Governor to head the military administration of the islands. He receives his orders from Lord John Russell; “ .. *In transmitting this instrument to you, it would be convenient in itself and accordant with the general practice, to accompany it by instructions accurately defining your powers as Lieutenant-Governor; but it is impracticable to adopt that course at present.*

First, as to the definition of your powers. The difficulty here is, that as you are to preside over a settlement to which Her Majesty's title rests on the ground of prior occupation merely, the general rule is, that the colonists there carry with them the law of England, so far as it is applicable to their situation. Now the law of England supposes a legislature composed, in part at least, of the representatives of the people, and courts of justice formed on the model of those of England; but the Falkland Islands do not at present afford the means of representative institutions: courts of justice may before long be established; but we have not sufficient information to enable us to point out in what manner this can best be effected. Without the sanction of Parliament Her majesty cannot, in the exercise of her prerogative, provide any substitutes either for a legislature or courts of justice. But you will turn your attention, immediately upon your arrival, to the means of administering law and justice within the colony. You will inform the inhabitants of the Falkland Islands, by proclamation, that the law of England is in force within the islands; you will ascertain whether there are any persons in the islands fit to be entrusted with the functions of judges or magistrates....”⁴⁷⁹

October 9th, Lt. Moody, with a detachment of Royal Sappers and Miners, sails from Woolwich in the brig, *Hebe*.

October 14th, Capt. Rob Russell in the *Actaeon*, arrives at Port Louis with more horses and supplies for the settlement; “ *On my arrival here I ... found its inhabitants to consist of 27 men and women and 12 children. With the exception of the settlement-house (which is a very miserable one), the whole of the habitations are mere hovels.*”

December 4th, the US Department of State replies to General Carlos de Alvear's complaint of 1839; “ *The undersigned, Secretary of State of the United States, has the honor to acquaint General Alvear, Minister Plenipotentiary and Extraordinary of the Argentine Confederation, that the President, desirous of removing every impediment in the way of a good understanding and of cultivating relations of perfect harmony between our two governments, has with that view taken into consideration the note of General Alvear to Mr. Forsyth of the 21st of March, 1839, asking reparation for the conduct of Captain Duncan at the Falkland Islands in 1831, when in command of the United States sloop of war Lexington, and in respect to certain persons found by him there whom General Alvear claims to have been citizens of Buenos Ayres.*

The undersigned has been directed to represent to General Alvear as the result of that consideration, that it is presumed the propriety of suspending, still further, a decision upon the application contained in his note will be obvious, even if, for argument's sake, it be allowed that Captain Duncan had no reason to doubt that the Argentine Government had, at the period mentioned, a Colony at the Falkland Islands and that his proceedings there and against the persons referred to took place notwithstanding that knowledge on his part ; for it is notorious that Great Britain soon afterwards entered upon and has ever since continued in formal and actual possession of that territory, claiming under a previously existing right. The right of the Argentine Government, therefore, to jurisdiction over it being contested by another power, and upon grounds of claim long antecedent to the acts of Captain Duncan which General Alvear details, it is conceived that the United

479 *Accounts & Papers: Thirty Two Volumes 2 February – 24 August 1843 Vol.XXXIII*

States ought not, until the controversy upon the subject between those two governments shall be settled, to give a final answer to General Alvear's note, involving, as that answer must, under existing circumstances, a departure from that which has hitherto been considered as the cardinal policy of this government." ⁴⁸⁰

December 18th, Ambassador Manuel Moreno writes to the Earl of Aberdeen; "*... it may be permitted to the Undersigned to state summarily that the spoliation of which the United Provinces complain, refers: 1st. To the sovereignty and dominion of the Malvina Islands, particularly the Eastern Island, or Soledad, and Port Luis; 2ndly. To the legal, bonâ fide, and peaceable possession enjoyed by them for more than half a century of the said Eastern Island, or Soledad, and Port Luis; 2 points which it is of consequence to avoid confounding, as the complete possession, evidently protected by the best tides and most just right (that is, the purchase from France by a public and well-known contract, the subsequent colonization and cultivation, and, finally, the creation and collection on the spot of property, buildings, and cattle) must give to the United Provinces an incontrovertible right to an immediate and equitable compensation.*"⁴⁸¹

The Undersigned may be also permitted to say, that while the note of Viscount Palmerston, the Minister who directed the spoliation complained against, presents nothing but vague and erroneous ideas and assertions in regard to the question of the Malvinas, his Excellency mistaking the geography of the islands, and appearing to assume that the Eastern Island, or Soledad, at all times in possession of the Spaniards, which is 130 miles long and 80 miles broad, is, or has been, a dependency of the Western Island, or Port Egmont, which is only 100 miles long, and about 50 broad; the Government of the United Provinces confirming, on every occasion, the indisputable titles which it produced in its protests of the 17th of June, 1833, and the 29th of December, 1834, has never desisted from declaring, in its annual messages to the Legislature of the State, its great regret that it has not hitherto obtained that satisfaction to which it believes itself entitled, and which it claimed in vain from the preceding Administration.

*The Undersigned having thus fulfilled the orders which he has received from his Government, deems it his duty to close this note in the words of his last communication; "This claim is founded on rights so evident, that the Government of the United Provinces does not doubt that it will be attended to without delay, by His Britannic Majesty's Government, acting in conformity with the principles of justice by which it is characterized."*⁴⁸²

December 27th, Felipe Arana and Manuel Insiarte, on behalf of the Government on the opening of the Legislatura, reaffirms the claim to the territory of the Falkland islands.

December 29th, Lord Aberdeen notes the receipt of Moreno's letter, and tells him that it has been referred to the, "proper Department."

1842 – January 15th, Lt. Richard Moody arrives in the Falklands.

January 22nd, Lt. Moody formally takes command and addresses the population of 62; ⁴⁸³

"... The only points upon which I deemed it necessary to lay any stress were, first, to remove the erroneous ideas that might still linger in the mind of any one concerning Mr. Vernet's fancied claims upon Great Britain;

480 *Secretary of State Daniel Webster to General Alvear.* No reply was received.

481 "*.. we frequently see some extraordinary or oppressive decree of the court of Madrid, or one of its viceroys, removed from the archive in which it had been buried for a century, and gravely cited by a Spanish American minister, in support of a preposterous pretension on the part of his republic. Indeed, from attempts to enforce such obsolete claims, ... have arisen nearly all the disputes of these new nations with each other, and with the rest of the world.*" Greenhow 1842

482 *British & Foreign State Papers* 1843 vol.22 p.1366 - 1381

483 Only 10 of which had been present for the 1838 census. *c.f.* Royle 1985

I have been given to understand that some of the residents have claims upon Mr. Vernet, many of his paper dollars being in their possession, and some even in the government treasury of the colony, ...”

In **February**, Argentina's Ambassador to Britain, Manuel Moreno, protests the forming of a colony on the Islands as " .. *contrary to law.*"

February 15th, the American whaling vessel, *Frances*, is wrecked on New Island. All hands are saved.⁴⁸⁴

April 6th, the Discovery ships, *Terror* and *Erebus*, commanded by Capt. James Clark Ross, arrive at the Falklands for the winter.⁴⁸⁵

*“ .. The expedition will positively be here for five or six months to repair the vessels and to make observations. Capt. Ross has erected an observatory at the old French fort, built by Bougainville.”*⁴⁸⁶

April 14th, Lt. Moody, sends a comprehensive report back to the Admiralty, describing the Falklands in detail. He also notes that; *“The hair and fur seals which were formerly so abundant in these islands have decreased considerably in number, in consequence of the wanton destruction as all times of the year when they can be met with; neither old seals nor pups are spared by the sealers.”*⁴⁸⁷

Capt. Ross and his naturalist, Joseph Hooker, assist Lt. Moody in surveying Port William and assessing its potential as a site for the main town and port on the Islands.

June 6th, on the subject of settlers, the Lt. Moody writes; *“My further acquaintance with the industry and steadfastness of the few Scotch settlers (Highlanders from Argyleshire, the last from Glasgow), at present in the colony, induce me again to take the liberty of drawing your Lordship’s attention to the advantages of emigrants for these islands being selected from similar districts. The pastoral inhabitants of the hills and dales of the southern Scotch counties on the borders, would also be well adapted as settlers in the Falklands. They have the general character of being intelligent, steady, well-disposed men, and excellent shepherds; and the hardships they might have to undergo at the commencement of their residence would be trifling in comparison to what they constantly experience among their native hills during the greater part of the year.”*

He also informs the Government that some English residents from the Rio de la Plata are interested in sheep farming on the Islands, and that they seek permission to do so.

October 1st, Governor Moody writes to Lord Stanley; *“My Lord, I have the honor to report that I have laid out a large town at Port Louis, chiefly around the inner port called Carenage; and I beg respectfully to submit for your Lordship's approbation, that the said town be named “Anson” in honor of the celebrated circumnavigator, the first person, I believe, who brought before the notice of the Government the great value of this portion of the British dominions. I also beg leave to add, that I have sold six allotments, of half an acre each, in the said town, at £50 the allotment, and one country allotment at Port San Salvador, bounded by the irregular shore, consisting of 339 acres, as 12s the acre....”*⁴⁸⁸

October 21st, a report in *The Southern Australian* newspaper: *“At the Irish Court of Admiralty, held at Cork on the 24th March, John Hartnell was convicted on a charge, of piratically running off with a vessel the property of Mr. George Whittington, called the Mary Anne, and of which Hartnell was Captain, together with a*

484 *Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum*

485 *The Sydney Gazette and New South Wales Advertiser* October 6th 1842

486 *Australasian Chronicle* March 9th, 1843

487 *Accounts & Papers: Thirty Two Volumes 1843*

488 *Geelong Advertiser* Victoria Oct 26th 1843

large quantity of goods which were on board the vessel. The *Mary Anne* was sent to the Falkland Islands, from which place the prisoner took her off to South America, and after so altering her that she could hardly be known, he took a cargo to Cork, where he was seized. The prisoner was sentenced to seven years transportation.”

December 17th, Captain Ross departs the Falklands for his third season in the Antarctic.

December 27th, at the opening of Congress, President of the Province of Buenos Aires, Juan Manuel de Rosas, restates his claim to the Falkland Islands.

A *Return, 'Accounts of Foreign and Colonial Wool, imported in each year from 1816 to 1843, inclusive...'*, printed by Order of the House of Commons, shows that 112lb of wool was sent to Britain from the Falkland Islands during 1842.

1843 – January 25th, Lord Stanley informs Lt. Moody of his intention to seek from Parliament the authority to establish a legislative power on the Falklands.

March 24th, after a good deal of deliberation, Lord Stanley advises Lt. Moody that he has decided that, “.. *the seat of government should at once be fixed at Port William.*”

March 31st, the population comprises 77 men, 20 women and 14 children. Of these 56 are settlers.⁴⁸⁹

In **April**, an Act; '*to enable Her Majesty to Provide for the Government of Her settlements on the coast of Africa and in the Falkland Islands*'.⁴⁹⁰

In **June**, Richard Clement Moody, Corps of Royal Engineers, is gazetted Governor and Commander-in-Chief of the Islands, with powers to appoint officials and judges.⁴⁹¹ The appointment of a *Legislative Council* is reserved for the *Privy Council* in London.

June 2nd, having failed to receive any compensation from the Government, George T. Whittington goes bankrupt.

June 23rd, *British Letters Patent* provide for the government of South Georgia as a Dependency of the Falkland Islands.

June 27th, reported in the *Southern Australian* newspaper; “*The Colonization Commissioners advertize that they will sell land at the Falkland Islands at 12s per acre.*”

Governor Moody reports the presence of 28 foreign ships over a period of a few months. His secretary, Murrel Robinson, employs 2 Argentine gauchos to work on the Islands.

Samuel Lafone writes to Governor Moody with a proposal to exploit the wild cattle.

July 20th, Henry Joseph Hamblin is appointed surgeon of Her Majesty's settlements in the Falkland islands.

August 28th, Charles Le Blanc, is appointed Magistrate.⁴⁹²

December 27th, General Rosas again lays out Buenos Aires' claim to the Falkland Islands in his speech at the opening of Congress.

489 *Parl. Paper 1843 No.160 in General Report of the Colonial Land and Emigration Commissioners* 2 April 1844

490 *The London Gazette*, No. 20213

491 *The London Gazette*, No. 20236

492 *The London Gazette*, No. 20256

December 30th, Governor Moody reports an estimated 300 million cubic feet of peat on the Islands.⁴⁹³

1844 – January 8th, William Fishbourne is appointed Magistrate.⁴⁹⁴

February 17th, the *Colonial Magazine* reports on the bankruptcy proceedings against George T. Whittington; “*The Falkland Islands Immigration Association. In re. G.T. Whittington – To us, who have so often enjoyed public applause through the aid of Mr. Whittington's talents and liberality, the close of his persecution is a subject of sincere gratification. The Judge felt, as we have always done, that he had been too sanguine in his expectations of bringing the Government to consider the hardship of his position, from difficulties, in which generosity and misplaced confidence had involved him It is but justice to the bankrupt to state that he alleges, on the face of his balance-sheet, that if the Government settle with him as they have done with the New Zealand Company, he will have a considerable surplus, after paying 20s in the pound; and that the expenses he had incurred by sending ships out to the Islands with emigrants, was for the purpose of enabling the then-existing Government to lay claim to them as a Colony.*”⁴⁹⁵

In **April**, Harvey M. Watterson is sent to Buenos Aires as “*Special Agent*” of the US State Department with instructions to seek the resumption of full diplomatic relations between that government and the United States. Experiencing problems with his territorial ambitions due to an informal coalition of France, England, Brazil, Uruguay, Paraguay and Chile, President Rosas eagerly accepts the proposal. No mention of the *Lexington* dispute is made.

June 14th, diplomatic relations between the Argentine Republic and the United States resume with the appointment of William Brent, an Anglophobe, as *charge d'affaires*.

April 19th, in the House of Commons; “*£9812 were voted for the Falkland Islands. Mr. Roebuck expressed a wish to be informed whether we had any clear right to these islands. Lord Stanley declared that this could not be disputed; and the colony was useful for furnishing our ships with fresh meat &c.*”

August 9th, Downing Street writes to a Mr. Dobson, the Secretary of Lloyds; “*Sir, I am directed by Lord Stanley to inform you, that in consequence of the superior advantages of Port William, in the Falkland islands, over Port Louis, the governor has been authorised to remove the site of the principal town, which had been originally fixed at the latter to Port William. By a despatch recently received, it appears that the removal had been effected, and that the governor expected to be able to transfer his residence to Port William before the 30th of June last.*”⁴⁹⁶

October 7th, Governor Moody reports that he has issued inconvertible notes for 2s.2d. Each; redeemable at will and not on demand, to be made legal tender; in order to cover a shortfall in the monies voted by Parliament for the Falklands.

“*No. 159 Anson, Falkland Islands. I promise to pay the bearer the sum of two shillings and two-pence, on the part of the Colonial Government. (Signed) R.C. Moody, Lieutenant-Governor*”⁴⁹⁷

493 *Far from Moderate: An account and appraisal of some aspects of the human involvement with the natural environment of the Falkland Islands and South Georgia* by Stephen Palmer 2004

494 *The London Gazette*, No. 20303

495 Reported in the *South Australian Register* Adelaide July 24th 1844

496 *The Australian*, Sydney December 26th 1844

497 Facsimile printed in the *Sydney Morning Herald* May 20th 1845

October 24th, reported in the *Sydney Morning Herald* newspaper; “*The Falkland Islands: The population of these islands, according to the last accounts, consists of 11 individuals, including Government officers, military, and seamen, but of permanent settlers there were only 56, of whom 31 were from the United Kingdom.*”

November 22nd, William Henry Moore, an Irishman, is appointed as Stipendiary Magistrate to the Islands.⁴⁹⁸

November 30th, a report in *The Australian* says; “... *It is a matter of infinite gratification to learn, that Her Majesty's ministers have at length become fully alive to the vital importance of the Falkland Islands, and have, (according to a generally accredited report) decided upon their immediate colonization and simultaneous formation of a strong naval depot. This is, indeed, an object of vast consequence to the nation, placing a new Gibraltar within her grasp – a haven of safe retreat to her friends – an arsenal of certain annoyance and destruction to her foes....*”

Lord Stanley responds to the issue of inconvertible notes; “*In respect to your second suggestion, viz, the issue of paper money, Her Majesty's Government regrets that, even for a temporary purpose, you should have entertained such a project, much more that, as would appear from your despatch of the 7th October, No. 31, you should have carried it into operation to the extent of £1000. The estimate about to be submitted to Parliament, will, if approved, afford the means of redeeming all this paper, and you will understand that you are not hereafter, on any consideration whatever, again resort to such an expedient*”⁴⁹⁹

December 27th, General Rosas repeats his claim to the Falkland Islands at the opening of Congress.

1845 – January, a British representative, Mr. Gore Ouseley, goes to Buenos Aires in an attempt to negotiate with General Rosas over his support for one faction in the civil war taking place around Montevideo.

January 14th, the *Mary Grey*, loaded with sugar, founders on Pebble Island.

January 17th, the newspaper *La Gaceta Mercantile de Buenos Ayres* reports; “*The support of the perfect right of the Republic to the territory of the Falkland Islands that the government perseveres to is not contradicted by the fact that the British government has not settled so just claim. On no occasion has the Argentine government stopped asserting its proper right, and this is not the first act of illegal and violent occupation deplored by the new American States, awaiting reparation. For the National's censure to mean something, it would be necessary to agree either to the overall guilt of governments who without a powerful navy, cannot maintain their maritime possessions, or the folly of the principles of international law and the law of nations. Let it be proved that the Argentine government has failed to maintain with dignity the perfect right of the Republic and even to put forward a mutually honourable understanding; let it be proved that different governments of America and even Europe are not in the same situation, who have protested or who negotiate near the British Cabinet and then there would be grounds for discussion. Besides, it is known that aggression in the Falklands followed another by the Commander of the Corvette Lexington of the United States, and the least discerning will understand why the British government was quick to order an act incompatible with the law of nations and with the treaty of the Republic with Great Britain*”

July 18th, the new capital is named after Lord Stanley, Secretary of State for the Colonies.

498 Described as the caricature of a provincial lawyer, Moore was argumentative, self important, on the make and a heavy drinker. He is reputed to have argued often and violently with both of the Governors he served under.

499 *The Sydney Morning Herald* September 26th, 1845

September 18th, unable to obtain any agreement to reduce the siege of Montevideo, a blockade of the Rio de la Plata is declared by French and British forces to put pressure on Rosas.⁵⁰⁰

September 23rd, the Reverend James Moody is gazetted as Her Majesty's Colonial Chaplain at Stanley.⁵⁰¹

On the same day, a letter written by resident Thomas Edmondston, puts the population at 150 men, women and children.

December 27th, General Rosas, on the opening of Congress, reasserts his annual claim to the Falkland Islands.

1846 – February 25th, Governor Moody reports; *“My Lord, - It is with pleasure I am enabled to inform your Lordship of the entire satisfaction with which the removal of the settlement from Anson to the present site is now regarded by, I believe, every individual in the colony. The first impression is completely removed, and the great superiority of this site in every respect is daily becoming more and more manifest, far exceeding even my own expectations. ... a quantity of English grass seed, sown at the latter end of speing, is shooting up, and the ground itself is perfectly dry.*

Three jetties have been constructed at an expense to government of (in all) £293 6s 7d; and now the expense in landing stores here is only about one-third the expense of landing them at Anson....

Seven town and four suburban allotments have already been purchased from the Crown, and these again subdivided among individuals; in addition to which one town allotment is rented by a Government officer, and five are occupied by settlers, in exchange for town lands at Anson....”⁵⁰²

March 16th, Samuel Lafone, is contracted to hunt the wild cattle;

“ 1st. Indenture, made the 16th day of March, 1846, between her most gracious Majesty Queen Victoria, of the one part, and Samuel Fisher Lafone, of Montevideo in South America, merchant, of the other part. Her Majesty Queen Victoria sells to Lafone that part of East Falkland lying south of the isthmus in Choiseul Sound, Also the islands in Choiseul Sound, and all other islands adjacent to the coast purchased ; also Beauchene Island ; also one town allotment of half an acre, and one suburban allotment of twenty-five acres in the principal town.

2d. For six years and six months from this date, Lafone to have absolute dominion over all wild cattle, horses, sheep, goats, and swine on east Falkland.

3d. For the above advantages, Lafone is to pay her said Majesty Queen Victoria, £60,000 by installments in the following manner £10,000 within ten days (since paid); £5000 on the 1st of January, 1851; £5000 on each succeeding 1st of January, until the whole shall be paid in full.

4th. Technical reservations of lands for government purposes, such as arsenals, ports, bridges, &c.

5th. That Lafone is to deliver to the governor yearly in good health the following stock: in 1847, 500 cows, 5 bulls, 4000 wild sports of the Falklands, 263 sheep, 40 rams, 20 horses.

In 1848, 1000 cows, 10 bulls, 5000 sheep, 50 rams, 20 horses, 50 mares, 5 stallions, 30 sows, and 10 boars.

In 1849, 1500 cows, 5 bulls, 5000 sheep, 50 rams, 50 mares.

500 The reasons for this are long, complicated and not directly relevant to the Falkland Islands. At least, not until the dispute was resolved by a *Treaty*. The relevance then is that General Rosas seemed to have gained all he wished, and yet made no mention of the Falkland islands during the negotiations. The final agreement claimed to have resolved ALL the outstanding issues between Argentina and Britain. *cf 1849.*

501 *The London Gazette, No. 20511*

502 Reported in *The Sydney Morning Herald*, New South Wales November 12th 1847

In 1850, 6000 sheep, 60 rams.

The sheep to be all white ewes, good breed (not merinos), common and hardy, similar to those in the colony. The stock to be delivered at such good and safe ports as the Governor may direct.”

In **May**, another negotiator, Mr. Hood, is sent to try and resolve the problems at the Rio de la Plata.⁵⁰³

Legislative and Executive Councils are formed, a police force is introduced and a room in the barracks designated as a school. Stipendiary Magistrate Moore is suspended.

August 25th, Oliver Byrne is appointed Surveyor to the settlements in the Islands.

November, Lafone sends a party of gauchos to the Islands to hunt cattle.⁵⁰⁴

December 27th, General Rosas calls for the return of the Falklands, at the opening of Congress.

1847 – Government House opens as an administrative center and Governor Moody introduces a grazing scheme to encourage small-scale farming.

In **May**, the French Count, Walewski, and an Englishman, Lord Howden, arrive in Buenos Aires to mediate between Buenos Aires and Montevideo in an attempt to end hostilities and lift the Anglo-French blockade.⁵⁰⁵

July 15th, following some differences between the French and British representatives, and a failure to get agreement in either Buenos Aires or Montevideo, Lord Howdon instructs Commodore Sir Thomas Herbert to raise the British blockade of the Rio de la Plata; “*the blockade, having entirely lost its original character of a coercive measure against General Rosas, has become exclusively a mode of supplying with money, partly the Government of Monte Video, and partly certain foreign individuals there, to the continued detriment of the extensive and valuable commerce of England in these waters; I hereby request you, Sir, to raise the blockade of both sides of the River Plate, ...*”⁵⁰⁶

July 17th, reported in *The Courier*, Hobart; “*The lands in the Falkland Islands are now for sale. ..The upset price of country lands is, for the present, 8s per acre. Town lots of half an acre each, and suburban lots of fifty acres each, will be put up at £50..... depositors will be entitled to nominate for a free passage for six, instead of four, adult labourers for every £100 deposited.*”

In **December**, in an attempt to revive Latin American solidarity, Ministers from Colombia, Chile, Bolivia, Ecuador, and Peru meet at Lima. The US sends an observer, while Buenos Aires sends only minor officials.

December 15th, Lt. George Rennie is gazetted as Governor of the Falkland islands.⁵⁰⁷

60 houses are now in use at Port Stanley. Whittington has a small farm of sheep and cattle near the old Port Louis. The population is reported as 270, of which 106 are employed by Samuel Lafone.⁵⁰⁸

December 27th, General Rosas repeats his annual claim to the Falkland Islands, to Congress.

503 Hood was unsuccessful, although the basis of his proposals would be adopted in 1849.

504 Shipping records quoted in Pascoe & Pepper 2012 p.6

505 The proposed *Treaty* included recognition of an independent Uruguay. General Rosas rejected the deal.

506 Printed in *Comercio del Plata* July 19th. The French did not immediately follow suit.

507 Gazetted November 27th. cf *The London Gazette*, No. 20801

508 Royle 1985

1848 – January 29th, “The official and private accounts from Anson, the chief settlement of the Falkland Islands colony, have been so gloomy and discouraging for some time past, that many persons have doubted the probability of continued possession; and few persons have been found adventurous enough to enter personally upon the work of colonization there. We learn, however, that since the substitution of Stanley for Anson, as the chief settlement, some very marked alterations and improvements have become apparent in the position and a prospect of the settlers; and Governor Moody has taken fresh courage, instead of applying to be recalled. Wells have been successfully sunk, and extensive drainage of the marsh lands living been resorted to, the herbage has become improved, and the cattle have thriven amazingly. The amount invested by the Government, and individual colonists at the new settlements is between £10,000 and £20,000; and the prejudices which had well-nigh proved fatal to the whole scheme of colonization having given way before a more accurate examination of the local resources, we shall not be surprised to learn that a considerable increase of population has taken place.”⁵⁰⁹

In **March**, the Lima Conference concludes; “The Congress of Lima of 1847 established the principle that all differences that may arise between two or more of the American Republics shall be settled without recourse to force, and that if the parties cannot reach an agreement by diplomatic negotiations or through the interposition of the good offices of other nations for the purpose of conciliation, such questions shall be submitted to the arbitral decision of one of the Republics or to a Congress of Plenipotentiaries.”⁵¹⁰

Article 7 of the final agreement adopts a political arrangement to define the borders between the conferring States⁵¹¹; “The confederated Republics declare that they have a perfect right to the conservation of their territories as they existed at the time of independence from Spain, those of the respective Viceroyalties, captaincies-general or presidencies into which Spanish America was divided.”⁵¹²

July 25th, Sir William Molesworth, the colonial reformist and Radical politician, delivers a long speech in the House of Commons on the subject of colonial expenditure. It is widely circulated at the time by the *Financial Reform Association*, and described as, 'a complete and searching exposure of colonial administration.'

He details the monies spent on all the colonies and says of the Falkland Islands; "... I will now conclude the catalogue of the military stations with the Falkland Islands. On that dreary, desolate, and windy spot, where neither corn nor trees can grow, long wisely abandoned by us, we have, since 1841, expended upwards of £35,000; we have a civil establishment there at the cost of £5000 a year; a governor who has erected barracks and other 'necessary' buildings, well loop-holed for musketry; and being hard up for cash, he issued a paper currency, not, however, with the approbation of the Colonial office..... What I propose to the House is this to

509 *The Perth Gazette and Independent Journal of Politics and News*

510 President Calvin Coolidge in his address to the *Pan-American Conference on Arbitration and Conciliation* 1928.

511 Under the doctrine of *terra nullius*, land that was not appropriated was susceptible to occupation. Relying on former colonial boundaries to serve as their state boundaries, the emerging Latin American nations claimed to be legally entitled to all the territory within these boundaries, irrespective of whether it had actually been explored or inhabited. The principle of *uti possidetis juris* declared that no territory in former Spanish America was without an owner and thus was not open to further European colonisation. The agreement only bound the signatories however, and the doctrine has remained controversial with little rigid adherence even between those that did sign. The arrangement has been described as 'a legal fiction of constructive possession'.

512 “*Uti possidetis juris* was a rough and ready agreement between the new Latin American states to establish their respective territorial limits. As a principle, it could be applied only to a dispute between Latin American nations. For example, it could be invoked if Uruguay claimed the Falklands on the grounds that, at the 'critical date', the islands were, in fact, administered from Montevideo, and it was the Governor of Montevideo who withdrew the garrison and settlers. Whether it is applicable in a dispute with a non-Spanish American nation is open to doubt.” Metford 1968

acknowledge the claim of Buenos Ayres to the Falkland Islands."⁵¹³

In **September**, *HMS Nautilus* brings Governor Rennie to the Falklands, and removes Governor Moody to the Cape, along with all the sappers and miners. The only Government officials remaining are the new Governor and a Surveyor General.⁵¹⁴

In **October**, Henry Southern, arrives in Buenos Aires with instructions to negotiate with General Rosas.

In **December**, the *United Services Gazette* reports; *"The Falkland Islands - We stated some time since that, for the better protection of these islands, the Admiralty had ordered a man-of-war to visit the island occasionally. A body of military pensioners are about to be sent there to form the police of the island, but, in the meanwhile, it has been deemed advisable to order a man-of-war, with some marines from Commodore Sir Thomas Herbert's squadron at Monte Video, to take care of the island until their arrival. In such remote places as the Falklands, the absence of a British pendant is too often the excuse for the indulgence of lawless conduct on the part of the discontented and ill-disposed, as it affords also an opportunity for reckless and insolent merchant-men of all nations to break through the rules and regulations of the island with impunity. No islands of the extent of the Falkland Islands, in any part of the British dominions, should be without a man-of-war pendant occasionally flying in one or other of their ports."*⁵¹⁵

December 2nd, *HMS Dido*, commanded by Capt. Maxwell, arrives in the Falkland Islands. She left Auckland on November 1st, and rounded the Cape on the 21st; *"Her run, it will be seen, was one of extraordinary speed."*⁵¹⁶

December 27th, General Rosas sends his annual message to Congress, referring to the situation with France and Britain, and citing the 1825 Treaty of Amity. He also makes mention of the arrival of Henry Southern and the *"unquestionable rights of the Republic to the Falkland islands."*

1849 – in **April**, General Rosas submits the terms, under which he is prepared to resume diplomatic relations with Britain; to Henry Southern.

April 23rd, the Earl of Harrowby, in the House of Lords, raises the issue of the negotiations taking place between Buenos Aires and London, and demands to know the what is happening; *".. It will not be enough for the noble Marquess opposite to tell us that this information cannot be given, on account of public inconvenience, arising from the circumstances that negotiations are now pending, that Her Majesty's Government are sanguine of success, that they believe the President of the Argentine Confederation will alter his tone, and receive our addresses in a more conciliatory manner than he has hitherto evinced. ...*

... Are we to agree to give a compensation of about three millions sterling for the very grave offences and the very serious damages which our Government, in concert with that of France, has inflicted on Buenos Ayres during the Anglo-French intervention? Are we prepared to give up the Falkland Isles? Or to make the whole settlement of affairs in that country dependent upon the good will of General Oribe? For these, it appears, are the only terms upon which President Rosas will deign to receive an accredited Minister from Her Majesty? In what position are our interests now?"

513 Obviously Molesworth's proposal was not taken up. It must be noted that the MP's concern was one of expenditure and value for money, rather than specific support for Argentina's claim. Molesworth was also the owner of the *London Review*.

514 *The Maitland Mercury & Hunter River General Advertiser*, New South Wales April 25th, 1849

515 Reported in *The Sydney Morning Herald* April 5th, 1849

516 *South Australian Register*, Adelaide August 29th, 1849. This was claimed to be the quickest passage on record. *HMS Dido* left the islands on the 5th and arrived at Spithead 49 days later. *cf. The Sydney Morning Herald* March 9th 1850

The Marquess of Lansdowne replies on behalf of the Government; “ .. negotiations are now pending, and proceeding upon terms contained not only in the instructions recently issued, but in the instructions issued by the noble Earl formerly at the head of the Foreign Department to Mr. Hood;... , and upon which it has recently assumed a very promising aspect, so far as it relates to the probability of the modifications founded upon the basis of Mr. Hood being agreed to. ..

What those modifications are, the noble Earl cannot expect, nor can any one of your Lordships expect, that I should now state. I can only say that those modifications do not go at all to the extent that the noble Earl has assumed Rosas is likely to ask. ..

It is said, however, that Mr. Southern is not formally received by General Rosas. It is true he is not; but I am not here to state the particular motives that may call for General Rosas' conduct. I believe his opinion is (expressing, at the same time, the utmost anxiety for the event), that the most proper moment to receive him is when the arrangement in contemplation is absolutely concluded. But, in the meantime, there is no sort of personal honour that could be conferred on Mr. Southern—either as to the mode of his reception, or with respect to the manner in which he is lodged, provided for, and communicated with—that has not been shown to him; thus exhibiting the desire of the Government and inhabitants of the country to show the high respect in which they hold the gentleman who is known to be commissioned to attend there by Her Majesty's Government. ..

The noble Earl has referred to a speech lately made by General Rosas. I believe the noble Earl has overrated the importance of that address. It is not from speeches made by General Rosas to his council or to his parliament, whatever the importance of that council or parliament may be, but it is from the direct communication of General Rosas himself, that his intentions are to be judged; and certainly from those communications I have recently received, I cannot but believe there is a desire—I had almost said, an intention—on the part of Rosas to come to a satisfactory arrangement with this country—an arrangement which, most undoubtedly, must include a due regard to the interests of persons on the other side of the river. It will be an additional satisfaction to Her Majesty's Government if, at the same time that he concludes such an arrangement, the French Government, whose case is somewhat different, may be able to conclude theirs. ...

.. I feel justified in declining to make any communication that may increase the difficulties of effecting that which ought to be a happy conclusion of the negotiation; ⁵¹⁷

May 12th, Captain J. H. Maxwell of the *Dido*, writes to the Secretary of the Admiralty extolling the virtues of a stop at the Falkland Islands when using the Cape Horn route from New Zealand claiming such shortens the journey by 20 days.⁵¹⁸

May 17th, the *Colonial Land and Emigration Commission* estimate, in its annual report, that 14 more settlers had departed for the Falkland Islands during 1848.⁵¹⁹

In **June**, the 9th *General Report of the Colonial Land and Emigration Commissioners* is published; “In the course of the year we have received a remittance, amounting to £675 11s 6d from the colony for the value of land sold there up to the present time. A deposit of £100 has been made here for the purchase of land. These sums, in addition to a balance on Mr. Lafone's first instalment, will be available for the introduction of labour. Measures are in progress for settling in the islands a small body of military pensioners, with their families,

517 *HL Deb 23 April 1849 vol. 104 cc602-17*. There is no evidence that the Falklands were ever mentioned during the negotiations.

518 *General Report of the Colonial Land and Emigration Commissioners 1850 Appendix 54*

519 *The Perth Gazette and Independent Journal of Politics and News*

who will be judiciously selected from districts in Scotland, where their present habits and mode of life are likely to make them a valuable acquisition in this colony. ...

We have not received any recent intelligence of Mr. Lafone's colonizing operations; and we shall await with some degree of anxiety the Reports of the course which that gentleman is adopting with reference to the enterprize in which he is engaged. Captain Sullivan, R.N., who was so long stationed about the Falklands, has proceeded thither, aided by some friends, who also take an interest in these islands, with a view to form a grazing establishment..."

June 1st, in a Parliamentary debate on the costs of the various colonies, Mr. Cobden says he; “ .. could not refrain from reading over the manner in which the money was expended in the government of those islands. There was a governor, 800l; magistrate, 400l.; chaplain, 400l.; surgeon, 300l.; first clerk, 200l.; second clerk, 150l.; schoolmaster, 20l.; surveyor's department, 1,230l.; public works, 1,050l.; Guachos, 300l.; purchase of stores, freight of vessels, and incidental expenses, 1,100l.; rations, 750l.—in all, 5,700l. Really, if this country had more money than it knew what to do with—if it were the most flourishing nation in the world, it would be impossible to throw away its money in a more wanton manner than they were doing.”

The Government response is that the islands are not held simply for colonial or commercial purposes, but that there are political considerations as well.⁵²⁰

July 27th, Lord Palmerston answers a question by Mr. Baille MP, which is reported the following day in *The Times*: “ ... a claim had been made many years ago, on the part of Buenos Ayres, to the Falkland Islands, and had been resisted by the British Government. Great Britain had always disputed and denied the claim of Spain to the Falkland Islands, and she was not therefore willing to yield to Buenos Ayres what had been refused to Spain. 10 or 12 years ago the Falkland Islands, having been unoccupied for some time, were taken possession of by Great Britain, and a settlement had ever since been maintained there; and he thought it would be most unadvisable to revive a correspondence which had ceased by the acquiescence of one party and the maintenance of the other.”

July 31st, Argentina's Ambassador, Manuel Moreno, protests, stating that the discontinuance of correspondence should not be interpreted as acquiescence; “ .. the Government of Buenos Aires and Confederation Argentina has never consented to the divestment of its sovereignty in the Falkland Islands made by the English Government in 1833; and that far from withdrawing their protest on June 17 of that year, reiterated in the (letter) of 29 December 1834 he has kept his undisputed rights to that possession by all media who have been in his possession, and constantly has stated its just complaint for lack of satisfaction...”⁵²¹

August 8th, Palmerston responds; “ ... the reply which I was reported by some of the London Newspapers, to have made to a question put to me by Mr. Baille in the House of Commons on the 27th of July, did not correctly describe the State of the question between the British Government and the Government of Buenos Aires respecting the Falkland Islands ... whatever the Newspapers may have represented me as having said on the occasion above referred to, I have always understood the matter in question to stand exactly in the way described by you in your letter.”⁵²²

520 *HC Deb 01 June 1849 vol 105 cc1039-78*

521 The Ambassador appears to have been unaware of the negotiations taking place in Buenos Aires.

522 “In other words, Palmerston himself had indeed mentioned Argentina's acquiescence just as Moreno had said, and the Argentine protests had indeed been made just as he had stated too, so Moreno's letter was a correct statement of the case – including Palmerston's mention of Argentina's acquiescence. Palmerston did not say the question was “unsettled” – indeed quite the reverse; he said it had been ended by Argentina's acquiescence.” Pascoe & Pepper 2008 p.23

August 11th, the *Robert Fulton* is wrecked off Prong Point, Lively island.

In **October** the population in Stanley rises to 200 with the addition of 30 Chelsea Pensioners and their families.⁵²³

November 24th, a Treaty, the; “*Convention for re-establishing the perfect Relations of Friendship between Her Britannic Majesty and the Argentine Confederation*”, otherwise known as the 'Southern-Arana Treaty', is signed in Buenos Aires;^{ix}

“*Article 7: Under this Convention perfect friendship between Her Britannic Majesty's Government and the Government of the Confederation, is restored to its former state of good understanding and cordiality.*”⁵²⁴

December 27th, in his annual Message, General Rosas mentions the exchange between Lord Palmerston and Manuel Moreno, and outlines to the Congress the British attitude of not conceding to Buenos Aires what Britain would not give to Spain.⁵²⁵

On the same day, US Secretary of State, John Clayton, writes to William A. Harris, his *charge d'affaires* at Buenos Aires; “*I transmit a copy of a letter under date the 24th instant and of the memorial which accompanied it, addressed to this Department by Mr Seward of the Senate, asking for the interposition of this Government in behalf of Isaac P. Waldron and William H. Smyly,⁵²⁶ who were injured in their persons and property at the Falkland Islands in 1832, by Louis Vernet who claimed to be the Governor of those Islands under the authority of the Buenos Ayrean Government. You will press this case for an adjustment at the same time with those of the other citizens of the United States who were aggrieved by Vernet at those Islands.*”⁵²⁷

During the course of the year, 12 English vessels stop off at the Falkland Islands.⁵²⁸



523 Wooden cottages were shipped over with them Each was granted 10 acres of land. Royle 1985

524 “*It is noteworthy that the Falklands were not mentioned once, neither during the negotiations on the Convention, nor in the text of the treaty itself. From Britain that was to be expected: Britain’s position was that the islands were British and were nothing to do with Argentina. But from Argentina that was remarkable – a peace treaty normally “resets the clock” in the relations between its signatories, and in signing and ratifying it without adding a reserve of sovereignty, or even any mention of the Argentine claim, Argentina was allowing the new situation to reflect Britain’s view that the islands were British.*” Pascoe & Pepper 2008. “*a concession to Britain or a culpable oversight?*”, *Cuando Rosas quiso ser inglés* Alfredo R. Burnet-Merlín 1974.

525 This was the last mention of the Falkland Islands in the annual *Message to Congress*, for 91 years.

526 William H. Smyly's name appears quite regularly in the history of the Falklands. The captain of an American sealer, he eventually settled in the Falklands and was American Consul by 1857.

527 *Diplomatic Correspondence of the United States, Inter-American Affaires 1831 – 1860 Vol. 1*

528 *Hansard: Supply – Civil Service* 14th July 1851 at 671

1850 - 1899



1850 – January 9th, the agreement between the British Government and Samuel Lafone is modified. The changes extend Lafone's right to the wild cattle till 1856 and his purchase of land is extended to; “.. *all that peninsular or tract of land, part of the island of East Falkland (whatever be its extent), lying south of a line of demarcation running from a point in Darwin harbour, to a point in Brenton Sound, on the other side of the island, and which line of demarcation was fixed and indicated by the late Governor Moody by stakes and mounds, ...*”⁵²⁹

May 15th, ratifications of the *Treaty* are exchanged.⁵³⁰

Algernon Sidney Montagu, is appointed resident magistrate and coroner to the Falkland Islands.⁵³¹

December 11th, the coal carrier *Waldron* is abandoned on fire between Carcass Island and New Island.

During the year, 23 English ships stop at the Islands.⁵³²

1851 – January, Lafone and his creditors establish the *Royal Falkland Land, Cattle, Seal and Whale Fishery Company* under a *Royal Charter*.⁵³³ Samuel Lafone sells his rights on the Islands to the new company for £20,000, but remains a Director and Manager.

A population census estimates the peoples present on the Islands at 287, including 78 gauchos working for Samuel Lafone. Captain Campbell of the ship, *Levenside*, is granted a licence to investigate the guano deposits of New Island.

July 14th, in a debate by the House of Commons, the actual population of the Falklands is put between 100 and 120. The discussion also notes the presence of a Governor, a magistrate and magistrates clerk, a chaplain, a surgeon and a surveyor, but no troops whatsoever. Mr. Hawes, speaking for the Government, says; “*The Falkland Islands are, in point of fact, a naval station of great benefit and advantage to the power and general trade of this empire; and when we possess a station of that sort, of course it is necessary we should have some kind of government, and proper officers to carry it into effect. It was always considered of great importance that England should possess this naval station; ...*”

⁵²⁹ *General Report of the Colonial Land and Emigration Commissioners 1850 Appendix 53*

⁵³⁰ “*If nothing be said about the conquered country or places, they remain with the conqueror, and his title cannot afterwards be called in question.*” American jurist Henry Wheaton (1785-1848), writing in 1836. Sometimes known as the *Southern-Arana Treaty*, General Rosas was in no mood to negotiate and got everything that he wanted. It is surprising that Rosas made no mention of the Falkland Islands and this, together with the preamble's use of the phrase ‘*being desirous of putting an end to the existing differences, and of restoring perfect relations of friendship*’, suggests that the Islands were no longer an issue for Buenos Aires.

⁵³¹ *The London Gazette, No. 21059*. A colourful character. When he left England in July 1850 to take up his post on the Islands, he left his wife behind, destitute. The Colonial Office arranged her sufficient funds to join her husband, but when, in June, 1854 he resigned his post and returned to England, he again left her behind, destitute. She survived by opening a small school.

⁵³² *Hansard: Supply – Civil Service 14th July 1851 at 671*

⁵³³ *The London Gazette, No. 21169.*

Parliament votes £5,000 for the islands' expenses.⁵³⁴

August 6th, the *Armantine*, with a cargo of wines and silks, is wrecked at Cape Frechel.

1852 – January 10th, the *Royal Falkland Land, Cattle, Seal and Whale Fishery Company* becomes the *Falkland Islands Company* and introduces Cheviot sheep to the Islands.

The Company also signs a 7 year contract with the British Government for the conveyance of mail, by ship, between Montevideo and the Falklands for £700 per annum.

January 26th, the *Levenside* founders in Port William. The Governor is on board.

In **February**, Capt. Hiram Clift, of the whaling ship *Hudson*, returns to New England with 2,382 barrels of whale oil and 18,000 lb of bone, taken from around the Falkland Islands.

April 28th, Plymouth newspapers report the arrival of ex-General Rosas in England as a political refugee.⁵³⁵

May 7th, Luis Vernet, now in London, submits a claim for compensation to the British Government. He states a case for £14,295 to cover lost horses, domesticated cattle, stone houses and beef left at the settlement, which, with interest, he puts at £28,000.

He also complains about the inefficient practices employed by Samuel Lafone in exploiting the wild cattle; “Whereas if the £100,000 sterling or even only £50,000 of the Company was invested and managed judiciously, the Company would prosper and the Colonization of the Falkland Islands would no doubt be effectively accomplished.”⁵³⁶

Cattle loss, to trespassing whalers, increases; “.. this is the very locality now resorted to by marauders for stealthily obtaining beef, not merely for present supply, but for committing so wholesale a destruction as will enable them to salt down sufficient for a long cruise. It is pretty well known that in numerous vessels from England, America, and other places, a stock of salt is taken out for the purpose of curing a supply of provisions at the expense of these islands.”⁵³⁷

1853 – January 8th, Governor Rennie writes to Sir John Packington; “.. I have the honour to report a continuance of the same steady, though not very rapid progress, which has prevailed in this small community during the last four years. The resort of shipping to these islands for supplies and repairs, forming one of the chief sources of prosperity, it is gratifying for me to observe the progressive increase shown by the returns of the year just ended over that of the previous year. In the year ending December 1851, 17538 tons of shipping from England and foreign parts entered this harbour; in the year ending December 1852, there were 22,024 tons, being an increase of 4,486 tons. This augmentation necessarily produces a demand for produce, labour and stores of every description, affording remunerative profits to the storekeepers and employment at good wages to the labouring classes, unskilled 3s to 5s per diem, and skilled 6s to 10s. Provisions are abundant, and at reasonable prices.

The transference to the Falkland Islands Company of the large interests held by Mr. Lafone, and the commencement by that corporation of a more comprehensive system of operation, supported by a large

534 *Hansard: Supply – Civil Service* 14th July 1851 at 672

535 *HL Deb* 29.4.1852 vol.120 cc1278-83 *Hansard*. There is some evidence that the British Minister, Robert Gore, facilitated Rosas' escape from Buenos Aires, following his defeat by the forces of General Urquiza in February, 1852.

536 *Monsieur Vernet's Case 1852 - 1860* National Archive CO 78 43

537 *Atlantic and transatlantic: sketches afloat and ashore* L.B. Mackinnon. 1852

capital, gives me very favourable hopes of benefit to the colony, and I trust to the shareholders. It is, however, worthy of remark. That whilst a powerful company, invested with great privileges by Her Majesty's Government (as regards its property in land and cattle) has likewise established a considerable mercantile warehouse in the town of Stanley, the general business is going on so satisfactorily that all the original storekeepers are now adding to their premises and extending their dealings. The master of a barque, the *Record*, lately in the harbour, publicly notified that he would take passengers to the gold diggings in Australia at 10l. per head, and it gives me much pleasure to add, that not a person could be found in the colony to accept his proposition. In the year 1849, I put up for sale 12 allotments of one acre each, of suburban land near the town, suitable for the working classes to build on or to cultivate as gardens, and the amount realized averaged 6l. per acre, being three times the usual government price. A few weeks since, having been given to understand that other parties wished to have an opportunity of purchasing similar allotments, I selected 11 of the same extent, but not quite equal to the former in situation. The price on this occasion reached 12l. Per acre on the average, or six times the usual fixed sum, and twice that of 1849. The grumbling and discontent manifested by a portion of the enrolled pensioners settled here has subsided since the notification to them by the Secretary-at-War that they were at liberty to return to England if they preferred to do so, nor has even one of them up to the present time availed himself of the permission. Small comparatively, as the instances are which I have the honour to communicate, I trust they may lead to a more just appreciation of the capabilities and utility of this colony, and of the favourable prospects which it affords to steady and industrious emigrants.”⁵³⁸

January 27th, a Canadian barque, *Actaeon*, puts into Stanley. After being declared unfit, she is scuttled.⁵³⁹

February, the Governor announces the discovery of large quantities of guano on the Islands.⁵⁴⁰

Norberto Riestra travels from Buenos Aires to London to pay off 24 years of arrears to Barings Bank.⁵⁴¹

May 26th, an announcement from the Department of State, Washington; “Official information has been received at this Department that the British authorities at the Falkland island having complained to their Government that the wild cattle on those islands are frequently killed, and that other depredations are committed there by persons landing from vessels under the flag of the United States, it is the intention of the British Government to send a force thither competent to prevent a repetition of such acts. Consequently, masters of vessels and other citizens of the United States resorting to that quarter are warned that, if they commit spoliations in the Falkland islands, they will incur the penalties which may be prescribed therefor.”⁵⁴²

October 31st, Port Stanley is described as a, “.. really decent-sized little town, with its church, exchange, two public houses called hotels, and two billiard-rooms, with a port full of vessels at anchor, including two large American ships; all had put in for repairs, for which the port affords every facility... Nine hundred thousand acres of land in these islands are sold or leased, and three million acres remain to be sold.”⁵⁴³

The population on the Falkland Islands reaches 500.

1854 – January, deserters from the US whaler *Hudson*, and her tender, *Washington*, arrive in Stanley.

They make a statement to the effect that in addition to hunting whales, the captains of the two vessels have authorised the killing of a large number of pigs, on which they'd lived for some eight months. The pigs are the

538 Quoted in *Brazil, the river Plate, and the Falkland Islands, with the Cape Horn Route* William Hadfield 1854

539 *Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum.*

540 *The New York Times* Feb. 10th

541 *The English in South America ...* M.G. Mulhall 1878

542 *The New York Times* May 28th, 1853

543 *Three Years Cruise in the Australasian Colonies* by R. E. Malone 1854

property of the *Falkland Islands Company*.

Arrest Warrants are issued for Captains, Clift and Eldridge, and the Constable sails to New Island in *HMS Express*, to effect the arrests.

February 26th, the warrants are executed, the *Hudson* detained and taken to Port William.

*“.. master of an American whaler, touching at the Falklands, is charged with the slaughter of twenty-two hogs. The commander of a man-of-war which unfortunately happens to be on the station, is employed to arrest the captain, but he does more, he arrests the ship, takes her from her moorings, and brings her into port, as if she had been guilty of the depredations on the swine. ..”*⁵⁴⁴

Commander Lynch, in the *USS Germantown*, is ordered by the US Consul in Montevideo, to go to the Islands and protect its citizens.

March 2nd, the American ship arrives off the Islands and an acrimonious exchange of letters takes place between Commander Lynch and Governor Rennie.

At his trial in the local Magistrates Court, Capt. Clift asserts that he, and other whaling captains, had released hogs onto the Falklands on previous occasions; and therefore had the right to take their descendents. The local prosecutor claims that the pigs are 'cattle' for the purpose of the local ordinance; and killing them without authority is punishable by a £40 fine for each animal. The offending Captains are found guilty and fined.⁵⁴⁵

An official complaint is made by the US Government.⁵⁴⁶

As a result of the threats by the Americans, a volunteer defence force is established on the Islands.⁵⁴⁷

April 1st, the *Courier* is wrecked on Bull Point.

June 9th, in the House of Commons a question is put to Mr. Peel by George Dundas about whether; *“.. any official information has been received regarding a fracas said to have occurred at the Falkland Islands, in which the American whaler Hudson was seized by Her Majesty's ship Express...”*

The official response is that; *“.. the circumstances were under consideration, and that it would be inconvenient at present to produce the correspondence.”*⁵⁴⁸

June 12th, the *War and Colonial Office* in London is reorganised, with the *Colonial Office* being assigned to a new *Secretary of State for the Colonies*, Sir George Grey.

June 22nd, a report of Parliamentary news from Great Britain, in *The New York Times*; *“ On the notice book, is a motion for an inquiry into the seizure of Americans at Falkland Islands.”*

July 1st, Secretary of State Marcy writes to the British Minister in Washington alleging that the warning issued by the Department of State the previous May; *“... said nothing about the sovereignty of the islands... if the fact, however, be admitted that these islands were British territory, the treatment of the American ships must be*

544 *Empire*, Sydney September 15th, 1854

545 Reports vary. The *Empire* puts the original fine at £880 which would be 22 pigs at £20 each, but then goes on to say that, following the threats from the American man-of-war, the fine was reduced to £27. One report in the *New York Times* puts the total fine at £22, and claims that the *USS Germantown* had fired shots over the roof of the Magistrates Court building. *cf.* 1871 & 1872

546 *A Digest of International Law...* John Basset Moore vol.1 1906

547 This unit was unnamed, but sometimes referred to locally as the *Stanley Volunteers*.

548 *The Sydney Morning Herald* August 22nd, 1854

considered as exceedingly hard. A still graver matter of complaint is the pretension set up by these authorities to exclude our citizens from fishing and taking whale in the waters about these islands. This right they have long enjoyed without its being questioned.”

August 15th, reported in the *Geelong Advertiser & Intelligencer* of Victoria; “*The fracas as Falkland Islands is likely to be settled in the one proper way, vis., by payment of compensation to the American captain whose ship was arbitrarily seized by an English ship of war, against the law and usages of nations.*”

September 21st, responding, the British Foreign Secretary, Lord Clarendon, disavows the action of taking the offending vessels to Port Stanley but expresses surprise that Secretary Marcy should;

“.. appear to call into question the right of Great Britain to the sovereignty of the Falkland Islands. Her Majesty's Government will not discuss that right with another power, but will continue to exercise, in and around the islands of the Falkland group, the right inherent under the law of nations in the territorial sovereign, and will hold themselves entitled, if they think fit, to prevent foreigners, to whatever nation belonging, from fishing for whale and seal with three marine miles of the coast, or from landing on any part of the shores of the Falkland Islands for the purpose of fishing or killing seals. Furthermore, and to prevent all possibility of mistake. Her Majesty's Government declare that they will not allow the wild cattle on the Falkland Islands to be destroyed, or other depredations to be committed on the islands by any foreigners, to whatever nation they may belong, and that all persons committing any such spoliations on the islands will be proceeded against under the enactments of the colonial laws.”⁵⁴⁹

September 27th, Secretary Marcy instructs the US Ambassador in London to file a claim against the British Government, but then, in a private letter, cancels the instruction.⁵⁵⁰

Sir Robert Phillimore considers legal aspects of sovereignty; “.. writers on international law agree that the Use and Settlement, or, in other words, continuous use, are indispensable elements of occupation so called. The mere erection of crosses, landmarks and inscriptions is ineffectual for acquiring or maintaining an exclusive title to a country of which no real use is made A different opinion appears, indeed, to have been entertained by the officers of Great Britain in 1774, at the period of her temporary abandonment of the Falkland Islands.”⁵⁵¹

October 17th, the *Glaucus* is wrecked at Governor Island.

November 26th, the *George Butz* is wrecked on Grand Jason.⁵⁵²

1855 – February 5th, a missionary station is built on Keppel Island, by the *South American Missionary Society*.⁵⁵³ “As for the mission station at Keppel Island, no one could be so blind as not to see what it was most like – another speculation! Natives imported to work there under various pleas! one hundred and thirty head of cattle to be bought! shares and profits talked about, and such like, did not savour much of what was said to be merely a mission to the natives.”⁵⁵⁴

549 Moore 1906

550 This letter has never been published, but the reasoning appears to be that the submission of a claim would recognise the right of sovereignty to vest in the British; while US foreign policy called for them to remain neutral on the question. cf. Moore 1906

551 *Commentaries upon International Law*, London, 1879

552 *Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum*

553 Focused on the Yaghan tribe of Tierra del Fuego, the site in the Falklands was apparently chosen as it offered a less hostile environment in which to learn the Yaghan language.

554 *A Two Years Cruise off Tierra Del Fuego, The Falkland Islands and in The River Plate* W. Parker Snow 1857 p.133

April 25th, the New York barque *Ortona*, carrying timber, is lost to a fire in Port William.⁵⁵⁵

June 7th, Thomas Warwick Brooke is appointed Stipendiary Magistrate on the Falkland Islands.⁵⁵⁶

August 9th, the *Carlton* is wrecked at Cape Carysford.

August 12th, the *Herald* is wrecked on Bird Island.

In **November**, Capt. Thomas Laws Moore takes over as Governor.

December 1st, Cape Pembroke light tower commences operation.⁵⁵⁷

1856 – May 5th, Luis Vernet writes to Lord Harrowby; “... *the wish, to get my Colony under the British Flag, was in accordance with my own interests and those of my colonists, which required such change of flag; because situated as we were on the Highway of Nations, we could not expect permanent prosperity, unless placed under the sovereignty of a Government capable of protecting us against filibustering or other aggressions. As to the grants of Land, wild cattle, and privileges, these were originally obtained not with the view to establish any claim to the Islands on the part of Buenos Ayres, but merely to secure the best protection I could for my new colony, from the Authorities for the time being, regardless who they might be.*”⁵⁵⁸

May 10th, Vernet⁵⁵⁹ has a letter published in the *Illustrated London News*; “*Having just seen in your paper of the 12th instant an article accompanied by some sketches, on the Falkland Islands, for which you say you are indebted to the courtesy of the late Governor of those islands, I beg leave to ask you upon what grounds, or with what intention, in my name has been so unwarrantably handled therein, especially as I am at present in London, and in correspondence with the present Government, for the purpose of claiming British protection and justice against the arbitrary acts and misrepresentation of certain British authorities, which have been the cause of my remaining, for these last eighteen years, dispossessed of my private property in the East Falkland Islands, after an honourable possession of very many years previous.*

It cannot, therefore, be expected that I shall, after so many years of unmerited grievances, pass over in silence any new misrepresentations or ex parte statements, which, if left uncontradicted, may have a tendency to injure me in the estimation of the public, as I possess ample evidence to convince every impartial man that I was perfectly justified in pursuing the course I did with regard to the Falkland Islands.”

March 9th, the surveying vessel *Pandora*, arrives for a 6 day stay, en-route from New Zealand to England.

April, “*The constable, Parry, is an old hand,... Parry's wife, a coloured woman, was I believe a resident at Port Louis when the murder of Mr. Brisbane took place; as also was another woman by name Antonini, a half caste Spanish American, and now employed at the Falkland Company's Farm, at Hope-place. Whaling is followed up principally by the Americans, who occasionally make their call at Stanley, but form their headquarters at New island, in the Western Falklands... As a class they are a highly intelligent and competent body of men; ...That they have a stern and often unpleasant bearing when called upon to acknowledge aught wherein British rights are claimed is too evident to be denied.*”⁵⁶⁰

555 *Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum*

556 *The London Gazette*, No. 21726. According to Snow, the magistrate had actually arrived that March.

557 *The New York Times* Nov. 24th

558 *AGN, Buenos Aires, Sala VII, F.131, doc. 46* quoted in Pascoe & Pepper 2008

559 Whilst in London he appears to have reverted to using the English form of his first name, ie. Lewis.

560 Snow 1857 p.225. Also *Hunt's Merchant Magazine* 1859 p.141

May 26th, an officer aboard the *Pandora* writes to a friend in Tasmania; “ .. *I will endeavour to give you a few words about the Falkland Islands. Since your day the Seat of Government has been removed to Stanley Harbour, S.side Port William. It is not very far from the old site, being only the next Island South of Port Berkley, but as Port William is only 4 miles deep, it is more accessible than Port Berkley, which is 12; moreover the prevailing wind blows athwart the entrance to Stanley harbour, so that vessels may sail through almost any day, while at Port Louis the entrance lay in the direction of the wind, it was therefore difficult to access.*

The present Governor, Capt. T.E.L. Moore R.N., who has only been there since last November, is a straightforward, honest man, anxious to do everything to improve the place; the other two (his predecessors) Moodie and Rennie, appear to have been most extraordinary geniuses, the latter in particular, his great object appearing to have been if possible to annihilate the Falkland Island Company. Jealousy was probably the cause of this; the Company's agent employing most of the people, had of course most influence.

The present Governor appears to have none of this petty jealousy, but is rendering all the assistance he can to the Company's agent, Mr. T. Havers. Already I am told there is a great improvement in many ways, and as Mr. Havers is a most energetic, talented man, I have no doubt there will be still further improvements.

The population of Stanley is about 300, and about 100 more are scattered throughout the Islands. Thirty of the Stanley people are pensioners; how differently situated to the happy pensioners in New Zealand. Looking at their bleak gardens, and thinking of their bare pensions, we could not but draw invidious comparisons.

The principle value of the Falklands for many years will be as a place of refreshment or refit for passing vessels, and this it bids fair to become, as its advantages are better known. Already vegetables, meat, water &c. may be obtained in quantities. A vessel disabled might also even now obtain valuable assistance there in the shape of rope, canvas, and spars, as these articles are kept on hand, but only at present to a limited extent; but as the demand increases so will the supply. To vessels from New Zealand and Australia, the Falklands must always be a consideration; indeed I think any Captain who keeps his people more than 50 days at sea should be tried under Martin's Act.

There is a lighthouse, fixed light, visible 19 miles, on Cape Pembroke, the south entrance of Port William, from here a vessel may beat up to the harbour in 3 hours, and a pilot is always in attendance; fee £2 in and £1 out, no port duca; water running into your boat for 1s 6d per ton: fuel dear, no wood growing on the islands.

The cattle on East Falkland Island (there are only a few on West Falkland) have been variously estimated at from 15,000 to 50,000; the Company, which receives its charter finally in 1858 (I think); if it can prove the possession of 20,000 will do this, but it is not supposed they will greatly exceed that number. The Tussock grass is quite gone as a staple; the cattle wasting large quantities to get at the roots, it is now almost unknown about their feeding districts.⁵⁶¹

In **August**, the Rev. Mr. Despard, missionary for the *South American Missionary Society*, arrives at Stanley.

1857 – Luis Vernet is awarded compensation of £2,400 by the British Government, for his losses, reduced to £1,850 because of outstanding promissory notes.⁵⁶²

Juan Bautista Alberdi, Envoy Extraordinary and Minister Plenipotentiary to the Courts in London and Paris initiates negotiations with Spain for an acknowledgment of independence for Argentina.

561 *The Courier* (Hobart, Tasmania) Thursday 15th January 1857

562 *Monsieur Vernet's Case 1852 – 1860'* National Archives CO 78/43. The file's dates suggest that he appealed.

Catholic residents on the Islands write to Cardinal Wiseman, archbishop of Westminster, asking for a priest to be sent to attend their spiritual needs. The request is passed on to the archbishop of Buenos Aires, Dr. Mariano Escalada, who recommends that a priest from Argentina visit every 7 years.

Friar Lawrence Kirwan travels to Port Stanley, seeking to buy a plot of land; in order that a Catholic chapel can be built.

July 27th, in *The New York Times*, “*That Great Britain entertains for a moment the abandonment or relinquishment of the Falkland Islands ... as has been intimated, is not to be conceived for a moment.*”

August 7th, Lt. Charles Compton Abbott is gazetted to be the Commanding Officer of a Detachment of Troops; 'to be employed in the Falkland Islands.'⁵⁶³

October 24th, the US ship, *Antoinette*, founders. Part of the crew manage to get to Port William and report the incident to the US Consul, Capt. Smyly, who takes a boat out to rescue the remaining members of the crew.⁵⁶⁴

November 23rd, the *Antoinette* is wrecked on Sea Lion Island. The crew are saved in two boats.

1858 – April 12th, the *Leopold* is wrecked on Grand Jason.

May 26th, John Markham Dean is gazetted Consul in the Falkland Islands for Denmark.⁵⁶⁵

July 5th, an article in *The New York Times* estimates that there are 20 – 30,000 wild cattle on the Falkland Islands, and some 800 inhabitants.

1859 – July 9th, a 'Treaty of Recognition, Peace and Friendship' is signed in Madrid between Spain and the Argentine Confederation.⁵⁶⁶

Queen Isabella acknowledges the Argentine Confederation as a; “*free, sovereign and independent nation.*” Isabella renounces, for herself and her successors, Spanish sovereignty over the territory of the Argentine Confederation.⁵⁶⁷

September 4th, the American clipper, *Russell*, strikes Billy Rock and sinks in Berkeley Sound.

November, the Province of Buenos Aires negotiates to join the Confederation.⁵⁶⁸

1860 – the *Falkland Islands Company* is given sole rights to the cattle in the south of East Falklands. The right to other wild cattle on the islands reverts to the Government, which moves to protect them.

563 *The London Gazette*, No. 22029

564 *The New York Times* April 8th, 1858

565 *The London Gazette*, No. 22145

566 “.. *When, finally, Spain agreed to recognise the independence of Argentina in 1859, it was Argentina without the Falklands, with no explicit transfer of any rights which Spain may have held over the archipelago. As Britain was mediator between the newly constituted nation and the former mother country, it would have been most unlikely that she would have permitted any such transfer or allowed into the treaty of recognition anything which could be interpreted as a challenge to British sovereignty in the islands.*” Metford 1968

567 Robertson 1918

568 “*Buenos Aires, the largest Argentine province, had refused to take part either in the convention that adopted the Constitution of 1853 or in the resulting Argentine Confederation ... Buenos Aires was eventually defeated by Confederation forces ... As a condition of peace, Buenos Aires agreed to join the Confederation, but subject to changes in the constitution.*” *Don't Copy Me Argentina: Constitutional Borrowing and Rhetorical Type* Mitchell Gordon 2009

April 20th, Captain William Surtees Cook is appointed Commanding Officer of the Detachment of Troops.⁵⁶⁹

May 3rd, 160 acres of New Island is leased to *Smith Brothers & Co.* of Montevideo.

On the same day, the Rev. Charles Bull is appointed Colonial Chaplain.⁵⁷⁰

In **June**, the *Treaty of Union* between the Argentine Confederation and Buenos Aires is signed and the united country is to be known as the República Argentina. The changes to the agreed *Constitution* however, now require a new *Treaty of Recognition* with Spain.

June 27th, ratifications of the 1859 *Treaty* take place in Madrid.

August 16th, the *Colonsay*, a British ship out of Glasgow, is wrecked on Speedwell Island.

September 5th, the *Alexander*, a Liverpool built barque, is wrecked at Mengeary Point, Port William. All the crew are saved.⁵⁷¹

September 25th, the new Constitution of the Argentine Republic takes effect.

“Article 35: The names of "The United Provinces of the River Plate," "The Argentine Republic," "The Argentine Confederation," adopted in succession ever since 1810, shall be allowed in the future to be used indistinctively for the official designation of the government and the territory of the Provinces; but the name of "The Argentine Nation" shall be used in the enactment and approval of the laws.

Article 67: The National Congress shall have power: ... 14. To settle finally the limits of the Republic, to fix those of the' Provinces, to create new provinces, and to provide by special laws for the organization and the administration of the government of the national territories, which may be left outside the limits of the Provinces.

Article 86: The President of the Nation shall have the following powers: ... 11. He opens every year, in the presence of the two chambers assembled for this purpose in the hall of the Senate, the sessions of Congress, on which occasion he shall furnish information as to the state of the Nation, ... ”

1861 – a population census estimates the peoples present on the Islands at 541.

A 'Shipping Register' is opened at the Falklands.⁵⁷²

March 20th, reported in the *New York Times*; “ *The British bark 'True Briton', with a cargo valued at \$200,000, from London to Victoria, sustained serious damage off Cape Horn, and put into Falkland Islands, where her cargo will be sold to pay expenses.*”

A parcel of land is purchased for the building of a Catholic chapel.

April 25th, Edward Wallace Goodlake is gazetted Stipendiary Magistrate at Stanley.

1862 – A French map shows Patagonia as *terra nullius*.

March 31st, Edward Macartney is appointed Colonial Secretary on the Islands.

569 *The London Gazette*, No.22378

570 *The London Gazette*, No.22382

571 *Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum*

572 Now part of the *Red Ensign* Group.

September 10th, Capt. James George Mackenzie takes over as Governor.⁵⁷³

1863 – January, Vice-Admiral Luiz Hernández de Pinzón leads a diplomatic mission to Buenos Aires.

February 27th, the Falkland Islands receive the diplomatic mission. Admiral Pinzón arrives in the *Resolucion* and fires a salute to the British ensign before inviting the Governor on board his Flag Ship. Gifts are exchanged.

February 28th, the Spanish vessel, *Nuestra Senora del Triunfo*, arrives at Stanley to join her sister ship.

April 9th, the two Spanish vessels depart.

June 15th, Edward Rogers Griffiths is appointed Stipendiary Magistrate.

September 21st, a 'Treaty of Recognition, Peace and Friendship' is signed by Spain and the Argentine Republic in Madrid:

*“Article 1: Your Catholic Majesty recognises the Republic or Confederation of Argentina as a free, supreme and independent nation that consists of all the provinces mentioned in its present federal Constitution, and other legitimate territories that belong or could belong in the future. According to the Spanish Parliament Act of December 4th 1836, the kingdom renounces any rights and actions on the territory of the Republic”.*⁵⁷⁴

October 4th, the *Adeline*, a Prussian barque loaded with sugar, is wrecked off East Falkland.

1864– December 26th, William Valpy is gazetted as Colonial Surgeon for the Islands.

1865 – Friar Patrick Dillion visits the Islands and administers to the 200 Catholics he finds there.

May 1st, President Bartolomé Mitre refers to the 1850 Treaty in his opening address to the Argentine Congress; “... there was nothing to prevent the consolidation of friendly relations between this country and those governments.”⁵⁷⁵

During the course of the year 15 vessels arrive seeking repair, 24 wanting provisions and 31 looking to trade.⁵⁷⁶

1866 – farming is established on West Falkland.

May 1st, Vice-President Marcos Paz opens Argentina's Congress and refers to an old dispute with some British citizens; *“The British Government has accepted the President of the Republic of Chile as arbitrator in the reclamation pending with the Argentine Republic, for damages suffered by English subjects in 1845. This question, which is the **only one** between us and the British nation, has not yet been settled.”*⁵⁷⁷

USS *Kansas* makes an official visit to the Falkland Islands.⁵⁷⁸

573 *The London Gazette*, No.22662

574 *Article 4* refers to debts etc, and also to the Territories evacuated by Spain on May 25th, 1810, the date that Buenos Aires refused to recognise the Junta in Spain. It has to be noted that Spain did not evacuate the Falklands until February 13th, 1811

575 i.e. France and Britain. “... no ha habido sino motivos para consolidar las relaciones amistosas que existen entre éste y aquellos gobiernos.” in *Los Mensajes 1810-1910* Heraclio Mabragaña Buenos Aires 1910, vol.III, p.227

576 Royle 1985

577 *British and Foreign State Papers 1866-1867* 1871, p.1009; original in Mabragaña, 1910, vol.III, p.238

578 *The New York Times*, June 30th

May 19th, William Cleaver Francis Robinson becomes Governor.⁵⁷⁹

May 31st, the *La Santiago*, an Argentine ship, is wrecked on George Island.

September 25th, the American passenger vessel, *Charles Cooper*, arrives, crippled, at Stanley harbour.⁵⁸⁰

1867 – it is reported that 4 vessels employed in the penguin and seal oil trade in the Falklands, collected 50,700 gallons of penguin oil during the season.⁵⁸¹ Sheep are introduced to West Falkland by James Waldron.

May 31st, a British barque, *Coquimbana*, carrying copper and barley, is wrecked in Falkland Sound.

1868 – a Falkland Islands Wolf is taken for exhibition at London Zoo, but does not survive.⁵⁸² *“The only quadruped native to the island, is a large wolf-like fox, which is common to both East and West Falkland. Have no doubt that it is a peculiar species and confined to this archipelago ... These wolves are well known from Byron's account of their tameness and curiosity ... Their numbers have rapidly decreased ... in all probability this fox will be classified with the dodo, as an animal which has perished from the face of the earth.”*⁵⁸³

April 19th, Italian barque *Peru*, wrecked in Albemarle Waters.⁵⁸⁴

1869 – May 1st, in his 'Message to Congress', Argentina's President Domingo Sarmiento announces; *“The state of our foreign relations fulfills the aspirations of the country. Nothing is claimed from us by other nations; we have nothing to ask of them except that they will persevere in manifesting their sympathies, with which both Governments and peoples have honored the Republic, both for its progress and its spirit of fairness..”*⁵⁸⁵

Antonina Roxa, one of Vernet's original settlers, dies on her farm in the Falklands.⁵⁸⁶

June 14th, Frederico Cobb is appointed Italian Consul in Stanley.⁵⁸⁷

In **November**, an article by a José Hernández, is published in the *El Rio de la Plata*: *“Meanwhile, the Argentine government, which has fully paid all debts arising from injury to foreign nationals, which has to date had close and cordial relations with all European and American governments, except in Paraguay, has not obtained redress for the serious damage caused to a citizen of Argentina for the destruction of the colony Soledad, not least by the usurpation of the Falkland Islands, seized by the British We believe that this is due to the indifference of our government, or the weak efforts that have been submitted to the foreign cabinets.”*⁵⁸⁸

December 29th, Waite Hockin Stirling is consecrated as the first Bishop of the Falkland Islands. The bishopric has responsibility over 7 consular chaplaincies in South America.

579 *The London Gazette*, No.23118

580 Sold for use as a storage hulk, and used as a warehouse, before becoming a part of the Jetty Head. No trace remains.

581 It was estimated that 8 penguins were required for 1 gallon, which then fetched 8p.

582 *Dusicyon australis* also known as the Warrah.

583 Charles Darwin, who encountered the animal in 1833.

584 *Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum*

585 Heraclio Mabragaña 1910, vol.III, p.286

586 *Register of Deaths and Register of Burials*, in JCNA, Stanley. Quoted in Pascoe & Pepper 2012

587 *The London Gazette*, No.233507

588 The article also includes a description of a visit to the islands and adds, *“Few Argentines have been in the Falklands after the unjust British occupation. Those that still exist there are no more than twenty,”*

1870 – February 24th, William Colonel George Abbas Kooli D'Arcy is gazetted Governor.⁵⁸⁹

March 31st, Don Jose Sanchez Bazan becomes the Consul for Chile in Port Stanley.⁵⁹⁰

July 12th, the *Alto*, a United States whaling barque, is wrecked when it unexpectedly encounters Jason Cay West, an islet in the north-west of the archipelago. The islet is not marked on the ship's charts.

December 4th, the Prussian schooner *Vampyr* is wrecked in Low Bay.

1871 – January 7th, Luis Vernet dies, aged 79, in San Isidro, Argentina.

One of Vernet's original black slaves, Gregoria Madrid, dies at her home in the Falklands.

In **February**, Prince Alfred, Duke of Edinburgh, visits the Falklands.

A population census identifies 811 people present on the Islands.

May 8th, the *Treaty of Washington* settles the remaining differences between Britain and the United States. This *Treaty*, *inter alia*, makes provision for arbitration to consider outstanding matters lying between the two parties; and for the arbitration panel to decide upon compensation.⁵⁹¹

May 16th, the US Senate calls for the papers relating to the seizure of the *Hudson* and *Washington* by British authorities at the Falkland Islands in 1854.

May 17th, US Secretary of the Navy, George M. Robeson, writes to his Government; *“I have the honor to acknowledge your reference to this Department of a copy of the Resolution, adopted by the Senate of the United States on the 16th instant, calling for information on the subject of the seizure of the American ships Hudson and Washington at the Falkland Islands, by the British Authorities, in the year 1854; and to transmit herewith a copy of a despatch dated April 1, 1854 from Commo. W.D. Slater, at that time commanding the Brazil Squadron, together with the report and correspondence therein mentioned, from Commander W.F. Lynch, regarding the subject of the Senate's inquiry.”*⁵⁹²

June 19th, the British barque, *Princess*, loaded with pig iron, sinks in Port Sussex.

December 15th, the USA submits its case to the arbitration panel sitting in Geneva.

1872 – the Reverend Yeoman arrives at Darwin to administer to the members of the Free Church of Scotland who are resident in that area.

January 16th, President Grant writes to the Senate; *“In answer to the Resolution of the Senate of the 6th of May last, calling for papers, correspondence and information relating to the case of the ship Hudson and the schooner Washington I transmit reports from the Secretaries of State and of the Navy, and the papers by*

589 *The London Gazette*, No.23590

590 *The London Gazette*, No.23603

591 Possible the first time that two countries submitted themselves to such an arbitration panel. *cf. The Triumph of Diplomacy Through International Arbitration: The Alabama Claims and the Geneva Arbitration Tribunal of 1872* Samuel M. Fuchs 2011. It is difficult not to see a link between this and the previously abandoned compensation claim on behalf of the owners of the *Hudson* and *Washington*. There is no other obvious reason as to why the US Senate called for the papers from 1854 just a week after the *Treaty* had been signed.

592 *The Papers of Ulysses S. Grant: 1871 – 1872: Jun.1 – Jan.31 LS, DNA, RG 46, Presidential Messages*

which they were accompanied.”⁵⁹³

Friar William Walsh visits Stanley to attend to the Catholics there.

September 8th, the British ship, *City of Amoy*, is wrecked at Mengeary Point after its cargo shifts.

1873 – an iron built church is shipped from Scotland to Darwin.

April 11th, the *Neptune* is wrecked on Kelp Islands.

June 15th, the *Stella Maris* Catholic chapel is completed.

1874 – February 7th, the Governor notifies the Secretary of State for the Colonies that, owing to an outbreak of cholera in Buenos Aires, the Health Officer at Stanley; “will be very guarded in giving pratique to vessels arriving”, from that port.⁵⁹⁴

April 18th, the *Anne Brookes* is wrecked in Fox Bay.⁵⁹⁵

A tallow works is set up at Darwin by the *Falkland Islands Company*.

September 4th, the *San Greal* is lost in Ruggles Bay. A three masted schooner under the command of Captain Samuel Kent.

October 20th, the vessel, *Moss Trooper* burns 25 miles south of the archipelago.

Chile and Argentina agree to put their various border disputes, including the Strait of Magellan, to arbitration.⁵⁹⁶

1875 – the United States of America opens a consulate in Stanley.

Argentina cancels its agreement regarding arbitration with Chile.

October, Friar James Foran is the first resident Catholic priest at Stanley.

1876 – May 13th, the *Fortunate* is wrecked in Uranie Bay.

May 18th, Jeremiah Callaghan becomes Governor.⁵⁹⁷

June 20th, Lt. Alfred Carpenter is awarded the Albert Medal for his attempt to save Able Seaman Thomas Bush, who fell overboard in Stanley Harbour, from *HMS Challenger*, on 31st January.⁵⁹⁸

The Falkland Islands Wolf is declared extinct.

593 *Ibid LS, DNA, RG 46, Presidential Messages SED, 42-2-19*. It is interesting that the Senate's request was acknowledged so promptly, but then the papers were not transmitted by President Grant until some 7 months later. A month after the submission of the USA's case to the Geneva arbitration panel. *cf. Fuchs 2011*

594 *The London Gazette, No. 24085* The pratique was the licence given to a ship to enter a port, on an assurance that the vessel was free of contagious disease.

595 *Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum*

596 The United States, and the European powers had made it very plain that they would brook no interference with their right to pass through the Strait. As a result Chile promised freedom of navigation.

597 *The London Gazette, No. 24327*

598 *The London Gazette, No. 24339*

1877 – June 12th, George Markham Dean is appointed Consul for the King of Sweden/Norway, in Stanley.⁵⁹⁹

Lowther Brandon, a Church of Ireland clergyman, takes up the position of Chaplain.⁶⁰⁰

October 16th, the Secretary of State for the Colonies informs the Governor that an application for the Falkland Islands to join the General Postal Union is being prepared.

December 6th, Lord Carnarvon writes to Governor Callaghan; *“I have the honor to inform you that having received a representation from the Falkland Islands Company on the subject of providing the Colony with a distinctive postage stamp and having been advised by Lord John Manners of the desirability I have directed the Crown Agents to take immediate steps for procuring the material necessary for providing your Government with stamps of 2 denominations viz 1d & 6d in value. I presume that 2 kinds will be sufficient ...”*

1878 – June 19th, the first 1d, 6d and 1 shilling Falkland Islands stamps are issued featuring the profile of Queen Victoria.

Sheep numbers are estimated at 312,000.

1879 – January 1st, the Falkland Islands joins the Postal Union.

The GPU is renamed the *Universal Postal Union* and Argentina joins.⁶⁰¹

1880 – September 13th, Thomas Kerr is gazetted Governor.⁶⁰²

The population of the islands is now put at 1,497.

November 15th, the *G. F. Haendal* carrying coal and general goods is lost to a fire in Port William.

1881 – The islands economic activities and conservation are regulated under the *Sealing Ordinance*.

A population census identifies 1,510 people present on the Islands.

July 2nd, Henry Lasar is appointed Consul for the United States of America in Stanley.⁶⁰³

August 30th, already fighting Bolivia and Peru, and not wishing to open up a 3rd front with Argentina, Chile is forced to agree to the *Treaty of Peace, Friendship, Commerce and Navigation*. This delineates the borders between Argentina and Chile, giving Argentina a large portion of Tierra del Fuego.

Articles 2 and 3 gives the area of the Strait of Magellan, and the land south of the Beagle Channel, to Chile; *“and to Chile shall belong all the islands to the south of Beagle Channel up to Cape Horn, and those there may be to the west of Tierra del Fuego.”*⁶⁰⁴

599 *The London Gazette*, No. 24473

600 An energetic man who did not return to Ireland until 1907, Brandon founded a savings bank and magazine. He also set up abstinence societies to combat drunkenness.

601 Argentina registered no objection to the Falkland Islands also being members.

602 *The London Gazette*, No. 24882

603 *The New York Times* July 3rd

604 Quite what constituted the Beagle Channel would become an increasing source of tension between the two countries. The first real attempt at arbitration resulted in the *Beagle Channel Case* of 1977 when the judges, *inter alia*, considered the concept of *uti possidetis juris*. cf Feb 18th 1977

*Article 5 states; " The Straits of Magellan shall be neutralized for ever, and free navigation assured to the flags of all nations. In order to assure this freedom and neutrality, no fortifications or military defences shall be constructed on the coasts that might be contrary to this purpose."*⁶⁰⁵

A penal colony is established at Ushuaia in Tierra del Fuego leading to its development as a town.

1882 – in Port William, the British barque, *Leon Crespo*, with a cargo of coal, burns.

Argentina finances and distributes the '*Latzina Map*' to its consulates worldwide. This map has one colour for Argentina, and another for the Falkland Islands, indicating different sovereignty.

March, the US Flagship *Brooklyn*, visits Port Stanley.⁶⁰⁶

May 31st, the *Star of Brunswick*, a British ship, is lost at Bull Point with 5 dead.

October 9th, the *Avona*, carrying a cargo of coal, is wrecked on Cape Frechel.

1883 – Falkland Islands' stamps are produced on watermarked paper for the first time. West Falkland gets its first resident Doctor.

May 5th, in a letter to Britain discussing the *Clayton-Bulwer Treaty* of 1850 and Belize, the US State Department refers to the Falklands: "*The parallel with the Falkland Islands does not seem convincing, for these islands were ceded by France to Spain in 1763. By Spain they were in turn ceded absolutely to Great Britain in 1771, but their possession was abandoned, until, in 1820, Buenos Ayres occupied the islands as derelict, and colonized them. Later, in 1831, after a difficulty between the settlers and American sealing vessels, the United States ship of war Lexington broke up the settlement and removed the settlers to Buenos Ayres, and it was not until 1833 that Great Britain enforced her claim under the cession of 1771.*"⁶⁰⁷

1884 – '*Laws and Ordinances of the Falkland Islands from the Settlement of the Colony to the Year 1884*' is published in Stanley.

January 28th, Argentina's Foreign Minister, Francisco Ortiz, instructs his Ambassador in Washington, Luis Dominguez, to raise the issue of the *Lexington* once again.

April 25th, Ambassador Dominguez responds that the matter was resolved by the 1853 *Treaty of Friendship* between Argentina and the USA.

Ortiz insists that his Ambassador registers an official protest with the United States Government, complaining of the actions of the *USS Lexington*, fifty-three years earlier. The Ambassador's instructions are that he must lay a claim for 200,000 pesos, as the value of Vernet's colony, and offer to take the matter to arbitration. However, under no circumstances is he to discuss the issue of sovereignty.⁶⁰⁸

There are rumours, reported in the press both in New Zealand and Australia, that the British Government may exchange the Falkland Islands for New Caledonia, in a deal with France.⁶⁰⁹

605 *cf* May 19th 2010

606 *The New York Times* March 14th

607 *Mr. Frelinghuysen to Mr. Lowell* May 5th *United States Department of State / Papers relating to the foreign relations of the United States, transmitted to congress, with the annual message of the president, December 4, 1883*

608 *Hispanic-American relations with the United States* W. Spence Robertson 1923 ch.5

609 Any consideration by the British Government was subsequently denied. *HC Deb 16.3.1893 vol 10 c223* Hansard

May 30th, Fransisco Ortiz, in a conversation with British Ambassador Edmund Monson, suggests that, “*now the country was consolidated and rounding off its territory,*” the Falklands should be handed over, “*by reason of their geographical position.*”⁶¹⁰

Monson reports to Earl Granville; “*In the interests of civilisation they may have been justified in dividing with Chile the unexplored Pampas, hitherto only populated by nomad indians. The pretext does not serve with regard to the Falklands which have by English occupation been converted into a peaceable and prosperous settlement.*”

August 19th, the *Rotomahana* with a cargo of coal and salt is on fire at Elephant Cay.

In **September**, Ambassador Dominguez submits Argentina's claim to US Secretary Frelinghuysen.⁶¹¹

September 16th, a British barque, *C.A.Belyea*, is wrecked on Volunteer Point.⁶¹²

October 18th, the last battle in Argentina's *Conquest of the Desert*, against the tribes of Patagonia, takes place.

November 13th, a coal carrying vessel, the *Menai Straits*, burns in Salvador Waters.

In **December**, the *Argentine Geographical Institute*, following an announcement in *La Nacion*, includes the Falkland Islands on a map of Argentine territory. Britain protests. The last of the Indian tribes in Patagonia surrender.

1885 – January 2nd, in a response to the British protest, Foreign Minister Ortiz suggests that, “*... the postponed discussion be reopened again... and resolved by the friendly means and law that today civilized nations adopt to solve questions of this type ..*”⁶¹³

April 28th, the *Perthshire*, loaded with salmon, sinks at Blind Islands.

April 29th, the *Yarra Yarra*, a British barque sinks at Beaver Cliffs with the loss of all hands.⁶¹⁴

July 20th, Daniel Webster finally responds to Ambassador Dominguez's fourth protest note, and tells him the matter of the *Lexington* must await a time when Argentina settles the matter with Britain.

September 4th, the *Luigraf*, with a cargo of marble statues, is wrecked on Ruggles Island.

December 8th, Argentina's protest regarding the actions of *USS Lexington* is dismissed by US President Cleveland in his State of the Union address;

" The Argentine Government has revived the long dormant question of the Falkland Islands by claiming from the United States indemnity for their loss, attributed to the action of the commander of the sloop of war Lexington in breaking up a piratical colony on those islands in 1831, and their subsequent occupation by Great Britain. In view of the ample justification for the act of the Lexington and the derelict condition of the islands before and after their alleged occupation by Argentine colonists, this Government considers the claim as wholly groundless."

610 *Monson to Foreign Office PRO FO 6/503. cf Metford 1968 & Pascoe & Pepper 2008. Argentina's expansion into Patagonia, also known as The Conquest of the Desert was finally over when the last tribes surrendered in December.*

611 No response was received. Frelinghuysen resigned in March 1825 and was replaced by Bayard.

612 *Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum*

613 Pascoe & Pepper 2008

614 *Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum*

Argentina's new Ambassador, Vincente Quesada, protests again, saying that his country's claim cannot be called "*wholly groundless*", without it being adjudicated, and that Baylies' support of the British reoccupation was; "*in flagrant opposition to the declarations of Monroe.*"⁶¹⁵

Sheep farming commences on Keppel Island.

1886 – the *Falkland Islands Meat Company* contracts to deliver 60,000 sheep carcasses a month to Australia.⁶¹⁶

January 16th, Arthur Cecil Stuart Barkly takes over as the new Lieutenant-Governor of the Islands and Dependencies.⁶¹⁷

The building of Stanley Cathedral commences.

March 18th, US Secretary of State Bayard writes to Minister Quasada; "*This Government is not a party to the controversy between the Argentine Republic and Great Britain; and it is for this reason that it has delayed, with the tacit consent of the former, a final answer to its demands. For it is conceived that the question of the liability of the United States to the Argentine Republic for the acts of Captain Duncan, in 1831, is so closely related to the question of sovereignty over the Falkland Islands, that the decision of the former would inevitably be interpreted as an expression of opinion on the merits of the latter. Such an expression it is the desire of this Government to avoid, so far as an adequate reference to the points of argument presented in the notes recently addressed to this Department on behalf of your Government will permit. . . .*

As the resumption of actual occupation of the Falkland Islands by Great Britain in 1833 took place under a claim of title which had been previously asserted and maintained by that Government, it is not seen that the Monroe doctrine, which has been invoked on the part of the Argentine Republic, has any application to the case. By the terms in which that principle of international conduct was announced, it was expressly excluded from retroactive operation.

If the circumstances had been different, and the acts of the British Government had been in violation of that doctrine, this Government could never regard its failure to assert it as creating any liability to another power for injuries it may have sustained in consequence of the omission. . . .

But it is believed that, even if it could be shown that the Argentine Republic possesses the rightful title to the sovereignty of the Falkland Islands, there would not be wanting ample grounds upon which the conduct of Captain Duncan in 1831 could be defended. . . .

*On the whole, it is not seen that the United States committed any invasion of the just rights of the Government of Buenos Ayres in putting an end in 1831 to Vernet's lawless aggressions upon the persons and property of our citizens."*⁶¹⁸

May 25th, the *SS Great Britain* puts into Stanley for repairs. These being found to be uneconomical, she is sold as a hulk to the Falkland Islands Company for the storage of wool, grain and coal.

June 2nd, two islanders die in a peat slip.

615 Robinson 1823

616 *The Queenslander* Sept. 18th 1886. This journal estimates there to be 600,000 mature sheep in the Islands.

617 *The London Gazette*, No.25550

618 Moore 1906

July, a cargo of Falklands mutton arrives at the Port of London where it sells for 5d a pound.⁶¹⁹

September 28th, the *Sidney Dacres* sinks at Billy Rock.

1887 – a post office opens in Stanley.

May 4th, Argentina's Ambassador to the USA, Minister Quesada, submits to Secretary Bayard a lengthy note on the subject of the Falklands Islands; presenting a case in favour of undisputed Spanish jurisdiction over the island of Soledad. He argues that Britain occupation of Soledad was in violation of the Monroe doctrine as Britain had taken control of East Falkland for the first time.

*“... the undersigned will prove with documents, that possession of East Falkland or Soledad, was never disputed by Britain, until the unfounded protest of Parish in 1829. .. such protest did not weaken the title of the first occupant in that it was based on the possession that the Argentine Government, as successor of Spain, had East Falkland in 1831.”*⁶²⁰

*“The honour and the justice of the people and the government of the United States as well as the aspiration which they cherish of furnishing an example of impartiality and of prudence in the international relations of the republics of the continent encourage the presumption that, when the facts of this claim are known, its right proved, and its bases justified, the government of the United States will accept the proposed arbitration in order to close a debate, the settlement of which was long ago postponed.”*⁶²¹

The US Government does not reply.

June 27th, the British barque, *Star of Scotia* is wrecked at Bull Point.⁶²²

1888 – **January 20th**, Foreign Minister Norberto Quirno Costa protests against Britain's possession of the Falkland Islands in a letter addressed to the British Minister, Francis Pakenham, in Buenos Aires.⁶²³

*“The Argentine Government maintains its protest with respect to the illegitimate occupation of the Malvinas Islands ; it does not abandon, and never will abandon, its rights to these territories; and at all times, until justice is done, it will regard them as forming an integral part of the Argentine dominion, founded on priority of discovery, on priority of occupation, on possession initiated and exercised, on tacit and explicit recognition, and on acquisition by treaty of those titles which belonged to Spain.”*⁶²⁴

A Baptist Minister arrives on the Islands.

April 19th, the Catholics on the Islands are administered to by the Salesian Fathers.

June 12th, Foreign Minister Costa complains about the silence that the British Government is maintaining in the face of Argentina's suggestions of arbitration.⁶²⁵

619 *Australian Town and Country Journal* July 24th

620 *Vicente De Quesada to Thomas .F. Bayard 4 May 1887*

621 Robinson 1923

622 Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum

623 Pascoe & Pepper 2008

624 *The South American Journal* April 14th 1888, quoted in the *Scottish Geographical Magazine*, v.4 issue 5 1888. Which Treaty is not stated, but is either that of 1859, or the final *Treaty of Recognition* in 1863.

625 Pascoe & Pepper 2008

1889 – March, Queen Victoria donates £30 towards Bishop Stirling's church fund.⁶²⁶

September 23rd, Mr. Charles Dean is appointed Consul in Stanley, by the King of Denmark.⁶²⁷

October 2nd, the first Pan-American Conference meets in Washington. Argentina demands that the US protests Britain's occupation of the Falkland Islands.⁶²⁸

1890 – the foundation stone of Christ Church Cathedral laid by Bishop Stirling and Governor Kerr.

August 10th, the *St. Mary* is wrecked between Burnt Island and Elephant island. The Captain commits suicide.

1891 – February 3rd, Sir Roger Tuckfield Goldsworthy takes over as Governor.⁶²⁹

A population census identifies 1,789 people present on the Islands.

1892 – March 2nd, the Falkland Islands become a Crown Colony: “*The Queen has been pleased to direct Letters Patent to be passed under the Great Seal of the United Kingdom, erecting Her Majesty's Settlements in the Falkland islands and their dependencies into the Colony of the Falkland Islands, constituting the office of Governor and Commander in Chief, and providing for the Government thereof.*”⁶³⁰

The Islanders' celebrate their upgraded status with a 17 gun salute.

March 4th, HMS Beagle, commanded by Captain Richard Penrose Humpage, arrives at Port Stanley.⁶³¹

March 10th, the *Viscount* is wrecked on Sea Lion Islands.

In **April**, the Islanders send condolences to Queen Victoria on the death of her husband, Prince Albert.⁶³²

April 20th, Andrew Edward Luis Baillion is appointed Italian Consul.⁶³³

May 7th, the *Dennis Brundritt* is wrecked on Centre Island.

In **June**, the *Falkland Islands Volunteers* are sworn in as a defence force by the Governor.

Christchurch Cathedral is consecrated by Bishop Stirling.

September 22nd, Mr. Baillon is additionally appointed Swedish and Norwegian Consul at Port Stanley.⁶³⁴

1893 – January 23rd, Mr. Baillon adds the Consulate of Germany to his list of appointments.⁶³⁵

A teacher is appointed for Lafonia.

626 *The Queenslander* March 30th

627 *The London Gazette*, No.25977

628 *The Sydney Morning Herald* Nov. 16th. The Conference lasted until May, 1890.

629 *The London Gazette*, No.26131

630 *The London Gazette*, No.26264

631 Headland 1992

632 *The London Gazette*, No.26284

633 *The London Gazette*, No.26281

634 *The London Gazette*, No.26328

635 *The London Gazette*, No.26367

June 17th, the *Argyllshire*, a British barque, is wrecked on Flat Jason.⁶³⁶

Carl Anton Larsen in the *Jason*, visits the South Shetland Islands, South Georgia and the Falkland Islands.⁶³⁷

1894 – the Falkland Islands *Defence Force Rifle Club* is founded.

February 21st, Thomas Augustus Thompson is appointed Judge, and Police Magistrate in Stanley, before becoming deputy-Governor and, finally, a member of the *Legislative Council*, all within 2 months.⁶³⁸

July 27th, John Miller is gazetted Consul for the USA at Port Stanley.⁶³⁹

August 23rd, Baillon is also appointed as Consul for Chile.⁶⁴⁰

1895 – a Magistrates Office is established on West Falkland.

Britain and Venezuela go to arbitration over the border dispute between Venezuela and British Guiana.

Carl Anton Larsen receives the *Grant Award* from the *Royal Geographical Society* in London for his exploration work in the South Atlantic and around the Antarctic Peninsula in the *Jason*.

December 17th, a vessel, the *Glengowan*, anchors at Port William, with its cargo of anthracite coal and coke on fire. After failing to extinguish the fire, surveyors from Stanley recommend that the vessel is scuttled.

December 19th, the *Glengowan* is driven on-shore in Whalebone Bay. Blacksmiths remove rivets from her side plates and a fire engine attempts to pump water into the hold.

December 21st, the burning ship is abandoned.

1896 – January 27th, an inquiry is held at Stanley into the loss of the *Glengowan*. The master's actions are criticised, but no further action is taken against him.⁶⁴¹

In **February**, Carl Anton Larsen writes to the *Royal Geographical Society* in London, enquiring about leasing South Georgia as a site for a whaling station.⁶⁴²

May 2nd, a Court of Inquiry in Stanley considers the loss of the barque, *Bankville*, abandoned on April 22nd after suffering severe damage in a storm. The inquiry finds the abandonment, 'necessary'.⁶⁴³

May 14th, the *City of Philadelphia* is wrecked on Billy Rock. Attempts to rescue the crew and passengers fails due to heavy seas.⁶⁴⁴

636 *Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum*

637 Headland 1992

638 *The London Gazette*, No.26488, No.26494 & No.26501

639 *The London Gazette*, No.26537

640 *The London Gazette*, No.26547

641 *Report and Opinion of a Court of Inquiry, held at Stanley, East Falkland Island, on the 27th and 28th days of January 1896, under Ordinance No. 6 of 1894, ... to inquire into the loss by fire of the British ship "Glengowan" in the harbour of Stanley*. No. 16951 Board of Trade.

642 Headland 1992 at 1244

643 *Court of Inquiry held at Stanley, East Falkland Island, on the 2nd day of May, A.D. 1896, to inquire into the abandonment, when in a sinking condition, of the British Barque 'Bankville'*. No. 16916 Board of Trade

644 A week after the vessel sank, divers were employed in an attempt to identify the vessel. The body of a woman was found in the rigging. Due to the bad publicity, the Falkland Islands Company purchased a 95 ton steam tug, the *Samson*,

September, 281 bales of wool arrive in London from the Falkland Islands.⁶⁴⁵

1897 – February 12th, following a court of inquiry held at Stanley, Captain Tovar of the ship, *Pass of Balmaha*, has his certificate suspended for misconduct and neglect of duty through excessive drunkenness.⁶⁴⁶

March 4th, Sir William Grey-Wilson is appointed Governor of the Falkland Islands.⁶⁴⁷

March 27th, in his last communication as Governor, Sir Roger Godsworthy, complains about resistance to his ideas of smaller farms, allowing more of the Islanders to benefit from the land; “.. *I can unhesitatingly affirm that a Governor can never hope to succeed in doing justice to the Colony where he finds himself handicapped on every side by the influence that the Falkland Islands Company can bring to bear - where they exercise a monopoly detrimental to the Colony’s best interests and progress and where such monopoly is fostered and encouraged by facilities being afforded and advantages given to the Company which are not accorded to ordinary traders.*”⁶⁴⁸

1898 – the mission on Keppel Island moves to Tierra del Fuego.

April 30th, John E. Rowan is appointed Consul for the United States in Stanley.⁶⁴⁹

1899 – the *Permanent Court of Arbitration* is established by the ‘*Convention for the Pacific Settlement of International Disputes*’, concluded at the Hague during the first *Hague Peace Conference*.

Convened on the initiative of Czar Nicolas II of Russia; “*with the object of seeking the most objective means of ensuring to all peoples the benefits of a real and lasting peace, and above all, of limiting the progressive development of existing armaments.*”

Falkland Islands banknotes are introduced, pegged to sterling. A new Catholic chapel is constructed at Stanley.

June 25th, the *John R. Kelly* is wrecked at Port William.



to cope with the problems of rescue in heavy seas. *Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum*

645 *The New York Times* Sept. 6th

646 *Court of Inquiry held at Port Stanley, East Falkland Islands, on the 9th, 10th, 11th, and 12th days of February, A.D. 1897, ... to inquire into and report on the stranding of the British ship "Pass of Balmaha," on William Islets, in Port William, East Falkland, on the 31st day of January 1897.* No. 17202 Board of Trade.

647 *The London Gazette*, No.26829

648 *Dispatch No. 22, 27 March 1897; Outward Letters Book B24; Falkland Islands Government Archive; 1897.*

649 *The London Gazette*, No.26966

1900 - 1965



1900 – *January*, William Harding is appointed Consul for Chile and, a few months later, Consul for Italy.⁶⁵⁰

October 2nd, a 'Mining and General Lease of South Georgia' is advertised in the *Falkland Islands Gazette*.

1901 – a census identifies 2,043 people residents, and Hugo Schlottfeldt is appointed German Consul.⁶⁵¹

The *Stanley Comet* newspaper is established.

1902 / 03 – the *Swedish South Polar Expedition* travel to Antarctica in the ship, *Antarctic*, stopping at the Falkland Islands and South Georgia. At South Georgia the *Expedition* establishes a port and names it Grytviken. The captain of the *Antarctic* is a Norwegian, Carl Anton Larsen.

Chile and Argentina sign the *Pacto de Mayo* which appoints Britain as arbiter in their boundary disputes.⁶⁵²

1903 – *March 26th*, a meteorological station, 'Ormond House' is founded on Laurie Island in the South Orkneys by a Scotsman, William Spiers Bruce.

Richard Lion, a British resident of Punta Arenas in Chile, applies for a pastoral lease for a sheep and cattle farm on South Georgia.⁶⁵³

The *Antarctic* is crushed by sea ice. After being rescued Carl Larsen goes to Argentina to seek funding for a whaling venture.

December 25th, the *Clarence S. Bement*, with its cargo of coal on fire, is wrecked off Fox Bay.⁶⁵⁴

1904 – *February 22nd*, 'Ormond House' is given over to Argentina for the use of its scientists.⁶⁵⁵

"Argentina was left in no doubt by Great Britain that the transfer to the Argentine Meteorological Office, of the meteorological station previously established on Laurie Island in the South Orkneys by a British expedition, did not also involve the transfer to Argentina of the sovereignty either of the South Orkneys group or of Laurie Island itself."⁶⁵⁶

February 29th, a whaling company, the *Compañía Argentina de Pesca*, is registered in Buenos Aires.⁶⁵⁷ Carl Larsen, takes the job of manager.

650 *The London Gazette*, No.27155 & No.27205

651 *The London Gazette*, No.27304

652 This agreement would lead to the 1977 *Beagle Channel Arbitration* case.

653 The lease was granted, but not used until 1905.

654 *Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum*

655 The transfer of this property was arranged via the British Legation in Buenos Aires although Bruce was a fervent Scottish nationalist and was opposed to the British claim over the Island.

656 *Antarctica Cases: United Kingdom v. Argentina; United Kingdom v Chile* International Court of Justice 1956 p.25

657 By P. Christopherson, the Norwegian Consul, E.Tornquist, a banker, and H.H.Schlieper, a businessman.

March 16th, William Harding is further gazetted as German Consul.⁶⁵⁸

May 28th, Sir William Lamond Allardyce is appointed Governor of the Falklands.⁶⁵⁹

November 16th, Larsen arrives at South Georgia with 3 ships, *Louise*, *Rolf* and *Fortuna*, together with enough material to build a factory.⁶⁶⁰

December 25th, the Grytviken whaling station produces its first oil.

1905 – January, Carl Larsen founds a meteorological station on South Georgia, with equipment provided by *Servicio Meteorological Nacional* of Argentina.

Argentina publishes a map of its military regions. The Falkland Islands are not shown.⁶⁶¹

March 20th, Richard Lion, visits the Falkland Islands to recruit shepherds for his venture on South Georgia.

Also in **March**, the first cargo of whale oil arrives in Buenos Aires from Grytviken. Argentine Customs officers tax it as an *import*.

July 27th, a Danish barque, the *Sixtus*, is wrecked at Volunteer Rocks.⁶⁶²

September 19th, the *Kirkhill* is wrecked on Wolf Rock.

In **October**, Lion returns to the Falklands and informs the Governor that his settlement has failed. He also registers a complaint with Governor Allardyce, about the unlicensed presence of *Compañía Argentina de Pesca*, on South Georgia.

November 2nd, being made aware of the requirement that he operates under a British licence by the Commander of *HMS Sappho*, Larsen informs the shareholders in Buenos Aires. The application for a lease is made via the British Legation in Buenos Aires by the Company President, and shareholder, Guillermo Núñez.⁶⁶³

December 24th, two whalers and a factory ship, *Admiralen*, arrive off New Island with a licence from the Governor to catch whales. The factory ship anchors for a month before moving off with 40 whales to process.

1906 – January 1st, the *Compañía Argentina de Pesca* is granted a 21 year lease for a 500 acre plot with a licence for whaling; at a cost of £250, *per annum*.⁶⁶⁴

Ordinance 3, places restrictions on whaling around the Falkland Islands' Dependencies. A licence costs £25 and a royalty is payable on each beast killed.

Captain Hodges RN, in the *Sappho*, surveys South Georgia.

658 *The London Gazette*, No.27660

659 *The London Gazette*, No.27681

660 Larsen appeared to be unlicensed and acting illegally; however, it has been argued that in fact Larsen knew of British sovereignty as early as 1896, but may have believed that the British would not interfere. *cf Pesca: the history of Compañía Argentina de Pesca – and account of the pioneer modern whaling and sealing company in the Antarctic* I. Hart, 2001

661 *Mapa de la Division del Territorio de la Republica en Regiones Militares* 1905

662 *Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum*

663 Captain Guillermo Núñez, was, at the same time, *Director of Armaments* for the Argentine Navy.

664 *Falkland Islands Government Archive; Confidential Despatch Book B30; 28 March 1906; Enclosure 1.*

June 20th, the *Cassard*, a French steel barque built in 1899, is wrecked on Driftwood Point, Bleaker Island.

June 29th, the hulk of the *Cassard* is sold at public auction for £355. Her cargo of wheat is purchased for £20.⁶⁶⁵

November 10th, the Norwegian whaler, *Fridtjof Nansen*, is wrecked off South Georgia.

A series of Royal Navy Hydrographic charts for South Georgia are published.

1907 – a meteorological station is founded at King Edward Point, South Georgia.

Chile submits a proposal to Argentina that the two countries negotiate an agreement as to a division of sovereignty over South Georgia, the South Sandwich Islands, the South Shetlands and the Antarctic lands, within the spirit of the *Treaty* of 1881. Argentina responds that it is well-known that these lands are claimed by Britain.⁶⁶⁶

A Chilean company, the *Sociedad Ballenera de Magallanes* of Punta Arenas, takes out a British whaling licence for the South Shetlands and Graham Land.

November 23rd, the sealing schooner, *Baden Powell*, is wrecked on Elephant Jason.⁶⁶⁷

December 12th, Joachim Peterson arrives at Grytviken as the commissioned policeman for South Georgia.

1908 – *Messrs. Salvesen & Co* of Leith, Scotland, obtain a lease for a whaling station on New Island, which is to employ 80 men. *Ordinance 3*, is replaced by *Ordinance 5*, whereby licences are only renewed and no new ones are granted. There are also prohibitions on the killing of calves and females.

HMS Sappho visits Stanley.⁶⁶⁸

February 5th, the Under-Secretary of State for the Colonies, Mr. W. Churchill, informs Parliament; “*The proceeds of the sale of land in the Falkland Islands are invested separately, and form a capital asset of the Colony. The average receipts of the Sale of Lands Fund amounted to about £5,000 a year for the five years 1902–1906, the highest amount in any one year being £12,783.*”

February 24th, in response to a question in the Commons, on whether there has been any recent contact with the Argentine Government about the Islands, Mr. Runciman confirms, “*There has been no recent correspondence on the subject of the Falkland Islands.*”⁶⁶⁹

February 26th, the MP for Lanarkshire NW asks; “*I beg to ask the Secretary of State for Foreign Affairs, whether he has any official information showing that the Government of the Argentine Republic has intimated a claim to jurisdiction in the Falkland Archipelago; and whether he is in a position to make any statement regarding this.*”

The response is: “*If the hon. Member will let my right hon. friend know to what he refers in particular, my right hon. friend will endeavour to give what information he has.*”⁶⁷⁰

665 *Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum*

666 ICJ 1956. *Pleadings. Antarctica Cases, UK v. Argentina, UK v. Chile*, 63

667 *Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum*

668 *The Wilds of Patagonia* Carl Skottsberg 1911

669 *HC Deb 24.2.1908 vol 184 c 1356* Hansard

670 *HC Deb 26.2.1908 vol 184 c1747* Hansard

April 1st, the *Helene Blum* is wrecked on Seal Rock, Cape Pembroke.⁶⁷¹

July 21st, the United Kingdom issue *Letters Patent* establishing the constitutional arrangements for its possessions in the South Atlantic;

“Whereas the group of islands known as South Georgia, the South Orkneys, the South Shetlands, and the Sandwich Islands, and the territory known as Graham's Land, situated in the South Atlantic Ocean to the south of the 50th parallel of south latitude, and lying between the 20th and the 80th degrees of west longitude, are part of our Dominions, and it is expedient that provision should be made for their government as Dependencies of our Colony of the Falklands;

1. Now We do hereby declare that from and after the publication of these our Letters Patent in the Government “Gazette” of our Colony of the Falkland Islands the said group of islands known as South Georgia, the South Orkneys, the South Shetlands, and the Sandwich Islands, and the said territory of Graham's Land shall become Dependencies of our said Colony of the Falkland Islands.”

September 1st, the *Letters Patent* are published in the *Falkland Islands Gazette*. Argentina requests information.

1909 – February 20th, the text of the *Letters Patent*, as published officially in the *Falkland Islands Gazette*, is forwarded to Argentina's Foreign Ministry.

March 18th, Argentina's Foreign Minister acknowledges receipt; *“I have the pleasure of acknowledging the receipt of your Note dated the 20th of February last with which you were good enough to forward a publication called Falkland Islands Gazette containing a Decree by which the 'South Orkneys' are declared a dependency of the 'Falkland Islands.’”*⁶⁷²

The British Minister in Buenos Aires informs London that the; *“Argentine Government do not dispute the rights of Great Britain over the South Orkneys.”*⁶⁷³

March 22nd, a buoy is positioned to mark Forth Shoal in the entrance to Stanley Harbour.

A whaling station is established at Leith Harbour, South Georgia, under a Falklands Islands Dependencies lease. Another licensed whaling station is established at Ocean Harbour, South Georgia by the Norwegian, Lauritz Larsen.

July 22nd, the *Compañía Argentina de Pesca* take on a further lease for Jason Harbour.

November 20th, a Stipendiary Magistrate, James Innes Wilson, is appointed to South Georgia by the Falkland Islands Dependencies Government.

November 30th, Wilson arrives at South Georgia and initially operates from Grytviken. All economic, scientific and other activities in the territory are now regulated according to British law *in situ*.

671 *Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum*

672 No objection or protest was made and Argentine vessels arriving at the Dependencies complied fully with all harbour, import/export and immigration procedures.

673 *“A fortiori it is to be concluded from the terms of their reply that in 1909 Argentina did not dispute the British title to South Georgia, the South Sandwich Islands, the South Shetlands and Graham Land, which territories were also covered by the communication sent to the Argentine Government, but were not mentioned in the Argentine reply.”* *Antarctica Cases: United Kingdom v. Argentine; United Kingdom v Chile* International Court of Justice 1956 p.23

December 4th, South Georgia's post office opens.

December 31st, a census records 720 people as living on South Georgia.⁶⁷⁴

1910 – January 16th, Carl Anton Larsen applies to become a British citizen.

A South Georgia sealing licence is granted to the *Compañía Argentina de Pesca*; and South Georgia island is divided into 4 areas for sealing purposes.⁶⁷⁵ The *Compañía Argentina de Pesca* also take out a licence for taking seals on the South Sandwich Islands.

A magistrate is sent to Deception Island for the summer season.⁶⁷⁶

May 9th, the *Malvina* carrying a cargo of wool, is wrecked on Saunders Island.⁶⁷⁷

The Falkland Islands Government employ a Government Naturalist and a Seal Fishery Officer.

December 7th, an Assistant Librarian at the Foreign Office, Gaston de Berhnhardt submits a memo considering the various claims to the Falkland Islands.⁶⁷⁸

1911 – Reindeer are introduced to South Georgia by Carl Larsen.

A population census identifies 2,272 people present on the Falkland Islands.

In **May**, the South Georgia Magistrate reports that 5,521 whales have been caught, yielding 150,457 barrels of oil valued at £394,898. Governor Allardyce complains that the revenue to the Falkland Islands' Government is less than 1% of the value of the catch and recommends an export duty of 3d per barrel be imposed.

1912 – a geological survey of South Georgia is conducted by Davis Ferguson of Edinburgh for Christian Salvesen's. Six Norwegian companies take out licences from the Falkland Islands Government for the South Sandwich Islands.

Argentina offers some land in Buenos Aires for a new British Embassy and asks for the South Orkney Islands in exchange. Governor Allardyce opposes the idea but negotiations are commenced.⁶⁷⁹

A seasonal post office is established at Port Foster on Deception Island.

In **June**, a typhus epidemic hits South Georgia. 9 die at Grytviken.

In **September**, Magistrate Wilson established his residence at King Edward Point, South Georgia.

September 28th, the '*Wild Animals and Birds (South Georgia) Ordinance*' comes into effect, offering protection to reindeer, the Upland Goose, and other bird species.

Kristen Loken becomes the first resident clergyman on South Georgia.

November 12th, *Oravia* is wrecked on Billy Rock. Crew and cargo are saved. Postcards of the wreck are issued.

674 93% of them being Scandinavian.

675 *Antarctica Cases: United Kingdom v. Argentina; United Kingdom v Chile* International Court of Justice 1956

676 *Ibid p. 19* magistrate would be sent to the island every summer until 1930.

677 *Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum*

678 There are various sources for this although the Memo is not listed at the Public Records Office. A reference of FO

881/9755 is usually cited and conspiracy theories abound. *cf. When the English doubted their rights* Juan A. Lanus 2010

679 In commencing negotiations Argentina gave tacit recognition to British ownership of the South Orkney's.

1913 – March 14th, the crippled iron barque, *Lady Elizabeth*, limps into Port Stanley, where she is condemned and turned into a coal hulk.⁶⁸⁰

A Customs officer is sent to the South Orkney Islands to supervise observance of the whaling laws.⁶⁸¹

December 25th, a Lutheran church is consecrated at Grytviken, for the Norwegian sealers working there.

1914 – January, a football match takes place on South Georgia between a team made up from the companies operating at Grytviken, and a team from A/S Ocean. *'The team from Grytviken consists of Englishmen, Danes, Swedes and Norwegians and an impressive Irish player in defence. The team from Ocean is made up of nine solid built boys from Larvik and two Swedes.'*⁶⁸² Ocean win 9 goals to 2.

Argentina, following a change of Government, abandons the idea of an exchange of land in Buenos Aires, for the South Orkney Islands, citing financial grounds.

Sir Ernest Shackleton visits South Georgia in the *Endurance*.

A Whaling Officer is sent to the South Orkney Islands to inspect the licensed whaling vessels operating there.

August 4th, Britain declares war on Germany.

The Falkland Islands donate 3 aircraft to the Royal Flying Corps.

December 6th, Admiral Graf Maximilian von Spee, commanding the Imperial German Navy anchored at Cape Horn, announces his decision to attack the re-supply station at Stanley.⁶⁸³

December 8th, the Battle of the Falkland Islands is fought between German and British naval forces.

*"The victory off the Falklands terminated the first phase of the Naval War by effecting a decisive clearance of the German flag from the oceans of the world..... when Admiral von Spee's powerful squadron, having been unsuccessfully though gallantly engaged off Coronel, was brought to action and destroyed on 8th December by Sir Doveton Sturdee. Only two small German cruisers and two armed merchantmen remain at large of all their formidable preparations for the attack on our trade routes, and these vessels are at present in hiding.... That is a very remarkable result to have been achieved after only a few months of war. I am sure, if we had been told before the War that such a result would be so soon achieved, and that our losses would be so small, we should not have believed it for a moment."*⁶⁸⁴

December 23rd, British Ambassador, Sir Reginald Tower, has a conversation with Argentina's Foreign Minister, Jose Murature, in which the Argentine Minister comments that his country has not made any protest over the issue of the Falklands since 1888.⁶⁸⁵

December 30th, Sir William Douglas Young is gazetted Governor.⁶⁸⁶

680 The vessel was damaged at Cape Horn, and again on her approach to Port Stanley.

681 *Antarctica Cases: United Kingdom v. Argentine; United Kingdom v Chile* International Court of Justice 1956

682 *Dag Ingemar Børresen, Sandefjordmuseene* in "Sophus", Larvik Museum historical publication, April 2004

683 Quite why is not very clear. The German force had a success at Coronel on November 1st, but as a result was short of ammunition. It has been suggested that Spee took the decision, in the face of opposition by his officers, in an attempt to assist Argentina's claim to the Islands. There is no evidence to support this.

684 First Lord of the Admiralty, Winston Churchill speaking in the Commons. *HC deb 15.2.1915 vol 69* Hansard

685 *Tower to the British Foreign Secretary, Sir Edward Grey, March 20th, 1915* in *British Documents on Foreign Affairs Part II* quoted in Pascoe & Pepper 2008.

686 *The London Gazette, No.29026*

1915 – May 28th, Captain Newnham is appointed Commandant, *Falkland Islands Volunteer Force*.⁶⁸⁷

The Falklands Government Whaling Officer spends 3 months on the South Orkney Islands, inspecting whaling activities and applying British law.

1916 – the New Island whaling station moves to South Georgia.

HMS Kent, visits the Falkland Islands.

August 11th, the Antarctic relief ship *Discovery*, sails from Portsmouth heading to the Falkland Islands where she is to collect Sir Ernest Shackleton, before moving on in an attempt to rescue the men left behind on Elephant Island.⁶⁸⁸

December 24th, *HMS Lancaster* arrives at Port Stanley.

1917 – a ban on the exportation of all whale products, other than to Great Britain, is imposed by the Governor. All licences are reviewed.⁶⁸⁹

January 19th, *HMS Lancaster* offloads and emplaces two 6 inch guns on Sapper Hill and Mount Lowe for the protection of Stanley's wireless station.

“HMS Lancaster landed two officers and five men for each gun. To complete the gun crews Captain Segrave requested twenty five men and two signallers from the Falkland Islands Volunteer Force and this strength has been furnished.”

March 28th, *Letters Patent* are issued to clarify the area claimed by Britain in its 1908 *Letters Patent*.⁶⁹⁰ No protest is received from Argentina.

1918 – an *Interdepartmental Committee* of both scientists and civil servants is formed to consider; *“the preservation of the whaling industry and to the development of other industries in the Dependencies of the Falkland Islands.”*

An additional seal reserve is added at South Georgia.

1919 – November 14th, Argentina's Ministry of marine affairs instructs all radiotelegraph stations in the maritime area not to accept messages from the Falkland Islands.

1920 – January, 50 whalers go on strike at Grytviken, and then riot.⁶⁹¹

January 17th, *HMS Dartmouth* arrives at South Georgia to assist the magistrate in restoring order.

September 19th, Sir John Middleton becomes Governor.⁶⁹²

687 *The London Gazette*, No.29174

688 *The New York Times* Aug 12th

689 At this time, the glycerine in whale oil was needed for the armaments industry.

690 The 1908 *Letters* had stipulated *land areas* between specified longitudes and latitudes. No claim was made to the high seas or to any part of South America contrary to some assertions. These later *Letters* removed any ambiguity.

691 The strikers were mostly dock workers recruited in Buenos Aires. They were arrested and returned to the mainland. *cf.* Headland 1992

692 *The London Gazette*, No.32047

Consideration by the *Interdepartmental Committee on Research and Development in the Falkland Islands Dependencies* concludes and it presents its *Report* to Parliament. The *Committee* recommends further exploratory work in the Antarctic territory.

William Barlas is appointed as the Falkland Islands Dependencies representative on the South Orkney Islands.

The Permanent Court of International Justice (PCIJ) is founded under the League of Nations as an addition to the Permanent Court of Arbitration. Both sit at the Hague.

A new whaling station is established at Signy Island, South Orkneys, under a Falkland Islands Dependencies licence. The export duty on whale oil is now 5 shillings a barrel.

1921 – In *January*, *HMS Weymouth* visits South Georgia.

The *Gubernoren*, a Norwegian whale factory ship, is wrecked at Cape Carysford.

A population census identifies 2,094 people present on the Islands, while an investigation into the potential for oil exploration takes place.⁶⁹³

The South Georgia magistrate visits Signy Island in the South Orkney's to investigate an application for a lease by the *Tonsberg Hvalfangeri Company*.

1922 – *January 5th*, Sir Ernest Shackleton dies on the *Quest* whilst the vessel is moored off South Georgia. His embalmed body is taken to Montevideo, but returned to South Georgia at his wife's request.

A Whaling Officer from the Falklands spends 3 months at Signy Island ensuring that the terms of the lease granted to the *Tonsberg Hvalfangeri Company* are being complied with.

March 5th, Shackleton is buried at Grytviken cemetery. A ceremonial escort is provided by Uruguay.

The *Afterglow* is employed as an armed patrol vessel for the Fur Seal rookeries.⁶⁹⁴

1923 – a *Discovery Committee* is appointed by the British Government; “..to conduct research into the economic resources of the Antarctic and sub-Antarctic regions, with special reference to the Falkland Islands Dependencies.” It is to be funded by whaling industry taxes.

December 10th, Henry Herbert Gresham is appointed Consul for Norway at Port Stanley.

1924 – *January 30th*, Henry Gresham becomes Consul for Chile, and will add Uruguay later in the year.⁶⁹⁵

Construction of laboratories at King Edwards point, South Georgia, begins.

A postal service is inaugurated between South Georgia, the Falkland Islands and Uruguay.⁶⁹⁶

1925 – *April 1st*, a wireless station is founded on South Georgia.

Argentina erects a wireless station at the meteorological station on Laurie Island. The Government in Buenos Aires is informed by a diplomatic *Note* that the call sign would have to be applied for through the British Government. The Argentine reply is equivocal.

693 *Final report on geological investigations in the Falkland Islands, 1920-1922* A. Baker 1924

694 *Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum.*

695 *The London Gazette*, No.32905, No.32892 & No.32999

696 *The Island of South Georgia* Robert Headland 1992

April 24th, notice is given under the *Merchant Shipping Acts*, proposing for registration as British Ships, vessels belonging to the Government of the Colony of the Falkland Islands.⁶⁹⁷

The *Aliens Ordinance 1925* prohibits any alien from owning land in the Islands without a licence.

July 29th, in a speech during a debate on *Navy Supplement Estimates*, Sir B. Falle says; “ *Have we a single friend in the world? If we have, I say frankly that I do not know him. Have we any land, have we any island, have we any coaling station, that other nations do not covet? .. Have we nothing the great nation on the other side might covet—may covet—from Jamaica to Bermuda, to the Bahamas, to Newfoundland, to Canada herself? Is there nobody coveting even the little Falkland Islands? You know they do.*”⁶⁹⁸

September 24th, the first *Discovery Expedition* sails aboard *RSS Discovery*.

The Bodie Creek suspension bridge is built to connect Lafonia with the bulk of East Falkland.

1926 – a monument is erected to commemorate the Battle of the Falklands, 1914.

April 4th, a further *Note* is addressed to Argentina emphasising Britain's sovereignty over the South Orkneys; the requirement under the *International Telegraph Conventions* for the wireless station there to have a British registered call sign and pointing out that no previous claim to the islands has been made by Argentina. No response is received.⁶⁹⁹

April 26th, the *RSS Discovery* arrives at Stanley.⁷⁰⁰

August 14th, Monsieur Beaudrier is appointed Vice-Consul of Belgium for the Falkland Islands.⁷⁰¹

December 22nd, Arnold Wienholt Hodson is gazetted as Governor.⁷⁰²

1927 – January 17th, Leith Harbour and Stromness Bay are surveyed.⁷⁰³ The *Tonsberg Company* take out a sealing licence from the Falkland Islands Government for the South Sandwich Islands.

Argentina puts its wireless station on Laurie Island into operation, but applies directly to the *International Telegraph Bureau* in Berne for its own call sign. The *Bureau* inform the UK.

August 2nd, Governor Hodson sails to South Georgia in *Fleurus*.⁷⁰⁴

September 8th, Britain protests to Buenos Aires regarding the Laurie Island wireless station's application.

September 14th, Argentina informs the *International Postal Bureau* that it has sovereignty over both South Georgia and the South Orkney Islands.

697 *The London Gazette*, No.33041 In force June 26th.

698 *HC Deb 29.7.1925 vol 187 c533* Hansard

699 *Antarctica Cases: United Kingdom v. Argentine; United Kingdom v Chile* International Court of Justice 1956 p.25

700 During the first two years the *Expedition* discovered 432 specimens of marine life previously unknown to science. The costs of running these expeditions however, caused much resentment in the Falklands as one major source of revenue was being consumed without any obvious benefit to the Islanders.

701 *The London Gazette*, No.33198

702 *The London Gazette*, No.33241

703 Headland 1992

704 This was the first visit by a Governor to the Dependencies. Headland 1992

In **December**, British Foreign Secretary, Sir Austin Chamberlain meets with Argentina's Foreign Minister, Dr. Angel Gallardo, who says that, “.. he had been looking into the question of the Falkland Islands, and had come to the conclusion that (the British) position and claim were exceedingly strong.”⁷⁰⁵

December 17th, Britain protests Argentina's claims to South Georgia and the South Orkney Islands.

1928 – in **January** the postal clerk on South Georgia, Alfred Jones, writes complaining of a shortage of stamps; “... As you are aware the two and a halfpenny denomination is the postage for letter rate to Norway and we have about 2,000 Norwegians engaged in the whaling industry, more or less 2,000 more Norwegians than two and a halfpenny stamps.”

January 20th, Argentina replies to the British protests of the previous year stating that; “... she herself laid claim to the South Orkneys on the ground, apart from pretended "inalienable rights", of an alleged first occupation constantly maintained. ..

*At the same time, however, the Argentine Government in an accompanying memorandum showed itself conscious of the weakness of its position by suggesting the reopening of the negotiations for the exchange of the islands against the grant of a Legation site in Buenos Aires.*⁷⁰⁶

Governor Hodson visits Deception Island, the South Sandwich Islands aboard the *Fleurus*.

Britain notifies the *Postal Bureau* that; “... both the South Orkneys and South Georgia were included in the Falkland Islands Dependencies and were represented in Postal Union matters by the British Postmaster-General.”

February 22nd, the Governor arrives at South Georgia.

February 24th, Governor Hodson unveils the granite memorial to Sir Ernest Shackleton. Carved on the rear is the inscription; “*I hold that a man should strive to the uttermost for his life's set prize.*”⁷⁰⁷

The Governor also inaugurates the first South Georgia sports meeting and opens a rifle range at Hope Point.

Hodson visits Signy Islands in the South Orkney group.

April 4th, the *Islas de Palmas Case*⁷⁰⁸ concerning territorial sovereignty concludes at the Permanent Court of Arbitration. The issue of 'geography' is considered; “.. there remains to be considered title arising out of contiguity. Although states have in certain circumstances maintained that islands relatively close to their shores belonged to them in virtue of their geographical situation, it is impossible to show the existence of a rule of positive international law to the effect that islands situated outside territorial waters should belong to a state from the mere fact that its territory forms the terra firma (nearest continent or island of considerable size). Not only would it seem that there are no precedents sufficiently frequent and sufficiently precise in their bearing to establish such a rule of international law, but the alleged principle itself is by its very nature so uncertain and contested that even governments of the same state have on different occasions maintained contradictory opinions as to its soundness. The principle of contiguity, in regard to islands, may not be out-of-place when it is a question of allotting them to one state rather than another, either by agreement between the parties, or by a decision not necessarily based on law; but as a rule establishing ipso jure the presumption of

705 A 7526/381/2 in *Foreign Office Confidential Print* quoted in Pascoe & Pepper 2008, at para.35

706 *Antarctica Cases: United Kingdom v. Argentine; United Kingdom v Chile* International Court of Justice 1956 p.25

707 The money for this was raised by public subscription.

708 *US v. Netherlands 2R. Int'l Arb. Awards 829 (1928)*

sovereignty in favour of a particular state, this principle would be in conflict with what has been said as to territorial sovereignty and as to the necessary relation between the right to exclude other states from a region and the duty to display therein the activities of a state. Nor is this principle of contiguity admissible as a legal method of deciding questions of territorial sovereignty; for it is wholly lacking in precision and would in its application lead to arbitrary results...."⁷⁰⁹

An Argentine politician, Dr. Alfredo Palacios, visits the Islands.

The *Falkland Islands Sheep Owners Association* is formed.

November, an airstrip is constructed on Deception Island, in the South Shetland Islands, by the *Hubert Wilkins Expedition*, from which Wilkins makes the first recorded flight in Antarctica. The news is radioed from a home-made radio set, transmitted via Port Stanley.

November 3rd, the British Ambassador to Argentina, Malcolm Robertson writes to the Foreign Office; "As regards the Falkland Islands, I have always considered, ever since reading the Bernhardt's Foreign Office memorandum of December, 1910, that our claim to the islands was very weak indeed. In point of fact, it is based upon force and upon very little else. This view appears to have been held by successive British Governments since Lord Palmerston's days, for they have been at pains to avoid the question's being raised. I realize that the islands are of vital strategic value to us, and that we cannot give them up, however just or unjust our position may be. All I want to do is to follow out the policy of previous Governments and to remain quite quiet. I do not think that the Argentine Government will seriously raise the question unless we force their hands by taking umbrage at their periodical pin pricks, and their periodical reassertions of their claim".⁷¹⁰

November 21st, Monsieur Maylin is appointed Vice-Consul for Belgium.⁷¹¹

1929 – June 10th, the *Patriotic League of Argentina*, meet in Buenos Aires and demand the return of the Falkland Islands.

La Prensa calls for the surrender of the Falklands as an "act of justice": "The Monroe Doctrine, according to which there was not in America any land for colonization, although it had just recently been proclaimed, did not function. It remained unrecognized by the State Department of Washington, and at that price it refused satisfaction and the indemnity it should have given for the injury to the sovereignty of Argentina and the destruction of Vernet's colony carried out by the captain of the gunboat *Lexington*. Before the English could take possession of the islands, the Argentine Government decided that it was necessary to repopulate them. On Sept.10, 1832, since Commandante Vernet, by reason of health, could not return to re-establish Soledad, Major Mestivier was named in his stead; he proceeded to the Malvinas in the bark *Sarandi* and took possession in the name of the Argentine Republic on Oct. 10.

709 "These modern cases of high authority, negative completely any Argentina claim based on alleged historic grounds of title derived from succession to supposed titles acquired by Spain. Apart from the fact that, on the evidence, no original Spanish titles can be established at all, the *Islands of Palmas Case* and the *Clipperton Island Case* clearly show that any such early Spanish titles could not prevail to-day against long-continued British display and exercise of sovereignty. Again, even if it were possible to apply the doctrine of geographical contiguity to islands distant some 400 miles, or to a separate continent distant some 500 miles, from Argentine territory, the *Island of Palmas Case* negatives completely any Argentine claim based on so-called geographical grounds of title, and clearly lays down that they could not prevail against actual display and exercise of sovereignty." *Antarctica Cases: United Kingdom v. Argentine; United Kingdom v. Chile* International Court of Justice 1956 p.34. The reference is to the Dependencies, and not the Falkland Islands.

710 *PRO FO 371/12737* However, this document is not listed at the Public Records Office and it's only sources are Argentine. cf. Lanus 2010.

711 *The London Gazette*, No.33681

*But England had now decided upon the occupation of the islands by force, seeing that the United States had thrown over the Monroe Doctrine because it did not suit her to do police work on behalf of Argentina and to apply the Doctrine to the Malvinas.... the British Navy took possession of the islands and obligated the Argentine colonists to abandon it since that time the Argentine Republic has not ceased and will not cease to demand the restitution of that part of its territory usurped by British occupation”*⁷¹²

1930 – December 30th, *Discovery II* completes her survey of the South Sandwich Islands.

1931 – a population census reveals that 2,392 people are on the Islands.

April 30th, Leonard William Hamilton Young is appointed Consul for Norway.

June, James O'Grady is appointed Governor of the Falkland Islands.⁷¹³

The Clipperton Island sovereignty dispute between France and Mexico is adjudicated by King Victor Emmanuel II of Italy; *“It is beyond doubt that by immemorial usage having the force of law, besides the animus occupandi, the actual, and not the nominal, taking of possession is a necessary condition of occupation. This taking of possession consists in the act, or series of acts, by which the occupying state reduces to its possession the territory in question and takes steps to exercise exclusive authority there. Strictly speaking, and in ordinary cases, that only takes place when the state establishes in the territory itself an organization capable of making its laws respected. But this step is, properly speaking, but a means of procedure to the taking of possession, and, therefore, is not identical with the latter. There may also be cases where it is unnecessary to have recourse to this method.*

*Thus, if a territory, by virtue of the fact that it was completely uninhabited, is, from the first moment when the occupying state makes its appearance there, at the absolute and undisputed disposition of that state, from that moment the taking of possession must be considered as accomplished, and the occupation is thereby completed.”*⁷¹⁴

1932 – Alfred Nelson Jones and Vera Riches are married in the first such ceremony on South Georgia. Jones, a Welshman, was postal clerk on the island. He first met Riches in Port Stanley.

1933 – 100 years of uninterrupted British rule over the Falklands are commemorated by the construction of the Whalebone Arch outside the Cathedral in Stanley, made from the jawbones of two blue whales. A 12 stamp set with 1833-1933 on each stamp is issued. The £1 stamp pictures George V in the uniform of the Gordon Highlanders. Centenary celebrations also include a stock fair, horse racing and a radio message from the King.

January 1st, an article in *La Prensa* says; *“Our nation never forgets that a foreign flag waves over a portion of the Argentine soil which belongs to us geographically and historically.”*

January 24th, a child, Iorwerth Nelson Arnold Jones, is born on South Georgia.

In **February**, the Islands are visited by *HMS Durban* and *HMS Discovery*.

⁷¹² *La Prensa* quoted in the *The New York Times*, Aug 25th 1929

⁷¹³ *Western Mail (Perth)* June 18th. This appointment did not appear in *The London Gazette*. O'Grady died in post.

⁷¹⁴ *“Thus the Island of Palmas Case and the Clipperton Island Case indicate that the British takings of possession created initial British titles superior to any of Argentina's pretended historical or geographical titles.”* *Antarctica Cases: United Kingdom v. Argentine; United Kingdom v Chile* International Court of Justice 1956 p.34

February 17th, a cruise ship, *Reina del Pacifico*, arrives at Port Stanley.

In **March**, the British Ambassador reports that the Argentine press consider the stamps to be, 'provocative'.

March 16th, the Argentine Government protest the issue of the Falklands stamps to the *International Postal Union*, stating that the stamps will not be recognised in Argentina.⁷¹⁵

May 1st, an *Additional Convention to the Treaty of Friendship, Commerce and Navigation 1825* is signed in London between the UK and the Government of the Argentine Republic, aiming to facilitate trade and commerce between the two countries. Known as the *Roca-Runciman Treaty*, Vice-President Roca states that now; "It can be said that Argentina is an integral economic part of the British Empire"⁷¹⁶

August, 3 Argentine fishing vessels are challenged in 6 separate incidents by the Royal Navy within the *Falklands Islands Protection Zone*. An Argentine naval air force *Electra* patrol aircraft is challenged by 2 RAF *Phantoms*. All depart on being challenged.⁷¹⁷

December 11th, statement in the House of Commons; "There are no foreign vessels currently fishing in the territorial waters of the Falkland Islands and their dependencies. There are, however, about 60 non-Argentine vessels of various nationalities fishing in the Falkland Islands protection zone outside territorial waters. These vessels are not under Royal Navy protection but the zone is kept under continuous surveillance by the Royal Navy and the Royal Air Force to prevent incursions by Argentine vessels."⁷¹⁸

1934 – January 22nd, the British Ambassador in Buenos Aires writes to the Foreign Office; "There is no genuine irredentist movement for the recovery of the Falkland group, as all sensible Argentines realise that the islands would be useless to them ... The question is really more than anything else a hobby-horse for a certain type of politician and jingle, which the Ministry of Foreign Affairs, both on principle and for internal political reasons, are unable to ignore altogether; ... It is therefore unlikely to become a serious political issue, but when it is ridden by persons who happen to hold an official position in the police, Post Office, etc., it is apt to become a nuisance, and to cause difficulties in connection with mails, passports, etc., which necessitate intervention by the Embassy."⁷¹⁹

A grant of £10,000 is made towards the expenses of an expedition to Graham Land from the Falkland Islands Dependencies Research Development Fund.

June, prompted by Dr. Palacios, Argentina's Congress passes a law requiring all schools to be supplied with *Les Isles Malouines*, a book by French historian Paul Groussac, promoting an Argentine claim; "It being necessary that all inhabitants of the Republic should know that the Falkland Islands are Argentine and that Great

715 *HC Deb 20 March 1933 vol 276 c22*. Argentine historians seem to date the recommencement of protests from this time, although no formal note was sent to the British Government. *Protestas por Malvinas 1833 – 1946* Alfredo Becerra 1998. cf Hope 1983

716 "After the Roca-Runciman treaty, a profusion of new nationalist writers and factions began to appear. For a time the nationalist movement was largely dominated by historians who sought to fuel the campaign against the British. These historical "revisionists" began to reexamine the 19th century .. Britain's imperialist encroachments: the British invasions of 1806-1807, Britain's role in the foundation of Uruguay in the late 1820s, its seizure of the Falkland Islands in 1833, the blockades under Rosas ... Propaganda of this kind made a deepening imprint on public opinion and helped sustain nationalist sentiments ..." *Argentina, 1516-1987: From Spanish Colonialism to Alfonsin* David Rock 1987

717 *HC Deb 11.11.1933 vol 48 c270W* Hansard

718 *Ibid*.

719 *PRO FO 371/20508*

*Britain, without any title of sovereignty, took possession of them by force.*⁷²⁰

December 29th, Herbert Henniker-Heaton becomes Governor of the Falkland Islands.

1935 – February 22nd, Argentina's Minister of the Interior orders the cancellation of police identification certificates issued to 2 people born in the Islands, which state that the holders are British subjects.

“Lieut.-Colonel Allen asked the Secretary of State for Foreign Affairs whether his attention has been drawn to the action of the Argentine Government in sequestering the identity certificate of Mr. Francis Ushuaia Lewis, a Falkland Islander, on the plea that it described him as a British subject, whereas the Argentine view is that the Falkland Islands are Argentine territory; and whether he will make representations to the Argentine Government with a view to securing the recognition of the Falkland Islands as British territory and the native inhabitants as British subjects, and therefore not liable to serve in the Argentine forces ?

*Mr Eden; “The case of Mr. Lewis and the similar case of Mr. De Boe were reported by His Majesty's Ambassador at Buenos Aires, when they occurred in February of this year. His Excellency raised the matter with the Argentine Ministry for Foreign Affairs at the time, and was informed that the Argentine authorities considered themselves entitled to revoke, for whatever reason, identity cards issued by themselves. I understand that the documents in question, apart from specifying the holders as British subjects, contained an inaccuracy in stating that their place of birth was the United Kingdom and not the Falkland Islands. As regards the second part of the question, I can assure my hon. and gallant Friend that the Argentine Government have never been left in any doubt as to the view of His Majesty's Government that the Falkland Islands are British territory and that persons born in the Falkland Islands have the national status of British subjects and cannot merely by reason of their birth in the Islands be claimed as Argentine citizens.”*⁷²¹

Argentina issues a set of 10 stamps one of which purports to show the country's borders. Chile, Peru and the United Kingdom all make official protests. The stamp is reprinted but still shows the Falkland Islands as Argentine territory.

1936 – February 11th, Anthony Eden, the Foreign Secretary, replies to a question in the Commons; *“In so far as the issue of the stamps in question is based on an assertion of an Argentine claim to the Falkland Islands I welcome the opportunity of stating that His Majesty's Government cannot admit any such claim to the Islands, which are British territory.”*

February 17th, coal hulk, *Lady Elizabeth*, breaks her mooring lines in a storm and beaches in Whale Bone Cove.⁷²²

April 22nd, following a further British protest, the Argentine Post Office states; *“The withdrawal of the stamp could lead to the belief that the Argentine Republic was backing off from its rights to the Malvinas Islands”.*⁷²³

In **August**, the British Ambassador in Buenos Aires, Sir Neville Henderson, writes to Anthony Eden, suggesting that Britain should perhaps recognise Argentina's claim to the Falklands.

720 *The New York Times June 23rd*, also Pascoe & Pepper 2008

721 *HC Deb 25.7.1935 vol 304 cc2013 – 4*, Hansard

722 During the Falklands war of 1982, an SAS reconnaissance team managed to hide inside the vessel and spy on Argentine forces around Stanley.

723 *Minature Messages: the semiotics and politics of Latin American postage stamps* Jack Child 2008

August 28th, Eden rejects the suggestion and notes; “... you should be aware that the legal basis of the (British) claim is far less weak than at one time supposed...”⁷²⁴

“.. there is reason to doubt whether, in fact, Argentina ever had any grounds of claim to the islands at all. In the diplomatic exchanges of 1833 the case would seem to have been argued upon the wrong grounds by both sides. It would seem that the events in the 18th century were irrelevant, that the islands had become completely unoccupied in 1811, and that they had to be considered at that time as ‘res nullius’ open to the occupation of any State. Further, unless the occupation of the privateer Vernet, whom the Argentine Government tried rather unsuccessfully to clothe with their authority, can be considered to have been an Argentine occupation, the islands were ‘res nullius’ at the time of the British reoccupation in 1832.”⁷²⁵

1937 – January, Ambassador Henderson writes to Sir Anthony Eden; “The Under-Secretary for Foreign Affairs informed the counsellor to the Embassy that the Ministry for Foreign Affairs had no desire whatever to make an issue of the Falkland Islands question, but that their position was awkward when politicians or the press brought it to the fore, and when Government departments or the judiciary referred to them matters connected with it, they could not avoid taking official notice. They desired, however, as far as possible, to keep the matter in the background, and as a proof of their goodwill they had erased from the forthcoming presidential message to Congress all reference to contentious questions connected with the Falkland Islands.”⁷²⁶

The Foreign Office responds; “the legal basis of the claim had been discovered to be far stronger than it had been hitherto supposed”.

March 10th, in answer to a question in the House of Commons concerning the meteorological station on Laurie Island; “His Majesty's Government ... do not regard the Argentine maintenance of the observatory as constituting any claim to sovereignty over either the South Orkneys or the Falkland Islands, both of which His Majesty's Government consider to be British territory.”⁷²⁷

April 12th, the wreck of the SS *Great Britain* is beached in Sparrow Cove.

In **May**, two Falkland Islanders seeking permission to live in Buenos Aires are refused a visa as they are already considered to be Argentine citizens.

June 1st, the Argentine Ambassador in London protests about a statement made by the British Minister of Agriculture and Fisheries to the inaugural session of the Whaling Conference, that the Dependencies were under the jurisdiction of the Falkland Island Government.⁷²⁸

1938 – A survey finds that 86% of the sheep on the Islands belong to absentee farm owners.

February 2nd, Argentina declares that all people born in the Falkland Islands are to be considered as Argentine citizens. An Islander, Mr. J.F. Langdon is granted an Argentine passport.⁷²⁹

724 PRO FO 373/7 quoted in *Pink Ice: Britain and the South Atlantic Empire* Klaus Dodds 2002

725 Anthony Eden to Ambassador Henderson August 28th PRO FO 371/10763

726 PRO FO 371/20508

727 HC Deb 10 March 1937 vol 321 cc1150-51

728 “The Ambassador's démarche was the first intimation of an Argentine claim not merely to South Georgia and the South Orkneys but to **all** the territories of the Falkland Islands Dependencies. The progressive and deliberate character of the Argentine invasion of British rights is thus evident.” *Antarctica Cases: United Kingdom v. Argentine; United Kingdom v. Chile* International Court of Justice 1956 p.26

729 *Evening Standard* newspaper. PRO A 916/916/2

Aerial surveys of South Georgia are made from *HMS Exeter* using *Walrus* aircraft.⁷³⁰

September 22nd, at the Cairo Postal Convention, Argentina expands its reservations concerning the Falkland Islands, to include the Dependencies.

1939 – July, the Government of Agustín Pedro Justo Rolón, establishes a *National Antarctic Commission* under *Decree 35 821*, to consider the potential for Argentine claims in the Antarctic peninsula.

Dagnino Pastore, a popular writer of geography texts for Argentine schools, refers to Britain's 'possession' of more than 8 million square kilometers of the Antarctic.⁷³¹

August 18th, the *Alliance of Nationalist Youth* in Argentina, publish a pamphlet to celebrate the 'reconquest' of Buenos Aires from British forces in 1807; "132 years ago the native people of this country made the ENGLISH invaders bite the dust of defeat in the streets of Buenos Aires. Today the vanquished of 1806 and 1807 dominate our Islas Malvinas of which they deprived us by violence thus doing honour to their well established fame as PIRATES And now they are endeavouring to take possession of Antarctic Regions under Argentine sovereignty. At the same time they control the essential factors which govern our economic life, and while they wax rich as a result of our Railways, our Urban Transport Systems and our Frigoríficos, the native population of the country suffers hunger and misery.

This is why we now proclaim the necessity for ANOTHER RECONQUEST."⁷³²

In **September**, the United Kingdom declares war on Germany.

October 3rd, the *Declaration of Panama* provides for a security zone around the Americas in an attempt to keep the conflict of WWII at a distance. At Argentina's insistence, the Falklands are included within the zone, while South Georgia remains outside it. Argentina submits a reservation stating that the *Resolutions* are not to be interpreted as a recognition, on their part, of British sovereignty.

On **October 25th**, the Head of the South American Department of the Foreign Office, J.V. Perowne, notes about Argentina; "Now we are at war their hopes of acquiring our possessions in the South Atlantic are probably a good deal higher."⁷³³

Noticias Graficas publishes an interview with Pueyrredon, in which he says that the Argentine claim to the Falklands is "undeniable", but, in the circumstances, "inopportune and unchivalrous."⁷³⁴

October 26th, the Overseas Defence Committee convenes to consider the defence of the Falkland Islands and South Georgia's oil stores.

October 29th, a group of nationalists meet at the home of Dr. Palacio and form a pressure group calling itself, '*Junta de Recuperación de las Malvinas*'.⁷³⁵

A member of the *Junta*, Carlos Obligado, writes the lyrics of patriotic song asserting Argentine sovereignty over the Falklands; put to music by Jose Tieri. The song is entitled, '*Marcha de las Malvinas*'.

730 Headland 1992

731 *Education, political culture, and foreign policy: the case of Argentina* Carlos Escude 1992 cf. 1940, 1946 & 1947

732 TNA CO 78/211/9. British diplomats at the time suspected some German influence.

733 TNA, FO 371/22714

734 PRO A 7425

735 Pascoe & Pepper 2008

December 13th, *HMS Exeter* is damaged in a battle with the German pocket battleship *Graf Spee*, and is ordered to make its way to the Falkland Islands to make emergency repairs.

December 26th, the cruiser *Cumberland*, arrives at Port Stanley with 107 German prisoners-of-war.⁷³⁶

1940 – March 6th, in answer to a question in the House of Commons; “... *the Colony is finding this year a sum of nearly £21,000 for defence purposes which is equivalent to about 30 per cent. of the pre-war revenue. Towards this expenditure fresh taxation which is estimated to provide some £14,000 additional revenue has been imposed. I feel sure that hon. Members will agree that these figures reflect credit on this small Colony whose total population is less than 3,000 persons.*”

April 30th, Argentina's *National Antarctic Commission* is made permanent under *Decree 61 852*.

In **July**, the *Havana Conference* raises concerns that European colonies may fall under Axis control. The delegates from Argentina, Brazil, Chile, Peru, Uruguay, and the USA agree that there should be a collective trusteeship of any territory which is in such danger. The *Conference* also decrees that such territories should subsequently have the right to determine their own futures although Argentina submits reservations concerning the Falkland Islands, and “*certain regions in the south*”.⁷³⁷

Dagnino Pastore, changes the content of his school geography text of 1939; taking out the word '*possess*'. The text now suggests that Britain '*attributes to itself*' eight million square kilometers of the Antarctic.

September 11th, Argentina sends a note to the British Government suggesting a conference to consider the '*juridical-political*' status of Antarctica.⁷³⁸

Argentine diplomats express concerns about a report in the *Washington Post* that the US has obtained a naval base in the Falklands from Britain. The reports are denied.

November 6th, a Chilean Presidential *Decree* claims - "*the Chilean Antarctic . . . to be all lands, islands, islets, reefs, glaciers (pack-ice), already known or to be discovered, and their respective territorial waters. . . [between longitudes] 53 degrees and 90 degrees west ..*"

November 12th, Argentina protests, but accepts an invitation from Chile to discuss the matter; “.. *It will be observed from the note that Argentina bases its claim to the Antarctic areas in question on, 1) continuous occupation through maintenance of an observatory in the South Orkneys established 37 years ago; 2) certain expeditions made by its Navy, and 3) the geographic proximity of the area to the archipelago of the Falkland Islands, which it asserts, “is also a part of our national territory.*”⁷³⁹

1941 – Sir Allan Wolsey Cardinall becomes Governor.⁷⁴⁰

January 3rd, the '*Junta de Recuperación de las Malvinas*' holds a ceremony at the tomb of Luis Vernet.

January 22nd, the armed merchant cruiser, *Queen of Bermuda*, arrives at South Georgia seeking enemy vessels.

736 *The New York Times* December 28th

737 *Foreign relations of the United States diplomatic papers, 1940. The American Republics*

738 *Foreign relations of the United States diplomatic papers, 1940. General and Europe*

739 *US Ambassador in Buenos Aires to Secretary of State No. 1543 November 15th 1940*

740 Not gazetted. However, the award of a Knighthood in 1943 refers to him as Governor. *The London Gazette, No.35841*

February 25th, Britain rejects the claim made by Chile the previous November.

Argentine naval personnel take over the meteorological station on Laurie Islands from the civilian staff that had previously manned the station while the Government in Buenos Aires informs the *International Postal Union* that they are opening a permanent post office in the South Orkneys.⁷⁴¹

March 5th, *HMS Queen of Bermuda* destroys fuel supplies on Deception Island, in the South Shetlands group, to prevent them falling into German hands. The fuel had been left by the *Hektor Whaling Company*, which held a British lease. Gun batteries are established on South Georgia.

Chile and Argentina discuss the Chilean *Decree* of the previous year. The two countries agree to a combined title, whilst still maintaining their individual claims.⁷⁴²

May 28th, Argentina's President, Roberto María Ortiz, restates Argentina's claim to the Falkland islands in his Message to Congress; for the first time in the 92 years since President Rosas last mention in 1849.⁷⁴³

Argentina sends an expedition to the Antarctic Peninsula.

August 14th, the *Atlantic Charter* is agreed between the USA and Britain. One of the eight principle agreements is that; "*all people have a right to self-determination.*"

December 16th, the Buenos Aires newspaper, *Pampero*, claims that it is "*inevitable*" that Britain will transfer the Falkland Islands to the United States.

1942 – in **January**, a Pan-American conference of Foreign Ministers is held in Rio de Janeiro to discuss the implications of the Japanese attack on Pearl Harbour. During the discussions, Argentina requested to be given responsibility for the protection of the Falkland Islands.

*"These blackmail tactics are what might have been expected of the Government of acting President Castillo and Sr. Ruíz Guiñazu [Foreign Minister]. Either way they have something to gain. If they do not get the Falklands they have an admirable excuse for staying out of the war; if they do get them they at once become national heroes instead of being disliked and despised by 90% of the Argentine public."*⁷⁴⁴

In **August**, 2,000 men from the 11th Battalion, West Yorkshire Regiment, arrive to garrison the Falklands.

October, Britain's Ambassador, David Kelly, is instructed to protest the Argentine expedition to Antarctica in the austral summer of 1941/42. He refuses, referring to the Falklands; "*.. this is one political question on which all Argentines are agreed and if (which of course may be untrue) the Minister for Foreign Affairs is really pro-German ... we might be sending him a heaven sent opportunity (to break off relations).*"⁷⁴⁵

During **December**, *HMS Carnarvon Castle* is sent to patrol the Falkland Islands and Dependencies; "*... to examine the anchorages in those territories for any signs of use by enemy raiders, and to investigate Press*

⁷⁴¹ *Antarctica Cases: United Kingdom v. Argentine; United Kingdom v Chile* International Court of Justice 1956 p.30

⁷⁴² Chile bases its claim to the Antarctic Peninsula on the 1493 *Inter caetera*; Spain proclaiming a governor in 1593; the *uti possidetis juris* principle whereby Chile asserts that it inherited Spanish territory on its independence; and congruity (geography). Chile has added - "*since structurally the Antarctic Peninsula . . . [is] a continuation of the Andes, these regions are natural extensions of Chile.*"

⁷⁴³ Ortiz appears to be a common link joining the South Georgia claim in 1927 (Minister of Public Works), the South Sandwich Islands claim in 1938 and the resurrected claim of 1941, while he was President.

⁷⁴⁴ TNA ADM 116/5104

⁷⁴⁵ TNA ADM 116/4670

reports of purported acts of sovereignty at Deception Island by the Argentine naval transport *Primer de Mayo*.”⁷⁴⁶

1943 – January 8th, a party from *HMS Carnarvon Castle* lands at Deception Island; “... and there obliterated from the walls of the *Hektor Whaling Company's* factory the national colours of Argentina, which appeared to have been painted on them recently by the *Primer de Mayo*. and also removed the Argentine notice of claim.⁷⁴⁷ ... A writ was at the same time affixed to the building proclaiming that the company's lease had lapsed and that the building was the property of the British Government.”

February 8th, sailors from *Carnarvon Castle* erect flagstaffs carrying the Union Jack at Signy Island.

Argentina's government is informed of the visit to Deception Island and told that; “.. the United Kingdom Government had no intention of allowing the British title to the island to be usurped by Argentina.”

Argentina's Foreign Minister replies that his Government considers its claims to have been; “inherited from Spain.”

February 15th, the Argentine Government sends a *memorandum* reaffirming its pretensions to all Antarctic lands, and dependencies, south of latitude 60° S.

February 18th, in a note sent to the *International Postal Union* in Berne, Switzerland, the Argentine post office contests Britain's right to regulate the movement of mail through the Falkland Islands.

Governor Cardinall establishes a *Naming Committee* to assist in the preparation of accurate maps of the Falklands by the Royal Engineers.⁷⁴⁸

April 7th, the United Kingdom sends a *memorandum* to Argentina reasserting its British titles.

Primer de Mayo returns to Deception Island and renews Argentine colours on the walls of the old whaling factory there.

1944 – January 26th, Argentina severs diplomatic ties with Germany and Japan.

January 29th, *Operation Tabarin* commences. Troops leave the Falklands in *HMS William Scoresby* and *SS Fitzroy*; with instructions to establish British bases on Deception Island and in Graham Land.

In **February**, Argentine emblems are removed from Deception and Melchior Islands and permanent British bases established.⁷⁴⁹

Dagnino Pastore, amends the content of his school geography text yet again; taking out the phrase '*attributes to itself*' and replacing the section on the Antarctic to claim '*unquestionable rights*' for Argentina over a vast Antarctic sector.

Magistrates are sworn in for the South Orkneys, South Shetlands and Graham Land.⁷⁵⁰

746 *Antarctica Cases: United Kingdom v. Argentina; United Kingdom v Chile* International Court of Justice 1956 p.28

747 This claimed all lands and dependencies between 25° and 68° 34' West

748 *The Toponymy of the Falkland Islands as Recorded on Maps and in Gazetteers* Permanent Committee on Geographical Names 2006

749 The British *Cabinet* feared incursions by both the United States and/or Germany in an attempt to establish some claim to parts of British Antarctica. There were also fears about the Argentine and Chilean aspirations, and the mission was mainly to reinforce the existing British claim. On Deception Island, an Argentine flag was discovered, and removed.

750 *Antarctica Cases: United Kingdom v. Argentina; United Kingdom v Chile* International Court of Justice 1956 p.29

April 17th, the Town Hall in Stanley, which houses the Museum and Post Office, is destroyed by a fire.⁷⁵¹

1945 – February 11th, following the Yalta conference, Roosevelt, Churchill and Stalin declare their resolve to establish, "a general international organization to maintain peace and security".

March 27th, Argentina declares war on Germany in order to be eligible to attend the international conference being arranged for April.

April 25th, delegates of 50 nations meet in San Francisco for the *United Nations Conference on International Organization*. The delegates draw up a *Charter*.

In **May**, at the 25th Meeting of the *Fourth Committee on Decolonisation*, Argentina makes a reservation to the effect that the Argentine Government does not recognise British sovereignty in the Falkland Islands.

The United Kingdom's delegation then makes a parallel reservation, not recognising Argentine sovereignty.⁷⁵²

June 26th, the *United Nations Charter*, the foundation document of the UN, is signed in San Francisco.⁷⁵³

Article 1 states; "*The Purposes of the United Nations are:*

1. *To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;*

2. *To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples⁷⁵⁴, and to take other appropriate measures to strengthen universal peace;*

3. *To achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and*

4. *To be a center for harmonizing the actions of nations in the attainment of these common ends."*

October 24th, the *Charter* comes into force following ratification by 29 of the original 50 signatories, including the United Kingdom and Argentina.

Article 73.

'Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories, and, to this end:

1. *to ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses;*

751 Rebuilt in 1950.

752 Footnote to A/RES/66(1)

753 The *Charter* is a multilateral *Treaty* in international law.

754 " .. a free and general expression of the will of the people." quoted in *Self-determination and the Falklands* Denzil Dunnet 1983

2. to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement;
3. to further international peace and security;
4. to promote constructive measures of development, to encourage research, and to co-operate with one another and, when and where appropriate, with specialized international bodies with a view to the practical achievement of the social, economic, and scientific purposes set forth in this Article; and
5. to transmit regularly to the Secretary-General for information purposes, subject to such limitation as security and constitutional considerations may require, statistical and other information of a technical nature relating to economic, social, and educational conditions in the territories for which they are respectively responsible other than those territories to which Chapters XII and XIII apply.'

Article 74

"Members of the United Nations also agree that their policy in respect of the territories to which this Chapter applies, no less than in respect of their metropolitan areas, must be based on the general principle of good-neighbourliness, due account being taken of the interests and well-being of the rest of the world, in social, economic, and commercial matters."⁷⁵⁵

Article 103 deals with the paramountcy of the UN Charter as an international Treaty: "In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail."

The Charter also founds an International Court of Justice (ICJ) at the Hague, as successor to the PCIJ.

July 9th, a proposal to send senior German military officers, in small groups, to live in remote British colonies such as the Falklands, is considered by senior staff officers of the Allied armies.⁷⁵⁶

The *Falkland Islands Dependencies Survey* is founded to administer the British bases in the Falklands Dependencies, and the Antarctic Territory.

Whaling recommences at South Georgia with shore stations at Grytviken, Husvik and Leith.⁷⁵⁷

In **September**, Governor Cardinall writes; "This colony is so hopelessly unlike any other Crown Colony in that it is entirely peopled by the British, most of whom look to retire to the motherland, that I am even toying with the idea, now that air traffic is so speedy and certain, to put forward a suggestion that the Island is incorporated in the United Kingdom."⁷⁵⁸

1946 – Sir Geoffrey Miles Clifford takes over as Governor.⁷⁵⁹

In **February**, Stonington Island in West Graham Land is established by the *Falkland Islands Dependencies Survey* as a base to explore and map the Antarctic Peninsula. Wood from the deserted whaling station at Deception Island is used to construct the base.

February 9th, the UN General Assembly adopts *Resolution 9(1)* regarding *Non-Self Governing Peoples*.

⁷⁵⁵ In respect of the Falkland Islands, *Article 73* imposes duties on the United Kingdom while *Article 74* places a general responsibility on all non-Administering States including Argentina.

⁷⁵⁶ *The New York Times* July 9th & July 22nd

⁷⁵⁷ In the summer of 1945/46, 9 factory ships and 93 whale catchers process 13,387 whales.

⁷⁵⁸ Dodds. 2002 p119

⁷⁵⁹ Not *Gazetted*, but he is referred to as Governor when given his Knighthood in 1949. cf. *The London Gazette*, No.38628

A population census identifies 2,239 people present on the Islands.

June 3rd, Argentina informs the British Ambassador, Sir Reginald Leeper, that it will not recognise Falkland Islands stamps as valid.

The British Red Cross open an overseas station in Stanley.

October 21st, Britain lists the Falkland Islands as a '*non-self governing territory*' under the *UN Charter* for the purposes of *Article 73*.^x

October 14th, the *Victory* bar opens in Stanley.

December 14th, the *UN Resolution 66(1)* lists 74 territories as '*non-self-governing*' for the purposes of *Article 73* of the *Charter*.

1947 – January, there are illegal landings of Argentine naval forces amongst some of the islands of the Falklands' Dependencies. The British Government makes a formal protest in each case.

January 3rd, Britain formally rejects all Argentine claims to the Falkland Islands and the Dependencies in a Note to the Ministry of Foreign Affairs in Buenos Aires.⁷⁶⁰

During **March**, the Governor of the Falkland Islands makes a tour of the Dependencies and gives formal written protests to the officers in charge of Argentine and Chilean posts on Greenwich Island and Gamma Island.

May 16th, the Chilean Government rejects the protests made against it.

June 24th, President Juan Perón issues *Decree No. 14 062*. It states, *inter alia*; " ... *In view of the necessity of collecting all records which exist in the country regarding Argentina's irrevocable rights over the Falkland and South Georgia Islands, and considering that the findings presented by the National Antarctic Committee which functions under the directions of the Ministry of Foreign Affairs, were inspired by the same purpose as that of the 'Gobierno Superior', to protect and recover the territorial estate which legally belongs to the Republic ...*"

Following the announcement of this decree, Britain offers to take the issue of sovereignty over South Georgia and the South Sandwich Islands to the ICJ at the Hague. Argentina declines, its representative saying that the Argentine claim is "*incontestable*" and suggesting that the "*juridico-political*" status of the Antarctic region should be determined by an international conference, hosted by Buenos Aires.⁷⁶¹

August 27th, the *Act of Chalpultepec (Rio Treaty)*, an inter-American *Treaty* of reciprocal assistance is signed. An attack on one of the signatories is to be considered an attack on all. The Falkland Islands are included within the southern section of the treaty area, at Argentina's insistence.⁷⁶²

Uruguay and Britain sign an agreement for flights between the Falkland Islands and Montevideo.⁷⁶³

December 17th; in an exchange of *Notes*, the UK invites Argentina and Chile to challenge its titles to sovereignty; invoking the jurisdiction of the ICJ which the UK would then accept.

760 *HC Deb 12 March 1947 vol 434 cc211-2W*

761 "*The Argentine and Chilean encroachments during the 1946 to 1947 Antarctic summer were made the subject of comprehensive notes of protest to the two Governments in December, 1947, and a further protest was made about the same time to the Argentine Government.*" Written reply by Mr. Bevin, *HC Deb 03 March 1948 vol448 cc372-4 Hansard*

762 Argentina considered this something of a diplomatic *coup*.

763 *The New York Times Oct. 29th 1952*

1948 – January 28th, Argentina responds that, convinced of the unquestionable rights of herself and Chile over the disputed areas, it would be wrong for her to appear before the Court in the position of a State requesting what already belonged to her.⁷⁶⁴

February 12th, Dr. Pascual La Rosa is appointed Ambassador by Argentina with a remit to discuss with Chile the; “.. *rights which both countries exercise in the Antarctic Continent.*”

February 16th, *HMS Nigeria* is dispatched from Cape Town to the Falklands with orders to patrol the Dependencies, following reports of Argentine landings.

February 17th, the President of Chile, Gabriel González Videla, visits Chile's base on Greenwich Island, one of Britain's South Shetland Islands. On his return to Santiago, Videla attacks British claims, “ *We would deny our glorious history, we would deny our past, if we were to renounce a single piece of our territory, only because there are those who believe that acts of imperialism today constitute a title of sovereignty.*”

February 18th, the Australian Prime Minister, Ben Chifley, states that, if asked, he would consider sending a cruiser in support of British sovereignty over the Falklands.⁷⁶⁵

February 21st, *HMS Nigeria* arrives in the South Atlantic ready to confront an Argentine task force consisting of 2 cruisers and 6 torpedo boats.

February 25th, Foreign Secretary, Ernest Bevin, tells Parliament that; “*The policy of His Majesty's Government is that the question of rival claims in the Falkland Islands Dependencies should, in the first instance, be brought before the International Court of Justice. This is based on our belief that international discussions could scarcely be profitable until the question of title has been subjected to international legal examination. This, of course, in no way precludes the possibility of discussions at a later stage.*”

It has been suggested from the Chilean side that our offer to accept the opinion of the Court was not a fair one because we were asking the other parties to appear as plaintiffs. I wish to point out that the sole reason for presenting the matter in this form was that neither Argentina nor Chile had accepted the Optional Clause of the Statute of the International Court of justice and that consequently it is impossible at present for His Majesty's Government to bring this dispute before the Court by themselves proceeding as plaintiffs. His Majesty's Government desire, however, to reaffirm that if the Argentine and Chilean Governments are willing to make an agreement with us under which the Court shall pronounce upon the title to these territories, we shall be glad to collaborate in the negotiation of such an agreement.

The President of Chile has now returned to his own country after his visit to the South Shetlands and has made certain declarations. The Argentine fleet carrying five Admirals is now, I understand, off Deception Island. His Majesty's representative in Buenos Aires has been assured by the Argentine Minister for Foreign Affairs that these vessels have been sent with no intention of asserting any rights or taking possession of any territory but merely to carry out routine exercises in that area.

In the opinion of His Majesty's Government these expeditions and the declarations which accompany them in no way affect the question of title and sovereignty in these areas. They are gestures by the parties concerned in support of their claims, which of course are not recognised by the other parties. In so far as they create excitement and ill-feeling they appear to His Majesty's Government highly regrettable.... ^{“766}

⁷⁶⁴ *Antarctica Cases: United Kingdom v. Argentina; United Kingdom v Chile* International Court of Justice 1956 p.35

⁷⁶⁵ HC Deb 23 February 1948 vol 447 cc1600-1

⁷⁶⁶ HC Deb 25 February 1948 vol 447 cc1931-3

*'There was laughter in the House when Mr. Bevin referred to the presence of five admirals with the Argentine fleet.'*⁷⁶⁷

March 3rd, the song, *'Marcha de las Malvinas'*, is premiered by the Argentine National Symphony Orchestra.

March 4th, an Argentine mine-sweeper, *Parke*, warns a Norwegian fishing vessel, *Brategg*, that she requires Argentine permission to anchor at Deception Island. The warning, written into the ships log, is subsequently struck out by the harbour master at Whalers Bay as, *'illegal'*.

On the same day, the Governments of Chile and Argentina announce a round of negotiations to delineate their claims in the Antarctic region.⁷⁶⁸

March 23rd, the Foreign Secretary answers a question in the House of Commons; *"Occupied posts have been established, in defiance of our protests, by the Argentines on Laurie Island in the South Orkneys group, on Gamma Island in the Palmer Archipelago, and on Deception Island in the South Shetlands group; and by the Chileans on Greenwich Island in the South Shetlands group and on South Graham Land.*

*The House will be aware that His Majesty's Government have, on more than one occasion, offered to refer this question to the International Court of Justice at The Hague, but the Argentine and Chilean Governments have not seen fit to avail themselves of this offer."*⁷⁶⁹

April 27th, at a meeting between the US Ambassador and President Peron, the *Rio Treaty* of the previous year is discussed: *"Here, he brought up the question of the Falkland Islands and remarked that the connection would probably not be immediately apparent to us but he would explain why. He blamed the British for provoking the recent disagreements over the Falkland Islands and the Antarctic regions. He said that the naval maneuvers which had drawn the British ire were nothing new but were maneuvers which Argentina had engaged in before for many years. He said the British, were to blame for making too much out of these routine maneuvers and that they sent British warships to the Falkland Islands for what were undoubtedly political reasons not very clear to him. He described the Falkland Islands question as being a matter of "life and death" for Argentina and said that British possession of the Falkland Islands might be described as a fish-bone in the throat of every Argentine and the irritation would not be removed until the fish-bone was disgorged; every Argentine was convinced of the validity of Argentine claim to Falklands.*

*The President remarked that we had explained ... the position of the United States with regard to the Falkland Islands and he understood clearly that for reasons of our own we had not found it possible to support the Argentine position. ... The President said frankly that at Bogota, Argentina wanted the Falkland Islands and we wanted an anti-communist pact and he was merely having (Minister) Bramuglia "play a little poker."*⁷⁷⁰

May 5th, Vice-Admiral Sir William Tennant writes to the First Sea Lord, Sir John Cunningham; *".. I would hold onto the Falkland Islands and South Georgia at all costs, even to the extent of going to war. But for the rest, would it not be a good idea to form an Antarctic club of those countries interested ... and discuss the question of nationalising the whole of the Antarctic. If the Argentines were too stupid to listen to any of this then I see no alternative to continue the rather childish performance that has gone on between our ships for a number of*

767 *The New York Times* Feb 26th

768 *The New York Times* March 5th

769 HC Deb 23 March 1949 vol 463 cc342-3

770 Ambassador Bruce in Buenos Aires to Secretary of State Washington April 28th No. 331 in *Foreign Relations of the United States, 1948. The Western Hemisphere*

years.”⁷⁷¹

June 4th, a petition is sent to the British Government complaining about the 'dictatorial' manner of the Governor in implementing rises in taxation, and pointing out; “*It is significant that after 115 years the Colony is still without representative government and it is evident that under the present administration elected representation on the Executive Council is a necessary preliminary to self-administration.*”⁷⁷²

June 9th, Argentine Government Decree 17 040 establishes the *División Antártida y Malvinas*, to deal with matters pertinent to the Falkland Islands, South Georgia and the British Antarctic territories.

“*Peron's chief propaganda drive is directed against Great Britain .. It centers on the Antarctic ... and also includes the Falklands and their dependent islands .. Recently, the Peronist press has been full of demands that the Malvinas and a part of Antarctica shall be recognised as Argentinean territory. In this demand, Argentina has allied itself with Chile, which is also to get its slice. At present, however, it seems very doubtful that Peron really wants the Malvinas, much less the Antarctic. He is simply whipping up nationalist sentiment and making an inexpensive bid for Chilean friendship.*”⁷⁷³

June 19th, a Colonial Office minute notes; “*The people are virtually of UK stock, and it is easy to understand their desire for that measure of control over their own affairs which they would enjoy in the UK itself through urban district councils or county councils.*”⁷⁷⁴

July 3rd, Governor Clifford telegrams the Colonial Office concerning the petition; “*The root of the present discontent .. is the absence of popular representation and, as such, I must say at once that it has my entire sympathy.*”

The Colonial Office in London acknowledges the Islanders' concerns and asks the Governor to address the issue of democratic reform with the local population.⁷⁷⁵

In **October**, the British *naval attaché* in Buenos Aires, Tony Lincoln, writes to the Foreign Office in London, noting with regard to the Falkland Islands, “*.. a belief in the justice of their claims is one conviction common to all Argentines; irrespective of class and party; it is perhaps the only reliable key to national unity.*”⁷⁷⁶

Governor Clifford reports to the *Legislative Council*, proposing reforms to its constitution that would provide for a fairer mix of appointed and elected members.

October 6th, Argentina's representative at the UN, M.R. Varela, speaks to the *Trusteeship Committee* in Paris; “*Argentina cannot agree that the Falkland Islands can be anything but Argentine. We cannot take into consideration this report, which includes the islands among the non-self-governing territories.*”⁷⁷⁷

November 19th, “*The Falkland Islands and the Dependencies have been in the news of late, owing to the action of Argentina in advancing yet another claim for their possession. This 'claim' is of true comic opera*

771 PRO ADM 1/21126 Quoted in Dodds 2002

772 Signed by 740 residents, the petition was addressed to the Secretary of State for the Colonies. It was not made public. cf. Dodds 2002 p118

773 'The Condor and the Cows' by C. Isherwood 1949. It also became an offence, in Argentina, to produce any maps that did not include Argentina's claims to the Falklands and the Antarctic Territories. cf. *Geopolitical Traditions: Critical Histories of a century of geopolitical thought* Klaus Dodds 2000

774 PRO CO 78 24/1

775 Dodds 2002 p.121

776 TNA CO 537/4023

777 *The New York Times* Oct. 7th

pattern. The 'argument' is that, because Spain was once in possession of all South American territories, therefore Argentina, having assisted in expelling the Spaniards from the continent, the Falkland Islands are now the property of Argentina!"⁷⁷⁸

December 1st, in a speech to the House of Lords, the Earl of Perth says; "*The vociferous claims of the Argentine Republic to the Falkland Islands, the claims of Chile and the Argentine to British Possessions in Antarctica and the claim of Guatemala to British Honduras, are to my mind examples of .. excessive nationalism, though happily in none of these cases has there been any resort to violent action. Clearly, cases of this kind ought to be referred to the International Court of Justice at The Hague, as His Majesty's Government have expressed their willingness to refer them, for a decision on legal ownership. The claimants, however, are showing themselves reluctant to adopt this procedure, and I cannot but deduce from their hesitation that in fact the claims are not legally sound.*"⁷⁷⁹

December 13th, the *Falkland Islands Letters Patent 1948*, passed under the Great Seal of the Realm, constitute the Office of Governor and Commander in Chief of the Colony of the Falkland Islands, making provision for the government thereof. The Governor is granted wide-ranging powers -

- (a) to make laws for the peace, order and good government of the Dependencies,
- (b) to appoint judges and other officers,
- (c) to dismiss any person holding public office,
- (d) to make grants and dispositions of land within the Colony.

The *Falkland Islands (Legislative Council) Order 1948* sets up a new *Legislative Council* consisting of the Governor, as President, two *ex-officio* officers (the Chief Secretary and the Financial Secretary) and elected members.

December 24th, the Falkland Islands Air Service commences operations from Port Stanley, offering a medical and mail service to the outlying communities, in a *de Havilland Canada* float plane.

1949 – the *Royal Instructions* provide for the constitution of an *Executive Council* consisting of two *ex-officio* members (the Chief Secretary and the Financial Secretary), two unofficial members appointed by the Governor and two elected members of the *Legislative Council*. The *Instructions* require the Governor to consult the *Executive Council*. If the Governor believes that he must act contrary to the advice of the *Executive Council* he may do so but must report to the Secretary of State his reasons for doing so.

The Dependencies are legally distinct from the Falkland Islands but are administered from them.

March 24th, at the Havana Conference, Argentina attacks Britain's occupation of the Falklands, claiming that it; "*has unquestioned rights to the Falklands, to the South Georgia Islands, to the South Sandwich Islands and to the Argentine Antarctic; Argentina's ownership is established by incontrovertible rights – historic, juridical and geographical.*"

Argentina refuses to recognise the validity of birth certificates issued in the Falkland Islands.⁷⁸⁰

778 *Falkland Islands Weekly News* 5/47

779 *HL Deb* 1.12.48 vol 159 c707 Hansard

780 *HC Deb* 11.4.1949 vol 463 cc2453 – 4 Hansard

March 31st, Civil Judge, Robert Palmieri, rules that children born in the Falkland Islands can be listed in Argentina's public records as if they are Argentine.

April, the *North Atlantic Treaty Organisation* (NATO) is founded. *Article 5* of the Treaty states; " *The Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defence recognised by Article 51 of the Charter of the United Nations, will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area. Any such armed attack and all measures taken as a result thereof shall immediately be reported to the Security Council. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.*"⁷⁸¹

In **June**, the Falklands' Governor, Sir Miles Clifford, on holiday in Montevideo, annoys Argentina by telling the press, when asked about Argentina's claims to the Falklands; "We do not pay any attention to them."⁷⁸²

1950 – January 1st, a *Meteorological Service* is established at Stanley, run by the Falkland Islands Dependencies Survey, which also takes over the weather station in Grytviken.

June 9th, Argentina's Postmaster General serves notice that any mail arriving in the country bearing a Falkland Islands, or Dependencies, stamp, will be treated as *unfranked*.

July 19th, in a debate held amongst Argentina's Chamber of Deputies, Absalón Rojas, blames General Rosas for the loss of the Falklands to Britain, and complains that the restoration of "*perfect friendship*" between Britain and Argentina without any reference to the Falklands was a serious omission.⁷⁸³

1951 – April 30th, once again, Britain offers to take the dispute over the Falkland Island's Dependencies to the ICJ at the Hague. Again Argentina refuses.

May 1st, President Juan Peron, in his annual speech to Congress, asks for support from other South American countries in Argentina's long-standing dispute over the Falklands; "*The Argentine Republic wants to maintain solidarity with all the nations of America, but demands that America show solidarity too, at least with respect to our true, inalienable right.*"⁷⁸⁴

During the austral summer, 5 British weather stations, established in the Dependencies, submit weather reports to Stanley which are analyzed, and the resulting forecasts' broadcast to whaling ship in the area.

In **December**, six Argentine ships arrive at Hope Bay and construct a base.

1952 – February 1st, Argentine sailors fire machine guns over the heads of a party of British scientists and support staff attempting to repair a base at Hope Bay, on the tip of the Antarctic Peninsula.⁷⁸⁵

781 Action is limited under the *Treaty* to Europe and North America, precluding any assistance in a signatory's *Overseas Territories*. Hence there was no NATO involvement in 1982.

782 *The New York Times* June 20th

783 *Diario de Sesiones de la Cámara de Diputados, Año del Libertador General San Martín, 1950, Tomo II, Período Ordinario, 6 de julio-10 y 11 de agosto*, Buenos Aires 1951 pp. 1095-1096 cited in Pascoe & Pepper 2008.

784 *The New York Times* May 2nd

785 Destroyed in a fire in 1948. The Argentine base was constructed nearby, shortly after the fire.

February 4th, Sir Geoffrey Clifford, Governor of the Falkland Islands, sets out for Hope Bay with *HMS Veryon Bay* and *HMS Burghead Bay* to investigate the incident and oversee the rebuilding work.

Britain lodges a formal protest with Argentina.⁷⁸⁶ Argentina responds by blaming the Commander for taking an; “*over-literal interpretation of his instructions.*”

On their return to Buenos Aires, the seamen are feted by Peron; “*Soldiers and sailors when they are carrying out so sacred a duty as that of serving their country are permitted to err through displaying too much energy, but they are never permitted to err by displaying too much weakness.*”

Prime Minister Winston Churchill calls for a review of defence plans for the Falkland Islands.⁷⁸⁷

In **April**, an experimental return flight from the UK is made by *Aquila Airways Ltd.*

HMS Veryan Bay is sent to the Islands with a compliment of 30 marines.

April 26th, reported in *La Nacion*, President Peron says; “*Argentine sovereignty will have to be re-stated every year with a new effort.*”

May 22nd, Peron is reported in *La Nacion*; “*We defend our rights and time will confirm them. We must therefore wait with confidence and launch generations of Argentines towards the Antarctic . . .*”

October 21st, Argentina protests at Uruguay's appointment of a consular agent and also complains about an agreement for an air link to the Falklands. Uruguay's Government point out that the vice-consul was appointed in 1924 and the transport agreement signed in 1947.

October 28th, as a reprisal, Argentina bans her shipping from calling at Uruguay's ports.

December 10th, Colonial Secretary Oliver Lyttelton, announces the building of additional military bases.⁷⁸⁸

December 16th, United Nations *Resolution 637 (VII) A* states *inter alia*; “*Whereas the right of peoples and nations to self-determination is a prerequisite to the full enjoyment of all fundamental human rights... The General Assembly recommends that;*

1. The Member States of the United Nations shall uphold the principle of self-determination of all peoples and nations;

*2. The Member States of the United Nations shall recognize and promote the realization of the right of self-determination of the peoples of Non-Self-Governing and Trust Territories ... and shall facilitate the exercise of this right by the peoples of such Territories ... and to the freely expressed wishes of the people concerned, the wishes being ascertained through plebiscites or other recognised democratic means, preferably under the auspices of the United Nations;...”*⁷⁸⁹

1953 – January, under the pretext that Uruguay has impinged on Argentina's sovereignty for more than 20 years by maintaining a consulate in the Falklands, Argentina restricts the amount of permits given to its citizens allowing travel to its neighbour.⁷⁹⁰

⁷⁸⁶ *HC Deb 20.2.1952 vol 496 c21W* Hansard

⁷⁸⁷ Freedman 2005.

⁷⁸⁸ *The New York Times December 11th* also *HC Deb 10.12.1952 vol 509 cc450-1* Hansard

⁷⁸⁹ *Yearbook of the United Nations 1952*

⁷⁹⁰ *The New York Times January 7th*. Argentine tourism was, and is, an important part of Uruguay's GDP.

February 15th, British forces from *HMS Snipe* demolish buildings on Deception Island and detain two Argentine men for 'trespass'.

February 16th, Her Majesty's Ambassadors at Buenos Aires and Santiago present *Notes* informing the two Governments of the action taken and protest against the infringement of sovereignty by Argentina and Chile. On the same day, the UK again invites Argentina to go before the ICJ.

February 20th, both Chile and Argentina protest and assert their claims to the Island. Chile mobilizes its navy, and threatens to take its case to the *Organisation of American States* (OAS).

February 21st, Britain rejects the Argentine and Chilean protests and a Royal Marines detachment spends 3 months on Deception Island.

February 23rd, a statement is made in the House of Lords regarding the Deception Island incident; "*My Lords, may I, with leave of the House, intervene to make a brief statement on recent happenings in Antarctica? At the beginning of this month Her Majesty's Government were informed that Argentina and Chile had established naval parties on the airstrip adjoining the British base at Port Foster, Deception Island, which is British territory, and that permanent buildings had been erected. These encroachments represented not merely an infringement of our sovereignty on the Island, but a nuisance and an obstruction to those who were maintaining our base. Instructions were accordingly given to the Acting Governor of the Falkland Islands to dismantle the buildings which had been erected and to arrest and deport under the Falkland Islands Aliens Ordinance any occupants found in them. These instructions were carried out on February 15, by the British magistrate, assisted by constables of the Falkland Islands police. The party travelled to Deception Island in Her Majesty's Frigate "Snipe," and Royal Marines were available, if needed, 610 in support of the civil power. Two occupants of the Argentine hut were arrested, without resistance, and the Argentine and Chilean huts were dismantled. The Chilean hut was unoccupied. The two arrested men were handed over at South Georgia on February 18 to the master of an Argentine vessel bound for Buenos Aires. In taking the steps I have described, the Government have been concerned to dispel any doubt about their attitude to encroachments of this type on British territory. At the same time they have repeated the offer made to both countries by the late Government to refer the conflicting claims to territory in the Antarctic to the International Court of Justice. I am sorry to say that both countries, in their Notes, have seen fit once more to reject this offer.*"⁷⁹¹

The regular population census identifies 2,230 people present in the Falklands.

June 2nd, Argentina's representative at the Coronation of Queen Elizabeth II, Admiral Alberto Teisaire, brings a proposal from President Perón; that Argentina purchase the Islands from Britain. The offer is rejected.⁷⁹²

August 20th, Sir Oswald Raynor Arthur is gazetted Governor.⁷⁹³

November 17th, the *Minquiers and Ecrehos* case is adjudged by the ICJ. This case concerns sovereignty over a number of islets lying near the British Channel Islands, but claimed by France.

"Judge Alvarez, while also concurring in the decision of the Court, made a declaration expressing regret that the Parties had attributed excessive importance to mediæval evidence and had not sufficiently taken into account the state of international law or its present tendencies in regard to territorial sovereignty."

791 HL Deb 23 February 1953 vol 180 cc609-11609

792 Subject to the 30 year rule, this information was published in the Spanish Newspaper, *El Pais*, on 30/1/1984

793 *The London Gazette*, No.40090

Britain re-offers to take the dispute over the Falklands Dependencies to the ICJ. Argentina still refuses.

1954 – March, the 10th *Inter-American Conference*, meeting in Venezuela, calls for the elimination of European colonies in the Americas. The US delegation declines to join the proposed working party, saying that decolonization is a matter for the United Nations.

April 28th, Colonial Minister, Henry Hopkinson tells the Commons that eleven unauthorised settlements have been set up in the Dependencies, and that protests have been made to both Argentina and Chile.

August 25th, an Argentine law is promulgated granting “*the Antarctic sector and the Islands of the South Atlantic*,” the status of “*National Territories*.” Britain protests.⁷⁹⁴

In **December**, Britain reoccupies six bases on the Antarctic Peninsula.

December 15th, Argentina reasserts its claim to the Falklands in a *Note*; “.. *neither directly nor indirectly can British occupation of the Malvinas be considered lawful because it derived from an act of force.*”⁷⁹⁵

December 21st, the UK invites Argentina to refer the dispute to an independent *ad hoc* arbitral panel. The same message states that; “... *in the event of Argentina (or equally Chile) failing to accept its offer of arbitration, it reserved the right to take such steps as might be open to it to obtain adjudication of its legal rights. One of the steps open to the United Kingdom is to bring the dispute before the Court by a Unilateral Application under Article 40 (1) of the Statute and Article 32 (2) of the Rules, and, as indicated ... it is this procedure which the United Kingdom has elected to adopt.*”⁷⁹⁶

1955 – May 4th, Britain unilaterally places the dispute with Chile and Argentina over South Georgia, the South Shetland Islands, the South Sandwich Islands and Graham Land before the ICJ; ... *Differences have existed between the Governments of the United Kingdom and of the Republic of Argentina for a number of years, concerning pretensions advanced by the Republic in 1925, and at various dates thereafter, to the sovereignty of certain Antarctic and sub-Antarctic territories which belong to the United Kingdom under prior, long-standing, and well-established legal titles, dating from, at latest, the period 1775-1843. The territories in dispute between the two countries form part of the Falkland Islands Dependencies, consisting of already existing British possessions, which were proclaimed as such and formally placed under the administration of the Government of the Colony of the Falkland Islands by Royal Letters Patent of July ...*⁷⁹⁷

“The Government of the United Kingdom, in submitting this application to the Court, accordingly contends :- (1) that by reason of historic British discoveries of certain territories in the Antarctic and sub-Antarctic ; by reason of the long-continued and peaceful display of British sovereignty from the date of those discoveries onwards in, and in regard to, the territories concerned; by reason of the incorporation of these territories in the dominions of the British Crown ; by virtue of their formal constitution in the Royal Letters Patent of 1908 and 1917 as the British Possession called the Falkland Islands Dependencies : the United Kingdom possesses, and at all material dates has possessed, the sovereignty over the territories of the Falkland Islands Dependencies, and in particular the South Sandwich Islands, South Georgia, the South Orkneys, South Shetlands, Graham Land and Coats Land;

794 *HL Deb 20 July 1955 vol 193 cc909-10*

795 *The New York Times December 16th*

796 *Antarctica Cases: United Kingdom v. Argentina; United Kingdom v Chile* International Court of Justice 1956 p.36

797 In accordance with the rules of the ICJ, Britain agreed on submission to accept compulsory jurisdiction and abide by the decision of the court. *Antarctica (United Kingdom v. Argentina) 1955*

(2) that the legal titles of the United Kingdom to the Falkland Islands Dependencies, and in particular to the South Sandwich Islands, South Georgia, the South Orkneys, South Shetlands, Graham Land and Coats Land, are, and at all material dates have been, superior to the claims of any other State, and in particular to those of the Republic of Argentina;

(3) that, in consequence, the pretensions of the Republic of Argentina to the South Sandwich Islands, South Georgia, the South Orkneys, South Shetlands, Graham Land and Coats Land, and her encroachments and pretended acts of sovereignty in those territories are, under international law, illegal and invalid.

The Government of the United Kingdom. therefore, asks the Court to declare -

(1). that the United Kingdom, as against the Republic of Argentina, possesses, and at all material dates has possessed, valid and subsisting legal titles to the sovereignty over all the territories comprised in the Falkland Islands Dependencies, and in particular South Sandwich Islands, South Georgia, the South Orkneys, South Shetlands, Graham Land and Coats Land;

(2) that the pretensions of the Republic of Argentina to the territories comprised in the Falkland Islands Dependencies, and in particular South Sandwich Islands, South Georgia, the South Orkneys, South Shetlands, Graham Land and Coats Land, and her encroachments and pretended acts of sovereignty in or relative to any of those territories are, under international law, illegal and invalid;

(3) that the Republic of Argentina is bound to respect the United Kingdom's sovereignty over the territories comprised in the Falkland Islands Dependencies, and in particular South Sandwich Islands, South Georgia, the South Orkneys, South Shetlands, Graham Land and Coats Land, to cease her pretensions to exercise sovereignty in or relative to those territories and, if called on by the United Kingdom, to withdraw from them all or any Argentine personnel and equipment.⁷⁹⁸

May 11th, Argentina and Chile reject British proposals to submit the case to the *International Court*.⁷⁹⁹

July 12th, Lord Reading, Minister of State for Foreign Affairs, protests an Argentine law which implicitly gives the Falklands, and the Dependencies, the status of Argentine provinces.

August 1st, in relation to the case pending at the Hague, Argentina's Foreign Minister writes; " .. *The Argentine Government has several times had occasion to indicate in notes addressed to Her Britannic Majesty's Embassy in Buenos Aries that it cannot consent to the question of sovereignty over the Antarctic Territories of Argentina which it is sought to raise being referred for decision to any International Court of Justice or Arbitration Tribunal. By this present note, my Government reaffirms its refusal in the most express way with regard to the jurisdiction of this Court and with regard to any possibility that it should be seised as such to deal with this case.*"

Argentina elsewhere refers to a '*.. fundamental principle in accordance with which territorial sovereignty cannot be submitted for discussion or put in issue ..*' and states that the matter is too "*.. self-evident to require judicial determination..*".

In **September**, a military coup in Argentina, forces Juan Perón from power.⁸⁰⁰

Hunting Aerosurveys are employed to delineate the boundaries between farms on the Islands.

798 *Antarctica Cases: United Kingdom v. Argentina; United Kingdom v Chile* International Court of Justice 1956 p.37

799 *The New York Times* May 12th

800 There is a story that, on hearing the news of Perón's exile, Winston Churchill described it as the best thing to happen to the British Empire since the end of the Second World War. Perón subsequently blamed the British for his overthrow.

October 6th, Carlos Alberto Cortine, Argentina's representative at the *Trusteeship Committee* meeting at the UN, protests Britain's transmission of information regarding the Falklands, as required under Article 73 of the *Charter*, to the Committee.

1956 – March 16th, unable to proceed due to Argentina and Chile's refusal to acknowledge the court's jurisdiction, the ICJ removes the *Antarctica* case from its list.⁸⁰¹

Martiniano Leguizamon Pondal, in his book *'Toponimia Criolla en las Islas Malvinas'*, creates the myth of Antonio Rivero the *'revolutionary hero'* who resisted British rule in the Falklands in 1833.⁸⁰²

HRH Prince Phillip, visits the Falklands, South Georgia and the British Antarctic Territories in *HMY Britannia*.

June 1st, the Government of Argentina bans distribution of the United Nations magazine *'World Communications'* because it lists the Falkland Islands as a British possession.

1957 – Sir Edwin Porter Arrowsmith becomes Governor.⁸⁰³

India proposes to the United Nations that it should judge the merits of the various Antarctic claims. Argentina protests.

1958 – the *Hydrographic Service* survey the anchorages and bays, used by whalers, in South Georgia.

Proposals to transfer the assets of the *Compañía Argentina de Pesca*, in a sale to the British based *Albion Star*, are vehemently opposed by Argentina.⁸⁰⁴

In **June**, eleven countries, including Argentina and Britain, agree to join the United States at a conference to negotiate political arrangements for the Antarctic.

August 30th, Argentina voices its opposition to any internationalization of the Antarctic.

1959 – October 15th, the Washington Conference convenes to consider proposals for the future of the Antarctic region. Argentina, Chile and France are particularly sensitive to any suggestion of a dilution of their territorial claims.⁸⁰⁵

December 1st, the *Antarctic Treaty* is signed, covering the area south of latitude 60°S and affecting the status of some Falkland Islands' Dependencies. The Treaty's objectives are -

- to demilitarize Antarctica, to establish it as a zone free of nuclear tests and the disposal of radioactive waste, and to ensure that it is used for peaceful purposes only;
- to promote international scientific cooperation in Antarctica;
- to set aside disputes over territorial sovereignty.

Article 1 deals with the limitation on the presence of armed forces within the Antarctic region, and states -

801 *Antarctica Case (United Kingdom v. Argentina) Order of March 16th, 1956*. At the time of submission, an Argentine Judge, Lucio Manuel Moreno Quintana, was a member of the panel.

802 Pascoe & Pepper 2012 p.6

803 Appointment not *Gazetted*, but Arrowsmith is referred to as Governor on receipt of his Knighthood. cf. *The London Gazette, No.41727*

804 *FO371/131892; Colonial Office Records; Public Record Office, October 17th 1958*

805 Dodds 2002 p.88

1. *Antarctica shall be used for peaceful purposes only. There shall be prohibited, inter alia, any measure of a military nature, such as the establishment of military bases and fortifications, the carrying out of military manoeuvres, as well as the testing of any type of weapon.*
2. *The present Treaty shall not prevent the use of military personnel or equipment for scientific research or for any other peaceful purpose.*

*Article IV (2) deals with existing and future claims; "No acts or activities taking place while the present Treaty is in force shall constitute a basis for asserting, supporting or denying a claim to territorial sovereignty in Antarctica or create any rights of sovereignty in Antarctica. No new claim, or enlargement of an existing claim, to territorial sovereignty in Antarctica shall be asserted while the present Treaty is in force."*⁸⁰⁶

Compañía Argentina de Pesca closes down after selling the Grytviken whaling station to *Albion Star (South Georgia) Ltd.*

1960 – the documentary, *'Islands of the Sea'*, is filmed on the Falkland Islands, and subsequently nominated for an Academy Award.

In **June** Britain ratifies the *Antarctic Treaty*.

September 23rd, the Chairman of the Council of Ministers of the Union of Soviet Socialist Republics (USSR), Nikita Khrushchev, proposes a declaration on the granting of independence to colonial countries and peoples.

December 14th, United Nations Resolution 1514 – known as the *Declaration of the Granting of Independence to Colonial Countries and Peoples*, is passed. It states, *inter alia*:⁸⁰⁷

"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, and of universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion, ...

Affirming that 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,

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.*

⁸⁰⁶ The *Treaty* has the effect of 'freezing' all existing sovereignty claims and prevents any more being made. This 'freeze' includes claims to the South Shetland Islands, the South Orkneys and Graham Land. Some countries such as the USA and Russia, have 'reserved' their position, and may yet make a claim if the Treaty fails. In defiance of the Treaty, both Chile and Argentina have attempted to reinforce their claims by establishing settlements on the Antarctic peninsula.

⁸⁰⁷ The final text was adopted from the Cambodian amendment. Eighty-nine countries voted in favour, none voted against, and nine abstained. The abstainers were, for the most part, the old colonial powers. The admission of 16 new States in 1955 and a further 19 in 1960 facilitated, *"the intellectual cohesiveness and also the political-tactical competence to secure the adoption of resolution 1514 (XV) without a single expressed dissent in the General Assembly."* *Declaration on the Granting of Independence to Colonial Countries and Peoples* Edward McWhinney 1960

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.

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.^{xi}

December 15th, Resolution 1515 recognises the right of States to dispose of their own natural resources.

On the same day, Resolution 1541 sets out the principles; "... which should guide Members in determining whether or not an obligation exists to transmit the information called for in article 73 of the Charter of the United Nations... -

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.*⁸⁰⁸

1961 – March 14th, the British Government, in response to a speech by President Arturo Frondizi, reminds the Argentine Government that the Falkland Islands Dependencies are British territory.

On Good Friday, the last official Norwegian service is held in the church at Grytviken, South Georgia.

In **June**, both Argentina and Chile ratify the *Antarctic Treaty*.

November 27th, UN Resolution 1654 (XVI) establishes a *Special Committee* of seventeen members with a mandate to make suggestions and recommendations on the progress and extent of the implementation of the *Declaration*, and to report to the *General Assembly*.⁸⁰⁹

1962 – March 3rd, the Antarctic area of the Dependencies becomes the *British Antarctic Territory*, an individual overseas territory, separate from the Falklands, and administered by a High Commissioner.⁸¹⁰

Chilean newspapers urge their Government to protest.

The population census reveals that there are 2,172 people present in the Islands on the day of the census.

December 14th, UN Resolution 1803 recognises a State's permanent sovereignty over its own natural resources; "... resolution 1515 (XV) of 15 December 1960, on the sovereign right of States to dispose of their own wealth and natural resources and resolution 1803 (XVII) of 14 December 1962, on States' permanent sovereignty over those natural resources. The further Declaration on the Establishment of a New International Economic Order and the related Programme of Action (resolutions 3201 (S-VI) and 3202 (S-VI) of 1 May 1974),

808 *cf* Resolution 2625 1970 which adds a further circumstance.

809 Following Resolution 1810 (XVII) of 17 December 1962, the membership of the Special Committee was enlarged by seven members, resulting in a total of twenty-four members and is now more commonly known as the Committee of 24 or, shortly, the C24. Current membership is higher, but the C24 tag stuck.

810 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, comprising 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. The High Commissioner was also Governor of the Falklands until 1990 when authority transferred to a Commissioner in London.

and the Charter of Economic Rights and Duties of States (resolution 3281 (XXIX) of 12 December 1974) are demonstrations of the prophetic quality of resolution 1514 (XV) in providing an inevitable legal linkage between self-determination and its goal of decolonisation, and a postulated new international law-based right of freedom also in economic self-determination." ⁸¹¹

1964 – Grytviken whaling station on South Georgia finally ceases operations.

The Argentine Government under President Arturo Illia circulates an instruction to schools, to teach the subject of the Falklands 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 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.”*⁸¹²

August 19th, Sir Cosmo Dugal Patrick Thomas Haskard is gazetted as Governor.⁸¹³

September 8th, while the *Special Committee* (C24) are meeting at the United Nations headquarters 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. The Argentine Government publicly dissociate themselves from this incident.

September 9th, Argentina raises the question of the Falkland Islands at the meeting of the *Special Committee*.

Argentina’s UN representative, Dr. José María Ruda, makes a speech to the *Committee*, claiming -

- that Spain's reservation in the 1771 agreement was the reason that ended the dispute
- that when the British left in 1774, the lead plate only claimed one Island ⁸¹⁴
- 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 Argentina became independent in 1810 rather than 1816
- that David Jewett applied Argentine fishing regulations to the Islands
- that Buenos Aires made Don Pablo Areguati Governor in 1823
- that Vernet's first expedition was '*partially successful*'
- that the Lexington attacked Puerto Louis under a French flag

811 Edward McWhinney 1960.

812 *Malvinas as an educational policy* Alberto Sileoni 2010

813 *The London Gazette*, No.43424

814 The actual wording starts, “ *Know all the Nations, the Falkland Islands, with its ports, warehouses, landings, natural harbours, land and coves belonging thereto, are of exclusive rights and ownership of his most sacred Majesty George III, King of Great Britain ...* “

- that Britain and America conspired together
- that Britain expelled 'almost all' the Argentine settlers in 1833
- that the Islanders' are only a temporary population
- that Britain's possession violates Argentina's '*territorial integrity*'

Dr. Ruda also asserts that Britain, having '*abandoned*' the Islands in 1774, thereafter acknowledged both Spain's and then, via inheritance, Argentina's, sovereignty.⁸¹⁵

In his right to reply, the British Representative states that his Government holds that the question of sovereignty over the Islands is not negotiable, but that they are willing to discuss the maintenance and development of peaceful relations between the UK and the Falkland Islands on the one hand and Argentina on the other.

He adds that the UN's committees are not competent to decide questions of sovereignty.⁸¹⁶

September 12th, demonstrator's stone the British Embassy Residency in Buenos Aires.

September 18th, the *Decolonization Committee* produces its report, taking note of the existence of a dispute.

US delegate, Adlai Stevenson, states that the issue of territorial sovereignty is not a matter for the UN.

November 5th, *HMS Protector* arrives off Stanley with 10 members of the *Combined Services Expedition*, who are going to South Georgia. The Governor uses the vessel to visit the Dependencies.

1965 – January 1st, a Royal Marine detachment consisting of 30 men, remain at Stanley when *HMS Protector* leaves to patrol the area.⁸¹⁷ The Governor is again on board when the ship visits Deception and Laurie Islands. Laurie Island is found to be deserted.⁸¹⁸

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.*"⁸¹⁹

March 4th, *HMS Protector* retrieves the expedition from South Georgia, and sails for the Falklands.

March 16th, *HMS Protector* leaves the Falkland Islands.

The *Immigration Ordinance 1965* prohibits entry to the Falkland Islands by any person, other than a permanent resident, without a permit. A '*permanent resident*' is defined as a person born in the Islands, or a person who has been ordinarily resident there for at least 7 years, or the dependent of any such person, or a person naturalised locally.

September 21st, 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.⁸²⁰

815 Whilst Dr. Ruda's speech has been criticised for adopting an inaccurate, indeed distorted, version of history, there is little doubt that the speech was a diplomatic success and instrumental in the General Assembly vote for Resolution 2065 the following year. *cf.* Pascoe & Pepper 2012

816 *The New York Times* Sept. 9th

817 This was a local agreement between the Governor and the Commander of the British vessel as a reaction to Argentine propaganda which, it was feared, might inspire some nationalist group. *cf.* Freedman 2005.

818 *HMS Protector 1964-1965* private publication, undated. Foreword Captain M. S. Ollivant

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

820 *UN Yearbook 1965*

October 26th, 10 soldiers of the Argentine Army, led by Colonel Jorge Leal, make an illegal crossing of Antarctica to reach the South Pole, codenamed *Operation 90*.⁸²¹

November 1st, following the deliberations by the *Special Committee for Decolonisation*, the British Government send a diplomatic *Note* to Buenos Aires pointing out the the Dependencies are not part of the Falkland Islands; and not within the C24's remit.

In **December**, at the UN, Argentina's representative says that the Falklands should be decolonised in accordance with *Resolution 1514 (XV)* of 1960 and that the only course of action, is for Britain to return them to Argentina.

Britain responds that it has no doubts as to its sovereignty over the territory, and that, as a result, there was no question of Argentina's territory having been disrupted. The spokesman also states that no provision of *Resolution 1514 (XV)* 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.

December 16th, UN General Assembly *Resolution 2065*^{xii} recognises the existence of a dispute between the Governments of Argentina and the United Kingdom concerning sovereignty over the Falkland Islands⁸²² and invites those Governments to proceed without delay with negotiations to find a peaceful solution to the problem, bearing in mind the interests of the population of the Islands.⁸²³



821 Military operations are banned under the *Antarctic Treaty*. Unannounced; the expedition only came to light later.

822 “*We have undertaken a careful examination of the resolutions in question. They refer only to the Falkland Islands and do not explicitly mention the Dependencies. Moreover, the list of non-self-governing territories compiled by General Assembly Committees in 1946 and subsequently in 1964 referred exclusively to the “Falkland Islands.” However, the report on the Falkland Islands by the Special Committee on Decolonisation which was referred to in the 1965 General Assembly resolution included factua data concerning both the Falkland Islands and the Dependencies, and references were made in the Special Committee's debates on both. But the “conclusions and recommendations” section of the Committee's report did not refer to the Dependencies explicitly and we argued that they did not relate to the Dependencies in a Note which we sent to Argentina on 1 November 1965.*” PREM 19-0625 6 May 1982

823 United Nations *Resolutions* are not mandatory, only advisory, with the exception of some that are pronounced by the *Security Council*. *GA Resolutions* require a simple majority to pass, unless they are declared to be an ‘*important question*’, in which case a 2/3rds majority is required. How long a *Resolution* remains ‘*in force*’ is unclear and appears subject to events and changing circumstances. *Resolutions* such as 2065 which dealt with specific issues perhaps the more so. Argentina today still attempts to rely on the request to negotiate made out in 2065, even though it went to war over the Islands in 1982 in defiance of an SC *Resolution*. It is very debatable whether this is a realistic position to adopt.

1966 - 1981



1966 – January, Argentina's claim is raised with the British Foreign Secretary, Mr. Michael Stewart, when he visits Buenos Aires. Stewart responds that Britain does not recognise any claim and he 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."*⁸²⁴

He adds; *"when one was confronted with a community whose wishes were clear and undoubted, one had to produce very powerful arguments to override them.."*

Also in **January**, Argentina's Government founds the *Instituto y Museo Nacional de las Malvinas y Adyacencias* to; *"stimulate the national conscience."*⁸²⁵

Six Royal Marines are deployed to train the Falklands' *Local Defence Force*. These six are now the only regular troops on the Islands.

In **June**, there is a military coup in Argentina, led by General Juan Carlos Onganía.

July 19th, in a reaction to *Resolution 2065*, a preliminary meeting is held in London, at which the Argentine Ambassador submits a diplomatic *Note* formally demanding the *"restitution"* of the Falkland Islands. The British delegation rejects the implication that Britain's occupation of the Islands is illegal, but there is agreement that there should be some detailed examination of ways to decrease friction, and how to limit the scale of the dispute.

July 23rd, England and Argentina meet in the World Cup football competition. Following Argentina's controversial defeat in the Quarter-finals, Argentine newspapers report; *"First they stole the Falklands from us, and now the World Cup."*

September 28th, an armed group of 19 Argentines from the extremist *Condor* group, hijack an *Aerolíneas DC4* with 26 passengers on-board, including Admiral Jose Guzmán, and force it to go to the Falklands. When the aircraft lands on the race-course at Stanley some Islanders go to assist but are seized. The hostages are released later in the day in an exchange with Marines' Captain, Ian Martin, and the local Police Sergeant, Terry Peck, taking their place. Arms are issued to the *Defence Force* and police officers, who surround the aircraft.⁸²⁶

September 29th, following a mass with Father Rudolph Roel, the hijackers agree to surrender.

There are demonstrations in Buenos Aires and shots are reported being fired towards the British Embassy.⁸²⁷

824 *The Times* Jan. 14th

825 Metford 1968

826 Admiral Jose Guzmán was the governor of Tierra del Fuego, under which Administrative area Argentina included the Islands. After the exchange, and on being taken past the Governor's residence, he laughingly called out, *"Mi casa"*.

827 This incident occurred during a visit by Prince Philip, Duke of Edinburgh, to Buenos Aires; embarrassing the Argentine Government, which quickly disassociated itself.

Following a review, the Royal Marines detachment on the Islands is restored to platoon strength (NP8901).

In **November**, talks take place between British and Argentine officials. A 30 year 'sovereignty freeze' is proposed by the UK at the end of which the Islanders' will be free to choose between British and Argentine rule. Argentina rejects the proposal.

December 16th, 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”*⁸²⁸

1967 – March, the British Government states formally to Argentina that they are prepared to consider a cessation of sovereignty over the Islands under certain conditions and provided that the wishes of the Islanders are respected. A 'Memorandum of Understanding' is prepared.

A satellite tracking station is built near Stanley for the *European Space Research Organisation*.

June 13th, Britain's proposal states; *“Article 1: her Britannic Majesty will be prepared to transfer sovereignty over the Falkland Islands to Argentina provided that the change is acceptable to the inhabitants of the Falkland Islands.”*⁸²⁹

Argentina rejects the proposal, and the right of veto it gives the Islanders.

October 23rd, *Barings Brothers Bank* suggests to the Foreign Office's *American Department* that it should let Argentina “infiltrate” the Falklands by selling it the *Falkland Islands Company*, which dominates the economy.

November 18th, the US Embassy in Buenos Aires writes to the State Department in Washington on the talks taking place between the UK and Argentina; *“As the British Embassy Officer sees it, 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 ...”*⁸³⁰

October 21st, Governor Haskard complains about the proposals regarding sovereignty; *“ .. Our links, sentimental and economic, bind us firmly to England. Argentina, seen through Falkland eyes is unknown, foreign, aloof, disdainful, corrupt, feared, ...”*⁸³¹

828 This *Covenant* was not due to take effect until March 23rd, 1976.

829 Freedman 2005 p.20

830 Dodds 2002 p.129

831 *PRO FO 7/154*

December 31st, the population of the Islands is put at 2,122.⁸³²

1968 – a copy of the 'Memorandum' is shown to the Islands' Executive Council.

February 27th, Members of the British Parliament receive an open letter: "*To Members of Parliament*

From Unofficial Members of Falkland Islands Executive Council (A.G. Barton - R.V. Goss - S. Miller - G.C.R. Bonner)

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.

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! "

In **March**, the *Falkland Islands Emergency Committee*, an unofficial body, is formed to promote the wishes of the Islanders regarding their future.

March 27th, the Secretary of State for Foreign Affairs, Lord Chalfont, is forced to defend his Government's position in the Lords; "*Her Majesty's Government's object in conducting these talks was to secure a satisfactory and lasting modus vivendi between the Falkland Islands and Argentina, and that Her Majesty's Government have thought it right in pursuance of this objective that the question of sovereignty should be discussed in these talks.*

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,

832 UN Yearbook 1968

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, and I think the House will not want to be wearied by having them repeated again—because that is all I should do. But when we come to make agreement with the Government of the Argentine, when these decisions have been made they will of course be published and will be subject to debate in both Houses of Parliament, in the other place and in your Lordships' House. 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."⁸³³

Chalfont is subjected to strong criticism both in Parliament, and in the British press.

April 1st, in response to the criticism, the British Government publicly states that there will be no cession of sovereignty against the wishes of the Islanders.

April 25th, Lord Shepherd answers a question on the suitability of a referendum in the Falkland Islands; "*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.*"⁸³⁴

In **July**, the deployment of Marines to the Falklands is up-graded to a year round commitment.⁸³⁵

August, the final version of the proposed 'Memorandum of Understanding' states;

"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.*"⁸³⁶

833 *HL Deb 27 March 1968 vol 290 cc990-6990*

834 *HL Deb 25 April 1968 vol 291 cc738-9*

835 Freedman 2005 p.48

836 *Falkland Islands Review (Franks Report) Lord Oliver Franks 1983 para.23.*

In **November**, Lord Chalfont travels to the Islands in order to explain what is happening to the Islanders.

In a publicity stunt paid for by an Argentine newspaper, Miguel Fitzgerald, attempts to repeat his 1964 landing of a Cessna aircraft at Stanley Racecourse. Frustrated by obstructions on the track, he crash lands in Eliza Cove Road. Fitzgerald is unhurt.

December 5th, Chalfont, on his return to London, submits a report; *“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.”*⁸³⁷

The Government is also informed that Argentina is not prepared to accept that the 'Memorandum' should include any statement that a transfer of sovereignty would be subject to the wishes of the Islanders; nor that any unilateral statement, enshrining this safeguard, should be specifically linked to the 'Memorandum'.

December 11th, the Government decides not to continue in its attempt to reach a settlement on the basis of the 'Memorandum of Understanding'.

Mr Stewart makes a statement in Parliament later that same day, announcing a decision to continue negotiations while confirming that the British Government would continue to insist on the importance of the Islanders' wishes. He also assures the House that negotiations with Argentina do not include the Dependencies.⁸³⁸

December 17th, the Argentine Ambassador to the United Nations complains about; *“...recognition of the Argentine sovereignty, as a definite solution, [being] subject to the wishes of the islanders.”*⁸³⁹

December 19th, in letters to the United Nations, both Argentina and Britain inform the 23rd Session of the *General Assembly* that negotiations are continuing and that there has continued to be progress towards, *“narrowing the area of divergence”* between the two countries. During the debate Argentina demands that its sovereignty be recognised, and states that the principle to be applied is not that of *self-determination* but that of national unity and *territorial integrity*. Britain responds that it has no doubts about its sovereignty and that no transfer of sovereignty can be made against the wishes of the inhabitants.⁸⁴⁰

1969 – March 19th, *British Pathé News* films in the Falklands for the 21st anniversary of the inter-island air service.

In **November**, the British Government approaches Buenos Aires suggesting that talks take place with a view to an agreement on communications between Argentina and the Falkland Islands.⁸⁴¹

November 21st, a letter addressed to the Secretary-General of the United Nations by Lord Caradon says; *“Your Excellency, I have the honour to address you in connection with the question of the Falkland Islands. ... the Government of the United Kingdom of Great Britain and Northern Ireland have continued negotiations with the Government of the Argentine Republic with the common objective of settling as soon as possible the dispute concerning sovereignty over the Falkland Islands in a definitive and amicable manner, taking duly into account the interests of the inhabitants of the Islands, in accordance with Resolution 2065 (XX) and the*

837 PRO FO 42/94 Report by Lord Chalfont on the visit to the Falkland Islands 23-28 November 1968

838 HC Deb 11 December 1968 vol 775 cc424-34

839 United Nations: *The Question of Malvinas and the Bicentennial, a pending question* Jorge Argüello 2010

840 UN Yearbook 1968

841 Dodds 2002 p.145

consensuses adopted by the General Assembly on 20th of December, 1966, and 19th of December, 1967. 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.”⁸⁴²

November 27th, the *Daily Express* prints a claim that there is oil to be found near the Falkland Islands.

1970 – May, the hull of the *SS Great Britain* is lifted onto a pontoon and taken to Bristol.

October 12th, UN Resolution 2621 (XXV) states, *inter alia*;⁸⁴³ “(5) Member States shall carry out a sustained and vigorous campaign against all military activities and arrangements by colonial Powers in Territories under their administration, as such activities and arrangements constitute an obstacle to the full implementation of resolution 1514 (XV).”

October 24th, UN Resolution 2625 (XXV) 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 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, (through the) ⁸⁴⁴

- *establishment of a sovereign and independent State,*
- *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...*

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...*⁸⁴⁵

842 *HC Deb 24 November 1969 vol 792 cc36-40*

843 Aimed at the situation in southern Africa, this Resolution also declared the, “ .. further continuation of colonialism in all its forms and manifestations a crime which constitutes a violation of the Charter of the United Nations.”

844 *Resolution 1541* of 1960 established the first 3 criteria for 'decolonisation'. This later *Resolution* added a fourth.

845 *Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations.*

December 23rd, Sir Ernest Gordon Lewis takes over as Governor.⁸⁴⁶

1971 – in **February**, both Britain and the United States leave the UN's *Decolonization Committee*.

*“The withdrawal from membership in the General Assembly's Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples 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, had served on the Committee since its inception and together 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.”*⁸⁴⁷

In **May**, the new Governor reassures the *Legislative Council* on proposals for a communications agreement between Britain and Argentina; “*Her Majesties Government (HMG) is insisting that 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.*

*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.”*⁸⁴⁸

In **June**, special talks are held in Buenos Aires between delegations from Argentina and the UK. The British delegation includes Falkland Islanders. The meeting considers; “*... the adoption of measures aimed at facilitating the movement of persons and goods between the Argentine mainland and the islands and at promoting the establishment of cultural, social and economic links. Both Governments declared they would continue to exchange views on these matters.*

*... both parties agreed that nothing contained in the joint statement issued at the conclusion of the talks should be interpreted as a renunciation by either Government of any right to territorial sovereignty over the islands or as a recognition of, or support for, the other Government's position with regard to such territorial sovereignty; and that no acts or activities undertaken pursuant to the joint statement should constitute a basis for asserting, supporting or denying the position of either Government with regard to territorial sovereignty over the islands.”*⁸⁴⁹

June 22nd, Argentina and Chile sign an *Arbitration Agreement* whereby they agree to submit their dispute over the Beagle Channel to international arbitration. It is agreed that Queen Elizabeth II should act as arbitrator.⁸⁵⁰

August, during talks between the UK and Argentina agreement is reached on a wide range of communications matters, of which the most important is the establishment of air and sea services between the Falkland Islands and Argentina, to be provided by Argentina and the United Kingdom respectively.

Other matters covered by *Agreements* are:-

846 *The London Gazette*, No. 45280

847 *UN Yearbook 1971* Britain's reason, as given to the UN, was that the *Special Committee* refused to recognise that it had a modern relationship with its Overseas Territories; and that it was their wish to remain associated with the UK.

848 *Falkland Islands Gazette Supplement* June 1971

849 *UN Yearbook 1971*

850 It was also agreed that the arbitration panel should consist of 5 judges from the International Court of Justice, and that the British Queen would either accept or reject the court's decision, without any power to modify it.

- 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;⁸⁵¹
- certain reciprocal exemptions from duties and taxes;
- exemption for residents of the Islands from any obligation to Argentine military service;
- 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.

The *Agreements* are set out in a joint statement signed by both Governments.⁸⁵²

LADE immediately initiates amphibious flights between Argentina and the Falkland Islands.⁸⁵³

November, three Islanders' using the *LADE* flight, are forced to accept Argentine ID cards before being allowed into Argentina, contrary to the agreement concerning '*white cards*'.

1972 – January, the Argentine Government calls for renewed talks on sovereignty.

A *Briefing Note* is prepared for Lord Chalfont by the Foreign and Commonwealth Office (FCO); "*At present the Islands are something of a liability to Britain; they no longer have a strategic value and they are difficult and expensive to defend, while remaining a constant source of friction in relations with Argentina and with Latin America as a whole.*"⁸⁵⁴

The population of the Islands is put at 1,957 following the census.

May, Argentina agrees to construct a temporary air strip near Stanley; to replace the service provided by *LADE*.

Governor Lewis applies to the British Government for a grant of £1615 million for the construction of a permanent airport.

The United Kingdom joins the European Community by signing the *Treaty of Rome*.

The *European Space Research* tracking Station on East Falkland ceases operations.

In **July** the *Falkland Islands Company* is acquired by *Dundee, Perth and London Securities Ltd*. The new owners give the *Falkland Islanders' Sheep Owners Association* the right of first refusal should they decide to sell.

July 6th, Argentina protests the inclusion of the Falkland Islands in *Annex 4* of the *Treaty of Rome*. As an Overseas Territory of Great Britain, the Islanders become citizens of the European Union.

October 23rd, Argentina's Foreign Minister addresses the *General Assembly* at the UN and tells them that the only possible solution to the dispute will be the handing over of the Falkland Islands.

851 This arrangement does not include the Dependencies.

852 Franks 1983. Also Dodds 2002.

853 *Líneas Aéreas del Estado* (English: Airline of the State) is an airline based in Comodoro Rivadavia, operated by the Argentine Air Force.

854 *FCO 7/2115 1972* quoted in S. Palmer 2004

The UK protests in a letter addressed to the Secretary-General .⁸⁵⁵

November 9th, tenders for the construction of a permanent airfield are received by the Government.

November 16th, a temporary air strip, constructed by the Argentine Air Force, comes into operation with a weekly air service between Port Stanley and Comodoro Rivadavia.

November 21st, further negotiations over communications issues take place in Port Stanley.

1973 – April, during preparatory discussions about another round of talks, the Argentine delegation indicate that they wish to move forward on the basis of the 1968 *Memorandum* proposals. The British negotiators respond that they are only prepared to discuss practical matters and not sovereignty. Britain also insists that Islanders must be present at the negotiations. Argentina refuses to accept Islander participation.⁸⁵⁶ Negotiations stall.

August 15th, in a letter addressed to the *Decolonization Committee*, Argentina blames the paralysis in negotiations on the attitude of the British; claiming that the UK has changed its position substantially.

August 21st, Britain responds that any solution must recognise the rights of the inhabitants of the Falklands to self-determination, and should provide for them to express their wishes regarding this.

On the same day, the *Committee* adopts a *draft Resolution* calling for further negotiations.⁸⁵⁷

December 5th, the *Fourth Committee* approve the text of the *draft Resolution*.⁸⁵⁸

December 14th, UN *Resolution 3160* declares the *General Assembly's* concern that eight years had elapsed; “.. since the adoption of *Resolution 2065 (XX)* without any substantial progress having been made in the negotiation..,” and, “*Declares the need to accelerate the negotiations...*”^{xiii}

1974 – January, a *Select Committee* is appointed from the elected members of the Falkland Islands *Legislative Council* to ascertain the views of the electorate on possible changes to the *Constitution* and to make recommendations on the form such changes might take.⁸⁵⁹

March, the new Labour Government in Britain suggests a 'joint-sovereignty' arrangement to the Argentine Government; as a possible answer to the impasse addressed in *Resolution 3160*.

In **June**, *Dundee, Perth and London Securities Ltd* is taken over by *Charington, Gardner and Locket*.

June 11th, Ambassador James Hutton in Buenos Aires passes a *Note* to Foreign Minister Alberto Vignes outlining the British position; “... *I am pleased to inform you that I have now received instructions from Her Majesty's Government to propose that the discussions between Britain and the Falkland Islands should be resumed on the basis of the safeguards and guarantees to be extended to the Islanders in the hypothesised event of a condominium.*”

855 *UN Yearbook 1972*

856 Freedman 2005 p.25

857 *UN Yearbook 1973*

858 The *Decolonization Committee* has become a sub-Committee of the *Fourth Committee*; itself a sub-Committee of the UN's *General Assembly*. The *Fourth Committee* is tasked, *inter alia*, with reviewing the work of the *Decolonization Committee* and proposing *Resolutions* for adoption by the *General Assembly*.

859 *HC Deb 18 December 1974 vol 883 cc1565-6*

These discussions would be without prejudice to the respective positions of the United Kingdom and the Argentine Governments with regard to territorial sovereignty over the Falkland Islanders.

I am to explain that the main aim of Her Majesty's Government in entering into negotiations on the basis of a condominium would be to settle the dispute about sovereignty by accepting Argentine co-sovereignty over the Islands, and that the end product might be a treaty resolving the Anglo-Argentine dispute and creating a favourable atmosphere in which the Islanders could develop according to their interests. For the duration of the Treaty the two parties would accept shared sovereignty over the Islands. The co-domini would be Her Majesty The Queen and His Excellency the President of the Argentina Nation.

There are several forms which a condominium might take but the basic elements might include the following:

- 1) The British and Argentine flags would fly side by side and the official language would be English and Spanish;*
- 2) All 'belongers' of the Islands would possess dual nationality;*
- 3) Existing colony passports would be replaced by travel documents issued in the co-domini;*
- 4) The present constitution, administration and legal system would have to be adapted to the needs of a condominium. The Governor might be appointed alternatively by the Queen and the President of Argentina;*
- 5) Further constitutional change would require the agreement of the co-domini.*

I also have to inform you that a Joint Session of the Executive and Legislative Councils of the Islands have informed the Governor that they had no objection to talks being held with the Argentine Government on the safeguards and guarantees required in a condominium. However, I am to state that Her Majesty's Government would feel free to invite representatives of the Islands to form part of the British delegation, and that before final agreement the Islanders would have to be formally consulted and their acceptance sought by some form of popular representation.

*On this basis, Her Majesty's Government propose that, if the Argentine Government agree, official or preliminary official talks should take place in Buenos Aires as soon as possible*⁸⁶⁰

On seeing the proposal, Argentina's President, Juan Peron, is reported as saying; *"Let's accept. Once we have one foot in the Malvinas nobody will get us out and before long Argentina will have full sovereignty."*⁸⁶¹

June 26th, Minister of State, David Ennals, in a Parliamentary written answer to a question from Sir Anthony Kershaw, says; *".. if discussions are resumed, representatives of the Islanders will be invited to join the United Kingdom Delegation."*

July 1st, President Peron dies of a heart attack.

Argentina's Foreign Ministry responds to the proposal of *joint-sovereignty* by insisting that any talks must be preceded by a recognition of Argentine sovereignty. This is unacceptable to the British Government and, as a result, no direct talks are held.⁸⁶²

In the UN, Britain resumes cooperation with the *Decolonization Committee* under the terms of Art. 73 of the *Charter* but does not rejoin. Britain however, reserves the right to speak on matters concerning its administered Territories.

860 The only copy published is Argentina's, and is unsigned.

861 Ex-Ambassador Ortiz de Rozas in an article for *La Nacion*, March 2012.

862 Franks 1983 para. 29

At the end of **July**, the FCO Minister in the Lords, Lord Goronwy-Roberts, suggests that Buenos Aires be informed that, while Britain was prepared to talk, the exercise would be useless and counter-productive until Islander participation could be assured.

September 12th, an agreement is reached for the *Argentine State Oil Company*, to supply petroleum products to the Islands at mainland prices.

In **October**, the Governor states that any; “.. *case for dialogue with Argentina, has gone by default.*”

In **November**, a proposal is submitted to the Argentine Congress to terminate the transport agreement, and stop the supply of fuel.

December, the Argentine newspaper, *Cronica*, mounts a press campaign advocating an invasion of the Falklands. Buenos Aires publicly dissociates itself from the campaign although, during a conversation with David Ennals in Lima, Minister Vignes says that there are only two options; invasion or negotiation.

1975 – January 28th, Sir Neville Arthur Irwin French is appointed Governor.⁸⁶³

In **March**, Minister Vignes again intimates that Argentina is contemplating an invasion⁸⁶⁴. Britain's Ambassador to Argentina, David Ashe, is instructed to warn the Government in Buenos Aires that any military action will be met by force.

March 25th, Argentina writes to the UN regarding press speculation that oil deposits have been uncovered near the Falkland islands asserting that they will not recognise the right of any foreign Government to explore for, or extract, minerals or hydrocarbons in that area.⁸⁶⁵

The Falklands Government *Select Committee* submits its report into constitutional changes.

April 10th, in answer to a question in the House of Lords, Lord Goronwy-Roberts state; “ *Yes, my Lords. It has always been our policy that representatives of the islanders should be present at all substantive talks, and this will continue to be our unchanging policy.*”⁸⁶⁶

April 14th, Ambassador Ashe delivers Britain's warning to the Foreign Ministry in Buenos Aires.

May 5th, Britain informs the UN that it has no doubts about its sovereignty over the Falkland Islands, nor any doubts about its exclusive sovereign rights to explore for, and exploit, the natural resources of the continental shelf there.

On **May 8th**, the FCO hold a seminar on the subject of the Falkland Islands.

During **July**, further discussions are proposed with regard to some joint Anglo-Argentine development of the resources of the South-West Atlantic. Argentina counter proposes that such discussions should be linked to the possibility of a transfer of sovereignty followed by simultaneous leaseback for a period of years, as a means of settling the dispute. Argentina also proposes that they should occupy the uninhabited Islands of South Georgia and the South Sandwich Islands, and that this occupation should be accepted without condemnation by the British Government.

863 *The London Gazette*, No. 46481

864 Freedman 2005 p.33

865 *UN Yearbook 1975*

866 *HL Deb 10 April 1975 vol 359 cc180-1*

Britain's response is that such action is unacceptable.

The Argentine Government immediately rejects any talks on economic co-operation.

July 14th, in reply to a question in Parliament, Mr. Ennals says; *“The association of the Falkland Islands, as a dependent territory for whose external affairs the United Kingdom remains responsible, will, in accordance with Article 117 of the Act of Accession to the Community Treaties, take effect upon a decision of the Council of the European Communities. The Falklands Executive Council has approved.”*⁸⁶⁷

Air passengers intending to travel from the Falkland Islands are required to obtain prior clearance from Argentina's Foreign Ministry before embarking; in defiance of the 'white card' arrangements under the 1971 agreement.

In **September**, Foreign Secretary Callaghan meets with the new Argentine Foreign Minister, Sr. Robledo, at the United Nations. Callaghan tells Robledo that there can be no discussions on sovereignty and that any attempt by Argentina to take the Islands by force will be resisted. Robledo responds that there is no; *“question of an Argentine invasion of the Islands, nor of an attempt to solve the problem by force.”*⁸⁶⁸

September 9th, at a meeting of the *International Parliamentary Union* in London, Argentina accuses Britain of an act of 'international piracy' in establishing a colony on the Falklands. The meeting is picketed by Islanders.

October 16th, the British Government announces a comprehensive economic survey, under the leadership of Lord Shackleton, to inquire into the development possibilities of the Falkland Islands and its Dependencies.⁸⁶⁹

Christian Salvesen Co., an Edinburgh firm, writes to the FCO to inform them that the company owns two old whaling harbours on South Georgia and is trying to acquire two more: *“It is a long shot, but I think that sometime in the future there may be use for these bases, either for fishing or for oil. I hope that HMG will not absentmindedly hand it over to Argentina.”*⁸⁷⁰

Argentina's Ambassador to London returns to Buenos Aires.

October 22nd, Argentina's Foreign Ministry tells the local press that permission has not been granted for the Shackleton mission.

In **November**, the *Joint Intelligence Committee* reports to the British Government that, whilst unlikely, an invasion of the Falklands by Argentina remained a possibility. Minister approve some minor constitutional changes for the Islands' *Legislative Council* which will make it 100% elected.

November 14th, the British Embassy in Buenos Aires is informed that the research ship *RSS Shackleton* will require Argentine permission to carry out any research within 200 miles of the Argentine coast, and that 'Argentine waters' is being interpreted to include the area around the Falklands Islands.

December 8th, Argentina's Ambassador to the UN makes a speech on the dispute at a plenary session of the *General Assembly*; *“We are prepared to continue our efforts, but the limits of our patience and tolerance should not be underestimated if we should have to face an obstinate and unjustified refusal to negotiate by the other party”*

867 *HC Deb 14 July 1975 vol 895 cc324-5W*

868 Freedman 2005 p.38

869 Son of the explorer, and a respected Labor peer. Shackleton was under little illusion that his report was to emphasise the importance of Argentine/Island relations and to included the possibility of a take-over. Franks 1983, para. 34.

870 Freedman 2005 p.146

The Argentine Government reserves its position regarding the responsibility which rests with the British Government for the breaking-off of negotiations and will not fail to assert its rights in the form which it deems most appropriate.”

The UN *General Assembly* defers any consideration of the question until 1976.⁸⁷¹

December 10th, Buenos Aires confirms that Shackleton's team cannot travel to the Falklands via Argentina and the *defence attaché* is warned that *RRS Shackleton* will be seized if discovered in Argentine waters.⁸⁷²

December 16th, *Cronica* sponsors a public subscription to finance an invasion of the Falkland Islands.⁸⁷³

December 17th, James Callaghan meets Foreign Minister Arauz Castex in Paris. Callaghan indicates his belief that progress can be made with economic co-operation. Castex suggests that Argentine scientists should be added to Shackleton's team. He offers a retired Admiral who must be given the position of '*deputy leader*' and says that Shackleton's conclusions should be followed by sovereignty negotiations.⁸⁷⁴

Prior to his departure, Lord Shackleton declines to accept any Argentine representative as any part of his team. Argentina immediately protests, issuing a *communiqué* stating that the survey is an unwelcome initiative to which Argentina has not agreed. Shackleton's team are refused permission to land anywhere in Argentina.⁸⁷⁵

1976 – January 2nd, the Shackleton inquiry team arrives in the South Atlantic.

January 3rd, Shackleton boards *HMS Endurance*. Foreign Minister Castex, describes the timing as “*unfriendly and unthoughtful*”.⁸⁷⁶

Castex adds that, if the British Government refuses to resume negotiations the the two countries are; “*.. rapidly moving towards a head-on collision ... in the end he could only see one course open to Argentina irrespective of what Government might be in power ... Fortified by the support of the entire Argentine nation as well as all the other nations of the world assembled in New York, his Government could accept no responsibility for such a disastrous outcome*”.

On the same day, his Ministry issues a statement, “*The people of the Republic should take note that its Government, together with the armed forces and the other institutional organizations which make up the Argentine State, share an unbreakable zeal for the defence of the dignity and rights of the nation, and that they will act without precipitation but with all the persistence, prudence and energy which may be necessary to achieve justice.*”

Argentine military aircraft overfly the Islands.

January 8th, the *Joint Intelligence Committee* reports to in London that an invasion remained unlikely but that Argentina would increase the political pressure, possibly by officially withdrawing its Ambassador who has not yet returned to the UK.

871 *UN Yearbook 1975*

872 There appears to have been a belief that Lord Shackleton's mission and the *RRS Shackleton*, named after his father, were connected, which was not the case.

873 *Argentine approaches to the Falklands/Malvinas: was the resort to violence foreseeable?* G. A. Makin 1983

874 Freedman 2005 p.39

875 Dodds 2002 p.151

876 It is unlikely that either Lord Shackleton, or the FCO, were unaware of the significance of the date for Argentina.

January 13th, following an exchange of notes between Foreign Secretary Callaghan and Minister Castex, the Argentine Government suggests that the British Ambassador to Buenos Aires be withdrawn.

January 14th, James Callaghan makes a statement in the Commons; *“Our traditional friendship with Argentina is marred only by issues arising from the Argentine claim to sovereignty over the Falkland Islands, whose inhabitants wish to remain British. Successive British Governments have undertaken to respect their wishes. ...*

When I saw Senor Robledo, the then Argentine Foreign Minister, in New York last September, I put to him the proposition that our two Governments should consider discussing the possibilities of economic co-operation in the South-West Atlantic region. I reminded him of what I said to his predecessor about the report of Professor D. H. Griffiths on the hydrocarbon prospects of the region, a copy of which I had had made available to his predecessor. I informed him that we were setting up an economic survey of the Falkland Islands. Its purpose is to quantify the options for future economic development. As the House knows, this survey is being held at the request of the Islanders. ... However, after the nomination of Lord Shackleton in October, the Argentine Government stated that the survey would not be welcome to them.

On 17th December I had the opportunity, while in Paris, of reviewing developments with the new Argentine Foreign Minister, now Senor Arauz Castex. I gave him a full explanation of the essentially independent nature of the economic survey. Unfortunately, it has not so far been possible to find the means of bridging the gap between my proposals for talks on economic co-operation and Argentine insistence on simultaneous negotiations about the transfer of sovereignty.

As the House is aware, the Argentine Government have stated that the Argentine ambassador, who returned to Argentina in October, will remain in Buenos Aires until further notice and that, in view of the present state of affairs over the Falklands question, it would be advisable for the British Government to withdraw our Ambassador. ... I shall shortly be recalling Her Majesty's ambassador for consultations.”⁸⁷⁷

In **February**, the constitutional amendments agreed in November 1975 are put on hold to avoid sending the wrong message to Argentina. This is not well received in the Falklands.

February 4th, an Argentine destroyer attempts to 'arrest' the unarmed *RRS Shackleton* when she is 78 miles south of Port Stanley. *“At 12.30 GMT on 4th February, an Argentine destroyer, the "Almirante Storni", fired shots across the bows of the Royal Research Ship "Shackleton". The Argentine destroyer threatened to fire into the hull of the "Shackleton" if she did not heave to. Subsequently the destroyer ordered the "Shackleton" to proceed to the port of Ushuaia near Cape Horn. The Governor of the Falkland Islands instructed the captain to continue steaming towards Port Stanley, which he did ...”⁸⁷⁸*

The action is observed by helicopters from *HMS Endurance*.

Britain immediately protests. Argentina counters with a *Note* claiming the waters around both the Falklands and the Dependencies for a distance of 200 nautical miles.⁸⁷⁹

February 6th, *La Nacion* reports; *“In spite of a request by the Command of Naval Operations, the Navy was not allowed to take more drastic action.”*

⁸⁷⁷ *HC Deb 14 January 1976 vol 903 cc391*

⁸⁷⁸ *Undersecretary of State for Foreign and Commonwealth Affairs, Edward Rowlands to Parliament, February 5th.*

Following this incident, an extension to the deployment of *HMS Endurance* is agreed with the Ministry of Defence. A support frigate from the Royal Fleet Auxiliary was also deployed.

⁸⁷⁹ *HC Deb 05 February 1976 vol 904 cc1414-7*

February 11th, Under-Secretary Rowlands travels to New York with instructions to inform the UN that the British Government are fully prepared to defend the Islands.

February 12th, Rowlands meets the new Argentine Foreign Minister, Sr. Quijano, who assures him that no repeat of the attack on *RRS Shackleton* will occur.

February 17th, *La Nacion* reports that the British Government, in a *quid pro quo*, has promised that *RRS Shackleton* will not operate in Argentine waters. This is immediately denied in London.

March, the British *Cabinet* approves proposals for a fresh dialogue with Argentina on all aspects of the dispute, including the possibility of Anglo-Argentine economic co-operation in the South West Atlantic, and “*the nature of a hypothetical future constitutional relationship*”.⁸⁸⁰

March 4th, Foreign Secretary Callaghan, on the recommendation of Lord Shackleton, suggests that the runway on the Islands is extended. Reg Prentice, the Minister for Overseas Development, from whose budget the costs are likely to come, delays any decision by saying that further study is required.⁸⁸¹

March 23rd, a military *Junta* takes control of Argentina in another *coup*.

On the same day, the *International Covenant on Civil and Political Rights*, adopted by the UN in 1966, comes into force. Britain ratifies the *Covenant* but Argentina does not due to the *Covenant's* emphasis that; “*all peoples have the right of self-determination...*”

April, the *Junta* introduce a compulsory course on geopolitics in Argentine secondary schools designed to teach students about; ‘*Argentine National Sovereignty*’.⁸⁸²

In **May**, the Shackleton inquiry presents its *Report* which, contrary to the assertions of the FCO, confirms *inter alia*, that the Islands make a profit for the Exchequer and are self-supporting in that they balance their own budget. The *Report* also criticises the powers that the *Falkland Islands Company* has to make decisions affecting the lives of the Islanders, without any requirement to consult with them first.⁸⁸³

Speaking in Parliament, Viscount Boyd refers to the rights of the Islanders and quotes a Canadian newspaper article; ‘*Somewhere in the Third World there must be hidden away the secret rules about who is entitled to self-determination. One suspects that they consist of just one rule and one exception. The rule seems to be that any colonial territory, however minuscule, is not only entitled to independence but obliged to demand it. The exception simply states that European populated territories are different.*’⁸⁸⁴

June 22nd, Shackleton acknowledges that his *Report* is “*not palatable*” and comes at an; “*awkward moment.*”⁸⁸⁵ The *Report* is quietly shelved.

In **August**, Argentina proposes a gradual transfer of sovereignty with a provisional administration lasting no longer than eight years with alternating British/Argentine governors. Britain does not respond.

880 Franks 1983 para.48

881 Freedman 2005 p.41

882 Dodds 2002 p.161

883 Shackleton's report turned the FCO's notion of an expensive liability on its head, revealing that the Islands were actually being de-capitalised by the UK. Shackleton estimated that UK based companies had made a 4 million GBP ‘*profit*’ between 1950 and 1970, even when defence costs, subsidies and grants had been taken into account.

884 “*Falkland Islanders cling to Britain*” in the *Alberta* newspaper. *HL Deb 20 April 1977 vol 382 cc222-66*

885 Freedman 2005 p.45

September, Argentina lands a military expedition on Southern Thule, in the South Sandwich Islands consisting of 20 soldiers under the command of a Major.

November 15th, the UN's *Fourth Committee* review the issue of the Falklands. During the debate the UK Representative states that Britain has been unable to accept earlier General Assembly *Resolutions* as they fail to give due weight to the principle of self-determination. Argentina responds that it is the principle of '*territorial integrity*' that should be applied and not that of '*self-determination*'.⁸⁸⁶

December 1st, UN *Resolution 31/49 (XXXI)*^{xiv} requests the Governments of Argentina and the United Kingdom to expedite their negotiations concerning the dispute over sovereignty, and calls upon the two parties to refrain from; "...*taking decisions that would imply introducing unilateral modifications in the situation*".⁸⁸⁷

*"The United Nations, which cannot take sides in the dispute, is urging the two parties to negotiate on the subject of the sovereignty of the islands, according to the interests of the islanders. Great Britain, however, contrary to the letter and the spirit of Resolution 2065, at the beginning of 1976, insisted upon the right of self-determination of the Malvinians, refused to discuss the problem in-depth and attempted to replace the subject of sovereignty with Argentine-British economic cooperation in the region of the south-western Atlantic."*⁸⁸⁸

December 16th, Sir James Roland Walter Parker is appointed Governor of the Falkland Islands.⁸⁸⁹

December 29th, a helicopter from *HMS Endurance*, visiting Southern Thule to retrieve scientific equipment left earlier in the year, discovers the Argentine military presence there.

1977 – January 5th, Argentina's *charge d'affaires* in London is summoned to the FCO in order to explain the presence of the military base on Thule.

January 14th, the Argentine Ministry of Foreign Affairs responds that the purpose of the Thule operation is to establish a scientific station within the jurisdiction of Argentine sovereignty. They express the hope that nothing will cloud the, "*auspicious perspectives*" for negotiations. News of the landings is not made public in the UK.

January 19th, the British Government formally protest, complaining of a violation of British sovereignty.

February 1st, a *Joint Intelligence Committee* assessment describes the Southern Thule occupation as a political act that may be considered so successful by Argentina as to encourage further displays. Intelligence suggests that the Argentine Navy is preparing contingency plans for an invasion of the Falkland Islands.⁸⁹⁰

February 2nd, in a statement to Parliament, Foreign Secretary Anthony Crosland, announces his Government's decision that; "...*the time has come to consider both with the Islanders and the Argentine Government whether a climate exists for discussing the broad issues which bear on the future of the Falkland Islands, and the possibilities of co-operation between Britain and Argentina in the region of the South West Atlantic...*

I must make certain things absolutely clear. First, any such discussion, which would inevitably raise fundamental questions in the relationship between the Islands, Britain and Argentina, would take place under a sovereignty umbrella; that is, Her Majesty's Government would wholly reserve their position on the issue of

886 *UN Yearbook 1976*

887 The vote was 94 in favour, while 32 countries abstained including the USA and most of Europe.

888 *Estrategia* No. 43-44 Nov- Dec 1976, Jan-Feb 1977. Article by General Juan E. Gugliamelli

889 *The London Gazette*, No. 47113

890 The assessment included a suggestion that Admiral Massera would create some incident to provoke a British reaction in order to strengthen his position within the *Junta*.

sovereignty, which would in no way be prejudiced. Secondly, any changes which might be proposed must be acceptable to the Islanders, whose interests and well-being remain our prime concern. In consequence, thirdly, there must be full consultation with the Islanders at every stage; nothing will be done behind their backs.”⁸⁹¹

February 16th, Under-Secretary Edward Rowlands arrives in the Islands to hold talks with the Islanders' representatives. The *Island Council* agrees to co-operate in working out terms of reference for formal negotiations.

February 17th, the *Islands' Council* issue a statement; “We understand that the Minister will have to have discussions on the sovereignty question while in Argentina. We realise that these discussions will take place under the sovereignty umbrella and so the stand of all parties concerned will remain unaffected by the fact of these consultations.”

February 18th, the Queen's arbitration panel, considering the Beagle Channel dispute between Chile and Argentina, gives its decision in favour of Chile.

On the issue of *uti possidetis juris*, the panel says; “.. the Parties were agreed in principle that their rights in the matter of claims or title to territory were governed *prima facie* (and if no recognized basis of derogation existed) by the doctrine of the *uti possidetis juris* of 1810.

This doctrine—possibly, at least at first, a political tenet rather than a true rule of law—is peculiar to the field of the Spanish-American States whose territories were formerly under the rule of the Spanish Crown, —and even if both the scope and applicability of the doctrine were somewhat uncertain, particularly in such far-distant regions of the continent as are those in issue in the present case, it undoubtedly constituted an important element in the inter-relationships of the continent.”⁸⁹²

In violation of the original agreement signed in 1971, Argentina refuses to accept the decision, saying that it is under no obligation to comply with any decision that damages its “vital” national interests. Argentina's Government declares the decision ‘null and void’.⁸⁹³ Chile considers the matter “settled.”

Reviewing the situation, the Foreign and Commonwealth Office conclude that Argentina's failure in its dispute with Chile has increased pressure on the *Junta* to gain some success over the Falkland Islands. Edward Rowlands travels from the Falklands to Buenos Aires, in order to gauge the Argentine attitude.

April 20th, in the House of Lords, Lord Goronwy-Roberts states; “There is absolutely no doubt in this country in legal or Government circles about where sovereignty lies. It is here, in the United Kingdom.”⁸⁹⁴

April 26th, Foreign and Commonwealth Secretary, Dr Owen, tells Parliament; “The Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland have agreed to hold negotiations from June or July 1977 which will concern future political relations, including sovereignty, with regard to the Falkland Islands, South Georgia and South Sandwich Islands, and economic co-operation with regard to the said territories, in particular, and the South West Atlantic, in general.

891 *HC Deb 02 February 1977 vol 925 cc550-61* Crosland also provided the Government response to the *Shackleton Report*, rejecting the more costly recommendations and indicating that further inquiries would be conducted.

892 The decision here is notable in that it clearly recognised *uti possidetis juris* as a political arrangement which suited the emerging South American States by identifying the borders with their neighbours. The original agreement had been made at the Conference of Lima in 1848, but was ‘backdated’ to each country's date of independence. In Argentina's case this is 1816, but then also ‘backdated’ to 1810 which they deem the first act that eventually resulted in the Republic.

893 Argentina's refusal to abide by this, and later, decisions would have ramifications in 1982, when Britain declined to consider arbitration due to Argentina's perfidy.

894 *HL Deb 20 April 1977 vol 382 cc222-66*

*In these negotiations the issues affecting the future of the Islands will be discussed and negotiations will be directed to the working out of a peaceful solution to the existing dispute on sovereignty between the two states, and the establishment of a framework for Anglo-Argentine economic co-operation which will contribute substantially to the development of the Islands, and the region as a whole. A major objective of the negotiations will be to achieve a stable, prosperous and politically durable future for the Islands, whose people the Government of the United Kingdom will consult during the course of the negotiations. The agreement to hold these negotiations, and the negotiations themselves, are without prejudice to the position of either Government with regard to sovereignty over the Islands. ..*⁸⁹⁵

July 13th, delegations from Argentina and the UK meet in Rome.

In **August** an expedition from Cambridge University arrive in the Falklands to collect data regarding the numerous wrecks that can be seen around the archipelago.⁸⁹⁶

In **September**, Argentine Navy vessels fire on Russian and Bulgarian fishing boats working in Falklands waters.

September 23rd, in *The Sunday Times*; “*The Falkland Islands 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.*”⁸⁹⁷

Port Stanley airfield's fuel supply is cut off by Argentina.

October 28th, the *Joint Intelligence Committee* reports its concern regarding Argentina's increasingly hostile attitude and, in particular, the belligerence of the Argentine Navy.

November 21st, British Ministers decide to establish a military presence in the area of the Falklands before negotiations with Argentina resume in December. A nuclear submarine, *HMS Dreadnought* and the frigates *Alacrity* and *Phoebe* are ordered to the South Atlantic. The frigates stand-off about a thousand miles distant, while the submarine heads to the immediate vicinity of the Falklands.⁸⁹⁸

December 13th, talks resume in New York. Agreement is reached to set up working parties to inquire into both sovereignty and economic co-operation.

December 18th, Edward Rowlands meets Island Councilors in Rio de Janeiro to update them on the progress of the negotiations.

The small British task force quietly retires.

1978 – the *Falkland Islands Association* opens a London office. Seismic surveys take place around the Falklands continental shelf.⁸⁹⁹

February 14th, talks continue in Lima, but little progress is achieved. Argentina refuses to acknowledge that the Islands have any continental shelf.

The Argentine military base on Southern Thule is noticed by passengers aboard the *Bransfield*.

895 Franks 1983 para.60.

896 *Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum*

897 Article by Penelope Tremayne

898 *Operation Journeyman*. It now seems certain that Argentina remained unaware of the presence of these vessels.

899 *HC Deb 08 February 1978 vol 943 c601W*

May, news of the Argentine base on Southern Thule appears in the British press.

A storm destroys parts of the Argentine built airstrip at Stanley.

July 5th, Edward Rowlands makes a statement in the House of Commons regarding the situation on Southern Thule; *“We are not dealing with an illegal occupation of the Falkland Islands themselves. But our estimation, Thule is... about 1,200 miles south-east of the Falklands. It is an inlet in the Southern Thule group of islands, which are in turn the southernmost of the South Sandwich Islands, themselves one of the Falkland Islands Dependencies, as opposed to the Falkland Islands themselves. ...*

Nor are we dealing at this time with a military occupation. It is important to say that. Although the Argentines use service personnel for logistic support in their Antarctic work, their activities on Thule are purely scientific. I do not think that anybody has challenged that assumption. We have a dialogue with the Argentines about scientific work in this area, and they have both explained to us and given details publicly of the scientific work that has been carried on. ...

We object to the fact that they are being carried out on British territory without our permission. That is the bone of contention ... What the Argentines are doing there does indeed constitute a violation of our sovereignty, and, as hon. Members are already aware, we have firmly protested to them about this. Our sovereignty position has thus been protected fully and explicitly. ...

When we learnt of it, we pursued the matter immediately. We are going back 18 months, but at that time we had reason to believe that the dispute would be resolved speedily and satisfactorily. I had a difficult decision to make on how to handle the issue. I thought that it would be wrong for us to have a slanging match with the Argentine Government. The original presence of the Argentines on the island had become known earlier and it had been mentioned in the Falkland Islands. ... it was my view that we should not enter into a public slanging match on an issue which, I firmly believe, can and should be resolved by diplomatic and political action.”⁹⁰⁰

Constantino Davidoff, a Buenos Aires scrap metal merchant, seeks permission from Christian Salvesen to remove the old equipment from the whaling stations at Leith, Stromness and Husvik on South Georgia. The Governor advises against it, but the FCO does not object.⁹⁰¹

August 21st, Argentina complains to the UN that the divergent views of the UK and itself had led to an impasse in February and that if the UK held to its decision to extend maritime jurisdiction to 200 miles, then that would be a violation of the call by the *General Assembly* for the two parties to refrain from “*unilateral modifications*” of the situation as required by *paragraph 4 of Resolution 31/49 (1976)*.

December 18th, a further round of talks take place in Geneva which achieves an agreement over scientific activities in the Dependencies. This is rejected by the Islanders who see it as an erosion of sovereignty.

1979 – January 7th, Falkland Island Councillors are informed of the progress at the Geneva negotiations.

January 8th, Argentina and Chile agree to Papal mediation over the Beagle Channel dispute.

March, talks recommence between Britain and Argentina in New York but no progress is made.

Argentina issues a stamp set celebrating the 150th anniversary of the '*Civil and Military Command of the Malvinas*'.

900 *HC Deb 05 July 1978 vol 953 cc620-30*

901 Freedman 2005 p.146

May 1st, a refurbished airport opens at Cape Pembroke with 4,000 ft of paved runway.

May 3rd, there is a change of Government in Britain and the Conservative leader, Margaret Thatcher becomes Prime Minister. A briefing paper for the new FCO Minister responsible for the Falkland Islands, Nicholas Ridley, states; *“The Argentines insist on sovereignty but are prepared to provide safeguards for the Islanders' way of life. HMG have insisted that sovereign rights over the islanders must continue to rest with HMG as long as the Islanders so wish, but that, if this is absolutely safe-guarded, new sovereignty arrangements could be contemplated.”*⁹⁰²

HMS Ashanti visits Stanley.

June 12th, Deputy Foreign Minister, Comodoro Cavandoli indicates that his Government will require sovereignty to be a central part of any negotiations with the new British Government.

June 26th, Dr. Carlos Helbling, in a speech in Cordoba, calls for; *“The reconquest of the Malvinas; effective control of the Antarctic and the reoccupation of the geopolitical area belonging to the nation.”*⁹⁰³

July, Minister Nicholas Ridley, visits the islands. He proposes a 'leaseback' system, but the Islanders are not enthusiastic. Ridley then travels to Buenos Aires for preliminary talks. An agreement is reached on the reinstatement of Ambassadors, but little else. The British Minister is informed that Argentina will find it unacceptable for the Islanders to become 'third parties' to the negotiations. The Argentine Government also demands that negotiations move; *“at a more dynamic pace”*.

September 19th, Davidoff, signs a contract with *Christian Salvesen Co.*, giving him an option to purchase the equipment still on South Georgia. The option is to be exercised during 1980 with a condition that any equipment remaining after March 1983 reverts to *Salvesen*. The contract is notarised by Ian Roger Frame, Notary Public of the City of London.⁹⁰⁴

September 20th, Lord Carrington, the Foreign Secretary, attempts to gain a consensus on Falklands policy with the Prime Minister and other members of the *Defence Committee*. He puts forward three options:

- ‘Fortress Falklands’;
- protracted negotiations with no concession on sovereignty; and
- substantive negotiations on sovereignty. ⁹⁰⁵

Carrington recommends the last option and again suggests that, in his opinion, the best solution is some kind of *leaseback* arrangement with a preferred term of 99 years. He highlights that it will be necessary to ensure that the option has the support of the Islanders, and of Parliament, and asks for an answer before his meeting with the Argentine Minister, scheduled for the following week.

September 21st, asked to comment, the Lord Chancellor says; *“It would be a sorry business to give over British subjects of UK origin to the whims and changes of a South American dictatorship.”*

September 22nd, David Howell, the British Energy Secretary writes to Prime Minister Thatcher; *“I have seen Peter Carrington's paper to you on the subject of the Falkland Islands ... I am, however, rather uneasy about*

902 Freedman 2005 p.85

903 FCO ALA 020/1 Part A Political Relations between UK and Argentina File No. 141/1

904 Letter from Davidoff to Ambassador Williams dated March 25th, 1982 AW 040/325.12

905 PM/79/81

the proposed arrangements for the maritime zone outside territorial waters. It is true that the presence of oil (or gas) has yet to be proven, but the continued interest of the oil companies and the results of recent geophysical surveys .. lead us to think that there is at least a good chance that hydrocarbons are there. We ought to be very careful about adopting a course which could lead to British oil companies losing a favourable position ... before we agree to the course he has proposed, we should have a full discussion on its implications."⁹⁰⁶

September 25th, Lord Carrington informs Nicholas Ridley that the Prime Minister declines to be rushed into making any decision on his proposals and that Ridley should inform the Argentines that the British Government were still considering this; "*complex problem.*"⁹⁰⁷

October 12th, the Foreign Secretary again asks for a decision on his proposals, but again the Prime Minister postpones an answer.⁹⁰⁸

In **November**, Mr Ridley turns down an invitation from Argentina for a further, informal, exchange of views.

1980 – January 29th, the *Defence Committee* agrees that a new round of talks should be arranged, and asks Lord Carrington to seek written confirmation from the *Falkland Islands Council* that it is its wish that talks with the Argentine Government resume. The *Islands Council* agrees.

February 7th, the *Penguin News* publishes an editorial; "*We can trust the British Government as little as we trust the Argentina Government and feeble cries of 'Keep the Falklands British' and other cliches will win us no support. Instead we should look to ourselves and proclaim the Falklands belong to us, and not to Britain, Argentina or any other foreign country. We could set ourselves the greatest goal that a people could have – independence.*"

A population census is conducted in the Islands showing 1,813 people are present, excluding persons aboard visiting vessels.

February 13th, the *Islands Council* agrees to send a representative to the talks to be held in New York; "*.. In view of the "exploratory and without commitment" nature of the talks they felt that in spite of one or two Councillors having some reservations, they should accept your invitation to send participants as members of your delegation on this occasion.*"⁹⁰⁹

On **April 28th**, a British delegation led by Mr Ridley and an Argentine team led by Minister Cavándoli, meet in New York.

April 29th, on the second day of talks, Cavándoli states that; "*Sovereignty was a sine qua non, an underlying condition, for progress on the other questions.*"

A sticking point is reached during the discussion on a joint *communiqué*, with the British wishing to refer to the two days of meetings as '*discussions*'; and the Argentines wanting to call them, '*negotiations*'.

April 30th, the final *communiqué* states that; '*the discussions were of a comprehensive and wide-ranging nature, and were conducted in a cordial and positive spirit.*' It concludes by saying that the two governments '*intend to hold future meetings in order to continue these exchanges.*'

906 PREM 19/612

907 *Ibid.* See also Franks 1983 para.73

908 The British Government was in the midst of negotiations over Rhodesia, which were deemed more urgent.

909 PREM 19/656 Telegram No. 23 of 13 February. Adrian Monk was subsequently selected to go.

In **June**, Lord Carrington proposes an agreement involving a transfer of title over the Falklands and the Dependencies, including the continental shelves and the maritime areas, provided that these were immediately '*leased back*' to the UK for an indefinite period. In addition agreements could then be reached regarding co-operation on fishing and oil exploration. The *Defence Committee* are hesitant but agree that he should discover whether such an agreement is possible.⁹¹⁰

July 10th, a telegram is sent to Minister Cavándoli via the British Ambassador suggesting that some *lease-back* arrangement be explored.

August 7th, Rex Masterman Hunt takes over as Governor.⁹¹¹

August 27th, *Christian Salvesen Co.* notify the Falkland Islands of its contract with Davidoff.

September 10th, Ridley and Cavándoli hold secret talks near Geneva to discuss the *lease-back* proposal. Ridley suggests a 200 year lease; *“Mr Ridley opened the proceedings by saying that he had the authority of his Ministerial colleagues to put forward the ideas which he was about to explain but that anything agreed at this meeting would have to be ad referendum and would be subject to endorsement by the British Cabinet and, no less important, would have to be acceptable to the Islanders.”*⁹¹²

Cavándoli responds that; *“The only difficulty he saw was in the length of the lease ... a period of, say, 20 years would have to be ruled out as being much too short for the Islanders. We ought to think of some median figure (Comandante Bloomer-Reeve suggests 75 years).”*

Cavándoli goes on to suggest that the British Government remove the Royal Marine detachment as part of any agreement to underline to the Islanders that Argentina was no longer viewed as a threat, and to please Argentine public opinion. He also suggests that the terms of any lease should include an Argentine right to buy or rent land on the Falklands. It was agreed that both parties should report back to their respective Foreign Ministers.

On his return to London, Ridley reports to Carrington; *“So we are left with a clear option to decide what to do on the merits of the problem. We can either seek a solution by negotiation along the lines of the Geneva talks (to which I think we could get Argentina to agree), or we could say that the concessions are beyond our political ability to deliver, and break off the talks (with all the obvious consequences). I do not think that there is much to gain by attempting to find a different package: both sides are close to their rock bottom positions. ... I believe it can be sold to the Islanders, but I am not certain.”*

In early **November**, Ambassador Williams in Buenos Aires reports that the Junta have endorsed the concept of *lease-back* but will wish to negotiate over the length of the lease.

November 21st, Minister Ridley, en-route to the Falklands, stops over in Buenos Aires. Argentina's Government have not been warned of the visit to the Islands and appear irritated.⁹¹³

November 22nd, Mr Ridley arrives at Stanley to put forward several possible futures, including a *freeze* on Argentina's claim for a set period followed by a transfer of sovereignty, some kind of *joint-administration* and the FCO favoured concept of '*lease-back*.'

910 Freedman 2005 p.96

911 *The London Gazette*, No. 48277

912 *FCO 7/3808*

913 *Falkland Islanders at War* Graham Bound 2002

November 24th, a public meeting is convened in the Town Hall in Stanley. Ridley puts forward his three proposals but these are met with annoyance and anger and he is shouted down. Clearly not expecting this response, Ridley is reported to lose his temper and respond that the Islanders' would be to blame for the consequences.⁹¹⁴

La Prensa comments; "... 15 years of useless negotiation: London's proposals are unacceptable from every point of view."

November 27th, the issue is raised in with both MP's and Lords calling for a statement. Ridley's staff send a telegram back to London; "It will take time for a clear reaction to emerge and one cannot be optimistic on the prospects for leaseback."⁹¹⁵

November 28th, in *The Times* newspaper; "... the question of the future of the Falkland Islands has now come to the fore once again. On his current visit to the islands Mr Nicholas Ridley, Minister of State at the Foreign Office, has put forward a number of options; and because one of them involves the transfer of sovereignty to Argentina - though the islands would simultaneously be leased back to Britain - it is bound to cause a stir. This is all to the good.

... The various possibilities, however unpalatable they may be to many people, have at least to be examined.

The starting point must be the principle, restated by Lord Carrington this week, that nothing will be done against the wishes of the islanders themselves. They are a small and isolated community, of almost entirely British origin, and there can be no question of simply handing them over to Argentina against their will. This would be true whatever the type of government that held office in Argentina, and is particularly true in view of the bloodstained record of the present military regime, itself the product of extraordinary political instability over many years.

On the other hand the status quo, in which the islands are in a kind of limbo, unable to take full advantage of their economic potential and constantly facing the threat of some kind of pressure from their large neighbour, is also unsatisfactory. It is unsatisfactory for the islanders themselves, with their declining economy; and it is unsatisfactory for Britain, which not only finds their support a financial drain but is prevented by the continuing dispute from developing its relations with Argentina as fully as it might. There can be no question of abandoning a small community in the South Atlantic. But it is legitimate to look for ways of settling the dispute which would be acceptable to all and allow them to develop the resources of the region.

One of the factors in the situation is the sheer predominance of Argentina in Falklands affairs. Apart from a ship which sails from Tilbury for the Falklands four times a year the only regular communications with the outside world are through a limited air service run by the Argentine Air Force. In recent years the Argentines' have abstained from threatening gestures and have, sensibly, presented a pleasanter face to the islanders. This is the only way for them to win their good will.

The advantage of the lease-back option outlined by Mr Ridley - similar to that of Hong Kong's new territories - was that it nominally meets the Argentine requirement on sovereignty, while leaving the islanders to maintain their own pattern of life. It would provide the basis for agreements on oil exploration and fisheries, which would help the Falkland economy, as would the development of tourism. In the last analysis, however, the islanders themselves would have to be convinced that they wanted it and that there were proper safeguards. This should be achieved through the merits of the idea, not through coercion. "

914 Bound 2002 p.10

915 PREM 19/656 Telegram No. 183 of 27 November

November 29th, Ridley's final meeting with the *Islands Council* fails to result in a decision. Interviewed by *Penguin News*, Ridley is asked whether Argentina was prepared to make life difficult for the Islanders. He replies; *"I am a man of peace. I would feel that I had failed if that happened. I can't foresee what Argentina would do, your guess is as good as mine, because you live near them and know them perhaps better even than I do. I merely say that in the long term one has to come to terms with one's neighbours and one has to live in peace with them. What one cannot do is live in a perpetual state of siege and antagonism, suspicion and bellicosity."*⁹¹⁶

As Minister Ridley departs on the *LADE* flight back to Argentina, he is jeered by an angry crowd of Islanders.

December 2nd, Nicholas Ridley makes a statement to the House of Commons; *"We have no doubt about our sovereignty over the Islands. The Argentines, however, continue to press their claim, The dispute is causing continuing uncertainty, emigration and economic stagnation ... Following my exploratory talks with Argentina in April, the Government have been considering possible ways of achieving a solution which would be acceptable to all the parties. ... we should be guided by the wishes of the Islanders themselves...."*

The essential elements of any solution would be that it should preserve British administration, law and way of life for the Islanders while releasing the potential of the Island's economy and of their maritime resources... I have asked them to let me know their views in due course."

During the debate, Parliament overwhelmingly rejects the *leaseback* proposal. The attitude of the FCO towards the Islanders is heavily criticised.

Minister Cavándoli is sent a message stressing the need for patience; *"Islander distrust of Argentines acute. Even if agree to lease-back being explored, eventual acceptance will depend on very long lease, no Argentine presence, international guarantees and probably financial assistance to develop economy."*⁹¹⁷

Argentina's press also come out against the idea of *lease-back*.

December 3rd, Lord Carrington and Home Secretary William Whitelaw are asked to consider the effects of the proposed *Nationality Act* on the Falkland Islanders. Whitelaw is opposed to any special treatment for them.

December 11th, Ambassador Ortiz in London, speaks to Ridley, urging more talks.

At the United Nations, the *General Assembly* adopt *Resolution 35/118 - 'Plan of Action for the Full Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.'*

*Annex – 9. 'Member States shall adopt the necessary measures to discourage or prevent the systematic influx of outside immigrants and settlers into Territories under colonial domination, which disrupts the demographic composition of those Territories and may constitute a major obstacle to the genuine exercise of the right to self determination and independence by the people of those Territories.'*⁹¹⁸

December 18th, Britain protests about Argentine proposals for oil exploration in Falklands waters.⁹¹⁹

1981 – January 7th, the Falkland Islands' *Joint Councils* passes a motion stating; *"While this House does not like any of the ideas put forward by Mr. Ridley for a possible settlement of the sovereignty dispute with*

916 Bound 2002 p.10

917 Freedman 2005 p.112

918 *A/RES/35/118 1980* Argentina was already pushing for greater freedom of movement to and from the Islands including the right to buy and sell property, and to live there.

919 *The New York Times*

*Argentina, it agrees that Her Majesty's Government should hold further talks with the Argentines at which this House should be represented and at which the British delegation should seek an agreement to freeze the dispute over sovereignty for a specified period of time.*⁹²⁰

January 27th, Argentina objects to a group of people from St. Helena emigrating to the Falklands.⁹²¹

February 23rd, an offshore oil discovery near the coast of Patagonia is announced by Buenos Aires. On the same day, representatives of the Argentine and British Governments meet in New York. The British delegation includes two Islanders, Adrian Monk and Stuart Wallace. Britain proposes a 'sovereignty freeze', but this is rejected by the Argentines.

"Comodoro Cavándoli ... could not understand or accept that Argentina's one requirement, sovereignty, should be ignored permanently. The British side had said that Islander wishes had to be taken into account; why could not Argentine wishes be taken into account?"

*Mr. Ridley wanted to make it quite clear that the British Government had no doubt at all of the legality and strength of their title to the Islands. He had always said to the Islanders that the legal position was not in doubt. It would indeed be possible to go on resting on that position for all time.*⁹²²

February 24th, talks continue for a second day concentrating on the wording of a press release.

February 26th, a final *communique* is released, but a dramatically shorter version than that agreed following a last minute intervention by the Argentine Embassy.⁹²³

March 13th, Lord Carrington tells the Prime Minister that there is little point in further talks while the Islanders remained hostile to the *leaseback* proposal; *"... We can reach no conclusions now; ... If in the end the Islanders decide that they would prefer the status quo to any deal involving cession of sovereignty, then we must prepare for the possibility of a deterioration of our relations with Argentina: we might have to supply the Islands with essentials if the Argentines cease to do so (and perhaps even to defend them against physical harassment). The cost of such a stalemate could be considerable."*⁹²⁴

March 17th, the Papal arbitration panel, considering the Beagle Channel dispute, concludes with another decision favouring Chile. Argentina once again rejects the result..

In **April**, Argentina announces a sale of oil exploration licences for an area called, '*Magalenes Este*', which extends to within 96 miles of the Falkland Islands and crosses the median line between Argentina and the archipelago.⁹²⁵

In early **May**, the British Ambassador in Buenos Aires strongly urges a further round of talks, including a discussion about sovereignty, in order to keep diplomatic channels with Argentina open. London declines on the ground that substantive negotiations without the Islanders' consent runs contrary to the Government's public commitment to the principle that the wishes of the Islanders are paramount.

920 *HC Deb 21 January 1981 vol 997 cc248-9*

921 *PREM 19/656 Telegram No. 27 of 27 January*

922 *PREM 19/612*

923 The official final *communique* said almost nothing of what had taken place during the talks, nor anything of any agreement, merely stating that the question would be examined in "*further negotiations.*" *cf. PREM 19/612 Annex B (Original Joint Communique) and Annex C (Agreed Joint Communique).*

924 Carrington minute to MT March 13th *ALW 040/325/2 Part B 76 - 150*

925 *HL Deb 10.11.1981 vol 425*

May 18th, the FCO take out advertisement space in the *International Herald Tribune* threatening legal action against any oil company which attempts to operate in 'disputed waters'.⁹²⁶

May 29th, General Galtieri, Commander-in-Chief of Argentina's Army, makes a speech to mark 'Army Day', which includes a reference to the dispute; "... *Neither are we prepared to allow those who are discussing with us the return of island territories that are Argentine by historical inheritance and legal right to interfere in the slightest way with the search for and exploitation of the wealth of our continental shelf.... Nobody can or will be able to say that we have not been extremely calm and patient in our handling of international problems, which in no way stem from any appetite for territory on our part. However, after a century and a half they are becoming more and more unbearable.*"

June 18th, First Lord of the Admiralty, Sir Henry Leach, has a meeting with PM Thatcher about defence cuts; "*The point he wished to emphasise was the most serious miscalculation which we would be making [if] we disregarded the deterrent effect of a major maritime capability in peacetime.*"

June 30th, a review of policy takes place at the FCO in a meeting chaired by Minister Ridley. Falklands' Governor Rex Hunt is present, as is the British Ambassador to Argentina. Governor Hunt makes it clear that the Islanders wish to have nothing whatsoever to do with Argentina, and that they do not believe that a *leaseback* settlement can provide the guarantees they want.

The meeting concludes that the British Government should play for time; that the new *Legislative Council*, when elected, should be persuaded to allow negotiations to continue; that the Islanders should be educated as to the various pros and cons; and that contingency plans should be updated.

Ridley urges a *Defence Committee* meeting on the issue.⁹²⁷

On the same day in the House of Lords, Lord Trefgarne confirms, on behalf of the Government; "...*that HMS "Endurance" will be paid off in 1982 on her return to the United Kingdom, following her deployment in the South Atlantic and the Antarctic Region later this year. There are no plans to replace her. However, the Royal Marines garrison in the Falkland Islands will be maintained at its present strength, and from time to time Her Majesty's ships will be deployed in the area.*"⁹²⁸

In response; "*The people of the Falkland Islands deplore in the strongest terms the decision to withdraw HMS Endurance from service. They express concern that Britain appears to be abandoning its defence of British interests in the South Atlantic and Antarctic at a time when other powers are strengthening their position in these areas. They feel that such a withdrawal will further weaken British sovereignty in this area in the eyes not only of islanders but of the world. They urge that all possible endeavours be made to secure a reversal of this decision.*"

July 9th, the *Joint Intelligence Committee* updates its threat assessment arguing that Argentina is more likely to pursue diplomatic and economic measures than any use of force. An attempt to establish a foothold on one of the Dependencies, or even on one of the more remote Falklands Islands, is considered a possibility.⁹²⁹

The British Embassy in Buenos Aires reports to the FCO that several Argentine newspapers are carrying articles about the withdrawal of *HMS Endurance* from the South Atlantic, claiming that Britain is; "*abandoning the*

926 Possibly the first time the press had been used to advertise a '*diplomatic démarche*'. *HL Deb 10.11.1981 vol 425 c170*
Hansard

927 *ALW 040/325/2 Part C 151-225*

928 *HL Deb 30 June 1981 vol 422 cc166-87*

929 Franks 1983 para.94.

*protection of the Falkland islands.*⁹³⁰

July 20th, Ridley warns Lord Carrington that if Argentina concludes, possibly by early 1982, that the British Government are unable or unwilling to negotiate seriously; retaliatory action must be expected.

July 27th, Dr. Camilion in Buenos Aires, writes to the British Ambassador expressing his Government's concern at the lack of progress at the last round of talks. Referring to the fact that ten years had passed since the agreements on communication, he states that, in his Government's view, it is not possible; *“to postpone further a profound and serious discussion of the complex essential constituents of the negotiations – sovereignty and economic co-operation – in a simultaneous and global fashion with the express intention of achieving concrete results shortly. A resolute impetus must therefore be given to the negotiations. The next round of negotiations cannot be another mere exploratory exercise, but must mark the beginning of a decisive stage towards the definitive termination of the dispute.”*

That same day, the Argentine Ministry of Foreign Affairs declares negotiations to have become; *“... an unpostponable priority for its foreign policy it is not possible to defer this question which affects territorial integrity and national dignity.”*

In **August**, Constantino Davidoff applies to the Argentine navy for permission to use one of their Antarctic transport ships to get to South Georgia.

*“Ministry officials, acting on the perceptions of the moment regarding the need to reaffirm an Argentinian presence on all South Atlantic islands, enthusiastically recommended Davidoff to the Transportation Bureau of the Navy (auxiliary ships). The legal presence of Davidoff's men would prevail long after the British Antarctic Survey left the place, ... In international forums this action would reassert Argentina's interests in the sub-Antarctic.”*⁹³¹

September, Davidoff is granted permission and a Naval ice-breaker, the *Almirante Irizar*, from the Antarctic Squadron is allocated for the purpose.

The Argentine Navy commence planning 'Project Alpha', in which Argentine marines are to be secreted amongst Davidoff's workers in order to establish a presence on South Georgia.⁹³²

September 14th, the Ministry of Defence announces that *HMS Endurance* will be withdrawn from the South Atlantic before the end of March, 1982. An intelligence report quotes an Argentine diplomatic view that; *“.. the withdrawal of HMS Endurance had been construed .. as a deliberate political gesture.”*⁹³³

September 15th, Lord Carrington writes to PM Thatcher; *“... the Argentines are showing renewed impatience for an accelerated rate of progress. They have sent a Note and circulated a Communique at the United Nations deploring the hitherto slow speed of negotiations and the lack of results and making clear that, if progress is not made soon, they may have to look to other means of achieving their purpose... I remain convinced that leaseback, ... provides the most likely, and perhaps, the only, basis for an agreed solution ...*

*In short, the present outlook is not good.”*⁹³⁴

930 Franks 1983

931 *The Falklands/Malvinas War: A Model for North-South Crisis Prevention* Virginia Gamba-Stonehouse 1987 p.121.

932 *Painful Choices: A Theory of Foreign Policy Change* David A. Welch 2005 p.78

933 Franks 1983

934 *ALW 040/325/2 Part D 226*

September 22nd, Dr Camilion addresses the *General Assembly*. He refers to the, “*present illegal occupation*” of the Islands and expresses his Government's hope that they would be; “... *able to report in due course to the General Assembly that this series of negotiations concerning the Malvinas, South Georgia and South Sandwich Islands, which we hope will begin soon, was the last one.*”

September 23rd, Lord Carrington meets Dr Camilion at the UN to inform him that the British Government cannot coerce the Islanders. The Foreign Secretary suggests that it would be preferable for Argentina to put forward proposals when talks resumed after the Island elections.⁹³⁵

Responding, Camilion emphasises that the key question remains that of sovereignty, which can only be negotiated between the United Kingdom and Argentina; and that the Islanders cannot be allowed a veto.

Also on the **23rd**, in a note to Ambassador Fearn; the Head of the South America Department of the FCO explains that Ministers have come to a decision that; “... *the domestic political constraints must at this stage continue to prevent us from taking any steps which might be interpreted either as putting pressure on the Islanders or as overruling their wishes. Specifically that meant that an education campaign in the Islands and the United Kingdom has, at least for the present, been ruled out.*”

September 24th, Dr. Camilion is quoted in the Argentine press as saying that the two sides agree on the need for change, adding that; “*Lord Carrington advanced to the point of saying that the present status quo is difficult to sustain today.*” This is presented as a “*significant advancement.*” Camilion is also reported as dismissing the Island elections as being of no importance to Argentina.⁹³⁶

Lord Carrington responds that Dr. Camilion can; “.. *have been left in no doubt about our commitments to respect the wishes of the Islanders.*”

October 2nd, the British Ambassador in Buenos Aires writes to London highlighting his opinion that there is now a clear risk that Argentina will conclude that talking is a waste of time. He believes that it would be better to speak frankly, and face the consequences.

October 14th, a new Falkland Islands *Legislative Council* is elected. The *Council* agree that negotiations should continue, but that sovereignty cannot be discussed.

Talks scheduled to be held in Geneva in December are postponed, at the request of Argentina.

October 30th, the *British Nationality Act* receives Royal Assent.⁹³⁷

The *British Antarctic Survey* proposes the closure of their base at Grytviken, due to cuts in their budget.

November 10th, Lord Murton argues in the Lords against the proposed withdrawal of *HMS Endurance*; “*The interest of the world at large in the Antarctic is indicated by the fact that a further nine nations have signed the original 1961 treaty during recent years, making 21 in all. Meanwhile, Argentina continues to press her claims to the Falkland Islands. The recent argument put forward is that they form part of the Argentinian continental shelf. That proposition would appear difficult to accept, bearing in mind that the Falklands lie some 350 miles from the Patagonian coast. The argument, no doubt, is coloured by the thought of oil. For good measure,*

935 FCO ALW 040/522/1 Telegram No. 909

936 PREM 19/656 Telegram No. 259 of 24 September

937 The Act was not due to come into force until 1983, but had the effect of removing British nationality from any Falkland Islander who did not have a parent or grandparent born in Britain. This legislation was not aimed specifically at the Falklands, but was part of a larger review dealing with immigration and the right of abode in the UK.

Argentina has now extended her claim of sovereignty to include two parts of the Falkland dependencies; namely, South Georgia, which is 800 miles south-east of the Falkland Islands, and, to the South Sandwich Islands, which are still further to the south-east and even more remote from Argentina herself.

... Against the general background of uncertainty in the region it seems improvident of the Ministry of Defence – one presumes with the tacit acceptance of the Foreign and Commonwealth Office – to withdraw the Royal Naval Ice Patrol Ship HMS "Endurance" from Antarctica in 1982 as part of the wider decision to reduce the size of the active fleet. ...

Could this decision not be interpreted by all other involved nations as a sign of declining interest in the Antarctic by Great Britain? Obviously there can be no such intention. But the best and most obvious way to prove it, in my view, is to reverse the decision to scrap HMS "Endurance".⁹³⁸

December 2nd, Lord Carrington writes to the Prime Minister; “ ... talks are due to be held on 17 and 18 December in Geneva; Richard Luce will head our delegation, which will include two Island Councillors. Islander opinion is even more strongly opposed to any 'deal' with the Argentines over sovereignty. We have reiterated that the wishes of the Islanders are paramount. We therefore have little room for manoeuvre, ... The Argentines have requested this meeting, so we can allow them to make the running.”⁹³⁹

December 8th, a new *Junta* takes over in Buenos Aires, led by General Leopoldo Galtieri, who is both Army commander and President designate. Other members are Admiral Jorge Anaya and Air Force General, Lami Dozo. Dr. Nicanor Costa Mendez is appointed Foreign Minister.

December 15th, Argentina's Foreign Ministry requests a postponement of the talks due to start on the 17th. Britain agrees.

December 16th, Constantino Davidoff leaves Argentina for South Georgia aboard the *Almirante Irizar*, to assess the work needed at the old whaling station. Controversially, his letter informing the British Embassy of the proposed visit is only delivered after his departure.⁹⁴⁰

December 18th, the *Junta* meet to discuss the Falkland Islands.⁹⁴¹

December 20th, the *Almirante Irizar* arrives off South Georgia, but fails to apply for entry clearance from the British Antarctic Survey (BAS) station at Grytviken.

December 21st, Davidoff lands and inspects the whaling station at Leith.

December 22nd, in his inauguration speech, President Leopoldo Fortunato Galtieri makes no reference to the Falkland Islands.

December 23rd, after the Argentine vessel leaves, a member of the BAS checks the Leith station and finds the phrase - '*Las Malvinas son Argentinas*' - scrawled on the walls.

December 31st, London is informed of the unauthorised visit of the *Almirante Irizar*.



938 *HL Deb 10.11.1981 vol 425 Hansard*

939 *ALW 040/325/2 Part E 301*

940 In a letter to the British Ambassador dated March 25th, 1982, Davidoff would claim that this letter was delivered to the Embassy on December 11th. *AW 040/325.12*

941 Freedman 2005 p.132

1982



January 6th – acting on instructions from London, Britain's Ambassador in Buenos Aires raises Davidoff's violation of British sovereignty with the Foreign Ministry, and demands that the scrap dealer complies with Falkland Islands' Dependency laws. Argentina's Minister requests time to investigate the matter.

Lord Carrington proposes a further round of talks to take place in New York on 22/23 February.

January 19th – the Junta approve 'National Strategy Directive 1/82'; *“The Military Committee, faced with the evident and repeated lack of progress in the negotiations with Great Britain to obtain recognition of our sovereignty over the Falklands, South Georgia and South Sandwich Islands; convinced that the prolongation of this situation affects national honour, the full exercise of sovereignty and the exploration of resources; has resolved to analyse the possibility of the use of military power to obtain the political objective. This resolution must be kept in strict secrecy and should be circulated only to the heads of the respective military departments..”*

January 24th – an article in *La Prensa* predicts that the Argentine Administration will present strict conditions for the continuance of negotiations with Britain. The author, Iglesias Rouco, also refers to probable US support and to the belief; *“.. in the US and Europe that .. Buenos Aires will recover the islands by force this year, .. although the government may not have foreseen this alternative, a military attempt to resolve the dispute cannot be ruled out when sovereignty is at stake. Moreover, it is calculated that such an operation will be relatively simple in view of the scant military resources of the area.”*

The news article also links this new initiative with a development of Argentine policy towards its Beagle Channel dispute with Chile, as part of; *“an ambitious diplomatic and strategic plan which would assure the country of a relevant role in the South Atlantic”*.

January 27th – Argentina responds to Carrington's proposal in a *bout de papier* delivered to the British Embassy in Buenos Aires; *“The Argentine position on the question of the Malvinas, South Georgia and South Sandwich Islands is well known by the British Government ... in the first place, British recognition of Argentine sovereignty over the above-mentioned archipelagos is the basic element of the Argentine position. It remains a sine-qua-non requirement for the solution of the dispute. So long as this question is unresolved the dispute will continue.”*

Buenos Aires agrees to a fresh round of negotiations but calls for them to be “serious” and “in-depth” and culminating; *“within a reasonable period of time and without procrastination”*.

The message also points out that UN Resolutions do not refer to the “wishes” of the Islanders, but rather their “interests”, which Argentina does not consider to be the same thing. Argentina proposes the establishment of a permanent negotiating commission, to meet in the first week of each month, and subject to denunciation by either side without notice.⁹⁴²

942 ALW 040/325/1 Part C 101

In early **February**, two Buenos Aires newspapers, *La Prensa* and the *Buenos Aires Herald*, publish articles discussing the advantages and disadvantages of military action.

February 3rd – Davidoff's unauthorised intrusion is made the subject of a formal protest to Argentina.

February 5th – *Conviccion* magazine, considered the voice of the Argentine Navy, reports; “..for 149 years the usurpers have enjoyed nothing but advantages.”

February 7th – *La Prensa* calls the Falkland Islands dispute; “a now intolerable problem.”

February 8th – an editorial in the *Buenos Aires Herald* says that the dispute has gone on; “..far too long and that unless solved in the only reasonable way – by transferring the islands to Argentina, it will be resolved in a messy and damaging way that will harm the interests of everyone involved ... and it is time that the British, deservedly famous for the intelligent realism of their foreign policy, recognised this and took the only sensible course open to them.”

On the same day, the British Government responds to the *bout de papier* of the 27th; “Her Majesty's Government wish to reaffirm that they are in no doubt about British sovereignty over the Falkland Islands, the Falkland Islands Dependencies, their maritime zones and continental shelves. They can not therefore accept the Argentine assumption that the purpose of the negotiations is the eventual recognition by HMG of Argentine sovereignty in the area...”⁹⁴³

February 9th – in *The Buenos Aires Herald*; “New Argentine Governments, no matter what their provenance or their ideology, have at least two things in common: they all aspire to reduce the inflation rate and they all strive to establish, once and for all, unquestioned Argentine sovereignty over the islands known in English as the Falklands ... This Government is no exception but ... its Falklands approach will be far tougher than anything we have seen so far. Besides the attendant historical rights and the infinite patience so far shown by Argentina, the truth of the matter is that the Malvinas situation is seriously interfering with our security in the South Atlantic, is limiting our economic and geopolitical plans, including ones relating to Antarctica, and bears moreover in a most negative fashion on our dispute with Chile over the Beagle. Looking at the subject from an international, or western, viewpoint, the British presence there deprives Argentina of its proper participation in the defence of the region against constant Soviet penetration ... this makes any strategic planning for the area virtually impossible or of doubtful value. So if it is borne in mind that it is not only this country which finds itself daily more prejudiced by Britain's inexplicable obstinacy, it seems easy to predict that an initiative involving force could count not only on the understanding of the international community, particularly of the third world, but also on the support, or at least the interested tolerance, of NATO ...”⁹⁴⁴

February 12th – in *Latin American Weekly Report*; “Argentina will set a series of pre-conditions before continuing talks with Britain on the future of the Malvinas/Falklands islands . . . If not met, other forms of action, including recovery of the islands by military means would be considered.”

February 15th – Lord Carrington writes to the Prime Minister; “... there is one new element. The Argentine Government have given us, as a prior notification of their position and objectives at New York, a

943 ALW 040/325/1 Part C 101 Annex B

944 ALW 040/325/3. Documents released to the Margaret Thatcher Foundation per FOI request 0181-12.

*substantial and toughly worded document which asserts that the sole purpose of the negotiations is to cede sovereignty to Argentina, denies the relevance of the Islanders' wishes (as opposed to interests) and, without explicit threats, refers to the Islanders' dependence on services provided by the Argentines. ... We are therefore prepared for a difficult session in New York ...*⁹⁴⁵

Margaret Thatcher's Private Secretary responds: *"She has commented .. that we must also make it clear to the Argentinians that the wishes of the Islanders are paramount."*⁹⁴⁶

February 18th – Argentina rejects Britain's protest of the 3rd; *".. the Argentine Government reiterates to the British Government that its sovereign rights over the Malvinas, South Georgia and South Sandwich Islands continue in full force, and it therefore rejects the protest contained in the communication."*

In *La Prensa*, Iglesias Rouco writes; *".. The least that can be asked of military governments is that they do not dither in the face of any military eventuality when questions of sovereignty are involved. After decades of fruitless negotiations, Argentina has good cause to know that Great Britain will not give up the Malvinas either voluntarily or via any agreement that would mean losing its administrative power in the islands. .. So the time is approaching for Buenos Aires to think in terms of force...."*⁹⁴⁷

February 23rd – Sr. Davidoff turns up at the British Embassy and apologises. He informs Embassy staff that he wishes to return to South Georgia on March 10th, with 30 workers, and expects to stay some 6 months. He is reminded that he must comply with the appropriate formalities upon his return to the island.

February 26th / 27th – sovereignty negotiations resume in New York. Two Islanders are present, Tim Blake and John Cheek. The British side propose a permanent negotiating commission to report within one year, while the Argentine delegation press for an answer within a month. *"Mr. Luce explained that he wished to make the British position clear from the outset. We had no doubts about British sovereignty over the Falkland Islands and the Dependencies. The wishes of the Islanders themselves were paramount ...*

Sr. Ros recalled that Argentina had been trying to reach a solution to this dispute for over 16 years ... He stressed that the principal question for Argentines' was sovereignty. The key to their position was the need for Britain to recognise Argentine sovereignty in the area. ... Argentina had no intention of disturbing the Islanders' style of life; what they wanted was a balance between Islanders' interests and Argentine sovereignty rights. ... Sr. Ros commented on the inclusion of wording recording the Islanders' right to participate in the Commission. While the Argentines had no objection to the Islanders' presence, it must be clear from the outset that they were members of the British delegation: there must be no question of giving the Islanders the right to participate as a third party. .. Sr. Ros then questioned the inclusion in the draft of a sentence to the effect that no approaches which might lead to a solution of the dispute should be ruled out. For the Argentines it would not be possible to accept any agreement that excluded the Argentine claim to sovereignty. ...

*Mr. Fearn did not see how a Negotiating Commission could operate if its outcome were prejudiced."*⁹⁴⁸

945 ALW 040/325/1 B 51-100

946 Letter dated 17th February 1982

947 ALW 040/325/3. The article also argued that the capture of the Falklands was necessary to ensure that Argentina continued to play a role in the very southern areas of the South Atlantic; which the expected loss of the Beagle Channel islands to Chile would exasperate. There are hints of paranoia about the intentions of Brazil and Chile in the South Atlantic.

948 ALW 040/325/1 Part C 101

March 1st – following the end of talks, the joint press release merely says; " *The meeting took place in a cordial and positive spirit. The two sides reaffirmed their resolve to find a solution to the sovereignty dispute and considered in detail an Argentine proposal for procedures to make better progress in this sense.*"

On the same day, and with little apparent reference to the events in New York, Argentina's Ministry of Foreign Affairs issues its own statement; " *At the meeting held in New York on 26 and 27 February, the representatives of Argentina and Great Britain considered an Argentine proposal to establish a system of monthly meetings with a pre-established agenda, pre-arranged meeting place, and led by top-level officials. The aim of such meetings will be genuinely to speed up to the maximum the negotiations in train to achieve recognition of Argentine sovereignty over the Malvinas, South Georgia and the South Sandwich Islands, and by this means to achieve substantial results within a time which at this advanced stage of the discussions will necessarily have to be short. Argentina has negotiated with Great Britain over the solution of the sovereignty dispute over the Islands with patience, loyalty and good faith for over 15 years, within the framework indicated by the relevant United Nations Resolutions. The new system constitutes an effective step for the early solution of the dispute. However, should this not occur, Argentina reserves to terminate the working of this mechanism and to choose freely the procedure which best accords with her interests.*"⁹⁴⁹

The British delegation responds that this; " *creates a more difficult and unhelpful climate for continuing the negotiating process.*"⁹⁵⁰

March 2nd – a report in *La Prensa* discounts the use of force, however *Clarín* says; " *The press release stated that Argentina had negotiated for more than fifteen years with the UK, with patience, loyalty and good faith and within the framework of the UN and had proposed a new mechanism for negotiations which is to include South Georgia as well as the Sandwich Islands. If there was no agreement, Argentina retains the right to terminate the function of such a negotiating mechanism and to resort to whatever procedure is commensurable with the interests of Argentina. This last paragraph obviously does not exclude the possibility of military occupation of the islands.*"

Tim Blake and John Cheek return to the Islands but are unable to comment due to the level of confidentiality insisted upon by the FCO. " *The meetings have been shrouded in secrecy to a degree that would not exist in most other democratic countries ... we, whose way of life is up against the wall are left uninformed and wondering.*"⁹⁵¹

March 3rd – *La Prensa* reports a potential cooling of relations between the two countries and states that Britain has only a limited time period in which to acknowledge Argentina's sovereignty over the Islands. The same article goes on to demand that a transfer of sovereignty be completed before the 150th anniversary of the British "take-over" in 1833; ie before the end of the year.

The *Buenos Aires Herald* sees the Foreign Ministry announcement as containing a "veiled threat", and warns Britain that this time Argentina, " *means business.*"⁹⁵²

On receiving news of the Argentine press reports, PM Margaret Thatcher minutes; " *we must make contingency plans.*"

949 *ALW 040/325/1 B 51 - 100*

950 Freedman 2005 p.137

951 *Penguin News.*

952 *ALW 040/325/1 B 51 - 100*

March 5th – the Cabinet in London ask that the next *Defence and Overseas Policy Committee* paper include; “Annexes on both civil and military contingency plans for counter-action against Argentina.”

Unidentified military aircraft are reported to have flown over Stanley.

David Joy, a member of the Embassy staff in Buenos Aires, reports a conversation with Raul Schmidt from the Chilean Embassy; “*The Schmidt thesis is based essentially on the Argentine Navy's need of a strategic port further south than its current and most secure port, Puerto Belgrano. The obvious option Ushuaia was not satisfactory from a security point of view because it is under constant Chilean surveillance. Therefore the Argentines are, according to Schmidt, desperate to have some other secure port further south, a goal that could be satisfied by having access to the islands south of Beagle or the Falklands. In this context, he believes the sovereignty disputes are linked.*”⁹⁵³

March 6th – an Argentine LADE Hercules transport aircraft lands at Stanley airport citing an in-flight emergency involving a fuel leak. “... *Overflights by Argentine military aircraft were a frequent topic of conversation. The emergency landing of an Argentine C-130 at Stanley Airport .. had given the people the jitters. (As port Stanley reported by telegram, the plane arrived without formal warning and it was only thanks to a local ham radio operator that anyone knew it was coming in. The control tower was not manned since it was a Sunday, and the plane could presumably have landed before anyone could have got out to the airport. As it was there was still time for the Airport Manager, Mr. Gerald Cheek, and a contingent of armed marines, to drive out to the airport before the plane landed). The incident certainly demonstrated the relative ease with which unannounced military aircraft could land at Stanley ...*”⁹⁵⁴

“*Ricupero cited the recent surprise landing of an Argentine air force Hercules at Stanley and surmised that despite what Costa Mendez had told his own Ministers, this might indicate the sort of additional pressure which the Argentines might feel tempted to use.*”⁹⁵⁵

March 8th – Margaret Thatcher asks the Foreign Office, and Ministry of Defence (MOD), to prepare for an Argentine blockade or invasion. *HMS Endurance* is instructed to remain 'on station' at the Falklands. Governor Hunt increases security at the Islands' airport.

Foreign Secretary Lord Carrington telegrams Rex Hunt asking him to discover the views of local *Councillors* concerning a resumption of negotiations with Argentina.⁹⁵⁶

March 10th – the British Embassy receive a message from Davidoff to say that he is sending a party of 41 workers to South Georgia to dismantle the derelict whaling station at Leith, an operation he expects to take 4 months. An Argentine naval support vessel, *Bahia Buen Suceso* has been chartered for the salvage operation. The Embassy staff are unable to contact Davidoff in order to remind him of his obligations.

March 11th – Davidoff's lawyers are warned that there will be consequences should he not comply with the landing restrictions. *Christian Salvesen Co.*, owners of the whaling station, confirm that they are aware of Davidoff's plans, and that his contract has been extended to March 31st, 1984.

953 *Daily Telegraph* 21.2.2013

954 ALW 040/325/1 Part C 101. *Hickson minute following duty call to the Island dated 19th March 1982*

955 PREM 19/657 Telegram No. 42 of 11 March 1982. This telegram details a conversation in Brasilia between Ambassador George Harding and the Head of the Brazilian America's Department.

956 PREM 19/657 Telegram No. 30 of 8 March 1982

March 12th – the *Latin American Weekly Report* states in an article; “*The Argentines are considering a wide range of options for 'unilateral action', according to sources in Buenos Aires, if Britain fails to make concessions. These include initiatives in the UN, a break of diplomatic relations and, in the final analysis, an invasion of the islands. Government officials feel that the international repercussions of a hard line against Britain will be manageable... in the light of Washington's preoccupation with security in the South Atlantic,... [Washington]... would be happy to see the issue settled. It could then open the way to the installation of US military bases in the South Atlantic...a development over which there has been much speculation in Buenos Aires since Galtieri took power.*”

Intelligence reports indicate that the Argentine Navy Commander, Admiral Anaya, is behind the more belligerent press reports and is arguing for a series of military actions.

*"The military planning was, with the Falklands in Argentine hands, to invade the disputed islands in the Beagle Channel. That was the determination of the [Argentine] navy..."*⁹⁵⁷

March 16th – South Georgia's Magistrate inspects the whaling station at Leith and leaves a prominent notice; *'British Antarctic Survey...Leith Field station...Unauthorised Entry Prohibited.'*⁹⁵⁸

March 19th – the *Bahia Buen Suceso* sails directly into Leith Harbour, bypassing Grytviken in breach of British instructions. A large party of both civilian and uniformed personnel are observed to land, shots are fired, and the Argentine flag raised.

Following an exchange of messages between the Falklands and London, instructions are sent to Grytviken requesting that the Representative there demand that the Argentine commander lower his country's flag. This is conveyed to the Captain of the *Bahia Buen Suceso* who responds that he has clearance from the Foreign Office. The Customs House at Leith is found to have been broken into.

Argentina's Minister in London is summoned and told that the incident is regarded as serious. He is also told that if the *Bahia Buen Suceso* does not leave forthwith, the British Government will take whatever action it deems necessary. The same message is relayed to Argentina's Foreign Ministry, who deny any knowledge of the affair.

March 20th – Two BAS staff on South Georgia deliver a message from Governor Hunt to the Captain of the *Bahia Buen Suceso*; “*You have landed illegally at Leith without obtaining clearance. You and your party must go back on board the Bahia Buen Suceso immediately and report to the base commander Grytviken for further instructions. You must remove the Argentine flag from Leith. You must not interfere with the British Antarctic Survey depot at Leith. You must not alter or deface the notices at Leith. No military personnel are allowed to land on South Georgia. No firearms are to be taken ashore.*”

In London, the Prime Minister is informed. A protest is conveyed by the British Embassy in Buenos Aires, which informs the Argentine Foreign Ministry that Britain is prepared to take any action deemed necessary.

The British Ambassador telegrams London; “*.. Davidoff was never, of course, given any permission by this Embassy but, on the contrary, warned personally in February ... and through his representative here on 11 March that next time he must follow correct procedures. ... I suggest that great restraint be used at least until it is clear whether this is a deliberate challenge authorised at high level, or just a piece of low level bravura*

957 *Memorias Políticas* Oscar Camilion 1999

958 Freedman 2005 p.149

*combined with Davidoff's well-known fecklessness.*⁹⁵⁹

HMS Endurance is ordered to sail immediately from the Falklands to South Georgia, with its own small detachment of marines, plus reinforcements from the Falklands.⁹⁶⁰

March 21st – Captain Adolfo Gaffoglio, the *LADE* representative at Stanley, informs Buenos Aires of the departure of *Endurance*. He also reports that the *LADE* office has been broken into and the Argentine flag covered with a Union Jack. “*Tit for tat you buggers,*” is written on the desk in toothpaste and “*UK OK*” on the office windows with spray paint.

Foreign Minister Costa Mendez informs the British Ambassador that the Argentine naval vessel is not in South Georgia officially, that it has no military personnel on board and that the ship will depart that very day. He expresses the hope that the significance of the affair will not be exaggerated. There is no apology.

Ambassador Williams makes it clear; “*.. that if the party left without regularising their conduct at Gryviken they would have made an illegal landing and be liable to arrest.*”⁹⁶¹

A BAS observation point is established overlooking Stromness bay. The Argentine flag is lowered at Leith and the *Bahia Buen Suceso* sails away early evening; but some personnel are seen to remain.

March 22nd – “*Base Commander has confirmed presence of at least six Argentines still ashore at Leith, in latest report from his observation party.... In addition to launch ... they had also seen a landing craft ... they also observed a vehicle with a mechanical arm on the jetty.*”⁹⁶²

Lord Buxton, visiting Stanley, telegrams the FCO to urge the cancellation of Davidoff's contract; “*It has been naïve to regard Davidoff as a casual scrap dealer and it is abundantly clear that every move has been carefully researched, planned and timed throughout... If our reaction is placatory and is not firm and final this time I predict that more unopposed illegal landings will follow and probably next time somewhere in the Falklands. British reactions are being tested.*”⁹⁶³

Ambassador Williams reports; “*The Argentines .. appreciate the gravity of the hoisting of the Argentine flag, but say that they have just received reports that there has been a parallel insult to the Argentine flag at the LADE office in Stanley.*”⁹⁶⁴

HMS Endurance receives orders from London, to remove any trespassers from South Georgia. Captain Barker's instructions clearly state that he is not to use force and, if resisted, should withdraw and seek fresh instructions.

March 23rd – those orders are copied to the Foreign Ministry in Buenos Aires, by the British Ambassador.

Costa Mendez, expresses surprise that the British Government is proceeding so rapidly to such very grave action, without exhausting the diplomatic options. He gives a warning that, if the action to remove the party on South Georgia is not postponed, those like himself, who are trying to deal with the dispute in a moderate way, will lose control of events. Mendez threatens that harsh action will precipitate a harsh response, and that perhaps the

959 PREM 19/613

960 PREM19/613 f53 Naval Party (NP) 8901. The two combined amounted to a force of 22 Royal Marines aboard the *Endurance*.

961 PREM 19/657 Telegram No. 85 of 21 March 1982

962 ALW 040/325/12 Part A 1 – 100 Telegram No. 45 of 22 March Rex Hunt to FCO

963 Freedman 2005 p.154

964 PREM 19/657 Telegram No. 82 of 22 March 1982

men should be removed by an Argentine vessel in order to take some heat out of the situation.⁹⁶⁵

Ambassador Williams, conveying this to the FCO, adds that he considers the events at South Georgia as “*trivial and low-level misbehaviour.*”

The FCO respond; “*Our intention is to conduct this operation correctly, peacefully and in as low a key as possible. We hope that the Argentine Government will, if they are able to do so, advise the Argentine workmen at Leith to co-operate. In view of the considerable public interest here ministers will be making a statement in Parliament today on the situation and on the action we are taking... any lesser action than we are now taking would not be defensible to public and parliamentary opinion.*”

In Parliament; “*We were informed on 20 March by the Commander of the British Antarctic Survey based at Grytviken on South Georgia that a party of Argentines had landed at Leith nearby. The Base Commander informed the Argentine party that its presence was illegal as it had not obtained his prior authority for the landing. We immediately took the matter up with the Argentine authorities in Buenos Aires and the Argentine Embassy in London and, following our approach, the ship and most of the personnel left on 21 March. However, the base Commander has reported that a small number of men and some equipment remain. We are therefore making arrangements to ensure their early departure.*”

There is uproar in the House of Commons; “*... if she [Mrs Thatcher] doesn't get the Argentines out by next week there will be a major disturbance.*”⁹⁶⁶

HMS Endurance is ordered to 'hold' off Grytviken while Lord Carrington sends a message to Costa Mendez; “*In view of the high emotional tone that this incident has created in the United Kingdom, it is now essential for the Argentine personnel that still remains in South Georgia to be evacuated promptly.*

If the Argentine Government can order the immediate return of the Bahia Buen Suceso to Leith Harbour to carry out this action, the use of HMS Endurance will not be necessary. If this is not done, we would have no alternative but to proceed. ... Our principal objective now is to avoid that this issue should gain political momentum. It is essential for us to lose the vital political climate for our mutual efforts regarding the peaceful resolution of the Falkland dispute through negotiations.”⁹⁶⁷

Argentina's Navy Command orders the ice-breaker *Bahia Paraiso* to take its marines as quickly as possible to Leith to protect the Argentine workers there.

Vice-Admiral Juan Lombardo is; “*.. directed by the junta to accelerate planning so that an invasion force could launch within 48-72 hours of notification.*”⁹⁶⁸

March 24th – intelligence reports suggest that the forced removal of the workforce at Leith will be used by the *Junta* as a pretext for military action either at South Georgia, or against the Falkland Islands.

The *Bahia Paraiso* arrives at Leith. Lieutenant Alfredo Astiz, together with ten marines, disembarks. Three landing craft and a military helicopter are noted by the observation team.

Lord Carrington, writes to the British Prime Minister; “*... the situation on the dispute has developed to a point where we now face the prospect of an early confrontation with Argentina.*”⁹⁶⁹

965 Franks Report 1983 para. 182

966 *Diaries: Into Politics* Alan Clark 2000 p.306.

967 Quoted in Freedman 2005 p.157

968 *The 1982 Falklands-Malvinas Case Study* Douglas N. Hime 2010

969 *ALW 040/325/1 Part C 101*

March 25th – Argentina deploys two corvettes, *ARA Drummond* and *ARA Granville*, armed with *Exocet* missiles, between South Georgia and the Falklands, in a position to intercept *Endurance* should she try to return to the Falklands.

Captain Barker on *HMS Endurance* recognises the senior officer's pennant flying over the *Bahia Paraiso* as being that of the Commander of Argentina's *Antarctic Squadron*. Contingency plans against a withdrawal of Argentine services from the Falklands are prepared in London.

Dr. Mendez suggests that the impasse could be broken if Britain accepts that the workers at Leith now comply with the landing formalities by going to Grytviken where they could have their '*white cards*' stamped allowing them to return and work at the whaling station.

On being informed, Governor Rex Hunt's response is that; *"Proper documentation does not mean stamping of white cards. I am instructing base commander to ask for passports and, if produced, to stamp them with an entry permit in the normal way, for 16 weeks only. If they cannot produce passports, base commander will issue them with temporary certificates of identity, embossed with his magistrate's seal, and bearing an entry permit for 16 weeks."*

Dr. Mendez says that he will have to consult the President and that the Ambassador could expect a reply the following day.

The military *Junta* convenes in Buenos Aires to discuss its plans for an invasion of the Falklands. In the meeting, Britain is accused of employing '*gunboat*' diplomacy.⁹⁷⁰ *"Britain's escalation of the dispute – especially its demand about passports – came as a complete surprise ... There was unanimous agreement that we could not permit it."*⁹⁷¹

March 26th – the *Bahia Paraiso* is observed to sail away from Leith by the observation team; *"Argentine party are still ashore at Leith. Although only two people were actually sighted this morning, smoke was emerging from several buildings and 2 boats were still alongside jetty. 65 blue drums had been stacked at inshore end of jetty. A large quantity of stores and equipment was visible, even dead reindeer. Consider shore party were working late into evening yesterday disembarking stores from Bahia Paraiso and are now established for a long stay at Leith. It is clear that this operation had been preplanned for some time as Bahia Paraiso came from Antarctic and not Argentina."*

Governor Hunt telegrams London regarding Mendez's proposal; *"After all the offences committed by Davidoff and his men, letting the shore party return to Leith after proper clearance at Grytviken will go down like a lead balloon with the Islanders ..."*

I am more than ever convinced that this whole exercise was carefully planned ...

*Proper documentation does not (repeat not) mean stamping of white cards. I am instructing the base commander to ask for passports and, if produced, to stamp them in the normal way with an entry permit..."*⁹⁷²

Marines arrive at Port Stanley to relieve the garrison which has completed its tour. Ministers decide that both detachments should remain for the time being.

970 *PREM 19/657 Telegram No. 101 of 25 March 1982*. Not an idle reference as the term is particularly associated with Lord Palmerston; Britain's Foreign Secretary in 1832/33.

971 Interview with Larni Dozo quoted in Welch 2005

972 *PREM 19/613*

The Junta in Buenos Aires meet again; *“Costa Mendez's view was that, from 1956, Britain's behaviour was always to deal, but not on the basis of force. Rhodesia was the most recent example. There Britain had abandoned 600,000 British subjects. The sum of perceptions led to the conclusion that Britain would not respond with force. .. Mendez explained the situation and said British actions required military action in order to get them to negotiate seriously. .. How could we doubt his judgement?”*⁹⁷³

After the meeting, Dr. Costa Mendez makes a public statement; *“a firm decision has been taken to give the men on South Georgia all necessary diplomatic protection... nor is this protection diplomatic only, since there is a navy ship called Bahia Paraiso in the area to provide any necessary protection.”*

March 27th – Ambassador Williams reports his fears that Dr. Costa Mendez has been less than honest with him; that Argentina had been *“playing us along”* and that the *Bahia Paraiso* had armed marines on board, *“.. I cannot, however, discount the possibility that any action on our part to disrupt the Argentine working party at Leith will be taken as a trigger for armed action by the Argentines.”*⁹⁷⁴

Naval vessels, accompanied by a submarine, are seen to sail from Buenos Aires by the British *defence attaché*, Stephen Love.

Margaret Thatcher considers taking the sovereignty issue to the ICJ; *“if we win or if we lose, at least we know where we are.”*⁹⁷⁵

March 28th – Lord Carrington telegrams US Secretary of State, Alexander Haig in Washington to appraise him of the situation; *“... I should accordingly be grateful, if you would consider taking the matter up with the Argentines. Stressing the need to defuse the situation and find a solution we can all accept. ... I fear the gravest consequences.”*

All leave for military and diplomatic staff is cancelled by the Junta.

Argentina's Foreign Ministry sends a message to the British Ambassador; *“The activities of the group of workers disembarked at Leith are of a private and peaceful character based on the undisputed fact that they were known in advance by Her Britannic Majesty's Government and in any case on the fact that they are being carried out on territory subject to the special regime agreed in 1971 between the Argentine and Great Britain. It is moreover within Your Excellency's knowledge that these territories are considered by the Argentine Republic as her own and that the sovereignty dispute about them had been recognised by the United Nations in its relevant Resolutions. Your Excellency's Government has accepted the existence of the sovereignty dispute.*

However the British Government has reacted in terms which constitute a virtual ultimatum backed by the threat of military action in the form of the despatch of the naval warship Endurance and a requirement for the peremptorily immediate evacuation of the Argentine workers from the Island. These actions have been taken without regard to the special characteristics mentioned above. The reaction to which I refer thus constitutes a disproportionate and provocative response aggravated for having received wide diffusion in the press ...

In light of this attitude my Government can only adopt those measures which prudence and its rights demand, in this context the Argentine workers in South Georgia must remain there since they have been given the necessary documentation to do so.

973 Interview with Admiral Jorge Anaya, quoted in Welch 2005 p.87

974 Franks 1983 para.207. PREM 19/613 Telegram No. 110 of 27 March 1982 & PREM19/613 f23 Telegram No. 113 of 27 March 1982

975 Freedman 2005 p.164

... the present situation is the direct result of the persistent lack of recognition by the United Kingdom of the titles to sovereignty which my country has over the Malvinas, South Georgia and the South Sandwich Islands. This is confirmed by the negative attitude of your Excellency's Government throughout many years of negotiations"⁹⁷⁶

Military aircraft overfly Port Stanley.

Ambassador Williams reports that Costa Mendez is insisting that South Georgia is included in the *white card* scheme.

Governor Rex Hunt responds to his copy of the Argentine message; *"The 1971 Communications Agreement does not apply to the Dependencies .. (and) .. does not absolve the holder of the requirement to present himself to an immigration officer as a recognised port of entry and .. Davidoff knew that the recognised port of entry for South Georgia was Grytviken. I am appalled at the arrogance of the message which confirms my previous fears that the Argentine Government are using Davidoff as a front to assert with a physical presence their sovereignty claim over South Georgia."*

Vessels from the Argentine fleet sail out of Puerto Belgrano, including the *Cabo San Antonio*, a tank landing ship, and the troop carrier, *Islas de los Estados*. Intelligence indicates that the Argentine submarine, *Sante Fe*, is making a reconnaissance of the beaches near Stanley.

The *Bahia Paraiso* is observed holding station, 15 miles off the north coast of South Georgia.

March 29th – the Admiralty in London direct a nuclear powered submarine, *HMS Spartan*, to embark stores and weapons at Gibraltar and send the support vessel, *RFA Fort Austin* from Gibraltar to resupply *HMS Endurance*. Defence Secretary John Nott advises the Prime Minister that it will take a week to ready a "viable" naval force, then three more weeks to get them to the Islands; although a group of 7 destroyers and frigates, on exercises near Gibraltar, could be in the South Atlantic in two weeks.

Argentine press reports refer to the cancellation of all military leave, and announce that 5 Argentine warships are now heading towards South Georgia. *Clarín* says that all of Davidoff's working party had been issued with *white cards* before departure.

Ambassador Williams, in Buenos Aires, writes to London; *"I am receiving gestures of sympathy ... but I fear that in general, the Argentine Government will not only gain in popularity by playing the jingoist drum, but be accepted as doing the right thing in taking even the most extreme measures."*

March 30th – demonstrations in the Plaza de Mayo in Buenos Aires call for democracy. Four more Argentine warships are reported as sailing from Puerto Belgrano.

A message is sent to the Argentine Foreign Minister from the FCO; *".. The potentially dangerous position which has now developed has in no way been of our seeking. .. our objective throughout has been to seek a solution which both our Governments can accept. A confrontation, which could have far-reaching consequences and which would seriously prejudice our attempts to resolve the whole Falklands issue through peaceful negotiation, is in neither of our interests. .."*⁹⁷⁷

976 PREM 19/657 Telegram No. 116 of 28 March 1982

977 PREM 19/657 Telegram No. 77 of 30 March

In London, the *Defence Operations Executive* ⁹⁷⁸ receives intelligence of a naval task force lying 800 miles north of the Falklands; consisting of an aircraft carrier, 4 destroyers and an amphibious landing craft.

A further British nuclear powered submarine, *HMS Splendid*, deploys from Faslane while a third, *HMS Conqueror*, is readied. This is publicised by *International Television News (ITN)* in Britain.

Intelligence reports suggest that the *Junta* do not believe it likely that Britain will send naval reinforcements.

March 31st – Admiral Sir John Fieldhouse is ordered to make covert preparations for a military reaction if there is an invasion.

The British *defence attaché* in Buenos Aires reports that all the Argentine fleet is now at sea.⁹⁷⁹

After articles appear in the British press, publicising the departure of the nuclear submarines, Dr. Mendez is widely quoted as saying that; “*Argentina would not give way to threats of force ..*” that the workers at Leith are; “*.. Argentine workers working on Argentine soil.*”

Intelligence suggests that April 2nd is the day of ‘*action*’ and that an infantry brigade is being prepared for an invasion. There is evidence of an unusual level of co-operation between the three Argentine military services.

GCHQ Cheltenham reports Argentine radio traffic ordering the submarine, *Sante Fe*, to take reconnaissance troops to Mullet Creek, near Stanley.

Defence Secretary John Nott seeks an urgent meeting with the Prime Minister; “*John was alarmed. He had just received intelligence that the Argentinian Fleet, already at sea, looked as if they were going to invade the Islands on Friday 2nd April. ... John gave the MOD's view that the Falklands could not be retaken once they were seized. This was terrible, and totally unacceptable. I could not believe it: these were our people, our islands. I said instantly: "if they are invaded, we have got to get them back".* ⁹⁸⁰

Prime Minister Thatcher speaks to President Reagan on the ‘*hot-line*’ requesting his immediate intervention with General Galtieri.

Admiral Sir Henry Leach advises Margaret Thatcher that Britain could, and should, send a task force if any of the Islands are invaded; “*Because if we do not, or if we pussyfoot in our actions and do not achieve complete success, in another few months we shall be living in a different country whose word counts for little.*”⁹⁸¹

Governor Hunt is informed of the probability of an invasion, while *HMS Endurance* is ordered back to Stanley.

April 1st – at the UN, Britain's Permanent Representative to the UN, Sir Anthony Parsons, demands from the *Security Council* a *Resolution* calling on the Argentine Government to refrain from the use of force in the South Atlantic. “*.. we had never been to the Security Council before with this dispute. It had only touched the Fourth Committee; it had scarcely been to the plenary of the General Assembly and it hit everyone by surprise.*”

978 This group acted as the executive agency for the Chiefs of Staff and for the central direction of military operations. Franks 1983 para.224

979 The *defence attaché*, Stephen Love, would later accuse the Ministry of Defence of ‘*burying*’ his reports and warnings. *The Threads that Link the Falklands to Iraq* Simon Jenkins *London Spectator* Mar 30 2007

980 Thatcher 1993

981 Supplement to the *London Gazette*, December 14th, 1982. “*Leach's advice was that whatever was done must not be half-hearted, for that was likely to result in a shambles. ... He argued for sending every element of the fleet of any possible value. ... Leach's conviction that a fleet able to look after itself if subjected to air and sea attack by Argentine forces would be ready to sail early the next week made a deep impression on the politicians present. According to Leach's own account, when asked by the Prime Minister if the Falklands could really be recaptured if invaded, he replied 'we could and in my judgement (though it is not my business to say so) we should.'*” cf. Freedman p.181

The day before the invasion I got word to call an emergency meeting of the Security Council which I did. I rang up colleagues in turn personally, saying would you be down at the Council in an hour's time, the invasion of the Falklands is pending.

My American colleague (Jeanne Kirkpatrick), who was very mixed up with Latin American policy, said that I had gone mad and that she would block the vote.. I said that if you are going to block me from having a meeting you will have to do it in public and I shall insist on a public meeting so ..?

My Russian colleague said: it is April 1st and I know this is an April Fool's joke, the kind of thing you do the whole time, but you don't know your own rules; it is after mid-day. I had quite a problem persuading him that this was serious ... Eventually we got the Council in action..."⁹⁸²

Argentina's Representative responds that: *"It was ironic and inadmissible for the Council to be convened by the United Kingdom on that day to consolidate the spoils of colonial plundering. Argentina rejected being accused when in fact what should be judged, if justice was to be served and peace preserved, was the conduct of the accuser."*

The President of the Council appeals to Argentina not to invade. US Secretary Haig, sends a message to Lord Carrington, indicating that the United States Government will do all it can to help.

In Buenos Aires, the British Ambassador asks for, and is given, a written statement of the Argentine position; *"Since the problem raised is disregard of Argentine sovereignty, – I judge pointless the despatch of a person to examine the events in the Georgias since Argentina considers this incident resolved. In fact the workers there are carrying out their tasks under normal lawful conditions without any breach of the agreement previously reached between our two countries – bearing in mind the antecedents and course of the negotiations undertaken from 1964 to today we would have accepted the despatch of the representative proposed by Great Britain if his task had been to negotiate the modalities of transferring sovereignty over the Malvinas Islands and their dependencies to the Argentine Republic which is essentially the central cause of the present difficulties.*

I cannot omit to draw attention to the unusual British naval deployment towards our waters reported in the international press which can only be interpreted as an unacceptable threat of the use of military force. This obliges us to refer to the UN organization where Argentina will circulate a note on the antecedents of this case."

Intelligence reports suggest that an invasion force will be assembling off Stanley during the night. This is relayed to Governor Hunt by the FCO; *"We have apparently reliable evidence than an Argentine task force will gather off Cape Pembroke early tomorrow morning 2 April. You will wish to make your dispositions accordingly."*⁹⁸³

Governor Hunt warns the population of the Islands, and places the remaining Royal Marines, together with elements of the Volunteer Defence Force, on stand-by.⁹⁸⁴ British forces in the UK are put on immediate notice of deployment.

Secretary Haig speaks to the Argentine Ambassador in Washington. He tells him that Britain would respond to any action, and that the use of force; *"Would reverse our cooperation in Central America and the hemisphere. The reaction of the American people will be overwhelming, we will have to side with the British, and US-Argentine relations will be back to the worst days."*

982 Jane Barder interviewing Sir Anthony Parsons 22 March 1996

983 FCO 7/4490 f113 The Governor is supposed to have responded; *"They might have added goodbye and the best of British!"* Quoted in The Guardian 12.11.12

984 Approximately 57 marines. Additionally there were 2 officers and 9 men from *Endurance*, still in Stanley.

ARA Guerrico, a corvette with two helicopters and 40 marines aboard, joins the *Bahia Paraiso* at South Georgia.

Governor Rex Hunt reports his dispositions; “(1) Royal marines disposition will be made near expected landing beach and will do what they can to contain landing and to defend airport. (2) FIDF will round up Argentines in Stanley before dawn tomorrow and bring them to Government House for safe-keeping. They will then deploy at probably helicopter landing sites. (3) Marines will fall back to outskirts of Stanley but will not fight in Stanley. Survival party will take off to the hills as Argentine forces reach Stanley. I shall remain at Government House. ..”⁹⁸⁵

The British Ambassador in Washington receives a message; “The State Department have just told me that their Ambassador has informed them from Buenos Aires of his meeting with the Argentine President. The latter would not say what the Argentines were going to do. The Americans have deduced from this that the Argentinians are therefore planning to go through with their military operation. The Argentine President muttered some mumbo-jumbo, to use the State Department’s phrase, about the need for the British to talk about surrendering sovereignty. The State Department are now asking President Reagan to telephone the Argentine President personally...”

President Reagan telephones Galtieri, before contacting PM Thatcher with the result; “I have just talked at length with General Galtieri about the situation in the Falklands. I conveyed to him my personal concern about the possibility of an Argentine invasion. I told him that initiating military operations against the Falkland islands would seriously compromise relations between the United States and Argentina and I urged him to refrain from offensive action. I offered our good offices and my readiness to send a personal representative to assist in resolving the issues between Argentina and the United Kingdom.

The General heard my message, but gave me no commitment that he would comply with it. Indeed, he spoke in terms of ultimatums and left me with the clear impression that he has embarked on a course of armed conflict. We will continue to cooperate with your Government in the effort to resolve this dispute. Both in attempting to avert hostilities and to stop them if they should break out. While we have a policy of neutrality on the sovereignty issue, we will not be neutral on the issue of Argentine use of military force.”⁹⁸⁶

April 2nd – Governor Hunt declares a *State of Emergency* on the islands at 3.25am. He receives permission to destroy Stanley airstrip; “.. if you can do so, to prevent it being used after invasion to resupply an invasion force.”⁹⁸⁷

Operation Rosario,⁹⁸⁸ the Argentine code name for its invasion of the Falkland Islands, commences at 4.30am with Argentine special forces landing at Mullet Creek. *Moody Brook* Barracks are attacked, but the Royal Marines have already left to take up defensive positions. The noise of the attack on the barracks alerts the population in Stanley.

Argentine Marines come ashore in amphibious vehicles at York Bay. A C-130 transport plane loaded with Argentine troops, lands at Stanley airfield.

985 FCO 7/4490 f124 Telegram No. 64 of 1 April 1982

986 PREM 19/657 Telegram from White House to Cabinet Office, London

987 FCO 7/4490 f104 Telegram No. 50 of 2 April 1982. A hand written note suggests that this was not received by Hunt.

988 “On the eve of the invasion, Argentine commanders agreed that the military operation to take Las Malvinas, initially planned under the codename Azul, should be renamed Rosario, in honour of the Virgin of Rosario. According to Argentine cultural tradition, the Virgin had brought her graces to the population of Buenos Aires in the early nineteenth century before an invasion by British troops was successfully repulsed. She has been venerated passionately ever since.” *Argentina’s Failed Crusade* J. Burns published in the *Tablet* 2002.

Argentine *special forces* attack Government House. They encounter well placed British defences, and suffer the first casualties of the war. ⁹⁸⁹ Three Argentine prisoners are taken.

An armoured column making its way from York Bay to Stanley is engaged by a section of Marines commanded by Lt. Trollope. One Amoured Personnel Carrier is hit by two missiles before the section withdraws.

The main invasion force arrives off Stanley at 8.30am.

9.15am: Surrounded, Governor Hunt negotiates a ceasefire with Rear-Admiral Carlos Bussers.

10.30am: Governor Rex Hunt formally surrenders the Falklands to General Osvaldo Garcia. Hunt refuses to shake Garcia's hand, telling the General that; *"This is British property and you are not invited"*. Garcia responds; *"It is very ungentlemanly of you to refuse to shake my hand"* to which Hunt replies; *"It is very uncivilised of you to invade my country."*⁹⁹⁰

Brigadier General Mario Menendez is appointed as Argentina's governor on the Islands.

Rex Hunt, in full regalia, together with his family and the surrendered Marines, are airlifted to Montevideo.⁹⁹¹

At 4.30pm, the Government House telex-operator has a conversation with an operator in London.

LON (London): HELLO THERE WHAT ARE ALL THESE RUMOURS WE HEAR THIS IS LONDON

FK (Falklands): WE HAVE LOTS OF NEW FRIENDS

LON: WHAT ABOUT INVASION RUMOURS

FK: THOSE ARE THE FRIENDS I WAS MEANING

LON: THEY HAVE LANDED

FK: ABSOLUTELY

LON: ARE YOU OPEN FOR TRAFFIC IE NORMAL TELEX SERVICE

FK: NO ORDERS ON THAT YET ONE MUST OBEY ORDERS

LON: WHOSE ORDERS

FK: THE NEW GOVERNOR'S

LON: ARGENTINA

FK: YES

LON: ARE THE ARGENTINIANS IN CONTROL

FK: YES YOU CAN'T ARGUE WITH THOUSANDS OF TROOPS PLUS ENORMOUS NAVY SUPPORT WHEN YOU ARE ONLY 1600 STRONG. STAND BY.

An emergency meeting of the Cabinet in London approves the formation of a *Task Force* to retake the islands.

"I received advice from the Foreign Office which summed up ... that Department. I was presented with the dangers of a backlash against the British expatriates in Argentina, problems about getting support in the UN Security Council, the lack of reliance we could place on the European Community or the United States, the risk of the Soviets becoming involved, the disadvantage of being looked at as a colonial power. All the considerations were fair enough. But when you are at war you cannot allow the difficulties to dominate your thinking:"

989 Three Argentine soldiers were reported shot and Pedro Edgardo Giachino died of wounds. Argentina has always maintained that Giachino was the only one of their force to die during the invasion but the reports submitted by the marines on their return suggest that casualties were probably much higher.

990 FCO 7/4490 f57

991 One section of Marines under the command of Corporal York, stationed on the Camber Peninsula, were not captured. They surrendered on April 4th.

And anyway what was the alternative? That a common or garden dictator should rule over the Queen's subjects and prevail by fraud and violence? Not while I was Prime Minister."⁹⁹²

President Galtieri reports the success of the invasion to the Argentine people in a short broadcast; *"Compatriots: We have recovered, safeguarding the national honor, without rancor, but with the firmness that the circumstances require, the Austral Islands that make up the national heritage ... by legitimate right. The step just taken was decided without taking into account any political calculation. It was designed on behalf of each and every one of the Argentines, regardless of sectors or factions and with the mind set on Governments, institutions and people than in the past, without exceptions; and through 150 years, have struggled to claim our rights. I know, and we acknowledge with deep emotion, that already the whole country lives the joy of a new gesture and it is preparing to defend what you own regardless of sacrifices, ..."*⁹⁹³

Galtieri is greeted by jubilant crowds (estimates exceed 200,000), in the Plaza de Mayo in Buenos Aires. There are reports of people dancing in the streets.

*".. Argentine press reports indicate that some 4,000 to 5,000 troops are on the Islands, and the 10 to 14 naval ships in the area include the country's only aircraft carrier as well as several guided missile destroyers, frigates, corvettes, transport and amphibious craft, and at least one submarine."*⁹⁹⁴

Britain breaks off diplomatic relations and gives Argentina's Ambassador 4 days to leave the country.

Shridath 'Sonny' Ramphal, the Commonwealth Secretary-General, sends a message to all the Commonwealth Heads of Government calling for them; *"... to stand by Britain in this matter, consistent with your support for the principles of territorial integrity, the right of self-determination and the rejection of the use of force."*⁹⁹⁵

Australia's envoy to the United Nations, David Anderson, denounces Argentina's invasion to the Security Council; *"... We have considered carefully the statements made in this Council yesterday and this morning by the distinguished Representative of Argentina. Nothing contained in those statements could justify the act of aggression which has been committed by the Argentine armed forces in clear violation of Article 2.3 and Article 2.4 of the Charter of the United Nations."*

A Decree from the new Governor, activates a post code designation for the Falklands – 9409. Major Patricio Dowling takes charge of both internal security and the Islands police station.

In New York, the British Mission to the UN considers its tactics for the Security Council; *".. We decided in the Mission that if we were going to get a Resolution – we didn't think the odds were good but we must do it quickly, avoid all the negotiations over blue drafts and black drafts and I don't know what other drafts, we must slap down something we could live with – we must demand that Argentina withdraw and we must get a vote on it within 24 hours because if we allowed it to drag out it would be fatal. So we did exactly that; we put the Resolution down in final form and there was a very rigorous debate..."*⁹⁹⁶

The USA's Permanent Representative to the United Nations, Jeanne Kirkpatrick, attends a dinner given in her honour by the Argentine Ambassador. Her attendance is criticised in both the *New York Times*, and the *Washington Post*.⁹⁹⁷

992 Thatcher 1993

993 *Diario Clarin* 3 April 1982

994 *CIA Situation Report #1 CIA-RDP84B00049R000701780020-2*

995 *PREM19/614*

996 Barder 1996

997 Kirkpatrick was a noted supporter of Galtieri within the Reagan Administration. *cf. Gambling with History: Ronald Reagan in the White House* L.I. Barrett 1984. She would later claim to have been "misled."

April 3rd – in the *Guardian* newspaper; “At a defensive and unhappy press conference in the Foreign Office – itself a rare event – Mr. Nott denied as “ridiculous and quite untrue” rumours at Westminster that he had offered his resignation to Mrs Thatcher, and Lord Carrington rejected with a shake of his head any suggestion that he might resign. But the irony of a government elected to strengthen Britain's defence posture finding itself in this position will not be lost on MPs ...”

PM Thatcher speaks to Parliament, which is sitting in emergency session; “*The House meets this Saturday to respond to a situation of great gravity. We are here because, for the first time for many years, British sovereign territory has been invaded by a foreign power. After several days of rising tension in our relations with Argentina, that country's armed forces attacked the Falkland Islands yesterday and established military control of the islands....*

... I must tell the House that the Falkland Islands and their dependencies remain British territory. No aggression and no invasion can alter that simple fact. It is the Government's objective to see that the islands are freed from occupation and are returned to British administration at the earliest possible moment....

The Government have now decided that a large task force will sail as soon as all preparations are complete. HMS Invincible will be in the lead and will leave port on Monday. ...

The people of the Falkland Islands, like the people of the United Kingdom, are an island race. Their way of life is British; their allegiance is to the Crown. They are few in number, but they have the right to live in peace, to choose their own way of life and to determine their own allegiance. It is the wish of the British people and the duty of Her Majesty's Government to do everything that we can to uphold that right. That will be our hope and our endeavour and, I believe, the resolve of every Member of the House.“

On the advice of two former Prime Ministers, Harold Macmillan, and James Callaghan, PM Thatcher forms a committee to oversee the crisis. Dubbed the 'War Cabinet' OD(SA) is made up of, in addition to the PM, Foreign Secretary Francis Pym, Defence Secretary John Nott, Home Secretary William Whitelaw, Chancellor of the Exchequer Geoffrey Howe and Conservative Party Chairman Cecil Parkinson.

The Bank of England freezes all Argentine assets and Argentine imports are banned.⁹⁹⁸ Argentina responds by a tit-for-tat freezing of British assets and a ban on imports. To avoid the possibility of a technical default, Argentina insists that it will continue to pay interest on its outstanding international debts via an escrow account in New York.

A diplomatic approach is made to the European Union and, in particular, West Germany, Argentina's largest trading partner within the EU, for an embargo of goods to, and from, Argentina. British Embassies throughout the world start to approach Heads of State with requests for support.⁹⁹⁹

At 7.30am local time on South Georgia, the commander of the *ARA Bahia Paraiso* demands the surrender of Grytviken, erroneously claiming that Governor Hunt has already surrendered the Dependencies. The British commander declines.

CIA Situation Report #2, “*The Argentines continue to provision and reinforce their initial landings ... The British, who will lack a land base and probably face logistical problems, will be hard pressed to oust a force of the size anticipated. ... Brazil, Bolivia, Peru and Ecuador have given unqualified support to Argentina's claims,*

⁹⁹⁸ Valued at \$1.5 billion. Export credit insurance was also suspended. The Financial Times April 7th. Argentina was already in financial difficulty and the effect of these measures was to push the country further into debt.

⁹⁹⁹ “ ... a most unequal competition between a heavyweight diplomatic machine which had been playing power politics on the world stage for more than four centuries, and a foreign ministry that could just about manage relations with a few of its Latin American neighbours” *The Falklands War 1982* Duncan Anderson 2002,

but have expressed hope for a peaceful resolution of the conflict. Venezuela, traditional supporters of Buenos Aires's claims, has thus far withheld open support and called for a negotiated settlement. The Chileans, now negotiating with Argentina for control of the Beagle Channel, refuse to support Argentine claims."¹⁰⁰⁰

11.40am: Argentine troops are transported by helicopters from the *Bahia Paraiso* to King Edward's Point on South Georgia. A squad of Royal Marines engage the *Puma* helicopters bringing one down.

11.47am: *ARA Guerrico* gives supporting fire for the Argentine force, but her guns jam after only half a dozen rounds have been fired.

11.59am: one seaman on the *ARA Guerrico* is killed by small arms fire from Royal Marines on the shore. More than 200 rounds are fired at the Corvette which suffers considerable damage. Reinforcements from the *Bahia Paraiso* land on South Georgia.

Outnumbered, Royal Marines commander, Lieutenant Keith Mills, surrenders South Georgia, together with 22 marines and 13 BAS staff. Another 13 BAS staff in field parties are distributed around the Island.¹⁰⁰¹ The wildlife film-maker, Lucinda Catherine "Cindy" Buxton is also isolated on South Georgia.

President Galtieri summons the German Ambassador to see him; "Galtieri, who looked nervous, began by saying that he wished to explain the Argentine position to friendly countries with the aim of bringing about a diplomatic solution to the Falkland crisis.... the German Ambassador asked whether Argentina was still prepared to hold talks aimed at reaching an honourable solution ... Galtieri replied that everything was negotiable with the exception of final recognition of Argentine sovereignty over the Islands."¹⁰⁰²

France agrees to stop supplying Argentina with *Exocet* missiles, *Super Etendard* aircraft and *Pucara* aircraft engines and to withdraw her technical teams.

At the United Nations, Sir Anthony Parsons, obtains the *Security Council Resolution* he has been working for.

".. I avoided the sovereignty issue, because I knew I was on a very sticky wicket on that and concentrated entirely on the illegality of the acquisition of territory by war, my eye being on the Arabs. .. to my amazement we won it – we got our Resolution."¹⁰⁰³

Attempts to delay a *Resolution* are defeated in a procedural vote. During the debate, Argentina's representative states; "... that his Government had proclaimed the recovery of its national sovereignty over the territories of the Malvinas, South Georgia and South Sandwich islands in an act that responded to a just Argentine claim, an act of legitimate defence in response to the acts of aggression by the United Kingdom. Argentine jurisdiction extended throughout the islands, an Argentine Governor being there. He emphasized that in that manner an end had been put to a situation of tension and injustice that had been a constant element of disturbance to international peace and security. He added that his country would act in conformity with the principles and purposes of the Charter and make every effort to reach a just and peaceful solution."¹⁰⁰⁴

Security Council Resolution 502 - "The Security Council,

Recalling the statement made by the President of the Security Council at the 2345th meeting of the Security Council on 1 April 1982 calling on the Governments of Argentina and the United Kingdom of Great Britain and

1000 CIA-RDP84B00049R000701780020-1

1001 Buenos Aires was informed of the locations of these field parties on the 5th but no action appears to have been taken, as they were all still in radio contact with the BAS station at Signy Island on the 12th. cf. PREM19/617

1002 PREM19/614

1003 Barder 1996

1004 UN Org. cf. *The Falklands crisis in the United Nations, 31 March-14 June 1982* Anthony Parsons in *International Affairs* vol. 59 Issue 2 (Spring) 1983

Northern Ireland to refrain from the use or threat of force in the region of the Falkland Islands (Islas Malvinas),

Deeply disturbed at reports of an invasion on 2 April 1982 by armed forces of Argentina,

Determining that there exists a breach of the peace in the region of the Falkland Islands (Islas Malvinas),

1. **Demands** an immediate cessation of hostilities;

2. **Demands** an immediate withdrawal of all Argentine forces from the Falkland Islands (Islas Malvinas);

3. **Calls** on the Governments of Argentina and the United Nations to seek a diplomatic solution to their differences and to respect fully the purposes and principles of the Charter of the United Nations."¹⁰⁰⁵

April 4th – *HMS Conqueror*, sails for the South Atlantic. Senegal offers staging facilities via Dakar airport for British military aircraft heading to and from Ascension Island.

La Prensa reports; “*The recovery of Malvinas, by our country, was a matter of international priority in the entire world.*”¹⁰⁰⁶

Reg Silvey, Falklands lighthouse keeper, makes radio contact with the UK.

Newspapers in Buenos Aires report that the loss of the Falkland Islands means that Britain will also have to forgo its claims to the Antarctic territories.¹⁰⁰⁷ Venezuela and Panama issue statements in support of Argentina.

The Washington Post reports; “*Britain's Prime Minister spoke the simple truth when she labeled the Argentine act, “unprovoked aggression.” It is more than likely that the Argentines have made a serious mistake ... for Mrs. Thatcher is a tough woman... the British do not appear to be in a mood to be pushed around.*”

The settlements at Goose Green and Darwin are occupied by Argentine troops. Two Argentine postal officials travel to the Islands.¹⁰⁰⁸

Rear-Admiral Eduardo Girling summons the German *military attache* to announce that the Falklands would be defended with all available means, including Soviet assistance which would be accepted for this purpose.¹⁰⁰⁹

April 5th – aircraft carriers, *HMS Invincible* and *HMS Hermes*, sail for Ascension Island. *HMS Yarmouth* and *HMS Broadsword* are ordered to Gibraltar.

Following recriminations in the press, Lord Carrington resigns as Foreign Secretary, together with Foreign Office Ministers Richard Luce and Humphrey Atkins. Lord Pym is appointed as the new Foreign Secretary. The Defence Secretary, John Nott, also offers his resignation but the Prime Minister refuses to accept it.

At an impromptu news conference in his office, US President Ronald Reagan says that; “... *the confrontation between Britain and Argentina has put the United States in a very difficult position because it is friendly with both countries.*”¹⁰¹⁰

1005 10 votes for, 1 against (Panama) and 4 abstentions, (Spain, China, Poland, USSR).

1006 Article by Manfred Schonfeld quoted in *Representations of the enemy during Malvinas War. A contribution to the bicentennial* Federico Lorenz 2010

1007 *CIA Situation Report #4 CIA-RDP84B00049R000701780023-9*

1008 Argentine stamp clubs were ecstatic. During April the post office at Stanley (renamed Puerto Argentino) recorded a daily average of over 7,000 letters and packages. Child 2008.

1009 *PREM19/615*. The report was passed to the British Government on the 8th.

1010 *PREM19/614*

Messages of support from the Dominican Republic, Sri Lanka, Belize, Nepal and Mauritius, arrive in London. Other countries make statements deploring the Argentine invasion. Portuguese Foreign Secretary, Dr. Leonardo Mathias, is reported as saying that if Britain asks to use the *Lajes* Air Base, in the Azores, to refuel, that request would probably be granted. The Government of New Zealand breaks off diplomatic relations with Argentina, while Australia recalls its Ambassador to Buenos Aires. Canada also recalls its Ambassador and imposes an arms embargo on Argentina. Chile condemns Argentina's use of force.

Governor Hunt and the captured Royal Marines arrive back in the United Kingdom.

"The Argentine occupation forces have imposed strict military rule ...The Islanders are under house arrest until further notice, and anyone defying this order is threatened with immediate imprisonment. ... Other penalties have been imposed in the face of growing hostility from the Islanders. These include 30 days in prison for rude gestures against the military, 60 days for irreverence to the Argentine flag... Messages from radio hams ... say that troops are searching homes and confiscating equipment."

HMS Endurance heads away from South Georgia.

Governor Rex Hunt, together with Royal Marine Majors Norman and Noott, brief the Prime Minister. *"The Prime Minister congratulated the party on the courage they had shown ... She .. enquired whether those in Port Stanley in the days preceding the invasion had been any more aware of the likelihood of an invasion. The Governor replied in the negative. He had been inclined to think that the Argentine President was sabre rattling as on previous occasions. ... Major Noott said that the Argentine forces had not appeared to be particularly skilled or brave. They had, for example, shown reluctance to go outside Port Stanley because they had heard that a section of six marines were still at large ..."*¹⁰¹¹

April 6th – Robert Runcie, Archbishop of Canterbury sends his envoy, Terry Waite, to the Vatican with a request for the Pope to appeal to Argentina to obey international law; *"The Archbishop believes the Pope has already done this privately but the Archbishop (whose Province includes the Falklands) believes that a public utterance by the Pope would have an impact on Argentinian opinion as it is a strongly Catholic country."*

A letter is smuggled out of the Falklands; *"On behalf of the civilian population of the Falkland Islands, we, the undersigned Civil Servants and Administrators, request that a protecting power be appointed to help to arrange the temporary evacuation of the civilian population of these Islands under the terms of the Geneva Convention. We further request the immediate dispatch to Port Stanley of an Observer from that power."*¹⁰¹²

The US Bureau of Intelligence and Research submits an analysis; *"The British fleet will reach the Falkland area around April 20. We believe that Thatcher will be under heavy pressure to order it into action if no compromise has been negotiated or is in prospect. She will not have the option of delaying indefinitely while diplomatic efforts continue. The effectiveness of the fleet, far from its maintenance bases, will rapidly deteriorate after its arrival on station. Her damaged leadership could not survive a futile "voyage to nowhere."*

April 7th – Germany, Nigeria and Denmark condemn Argentina's invasion of the Falklands.

SS Canberra is requisitioned as a troop carrier by the British Government.

1011 *PREM19/614 f72*

1012 Smuggled out in one ladies bra, the letter was signed by 13 people including the Chief Constable, the Registrar General, the Government Medical Officer, the Collector of Customs, the Harbourmaster, the Master Forrester and the Mechanical Superintendent. The request had not been discussed with the general population, many of whom subsequently disagreed with the letter's contents once it became known. *cf. PREM 19/617 Telex 14 April 1982*

Foreign Secretary Francis Pym addresses the House of Commons; *“The whole House and the country is struck by the appalling nature of the aggressive action the Argentine regime has committed... Why did Argentina's ruler suddenly decide in the last days of March to resort to arbitrary and brutal aggression? I suggest that part of the answer lies in the very brutality and unpopularity of the Argentine regime itself. Inflation is raging in Argentina, at the rate of 140% a year. The regime is notorious for its systematic contempt of all human rights. Since 1976, there have been thousands of arrests and killings, often described in a tragic and disgraceful euphemism as "disappearances". Only a few days before the invasion of the Falkland Islands there had been riots in Buenos Aires, and many people had been arrested. Harassed by political unrest at home, and beset by mounting economic difficulties, the regime turned desperately to a cynical attempt to arouse jingoism among its people. The Falkland Islanders have thus become the victims of the unprincipled opportunism of a morally bankrupt regime.*

Our purpose is to restore their rights. ... The British ambassador in Buenos Aires and most of his staff are being withdrawn. ... A small British interests section will continue to work in the Swiss embassy, and we are most grateful to the Government of Switzerland, who are most expert in these matters,

What we in Britain must now do, with the support and backing of all freedom-loving countries right across the world, is to see to it that Argentina's illegal and intolerable defiance of the international community and of the rule of law is not allowed to stand.”¹⁰¹³

A 200 mile 'maritime exclusion zone', to take effect on the 12th, is declared by the British Government.

In a report prepared by the US Bureau of Intelligence and Research; *“According to Embassy London... Tory moderates and Foreign Office are concerned that Prime Minister Thatcher has been listening largely to the Ministry of Defence, especially senior naval officers, and may not adequately be considering non-military options. ... Second thoughts are surfacing among Argentine politicians about the wisdom of President Galtieri's adventure as it becomes clear that the cheap victory so confidently expected may still elude them..”*

President Reagan approves an attempt at mediation to be led by US Secretary Alexander Haig.

Argentina's new Governor, Brigadier General Benjamin Menendez, flies to the Falklands to be sworn in; in a ceremony at which Archbishop Desiderio Elso Collino, the chaplain general of the armed forces, officiates; *“The gaucho Virgin is Mother of all men, but is in a very special way the Mother of all Argentines, and has come to take possession of this land, which is also her land.”¹⁰¹⁴*

April 8th – operating rights allowing Argentine airlines to fly into London are suspended. Australia bans Argentine imports; *“Mr. Fraser said that his Government would not have done this for any other country in the world. They had done so because it was Britain and Mrs Thatcher who were concerned.”*

A Chiefs of Staff meeting proposes an operation to retake South Georgia before the end of the month; *“I received the clear impression that the Defence Staff have drawn a distinction between an operation against South Georgia (which they regard as certain) and operations against the Falkland Islands (which they regard as subject to parallel political or diplomatic activity).”¹⁰¹⁵*

Alexander Haig arrives in London, the first stop in his 'shuttle diplomacy' attempt to mediate.

Margaret Thatcher is briefed; *“For the meeting with Mr. Haig, you should be aware that the United States intelligence agencies are helping and supporting our own intelligence effort with unreserved openness and*

1013 *HC Deb 07 April 1982 vol 21 cc959-1052*

1014 Burns 2002

1015 *FCO 7/4472 Operation Paraquet*

*generosity. Mr. Haig himself has assured Sir Nicholas Henderson that if there is anything we need in the area of covert support and assistance we have only to ask. Profiting from this, a telegram of requests has already gone over to Washington.*¹⁰¹⁶

The Prime Minister meets Alexander Haig at 7.30pm. During the discussion Secretary Haig admits that, although it failed to see the invasion coming, British intelligence had put together a compendium that was; “.. *much better than anything which the United States had compiled.*”¹⁰¹⁷

Haig puts forward a three part proposal involving; a) Argentine withdrawal, b) a return to the administrative *status quo* that had existed before the invasion, and c) a return to negotiations between Britain and Argentina. He adds that stages a) and b) would be supervised by an international body. Thatcher is unwilling to accept the involvement of an international body unless it is prepared to supervise a test of self-determination for the Islanders. Both Haig and Thatcher recognise that this would not be acceptable to Argentina.

A message is passed from the US Embassy in Buenos Aires, to the US Embassy in London; “*Under Secretary Ros called me in this morning to discuss arrangements for the Secretary's visit. He complained about the harsh statements coming out of London .. He emphasized that the Foreign Ministry wants and has always wanted a negotiated solution. The problem is that Ros and Costa Mendez do not speak for the navy. We are getting ultra-tough sounds out of that quarter, including statements that the Secretary should not come here ... feelings are running high in the navy. One bitter complaint is that the commandos failed to have complete surprise and thus took casualties .. because we had given the British advance intelligence obtained by 'satellite'.*”¹⁰¹⁸

British Ambassador in Washington , Sir John Nicholas Henderson, appraises the War Cabinet of Argentina's attempt to gain support within the *Organization of American States (OAS)*; “*There is an intense debate among the OAS delegations here, including the American one, about the legal questions involved in invoking the Rio Treaty. Some contend that the Falklands dispute falls outside the legislative (not geographic) scope of the Treaty others are reluctant to see the Treaty invoked lest it be used by Argentina to legitimize its invasion. ... To convene the OAS under the Rio Treaty and to pass a Resolution requiring action would need 15 to 16 votes which it (Argentina) is not at present finding it easy to obtain.*”¹⁰¹⁹

A *Washington Post* article states; “*Argentina will have to give first, for Britain is determined, as it must be, that the English-speaking Falklanders choose their own fate and affiliation. At issue is not so much a disputed claim to abstract sovereignty as the principle of negotiated self-determination on which Britain's peaceful dissolution of the Empire has been based since World War II.*”

April 9th – 3 Commando Brigade (Royal Marines) sails from England aboard the *SS Canberra*.

Secretary Haig reports back to Washington; “*The Prime Minister has the bit in her teeth, owing to the politics of a unified nation and an angry Parliament, as well as her own convictions about the principles at stake. She is clearly prepared to use force, though she admits a preference for a diplomatic solution. She is rigid in her insistence on a return to the status quo ante, and indeed seemingly determined that any solution involve some retribution. .. All in all, we got no give in the basic British position ..*”¹⁰²⁰

1016 *AO8091* signed by the Secretary of the *Cabinet*, Sir Robert Armstrong on 8.4.82

1017 *PREM19/616 f165*

1018 *State 093478*

1019 *PREM19/615*

1020 Archive – Reagan Library, Los Angeles

An editorial in the *Jornal do Brasil* says; “We are on the edge of a confrontation. The fact that a powerful fleet was ready to sail after only 5 days preparation when the normal time for an operation of such scope is usually much greater, is a clear indication of English intentions. ... It is important, however, not to lose sight of the fact that there took place a violent action – and that any possibility of a successful outcome to any negotiations depends on the fact that acceptable satisfaction is given to the country that suffered the action – in this case England.... The possibility that Argentina could invoke, in its defence, the Rio Treaty, is fading away: and this means simply that Argentina cannot make use of the natural instrument for the defence of countries of the continent. And it cannot, because it was, in this case, the aggressor. ..”

Forced to land at Brasilia, a Cuban plane is found to be loaded with electronic surveillance equipment.

A CIA situation update reports; “... the Argentines are reportedly lengthening the air strip in Port Stanley to accommodate A-4, MIRAGE, PUCARA, and C-130 aircraft and reinforcing the island with additional troops and air defence equipment...”

April 10th – in Moscow, *Pravda* reports; “ The times when disputes could be settled by gunboat diplomacy are gone ... it is clear that Britain is responsible for the consequences of this reckless policy, for it is precisely Britain that over many years stubbornly refused to carry out UN decisions on decolonization.”

Economic sanctions against Argentina are approved by the European Economic Community; to come into force on the 16th for a period of one month.

Letters start to appear in the Falklands, addressed to the Argentine conscripts; “Dear Friend, Argentine Soldier - From the depths of my heart, today I send you these few lines and hope that as you receive them you find yourself in very good health. I hope that in defending our sovereignty you do it for the love of God and love for the Motherland. Every day we pray that God help you and that it might end soon, we are proud of you.”¹⁰²¹

Secretary Haig arrives in Buenos Aires. President Galtieri tells a patriotic rally taking place in the Plaza de Mayo that he will do battle if the British come.

The UK's Mission to the UN considers the legality of the exclusion zone; “The General Assembly's definition of aggression (contained in Resolution 3314 (XXIX) recalls that it is for the Security Council, in accordance with Article 39 of the Charter, to determine the existence of any threat to the peace, breach of peace or act of aggression. Article 2 of the definition states that - “The first use of armed force by a State in contravention of the Charter shall constitute prima facie evidence of an act of aggression.” Resolution 502 (1982) adopted by the Security Council on 3 April 1982 referred to - “an invasion on 2 April 1982 by armed forces of Argentina” - and went on to determine that a breach of the peace existed ... Article 3(a) of the definition states that - “the invasion ... by the armed forces of a State, of the territory of another State” - qualifies as an act of aggression.

Accordingly, a true reading of the definition of aggression together with resolution 502 (1982) leads inexorably to the conclusion that it is Argentina which is committing aggression by its invasion and first use of force in defiance of the appeal made by the President of the Security Council on behalf of the Council on 1 April 1982 (s/14944). Moreover, Resolution 502(1982) leaves no doubt that it is Argentina which bears responsibility for the current breach of the peace in the region.

... Article 3(c) of the definition of aggression lists - “the blockade of the ... coasts of a State by the armed forces of another State – as an example of aggression. ... The UK is not “another State” because the maritime exclusion zone surrounds British territory.”¹⁰²²

1021 Mostly from school children, and obviously dictated, many examples were found after the surrender. Child 2008.

1022 PREM 19/616 Telegram No. 440 of 10 April

Three members of the Swiss Parliament suggest that the conflict can be resolved by an arbitration panel; along the lines of the *Alabama Claims*.¹⁰²³

April 11th – Mr. J.E. Cheek, the only Member of the Falkland Islands *Legislative Council* in London, writes to the Prime Minister suggesting that an 'Andorra' style arrangement may be an acceptable solution with the territorial integrity of the Islands guaranteed by Britain and other permanent members of the *Security Council*.

Interviewed on BBC radio, Francis Pym is asked whether Argentine shipping will be sunk if found within the exclusion zone. Pym replies; *"That is the position."*

Information is received from the Swiss *charge d'affairs* in Montevideo, that the 22 Royal marines, and 3 civilians, captured on South Georgia are being moved, but their destination is unknown.

Jeanne Kirkpatrick, is interviewed on US national television. She says that she does not see a need for the US to make a choice between Argentina and Britain and that the only appropriate action is for the US to help both countries avoid war. Kirkpatrick states that the US has never taken a position on the Falklands, adding; *".. that if the islands rightly belonged to Argentina its action could not be considered as 'armed aggression'."*¹⁰²⁴

The Government of Peru calls for a 72 hour truce; *"In order to avoid an armed confrontation which would constitute ... a serious threat to international peace and security."*

Secretary Haig telegrams London; *"... I now expect to arrive in London about 0630 am Monday April 12. ... In the meantime, I am sure you would agree that any military confrontation must be avoided at all costs until you have been able to consider this draft proposal. Although it is clear serious problems remain; some progress has been made."*

Margaret Thatcher responds; *"I should certainly prefer to avoid military confrontation. But Argentina is the aggressor, and is still trying to build up the occupying force in the Falklands. The right way to prevent naval incidents is therefore for Argentina to remove all her naval vessels from the maritime exclusion zone. The Argentine Government has had plenty of warning."*

April 12th – 4.00am: the declared 200 mile *exclusion zone* comes into effect.

Haig returns to London to negotiate with the British Government.¹⁰²⁵ On his arrival, he receives information from Washington that there are 34 Soviet fishing vessels in the area of the Falkland Islands, providing intelligence to the Soviet Union.¹⁰²⁶

He also receives a telephone call from Costa Mendes in Buenos Aires; *"Senor Costa Mendes had told him that he saw no reason for him, Mr. Haig, to go to Buenos Aires again unless any agreement about the Falkland Islands provided for the Governor of the Islands to be appointed by the Argentine Government and for the Argentine flag to continue to be flown there. If that was not possible, the the Argentine Government must have assurances that at the end of negotiations with Britain there would be a recognition of Argentine sovereignty."*

Haig responds via the US Embassy in Buenos Aires; *"I have introduced ideas here along the lines discussed at the presidential palace Saturday night... The talks have been exceedingly difficult, but some progress has been made. I hope to leave here this evening for Buenos Aires... Time is of essence. The British will not withhold the*

1023 *cf.* 1872

1024 *PREM19/616*. Secretary Haig came to believe that his attempts at negotiation were being thwarted by Kirkpatrick and others. *cf.* Barrett 1984.

1025 *cf.* *PREM19/616 f165*, *PREM19/617 f221*, *PREM19/617 f227*

1026 *PREM19/617 f189*

use of force in the exclusion zone unless and until there is an agreement. I hope to bring to Buenos Aires a U.S. proposal that holds the prospect of agreement, thus averting war.”

The Government of Japan calls upon Argentina to withdraw from the Falklands.

La Prensa in Buenos Aires announces that Peruvian armed forces have been put on alert. This is denied by the Government in Lima.

Informed of the telephone call by Costa Mendes, the Prime Minister responds that; “.. *the Argentines were clearly playing for very high stakes. We could not possibly accept Senor Costa Mendes' demands.*”

Derek Mellor, the British Ambassador to Paraguay, is informed that the Government of Paraguay will not; “*take sides.*”

HMS Spartan arrives 'on station', off Port Stanley.

April 13th – New Zealand bans all imports from, and exports to, Argentina. Negotiations between Alexander Haig and the British Government continue. “*Mr. Haig said that he wished to take stock. As we knew, he had heard overnight from the Argentine Foreign Minister that his Government needed an outcome to the negotiations which embodied a de facto change in the administration of the Islands and a process leading to ultimate Argentine sovereignty. ... the proposal for an interim Commission did not represent a sufficient degree of change towards de facto Argentine administration. The provision for negotiations on the definitive status of the Islands was inadequate as a commitment to ultimate Argentine sovereignty.*

Commenting on the ... Argentine points, the Prime Minister said that they amounted to a demand for the handing of the Islands to Argentina with no provision for democratic processes. The Foreign and Commonwealth Secretary said that Argentine demands bore no relationship to reality. The Prime Minister commented that it was essentially an issue of dictatorship versus democracy.

Mr. Haig said that he had made it abundantly clear to Argentina that if conflict developed the United States would side with the United Kingdom.”¹⁰²⁷

British Chiefs of Staff assemble at the Ministry of Defence to discuss the retaking of South Georgia.¹⁰²⁸

In a meeting between General Medeiros, the Minister in charge of Brazil's National Intelligence Service, and Ambassador George Harding; “*Medeiros ... said that he thought the Argentine action in invading the Falklands was completely crazy and incomprehensible. He did not see an easy way out of the present impasse.*”

At a meeting of the OAS *Permanent Council*, the Venezuelan Representative makes a speech demanding the British fleet's withdrawal and stating that Argentina has a total right to defend its territory. He adds that the *Security Council's Resolution 502* is biased against Argentina, which has suffered the theft of its territory by the UK and which was; “*justly responding to that robbery.*”

The final OAS *Resolution* only expresses the Organization's; “*profound concern.*”

A party of 13 civil servants, including the Chief of Police, the Registrar General and the Chief Secretary, are deported from the Falklands. *Executive Council* member, Bill Luxton, and his wife, are also deported by 'Chief of Police' Patricio Dowling for 'political reasons.'

1027 PREM19/617 f189

1028 FCO 7/4473

April 14th – following discussions with the British Government, Secretary of State Alexander Haig returns to Washington.

The container ship *Atlantic Conveyor* is commandeered by the British Government.

PM Margaret Thatcher makes a speech to the House of Commons; “*..we seek a peaceful solution by diplomatic effort. This, too, is in accordance with the Security Council resolution. In this approach we have been helped by the widespread disapproval of the use of force which the Argentine aggression has aroused across the world, and also by the tireless efforts of Secretary of State Haig, who has now paid two visits to this country and one to Buenos Aires.*

On his first visit last Thursday we impressed upon him the great depth of feeling on this issue, not only of Parliament but of the British people as a whole. ... We made clear to Mr. Haig that withdrawal of the invaders' troops must come first; that the sovereignty of the islands is not affected by the act of invasion; and that when it comes to future negotiations what matters most is what the Falkland Islanders themselves wish.

On his second visit on Easter Monday and yesterday, Mr. Haig put forward certain ideas as a basis for discussion – ideas concerning the withdrawal of troops and its supervision, and an interim period during which negotiations on the future of the islands would be conducted. Our talks were long and detailed, as the House would expect. Some things we could not consider because they flouted our basic principles. Others we had to examine carefully and suggest alternatives. The talks were constructive and some progress was made. At the end of Monday, Mr. Haig was prepared to return to Buenos Aires in pursuit of a peaceful solution.

Late that night, however, Argentina put forward to him other proposals which we could not possibly have accepted, but yesterday the position appeared to have eased. Further ideas are now being considered and Secretary Haig has returned to Washington before proceeding, he hopes shortly, to Buenos Aires. That meeting, in our view, will be crucial ..”¹⁰²⁹

A small squadron (*Task Group 317*) comprised of *HMS Antrim*, *RFA Tidespring* and *HMS Plymouth*, together with Royal Marines and *special forces*, rendezvous with *HMS Endurance* near South Georgia.

In the *New York Times*; “*The Argentine position, as outlined by officials here today, is that while it is willing to allow some form of transitional government that could include Britain and a third party such as the United States or the Organization of American States, Argentine sovereignty would have to be recognized by the transitional government. In addition, Argentina would be the final authority on the island even in the transitional phase. One high-ranking military official said that only the Argentine flag could fly.*”

Secretary Haig informs President Reagan; “*I am convinced that Mrs. Thatcher wants a peaceful solution and is willing to give Galtieri a fig leaf provided she does not have to violate in any fundamental way her pledge to Parliament... Her strategy remains one of pressure and threat; by and large, it's working. ... Galtieri's problem is that he has so excited the Argentine people that he has left himself little room for maneuver. He must show something for the invasion -- which many Argentines, despite their excitement, think was a blunder -- or else he will be swept aside in ignominy.*”

Speculative press reports in the USA allege that the Americans are already providing the British Government with assistance in intelligence and operational matters. Alexander Haig telephones the British Prime Minister to outline his fears that any negative reaction by the *Junta* will bring negotiations to an end.¹⁰³⁰

1029 *HC 21/1146-50 Hansard*
1030 *PREM19/617 f76*

An article in *Clarín* discusses Secretary Haig's mission; “Alexander Haig ... left Buenos Aires last Sunday with an Argentine proposal for the establishment in the Malvinas Islands of a 'transitional government' until December 31, headed by an Argentine Governor, but he also carried a 'working draft' ... not examined at Presidential level. Secretary Haig sought to use that draft – which at no time became an official document of the Argentine Government – in his conversations with British authorities ... in the opinion of officials, with this draft the United States became a defender of Prime Minister Thatcher, instead of a friendly broker. .. Haig went to Washington to await the results of a meeting today of the British Parliament, at which time Margaret Thatcher must report on the results of the lengthy round of conversations ... these results are also being awaited with expectations in Buenos Aires, which believes that if the Prime Minister is forced to resign, she might be replaced by current Foreign Secretary Pym or former Foreign Secretary Lord Carrington which could perhaps “facilitate conversations on an agreement, and never going back to the status quo that existed on the Islands before the first of April.” If this course were not followed, the sources said that “in the absence of a solution, the alternative could be, regrettably, war” ...”

An article in the *Jornal do Brasil* argues that the principle question was not one of sovereignty, but the two most important principles of the UN Charter – the right of self-determination and the duty of Governments to put an end to colonialism. The article goes on to question; “.. the right of Buenos Aires to replace British colonisation with Argentine colonisation ...”¹⁰³¹

Presidents Pinochet of Chile, and Alvarez of Uruguay, sign a joint statement emphasising the principle of 'self-determination.’

April 15th – the British destroyer group hold position in mid-Atlantic.

US President Ronald Regan again appeals to President Galtieri in a telephone call; “General Galtieri reaffirmed to me his desire to avoid conflict with your country, and his fears that conflict would cause deterioration in recently improving relations with the United States. He said that the advance of your fleet and the blockade of the islands were making his situation difficult. ... General Galtieri promised to deal honestly and seriously with Secretary Haig.”¹⁰³²

Argentina's Foreign Ministry deliver proposals to the US Embassy in Buenos Aires involving (1) cessation of hostilities, (2) withdrawal of both sides from the Falklands, South Georgia and the South Sandwich islands – Argentine forces to withdraw to the mainland and British forces to a distance of 3000 nautical miles within 7 days and to their “usual operating bases” with 15 days, and (3) Britain to adopt measures to comply with Resolution 1514, completing the decolonization by 31 December 1982 in accordance with Resolution 2065; “in this case the principle of Argentine territorial integrity is applicable.” In the interim period the Governor is to be an Argentine appointee.

Argentina's Junta announce the creation of the *South Atlantic Operations Theatre*.

“The creation of the “South Atlantic Operations Theatre” is an important element of the defence of our national sovereignty in the large area it covers: 200 maritime miles from the continental coast and around the reconquered islands of Malvinas, Georgias and South Sandwich. Once the “Theatre” has been established, the military Committee may order actions of self-defence in situations that could endanger national security. Vice-Admiral Juan Jose Lombardo, Commander of Naval Operations, has been appointed Commander of the South Atlantic Operations Theatre.”¹⁰³³

1031 PREM19/618

1032 PREM19/618 f106 (T73/82)

1033 Announced to the public in *La Nacion* on the 23rd.

April 16th – Margaret Thatcher writes to President Reagan; *“Thank you for your message of 15 April about your conversation with General Galtieri. I am sure that neither you nor Al Haig, following his most helpful visits here, are in any doubt about the strong wish of the British government, Parliament and people to avoid conflict. We have done our utmost to put Al Haig in a position where he has reasonable proposals to offer the Argentine Government.*

I regret we have seen no corresponding flexibility on the part of the Argentines. I note that General Galtieri has reaffirmed to you his desire to avoid conflict. But it seems to me ... that he fails to draw the obvious conclusion. It was not Britain that broke the peace but Argentina. The mandatory Resolution of the Security Council, to which you and we have subscribed, requires Argentina to withdraw its troops from the Falkland islands. That is the essential first step which must be taken to avoid conflict. ...”¹⁰³⁴

The main *Task Force* commences its departures from Ascension Island, while *Wideawake Airport* registers 300 aircraft and helicopter movements, giving Ascension Island the busiest airport in the world for a day. *HMS Sir Tristram* arrives from the West Indies.

US Secretary Haig arrives in Buenos Aires.

April 17th – Australia's Prime Minister Fraser telegrams President Reagan; *“In the aftermath of a failure of Al Haig's efforts, many countries would watch to see and be guided by the stand the United States took. It seems to me that in such circumstances it would amount to a serious blow to western values, and to the western alliance itself, if the United States did not unequivocally support Britain.”*

In Moscow, the Foreign Ministry gives a formal statement; *“We consider impermissible the attempts by the United Kingdom to re-establish colonial status and we openly oppose such attempts. We qualify them as contradictory to the decision of the UN General Assembly on decolonization of these Islands and as creating a threat to peace and security.”*

Pravda reports that the United States is seeking a major military base on the Falklands.

The officials who returned to the UK on the 15th are debriefed.; *“Perhaps 40% of the former population of the town have moved out into the hinterland, where morale is high ... There has been no collaboration with the occupying forces. Indeed several Islanders have been openly defiant. ... Mr. Luxton was confident that many were determined to stay as long as possible, even if there was fighting. But some might well wish for temporary evacuation ... Nor is the Argentine's attitude to evacuation clear. They are making those who want to leave pay for their passage .. it may be that the Argentines would not wish to see a mass exodus.”*

ARA Sante Fe, leaves Puerto Belgrano with a compliment of marines and fresh supplies for the Argentine troops garrisoning South Georgia.

Argentine postal workers now operating in Stanley commence a run of 2 million stamps commemorating the change of control.

The British submarine *HMS Splendid*, arrives *“on station,”* off the Falkland Islands. An alert at Ascension Island identifies what is believed to be a submarine of the USSR navy. The remaining ships put to sea.

Secretary Haig sends a message to the US Embassy in London; *“I threatened to break off this process. As a result, I was invited to meet with the Junta, and spent two hours with them this morning (Saturday). The character of the group is essentially as I imagined: Galtieri is the least bright and given to bluster; the Admiral*

1034 PREM19/618 f86 (T77/82)

is ultra hard-line; the Air Force General is bright, political reasonable relatively speaking, but clearly third in influence. I impressed on these men in the strongest terms that British resolve was beyond doubt, and that they were on a collision course with military humiliation and economic ruin. With the possible exception of the Admiral – whose definition of glory has little to do with military success – I would say these men are worried. ... The Junta urged me to stay ... I agreed to do so.

The ten-hour session that ensued was excruciatingly difficult. ... The Argentines are now developing a new formulation but I expect it will be pregnant with the concept of assured Argentine sovereignty. ... As of now the situation is grim. I will receive a new Argentine text during the night and then decide whether or not to break off.”

President Reagan telephones Margaret Thatcher. “... the President wished to assure the Prime Minister that he well understood what efforts she had made to reach a compromise. He did not think she should be asked to go any further.”

Secretary Haig telegrams Washington; “At 10:40 pm local time we received a very discouraging response which I have asked to discuss tomorrow morning with the junta and the President. I will advise you of the results.”

The Governments of Peru, Venezuela, Bolivia, Ecuador and Colombia announce that they will increase trade with Argentina to compensate for the economic embargo imposed by the European Union, and other countries.

Argentina's Ministry of Foreign Affairs announces that three British journalists have been arrested for espionage in Ushuaia.

April 18th – 29 deported Royal Marines and 13 British Antarctic Survey personnel arrive in Montevideo.

Secretary Haig telegrams London; “The Argentines delivered to me at the hotel at 2am this morning a revised text resulting from yesterday's marathon session. Although their revisions are still unsatisfactory, I believe we now have – for the first time since we began this mission – some movement towards a workable solution ... We will renew our deliberations at the Casa Rosada at 2pm local ...”

Following a series of threatening telephone calls, the British editor of the *Buenos Aires Herald* moves to Uruguay.

April 19th – in Madrid, the extreme right-wing *Falangist Organisation* stage a march in support of Argentina's take-over of the Falkland Islands and call on the Spanish Government to seize Gibraltar.

Another telegram arrives from Alexander Haig; “We have completed another very long session today – this one running until 2am. We are finally close to what is probably the maximum obtainable from the Argentines. You should understand that there will be some problems for you as it now reads but it is workable. The only remaining element will be addressed later this morning and covers the very important issue of withdrawal of forces where serious problems still remain ... I will keep you abreast after today's meeting.”

Ambassador Henderson in Washington contacts the FCO; “I have just seen McFarlane at the White House who told me that Haig had been on the secure line. He was transmitting to the State Department ... the latest text of what the Argentinians were prepared to accept. Clearly, Haig did not think that it would be satisfactory from our point of view...”¹⁰³⁵

The result of Secretary Haig's negotiations in Buenos Aires, as agreed by the *Junta* consists of (1) an immediate cessation of hostilities, (2) neither side shall introduce more forces into the 'zone', (3) within 24 hours the UK is

1035 PREM19/619 Telegram 1343 of 19 April 1982

to rescind its *exclusion zone*, (4) withdrawal of half of Argentina's force within 7 days to Argentina and all of the UK's to a distance of 1750 nautical miles, (5) the UK's Task Force and submarines to return to their normal bases within 15 days, (6) Argentina to withdraw its remaining forces within 15 days, (7) all economic and financial sanctions to be terminated without delay, (8) a *Special Interim Authority* to verify compliance which will also oversee the local authority on the Islands, (9) the *Executive* and *Legislative Councils* to have Argentine members, (10) the flags of the UK, Argentina and the members of the *Special Interim Authority* to fly together, (11) rights of residence, and ownership of property, to be the same for Islanders and Argentinians, (12) *“December 31, 1982, will conclude the Interim Period during which the signatories shall conclude negotiations on modalities for the removal of the Islands from the list of non-self governing territories .. and on mutually agreed conditions for their definitive status, including due regard for the rights of the inhabitants and for the principle of territorial integrity applicable to this dispute. ...”*

Haig sends a personal telegram to Foreign Secretary Pym in London; *“ My own disappointment with this text prevents me from attempting to influence you in any way. As you will see, there are significant steps back from the text you and I discussed in London..... I do not know whether more can be wrung out of the Argentines. It is not clear who is in charge here, as many as 50 people, including Corps Commanders, may be exercising vetoes. Certainly I can do no better at this point... My best immediate judgement in this situation is that I should return to Washington and report to the President.”*

The British Government issues a statement to the press; *We have just received the proposals which Mr. Haig has brought out of Buenos Aires. They are complex and difficult, and at first sight they do not meet the requirements strongly expressed by Parliament, particularly on the need to regard as paramount the wishes of the Islanders. We shall be studying them carefully ...”*¹⁰³⁶

Junta member, Admiral Anaya, visits the Falklands while *HMS Conqueror* arrives off South Georgia with orders to prevent any Argentine reinforcement of South Georgia.¹⁰³⁷

United Nations Secretary-General, Pérez de Cuéllar, offers his good offices and assistance should the Haig mission fail. Argentina calls for an emergency meeting of the OAS so that an invocation of the Rio Treaty can be discussed.

April 20th – in advance of a proposed meeting of the the *Coordinating Bureau* of the *Non-Aligned Movement* (NAM), being urged by Argentina, the British *High Commission* ask the Indian Government to press for a statement that is consistent with *SC Resolution 502*. In information attached to the request, the *Commission* explains; *“The fundamental element of the British Government's approach to the dispute with Argentina over the Falkland Islands is that the wishes of the Islanders themselves must be paramount. For their part, the Argentines deny that the Islanders have the right to determine their own future and maintain that the issue is simply one of decolonisation. The Falkland Islands issue is not one of declonisation. As normally understood, decolonisation has consisted of the withdrawal of an alien administering power and the transition of new states to independence in accordance with the freely expressed wishes of their people, to whom sovereignty and the powers of sovereignty are transferred. The UN has never countenanced the decolonisation of a territory by agreeing to hand over its people to alien rule in the face of their persistent opposition. For Argentina to incorporate the Falkland Islands in its territory on the pretext of decolonisation would simply constitute the imposition of colonial status on the Islands by force in violation of all UN agreed norms of conduct ... It would offend the principle of self-determination...”*

1036 PREM19/619

1037 A Churchill class submarine.

Hospital ship *HMS Hecla*, sails from Gibraltar.

Francis Pym writes to Haig; *“I agree that we need to study the text which you brought back from Buenos Aires, and we are doing so urgently..”*

Junta member, Lami Dozo (air force), visits the Falklands while 12 teachers from the Islands arrive at Montevideo having refused to work with the Argentine authorities on the Islands.

Haig responds to Pym; *“It is imperative that you maintain military pressure. I see no other way of bringing the Argentines to a position satisfactory to you. ... As you know, Argentina has asked for an OAS Council meeting to convoke an organ of consultation under the Rio Treaty. ... We propose to abstain on the ground that the Rio Treaty was not designed to apply to cases in which members themselves took acts of force...”*

The *Organisation of American States* (OAS) meet to discuss the conflict. While the majority of member countries are supportive of Argentina, there is no decision on any action. The Mexican Representative says that his country will not impose sanctions on Britain regardless of whether or not the OAS vote for it.¹⁰³⁸ Further discussion is deferred till the 26th.

April 21st – Francis Pym makes a statement to the House of Commons; *“My right hon. Friend the Prime Minister told the House yesterday that I would be travelling to Washington tomorrow to discuss with Mr. Haig our reactions to the latest Argentine proposals. .. Any negotiation which is concluded satisfactorily must deal with certain critical points: in particular the arrangements for the Argentine withdrawal; the nature of any interim administration of the islands, and the framework for the negotiations on the long-term solution to the dispute for which the United Nations resolution calls. We put to Mr. Haig, when he was in London, ideas which we believed would commend themselves to the House and accord with the wishes of the islanders. He subsequently took them to Buenos Aires. The latest Argentine proposals—despite Mr. Haig's efforts—still fail to satisfy our essential requirements in certain important respects relating to these points. They reflect continuing efforts by Argentina to establish by her aggression and her defiance of the United Nations—a defiance continued and aggravated by her reinforcement of her invasion force—what could not be established by peaceful means.”*

Sir Anthony Parsons telegrams London from the UN; *“Yesterday's vote in the OAS is seen here as a diplomatic setback for us, the first serious one we have encountered since the crisis began. If the Argentines succeed on 26 April in getting a two-thirds majority in favour of economic or other measures against the UK, this will be a major defeat for us in UN terms. .. The Argentines are continuing to press hard for the early adoption of a communique by the [Non-Aligned Movement] Coordinating Bureau. A drafting group has been set up under Cuban Chairmanship consisting of Argentina, Bangladesh, India, Nigeria and Yugoslavia. The present plan is for the Coordinating Bureau to meet on 23 April. The Argentines have apparently shown some flexibility and indicated a readiness to accept a reference to SCR 502, provided that there is a resounding reaffirmation of previous NAM pronouncements on sovereignty. We are working hard on the Commonwealth members of the drafting group, amongst whom Bangladesh is being particularly helpful. ...”*

The British Government takes the decision to recover South Georgia. Ambassador Henderson is asked to quietly inform the Secretary of State; *“Haig's immediate reaction, when I told him, was one of surprise and concern ... He thought that our proposed action would aggravate the problem and make a return to negotiation more difficult ... After he had had time to think about it a bit longer, Haig seemed to me to come round more in*

1038 *PREMI9/620* On signing the *Rio Treaty* in 1947, Mexico declared; *“The Delegation of Mexico continues to believe that, except in the case of legitimate defence, the collective measures referred to in Article 8 cannot be applied in an obligatory form, given their coercive nature, without the authorisation of the Security Council of the United Nations.”*

support of our proposed action, he quite saw the need for us to show firmness, which was all that the Argentine leaders would understand ...”

Argentine Decree 757 renames Stanley as Puerto Argentino.

An Argentine naval force, including the aircraft carrier *25 de Mayo*, is located between the Argentine coast and the Falkland Islands *Maritime Exclusion Zone*. A British submarine is ordered into the area.

April 22nd – the FCO issue advice to all British nationals in Argentina that they should leave the country as soon as possible.

Foreign Secretary Francis Pym travels to Washington to discuss the latest peace proposals; *“Haig wants to return to Buenos Aires for a further (and probably final) effort to find a negotiated solution. He agreed with Mr. Pym that the gap between the Argentine and British positions was a very wide one ... he was not optimistic that agreement could be reached.”*

The European Parliament criticises the Argentine invasion; *“The European Parliament – profoundly shocked by the invasion of the Falkland Islands by Argentina and more than ever convinced that territorial disputes should be resolved by peaceful negotiations, ... Condemns unreservedly the invasion of the Falkland Islands...”*

The first elements of the British *Task Force* arrive off the Falkland Islands.

Special Air Service reconnaissance teams are landed on South Georgia; one on the Fortuna Glacier, another 9 miles east of Grytviken. Two *Wessex* helicopters crash in “whiteout” conditions at the glacier. There are no casualties but the force is taken off again due to the poor conditions.

HMS Brilliant is ordered to South Georgia as a reinforcement.

Junta member and President, General Galtieri, arrives in the Falkland Islands.

Discussing the OAS meeting, and the *Rio Treaty*, an article in *The New York Times* says; *“Argentina has invoked the wrong Treaty at the wrong time to promote the illusion that all Latin American nations support its seizure of the Falklands. They don't, and some that do serve only their own territorial ambitions.”*

The British team in Washington, working with the Americans, amend Argentina's proposals in an attempt to find some 'middle ground'. The result includes, (1) an immediate cessation of hostilities, (2) neither side shall introduce more forces into the 'zone', (3) within 24 hours the UK is to rescind its *exclusion zone*, (4) both sides will withdraw half of their forces and equipment within 7 days; with the UK's force standing off to a distance equivalent of 7 days steaming at 12 knots. Argentina's forces to be put into a condition whereby they could not be reinserted within 7 days, (5) both sides forces to return to their usual operating areas or normal duties within 15 days, (6) the USA to verify compliance, (7) all economic and financial sanctions to be terminated without delay, (8) a *Special Interim Authority* to verify compliance which will also ratify decisions made by the local authorities on the Islands, (9) the *Executive* and *Legislative Councils* to have Argentine members each drawn from the local community, (10) the flags of the UK, Argentina and the members of the *Special Interim Authority* to fly together at its HQ only, (11) residence and ownership of property to be equal between Islanders and Argentinians without prejudice to the rights of the inhabitants, (12) *“December 31, 1982, will conclude the Interim Period during which the signatories shall complete negotiations on removal of the Islands from the list of non-self governing territories .. and on mutually agreed conditions for their definitive status, including due regard for the rights of the inhabitants and for the principle of territorial integrity ..”*

The USA is asked to be the third member of the proposed *Special Interim Authority* and to offer guarantees for compliance. This request is passed to President Reagan for consideration.

April 23rd – Defence Secretary John Nott supports his Ministry's suggestion for the early deployment of Vulcan bombers to Ascension Island; *“The Vulcans with air refuelling has a radius of action and bomb carrying capability to reach the Falkland Islands from Ascension Island which is 3,350 miles away. A force of 10 Victor tankers would be required to support a single Vulcan round trip from Ascension Island. There is enough fuel at Ascension to support this operation. The US Administration has today confirmed that there would be no objection to our deploying Vulcan aircraft to Ascension...”*

Norway bans imports from Argentina.

Following reconnaissance flights over the *Task Force* by Argentine aircraft, Britain asks Switzerland, via its envoy in Buenos Aires, to deliver a warning to Argentina that; *“In announcing the establishment of a Maritime Exclusion zone around the Falkland Islands, Her Majesty's Government made it clear that this measure was without prejudice to the right of the United Kingdom to take whatever additional measures may be needed in the exercise of its right of self-defence under article '51 of the United Nations Charter. In this connection, Her Majesty's Government now wishes to make clear that any approach on the part of Argentine warships, including submarines, naval auxiliaries, or military aircraft which could amount to a threat to interfere with the mission of British Forces in the South Atlantic will encounter the appropriate response. All Argentine aircraft including civil aircraft engaging in surveillance of these British Forces will be regarded as hostile and are liable to be dealt with accordingly.”*¹⁰³⁹

Inglesias Rouco, in *La Prensa*, writes; *“..this is a time for arms and war is now inevitable.”*

At the UN, Sir Anthony Parsons considers another approach to the *Security Council*; *“Recent conversations which I have had confirm that the longer we can keep out of the Council the better. The Non-Aligned members are already feeling slightly uneasy that a combination of our tactics and Panamanian/Argentine clumsiness led them to support a Resolution which contained nothing about the Argentine case on sovereignty. I have also had reliable confirmation that, if we use force, and particularly if we inflict casualties, there will be an immediate return to the Council ... and that we will be seriously isolated. .. If the Haig mission collapses, someone is bound to call the Council fairly soon and there will be precisely those calls on us which we wish to avoid, eg. the suspension of military preparations combined with some time-consuming and ineffective mechanism such as the Secretary-General's good offices. All the above reinforces my conviction that we should for the moment continue to soldier on here for as long as we can, keeping the diplomatic initiative and avoiding recourse to the Council..”*

Special forces are landed again on the Fortuna Glacier during a lull in the blizzard. *HMS Antrim* and *HMS Plymouth* rendezvous with *HMS Brilliant*. *HMS Endurance* remains near South Georgia to stay in touch with the observation parties.

April 24th – Rear Admiral Sandy Woodward's *Task Group* rendezvous' with the destroyers.

Alexander Haig telegrams PM Thatcher; *“Francis Pym and I have just concluded our discussions ... He will be bringing back to London a text which I put forward as a basis for a peaceful settlement. Francis made it very clear that some of what I suggested presented problems ... Whether the text we have suggested would be accepted in Buenos Aires I cannot say. It would certainly require the Argentines to move well beyond their positions at the end of my latest visit there. ... We are at the point now where we have only the finest tolerance between a peaceful solution and tragedy...”*

The Argentine Government, party to the *North American Space Agency's* (NASA) *Landsat* programme, ask NASA for satellite coverage of South Georgia. The Americans quote “*technical problems*” and decline; “*Eagleburger made two further points. First, it was vital that this should not leak. Second, it was obvious that the longer the “technical problems” continued, the more clear it would become to the Argentinians what was happening. The second two days coverage would be of the open sea to the west of S. Georgia. It would be of great help to him ... to know whether ... this could be of some military value to the Argentinians.*”¹⁰⁴⁰

Foreign Secretary, Pym, arrives back in London with the latest version of the Haig peace plan, which he presents to the *War Cabinet*. Whilst the Foreign Secretary is inclined to accept the plan, Margaret Thatcher is prepared to resign if the *Cabinet* agree with him. The *Cabinet's* decision is not to reject the plan outright, but to rely on President Galtieri rejecting it first.

PM Thatcher sends the British response to Haig; “*This whole business started with an Argentine aggression. Since then our purpose together has been to ensure the early withdrawal by the Argentines in accordance with the Security Council Resolution. We think therefore that the next step should be for you to put your latest ideas to them. I hope that you will seek the Argentine government's view of them tomorrow and establish urgently whether they can accept them. Knowledge of their attitude will be important to the British Cabinet's consideration of your ideas.*”

General Oscar Joffre, with the Argentine *10th Infantry Brigade*, and Brigadier General Omar Parada, with the *3rd Infantry Brigade*, arrive to reinforce the Falklands.

HMS Brilliant, *HMS Antrim* and *HMS Plymouth* regroup at South Georgia.

Secretary Haig responds to Thatcher's telegram; “*In light of your reply I shall, tomorrow, present my ideas to Foreign Minister Costa Mendez...*”

April 25th – Ambassador Charles Wallace, in Lima, reports to London; “*Sources close to the President told me yesterday that he was deeply worried about the present situation. It was also suggested to me that there might be in existence a secret undertaking between the Argentine and Peruvian armed forces dating from ... 1979. ... The terms of the undertaking would commit the armed forces of each country to the defence of the other in case of aggression by a third, clearly with Chile uppermost in mind.*”

Argentine submarine, *ARA Sante Fe*, having landed 50 reinforcements and supplies for the garrison on South Georgia, is seen leaving Grytviken by the helicopter from *HMS Antrim*. The helicopter attacks the submarine with depth charges while helicopters from the other British ships join in. The *Sante Fe* is so badly damaged its crew abandon her in shallow water by the BAS jetty at King Edwards Point and flee towards Grytviken. Rather than stick to the original plan, a decision is taken to attack immediately and a company of 72 men is formed of Royal Marines, Special Boat Service and Special Air Service personnel. These are landed under the covering fire of *Antrim* and *Plymouth's* 4.5” guns.

137 Argentine troops at Grytviken, together with the submarine's crew, surrender. The only casualty is an Argentine submariner who sustained a leg wound when his vessel was attacked.

BBC Radio reports; “*The message we have got is that British troops landed on South Georgia this afternoon, shortly after 4 pm London time. They have now successfully taken control of Grytviken; at about 6 pm London time, the white flag was hoisted in Grytviken beside the Argentine flag. Shortly afterwards, the Argentine*

1040 *PREM19/621. Telegram No. 1441*. Along with many other countries, both the UK and Argentina were participants in this programme and were entitled to request satellite images. Supposedly neutral, the USA found it difficult to refuse Argentina's repeated requests. They adopted a rather more flexible approach with British requests.

forces there surrendered to British forces. The Argentine forces offered only limited resistance to the British troops. Our forces were landed by helicopter and were supported by a number of warships, together with a Royal Fleet Auxiliary.

During the first phase of this operation, our own helicopters engaged the Argentine submarine, Santa Fé, off South Georgia. This submarine was detected at first light and was engaged because it posed a threat to our men and to the British warships launching the landing. So far, no British casualties have been reported. At present we have no information on the Argentine casualty position."

A message is sent to London, from South Georgia;

" Be pleased to inform Her Majesty that the White Ensign flies alongside the Union Jack in South Georgia. God Save the Queen."

In New York, Argentina's Foreign Minister, says, in an off-the-cuff remark, that Argentina is now at war. This is not confirmed by his Government in Buenos Aires. The BBC report anti-British demonstrations in Buenos Aires while in Venezuela, shipping workers boycott British ships.

April 26th – Australia's prime Minister issues a press statement; *"The British Government's decision to use force to re-establish its administration in South Georgia is a natural consequence on the invasion of the Falklands and South Georgia by Argentine forces, and the failure of Argentina to comply with the demands of the United Nations Security Council to withdraw its forces. Argentina has refused to take effective action to settle the dispute by peaceful means, and has ignored repeated warnings from the British Government that the circumstances justified the use of force. The Argentine Government continued to reinforce its military presence in the Falklands. The British military action should therefore not have come as a surprise..."*

Margaret Thatcher pens a memo to Secretary Haig; *"The repossession of South Georgia of course alters the situation regarding the tremendous efforts you are making to produce a negotiated settlement of the present crisis. On the one hand there is the important change that the Falkland Islands Dependencies are no longer occupied by Argentina. On the other hand, the successful British military action should bring home to Argentina her interests in negotiating seriously for a settlement.."*

A 'defence area' is declared around the main body of the Task Group as it sails south. Argentine troops stationed at Leith, on South Georgia, surrender.

Margaret Thatcher warns, in a speech to Parliament, that the time for diplomacy is running out; *"The Falklanders' loyalty to Britain is fantastic. If they wish to stay British we must stand by them. Democratic nations believe in the right of self-determination. . . . The people who live there are of British stock. They have been for generations, and their wishes are the most important thing of all. Democracy is about the wishes of the people."*¹⁰⁴¹

The OAS meets in Washington; *"Consultation under the Rio Treaty began .. today. Most Rio Treaty signatories were represented ... Costa Mendez's violent speech was followed by warm applause. A firm statement by Haig that force had been used by an American State and Security Council Resolution 502 laid down the basis for a settlement was greeted with total silence. .."*

1041 Thatcher speaking on the BBC Panorama programme.

Costa Mendez claimed ... British aggression threatened not only Argentina but the peace and security of the whole Latin American region. The British attack on South Georgia demonstrated how the UK disregarded the course of peaceful negotiation. The UK had answered Argentina's peaceful intentions (sic) with "an act of war. .. Argentina would defend itself to the maximum extent: the Argentine flag would not be lowered until the last drop of blood had been expended by the Argentine soldiers.."

Ambassador Henderson in Washington contacts London; *"Haig has telephoned me following his speech at the OAS which he said went down like a lead balloon. Nobody was likely again to call him even handed. He had spoken to Costa Mendez and told him that time had run out. Haig said that he would be presenting his proposals to the Argentinians on a take it or leave it basis. They would have 24 hours in which to answer yes or no."*¹⁰⁴²

A message is transmitted to PM Thatcher from Estanislao Valdes Otero, the President of the OAS meeting; *".. I have been instructed to transmit the appeal of the Foreign Ministers of the Americas that the Government of the United Kingdom .. immediately cease the hostilities it is carrying on within the security region defined by Article 4 on the Inter-American Treaty of reciprocal Assistance, and also refrain from any act that may affect inter-American peace and security and immediately to call a truce that will make it possible to resume and proceed normally with the negotiation aimed at a peaceful settlement of the conflict, taking into account the rights of sovereignty of the Republic of Argentina over the Malvinas (Falkland) Islands and the interests of the Islanders. .."*

Governor Menendez appoints himself as Head of the *Malvinas Joint Command*.¹⁰⁴³

April 27th – Francis Pym receives a message from Secretary Haig via the US Embassy in London; *We believe that your success on South Georgia may now give us greater reason to hope that the Argentines will regard the presently drafted framework as a preferred alternative to further armed conflict. If this hope is not misplaced, we may have an extremely critical opportunity – perhaps the last – before an escalation of the fighting takes place ... we have proposed to the Argentines that I leave for Buenos Aires as soon as that can be arranged – perhaps in the next few hours. .. If I do not go to Buenos Aires, I will instruct our Ambassador there to deliver our text and ask for a prompt Argentine reply, thus .. we should know within a day or two whether there is reason to hope that a settlement can be reached.."*¹⁰⁴⁴

Ambassador Henderson in Washington telegrams John Nott; *".. had a general discussion with Weinberger, .. he is delighted by the South Georgia operation and tells me that the President is also. He is sceptical whether the current negotiations are going to get anywhere. .."*

The *Daily Star* newspaper speculates about Chilean cooperation with Britain in exchange for arms sales.

Henderson to the FCO; *"Haig has telephoned me again ... He said that the Argentinians had come forward with three alternatives. The first was that he should go to Buenos Aires but only after the conclusion of the OAS debate which would mean not earlier than Wednesday 28th April. Haig had replied .. that would be too late. The second proposal was that Haig should ask HMG to halt the advance of the British fleet. Haig rejected this as quite impossible. .. The third idea was that Haig should transmit his proposals immediately through the USA Embassy in Buenos Aires. He has decided to do this..."*

1042 *PREM19/621 Washington to FCO Telegram No. 1465 of 26 April*

1043 As Mendez was actually junior to both Joffre and Parada, his orders were subsequently viewed as '*suggestions*'. In a typical display of rivalry amongst Argentina's military, by the end of April, 5 Argentine Brigadier-Generals and one Admiral had set up separate HQ's on the Islands.

1044 *PREM19/622*

Plans for the retaking of the Falklands, *Operation Sutton*, are presented to the *War Cabinet*. Sir Ian Sinclair QC advises the British Government that Argentine prisoners must be treated as *Prisoners of War* under the terms of the *Geneva Conventions*.

Henderson sends another telegram; *“Haig just told me that US Ambassador is on way to see Galtieri. He has delivered proposals to Costa Mendez. He will give him one hour to study them..”*

Argentine naval forces are deployed to intercept the *Task Group*.

The OAS continue its discussions. Only Guatemala and Nicaragua endorse Argentina's invasion while Mexico, Trinidad, Costa Rica and Colombia are all critical.

14 Islanders, deemed 'troublemakers' are detained at Fox Bay East.¹⁰⁴⁵

April 28th – Secretary Haig telephones Francis Pym; *“Mr. Haig said that there was still no word from Buenos Aires. There appeared to be a stalemate, with the Navy in favour of action, and the Air Force and Army preferring negotiation. ... if there was still no reply by the morning of 29 April, the United States would go public. ...”*

The Prime Minister tells a *War Cabinet* meeting that the American proposals for an Anglo-Argentine agreement have been communicated to the Argentine government with the request that they should be accepted without amendment or rejected, but that no reply has as yet been received from the Argentines.¹⁰⁴⁶

Margaret Thatcher sends a message to President Reagan; *“.. In the Cabinet's view, the proposals must now be regarded as having been rejected by the Argentines, who have ignored the deadline and publicly restated that they are not prepared to alter their position on sovereignty.”*

A final *Resolution* is adopted by the OAS urging Argentina and the UK to; *“.. immediately to call a truce that will make it possible to resume and proceed normally with the negotiation aimed at a peaceful settlement of the conflict, taking into account the rights of the sovereignty of the Republic of Argentina over the Malvinas Islands and the interests of the Islanders.”*

On leaving the OAS meeting, Costa Mendez tells the waiting press that; *“The first phase – OAS endorsement of Argentinian sovereignty – is complete.”*

Foreign Secretary Francis Pym telegrams Washington; *“... The (OAS) Resolution is not acceptable to us. We cannot forego our undoubted rights of self-defence under Article 51 of the UN Charter, as the Resolution suggests we should. The OAS Resolution is to be conveyed to the President of the Security Council. Argentina may additionally seek an early debate in the Council and the adoption of a Resolution on similar lines. We have so far been successful in keeping the issue out of the Council since the adoption of SCR 502. ... We therefore continue to hope that the Council will stand fast on 502. We will be working hard to achieve this.”*

Haig telephones Pym from Buenos Aires; *“He had just spent one and a quarter hours with Costa Mendez who had made a clear and plaintive request for the negotiating process to continue. Costa Mendez has said that the alternatives were for Argentina to bring in “the others” (by which Haig presumably meant the Russians: Haig commented that he doubted that they would be interested) or go to the UN. He had asked Haig whether he would forward further suggestions to us. Haig had told him that the proposals as they stood offered Argentina more than she could reasonably have expected. There was no hope of improving them. .. On emerging from the*

1045 There are many instances of the Islanders helping themselves and passing information back to the UK. Reg Silvey, Terry Peck, Vernon Steen and Trudi Morrison to name only a few. *cf.* Bound 2002

1046 Margaret Thatcher Organisation Document DEB36AE6296C43398F2285D9D1BB7E8E

State Department, Costa Mendez had said publicly that he had not rejected the US proposals and that the negotiating process continued..."

The *International Committee of the Red Cross (ICRC)* appeals to both Britain and Argentina to discharge their obligations under the *Geneva Conventions*. Argentina does not accept that the *Geneva Conventions* apply, and view the ICRC with suspicion.¹⁰⁴⁷

Francis Pym sends a message to Ambassador Henderson; *"I know that Haig will let you know, and that you will report to us immediately, when there is any clear response from Galtieri and the Junta. Should they accept the American proposals I do not have to tell you that the political situation here will be extremely difficult to handle and we will need time for appropriate consultations. .. There needs to be the closest consultation on timing and presentation. .. In the event of Argentinian acceptance, American willingness to give a precise security guarantee of the Islands and Dependencies is absolutely essential so that there can be no question of reoccupation by the Argentines or an Argentinian change of mind during the withdrawal process.."*

Her Majesty's Government's declaration of a 'Total Exclusion Zone' is delivered to the Argentine Government. Sir Anthony Parsons informs the President of the *Security Council of the Zone*, adding; *"Port Stanley airport will be closed, and any aircraft on the ground in the Falkland islands will be regarded as present in support of the illegal occupation and, accordingly, is liable to attack."*¹⁰⁴⁸

Peruvian airport workers institute a boycott of British aircraft and cargoes.

April 29th – British medium-range *Vulcan* bombers arrive at Ascension Island. Intelligence suggests that Brazil is selling aircraft to Argentina's Air Force.

Francis Pym sends a message to Alexander Haig; *".. I cannot conceal from you that my colleagues were very surprised to find that the deadline had passed and that the possibility of Argentinian proposals for amendments appeared not to be excluded. The Cabinet took the view that the combination of Argentinian delay and their request for amendments, together with their repeated public insistence that there can be no compromise on the issue of sovereignty, must be construed as an Argentinian rejection of the United States Government's proposals as they stand. It is therefore our very firm expectation ... that you will confirm this publicly tonight and that we shall henceforth be able to rely on the active support of the United States .."*

President Reagan writes to Margaret Thatcher; *".. There can be no doubt about our full support for you and the principles of international law and order you are defending. You can count on that support in whatever forum this issue is debated. You can also count on our sympathetic consideration of requests for assistance."*¹⁰⁴⁹

Costa Mendez reports the *Junta's* rejection of Alexander Haig's final proposal; *"We have carefully considered the document that you transmitted to us ..."*

As my Government has already indicated to you, Argentina's objective is the recognition of its sovereignty over the Malvinas Islands. That central element of our discussions is the ultimate justification for the actions undertaken by my country and .. is for us an unrenounceable goal. ..

To the extent that the provisions relating to the recognition of our sovereignty are imprecise, we deem necessary, if we wish to avoid a return to the frustrating situation that existed prior to April 2, the

1047 *PREM19/622*. The *Conventions* apply in a state of war; or when there is another type of armed conflict or when territory is being occupied. Argentina would not declare the first, was reluctant to recognise the second and denied that it occupied foreign territory.

1048 *PREM19/623 telegram No. 627 1 May 1982*

1049 *PREM19/622 Prime Minister's Personal Message T91/82*

establishment of mechanisms that give us greater powers for the administration of the Islands...

The document you sent falls short of Argentine demands and does not satisfy its minimum aspirations... As concerns the question of sovereignty, all precision regarding the concept of territorial integrity has been abandoned, and a new element has been introduced, a virtual referendum to determine the “wishes” of the inhabitants, in open opposition to United Nations Resolution 2065 we cannot accept these changes...”¹⁰⁵⁰

Argentina announces a 200 mile *exclusion zone* against British shipping and aircraft, extending from the Falkland Islands and South Georgia. Its fleet prepares to intercept Britain's *Task Force*. Consisting of 2 attack groups; one moves towards the north-west of the Falklands, while the other approaches the Islands from the south. The British force is moving on the Islands from the east.

Prime Minister Thatcher updates Parliament, and deals with a suggestion of arbitration; “*Although we have no doubt about our sovereignty over the Falkland Islands, South Georgia, South Sandwich or British Antarctic Territory, some of my right hon. and hon. friends have suggested that we refer the matter to the International Court of Justice. Since Argentina does not accept the compulsory jurisdiction of the court, the issue cannot be referred for a binding decision without her agreement.*”

We have never sought a ruling on the Falkland Islands themselves from that court, but we have raised the question of the dependencies on three separate occasions—in 1947, 1949 and 1951. Each time Argentina refused to go to the court.

In 1955, the British Government applied unilaterally to the International Court of Justice against encroachments on British sovereignty in the dependencies by Argentina. Again, the court advised that it could not pursue the matter since it could act only if there was agreement between the parties recognising the court's jurisdiction.

In 1977, Argentina, having accepted the jurisdiction of an international court of arbitration on the Beagle Channel dispute with Chile, then refused to accept its results. It is difficult to believe in Argentina's good faith with that very recent example in mind.

There is no reason, given the history of this question, for Britain, which has sovereignty and is claiming nothing more, to make the first move. It is Argentina that is making a claim. If Argentina wanted to refer it to the International Court, we would consider the possibility very seriously. But in the light of past events it would be hard to have confidence that Argentina would respect a judgement that it did not like.”¹⁰⁵¹

Ernesto Sabato, a staunch opponent of the *Junta* writes in *La Nacion*; “*In Argentina it is not a military dictatorship that is fighting. It is the whole people, her women, her children, her old people, regardless of their political persuasion. Opponents to the regime like myself are fighting for our dignity, fighting to extricate the last vestiges of colonialism. Don't be mistaken, Europe, it is not a dictatorship that is fighting for the Malvinas; it is the whole nation.*”

Sir Anthony Parsons informs London; “*I have spent most of the day in the company of all other members of the Security Council. There is an atmosphere amongst them of great tension and expectation eg of a dramatic military move by us any day now, but no sign that any of them are contemplating calling the Council. This hesitation may disappear if Haig announces failure .. tomorrow...*”

US Secretary Haig updates his country's *House Foreign Affairs Committee*; “*... I think it is awfully important to understand how this thing has played out along the way. We went first to London, then to Buenos Aires, and*

1050 PREM19/622 Telegram 1517 of 29 April

1051 HC 22/980-85 Hansard

then again to Buenos Aires, as you know. We had extensive discussions at the highest level. In Great Britain it was relatively easy because the government is structured and organised pluralistically and democratically. The Cabinet sits down with the Prime Minister, and business is done. In Argentina there is no one who can make a decision. There are variously from 20 to 40 people who can cast a veto on any decision that is made. And so instead of a consensus of what you would call a majority view, it is the lowest common denominator of the most extreme view that prevails....

I must say that the British Government, from the outset, has been reasonable and easy to deal with. Their position has been that sovereignty is not a critical issue. What is a critical issue is that the will of the population, self determination is the key issue. And if the population decides to go with Argentina, so be it; if they decide to stay aligned with Britain or seek independence, so be it. The British are prepared to accept that. ..

On the Argentine side, despite all our effort the Argentines have insisted bedrock, fundamental a priori relinquishment of sovereignty, either in the near term ... or as a precondition for negotiation, that the only negotiations that would be acceptable to them would be those that would lead to a transfer of property to Argentina.

So it's not just a question of decolonization; its a question of recolonization on top of decolonization."¹⁰⁵²

During the questions that follow, Secretary Haig is asked about taking the sovereignty issue to either the ICJ or the World Court. He responds; “.. it would be rejected out of hand by the Argentines. I have talked adjudication by the World Court, by the UN, or by a special commission. It was rejected all.”

From the US Senate; “ ... be it resolved that the United States cannot stand neutral with regard top the implementation of UN Security Council Resolution 502 and recognizing the right of the United Kingdom, and all other Nations, to self-defence under the UN Charter, should therefore prepare, through consultations with Congress, to further all efforts .. to achieve full withdrawal of Argentinian forces from the Falkland Islands.”¹⁰⁵³

April 30th – the US Ambassador in Buenos Aires informs Secretary Haig; “ I asked to see President Galtieri and was received at midnight .. I told Galtieri that we came without instructions and with the only purpose of seeing what we could do to head off a fatal confrontation. I pointed out to the President that we had not received an adequate response to our proposal and that we would announce tomorrow several measures against Argentina. During more than an hour's conversation, he demonstrated no give whatsoever ..”¹⁰⁵⁴

The Junta in Buenos Aires impose general censorship for reasons of, “national security.”

Investigative journalist Jack Anderson, speaking on the *Good Morning America* television programme, alleges that the British *Task Force* is armed with tactical nuclear weapons and that the Commander has permission to use them.¹⁰⁵⁵

1052 Briefing by the Honorable Alexander M. Haig Jr. Secretary of State before Key House Leadership and House Foreign Affairs Committee – Room 2172, Rayburn Building, Washington DC 4/29/82

1053 PREM19/623 79 votes for, 1 against (Helms)

1054 AMEMBASSY Buenos Aires to SECSTATE WASHDC FLASH 3485

1055 In April, 2010 an MoD spokesman stated: “We can confirm that we did have some nuclear depth chargers. We did have some being carried with the Task Force and they were being transferred from ship to ship for safety reasons and to meet our obligations under the Treaty of Tlatelolco. The weapons themselves were not deployed in the course of the conflict. We said in 1982 that there was no question at all of our using nuclear weapons in this dispute. We said it was inconceivable that we would use or threaten to use nuclear weapons.”

Bud McFarlane, Reagan's deputy National Security Advisor, informs him that the Soviet Union has repositioned a satellite in order to keep track of the *Task Force*.

President Reagan calls a *National Security Council* meeting to discuss the current situation in the South Atlantic. Haig informs the meeting that; “... Unfortunately, the Argentine government which is, in fact, made up of many moving and conflicting parts could not agree to the plan. The Navy holds the veto and is even more intransigent after losing South Georgia, whose Argentine garrison surrendered without firing a shot - a fact known to the Argentine government, but not to the Argentine people.”

In a press statement following the meeting, Alexander Haig announces Argentina's rejection of his peace proposals; “ We had reason to hope that the United Kingdom would consider a settlement along the lines of our proposal, but Argentina informed us yesterday that it could not accept it. Argentina's position remains that it must receive an assurance now of eventual sovereignty, or an immediate *de facto* role in governing the islands, which would lead to sovereignty.

For its part, the British Government has continued to affirm the need to respect the views of the inhabitants in any settlement. ... in the light of Argentina's failure to accept a compromise, we must take concrete steps to underscore that the U.S. cannot and will not condone the use of unlawful force to resolve disputes .. The President has therefore ordered: the suspension of all military exports to Argentina; the withholding of certification of Argentine eligibility for military sales; the suspension of new export-import bank credits and guarantees; and the suspension of commodity credit corporation guarantees.”

At the same time as Haig's press conference, Argentina's Foreign Secretary, Costa Mendez, tells Pérez de Cuéllar that his country does not see the Haig negotiations as being 'dead'. He also says that Argentina is ready to abide by *Resolution 502* and will accept a transitional administration; “ .. until the exercise of full Argentine sovereignty became possible.”

President Reagan terminates Haig's mission; declares US support for Britain and imposes economic sanctions on Argentina.

Foreign Secretary Pym makes a statement to the British press; “Mr. Haig has told us that Argentina has rejected his proposals for a negotiated settlement; and he has just announced this in Washington .. In deciding not to cooperate in negotiations for a peaceful settlement, the Argentines have confirmed their commitment to aggression in defiance of the UN ..”

Alan Copeland of the *Daily Express* asks whether Pym's planned trip to see the Secretary-General of the UN precludes any immediate use of force by Britain. Francis Pym responds; “No, because we are facing force now. As I have described they have a fleet at sea, they've got thousands of soldiers on the islands, they're occupying territory which they have no right to occupy. No. We are going to maintain our total exclusion zone. That is the position. If they challenge it, then of course there will be military action and that's how it is ...”

Ecuador's Foreign Minister makes a statement; “I have just learnt with profound concern of the attitude of the United States in imposing sanctions against the Argentine Republic and in supporting Great Britain. I must point out that the Resolution of the .. (OAS).. is obligatory for all the States members of the Treaty of Inter-American Reciprocal Assistance. ...

The Resolution recalls the declaration of the Inter-American Legal Committee in the sense that, “the Argentine Republic has an unimpeachable right of sovereignty over the Islas Malvinas.” This is a legal and moral obligation which the members of the Treaty have assumed by virtue of the Resolution. In these circumstances the support which has been announced and declared by the United States for Great Britain and the imposition of sanctions against the Argentine Republic constitute disregard of the obligation which the United States

assumed .. That country's vote of abstention does not prevent it from accepting and respecting the said Resolution. ..”

Brazil writes to the Secretary-General requesting the use of his 'good offices' in finding a peaceful solution, adding; *“It is the responsibility of the United Nations to take prompt and effective measures, including those of a preventative nature, to ensure the implementation of Security Council Resolution 502 (1982) in all its aspects.”*

Unconfirmed intelligence suggests that Peru is providing military aircraft to Argentina 'on loan.'

Ambassador Henderson reports on Argentina's economic position; *“Major US banks are seeking to limit use of Argentine short-term credit lines to the levels reached before the crisis. Smaller banks with a high exposure in Latin America are pulling out as soon as credits mature, and building their liquidity against the possibility of deposits being shifted away from them. One of these banks felt that even if there was an immediate political settlement, there was no way that Argentina could avoid going broke within 2 months or so, ...”*

At the UN, Argentina's Foreign Minister, Costa Mendez, contacts the President of the Security Council and; *“ .. made six points to him, as follows: (a) he reaffirmed Argentina's wish for a negotiated settlement: (b) Argentina was ready for the implementation of SCR 502 “as a package”: (c) Argentina hoped that there would be no confrontation. The UK was using disproportionate force and an armed encounter could have unforeseen consequences: (d) Argentina was ready to accept a transitional period in which all aspects of the dispute could be resolved: (e) the question of sovereignty was of the greatest importance to Argentina. Argentina was disposed to accept a mutually agreeable formula on sovereignty during the transitional period: (f) so far as Argentina was concerned, Haig was still in action but his latest proposals on sovereignty had not been acceptable to Argentina.*

Kamanda subsequently telephoned to say that Costa Mendez had telephoned him to add a seventh point ... viz (g) Argentina would accept the presence of a UN force in the Islands in order to enable Argentina to withdraw and to begin the transitional period.”¹⁰⁵⁶

Costa Mendez then speaks to Secretary-General Pérez de Cuéllar to repeat Argentina's position before announcing to the press Argentina 's willingness to comply with SCR 502.

Pérez de Cuéllar summons Sir Anthony Parsons; *“Costa Mendez had said that Argentina was ready to abide by SCR 502. There would of course have to be a phasing out period for the withdrawal of Argentine troops: and a transitional administration until the full exercise of Argentine sovereignty became possible. Recognition of Argentina's right to sovereignty was a basic condition. Apart from that, Argentina was ready to enter into negotiations on the widest possible basis. She was ready to take into consideration the “interests” of the Islanders but not their “wishes” which had been imposed by the Administering power. But she could accept a form of local administration which retained a British flavour .. Argentina was therefore open to all possibilities, except on sovereignty....*

In reply ... I said that it was impossible for the British Government to concede sovereignty in advance, or to accept conditions implying that they were prepared to concede sovereignty. I thought that when Costa Mendez said that Argentina was ready to implement SCR 502 in its entirety, he was implying that he would start at the bottom end of the Resolution. Pérez de Cuéllar said that Costa Mendez had told him that Argentina wished to begin implementation with negotiations. I pointed out that this confirmed that the Argentines were not prepared to withdraw without securing recognition of their sovereignty in advance. ... Britain could not accept a process of mediation or negotiation while the Argentines dug themselves in.... Finally, Pérez de Cuéllar said

1056 PREM 19/623 Telegram No. 612 of 30 April 1982

that, if Argentina stated officially that Haig's mission was dead, a void would exist which he and the Security Council would be expected to fill. ..”

Parsons telegrams the FCO; “Costa Mendez's various statements here today amount to a smart PR move... My guess is that his purpose has been to present the Argentine position in the most favourable light particularly in UN eyes and try to distract attention from US and UK responses to the failure of Haig's mission. He has succeeded in creating the impression of a change in the Argentine position ... I do not think however that we need to take Costa Mendez's PR success too tragically. His statements have been small beer by comparison with those of Haig ... and they will soon be overtaken by a presumably less diplomatic response from the Generals in Buenos Aires ..”

Ambassador Henderson agrees; “This looks like standard Costa Mendez tactics which are to pretend that the Argentinians are prepared to withdraw their forces and thereby comply with SCR 502, while they are in fact only prepared to do so if they retain a large measure of de facto control over the Islands and the question of sovereignty is pre-judged in their favour. There is a need to expose these tactics, and the fact that Costa Mendez really counts for nothing in this affair. The decisions are made by the Junta and they are taking a different line.”

Eduardo Roca, Argentina's Permanent Representative to the UN, submits a letter addressed to the Security Council; “ ... the United Kingdom has no legal grounds whatsoever for invoking the right of self-defence provided for in Article 51 of the Charter in justification of the military aggression it is carrying out in the South Georgia Islands. The fact that three weeks elapsed between Argentina's recovery of those islands for its national patrimony and the British attacks which began on 25 April, and the fact that the islands are 8,000 miles from the territory of the United Kingdom, clearly show how inappropriate it is to invoke Article 51 of the Charter as justification for this manifestly illegitimate use of force.

The Argentine forces ... certainly exercising the right of self-defence in order to repel a grave and imminent danger, have continued their resistance in the South Georgia Islands, thus giving the lie to the United Kingdom's statements that its authority has been restored in those territories.

With regard to the United Kingdom's allegation that my country has violated Council resolution 502 (1982), I must point out that the Argentine Republic on several occasions reiterated before the Council its intention to comply with that resolution ... However, the continuation of the British Government's punitive actions compels my country to exercise its right of self-defence ...”

Sir Anthony Parsons responds to Argentina's letter to the Security Council; “On 3 April 1982, notwithstanding current action in the Security Council and the adoption of SCR 502, Argentina carried out an armed invasion of the island of South Georgia. The small British garrison resisted but was eventually captured. On 25 April, in exercise of the inherent right of self-defence recognised by Article 51 of the Charter of the United Nations, British forces re-established British authority on South Georgia. ...

There is no question of the United Kingdom Government having acted aggressively, having in any way breached the terms of SCR 502 (implementation of para.2 of which by Argentina is still awaited by the international community) or of having caused a breach of international peace and security. ..

No amount of selective quotation from statements of British Ministers can obscure the fact that it was Argentina which first used armed force..”

May 1st – British *special forces* reconnaissance teams land on the Falkland Islands.¹⁰⁵⁷

XM607, a *Vulcan* bomber attacks Stanley airfield during the early hours of the morning. At dawn *Sea Harriers* from *HMS Hermes* attack targets in and around Stanley airfield and Goose Green.¹⁰⁵⁸

HMS Glamorgan, *HMS Arrow* and *HMS Alacrity* bombard Stanley airfield, and are in turn attacked by 3 *Mirages*, one of which is shot down. The ships sustain only minor splinter damage. An Argentine *Canberra* bomber is also shot down whilst in the exclusion zone. The Ministry of Defence issues a statement; “*We have been enforcing the Total Exclusion Zone since noon London time on Friday, 30 April in exercise of the right of self-defence .. The notice issued on 28 April made it clear that after 48 hours warning the airport would be closed and that any aircraft on the ground would be liable to attack...*”

Spain's Government protests; “*.. the British air attack on Port Stanley constitutes a serious escalation in the conflict. The possible outbreak of a more generalised and massive British action in the archipelago would mean a tragic loss of human lives and would signify great responsibility and a historic error. The Spanish Government from the beginning of the conflict has let its position be clearly known: it is absolutely contrary to the use of force, a position which it now reaffirms. On the other hand it deplores the fact that in spite of its efforts in the international fora and in bilateral contacts no account has been taken of the fundamental colonial problem which is the origin of the conflict and on which Spain has always supported Argentina's traditional position, in agreement with the doctrine of the United Nations. ...*”¹⁰⁵⁹

The President of the *Security Council* calls for information. Sir Anthony Parsons reminds the *Council*; “*... In my letter of 28 April concerning the Total Exclusion Zone, I set out the text of an announcement by the Government of the United Kingdom to the effect that from 1100 hrs on 30 April 1982, “Port Stanley airport will be closed, and any aircraft on the ground in the Falkland Islands will be regarded as present in support of the illegal occupation and, accordingly, is liable to attack” ..*”

Following the attack on Goose Green, 114 settlers from the settlement are interned at the Recreation Club by Lt. Col. Piaggi. The Club has two toilets, a bar and running water but no food is supplied. Argentine soldiers loot the civilian's houses and park helicopters amongst the buildings to deter attack.¹⁰⁶⁰

American newspapers quote an unnamed “*senior administration official*”¹⁰⁶¹ as taking exception to Costa Mendez's claim that Argentina had not rejected the US peace proposal.

The New York Times quotes Pentagon officials as saying that communication channels, including satellite communications, have already been made available to Britain.

A US *Top Secret Current Report* from the *Bureau of Intelligence and Research* reports Argentina's Air Force Chief of Staff, Juan Garcia, as saying that Argentina will not be the first to open fire but that an attack on Port Stanley will trigger a full scale attack on the British fleet; “*Garcia seemed to rule out a major preemptive strike against the British fleet and reiterated that the Argentine Government could not present a peace plan to its*

1057 D Squad of the *Special Air Services* together with elements of the *Special Boat Service* and Royal Marine *Commandos*.

1058 *Operation Black Buck*. There was a total of 5 bombing raids by these aircraft and although the actual damage caused is questionable, news of the attacks were well received by the public at home.

1059 Spain made very little comment throughout the 1982 conflict despite protests in Madrid and other major Spanish cities in favour of Argentina. Spain's application to join the EU which was pending, and subject to a possible veto by the British, may be relevant.

1060 No food was made available for 48 hours. The civilians included babes in arms and any detention was illegal under the *Geneva Conventions*.

1061 Believed to be Secretary Haig.

people that did not assure sovereignty over the Falklands. He also said that British commandos have landed on the islands and Argentine forces are attempting to locate them. If the commandos succeed in mingling with the local population, measures to control the civilians would be imposed.”

Foreign Secretary Francis Pym travels to Washington.

President Galtieri speaks to the Argentine people; “Fellow Argentines, today, the arms of the Argentine Nation have answered a new act of aggression perpetrated by the United Kingdom in the South Atlantic. They have and are still attacking us, but, we have and will continue to repel them, and this will always be our answer if the enemy intends to again establish a colony on Argentine land.

Prior to this attack, during long days and entire weeks, inconceivable pressures have been exerted on our sovereign will, they have depicted us as bloody aggressors; but it is well-known that upon recovering the unredeemed territory that we chose to die instead of killing, and because of this during an unprecedented military operation neither the adversary nor the population of the Malvinas experienced a single casualty.

We have been wronged with sanctions that the great powers avoid enforcing against those they consider to be their worst enemies as if our condition as a young country would make us an easy prey.

We have been slandered and insulted, moreover, we have been intimidated, threatened, intrigued against and we have been the victim of all sort of unimaginable maneuvers to discredit us.

We have stated our reasons. We have said that for almost one and a half century we either obtained an intemperate negative or the most cynical silence to our persistent claim to our proven rights.

We have proven that the United Kingdom decided to send warships in answer to the previously authorized presence of Argentine workers on the Georgia Islands.

Since we were certain that there was no other path to recover our irrevocable sovereignty, we acted as we have, and thus we have shown the world. ... our cause is no longer an Argentine problem, it has now become a cause of the Americas and the world which does not recognise colonialism as a situation which can be endured ..

The British Empire, encouraged by the alleged results of its campaign of pressure, is resorting to the direct and naked use of force, therefore we have no other alternative than to respond ...”

President Belaunde of Peru puts forward ideas for a diplomatic solution including the temporary administration of the Islands until a settlement is found. Argentina demands that any temporary administration of the Islands should be made up of the representatives of Venezuela, Brazil , Peru, Canada, Germany and the USA.

Britain's Ministry of Defence (MoD) issue a statement; *“British aircraft have engaged a number of Argentine bombers, believed to be Canberras, and have shot at least one down and damaged another.”*

Eduardo Roca submits a further letter to the Security Council; *“.. In accordance with the provisions of Article 51 of the Charter, I have the honour to inform you ... that the successive attacks by the British Air Force against Puerto Argentina in the Malvinas islands were repulsed by my country in exercise of its right of self-defence. In the anti-aircraft action, two Harrier aircraft were shot down, a third was hit ¹⁰⁶²...”*

In perpetrating this bloody aggression against my country, the United Kingdom is persisting in violating Security Council Resolution 502 (1982). In the light of these facts, not even the most distorted interpretation of that Resolution (which was adopted in the interests of peace) can be used by the United Kingdom in an attempt to legitimise its irresponsible conduct. The increasing aggression by the United Kingdom against my country is

1062 No Harrier losses were reported on May 1st.

today threatening to unleash an armed conflict of unknown dimensions and unforeseeable implications for international peace and security; the United Kingdom Government will be solely responsible for the breach of such peace and security.

Through these actions, the United Kingdom is seeking to arrogate to itself powers which, under Article 24 of the Charter, were granted by the States Members of the United Nations to the Security Council for the discharge of its primary responsibility for the maintenance of international peace and security. The United Kingdom is thus thwarting effective implementation of a Council resolution sponsored by the United Kingdom itself. It is now declaring the resolution to be ineffective and is cynically invoking the right of self-defence in seeking to justify an open and brazen act of aggression.”

The MoD issue a further statement; “A report has been received from the Task Force that an air engagement took place this evening within the Total Exclusion Zone between British Sea Harriers and Argentine Mirages. One Mirage was shot down. There are no reports of damage to British aircraft.”

May 2nd – Margaret Thatcher holds a meeting at Chequers where it is agreed; “.. that British forces should forthwith be authorised to attack any Argentine naval vessel (but not naval auxiliaries) ...”¹⁰⁶³

Francis Pym hosts a press conference at the British Embassy in Washington; “Last week I came here to see Mr. Haig in his role as a mediator, today I have come back to consult him as an ally. The British people are very grateful to the United States for coming down in their support. We never had any doubt that they would come down in support of the victim and against the aggressor ... the long phase of Mr. Haig's mission ended with the rejection of the United States' proposals by the Argentines a few days ago, but that does not end the search for a diplomatic solution.”

Pym discusses a number of military, diplomatic and economic issues with Alexander Haig, including the latest Peruvian peace proposal, as amended by the Americans. This consists of (1) an immediate ceasefire, (2) a mutual withdrawal of forces, (3) a temporary administration made up of third party countries, (4) an acceptance by both Argentina and Britain that a dispute over sovereignty exists, (5) acknowledgment that the “*views and interests*” of the Islanders must be taken into account, (6) a “*contact group*” of Brazil, Peru, Germany and the USA would be formed, and (7) this group would be responsible for reaching a definitive agreement by 30 April 1983.

Spain's Prime Minister, speaking to a rally, announces that his Government has offered itself as a mediator to Argentina as the situation in the South Atlantic was, “*very serious*” and Spain considered itself affected. He says that while Spain rejects the use of force, Britain had negotiated, “*little and badly*”. He adds that Spain has a clearer claim to Gibraltar than Argentina has to the Falklands.

Francis Pym flies to New York. At the UN, the Government of Ireland demands that the Falklands issue be put again before the *Security Council*.¹⁰⁶⁴

Reports indicate that Argentina now has 13,000 troops on the Falkland Islands, supported by artillery units armed with 42 105mm guns, 4 155mm guns, 23 quick-firing anti-aircraft guns plus surface-to-air missiles, and 23 armoured cars. Argentina attempts to jam the BBC's '*Spanish Service*' to South America.

3.57pm: Whilst approximately 35 miles south-west of the '*total exclusion zone*', *HMS Conqueror* fires 3 torpedoes at the Argentine light cruiser, *General Belgrano*. 2 of the 3 torpedoes strike the cruiser. The Argentine escorts flee.¹⁰⁶⁵

1063 *PREM19/623 f14*. This meeting commenced at 12.45pm British time

1064 Parsons 1983

1065 This is South Atlantic time. In London it was 7.57pm.

The FCO inform Sir Anthony Parsons at the UN; *“We have just heard that the Argentine cruiser General Belgrano has been hit by two torpedoes from the submarine HMS Conqueror. ... Although the incident took place outside the TEZ it was in accordance with the rules of engagement agreed on 2 May. ...”*

Britain's MoD issue a statement; *“At approximately 8pm London time this evening the Argentine cruiser General Belgrano was hit by torpedoes fired from a British submarine. The cruiser is believed to be severely damaged. On Friday 23 April, HMG warned the Argentine Government that any approach on the part of Argentine warships, including submarines, naval auxiliaries or military aircraft which could amount to a threat to interfere with the mission of British forces in the South Atlantic would encounter the appropriate response. The cruiser posed a significant threat to the British Task Force maintaining the TEZ. The action taken was fully in accordance with the instructions given to the Task Force Commander based on the inherent right of self-defence under Article 51 of the UN Charter. The British submarine suffered no damage in the engagement and has resumed her patrol.”*

4.24pm: the crew of the *General Belgrano* are ordered to abandon the stricken ship.

The vessel sinks with the loss of 368 seamen.¹⁰⁶⁶

“Admiral Fieldhouse told us that one of our submarines, HMS Conqueror, had been shadowing the Argentine cruiser, General Belgrano. The Belgrano was escorted by two destroyers. The cruiser itself had substantial fire power provided by 6 inch guns with a range of 13 miles and anti-aircraft missiles.

We were advised that she might have been fitted with Exocet anti-ship missiles, and her two destroyer escorts were known to be carrying them. The whole group was sailing on the edge of the Exclusion Zone. We had received intelligence about the aggressive intentions of the Argentine fleet. There had been extensive air attacks on our ships the previous day and Admiral Woodward, in command of the Task Force, had every reason to believe that a full scale attack was developing.

Admiral Woodward had to come to a judgment about what to do with the Belgrano in the light of these circumstances. From all the information available, he concluded that the carrier and the Belgrano group were engaged in a classic pincer movement against the Task Force. It was clear to me what must be done to protect our forces, in the light of Admiral Woodward's concern and Admiral Fieldhouse's advice. We therefore decided that British forces should be able to attack any Argentine naval vessel on the same basis as agreed previously for the carrier.... The Belgrano was torpedoed and sunk just before 8 o'clock that evening. Our submarine headed away as quickly as possible. Wrongly believing that they would be the next targets, the Belgrano's escorts seem to have engaged in anti-submarine activities rather than rescuing its crew, some 321 of whom were lost¹⁰⁶⁷

In New York, Francis Pym and Sir Anthony Parsons speak to Secretary-General de Cuéllar, and his assistant Rafee Ahmed, over dinner. Pérez de Cuéllar presents a paper for the Foreign Secretary's consideration.

“Following is the text of the aide mémoire which the Secretary-General gave you ... : The Secretary-General is deeply concerned over the grave situation that has developed as a result of the failure thus far to achieve an understanding between the Governments of Argentina and of the United Kingdom .. that would avert further armed conflict and open the way to a peaceful solution... The Secretary-General believes that, in this situation, the United Nations has a most serious responsibility under the Charter urgently to restore peace and to promote a just and lasting settlement. To this end, it is imperative that the terms of Resolution 502 (1982) be

1066 770 men were rescued between the 3rd and 5th of May. The ship's commander subsequently described his vessel as a 'legitimate target' and confirmed that he did have orders to attack the *Task Force*.

1067 Extract from Margaret Thatcher *'The Downing Street Years'* 1993.

implemented without delay. Accordingly, the Secretary-General would suggest that the two Governments agree to take simultaneously the steps set out below, which are conceived as provisional measures, without prejudice to the rights, claims or positions of the parties.

(a) .. both Governments to complete their withdrawal by an agreed date,

(b) both Governments commence negotiations to seek a diplomatic solution to their differences by an agreed date,

(c) both Governments rescind their respective announcements of blockades and exclusion zones, and cease all hostile acts against each other,

(d) both Governments terminate all economic sanctions,

(e) transitional arrangements begin to come into effect to supervise implementation of the above steps and to meet interim administrative requirements.

The Secretary-General wishes to reiterate his readiness to do all he can to be of assistance .. The Secretary-General expresses the earnest hope that the two Governments will speedily signify their readiness to accept the approach outlined above. It would be appreciated if written communications in this regard were received in time for the Secretary-General to make a public announcement on 5 May..."

Sir Anthony Parsons notes; *"Pérez de Cuéllar left it to Ahmed to introduce and defend his paper. He seemed to agree with many of your comments on it. Your firmness will, I think, have had a salutary effect on Ahmed who can no longer be under any illusions that his sketchy and ill-thought out ideas have much chance of acceptance. Nevertheless, the fact that the Secretary-General has given you and the Argentines some ideas, which will certainly become known here (I shall be surprised if Pérez de Cuéllar fails to allude to them when he briefs members of the Council), should enable us to gain a little more time here.*

It would be off-side for anyone to introduce a Resolution into the Security Council when the parties were considering ideas put to them by the Secretary-General."

May 3rd – in the early hours, Parsons telegrams the British Embassy in Lima regarding Belaunde's proposals; *" .. please get in touch immediately with the Foreign Minister and/or President's office to ensure that no announcement is made that implies that we have agreed to these proposals or even had them formally presented to us ...*

The Secretary of State is grateful for the efforts which President Belaunde is making to secure a settlement of the dispute on a basis which respects the basic principles of international law. We will be prepared to consider carefully any ideas presented to us which seem likely to ensure what must be the first requirement: a withdrawal of Argentine troops which unlawfully invaded and occupied the Falklands. But we must be satisfied that the withdrawal is properly supervised, that there will be effective guarantees that the Argentines will implement whatever agreement may be reached, and that any interim arrangements and the framework for negotiations for a definitive settlement are not such as to prejudice the principles to which we attach importance. We are prepared to work hard for a satisfactory solution. But we cannot cut corners when matters of such importance are at stake. Neither can we renounce the exercise of our right of self defence while Argentine troops maintain their unlawful occupation of the Falklands."¹⁰⁶⁸

During a surveillance mission, a *Sea King* helicopter is attacked inside the TEZ by an Argentine ocean-going tug armed with 20mm cannon. The vessel is counter-attacked by a *Lynx* helicopter from *HMS Coventry* and the tug,

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the *Alferez Sobral*, is severely damaged. Eight of her crew are killed.

Ambassador Henderson in Washington receives a telephone call from Secretary Haig; *“He told me that he had spoken to the Peruvian President at 1.00am today. The latter complained bitterly that British action had torpedoed the chances of peace. He was critical of the USA as well as the UK. They would both now have to pay a heavy price. He hinted that the Soviet Union would now be increasingly involved. .. It was being put about that the cruiser had been hit as a result of intelligence passed by US satellites and with the help of a special weapon provided by the Americans ..*

*I reminded him that, according to information that he would have seen, the Argentinians had ordered three frigates to attack the *Hermes*, and the carrier had been given instructions to attack British ships. It could not therefore be said that the Argentinians were behaving peacefully ...”*

In an official statement Brazil “disagrees” with the armed attacks which it describes as a violation of SCR 502. Cuba condemns the UK and calls for “solidarity” from all Latin American countries. The USSR condemns attempts to “restore the Falklands colonial status by force;” Venezuela talks of “British aggression” while China deplores military attacks against the “Malvinas Islands.”

5 Infantry Brigade is notified that it is to move to the South Atlantic while the *QE2* is requisitioned as a troop carrier; *“The Ministry of Defence of course greatly regrets the inconvenience caused to intending passengers, but the *QE2*'s speed, size and facilities make her uniquely suited to carry substantial numbers of troops who may be required to go into action at short notice. At the same time as the *QE2* we are requisitioning two roll-on-roll-off ferries, Baltic Ferry and Nordic Ferry and a container ship, Atlantic Causeway which will be used to transport the helicopters needed for the air support of the brigade.”*

Henderson in Washington reports a further conversation with Secretary Haig; *“He had just been speaking on the telephone to the President of Peru. General Iglesias and Admiral Anaya had just arrived in Lima from Buenos Aires. President Belaunde believed that something real must be done to bring about a ceasefire. He believed that the Argentinians would accept the seven proposals ... Haig was most eager to know whether we could go along with these proposals or something very similar to them. No less pressing, in his mind, was the need to do something immediately to stop the fighting. He thought it was desperately urgent for the Prime Minister to propose a ceasefire ... I told him that after waiting three weeks while the Argentinians reinforced the Islands we were not in a mood to rush to an armistice just because the Argentinians were losing hands down...”¹⁰⁶⁹*

Defence Secretary John Nott is asked during a press briefing at the MoD, whether Britain is engaged in a war with Argentina. He replies; *“Certainly we have hostilities with the Argentines. It is not in legal terms, however, a war, although the ordinary layman would class it as a war. We have the right of self-defence under Article 51 of the United Nations Charter.”*

Foreign Secretary Pym hold a press conference in New York; *“Following my visit to Washington yesterday and the discussions I had with Mr. Haig, both in the morning and in the afternoon, I came here last night, as you know, had talks with the Secretary-General. We explored various ideas as to how the United Nations might be able to help in one way or another ... our strategy all along has been to maintain pressure on the Argentines, diplomatic, economic and military, and we declared several days ago the Total Exclusion Zone which we are now going to protect. Yesterday there was a very real threat to that zone posed by a cruiser. There was also an attack on a helicopter from two ships which were immediately counter-attacked by British forces. I want to make it clear that the British are not undertaking these military engagements by choice. We are there to defend British soil...”*

1069 PREM19/624 Telegram No. 1575 3 May 1982

The *Junta* issues a short statement; *“The Joint General Staff reports that, as a result of the attack suffered at a point located at 55 degrees 24 minutes south and 61 degrees 32 minutes west by the cruiser General Belgrano, reported in communique No.15, indications exist that it must be presumed to have sunk.”*

Argentina recalls its surface fleet to shallow waters.

Secretary Haig transmits the details of the Peruvian peace proposal to London. The Peruvian Foreign Minister also passes them to the British Ambassador in Lima.¹⁰⁷⁰

Francis Pym flies back to the UK.

Argentine news reports falsely claim that *HMS Exeter* has been sunk and that 11 *Harriers* and one helicopter have been shot down. They also claim that Argentine forces have severely damaged 4 frigates, one aircraft carrier and one destroyer during raids on the *Task Force*. The MoD report that in reality, *Exeter* has not been involved in any engagement and only one aircraft suffered minimal damage. There has been minor splinter damage to one frigate. Contrary to Argentine claims of serious British casualties, only one seaman has been wounded and he is described as, *“safe and comfortable.”*

Secretary Haig tells Ambassador Henderson that further successful military action might cause the USA, and western opinion in general, to swing against the UK which may be seen as over-reacting and being too bellicose. He is informed that military developments will continue to be governed by existing rules of engagement, but that nothing unprecedented is currently contemplated.

May 4th – Francis Pym, together with the Prime Minister, briefs opposition leaders in the House of Commons; *“... On the whole he felt that the events of the last few days had hardened the determination of the Argentine Government to stay on the Falkland Islands, rather than the reverse. None-the-less, they had been prepared to talk to the Peruvian Government over the weekend. It was also significant that they had given a clearer response to the ideas put to them than they had done before. The Government remained determined to try to find a diplomatic solution, but he had to say that he was not optimistic at present.”*

Reports in Israel's press confirm rumours of arms sales to Argentina previously denied by the Israeli Government.

The British *Type 42*, guided missile destroyer, *HMS Sheffield* is hit by an *Exocet* missile fired from a *Super Etendard* of the Argentine Navy. The missile fails to explode but causes an uncontrollable fire.

In Lima, the British Ambassador is summoned to the Foreign Ministry; *“The Foreign Minister .. communicated to me a formal note .. about the sinking of the Belgrano. .. In the ensuing conversation Dr. Arias said he wished me to be in no doubt about the profound shock and consternation felt by the Peruvian Government on learning of the attack on the cruiser after President Belaunde had announced his peace initiative. Dr. Arias said that Costa Mendez had told him on the telephone that the 7 point plan was being considered by the military Junta in Buenos Aires when the news of the attack brought further consideration, and the meeting, to a conclusion ...”*¹⁰⁷¹

The Irish Government issue a statement saying that they; *“.. are appalled by the outbreak of what amounts to open war between Argentina and Great Britain in the South Atlantic and at reports that hundreds of lives have already been lost.”* Ireland's Representative at the UN, Noel Dorr, is instructed by his Government to call for an immediate meeting of the *Security Council*.

1070 The Peruvian proposal was referred to as having been *“virtually dictated”* by Alexander Haig to President Belaunde.
1071 PREM19/624 f114

Secretary Haig tells Ambassador Henderson that; *“.. the reaction from the Peruvians and Argetinians during the night was extremely discouraging. The latter are being more intransigent than ever, saying that this is inevitable in light of our military action. Haig does not think that this should preclude us from considering the seven-point plan and if possible going along with it. If the Argentinians turned it down they would put themselves once again in the wrong with world public opinion. Haig's main emphasis this morning is on the real urgency, in his view ... for London to take an initiative. .. he regards the Irish decision as “totally irresponsible” and as, “likely to prolong the war”... He was convinced that London must come up with something to try and head off the inevitable emergence of opposition.”*

A White House spokesman comments on the *Belgrano*; *“We regret the loss of life. It points out the seriousness of the situation and the absolute necessity to reach a peaceful settlement to this tragic conflict. .. We remain available to both parties. It is our hope that further fighting will be avoided.”* The spokesman denies Argentine claims that the *Belgrano* had been tracked by the USA on behalf of the British Task Force.

Parsons reports a conversation with Dorr; *“I disembowelled him. When I had drawn breath, I summed up as follows: he could tell his Government following his conversation with me that (1) I was not pleading for a delay. I was ready to move into the Council immediately. But I was also ready to vote immediately on a Resolution which had the effect of enabling Argentina to continue to consolidate its position in the Falklands while leaving us with our hands tied, (2) a Council meeting at this stage would be polemic and divisive .. such a debate at this stage would kill the current confidential initiative taken by the Secretary-General*

Dorr was obviously shaken. He kept on saying that it was too late. .. However he could ask for an immediate meeting without insisting that the meeting should take place during the next day or so, ie he could give us and the Argentines a chance to respond to the Secretary-General's ideas. I said that he knew as well as I did that this idea would not fly ... As soon as he asked for an immediate meeting the nasties would press things to a head as quickly as possible.”¹⁰⁷²

The Secretary-General, Pérez de Cuéllar, asks Dorr not to press the matter until there is an answer to the peace 'ideas' put forward by himself on the 2nd. Dorr agrees. The Chinese President of the Security Council, Ling Qing, however schedules an 'informal' discussion to take place on the 5th.

Parsons telegrams Pym in London; *“You should be aware that the fact that the Secretary-General put specific ideas to you and my Argentine colleague over the weekend is now widely known here. This is spite of what he said to the press on leaving the working dinner with you and is, I suspect, largely accountable to Rafee Ahmed. It also results from speculation arising out of his and Ling Qing's consultations with members of the Council yesterday. .. At today's briefing the spokesman said that “peace plan” was not the term the UN was using, but the Secretary-General had put forward “various ideas” to you and the Argentines .. and both had agreed to consider them.”*

A British *Sea Harrier* is shot down over Goose Green. Argentine positions around Stanley are shelled.

Francis Pym sends a message to Alexander Haig; *“ .. I am conscious, like you, of the value of simplicity in any new diplomatic initiative. If further conflict is to be avoided and our essential aims are to be met, negotiations must not drag on. At the same time we cannot accept a cease-fire on the basis of an agreement that is too imprecise. Otherwise, Argentina could accept the proposal, and thus escape military pressure, and then play for time in negotiations and prolong the occupation. ... Subject to your very early comments I would like out of courtesy to give these ideas direct to the Peruvian President -*

(1) An immediate cease-fire, concurrent with:

1072 PREM19/624 Telegram 645 of 4 May 1982

(2) *Mutual withdrawal of forces: (a) Argentine and British forces to begin immediately to withdraw from an area of 200 nautical miles radius from the Falkland Islands and to refrain from introducing any forces into that area. (b) The UK will ensure safe passage for the Argentine garrison to the mainland. (c) All British and Argentine forces to be withdrawn within 7 days from the area of 200 nautical miles radius from the Falklands and to remain outside that area.*

(3) *The immediate introduction of a Contact Group composed of Brazil, Peru, the Federal Republic of Germany and the United States into the Falkland Islands on a temporary basis pending agreement on a definitive settlement, the Group's tasks being: (a) to verify withdrawal; (b) to ensure that no actions are taken in the Islands, by the restored administration or otherwise, which would contravene this interim agreement.*

(4) *Britain and Argentina acknowledge the existence of differing and conflicting views regarding the status of the Falkland Islands.*

(5) *The two governments acknowledge that the views and interest of the Islanders must be determined, and be taken into account in the definitive settlement of the problem.*

(6) *The two governments will make every possible effort in good faith to reach a definitive agreement prior to 30 April 1983. The countries represented in the contact group will give every assistance in this."*

HMS Sheffield is abandoned.

Canada's Foreign Minister makes a statement; "We deplore the Argentine attack on the Falkland Islands and request the removal of Argentine troops ... at the moment the British are engaged in actions of self-defence."

In outlining the thinking behind the amended proposal, the Prime Minister's Private Secretary explains; "(1) the list of points refers only to the Falkland islands, (2) military deployment outside the 200 nautical miles is unrestricted, (3) the Contact group's role is limited, (4) there must be an effective 'sounding out' of Islanders' opinions, (5) the Contact Group's role in sovereignty negotiations is also downgraded, (6) there is no mention of economic sanctions."

Sir Anthony Parsons telegrams the FCO; "I think there is a reasonable chance that I will be able to keep the Council in informal consultations for a few more days, unless there is another major military engagement. .. My insistence on .. not cutting across the Secretary-General's efforts will of course be only a pretext. I do not believe that the Secretary-General's ideas provide the basis for a negotiated settlement, and given the involvement of Rafee Ahmed, it is probably desirable to keep the United Nations out of the game, at this stage at any rate. My real purpose in delaying a formal Council meeting will be to gain time for the Haig/Belaunde proposals to mature and, of course, to put off as long as possible a possible UK veto of a seemingly mild Resolution calling for a cessation of hostilities. Such a veto would seriously undermine our position here and transfer the diplomatic advantage to the Argentines."

May 5th – *Ambassador Henderson telegrams Pym; "I have just had a three hour session with Haig ... Haig does not consider that there is the slightest chance of the Peruvians being prepared to agree to our points or of being ready to transmit them to the Argentines. ... he insists, on the basis of hours and hours of argument with the Argentinians, that there is no conceivable chance of getting an agreement if we insist on our language... I asked him what, in the circumstances, he thought could be done and this led to a prolonged analysis of texts, the outcome of which was a new set of points .. that he hoped met some of our requirements, without involving language that would be rejected out of hand... Haig implores you to have another look at this and see whether you cannot accept his latest proposals ..."*¹⁰⁷³

1073 PREM19/624 Telegram 1598 of 5 May 1982

The new US proposals consist of (1) an immediate cease-fire, (2) mutual withdrawal and non-reintroduction of forces, according to a schedule to be established by the contact group, (3) the immediate introduction of a *Contact Group* composed of Brazil, Peru, Germany and the USA into the Falkland Islands on a temporary basis pending agreement on a definitive settlement. The *Group* assuming responsibility for (a) verification of the withdrawal, (b) ensuring that no actions are taken in the Islands, by the local administration, which would contravene this interim agreement, and (c) ensuring that all other provisions of the agreement are respected; (4) Britain and Argentina acknowledge the existence of differing and conflicting views regarding the status of the islands, (5) the two governments acknowledge that the aspirations and interests of the Islanders will be included in the definitive settlement of the status of the Islands, and (6) the *Contact Group* to have responsibility for ensuring that the two governments reach a definitive agreement prior to 30 April 1983.

President Reagan writes to PM Thatcher; “*Al Haig sent to Francis Pym new formulations which might provide a basis for a peaceful settlement if recent military developments have instilled a greater sense of realism in Buenos Aires. I am sure that the ideas sent to Al by your Foreign Secretary would not provide such a basis. Equally important, you will see that our suggestions are faithful to the basic principles we must protect. I urge you to agree to have these ideas proposed by us and Peru as soon as possible, recognizing that it will be difficult to get Peruvian agreement to join us in this initiative and more difficult still to gain Argentine acceptance. This, I am convinced, is now our best hope.*”

Pym telegrams Parsons in New York; “*.. I am giving priority to the Peruvian/American initiative. We should not say anything to Pérez de Cuéllar that might encourage Argentine to look to his ideas rather than Haig's ... I should also wish you to make it clear that I am not in any way turning down his own ideas. .. we shall need his help in making it clear to Security Council members that diplomatic activity is continuing, that his own ideas are still under study and that the Council should do nothing that might cut across these efforts...*”

Australia's Prime Minister telephones Margaret Thatcher with a message of support and to tell her that there was much admiration in Australia for her actions. He adds that the American Vice-President, George Bush, had just left the country and was in no doubt where the United States would stand in the “*crunch.*”

The *War Cabinet* meet to consider the latest version of the peace plan. After a meeting lasting four hours, PM Thatcher responds to President Reagan's message explaining Britain's need to amend the Peruvian/American peace plan; “*... Above all, the present proposals do not provide unambiguously for a right to self-determination, although it is fundamental to democracy and was enjoyed by the Islanders up to the moment of invasion. We asked earlier that it should be included explicitly. Al Haig's reply was that it could not, because the Argentines would not accept it and there would therefore be no hope of a settlement.*

This has given me and my colleagues very great difficulty. This is why I have tried to temper Al Haig's latest proposal a little by suggesting that the interim administration must at least consult with the locally elected representatives. It is not much to ask ... I too want a peaceful settlement and an end to the mounting loss of life in the South Atlantic. ...

That is why, with the changes Francis Pym has suggested to Al Haig, we are ready, with whatever misgivings, to go along with your latest proposal. Assuming that they are accepted by the Argentines, then during the negotiation period that will follow we shall have to fight fiercely for the rights of the Falklanders...”¹⁰⁷⁴

In a statement, the *Security Council* express their “*deep concern at the deterioration of the situation,*” but also their strong support for the efforts of the Secretary-General.

In Buenos Aires, President Galtieri refuses to consider the Peruvian plan; saying he wants; “*a UN mediation.*”

1074 PREM19/624 f47 (T97/82)

May 6th – another convoy, the *Argonaut Group*, sails from Ascension Island. Two British *Sea Harriers* crash in fog.

Unaware of Galtieri's comments, Foreign Secretary Pym telegrams the British Embassy in Lima with instructions for the Ambassador to seek an urgent audience with President Belaunde; *"You should tell the President that HMG are immensely grateful for his constructive intervention. In our view, it constitutes the best prospect of securing an early ceasefire and withdrawal, before more lives are tragically lost. .. You may say that HMG have noted the ideas put forward by the UN Secretary-General and indeed are replying to him. But the Peruvian proposals are not only compatible with the Secretary-General's ideas but also provide essential clarity and precision in an imaginative and positive way."*

The Ambassador is also asked to pass on a small amendment that Britain wishes to see made to the duties of the Contact Group in (3)(b): *".. (b) administering the Government of the Falkland Islands in the interim period in consultation with the elected representatives of the population of the Islands and ensuring that no actions are taken which would contravene this interim agreement.."*

Secretary-General Perez announces publicly that ; *"I have got a positive reaction from the Argentine Government. They have expressed to me that they are considering with great interest and a sense of urgency the ideas I have proposed to them. I hope that I may have a positive reaction from the United Kingdom."*

Secretary Haig informs Francis Pym that the Peruvian proposals have been turned down by President Galtieri and that the Argentines were now moving to the UN and; *"that was the end of that."*¹⁰⁷⁵

Pym issues a statement to the press; *"I am deeply disappointed that Argentine intransigence has once again frustrated a constructive initiative. Had they genuinely wanted peace, they would have accepted the latest proposals put to them, and we could have had a ceasefire in place by 5pm tomorrow."*

Sir Anthony Parsons telegrams the FCO; *"I recommend that I should be authorised to deliver our reply to the Secretary-General immediately. This will upstage the Argentinians whose reply consisted only of an acceptance of the Secretary-General's demarche, a call for a ceasefire, and an expression willingness to discuss details. I should also get our reply in before Costa Mendez arrives herewe must protect ourselves against the mounting pressure on us to accept calls for unqualified cease-fires, cessation of hostilities, maximum restraint, etc. These will undoubtedly be renewed at this afternoon's Security Council consultations and I intend to stand as firm as I did yesterday. Obviously we cannot accept calls for a cease-fire unless they are clearly linked to unequivocal Argentinian agreement to withdraw .."*

Francis Pym responds to Parsons with a message for Secretary-General Pérez de Cuéllar; *"I accept the general approach embodied in your ideas ... Britain is willing to accept and immediately implement an interim agreement which would prepare the way for a definitive settlement. Such an interim agreement could provide for a cease-fire ... But such a cease-fire cannot simply leave Argentina in illegal occupation of the Islands, in contravention of Resolution 502 and with the ability to continue to build up the occupation forces. Implementation of the cease-fire must therefore be unambiguously linked to the commencement of Argentine withdrawal.. Withdrawal would be completed within a fixed number of days. The British forces would stand off at a reasonable distance .. After mutual withdrawal, the two sides would lift the exclusions zones .. (and).. economic sanctions...the United Kingdom would be prepared to accept an interim administration .. to be undertaken by a Contact Group .. which would act in consultation with the elected representatives of the population of the Islands ... Britain would be ready with Argentina to acknowledge the existence of different and conflicting views regarding the status of the Islands. We would be willing to engage in negotiations,*

1075 PREM19/625 f122

without prejudice, for a definitive agreement and to accept a target date ... for conclusion of an agreement which would accord with the wishes of the Islanders. We should be willing to accept that the Contact Group .. should have a role in relation to these negotiations....”

Parsons is interviewed for the *World at One* television programme and asked to make a statement about the Secretary-General's claim of a “positive reaction” from the Junta; *“I think there is a certain amount of exaggeration, at least there was last night, and I think it has been corrected in the American media this morning. As I understand it, because I was there at the time – I didn't actually read the Argentine letter but it was pretty short .. - I think what they have done is they have said to the Secretary-General, we need accept your demarche as it were, rather in the sense that, yes, we will do business with you. I don't believe they've accepted all the propositions, all the range of ideas that he's put forward, in fact I am perfectly sure they have not. In the American media this morning they are saying that the Argentine Ministry of Foreign affairs is making remarks like, “we have not of course agreed to withdraw” and “the whole question of sovereignty is not negotiable” and “there's a great deal more to study.” In fact, I think the letter did say that the details would be subject to discussion. So I think to put it in the sense that they have accepted it lock, stock and barrel is really very misleading... we are still ... at a very preliminary stage.”*

NATO's “Eurogroup” (Belgium, Denmark, Germany, Italy, Luxembourg, the Netherlands, Norway, Portugal and Turkey) issue a *communiqué*; *“Ministers condemned Argentina's armed invasion of the Falkland Island and the dependencies as well as the failure to comply with Security Council Resolution 502. Ministers noted the importance of maintaining the principle that aggression or occupation of territory by force should not be allowed to succeed and urged the need to seek a negotiated solution acceptable to all parties..”*

Ireland's Taoiseach Haughey is reported as telling the press that the Irish Government's support of EU sanctions against Argentina runs contrary to Ireland's position as a neutral country.

Pérez de Cuéllar is reported as being, “pleased” with Francis Pym's response; agrees that there is no need for a formal session of the *Security Council* and says that he will seek a response from Buenos Aires. At a meeting between Ambassador Henderson and Secretary Haig; Haig tells him that he is not convinced that the Argentines are “serious” about negotiating.

Argentina's Defence Minister, Amadeo Frugoli, speaking at the Sheraton Hotel, says that Argentina is not an aggressor country, that the aggression is being perpetrated by Great Britain and that Argentina will respond to that aggression with every means - at the right place and in due time.

President Galtieri offers, via the Mexican President, to hold a face-to-face meeting with Margaret Thatcher.¹⁰⁷⁶ He also says that in no circumstances is he willing to agree to proposals put forward by the United States or associated with the United States, although the Peruvian proposals had been broadly acceptable. He was willing to begin a dialogue through the good offices of Mexico.

May 7th – Foreign Secretary Pym updates Parliament.

PM Thatcher sends a message to EU heads of Government; *“The collapse of the US/Peruvian initiative means that the focus of diplomatic activity moves to New York. In approaching this new phase of the crisis there is one point which I should like to put to you urgently, personally and with all the emphasis at my command. I want you to know that Britain will not acquiesce in the retention of the Falkland Islands by Argentina. The military means to terminate the military occupation are being assembled. They will be used, unless a diplomatic solution can be found. If events take this course there will be, I fear, the likelihood of destruction*

1076 PREM19/625 Telegram No. 366 of 6 May 1982

and casualties on a scale far exceeding what we have seen already. I am prepared for this and so is my government, and so is my country. You should be in no doubt about that...

In the House of Commons; *“The Foreign and Commonwealth Secretary made clear .. this morning, that Her Majesty's Government's highest priority is to achieve an early negotiated settlement of the current crisis, but that if the Government of Argentina did not show the same readiness and desire to reach a peaceful settlement, it should be in no doubt that Her Majesty's Government would do whatever may be necessary to end the unlawful Argentine occupation of the Falkland Islands.”*

Germany and Italy call for a ceasefire and the immediate withdrawal of both British and Argentine troops. Turkey's Foreign Minister states that his country supports Britain, as a NATO ally, in the dispute with Argentina.

Press reports in Uruguay state that Argentina is willing to make some exceptions on its ban on payments to London in order to avoid London banks from declaring that Argentina is in default.

Sir Anthony Parsons speaks to Pérez de Cuéllar; *“I said that I wanted to explain exactly why the previous negotiations had collapsed. Essentially this was because the Argentines had insisted that the transitional arrangements and the diplomatic negotiations for a final settlement must be pre-judged from the outset by acceptance of Argentine sovereignty. This had in turn become a precondition for withdrawal. An associated problem was that Haig and others had, from time to time been encouraged by the reasonableness of the civilian negotiators, only to find that they were repudiated by the military at the last moment.... Pérez de Cuéllar took notes and said that he fully understood the position. He was alive to the possibility that the Argentines might simply be using him in order to get either a cease-fire and endless negotiations without commitment to withdrawal, or a British veto of a call for a cease-fire combined with negotiations. This putting them in a better diplomatic position...”¹⁰⁷⁷*

A Ministry of Defence statement extends, with immediate effect, the 'total exclusion zone'; *“Her Majesty's Government warns that any Argentine warship or military aircraft which are found more than 12 nautical miles from the Argentine coast will be regarded as hostile and are liable to be dealt with accordingly.”*

Peru and Venezuela assure Argentina that they will provide military aid if so requested under the *Rio Treaty*.

Argentina's Deputy Foreign Minister, Ernesto Ros, arrives in New York. Ros immediately calls on Pérez de Cuéllar to give him *“amplifications”* of the Argentine reply to the Secretary-General's proposals. Argentina's mission to the UN register a complaint about the 12 mile limit with the *Security Council*; *“.. This unlawful measure constitutes a further act of aggression ... which endangers the security of the Argentine Republic...”*

Parsons informs the FCO; *“The MOD statement .. has already caused a stir here. It has provoked a letter from Roca to the President of the Security Council, has worried Pérez de Cuéllar and is being presented dramatically in the New York media (the New York Post headline reads, “Mainland blockade: Britain expands war as invasion looms”). .. I have reassured Pérez de Cuéllar that the MOD statement should not be seen as a dramatic escalation of the conflict but rather as a clarification of earlier announcements...”*

Information is received that Peru is supplying Argentina with 4 *Exocet* missiles. Britain protests.

French President, François Mitterrand, talks to his doctor; *“ I had a difference of opinion to settle with the Iron Lady. What an impossible woman, that Thatcher! With her four nuclear submarines on mission in the southern Atlantic, she threatens to launch the atomic weapon against Argentina — unless I supply her with the secret codes that render deaf and blind the missiles we have sold to the Argentinians. Margaret has given me very precise instructions on the telephone*

1077 PREM19/625 Telegram 672 of 7 May 1982

*I have been forced to yield. She has them now, the codes. If our customers find out that the French wreck the weapons they sell, it's not going to reflect well on our exports.*¹⁰⁷⁸

Argentina complains to the ICRC that the UK; “.. in carrying out its acts of aggression against the civilian and military personnel in the region, has carried out continuous violations of the most elementary principle of humanitarian law. For example .. lack of information on the fate of the civilians captured in South Georgia; Lack of information on the situation of military personnel captured in South Georgia. In addition the United Kingdom has carried out acts repugnant to the consciences of civilised peoples such as – the incorporation in the Royal Navy Task Force of British military personnel captured by Argentine forces in the Falklands and South Georgia and then repatriated to the United Kingdom; sinking by submarine attack of the cruiser *General Belgrano*, sailing outside the zone defined by the UK as the maritime exclusion zone and not engaged in hostilities at the moment of sinking; attacks on similar vessels going to pick up people shipwrecked in another incident, the attack on *ARA Sobral*, one such vessel, was even more blameworthy since it was unarmed.”

On receiving the complaints, the ICRC in Geneva note that the British Government had provided information about the captured Argentine troops within 5 days which “*contrasted favourably with Argentine behaviour*,” and that the *General Belgrano*, though outside the TEZ, was within the security zone of British ships in the area; was fully armed and engaged in operations.¹⁰⁷⁹

At the UN, US Representative Jeane Kirkpatrick, contacts the Secretary-General to complain that his peace initiative is likely to “*cut across*” others (unspecified) that Secretary Haig is involved with.

May 8th – Peru issue a statement concerning the UK's announcement of a 12 mile limit; “*The Peruvian Government considers of the utmost gravity this extension of the area of conflict as far as the waters which, according to Argentine legislation, correspond to its sovereignty .. Faced with this new announcement of belligerent action on the part of the British forces, after the unjustified sinking of the cruiser ‘General Belgrano’, the Peruvian Government repeats its firmest protest and its request for the cessation of hostilities to make way for the peace-making measures foreseen in international law.*”

Sir Anthony Parsons has two meetings with the Secretary-General. He reports to Francis Pym after the first: “*I saw the Secretary-General for an hour at 1530... Pérez de Cuéllar said that both sides agreed with the concept that his proposals were ‘provisional measures, without prejudice to the rights, claims or positions of the parties.’ I confirmed that we agreed with this, but said that we must have 100% precision from the Argentines on the point. Pérez de Cuéllar said that Ros had indicated that the Argentines envisaged a written agreement: their signature would give us the precision we needed. I said that it would depend whose signature was on the agreement. All previous negotiations had foundered at the last minute on Argentine insistence that their claim on sovereignty should be accepted. ...*

I think Pérez de Cuéllar has hoisted on board how crucial this point is for us and the danger that the Generals in Buenos Aires will renege on it at the last moment.

As for the principle of simultaneity ... Pérez de Cuéllar said that Argentina accepted it in toto. The UK accepted it in respect of mutual withdrawal and the cessation of hostilities. It was his understanding that we did not

1078 Quoted in ‘*Rendez-vous*’, by the French psychoanalyst, Ali Magoudi, and, perhaps more importantly for confirmation, the *Margaret Thatcher Foundation*'s web site. The French company that manufactured the *Exocet* missiles subsequently denied giving any assistance, but as the company was run by the President's brother, this assertion may have to be taken with a *pinch of salt!*

1079 PREM19/625 Telegram No. 224 of 7 May 1982

exclude it in respect of negotiations for a diplomatic solution, but he judged from .. your message that we would prefer suspension of the exclusion zones and the lifting of sanctions to commence after withdrawal had taken place. ..

I suggested that the requirement of simultaneity could be met if Pérez de Cuéllar's negotiations led to the announcement of an agreement with a detailed schedule or timetable of when the various steps would be taken...

On the terminal date for the negotiations for a diplomatic solution, Argentina had proposed 31 December 1982 and you had suggested "perhaps one year". Pérez de Cuéllar would value your reaction to the Argentine proposals.

On transitional arrangements ... Pérez de Cuéllar went on to say that Argentina favoured "an exclusive UN role" whereas you had proposed a contact group of States acceptable to both parties. I repeated that we needed to define what we meant.. what did an "exclusive UN role" mean? ..for us this would be a crucial question. ..

On the format and venue of the substantive negotiations, Pérez de Cuéllar said that the Argentines wanted them to be conducted either by the Secretary-General or a representative appointed by him and that they should be held in New York. .."¹⁰⁸⁰

And again following the second meeting; "I saw the Secretary-General and his team again at 2130 today. Pérez de Cuéllar said that he had asked Ros for an initial reaction to my request for clarification of what the Argentines meant by "an exclusive UN role" in the interim administration. Ros had replied that Argentina felt that since the interim period was likely to be fairly short it should be possible to adopt arrangements which, while not affecting individual rights, should necessarily come under the authority of the interim administrator, ie. the UN. ...

She (Argentina) felt strongly that, in order to avoid confusion and so as to ensure that the transitional period was truly transitional, it should be under a clear cut administration, with a presence from both the interested parties. Pérez de Cuéllar commented that this seemed to be a repetition of the position the Argentines had maintained all along on the transitional arrangements. I questioned this: ... Their reference to "individual rights" presumably meant existing law on property, family matters, etc.

What in effect they were proposing was direct UN administration without any local political structures. This was a very different concept from ours and I did not believe that it would be acceptable....

Pérez de Cuéllar said that Ros had repeated very clearly this afternoon that it was not the purpose of Argentina to prejudge the question of sovereignty, although de Soto added that for the Argentines this depended on agreement on appropriate terms of reference for the negotiations .. we shall have to watch this carefully."

Argentina's official news agency, Telam, says; "The Argentine Government has denounced the lack of good faith of the United Kingdom which, despite declaring its interest in holding negotiations and in achieving a peaceful solution, has contradicted its stated intentions with deeds and created situations which seriously undermine the possibilities of holding negotiations.."

Parson reviews his meetings with Pérez de Cuéllar; "After today's rounds, it is clear that the Argentines have organised their negotiating position very thoroughly. Perez de Cuellat told me in the strictest confidence that Ros has a prepared statement on every topic from which he reads verbatim as appropriate.

1080 PREM19/625 Telegram No. 679 of 8 May 1982

I think that there are three possibilities. The first, and least likely, is that the Argentines have decided to negotiate in good faith and play it straight ... Pérez de Cuéllar is as sceptical about this as I am. I hope we are wrong.

The second possibility is that the Argentines have realised that if the search for a diplomatic solution fails because of their insistence on prejudging the sovereignty question, it will diplomatic game set and match to us..

The third possibility is that they have decided that they cannot get what they want now, and that they should prepare the ground to get it the day after the interim period expires. This would mean that they would genuinely negotiate an agreement with us now .. But would refuse to accept anything in the agreement which envisaged prolongation of the interim period if agreement had not been reached. ...

My suggestion is that I make take the following line tomorrow (9 May). We are prepared to look more closely at the possibility of UN administration, but we could not accept the total exclusion of the Islanders, as proposed in the latest Argentine formulation: this is a great deal more rigid than the ideas they discussed with Haig where the problem was the disproportionate number of which they required on the two Councils. ... I could take this line as an exploratory move without conceding our position on the Contact Group for the time being...

I realise that I have not tackled the answer to the third and perhaps most sinister (third) possibility.. It is extremely hard to see a way out of this dilemma. ...¹⁰⁸¹

Argentina announces that they have converted a survey vessel, the *Bahia Paraiso*, into a hospital ship.

May 9th – an Argentine spy trawler, *Narwal*, is attacked and boarded by British troops. *HMS Coventry* shoots down 2 *Skyhawk* aircraft and a *Puma* helicopter.

Instructions are relayed to Sir Anthony Parsons following receipt of his telegrams from the previous day; “We agree that Britain should demonstrate full willingness to cooperate in the Secretary-General’s negotiations. We therefore wish to reply quickly and constructively ... You should convey the following British position to the Secretary-General:

(a) .. We can agree that time ‘T’ should be set as soon after signature of an agreement as both parties can guarantee compliance by their forces to a cease-fire. For us, 24 hours after signature is acceptable ..

(b) .. We can accept a period of 14 days for withdrawal of all Argentine military personnel from the Islands; half of them should be withdrawn within 7 days.

(c) .. The arrangements for British withdrawal must be equal and parallel with those for Argentine withdrawal, thus involving no disadvantage to Britain. We can agree to withdraw all of our naval forces within 14 days, and half of them within 7 days, to outside a zone of 200 nautical miles from the Falkland Islands.

(d) .. It is unreal to set an absolute terminal date for negotiations when everyone knows that the parties, with the best will in the world, may not be able to conclude an agreement within a specified time. For this reason we hope that the Secretary-General will return to the expression “target date” which appeared in his original proposal of 3 May. On that basis we could accept that the named date be 31 December 1982. In order however to take account of reality, without stating directly that negotiations might go on beyond the target date, the agreement would have to say that the interim arrangements will continue until an agreement on the future of the Islands is implemented ...

(e) ... negotiations should take place under his (Secretary-General’s) auspices ... perhaps Geneva or Ottawa...”

1081 PREM19/626 Telegram No. 686 of 8 May 1982

In explanation of these instructions references are made to the *exclusion zone* and economic sanctions being lifted, and an interim UN administration established, on completion of the withdrawal by both sides; ie within 14 days. With regard to the interim administration Parson's instructions are explicit; “.. *we must also insist most firmly that the new Argentine suggestions to the Secretary-General about the interim administration are unacceptable. ... What Argentina is now suggesting is unprecedented and unreasonable. We can accept UN interim administration, but on the clear understanding that the Executive and Legislative Councils continue to function...*”

And with regard to the Dependencies; “... *any agreement must be about the Falkland Islands, thus keeping the dependencies out of it.*”

“.. *any agreement that is to be considered seriously by us must (a) include the concept of cease-fire being unambiguously linked to an immediate start of Argentine troop withdrawal, (b) not prejudice in any way a transfer of sovereignty to Argentina, (c) be compatible with a security guarantee eg. By the US and, (d) avoid a de facto situation by which Argentina gained the Islands in default of a final settlement by a terminal date for the conclusion of negotiations.*”¹⁰⁸²

Interviewed on US television, Costa Mendez says that Argentina is not asking the UK to recognise Argentine sovereignty at the beginning of negotiations; provided that those negotiations conclude with confirmation of Argentina's sovereignty over the Falkland Islands and Dependencies.

Sir Anthony Parsons sees the Secretary-General and sets out the British position; “...*this brought me on to the all important question of Argentine acceptance that the interim arrangements would be without prejudice to the question of sovereignty. I had been seriously disturbed by Costa Mendez's television interview today. He seemed to me to have been saying that Argentina was not insisting that the UK should actually cede sovereignty before the negotiations started but that she insisted that those negotiations must conclude with confirmation of Argentine sovereignty and that they would therefore be concerned not with sovereignty itself but with how the interests of the Islanders might be protected under Argentine sovereignty. If my reading of Costa Mendez's remarks was right, there had been a major change in the Argentine position as Pérez de Cuéllar had described it yesterday.... I next stated that I wished it to be quite clear that we were talking about the Falkland Islands alone, not about the Dependencies....*”¹⁰⁸³

Parsons informs London; “*Today's military engagements have predictably fluttered the doves here. Roca complained to the Secretary-General and the President of the Security Council ... the Argentines are putting it about that at the Security Council's informal consultations on 5 and 6 May tacit agreement was established that there should be no hostilities while the Secretary-General pursued his initiative. .. I telephoned Pérez de Cuéllar and Ling Qing to remind them that I had made it absolutely clear at the informal consultations that there was no question of our suspending military operations...*”

Pérez de Cuéllar calls Sir Anthony Parsons back near midnight; “.. *he had told Ros that we did not consider that the Dependencies were included in the present exercise. Ros had objected strongly, saying that it would be impossible for the Argentine authorities to explain to their public opinion that Argentina would withdraw from the Falklands but that there would be no British military withdrawal from South Georgia. .. Ros had refused to accept our position... they wanted the lifting of the exclusion zones and of economic sanctions “to be effective as of time ‘T’”, otherwise the impression might be given that their withdrawal was taking place under pressure... On the interim administration, Pérez de Cuéllar said that the Argentines continued to object strongly to any role for the Islanders, even of an advisory character, because this would prejudice the outcome of the*

1082 PREM19/626 Telegram No. 371 of 9 May 1982

1083 PREM19/626 Telegram No. 691 of 9 May 1982

negotiations. I said that we could not accept this. ... Pérez de Cuéllar said that he had had a very difficult discussion with Ros about the terms of reference of the negotiations and the linked question of Costa Mendez's television interview. The kind of language the Argentines had in mind for the terms of reference was: "the negotiations would have to solve the disputes between the parties, taking into account relevant General Assembly Resolutions." I said that this would not do. Costa Mendez's remarks today had been very close to Argentine statements which had caused the collapse of previous negotiations. We must have proper clarification. ... In order to remove any shadow of doubt, we would also have to insist that all three members of the Junta signed the agreement..."

In a further telegram Parsons adds; "This ball is now firmly in the Argentine Court and Buenos Aires will have to give Ros instructions on the sovereignty question before we come under further pressure. If they come up with the wrong answer, ie an answer unsatisfactory to us, the stage will be set either for a break down of the negotiations or for a final dramatic effort by Pérez de Cuéllar to persuade the Junta to think again."

Pérez de Cuéllar's office issues a statement; "The Secretary-General's discussions with the parties continued today and he met twice on separate occasions with the representatives of Argentina and the United Kingdom. The Secretary-General has also informed the President of the Security Council of his talks. Substantial progress has been made on several points but clarifications are still needed on others. The talks will continue tomorrow."

President Belaunde of Peru announces that he is sending his Prime Minister to Europe to argue for the lifting of sanctions against Argentina. Mexico's President, Lopez Portillo, asks the British Ambassador when he can expect a reply to his suggestion that General Galtieri and PM Thatcher have a face to face meeting.

May 10th – Sir Anthony Parsons receives a message from the FCO; "Thank you for .. your sterling efforts with the Secretary-General. I endorse in particular your insistence on smoking the Argentines out on the question of sovereignty and the terms of reference for negotiations about the future of the Islands. If the Secretary-General's efforts were to collapse because Argentina insisted on a transfer of sovereignty or would not agree to a sensible provision about what would happen in negotiations had not succeeded by a target date, Argentine would clearly have been unreasonable and we think we could defend our position satisfactorily in Parliament and internationally. ..

The question of the dependencies and of the traditional administration may, as you say, be the ones where the crunch will come. ..

Meanwhile, the following comments .. are provided as general guidance for your meetings with the Secretary-General today.

Dependencies: .. you should argue that the status quo in the Dependencies is as it was before the unlawful occupation and that our purpose in the present negotiations is to deal with the new situation created by the continued unlawful occupation by Argentina of the Falkland Islands themselves...

Sovereignty: You should continue to insist on two major points of substance; (a) that the text of the interim agreement must not prejudice the outcome of negotiations about the future and (b) that the Argentines must state clearly to the Secretary-General that they accept this and will desist from declaring the opposite in public.

Interim Administration: .. you should contest the unsupported and erroneous Argentine assertion that the involvement of the islanders in the interim administration would prejudge the outcome of negotiations... and that it would be contrary to the spirit of the Charter to dismantle them.

Target Date for Conclusion of Future Negotiations: We see no reason why an interim agreement should not say that: (a) negotiations will start immediately, to produce an agreement by the target date of 31 December

1982; (b) the interim agreements will remain in force until implementation of a definitive agreement about the future of the Islands...”

HMS Sheffield sinks whilst being towed by *HMS Yarmouth*.

Telam reports; “.. the British forces attacked and sunk the Argentine fishing boat *Narwal* which was in the area carrying out specific tasks that did not pose any threat to the British Fleet. The *Narwal* was sunk by a Sea Harrier which later did not hesitate to machine-gun the rafts that were hurled to the sea by the survivors, and even a raft that was filled with sick and wounded. This is an outrageous attack that violates the most elemental human feelings .. an inhuman deed, a hideous barbarian act that goes against all those values of the free world which the British Government has claimed to defend and uphold.”

Parsons notifies London; “I asked my old Commonwealth colleagues, who have more time than I have recently to circulate amongst UN delegations, whether they felt that the overall attitude towards us was changing for the worse. They said it was not. There was still much sympathy for our position.”¹⁰⁸⁴

In the House of Commons, Francis Pym is asked by the *Foreign Affairs Committee* about the Government's long term objectives. Pym responds that while now British territory, the Government had never taken the view that the islands were under British sovereignty, “for ever and a day.” Other forms of governance were available to ensure their future, including independence, associate status, condominium, UN trusteeship and others.

With *Communique No. 40*, Argentina declares the whole of the South Atlantic a 'war zone'.

Argentina submits amendments to the Secretary-General. The amended proposals consists of; “(1) This agreement is concluded within the framework of the Charter of the United Nations and taking into account Security Council Resolution 502 (1982) and the relevant Resolutions of the General Assembly. (2) The agreement to which the parties commit themselves shall be without prejudice to the rights, claims or positions of the parties. (3) The geographical scope of this agreement shall comprise the three archipelagos considered by the United Nations. (4) The Government and the Administration shall be the exclusive responsibility of the United Nations. The observers of the parties may fly their respective flags. (5) There shall be freedom of transit and residence for citizens of the parties, who shall enjoy the right to acquire and dispose of real estate. (6) The withdrawal of forces shall be effected under the supervision of the United Nations. (7) The parties commit themselves to undertake in good faith negotiations under the auspices of the Secretary-General with a view to the peaceful settlement of the dispute and, with a sense of urgency, to complete these negotiations by 31 December 1982.”

Pérez de Cuéllar speaks to Sir Anthony Parsons; “I had nearly two hours with the Secretary-General and his team this evening. It was a very discouraging meeting. Pérez de Cuéllar said that ... Ros had given him a paper... the paper had not originated in Buenos Aires but had been drafted in the course of the discussions here. It was therefore “negotiable.” Ros had told him that the Argentines saw the paper as a “package” and thought it better to discuss all these points at the same time. Pérez de Cuéllar had said that the paper would be unacceptable to us but said he would convey it to me.

I said that I was puzzled and disappointed ... it went back to general headlines (and, in its paragraph 5, added a major new point), without the detail on which I thought that Pérez de Cuéllar and I had been making progress...

1084 PREM19/626 Telegram No. 700 of 10 May 1982

At the end of the meeting de Soto¹⁰⁸⁵ said that as the Dependencies had been included in our earlier negotiations with the Argentines they could not be excluded from the next round. Did he understand that I wanted to exclude them from the interim arrangements? Surely, withdrawal from South Georgia, where we had few troops, would be a “painless gesture.”

I denied this firmly .. as far as we were concerned, the agreement under discussion related to the Falkland Islands alone....

Size of Zones for Withdrawal: A major new problem arose here. Ahmed said that the Argentines had said today that the proposals discussed with Haig had been based on the complete withdrawal of the British Task Force to its bases in the UK.

I said ... since then, the situation had changed enormously and there was no question of us accepting such an arrangement. It was totally irrelevant to the real situation...”¹⁰⁸⁶

Cuba's Fidel Castro, holding the Chair of the *Non-Aligned Movement*, call upon the other members to take whatever steps they can to delay further British action against Argentina.

US Ambassador Walters travels to Buenos Aires in order to; *“.. probe the possibilities of an alternative government there; to emphasis to Galtieri the danger of Soviet penetration, and to indicate US economic help would be forthcoming in the event of a UK/Argentine agreement.”¹⁰⁸⁷*

Sir Anthony Parsons sends a further telegram to London; *“Today's experience brings me very close to believing that they are still not interested in reaching a negotiated settlement on terms which would be acceptable to us, and that it is rapidly becoming a question of who wrong-foots whom when the negotiations break down...”*

May 11th – the BBC is criticised for its “biased” reporting of the war. Anthony Grant MP complains to the Director-General of the BBC; *“.. I do not expect the BBC to be biased in Britain's favour but, in the interests of 'balance' if nothing else, need they be so obviously on the side of the enemy?”*

The French Government inform London that they had delivered 5 *Exocet* missiles to Argentina before the start of the conflict; part of an order for ten missiles. They also confirm that they have an order for 4 *Exocets* for Peru.

Margaret Thatcher writes to the other European Community Heads of Government asking them to support the renewal of the EC's embargo on Argentina due for review on the 17th; *“anything less than this could only encourage the Argentines to believe that our resolve is weakening, and that if they maintain their intransigence their aggression will eventually attain its objectives.”*

She also responds to President Portillo's suggestion of a face to face meeting with Galtieri by excusing herself on the basis of the Secretary-General's ongoing mission; *“.. I do not believe that it would be right to cut across what is happening in New York.”*

Francis Pym responds to Sir Anthony Parsons; *“I agree that your talks yesterday with the Secretary-General were very discouraging... The Argentine paper .. having been drafted by Ros in New York, must incorporate negotiating fat. Moreover, it might be disowned by the Junta and, for this and other reasons, we should be careful not to get into the position of accepting it as the basis of further discussions. ...*

When you see the Secretary-general today, you may use the following ..

1085 Álvaro de Soto – a Peruvian member of the Secretary-General's team.

1086 PREM19/626 Telegram No. 703 of 10 May 1982

1087 FCO Sitrep 0730 11 May

(a) *Dependencies: continue to insist on their exclusion.*

(b) *Sovereignty: the formula is clear and easily explainable. You should continue to work for as much of it as possible.*

(c) *.. the suggestion that we should retire 2000 nautical miles is completely unreal.*

(d) *Withdrawal: ..the State which would be best placed geographically and in terms of equipment to verify naval withdrawal effectively would be the US.*

(e) *Interim Administration: you should suggest that the UN administration should be described as functioning “in consultation with the Executive and Legislative Councils in the Islands”..*

(f) *Point 5 in the Argentine text about freedom of transit and residence is obviously designed by Argentina to flood the Islands and thus change the demographic facts during the interim period .. wholly unacceptable ..*¹⁰⁸⁸

ARA Isla de Los Estados is sunk in Falkland Sound by HMS Alacrity.

Ambassador Henderson in Washington informs London; “State Department have now advised us, with some embarrassment, that Landsat photography of the Falklands area has taken place during the period 7 – 12 May and that the Argentines have obtained the pictures.”

The Junta in Buenos Aires issue a statement; “In view of the United Kingdom's persistence in its aggressive attitude, which is reflected inter alia in the restrictions it has attempted to impose on Argentine marine traffic in the South Atlantic, and in exercise of the right of self-defence established by Article 51 of the Charter of the United Nations, it is decided that any vessel flying the United Kingdom flag which is navigating in the aforementioned zone towards the area of operations and/or which may be presumed to constitute a threat to national security shall be considered hostile, and action will be taken accordingly.”

The Secretary-General has a meeting with Sir Anthony Parsons; “Pérez de Cuéllar said that, on reflection, he had decided not to give me the “rough draft” until he had had a reply from Ros on the question of non-prejudgment... There was one point he wished to raise following his conversation with Ros this morning. Ros had told him that the Argentines find it difficult to accept the concept of a target date for the conclusion of the negotiations. .. Pérez de Cuéllar wondered whether we could find other ways to meet our concern about a vacuum occurring if agreement had not been reached by 31 December. .. It was left that the Secretary-General's team would think further on this...”

Later, Parsons is called back to the UN; “Pérez de Cuéllar said that at last he had good news for me. The Argentines had accepted that 31 December should be a target date and that the agreement should state that the outcome of the negotiations would not be prejudged. He the handed me the following text:

“The parties undertake to enter into negotiations in good faith under the auspices of the Secretary-General of the United Nations for the peaceful settlement of their dispute and to seek, with a sense of urgency, the completion of these negotiations by 31 December 1982, taking into account the Charter of the United Nations and the relevant Resolutions of the General Assembly. These negotiations shall be initiated without prejudice to the rights, claims or positions of the parties and without prejudgment of the outcome.”

Pérez de Cuéllar said that he had put this text (which is a variant on the language I gave him on 9 May) to Ros as his own proposal. Ros had told him this evening that, “after consultation with everybody” Costa Mendez had instructed him to accept it.

1088 PREM19/627 Telegram No. 383 of 11 May 1982

I said that this was an extremely encouraging development .. assuming that Ros was acting with full authority..

There still remained a question about what would happen if no agreement had been reached by 31 December. Pérez de Cuéllar said that the Argentines had made a “tremendous concession.” They had also told him, on the interim administration, that they could accept that individual members of the Legislative Council, in their personal capacity, could be used by the administrator for advisory purposes, so long as the administration was also empowered to call on an equal number of other individuals from the Argentine population ... they hoped serious consideration could be given to the need to have as few restrictions as possible on communications, the transit of persons and the acquisition of property. ..

Finally on zones of withdrawal, the Argentines had expressed the hope that agreement could be worked out on withdrawal distances for the Task Force which would dispel any impression that Argentines were withdrawing under pressure ..

I said that, welcome as tonight's news was, there were still major difficulties ahead. One was the Argentines' proposals on representation of the Islanders. I did not believe that you would be able to accept that 1820 Islanders should have the same representation as 30 Argentines....”¹⁰⁸⁹

Argentina's Ambassador to the United States, Estaban Takacs, approaches William Middendorf, the US representative to the OAS; “He said .. he was afraid the Department misunderstood the GOA's (Government of Argentina's) negotiating position. Takacs said he wanted to emphasize that there had been a definite Argentine change – Argentina has deliberately de-linked the sovereignty issue from the negotiating process and he asked that I pass this message on. He said this de-linkage was a major concession since the Argentine public feels strongly that “nobody should take us out of our islands.” Takacs added that he feels with this display of Argentine flexibility the ball is now in the British court... Takacs claimed that the GOA has been observing a cease-fire for sometime – that the action against the Sheffield was only in retaliation for the Belgrano. He also said that continued British shelling could be a disaster, provoking an escalation, in hostilities. He said thus far ten Islanders had been killed; many more were in peril if the British did not stop. .. He said that if negotiations go on over the next week or longer and the British at the same time show no sign of halting, he would hope the US would weigh in and ask the UK to stop.”¹⁰⁹⁰

Sir Anthony Parsons seeks instructions from London; I realise only too well that the pressure is now on us (This was inevitable if the Argentines gave way on the fundamental question) and that you face very difficult decisions.”

May 12th – the QE2 leaves Southampton with the 5th Infantry Brigade of Scots Guards, Welsh Guards and Gurkhas, on board.

In a 'friendly-fire' incident, Argentine gunners near Darwin shoot down one of their own aircraft. 3 Argentine Skyhawk aircraft are destroyed by HMS Glasgow and HMS Brilliant in a 42-22 deployment.¹⁰⁹¹ HMS Glasgow is hit by a 1,000lb bomb which fails to explode, but causes extensive damage.

Instructions from the Foreign Secretary to Sir Anthony Parsons arrive in New York; “Ministers remain of the view the inclusion of South Georgia in the interim arrangements presents us with very serious difficulties. Quite apart from our title and the fact that we are in possession, there are practical considerations. .. we may need to use South Georgia during the period of withdrawal. Its anchorages will enable us to conduct this

1089 PREM19/627 Telegram No. 728 of 11 May 1982

1090 PREM19/628 Telegram No. 1756 of 14 May 1982

1091 Type 42's missiles could deal with enemy aircraft at medium range, whilst the Type 22's were better at close range.

operation much more satisfactorily than if they were not available. ... Much the best course is to concentrate on the Falklands only... For your own information, if we were ever to come to contemplate withdrawal from South Georgia in the interim, we should have to insist upon total Argentine withdrawal from Southern Thule.”

In addition, Sir Anthony Parsons is to maintain that the British Government have reservations about references to *General Assembly Resolutions* without any mention of 'self-determination'; and further concern regarding the target date of 31 December. The British Government is also worried about the arrangements for verifying withdrawal of the two forces, and the role of the UN administrator. Argentine demands about rights of residence and the acquisition of property are to be rejected although a vague reference to the *Communications Agreement* of 1971 is acceptable.

An editorial in *The New York Post* states; “*Secretary of State Haig's Ambassador at large, General Vernon Walters, former Deputy head of the CIA, says of the British resort to arms to deal with Argentina's seizure of the Falkland Islands: “What you really have here is a problem of machismo of men”. Is that really why the UN Security Council voted to condemn Argentina's aggression and demand withdrawal of its forces? Is that why Secretary Haig travelled thousands of miles to try to negotiate a solution? Is that why the OAS refuses to support Argentina's Generals? Is that why Western Europe bans all trade with Argentina? Latins may be romantic and grandiloquent but, if Walters has got it right, Mrs. Thatcher must be quite a woman.”*

Alexander Haig is reported to be “upset” by the remarks.

Parsons goes to see Pérez de Cuéllar at the UN; “*It was a grim meeting. ... The Secretary-General and his staff were clearly stunned .. The Argentines were coming to see him ... I had given him nothing to pass on to them in return for what they saw as yesterday's major concessions. They would be bitter and disappointed. He could not exclude the possibility that they would break off the talks immediately. ..*

I urged him to look at the problem from the London end. It was not we who had committed the aggression, we had nevertheless already made a number of major concessions .. Any arrangement which appeared to reward Argentine aggression would simply not be accepted in Britain...

Bringing the meeting to a close, Pérez de Cuéllar said that he felt obliged to ask me formally to tell you that in his view his whole effort might now collapse if we could not moderate our position.”¹⁰⁹²

Following the meeting Parsons telegrams Pym in London; “*You and your colleagues are now faced with an immediate strategic decision. If tomorrow I stick to the positions I set out to Pérez de Cuéllar today and he puts them to the Argentines, as he will feel bound to do, I agree with his assessment that the negotiations will terminate there and then. We can only keep the talks going if we are prepared to make fairly substantial concessions on the nature of the interim administration and on our military withdrawal from South Georgia... I explained .. in detail that the basic British view was as follows. The only just outcome was that the aggressor should withdraw, the status quo ante be restored and the negotiations which had so rudely been broken off resumed. He must not think we were being inflexible. We had shown ourselves ready to entertain a string of concessions – UN Administration, acceptance that the outcome did not have to be British Sovereignty with its concomitant of the paramountcy of the Islanders' wishes, a target date for a final settlement only 7 months away, etc.*

However, the plain if regrettable fact is that everyone here sees the situation quite differently. The majority of the Membership sympathise with our reaction to Argentine use of force, but they believe (this includes a number of western delegations) that the Falklands should belong to Argentina provided that the interests of the Islanders are safeguarded. The dominant view here is that the Argentine position is becoming more

1092 PREM19/627 Telegram No. 731 of 12 May 1982

moderate and that we should respond... This is how it is. Hence, if we do not moderate our position and the negotiations break down tomorrow ... we will be regarded as the culprits."¹⁰⁹³

Pérez de Cuéllar telephones Secretary Haig to request that he persuade London to make a "comparable concession" to that made by Argentina. Haig tells Ambassador Henderson that he; *".. fully understands the absurdity of this line of argument when Argentina up to now has made no movement whatsoever, but on the contrary has stepped up its demands."* Haig also tells Henderson that Britain should not give way on South Georgia. At the end of the conversation, Haig adds; *".. he wanted me to convey one important message. .. This was that there was widespread support for us over resistance to aggression. Most Latin American countries understood how impossible the Argentinians were. Their machismo made them intolerable to deal with, but Britain would put itself in the wrong, and as a result inflame the whole American hemisphere, if it attacked the Argentine mainland..."*

US Ambassador Walters in Buenos Aires informs Secretary Haig; *"... Lami Dozo's view was that the negotiations at the UN were at a dead end. The Argentines could not give way on sovereignty because of the pressure of the Peronistas..."*

Parsons calls London again later in the evening; *"In the event Pérez de Cuéllar decided not to call me back for a further meeting .. He told me on the telephone that the following points had emerged from his fairly brief meeting with Ros: (1) a private appeal to us to be transmitted through me personally for military restraint while serious negotiations were continuing, (2) Pérez de Cuéllar told Ros that we were generally satisfied .. with the Argentine statement on non-prejudgement. However we already had fresh misgivings because of Costa Mendez's statement today. Pérez de Cuéllar suggested a moratorium on public statements .. Ros immediately started to complain about statements coming out of London, (3) Ros had nothing further to offer on the nature of the interim Administration, (4) Ros re-opened the question of freedom for Argentines to acquire property in the Falklands and the point about their being able to buy shares in the Falklands Islands Company."*

May 13th – the 188 Argentine prisoners captured on South Georgia are handed over to the ICRC on Ascension Island and then flown to Montevideo. Lieutenant-Colonel Astiz remains detained on Ascension while a decision is made regarding French and Swedish requests to interview him in connection with murder enquiries concerning their nationals.

President Reagan telephones Margaret Thatcher; *"President Reagan said that he understood that the negotiations .. in New York had produced some movement. He believed that the Argentines were willing to enter into negotiations without pre-conditions ...*

The Prime Minister said that she regretted that this was not the case. At least two big questions remained. As regards the interim arrangements, Argentina wanted greater Argentine participation than we could accept and there were substantial difficulties about ownership of property and freedom of movement. Secondly, there was the problem of South Georgia ..

President Reagan said that the United States would continue to do what it could to help the negotiations ... "

General Iglesias tells the *Washington Post* that Argentina requires that any agreement should be a certain and guaranteed means of obtaining complete Argentine sovereignty, *"within a reasonable period."*

Sir Anthony Parsons meets with the Secretary-General; *"I judged that to make the points about South Georgia and the interim Administration .. would almost certainly precipitate an immediate breakdown. I therefore*

1093 PREM19/627 Telegram No. 733 of 12 May 1982

took the line that, because of the emergency debate in the House of Commons, you had not yet had time to send me substantive instructions on these two points .. (Pérez de Cuéllar said that he always preferred delays to bad news.)...

I did, however, have an answer of substance on the risk of a vacuum after 31 December 1982 if no agreement had been reached... It was unrealistic to think that sufficient confidence could be generated between us and The Argentines for it to be safely left in the air. It seemed to me that it was an equally important point to the UN, the UK and Argentina. ... Pérez de Cuéllar said that both sides were pressing him for ideas on it. The Argentines were prepared to let him ask for an extra month or two if no agreement was in sight at the end of the year. But they wanted to guard against the risk that the UN interim administration would last for ever.

I said that we could trust the Secretary-General but not the Security Council. Might it be possible to devise some formula under which, if the Secretary-General decided that further time was needed ... the interim administration would remain in being unless the Security Council decided otherwise?

Ahmed and de Soto said that the Argentines also felt uncomfortable about involving the Security Council (because of our veto) and that the Secretariat were working on language which would contain no reference to the Security Council .. The trouble was that this formula would not meet Argentine concerns, unless it specified that only one extension would be possible. I indicated that the latter condition would not be acceptable to us.

I was then subjected to a burst of rhetoric from Ahmed to the effect that we could not expect the Argentines to make another concession. I dealt very firmly with this ...

Pérez de Cuéllar was obviously afraid that Ros would break off because of my failure to make any move on either the Dependencies or on the interim Administration. He said that he now felt that by Sunday (16 May) at the latest he would have to present some UN ideas to both of us. He recognised that one or both of us might reject his ideas, but he felt obliged to try.¹⁰⁹⁴

The President of the Security Council, Ling Qing, calls for an informal discussion on the 14th. Pérez de Cuéllar warns Parsons that he considers Ling Qing; “biased and dangerous.”¹⁰⁹⁵

Parsons telegrams London: “My theatrical performance this morning has helped us get through another day. The price of course was expectations that we will come up with something on the difficult subjects tomorrow. I am working on the assumption that we are on two tracks – genuine search for agreement and, if no agreement is possible, for the negotiations to collapse with us in the least disadvantageous position. I am also conscious of the need to buy as much time as we can.”

Pym responds; “I realise that the negotiations have reached a very difficult position. All here are agreed that our immediate purpose should be to keep the negotiations going, at least for some time yet. ... I see the scope for further discussion of certain of the problems with the Secretary-General before Ministers attempt to take a decision about a package covering all the outstanding questions. In particular, please pursue the following matters: (a) you should make full play with the continued statements by Costa Mendez that Argentina insists on having sovereignty... (b) you should say that the risk of a vacuum after an interim period is for us, one of the most important matters, and that more clarity must be achieved as soon as possible...”

I realise that you also need to say something about South Georgia and about interim administration. ... on South Georgia you may say that we should be willing to refer title over South Georgia to the ICJ, does the Secretary-General think that would help?..”

1094 PREM19/627 f125

1095 PREM19/627 Telegram No. 748 of 13 May 1982

May 14th – *D Squad SAS* attack an Argentine base on Pebble Island destroying 11 *Pucara* aircraft, and a large ammunition dump. 3 Argentine *Skyhawk* aircraft are shot down by *Sea Harriers*. Stanley airfield is bombed.

Information is received that the *Bahia Paraiso*, newly converted into a hospital ship, is loading large quantities of food and weapons at the port of Ushuaia. A decision is taken to request that the ICRC inspect the vessel, but that if it has already left and is found within the *TEZ*, it should be stopped and searched. Buenos Aires is informed via the Swiss Embassy.

Belgium's Ambassador informs Parsons that the Argentines have been visiting all the EU Ambassadors at the UN to say; “(a) Argentina was negotiating in good faith, (b) sanctions had not helped the British: their effect had simply been to consolidate Latin American and Third World support for Argentina; their renewal would extend the confrontation and heighten north/south conflict, (c) the sovereignty question had been resolved as a result of an Argentine concession, (d) there remained three main issues, (e) the most important of these was the nature of the interim administration, where Argentina wanted purely UN administration, but the British were insisting on retention of “the colonial structures,” (f) the other two were withdrawal, where the Argentines had accepted the Secretary-General's concept of simultaneous or parallel withdrawal, but the British had not: and the substantive negotiations where the British were refusing to accept a deadline ..”¹⁰⁹⁶

Information is received from Caracas to the effect that the Venezuelan Government is also sending out a mission at President Galtieri's request. Their itinerary is Spain, the Vatican, West Germany, Belgium, Holland and France and their purpose is to show “solidarity” with Argentina and to seek the lifting of sanctions.

General Walters, on his return from Buenos Aires, telephones Ambassador Henderson; “.. Walters went on to outline his visit to Buenos Aires, the main purpose of which he claimed was to limit the damage to American relations with Latin America which had been brought about by US support for the UK. He had found the Argentine Junta the most difficult people he had had to deal with since his encounters many years ago with *MOSSAD*. .. Galtieri told Walters that recent US statements, particularly by Weinberger, had raised strong anti-American feelings in Buenos Aires .. he felt that the Americans could have adopted a less partial course.... if Britain assaulted the Falkland Islands, Argentina would seek help from those friends who had offered it, except the Soviets. The Argentinians had already lost nearly 400 men; they were prepared to lose 40,000 if necessary. ..

At a second meeting with Galtieri, Walters gained the impression that the Junta (which he thought seemed completely united) were flexible on predetermination of sovereignty (although they still insisted on a firm cut-off date) and even on the continuation of some form of local administration during the interim period. However Galtieri was unyielding on access to the Islands for Argentine nationals. .. No mention was made of the Dependencies. .. Galtieri had also proposed that the dispute should be resolved by means of a summit meeting under the auspices of the UN Secretary-General and comprising himself, Mrs. Thatcher and President Reagan.”¹⁰⁹⁷

Secretary Haig sends a message to Henderson with his “latest thoughts” including; “ .. (1) We should do everything possible to ensure that it was no we who were responsible, or held responsible, for any breakdown in the Secretary-General's efforts .. (2) withdrawal from the Islands should be based on parity of time in terms of the ability of both sides to reinsert their forces... (3) the focus of the discussions should be on the Falkland Islands and not the Dependencies. This had also been the view of President Figueiredo of Brazil. .. “

1096 PREM19/627 Telegram No. 755 of 14 May 1982
1097 PREM19/628 Telegram No. 1773 of 14 May 1982

At an informal meeting of the *Security Council*, the Secretary-General outlines the progress he has made with his peace proposals; “ .. *A broad framework of agreement was taking shape, covering ceasefire, mutual withdrawal, an interim Administration and negotiations under the auspices of the Secretary-General. There would be an important role for the UN, subject to the approval of the Security Council. ...*

Thanks to Pérez de Cuéllar's efforts, we have thus cleared another hurdle in the Council, but there was no mistaking the members' nervousness about hostilities if and when the Secretary-General's efforts should fail. The Council is all set to support a simple ceasefire plus negotiations Resolution in that event.”

Ambassador Henderson and Sir Anthony Parsons return to London for instructions.

May 15th – more bombs are dropped on Stanley airfield, and on two targets nearby. An Argentine cargo vessel, the *Río Carcarañá* is strafed by two *Sea Harriers* and set on fire.

The *Political Committee* of the European Community refer the decision to renew the EC's sanctions against Argentina to the *Council of Ministers*.

May 16th – in a meeting held at Chequers, a decision is taken regarding the terms of an agreement between the UK and Argentina - “*the absolute minimum acceptable.*” This includes: (1) no prejudice to the rights, claims or positions of either party in the ultimate peaceful settlement of their dispute, (2) no acts or activities taking place while the interim agreement is in force shall constitute a basis for asserting, supporting or denying a claim to territorial sovereignty, or create any rights of sovereignty, (3) 24 hours after signature (time 'T') each party undertakes to cease and thereafter refrain from all hostile actions, (4) both countries undertake – (a) to commence withdrawal at time 'T', (b) to withdraw half of her force 150 nautical miles within 7 days, (c) to complete withdrawal within 14 days, (5) exclusion zones to be lifted from time 'T', (6) following completion of the withdrawal each party undertakes to refrain from reintroducing any armed forces within 150 nautical from the Islands, (7) economic measures to be lifted at time 'T', (8) both parties to jointly sponsor a *Security Council Resolution* to recognise the agreement and the Secretary-General's role, (9) the Secretary-General to appoint an Administrator acceptable to both parties (10) the Administrator to ensure the continuing administration of the Islands in consultation with the representative institutions of the Islands in accordance with Article 73 of the UN *Charter*, with the exception that one representative from the Argentine population be appointed to each of the two institutions, (11) the UN Administrator to verify withdrawal, (12) each party to have no more than 3 observers on the Islands, (12) negotiations in good faith under the auspices of the Secretary-General, for the peaceful settlement of their dispute and to seek, with a sense of urgency, the completion of negotiations by 31 December 1982 and without prejudgement (13) this agreement shall remain in force until a definitive agreement about the future of the Islands has been reached and implemented by the parties.

The preamble to the agreement only makes mention of the Falkland Islands, and a separate message for the Secretary-General clearly states that the Dependencies are not included.

Sir Anthony Parsons instructions are that there can be no amendments; “*You should tell the Secretary-General that although the right course would have been for the Argentines to implement SC Resolution 502, we have been negotiating in good faith for more than five weeks through various intermediaries. We are very grateful for the Secretary-General's latest efforts but we cannot allow matters to drag on much longer. Midday New York time on Wednesday 19 May is therefore an absolute deadline for the Argentines' reply. If not received by then we shall have to assume rejection...*”

Germany's Chancellor Schmidt, and French President Mitterand, meet in Hamburg; “*There was clear agreement on the need for solidarity with Britain on the basis of SCR 502. Sanctions involved sacrifices for*

both France and Germany, but it was clear that they would be renewed..”

US Secretary Haig and Foreign Secretary Pym meet in Luxembourg; *“Haig seemed more confident than in earlier meetings of our ability to do the job militarily, and assumed that we would not be able to wait much longer. He argued strongly against action against the mainland, but seemed otherwise undisturbed about the military prospects ..”*

Haig also informs Pym that the Argentines in New York are *“bragging”* that their concession on the pre-judging of sovereignty has thrown the British argument into disarray.

In the American press, Costa Mendez is quoted as saying; *“that Sir A Parson's return to London proves that responsibility for the delay or the prolongation of the negotiations is certainly not Argentina's, but Britain's.”*

An article in *The New York Times* states; *“.. after six successive days, the negotiations were stalled by a British attempt to revive at least a vestige of control over the islands by restoring the Falklands' local council ... the Secretary-General had proposed, and Argentina had agreed, that a neutral team of UN officials administer the islands.”*

May 17th – Margaret Thatcher raises British concerns about the order for 4 *Exocet* missiles that Peru has placed with France, with the French President. He assures her that completion of the order will be delayed; *“.. as long as is necessary.”*

Trade sanctions are renewed by the EC until the 24th. Italy and Ireland make a joint statement saying that they will not apply the embargo.

Australia's Prime Minister tells President Reagan that; *“Support for the British position and for what Mrs. Thatcher is trying to achieve is of critical importance to the western alliance.”*¹⁰⁹⁸

Sir Anthony Parsons arrives back in New York and delivers two documents to Secretary-General de Cuéllar. The first is the draft of the proposed *Interim Agreement*^{xv} which sets out the British position in full; the second is a letter making it clear that the Falkland Island Dependencies are not a part of the *Interim Agreement*. He emphasises to the Secretary-General that this is as far as Britain is prepared to go; *“.. these were major concessions. We could make no more. All that Argentina had offered .. was a matching undertaking (if it could be believed) to put sovereignty on one side, and conditional agreement to withdraw, which could hardly be regarded as a concession when Argentina was the aggressor; withdrawal, for an aggressor, was an obligation not a concession. .. This represented the bottom line for HM Government. We could not accept any amendments to it. .. Negotiations could not be allowed to drag on .. we required a reply from the Argentines by 12 noon on 19 May. Any appeals for further time, or any proposals for substantive amendment, would be interpreted as a rejection of our proposals. ...*

*At this point, Pérez de Cuéllar asked me to see him privately. I gave him the side letter about the Dependencies. .. Pérez de Cuéllar then went on to say that, between ourselves, he thought that our paper was perfectly reasonable and he appreciated the effort we had made... He also had some indications that the Argentines were beginning to get a bit desperate, and might genuinely want to get an agreement with us. His feeling was that they thought that we could recapture the Islands without much difficulty and that the only way to save themselves from this ultimate humiliation would be to get an agreement before it happened...”*¹⁰⁹⁹

Pérez de Cuéllar passes the proposal to Ros before issuing a statement; *“As you know, Sir Anthony Parsons returned from London this morning and immediately informed me of the British position as defined during the*

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1099 PREM19/629 Telegram No. 765 of 17 May 1982

intense consultations he had with his Government over the weekend. This afternoon I conveyed to Vice Minister Ros the information I had received. You will understand that until I hear from the parties I have nothing to add except that I am more than ever convinced that time is not on the side of peace. Therefore efforts to find a peaceful solution will be pursued with vigour. The next few days will be decisive.”

At a “super-restricted” session of the North Atlantic Council (NATO) ministerial meeting in Luxembourg, all speakers including the Foreign Ministers of the USA, Portugal, Germany, France, Italy and Norway express their solidarity with the UK.¹¹⁰⁰

A Sea-king helicopter lands near to Punta Arenas in Chile and is destroyed by its British crew.¹¹⁰¹

May 18th – PM Thatcher speaks in the House of Commons; “*We have done everything that we can to try to secure a peaceful settlement. The Argentines have shown their intransigence by flouting every part of the United Nations mandatory resolution. Not only did they flout the resolution but they have gone in the contrary direction by piling extra men and equipment to the islands.*”

In New York, Deputy Minister Ros submits a document to the Secretary-General's office; “*Pérez de Cuéllar summoned me immediately afterwards. He said that Ros had given him a document containing Argentine “ideas and views” to bridge the differences between us. De Soto then described these. They were a mixture of requests for clarification, re-statement of known Argentine positions and introduction of new points. I undertook to report these to you but made it clear that they could only be interpreted as a rejection of our draft agreement. (a) The Argentines said that they were not clear what we meant by “in consultation with”.. Did it mean that the opinion of the Councils would be binding on the Administrator or not? .. (b) they did not like the references to Article 73 of the Charter, (c) they were prepared to change the date to 30 June 1983, but required a provision that if no agreement had been reached by then the General Assembly would intervene .. They needed a mechanism to ensure that the negotiations did not continue for ever, (d) they wanted the Dependencies included, (e) they wanted a reference to the relevant GA Resolutions in the preamble if possible, and in any case in the terms of reference, (f) they suggested that in the negotiations the Secretary-General should “resort to” a four State Contact Group, two States being nominated by each party, with each party having the right to veto one of the two States proposed by the other, (g) on withdrawal, they proposed a very general clause which would provide for complete withdrawal and return to normal areas of operations within 30 days, (h) there was also a point about communications and access to the Islands for the nationals of both parties during the interim period.*

I said that I would transmit all this to you and let Pérez de Cuéllar have a formal reaction ... but I could say right away that you would consider this Argentine response as completely unsatisfactory. It did not constitute a clear reply ... You would only be able to draw the conclusion that the Argentines were playing for time. ... I had made clear yesterday that such a response would be interpreted by HMG as rejection..”

May 19th – the differing units of the Task force join up. These include the ships *Fearless, Intrepid, Canberra* and *Norland*, with over 4,000 troops.

1100 FCO Sitrep 0700 18 May 1982

1101 A largely unexplained incident. The helicopters crew gave themselves up to Chilean authorities and were eventually returned to the UK. All the crew members received gallantry medals, although for what has not been made clear. The suspicion is that they were dropping off *special forces* in Argentina in what was a one-way mission, as their vessel was required elsewhere and could not wait for them to return. Some sources suggests that B squad *SAS* were inserted to assess an attack on Argentine bases. Deemed unfeasible; the *special forces* were extracted by submarine. There was also political pressure to avoid any attack on the mainland that could induce other South American States to assist Argentina under the terms of the Rio Treaty. This may have resulted in a last minute cancellation.

Argentina's document is handed over to the British mission after translation. Sir Anthony Parsons notes; *“The Secretariat gave us their translation of last night's Argentine paper. This is even worse that Pérez de Cuéllar and de Soto led me to believe ... in particular, (a) the previously agreed language on pre-judgement has been omitted, (b) there is no reference to Councils as such, but only to “persons who are members of the population of British origin” who are to be appointed as advisors in equal numbers with Argentine residents in the Islands, (c) the provisions on freedom of movement are much worse... in short, the Argentines have reverted to the negotiating position they occupied at the very beginning of Pérez de Cuéllar's initiative.”*

The proposal includes: (1) withdrawal from the Falkland Islands, South Georgia and the South Sandwich Islands, (2) withdrawal to *“normal bases of operation”* within 30 days, (3) economic measures to be lifted from the date the agreement is signed, (4) supervision of withdrawal to be carried out by the UN, (5) the interim administration – (a) to be the responsibility of the UN, (b) the administration to perform all functions (executive, legislative, judicial and security), (c) local judicial functions may be exercised in accordance with the legislation in effect on 1 April 1982, (d) the administration to appoint advisers, persons who are members of the population of British origin and Argentine residents in equal numbers, (d) the flags of the parties shall fly together with that of the UN, (e) during the interim administration communications to be kept open, including freedom of movement and equality of access with respect to residence, work and property, (f) freedom of access for Argentina's airline (LADE) and Argentine television, (g) the way of life of the locals to be respected. (6) negotiations to be completed by 31 December 1982 with a single option to extend to 30 June 1983 – and if the period expires without agreement, the General Assembly of the UN to determine the final agreement.

In a telephone conversation, Costa Mendez and Ros both assure Pérez de Cuéllar that their paper of the previous evening is not their final word, and that they remain *“flexible.”* On being informed of the position by the Secretary-General, the President of the *Security Council*, Ling Qing, calls an informal meeting for later in the day.

“All this activity prompted me to accelerate my programme for giving Pérez de Cuéllar our formal response to last night's Argentine paper. Pérez de Cuéllar proposed a working lunch.. At my private meeting with Pérez de Cuéllar before the lunch I asked him to formally convey to Ros that HM Government found the Argentine response totally unacceptable. The Argentine position had not changed in substance since the beginning of the negotiations. It was clear that there was no hope of reaching an agreement ..We therefore had to draw a line... I told Pérez de Cuéllar that we recognised that this would enable Ros to wrong-foot us by blaming us for the breakdown of negotiations but this was something that we would have to accept... he noted what what I said about drawing a line but he had to tell me that he intended to keep his options open..”¹¹⁰²

Pérez de Cuéllar speaks to both President Galtieri and PM Thatcher on the telephone.

Parsons notes; *“Although Pérez de Cuéllar refuses to admit defeat and the (Security) Council is supporting him in this, I do not feel uncomfortable about our own position.*

First, following his telephone call with the Prime Minister, Pérez de Cuéllar will not consider that we have acted in bad faith in announcing to the House of Commons tomorrow that we regard the present round as having ended with the Argentine rejection of our proposals.

Secondly, he will not accuse me of bad faith if HM forces land on the Falklands in the next few days. I made the deadline clear to him ... it was therefore his choice, ... that he should give his negotiating effort one last chance... We are going to need all the support we can get from our friends and allies in the days to come – I even took the exceptional step of brain-washing Mrs. Kirkpatrick this evening on the flexibility we had shown

1102 PREM19/629 Telegram No. 786 of 19 May 1982 Sir Anthony Parsons to FCO

in the negotiations, as opposed to Argentine obduracy. Some of my Community partners are so untrustworthy that I will not brief them until Friday ..”

Haig tells Henderson that Jeanne Kirkpatrick had “urged” the Argentinians to accept the British plan.

Parsons reports on the consultations within the Security Council; *“This evening's informal consultations .. went well. There was no disposition to move into a formal meeting nor any proposals for Presidential statements which would have caused us difficulty. The Secretary-General and I reported briefly on the stage reached. ... In order to avoid provoking a wider debate, with the possible risk of a formal session tonight, I thought it better not to say explicitly that as far as we were concerned, the present round of negotiations had ended ... I gave no-one any grounds to claim that we had accepted the various calls for restraint and moderation.”*

Troops on the *Canberra* are transferred to *HMS Fearless* and *HMS Intrepid* by helicopter. A *Sea-king* helicopter crashes as it attempts to land on *HMS Intrepid*. 22 men are lost, 18 of them special forces.

May 20th – just after midnight, Sir Anthony Parsons sends an urgent telegram to London; *“.. the Secretary-General has dropped an embarrassing bombshell .. he has now launched his own paper.. When we remonstrated with his staff that this move was inconsistent with the British position as I had described it as recently as lunchtime today.. they said he had been encouraged to make it by the Prime Minister's concluding remarks .. It looks therefore as though Pérez de Cuéllar, in his desperate desire not to sign off, has chosen to ignore the clarification of the Prime Minister's remarks which I gave him this evening. The paper is very cleverly drafted and is undoubtedly more favourable to us than to Argentina, but I fully realise that it has come too late ...”*

Pérez de Cuéllar's *aide memoire* outlines four areas where he says that agreement must be reached – (a) certain aspects of the interim-Administration, (b) provision for the extension of the time for completion of negotiations and related duration of the interim-Administration, (c) certain aspects of mutual withdrawal of forces, and (d) the geographic area to be covered by the terms of the *Interim Agreement*. The proposal also includes: (1) inclusion of the Dependencies within the *Interim Agreement*, (2) references to UN General Assembly Resolutions, (3) the flags of the parties and the UN to fly over the Islands, (4) inconclusive arrangements to extend the UN administration if the target date is not met, (5) consideration of a relaxation of restrictions on residence and the acquisition of property.

Margaret Thatcher speaks to the House of Commons; *“.. On Monday of this week our ambassador to the United Nations handed to the Secretary-General our proposals for a peaceful settlement of the dispute. These proposals represented the limit to which the Government believe it was right to go. We made it clear to Senor Pérez de Cuéllar that we expected the Argentine Government to give us a very rapid response to them. By yesterday morning we had had a first indication of the Argentine reaction. It was not encouraging. By the evening we received their full response in writing. It was in effect a total rejection of the British proposals.*

We have reached this very serious situation because the Argentines clearly decided at the outset of the negotiations that they would cling to the spoils of invasion and occupation by thwarting at every turn all the attempts that have been made to solve the conflict by peaceful means. Ever since 2 April they have responded to the efforts to find a negotiated solution with obduracy and delay, deception and bad faith.....

Since 6 May, when it became clear that the United States-Peruvian proposals were not acceptable to Argentina, the United Nations Secretary-General, Senor Pérez de Cuéllar, has been conducting negotiations with Britain and Argentina. Following several rounds of discussions, the United Kingdom representative at the United Nations was summoned to London for consultation last Sunday. On Monday Sir Anthony Parsons

returned to New York and presented to the Secretary-General a draft interim agreement between Britain and Argentina which set out the British position in full. He made it clear that the text represented the furthest that Britain could go in the negotiations. Yesterday we received the Argentine Government's reply. It amounted to a rejection of our own proposals, and we have so informed the Secretary-General....

The proposals have been rejected. They are no longer on the table... ”

Secretary Haig telephones Ambassador Henderson to give his impressions of the Prime Ministers speech; “He thought we were “well-postured”. We had played things intelligently and efficiently.”

Foreign Secretary Pym telegrams Sir Anthony Parsons to tell him that the Secretary-General's “ideas” represent a “significant downwards from what was our absolute bottom line.” With regard to military plans, Parsons should; “.. emphasize, as has been constantly stated in Parliament, that our search for a negotiated settlement has not affected and cannot affect the pressures, including military, which we have been bringing to bear on the Argentines.”

Parsons speaks to Pérez de Cuéllar; “I said that we appreciated the positive aspects of the aide memoire, but it differed in important respects from our bottom line. .. Even if acceptable to both sides as a basis for negotiations it would take days if not weeks to know whether success could be achieved. I had emphasised the importance of our deadline. Pérez de Cuéllar interrupted to say that he knew the importance of our deadline. His idea had been to work today with the Argentines in order to see whether he could persuade them to prepare a comprehensive paper for presentation to us in place of their unsatisfactory document... In conclusion Pérez de Cuéllar said that he had not told the press that he had produced a plan, just confidential ideas which he hoped would assist the parties to reach a negotiated settlement. He had no intention of publishing these..”

Francis Pym instructs Embassies and Missions; “You should now carry out the instructions .. If asked about the UN Secretary-General's last-minute proposals, you should say that we have throughout warmly appreciated Sr. Pérez de Cuéllar's efforts. However, given the hardening of the Argentine position in their latest text, it was clear that further negotiations would be fruitless.”¹¹⁰³

President Belaunde of Peru announces that he has put forward new proposals to the British and Argentine Ambassadors. Belaunde states that he has been encouraged by a telephone call from Costa Mendez saying that the Argentine Government are urgently examining the Peruvian proposal. Described as a ‘two document’ proposal, it states; “(1) Each Nation subscribes unilaterally to the latest proposal for an agreement presented to the Secretary-General of the United Nations; (2) The Secretary-General fulfills the clauses in which there are points of agreement, such as – (a) ceasefire; (b) mutual withdrawal of forces; (c) Administration of the Government of the Islands by the UN or by a contact group, formed of various countries, within a period which is agreed in the two proposals; (3) The Secretary-General of the United Nations, Dr. Pérez de Cuéllar, or the contact group acceptable to both parties, which he will propose, will be responsible for organising and presiding over negotiations in pursuit of a permanent solution and for supervising the immediate withdrawal from the zone of conflict of the forces of both countries.”¹¹⁰⁴

Parsons reports; “The Secretary-General has spent the whole day waiting for an Argentine reaction to his aide memoire of 19 May. At 2345z this evening he had still not had one.”

1103 PREM19/629 Telegram No. 90 of 20 May.

1104 PREM19/629 Telegram No. 187 of 20 May. Peru's initiative was based on the idea that, as there was no one document that both sides were prepared to sign; then each would sign their own document. The word “unacceptable” is written across the Prime Minister's copy.

The Secretary-General speaks to Ros to say that he has not received a reply from the Argentines and has no choice but to inform the President of the *Security Council* that he cannot continue his efforts. Ros replies that he has been unable to get any response from Buenos Aires.¹¹⁰⁵

Pérez de Cuéllar writes to the President of the *Security Council*; "... I felt the time for reaching agreement through negotiations that would restore peace in the South Atlantic was extremely short. It remains my view that substantial progress was achieved in the past two weeks towards a diplomatic solution, but I must now state that the necessary accommodations which were still needed to end the conflict have not been forthcoming. In these circumstances, I feel it my duty to inform you that, in my judgement, the efforts in which I have been engaged, with the support of the Council, do not offer the present prospect of bringing about an end to the crisis nor, indeed, of preventing the intensification of the conflict."¹¹⁰⁶

HMS Glamorgan bombards targets on the south coast to divert attention away from Falkland Sound.

May 21st – British forces start to land at San Carlos. A unit of 25 men from 3 *Special Boat Service* attacks Argentine positions on high ground to the north of the bay, supported by covering fire from *HMS Antrim*. Units of the *Special Air Service* attack positions to the south of the landings, supported by fire from *HMS Ardent*.

An assessment of the effect of economic sanctions is circulated to Ministers; "... Externally, the most immediate impact has been the concern of international banking circles about Argentina's credit-worthiness. Argentina's total debt is US\$34 billion, of which US\$10 billion is short-term. Short-term credits are being rolled over, but longer term loans are not being replaced as they mature, and Argentina has not been able to raise any new loans since the invasion. The authorities have been obliged to introduce severe restrictions to prevent foreign currency outflows. There are now limits on imports and extensive controls on all foreign payments. .. Foreign currency reserves, which had fallen by US\$400 million in March, fell a further US\$500 million in April. Within Argentina, there has been a steady run on the banking system, as large number of people withdrew their deposits. At least 7 financial institutions have collapsed. Interest rates have risen sharply ... The economy was already in recession before the invasion: this has got worse..."

In a press statement, the MoD announce; "The Task Force has landed a number of raiding parties on the Falkland Islands during the night. These raids are still in progress. Early indications are that they are achieving their objectives. Bombardment from ships in the Task Force continued in the vicinity of Port Stanley and other areas in East Falklands. Harriers from the Task Force have mounted attacks in the Fox Bay area. All these activities have been directed against Argentine military targets including fuel and ammunition dumps and military stores. .."

Following a Panamanian request that the *Security Council* meet to discuss the situation in the Falklands, an informal meeting is convened during the course of which Jeanne Kirkpatrick proposes that the *Council* meets later in closed session. This motion is defeated but, after much wrangling, it is decided that a formal meeting of the *Council* will take place at 2.30pm New York time.

2 *Para* move five miles inland to secure the bridgehead.

Argentine aircraft arrive over San Carlos. The British frigate *HMS Ardent* is hit and set on fire in an air attack. 22 seamen lose their lives and the vessel is abandoned. *HMS Argonaut*, a frigate, is hit by two bombs, killing 2 seamen, although the bombs fail to explode.¹¹⁰⁷ *HMS Antrim*, a *County-class* destroyer, is hit by Argentine bombs, which also fail to explode.

1105 *PREM19/629 Telegram No. 809 of 20 May.*

1106 *Survey of Article 98: The Secretariat, United Nations Sup.6 Vol. 6 (1979 - 1984)*

1107 The bombs were successfully deactivated.

2 British helicopters are shot down, as are 15 Argentine aircraft. One *Sea Harrier* is shot down by a *Blowpipe* near Port Howard. Its pilot, Flt. Lt. Jeffrey Glover is injured and taken prisoner.

Defence Secretary John Nott, makes a statement; *“Following the raids we announced earlier today, British forces have now established a firm bridgehead on the Falkland Islands. Royal Marine commandos and the Parachute Regiment are now ashore in substantial numbers, with artillery, air defence weapons and other heavy equipment already disembarked from our ships. .. our ships have come under heavy air attack – 5 have been damaged, 2 seriously. .. Our Harriers and missiles have destroyed 7 Mirage, 5 Sky Hawks and 2 Puccaras. 2 Argentine helicopters – a Chinook and a Puma have been destroyed on the ground. We have lost 2 of our small helicopters. Seven weeks after Argentine aggression, British forces are tonight firmly established back on the Falkland Islands.”*

Pym informs his Ambassador in Lima; *“Belaunde's new formula is of course very simplistic and offers no apparent means of bridging the very wide gap between our and the Argentine position. It is concerned with procedures rather than substance .. The essential first step is, as it has always been, an unequivocal Argentine commitment to withdraw its forces .. If President Belaunde were able to exert his considerable influence with President Galtieri in order to bring this about, the prospect for a peaceful and negotiated settlement would be immediately transformed.”*

In the formal meeting of the *Security Council*, the Secretary-General gives an account of his activities since the adoption of *Resolution 502* and concludes by saying that efforts must continue to restore peace. Argentina accuses the British of *“rigidity,”* while Japan calls for a resumption of negotiations. Brazil calls for the full implementation of *Resolution 502*. Australia says that Argentina began the crisis and is responsible for the consequences of its own recklessness. The debate is adjourned until the 22nd.

President Galtieri responds to an initiative sent him by President Turbay of Colombia; *“I value and appreciate every effort directed towards a peaceful solution of the conflict of the Falklands, South Georgia and South Sandwich Islands. Our Government has employed its maximum effort to help the steps being taken by the Secretary-General of the United Nations. We have shown that we are flexible and reasonable. We have abstained from using force and we have only done so in reply to Great Britain's military aggression. We are witnessing today a new and serious phase of this armed aggression. The intransigent attitude of the Government of Great Britain which, to restore a colonial, anachronistic and illegal situation, resorts to violent means, shows itself once again as an immovable obstacle to all diplomatic solutions, .. to negotiate and attack at the same time thus creating a serious risk for world peace. In the face of this picture of aggression and intransigence we are comforted by regional solidarity expressed in concrete steps taken by a Latin America which has taken the Argentine cause as her own. Our region, Mr. President, will be strengthened by this situation and enriched in its firm will to defend the values of democracy and freedom which have always characterized it. the rejection of colonialism, as the 1948 Bogota declaration maintained, will identify our America with her most cherished ideals, with her *raison d'etre*. Even today when our mother country is attacked, we continue to pay attention to all initiatives which contribute to a peaceful solution to the conflict. That is why the efforts made by friendly countries will find in us the greatest .. will to negotiate.”*

By the end of the day 2,400 British troops have landed and are dug in.

May 22nd – Ambassador Henderson in Washington, speaks to Senator Biden, a leading Democratic member of the US Senate's *Foreign Relations Committee*; *“ .. the author of the Resolution of support for us adopted by the Senate on 29 April, Biden said that even back in April there had been some reluctance, especially amongst Republicans, to support any Resolution on the grounds that it would cut across Haig's efforts and involve the*

US ill advisedly in a dispute which could damage US relations with Latin America. When Haig had given the go-ahead to the Resolution, support had rallied but only after changes to the draft had been made, including removal of any reference to the right of the Falkland Islanders to self-determination.

Biden went on to say that Senate support for our position reflects the closeness of Anglo/US relations rather than a feeling that important principles were at stake. .. We should not therefore assume that the Senate would support greater US involvement – or even maintain its present level of support for us indefinitely. .. Against this background, Biden said we should not be surprised that so many Senators had taken the view that the US could not afford to impair its interests for the rights of self-determination of 1800 sheep farmers. If, in any renewed negotiations, self-determination for the Islanders were to become the one issue on our side standing in the way of a settlement, US support for us would evaporate.

I said that I was astonished that self-determination could count for so little in the country that had invented it ... Biden said he agreed and would continue to be our strongest supporter but we should not delude ourselves that Congressional opinion was altogether solid. He thought that President Reagan's rather tepid expressions of support for us reflected, not just Reagan's style, but a political sense of the mood within his own party.”¹¹⁰⁸

The MoD issue a press release; “Further reports on yesterday's operations in the Falklands up-date Argentine aircraft losses as follows: 9 Mirages, 5 Skyhawks, 2 Pucaracs and 4 helicopters. We have not received final casualty reports for yesterday's operations. Initial reports indicate British casualties of 27 wounded, 2 missing and 3 dead. The two ships reported yesterday as being seriously damaged were hit by bombs in the series of air attack launched against our forces. The other three ships remain operational.”

Secretary John Nott makes a statement; “This morning the Union Jack is once again flying on the Falkland Islands... A major bridgehead has been established in the area of San Carlos on East Falkland. The major amphibious landing yesterday was a complete success. Tactical surprise was achieved and our troops landed safely with almost no interference from Argentine forces. We are now ashore on British sovereign territory in considerable force and have three Royal Marine Commandos and two Battalions of the Parachute Regiment firmly in place with their supporting arms including artillery and rapier and other air defence weapons. From their secure base our forces will advance to place the occupying Argentine troops under increasing harassment, whilst the Royal Navy maintains and tightens its blockade around the Islands.

To compliment the landings there were raids yesterday in other parts of East and West Falklands. In one of these Royal Marines captured an Argentine position on Fanning Head overlooking Falkland Sound. In another the airfield at Goose Green, and Argentine positions close by, were raided by our forces. Carrier based RAF Harriers launched attacks in the course of the morning against Argentine installations at Port Stanley airfield and the helicopters on the ground nearby, as well as military installations at Fox Bay. During these operations we lost two Gazelle helicopters, and one RAF Harrier is missing. The Argentine navy has so far made no attempt to intervene.. The Argentine force has, as expected, launched heavy raids on our ships...

We are back on the Falkland Islands, and back in strength. We intend to ensure that aggression does not pay“

HMS Ardent sinks in shallow water in Grantham Sound. Two Harriers attack an Argentine patrol boat in Choiseul Sound. A field hospital is established at Ajax Bay.

The Pope appeals for a cease-fire. Uruguay agrees that casualties may be repatriated via Montevideo.

Peruvian President Belaunde announces that the Argentines have accepted “in principle” the latest Peruvian ideas albeit with certain reservations; “ .. which President Belaunde thought might not be insuperable. In

1108 PREM19/630 Telegram No. 1856 of 22 May

particular, President Belaunde said that Galtieri had shown himself to be receptive to the idea of an “equidistant” withdrawal of forces. The Argentines feel that 150 miles is too near because their own bases are further away. ... The president also said that the Argentines are not opposed to a UN Group governing the Islands for six months or even one year during which negotiations could take place. If at the end of this period there was no agreement, the Argentines would propose to return the problem to the United Nations. .. he understood that Costa Mendez was on his way to the UN, and that he thought it was therefore important that you should be informed straight away of the nature of Galtieri's response...”¹¹⁰⁹

Bad weather prevents further Argentine air attacks.

Sir Anthony Parsons reviews his tactics for the Security Council debate; “We have already got Canada and New Zealand on board, they will probably speak today, thus to some extent offsetting the torrent of Latin American rhetoric which is in store for us (.. it will bore the Council to death). We are working on the Caribbeans, Americans and members of the Community... Abdulah (Trinidad) is on our side but gutless. ... The new Barbadian Ambassador is a man of sterner stuff and I have some hopes of him. Our African friends – Zambia, Botswana, Kenya etc. are cheering us vigorously from the pavillion but are reluctant to go to the wicket. ... The US and France are bound to make substantive comments at some stage but, given the personal qualities of Mrs Kirkpatrick and de Nanteuil, I suspect that the Guyanian statement will be more helpful. From the point of view of getting out Third World Commonwealth speakers, it might be worth your seeing if Ramphal would help ..”

When the Security Council convenes; Spain, Uruguay, Venezuela, the Soviet Union, Mexico, Cuba, Bolivia, Panama, Canada, Guatemala and the United States contribute their views; “Of the Latins the Venezuelan and Panamanian Foreign ministers were abusive; the others made reasonably moderate statements, notably Guatemala. The Soviet Union was hostile but not abusive. Canada was excellent. The US statement was a little too even-handed. Mrs Kirkpatrick made small but important changes to the advance text.”¹¹¹⁰ The debate is adjourned until the 23rd.

Secretary Haig sees Ambassador Henderson privately to say that the US Government is increasingly concerned at the consequences for US interests in the continuing battle over the Falkland islands.

May 23rd – the weather clears and Argentine aircraft return. HMS Antelope is hit and set on fire, but the bomb fails to explode. 10 Argentine aircraft are shot down. Argentina's 3rd Naval Fighter and Attack Squadron ceases operations because of a lack of replacement aircraft.

Britain's MoD reports; “.. the Argentine Air Force launched a number of raids on ships of the Task Force in San Carlos waters. The aircraft were engaged by missiles from surface vessels, shore based Rapier and by Sea Harriers. Five Mirage and one Skyhawk are known to have been shot down; a further one Mirage and two Skyhawks were probably shot down. During these attacks one of our frigates sustained some damage. No reports on the extent of the damage have been received, nor have we any indication of casualties. We have had no reports of other damage to British ships or aircraft. In a separate incident earlier, Sea Harriers from the Task Force on routine patrol saw two Argentine Puma helicopters and one Bell helicopter in Falkland Sound .. The Harriers attacked and one Puma exploded; the Bell helicopter landed but was seen to be on fire and the second Puma may have been damaged.”

John Oakes writing in *The New York Times* says that; “.. the venomous fury directed against the United States by Latin America demonstrates, not that America was wrong to support Britain, but that the Administration's

1109 PREM19/630 Telegram No. 192 of 22 May

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Latin American policy has been perversely wrong.”

President Galtieri responds to the Pope's call for a ceasefire in a message broadcast on Buenos Aires radio; “.. *Our people and our Government have made all possible efforts to avoid a military confrontation and bloodshed, and we have participated with a spirit of renunciation and flexibility in the negotiations to find a diplomatic solution to the conflict ... The call made by Your Holiness strengthens us in our unwavering desire to support all efforts which may lead to stopping a bloody confrontation we have not sought, and which is the result of an obstinate and intransigent attempt to restore an illegal colonial situation...*”¹¹¹¹

Debate in the *Security Council* continues and hears thirteen speakers before adjourning until the 24th.

Sir Anthony Parsons reports that support for the UK is “*stretching very thin*” and a view is developing that the crisis is bringing about a , “*kind of cultural confrontation between Latin America and Western Europe/North America.*”¹¹¹²

May 24th – *HMS Sir Galahad, HMS Sir Lancelot and HMS Sir Bedivere* are hit. Fires break out on *Sir Galahad* and *Sir Lancelot*. *Sir Galahad* is hit again, but this bomb fails to explode. The MoD announce that *HMS Antelope* has sunk.

Conviccion, tells its readers; “*The marines, immobilized at San Carlos, await their Dunkirk. As Argentine troops concentrate to throw them into the sea, the British continue in the little beachhead without resupply.*”

Economic sanctions imposed by the European Community against Argentina are extended for an unspecified period.

Press reports in Panama have their Foreign Minister describing Margaret Thatcher as; “*Hitler with skirts.*”

The Washington Post reports; “*Secretary of State Alexander Haig suggests that Britain's successful landings on the Falklands – plus the sacrifices sustained by both sides – may make enough of a difference to permit negotiations to resume. Surely he is right. In its bridgehead and in its evident capacity to sustain operations ashore, Britain has something real to convert into political coin. Argentina may hope to raise the cost to the British and limit their military gains, but it cannot expect to boot them off the Islands again. The 40 isolated marines it swept up on April 2 are one thing, the 5,000 troops ashore, with their fleet protection, are quite another.*”

Argentina calls for a meeting of the OAS.

In the *Security Council*, debate continues; “*Maina (Kenya) made an admirably robust statement which was an effective antidote to all the Latins have been saying about a cultural confrontation between the West and Latin America. He said that the Breach of the Peace had started with Argentina's aggression on 2 April. That was a separate question from the rights and wrongs of Argentina's claims to sovereignty. Some of those who “felt obliged” to support Argentina's case on sovereignty had tried to treat the two problems as one. ...*

The Decolonisation argument was irrelevant. All of North and South America had been colonised in the 18th and 19th centuries. .. That was a fact of the world's unfortunate past. This was not a colonial issue: Argentina was engaged in the purely territorial claim, in total disregard of the inhabitants of the Islands. The Argentine claim could not be settled at their expense: their interests were paramount.

If the principle of decolonisation was distorted to redistribute peoples, the United Nations would be in real trouble.

1111 *BBC Monitoring Service Report*
1112 *FCO Sitrep 24 May 1982*

The President, Ling Qing (China) speaking in his national capacity, said that the failure of the Secretary-General's efforts and the arrival of British forces had brought about an escalation which China deeply deplored. It was regrettable that the Secretary-General's negotiations had to stop because of the gap between two parties and because "the party with military strength had taken a tough stand." There should be an immediate ceasefire and resumption of negotiations. The substantive problem was a legacy of colonialism.."¹¹¹³

Secretary Haig expresses his fears to Ambassador Henderson; *".. Haig said that the US Government, by coming down on the British side, had already greatly jeopardised US interests in Latin America. What was at stake in the future was enormous. It was not simply a question of the economic sacrifices involved but of the enormous increase in Soviet and communist influence.*

Haig's problem therefore was somehow to avoid a resolution under the Rio Treaty later this week that would isolate the USA still further from the rest of the American hemisphere. He suggested that the clue lay in close involvement with Brazil...

Haig then suggested the sort of plan which I have already hinted to you might be on his mind: ceasefire and withdrawal, US/Brazilian interim administration and discussions without prejudice regarding the future – ideas that I told Haig have gone down in London like a lead balloon. Haig repeated his view about keeping the Brazilians in play ..

I reminded Haig how often he had assured me that this would not be another Suez... I repeated that if he was thinking of an appeal for withdrawal by both sides and the establishment of an interim administration, this was just not on..."

On receiving Henderson's telegram, Pym comments; *"It is disconcerting that Haig should be so volatile. Haig was urging us only a few days ago to take military action..."*

Brazil suggests a draft *Resolution to the President of the Council; .. the Security Council of the United Nations can no longer delay taking firm and decisive action to restore international peace and security. .. there is no alternative but that the Security Council must take a decision to put an immediate end to the military confrontation and to establish the bases for a permanent settlement of the problem. The Brazilian Government wish to submit .. the following points which .. can be the basis for a Council Resolution that will ensure a just and honourable peace without winners or losers."*

Brazil's "points" include: (1) an immediate cessation of hostilities, (2) simultaneous withdrawal to equal distances, (3) withdrawal to be complete within 21 days, (4) a UN administration which will consult the "representatives of the inhabitants," (5) a Committee made up of both Britain and Argentina plus four other States with a mandate to conduct negotiations.

Parsons comments to the FCO; *"We have told the Brazilians here that the time for such arrangements is now past and that there could be no question of our allowing a Resolution on these lines to be adopted."*¹¹¹⁴

Ireland's Ambassador Dorr, also tables a draft *Resolution* which, *inter alia*, calls for a suspension of hostilities for 72 hours; *".. the Non-Aligned members (excluding Panama) were annoyed with Dorr for going ahead and tabling a draft which he and everyone else knew that we would veto. The three Africans, Jordan and Guyana were desperately anxious to avoid a deadlock in the Security Council which could be followed by a major row generated by the Latin Americans in an emergency session of the General Assembly. This would only polarise relations between the regions, benefit the radicals and damage any prospect there might be of a peaceful*

1113 PREM19/631 Telegram No. 836 of 24 May

1114 PREM19/631 Telegram No. 839 of 24 May

*outcome to the present crisis...*¹¹¹⁵

Representatives from Panama and Japan also prepare draft texts. The *Non-Aligned Movement* submits a proposal for an amended version of the Irish draft *Resolution* while the *Council* meeting is adjourned until the 25th. Parsons seeks instructions from London.

In an interview with the '*Panorama*' news team in New York, Costa Mendez asserts – (a) that Argentina would defend the Falklands as long as there is “*one Argentine alive in either the continent or in the Islands,*” (b) he was still looking for a peaceful solution; they had been seeking one for 17 years in the UN. .. he considered the invasion to be part of that search for a peaceful settlement, (c) Argentina had fully accepted *Resolution 502* from the beginning but they had not withdrawn because the UK sent 40 warships, (d) *502* did not authorise the UK to impose a solution on Argentina, (e) Argentina was willing to make any concession except sovereignty.

Uruguay's Foreign Minister condemns the British attack on Argentina, calls for a ceasefire and attacks the United States for its support for, “*colonial policies of confrontation.*”

Argentina seeks Chilean support for an OAS draft *Resolution* condemning British aggression; calling for a cessation of hostilities with a return to '*natural*' bases; a resumption of UN negotiations and the adoption by OAS States of measures to discourage the UK and assist Argentina. The Chilean Foreign Ministry inform the British Embassy that they will vote against each point except that calling for a resumption of negotiations.¹¹¹⁶

Information is received from Caracas that the Venezuelan Government is attempting to persuade all Latin American countries to withdraw their Ambassadors from the UK. In Lima, President Belaunde is contacted by Costa Mendez and told that the Argentines have no objection to a cease-fire without the withdrawal of British forces from their, “*present positions.*”

May 25th – the destroyer *HMS Coventry*, with the frigate, *HMS Broadsword*, again using the 42-22 formation, are attacked by Argentine *Skyhawks* in Falkland Sound. *HMS Coventry* is sunk. 19 men are lost.¹¹¹⁷ *HMS Broadsword* is also hit, but the bomb fails to explode. An *Exocet* missile hits the container ship, *Atlantic Conveyor*, which is set on fire and abandoned.

HMS Glamorgan bombards targets around Stanley. Portugal grants permission for *Nimrod* refuelling at its Lajes air base in the Azores while New Zealand's offer of a frigate, *HMNZS Canterbury*, is gratefully accepted by PM Thatcher. An additional *Blowpipe* battery is deployed to the South Atlantic from British forces in Germany.

Margaret Thatcher responds to President Turbay's initiative of the 21st; “*... If you, Mr. President, can bring home to the Argentine Government not only the extent of our determination to achieve a just solution to this crisis, but also the imperative need to withdraw their forces from the Falkland Islands in accordance with Security Council Resolution 502, you would be making a contribution to the peace of South America and of the World which it would be hard to exaggerate.*”¹¹¹⁸

At the *Security Council*, Foreign Ministers representing Argentina, Nicaragua, Panama and Venezuela circulate a '*Declaration*' ; “*We confirm the rejection by Latin America of the United Kingdom's military offensive against the South American continent ... We strongly protest against the British decision, officially communicated to the Government of Uruguay, to the effect that the United Kingdom has decided to extend its naval and air military action to the River Plate. This deplorable decision, in addition to violating general international law*

1115 PREM19/631 Telegram No. 844 of 24 May

1116 PREM19/631 Telegram No. 259 of 25 May

1117 The '*Cross of Nails*' presented to the ship by Coventry Cathedral was recovered by divers after the War.

1118 PREM19/631 Telegram No. 108 of 25 May

and the River Plate Treaty, carries the British aggression into the very heart of the continent.. This directly affects the integrity and security of Argentina, Bolivia, Paraguay and Uruguay, while at the same time aggravating and spreading the conflict which has resulted from the United Kingdom's military adventure ...

We reject with righteous indignation the decision taken by the European Economic Community, with the honorable exception of Ireland and Italy, extending indefinitely the economic aggression which, under the pretext of 'sanctions,' has been imposed on Argentina. This act, which is offensive to the whole of Latin America, constitutes a serious threat to international peace and security and presages the generalization of a conflict which, day by day, is assuming the character of an intercontinental confrontation.

We note with alarm that, although a number of weeks have elapsed since the beginning of the British fleet's armed attack on the Argentine Republic, the Security Council has taken no action ... This concern is seriously increased by the fact that, after four days of debate in the Council, during which both the fighting and the loss of life have intensified, it has not proved possible to respond to the outcry of mankind, which demands an unconditional ceasefire ...¹¹¹⁹

Sir Anthony Parsons responds in a letter to Ling Qing; "There appears to have been some misunderstanding .. The Government of the United Kingdom are aware that the Treaty of the Rio de la Plata of 1973 between Argentina and Uruguay establishes a line at the mouth of the River Plate from Punte del Este to Punta Rasa de Cabo, San Antonio. In a communication to the Government of Uruguay, the Government of the United Kingdom made clear that they did not intend to engage in any military activities inshore of that line."

Argentina's Foreign Minister, Costa Mendez, delivers his speech to the Security Council attacking the UK for, "unleashing war" in the South Atlantic and rejecting the accusation that it had been Argentina which had been the first to use force; "... It was the UK which had used force to occupy the Islands in 1833. Colonialism was an act of force, permanent aggression and a crime: that was the true explanation of current events. It was not for the United Kingdom, the colonial power par-excellence, to give lectures on self-determination. The UK had abstained when the General Assembly adopted Resolution 1514, the Magna Carta of decolonisation. The UK's true attitude to self-determination was demonstrated in Diego Garcia where 1,400 inhabitants were compulsorily moved to make way for an American military base. Self-determination for the Malvinas was a joke..."¹¹²⁰

Exercising his right of reply, Sir Anthony Parsons outlines the history of events surrounding 1833 before adding; "... The Foreign Minister of Argentina in his opening remarks talked of the outrage committed by the United Kingdom. So far as we are concerned, the outrage was committed by Argentina when, out of a clear blue sky, Argentine forces invaded the Falkland Islands .. This was recognised by the terms of Security Council Resolution 502 (1982) which are only too familiar to members of the Council. .. It is ludicrous to suggest that we are trying to create some form of British Empire in the South Atlantic. I cannot believe that anyone in their wildest dreams can credit this thesis. ..

The Foreign Minister referred at length to self-determination.. It is true that we took the position in the 1960's that self-determination was a principle and not a right. However, in 1966 the two international Covenants on economic, social and cultural rights and on civil and political rights were adopted.... The United Kingdom has ratified both these Covenants, which have entered into force. Furthermore, in 1970, the General Assembly adopted by consensus – that is, with the United Kingdom joining in the consensus – the Declaration on Principles of International Law Concerning Friendly Relations and Co-Operation among States in accordance with the Charter of the United Nations. ..

1119 PREM19/631 Telegram No. 852 of 25 May

1120 PREM19/631 Telegram No. 854 of 25 May

Not only has my country endorsed the right to self-determination in the sense of the Charter, the Covenants and the Friendly Relations Declaration, but we have gone a great deal further to disprove the allegation that we are the colonial power par-excellence. Since General Assembly Resolution 1514 (XV) was adopted .. we have brought to sovereign independence and membership of this organisation no less than 28 States. We are proud of our record..."

In an interview, President Alvarez of Uruguay denies rumours that the British are blockading the Rio de la Plata.

Francis Pym informs Parsons by telegram; *".. our position now is that while we remain willing to agree to a ceasefire if Argentina clearly and irrevocably commits herself to very early and total withdrawal of her forces, we are not prepared to accept any other conditions. We can not contemplate any parallel withdrawal of our own forces. Nor will we now accept any interim Administration by the UN or anyone else... You should vote against the Irish draft Resolution if it is put to the vote as it stands .. You should work for the .. changes to the Irish draft as revised by the Non-Aligned..."*¹¹²¹

Ambassador Henderson informs London; *"I went over the ground with Eagleburger this morning. He assured me that instructions had been sent to Mrs Kirkpatrick that if the Irish Resolution came to a vote in its present form the United States should veto it..."*

Sir Anthony Parsons responds to Pym; *"Through the morning and at the Security Council lunch, I have negotiated firmly on the Irish draft as revised by the Non-Aligned Movement, on the basis of your instructions. As you will see we have carried almost all our points... We have a clear reaffirmation of 502.. I am under very strong pressure to agree this evening so that we can get out of the Council before this fragile near-agreement breaks down. .. I therefore recommend that I should be instructed to accept this with a suitable explanation of vote, after the vote..."*

Summing up the day's debate, he adds; *".. Guyana was first class, as was Chile given its circumstances. The other Non-Aligned were not at all bad. Netherlands was as unhelpful as the other Europeans (except Belgium) have been, but Italy was a bit more robust. Costa Mendez was quite moderate but his speech was defensive and lackluster. In general, our support emerged more clearly as the debate developed. The Argentines had the better of the first two days, with a flood of Latin rhetoric, but by the end the general feeling, I think, was that we had won quite handsomely on points. For this we should be especially grateful to Kenya, Guyana and Belgium – the old Commonwealth support for us was taken for granted..."*

After receiving instruction from Francis Pym in London, Parsons informs the Council that Britain is ready to vote in favour of the *draft Resolution* initially proposed by Ireland, as amended by the *Non-Aligned Movement* (NAM). His instructions include the necessity of emphasising that; *".. the situation has moved on since the Secretary-General reported to the Council on 21 May and that an Argentine withdrawal must now be totally unconditional and not linked to any parallel British withdrawal..."*

Costa Mendez, asks for time to consider the measure and a vote is put off till the 26th.

Alexander Haig writes to Francis Pym with his *"thoughts"*; *".. I see major advantages in an effort by you to put forward terms of a just and reasonable settlement as soon as you are sure that you can and will succeed militarily. ... No doubt you are aware of the proposal the Brazilians have introduced in New York... at the point at which British military success is at hand, it may well be possible to bring about an agreement based on a British proposal that contains elements of the Brazilian text .. If you would agree that such an effort would be worthwhile, we would be ready to assist in such an initiative .."*

1121 PREM19/631 Telegram No. 480 of 25 May

NBC television, Reuters and Associated Press all carry news reports that Secretary Haig has called on the British Government not to “crush” the Argentinians in the Falklands, but to “think carefully.” The reports suggest that the Argentinians would seek a scapegoat, and that scapegoat would be the United States. Haig is said, by Ambassador Henderson, to be “upset” by the leak and to consider it, “damaging.”

The FCO send out messages to all Ambassadors and Missions in countries belonging to the *Non-Aligned Movement* requesting that they speak to their counterparts to ensure that in the meeting scheduled for the 31st, emphasis is laid upon the original aggression by Argentina and their failure to comply with SCR 502. The FCO is very conscious that Argentina will request a statement from the NAM endorsing its position and criticising Britain's military action; “Such a statement could have an important impact on any further debates at the United Nations, whether in the Security Council or in the General Assembly ..”

May 26th – British troops commence their advance towards Darwin.

John Nott makes a statement to the House of Commons; “During the past seven weeks the Royal Navy has assembled, organised and despatched over 100 ships, involving over 25,000 men and women, 8,000 miles away to the other end of the world. The Task Force has recaptured South Georgia and successfully accomplished a hazardous amphibious landing of around 5,000 men without a single fatal land casualty. The morale of our forces is high.

By any historical standard, this will be seen to have been one of the most remarkable logistic and military achievements of recent times. ...

Our forces on the ground are now poised to begin their thrust upon Port Stanley; behind them are another 3,000 men of 5 Brigade, whilst reinforcements and resupply are virtually denied to the Argentine garrison on the island. Generally the military objective to repossess the Falkland Islands has gone forward exactly as we planned it. We have had losses and there may be more on land and sea, but the people of the Falkland Islands can be assured that our resolve is undiminished. We intend to free them from occupation and to restore their democratic rights.”¹¹²²

Columbia's Ambassador to the UK delivers a message from his President to Francis Pym; “President Turbay had spoken to the Presidents of Brazil and Peru, who had agreed to put forward ideas on an informal basis through the Ambassador. .. (They) were concerned to avoid further loss of life and the potential damage to Latin American institutions and relations. In the absence of any diplomatic activity to resolve the crisis, there would be strong pressures at the Rio Treaty meeting on 27 May to take radical positions against the UK. What was needed was time to allow pressures to be brought to bear on Argentina to reach an agreement which the UK could accept. .. The three Governments therefore wished to know whether we could consider agreement to a suspension of military operations for 5 days ..” Pym politely says no.

An article in Germany's *Rheinische Post* states that Germany's support for the UK is, “grudging and full of reservations stemming from incomprehension at many aspects of Mrs. Thatcher's Falklands strategy,” and that Germany will not go, “through thick and thin,” with Britain.

In Lima, there is press speculation regarding a “secret session” of the Peruvian Senate to debate possible military assistance to Argentina under the terms of the *Rio Treaty*.

Ambassador Tickell in Mexico speaks privately with President Lopez Portillo; “I underlined our resentment at accusations of colonialism and drew attention to the generosity of the draft agreement we had put to the Argentines but which they rejected. The President asked me to convey his warm thanks to the Prime Minister.

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*He deplored the loss of life and waste of resources involved in the conflict. He did not doubt our capacity to recover the Islands and indicated that he hoped we would not be too long about it...*¹¹²³

Following agreement by Costa Mendez that Argentina could accept the *Resolution* as amended, the revised draft is sponsored by Guyana, Ireland, Jordan, Togo, Uganda and Zaire.

Before the vote two more speakers are heard; Germany and Yugoslavia; *“(Germany) recognised that the Falkland Islands had been an important national concern of the Argentine people for many years, but Argentina had defied the Security Council and the Secretary-General when it chose to settle the dispute by force. Its invasion was against international law and the Charter and had led the UK to invoke its rights under Article 51... The Secretary-General should resume his efforts with a concrete and specific mandate in order to achieve a solution in full conformity with SCR 502. ...*

Komatina (Yugoslavia) made a typically non-aligned speech ... He hardly mentioned the UK at all .. He did, however, express support for SCR 502..”

The Security Council agrees to adopt the amended draft *Resolution*.

Security Council Resolution 505 -

“The Security Council,

Reaffirming its resolution 502 (1982),

Noting with the deepest concern that the situation in the region of the Falkland Islands (Islas Malvinas) has seriously deteriorated,

Having heard the statement made by the Secretary-General at its 2360th meeting, on 21 May 1982, as well as the statements made in the debate by the representatives of Argentina and the United Kingdom of Great Britain and Northern Ireland,

Concerned to achieve, as a matter of the greatest urgency, a cessation of hostilities and an end to the present conflict between the armed forces of Argentina and the United Kingdom,

- 1. Expresses appreciation** to the Secretary-General for the efforts that he has already made to bring about an agreement between the parties, to ensure the implementation of resolution 502 (1982), and thereby to restore peace to the region;
- 2. Requests** the Secretary-General, on the basis of the present resolution, to undertake a renewed mission of good offices, bearing in mind resolution 502 (1982) and the approach outlined in his statement of 21 May 1982;
- 3. Urges** the parties to the conflict to co-operate fully with the Secretary-General in his mission with a view to ending the present hostilities in and around the Falkland Islands (Islas Malvinas);
- 4. Requests** the Secretary-General to enter into contact immediately with the parties with a view to negotiating mutually acceptable terms for a cease-fire, including, if necessary, arrangements for the dispatch of United Nations observers to monitor compliance with the terms of the cease-fire;
- 5. Requests** the Secretary-General to submit an interim report to the Security Council as soon as possible and, in any case, not later than seven days after the adoption of the present resolution.”

1123 PREM19/631 Telegram No. 441 of 26 May

In explanation of their votes; Spain and China express their regret that the *Resolution* did not order a cease-fire; Panama complains that there is no mention of '*decolonisation*' and reserves the right to call another meeting, while Argentina's Representative accuses the *Security Council* of not being able to act as it should, because of the pressure; "*of more than one permanent member.*"

Sir Anthony Parsons also provides Britain's explanation; "*My delegation voted in favour of the Resolution just adopted .. We did so because it contains a clear reaffirmation of SCR 502. It registers beyond doubt that the Secretary-General's efforts have been, and will be, concentrated on ensuring the implementation of SCR 502. This is the key to the return of peace to the region... In particular, this key lies in the second operative paragraph of SCR 502, namely the unconditional demand for the immediate withdrawal of all Argentine forces from the Falkland Islands.*

I must make clear, so that there is no misunderstanding, that for our part the only acceptable condition for a ceasefire is that it should be unequivocally linked to an immediate commencement of Argentine withdrawal. The history of the last two months has done nothing to create British confidence in the Government of Argentina ... Hence a simple verbal agreement by Argentina to withdraw its forces would not be sufficient for a ceasefire.

Mr. President the Council should also be quite clear on another point. The situation has changed ... we are talking about Argentine withdrawal. We cannot now accept that Argentine withdrawal be linked in any way to parallel British withdrawal..."¹¹²⁴

In a telegram to the FCO in London, Parsons sums up the day's proceedings; "*We owe a lot to the old Commonwealth, Kenya, Guyana and Belgium for their robust support, slightly less to the FRG (Germany), little or nothing to the rest of our partners who spoke, including France: the US statement was too even handed for our liking. However, to a greater or lesser extent, all these statements offset the Latin American barrage ... The fact that we emerged without having to veto, which seemed most unlikely at the outset, was due to a number of factors – the firmness with which we stated our own positions both privately and publicly: the reluctance of the Non-Aligned members of the Council to allow a veto situation to develop both because of basic sympathy for us and because they realised that a deadlock would effectively deal the UN out of any further useful role in the crisis: the Irish tactics which the Non-Aligned found both irritating and unacceptable: and the Latin American desire to get out of the Council in order to leave their hands free for the OAS meeting in Washington on the 27th...*

It is ironic .. that our best support should have come from Africans, Asians and Caribbeans, with our partners and allies either useless or actively unhelpful. There is no doubt that Ireland was prepared to push us to a veto with full foreknowledge that their draft was unacceptable to us."¹¹²⁵

With only seven days available before reporting back to the *Security Council*, Pérez de Cuéllar request that Argentina and Britain provide, within 24 hours, the terms each consider acceptable for a cease-fire; "*Pérez de Cuéllar asked to see me privately ... Was it really the case that we could no longer contemplate any parallel British withdrawal? I confirmed that it was. ... He did not think that he would have any alternative but to report to the Security Council that mutually acceptable terms for a cease-fire were unobtainable. .. I urged him nevertheless to try to find some change in the Argentine position.*"

Argentina's Central Bank announces that, with immediate effect, payments for imported goods can only be made 180 days after shipment; "*This measure is aimed at saving foreign currency to meet needs arising from the*

1124 PREM19/631 Telegram No. 858 of 26 May

1125 PREM19/630 Telegram No. 869 of 26 May

*Falklands conflict. .. and suggests that the Argentines face great difficulties in meeting their foreign exchange commitments.*¹¹²⁶

May 27th – Britain's Ambassador to Ireland informs Taoiseach Charles Haughey that, as a result of Ireland tabling a draft *Resolution* which they knew was not acceptable to the UK, relations had taken a, “*considerable turn for the worse.*”

Ambassador Henderson in Washington reports that the Americans are still concerned that their relationships with Latin America are suffering as a result of their continued support of the UK; “*The Americans recognise that the change in the military scene has inevitably brought about a change in our attitude about withdrawal and the administration of the Islands. As they see it, we are now insisting on surrender of the Argentinian garrison and a return to British rule without any definite commitment to an attempt to achieve a long-term solution. In effect, we are basing ourselves on a return to the status quo ante.*

The Americans believe that this will (a) harden Argentine military resistance in the short and longer term; (b) solidify the Latin Americans in their backing for Argentina; (c) will encourage continued Argentine hostilities against us .. (d) will help the Russians to increase their influence in Latin America, and (e) .. pose for the Americans the problem of either exacerbating their relations with the whole Latin American world or bringing about a deterioration in relations between the US and the UK...”

Henderson suggest that the Islanders' interests should be safeguarded by; “*.. some international group comprising say, two regional powers, plus the US and the UK, with the presence perhaps of the US and Brazilian forces and that, without prejudice to the future, in a given number of years this group will, in keeping with the wishes and interests of the Islanders, make proposals about the status of the Falkland Islands.*”¹¹²⁷

The OAS meet in Washington. Secretary Haig makes a “*detailed and determined*” speech in which the focus of his remarks are on the fact that, since it was Argentina which had committed the original act of aggression, it would be wrong to invoke the *Rio Treaty*. His speech is greeted in silence while those delegates that attack the United States are given ovations.

“Costa Mendez set the tone with an intemperate onslaught against the US which had failed in its duty to join with its hemispheric neighbours against an external threat. He urged Argentina's true friends to unite in solidarity against the UK, which throughout the negotiations had acted with total intransigence. British actions were an insult to the Latin American continent. The Venezuelan Foreign Minister accused the British of having a punitive obsession which was shared by the EC, ... He asserted that the locus standi of the UN in this dispute was subordinate to that of the OAS and the Rio Treaty. He accused the US of incomprehensibly deserting its friends... The Nicaraguan Deputy Foreign Minister maintained that in future the Rio Treaty signatories should meet in Latin America and not in Washington, which was “foreign territory.”.. The US was an accomplice in British aggression... The Peruvian Foreign Minister maintained that Argentina had throughout been flexible... Colombia introduced a mild hand-wringing Resolution. Trinidad and Tobago repeated its support for self-determination and condemned Argentina for using force to resolve a dispute. Illueca (Panama) made his usual long-winded and abusive speech. Costa Rica, Uruguay, Bolivia and Guatemala spoke without adding anything, although the last three joined the mob in condemning the US.”¹¹²⁸

Foreign Secretary Francis Pym replies to Secretary-General de Cuéllar's question; “*I am glad that you are*

1126 PREM19/6304 Telegram No. 122 of 9 June

1127 PREM19/631 Telegram No. 1921 of 27 May. The word “No” is scrawled across the last paragraph.

1128 PREM19/632 Telegram No. 1941 of 27 May

undertaking renewed efforts for a peaceful settlement to the present crisis. You can be assured that the British Government will cooperate fully in your efforts. .. The UK accepted the provisions of Security Council Resolution 502, which remains the basis of British policy, and has participated constructively and actively in the efforts for a settlement. Argentina, by contrast, has refused to implement Resolution 502 and has turned down successive proposals by the US Secretary of State, the President of Peru in consultation with the US and then by yourself...

You have asked about the British Government's definition of acceptable terms for a ceasefire. In our view a ceasefire that was not linked inseparably to Argentine withdrawal would give Argentina another opportunity for procrastination through intransigence. The British answer to your question is therefore that a ceasefire is highly desirable and would be acceptable if it was inseparably linked to the commencement of Argentine withdrawal and the completion of that withdrawal within a fixed period. One reason for this British view is Argentina's record of deliberate delay and inflexibility in negotiations.

A change of position by Argentina involving willingness to implement Resolution 502 could transform the situation. It would be most encouraging if in your resumed efforts for peace under the mandate of Security Council Resolution 505 you could obtain from Argentine convincing evidence of such a change. Argentina's immediate response to your question yesterday may not do this, in which case I hope you would go back to them on the point...."¹¹²⁹

On receiving the British response, the Secretary-General promises to speak with Costa Mendez.

Special forces land in strength on Mount Kent. Atlantic Conveyor sinks. Argentina terminates all contracts with German ship yards on account of the arms embargo and the interruption of supplies for the Corvettes being built there.

May 28th – PM Thatcher, in a meeting with Lord Shackleton, invites him to update his Report. The Pope commences a six day visit to Britain.

HMS Arrow provides covering fire for 2 Parachute Regiment's advance on Darwin and Goose Green.¹¹³⁰

Colonel H. Jones is killed in a charge on Argentine lines, for which he is awarded the Victoria Cross.^{xvi}

“From Darwin (Bob Hardcastle). Very thankful to be liberated 5pm 28th. .. Some houses destroyed. All employees and visitors safe. ... Regret to advise goons occupied and looted all houses, stores, farm materials, Rovers, tractors and equipment. Settlement area a shambles. Much indiscriminate sheep killing for food by goons in helicopters ...”

Brazil's Ambassador, Roberto Campos, calls on Francis Pym in London; “ .. Matters were now at a critical point. British insistence on an unconditional Argentine withdrawal would have a destabilising effect both on Argentina and the Region. If Argentina were faced with military humiliation, it might have no choice but to turn to the Soviet Union. Figueiredo .. wished to know whether the British position on Argentine withdrawal and on full restoration of British sovereignty was irreversible. He hoped not .. He hoped that we might indicate a continued willingness to negotiate a solution which might involve a phased and mutual withdrawal and interim administration arrangements.

I said .. following our landing on the Islands, the circumstances were inevitably different. .. We intended to repossess the Islands and to restore our administration. .. Campos, who was in a waspish mood, went on to

1129 PREM19/631 Telegram No. 475 of 27 May

1130 The news of the attack was announced by the BBC before it started. Fortunately Argentine commanders, who were tuned in, dismissed it as a ploy.

*make some sharp criticism of our position on sovereignty ... It was not a productive exchange. ..*¹¹³¹

Argentina's Representative in New York tells Pérez de Cuéllar of the terms upon which they are willing to accept a ceasefire. These include a suspension of all operations by troops; monitoring by the UN; separate zones to be established on the Islands if necessary; no military reinforcement; the UN to provide food etc to the troops and civilians; negotiations to take place on the withdrawal of both parties and an interim Administration.¹¹³²

At the OAS meeting; “.. several countries which had not taken part in Thursday's fiesta of anti-Americanism made subdued statements, these include Ecuador, Paraguay, Haiti and El Salvador, whose even-handed speech was uniquely applauded by both Argentina and American delegates. Mexico, Brazil and Chile remained silent throughout. ..”

May 29th – President Mitterand informs Mrs. Thatcher that he is under pressure to complete the order of Exocet missiles to Peru; “Peru has made it known to other Latin American countries that France is declining to execute the contract. Consequently, France's contracts with other Latin American countries are in danger.”

Lt. Colonel Italo Piaggi and 1,400 Argentine troops surrender at Goose Green; to a British force of 500, at a cost of 17 British dead.

*“At one end of Goose Green settlement a Union Jack now flies high above the school. At the other end, the flag of the 2nd Battalion, the Parachute Regiment. After a whole day's bitter fighting and a morning's delicate surrender negotiations, the cheers of liberation came in the early afternoon. Women handed round cups of tea in Royal wedding mugs. Children carried round tins of sweets and biscuits to young Paras .. For nearly a month, 114 people had been shut up by the Argentinians in community hall. Their houses had been raided with furniture smashed and excrement on the floor.... Now the 1200 or so prisoners are being made to clean up the mess...”*¹¹³³

Argentine troops discover that Mount Kent has been seized by the SAS, providing a commanding view of Port Stanley. Efforts to dislodge them are unsuccessful.

Argentina's Representative contacts the Secretary-General to say that the terms the British are offering are terms, “for surrender.” Pérez de Cuéllar speaks to Sir Anthony Parsons to tell him that the Argentines are showing interest in the reference to “international security arrangements” and wish to know what the British mean. The Secretary-General confirms that he will not expect a reply before the 31st.

The OAS meets again. Argentina assures them that it has complied with the Organisation's last Resolution, but claims that Britain has not. “.. A closed drafting group met all day and night to prepare the final Resolution, which was in some ways tougher than the original draft when it finally emerged. We gather that Venezuela was outspokenly assertive throughout the meeting: reasonable drafts from Colombia and Costa Rica were swept aside. The Mexicans and Brazilians, who played a moderating role at the last meeting, seem to have had little effect this time round. The Americans were almost entirely routed .. The Colombians managed to smuggle in reference to the peaceful resolution of disputes.”¹¹³⁴

In its final form, the OAS Resolution refers to their Resolution of 28 April; “ While the Government of the Argentine Republic informed the Organ of Consultation of its full adherence .. the British forces proceeded to carry out serious and repeated armed attacks against the Argentine Republic in the zone of the Malvinas

1131 PREM19/632 Telegram No. 141 of 28 May

1132 PREM19/632 Telegram No. 884 of 28 May

1133 From Robert Fox, BBC, with 2 Para

1134 PREM19/632 Telegram No. 1957 of 29 May

Islands, within the security region defined by Article 4 of the Inter-American Treaty of Reciprocal Assistance, which means that the United Kingdom has ignored the appeal made to it by the 20th Meeting of Consultation.

Resolves: (1) To condemn most vigorously the unjustified and disproportionate armed attack perpetrated by the United Kingdom, and its decision, which affects the security of the entire American hemisphere, or arbitrarily declaring an extensive area of up to 12 miles from the American coasts as a zone of hostilities ..; (2) To reiterate its firm demand upon the United Kingdom that it cease immediately its acts of war against the Argentine Republic and order the immediate return to their usual stations of its Task Force and all its armed forces..; (3) To deplore the fact that the attitude of the United Kingdom has helped to frustrate the negotiations for a peaceful settlement ...; (4) To express its convictions that it is essential to reach with the greatest urgency, a peaceful and honorable settlement of the conflict, under the auspices of the United Nations, ...; (5) To urge the Government of the United States of America to order the immediate lifting of the coercive measures applies against the Argentine Republic and to refrain from providing material assistance to the United Kingdom, in observance of the principle of hemispheric solidarity recognised in the Inter-American Treaty of Reciprocal Assistance. (6) To urge the members of the European Economic Community, and the other States that have taken them, to lift immediately the coercive economic or political measures taken against the Argentine Republic; (7) To request the States, parties to the Rio Treaty, to give the Argentine Republic the support that each judges appropriate to assist... ”¹¹³⁵

US Ambassador, William Middendorf, abstains, saying; “We believe the Resolution before us to be one-sided. It charges some; it ignores the actions of others. It ignores what the legal effects of first use of force should be. Further, there is no recognition that there must be compliance by both parties with all elements of UN Security Council Resolution 502 ... ”¹¹³⁶

Secretary Haig speaks to Ambassador Henderson; “Haig said that if we could only consider proposals relating to the future after the surrender of the Argentine garrison, then he thought it would have to be London who put forward ideas rather than the US and Brazil. He was saying in effect that the US would not be able to go in for this sort of approach once the Argentines had been humiliated by a complete military defeat because this would exacerbate Washington's relations with the Latin American world.

Haig also gave me a piece of paper containing four points .. in connection with the American ideas – (1) restoration of local administration does not include return of a Governor; (2) avoidance of publicly espousing independence or semi-independence, as the British goal; (3) agreement on withdrawal would have to say something about non-reintroduction of forces; (4) contact group to stay on indefinitely.”¹¹³⁷

Haig's “ideas” include; “When British military success is at hand, the US and Brazil would propose an agreement to the UN and Argentina containing .. - (1) General and permanent cease-fire, establishment of a temporary British military administration, lifting of sanctions by Argentina, the UK and third countries; (2) Immediate introduction of a peacekeeping force from the US and Brazil to verify cease-fire and separation of forces; (3) Rapid withdrawal of Argentine forces; (4) Creation of a Contact Group of the UK, US, Brazil and Argentina; (5) End of military administration and start of local self-government by the local Councils with the Contact Group ratifying all decisions ..; (6) Phased withdrawal of British forces, with the peacekeeping force to assume responsibility for the security of the Islands for a limited period; (7) Negotiations, without preconditions, on the definitive settlement of the dispute with the assistance of other members of the Contact Group; (8) Undertaking by both parties not to take any action that would prejudice the outcome of the

1135 PREM19/632 Telegram No. 1958 of 29 May

1136 Peace and Change Denis R. Gordon 1987

1137 PREM19/632 Telegram No. 1963 of 29 May. The word “No” is written against (2), (3) and (4) in the file.

negotiations.”

Henderson tells Haig that the British Government are considering independence or some form of independence for the Islanders. Haig responds that the British should refrain from mentioning it as it would be unacceptable to the Argentines; *“They regard it as tantamount to saying that we would not in any circumstances accept the transfer of sovereignty.”*

May 30th – *HMS Ambuscade* and *HMS Glamorgan* bombard targets near Port Stanley. 45 *Commando* and 3 *Para* secure Douglas and Teal. The Argentine Navy depletes its supply of air-launched *Exocet* missiles. The MoD deny Argentine reports that *HMS Invincible* has been hit by an *Exocet* missile.

PM Thatcher responds to the French President's message of the previous day; *“If it became known, as it certainly would, that France was now releasing weapons to Peru that would be passed on to Argentina for use against us, France's ally, this would have a devastating effect on the relationship between our two countries. Indeed it would have a devastating effect on the alliance (NATO) as a whole.”*

Pym advises Henderson that; *“Haig's ideas are being examined very carefully, but they require a good deal of further consideration by Ministers. We foresee that it will probably not, repeat not, be possible to transmit a full response to him through you before Tuesday 1 June..”*

The FCO advises Parsons in New York that the Argentine terms for a ceasefire are unacceptable; *“Please tell Pérez de Cuéllar on 31 May that our own position remains as set out in my message to him in my telegram No. 475 (27 May). You should hold out no hope of our altering it in the face of the continued Argentine intransigence demonstrated in their reply to him of 28 May. We naturally recognise that, in the circumstances, the Secretary-General may feel obliged to report failure to the Security Council...”*

May 31st – the French President informs Peru that the order for *Exocet* missiles cannot be met for; *“political reasons.”*

The Government and people of the Cayman Islands send £500,000, much of it raised by public collections, to the UK; *“at a time when their Mother Country is in need of help.”*

Elements of 42 *Commando* and the *SAS* are airlifted to positions near Stanley. *Mountain and Arctic Warfare Cadre* troops attack Argentine *special forces* at Top Malo House, taking the position after a fire-fight. All of the Argentine force are killed or captured.

Argentina circulates the OAS *Resolution* as a *“document of the Security Council.”* Sir Anthony Parsons recommends to the FCO that he should reply and point out that the OAS *Resolution* fails to refer to *SCR Resolutions 502 and 505* and that the *Security Council* has; *“the Primary responsibility for the maintenance of international peace and security.”*

Britain's formal response to Pérez de Cuéllar's inquiry is handed over by Parsons, who tells him; *“You asked what terms for a ceasefire would be acceptable to us. As you know, we have already participated constructively and actively in several major efforts to secure a resolution to the present crisis... Our answer to your question is that a cease-fire must be inseparably linked to the commencement of the withdrawal of Argentine troops and to the completion of the withdrawal within a fixed period. In taking this position, we base ourselves squarely on Security Council Resolution 502, .. While we should be willing to consider in the longer term the possibility of alternative international security arrangements for the protection of the Islanders, there is no question of our agreeing to the withdrawal of British forces in parallel to Argentine*

*withdrawal. ..*¹¹³⁸

Parsons reports; “ .. He said that he was seeing Ros an hour later. If he detected any sign of change in Ros' attitude, he was disposed to make a final attempt over the next two days to bring about the implementation of .. SCR 502 (he entirely understood that there was no question of parallel British withdrawal) in an effort to avoid what looked like being a bloody battle for Stanley, with heavy casualties on both sides, followed by total Argentine humiliation...

Pérez de Cuéllar telephoned me after seeing Ros to ask if I would receive De Soto in my mission: Pérez de Cuéllar had some questions .. De Soto turned up about two hours later. It emerged that a 5 point plan for the implementation of SCR 502 and 505 had been put to the Argentines who, after long deliberation amongst themselves, had agreed to forward it to Buenos Aires. However, Ros had not brought any fresh instructions to deliver to the Secretary-General: he had called only to hear our final response... Pérez de Cuéllar's 5 point plan is - (1) at time 'T' a ceasefire would come into force and be monitored by UN observers; (2) at time 'T' plus 24 hours, Argentine withdrawal would begin in implementation of SCR 502 (ie total Argentine withdrawal), (3) at time 'T' plus 24 hours, token British withdrawal would begin, (4) the withdrawals would be completed within 'X' days, (5) negotiations would begin under the auspices of the Secretary-General within the framework of SCR 505.

De Soto summed up Pérez de Cuéllar's views as follows. Points (2) and (4) would give us total Argentine withdrawal, whereas point (3) would amount to the restoration of British Administration. .. He hoped this would enable us to consider “the longer term” more as “the near future”..”

In a separate telegram, Sir Anthony Parsons gives his own views; “I believe that this is a genuine effort by Pérez de Cuéllar to try to find a last-minute solution .. I do not believe that he is playing some kind of double game. However, as I see it, his proposals are unacceptable. First, if UN observers were in situ under a mandatory Resolution, and the Argentines found pretexts not to withdraw, it would be very difficult for us to resume military action. Secondly, his plan involves some British withdrawal. Thirdly, it could resuscitate the whole idea of UN interim administration, target dates and UN supervision of the negotiations for a final solution. Nevertheless, it enables us to buy a little more time ... I recommend therefore that I should be instructed to give him a reasoned response.. His proposals pose greater difficulties for the Argentines, since they involve total Argentine withdrawal .. This is another reason why it will be in our interests to talk to him about his plan rather than rejecting it outright.”¹¹³⁹

President Reagan telephones PM Thatcher to suggest that she call a halt to hostilities. “President Reagan said that the USA considered it imperative that the UK should show that it was prepared to talk before the Argentineans were forced to withdraw. Willingness to talk now could prevent a Peronist take-over in Argentina in the future. The President had spoken to the President of Brazil who shared his view that the best chance for peace was before complete Argentine humiliation....”

Thatcher responds; “ I didn't lose some of my best ships and some of my finest lives, to leave quietly under a ceasefire without the Argentines withdrawing... I'm not handing over the island now ... I can't lose the lives and blood of our soldiers to hand the islands over to a contact group. It's not possible... This is democracy and our island, and the very worst thing for democracy would be if we failed now ..”

1138 PREM19/633 Telegram No. 485 of 31 May

1139 PREM19/633 Telegram 900 of 1 June 1982

June 1st – during a television interview with the BBC, the Prime Minister is asked whether she sees a future role for Argentina on the Falkland islands; *“I cannot, myself, see a role in anything relating to sovereignty, for the Argentines on the Falkland Islands. You saw what happened in Goose Green and Darwin, how our people have been treated. They'd never wanted to go to Argentine before, they'll be even less likely now. ... It is after all a cardinal part of the United Nations Charter, that countries should come to self-Government and independence and I believe that we can do that with the Falkland Islands.”*

Ambassador Henderson speaks to Judge Clark at the White House; *“Clark said that he believed the President did understand the firmness of our position. Neither he nor Haig were wishing to undermine this. .. “We are in it with you,” Judge Clark said. This was very much the President's conviction. But this did not prevent him from believing that considerable damage had already been done to the USA's relations with its Latin American neighbours, that the US should not neglect any chance of preventing further bloodshed and the humiliation of Argentina that could give a hostage to the future, and that in the long-term there had to be a settlement ...”*

Henderson reports; *“Haig has spoken to me in the light of the Prime Minister's talk with the President and my talk with Judge Clark. He says that there is no good in pursuing his ideas. It is a pity, but he understands.”*

Ambassador Hutchinson in Montevideo is invited to speak to the Uruguayan Minister of Foreign Affairs, in company with the Argentine Ambassador, to see; *“what could be done to achieve a cease-fire.”*

Secretary Haig sends a message to Ambassador Henderson; *“He did not expect a Resolution to come forward for another day or two. The Argentinians were still putting forward wholly unrealistic requirements for a cease-fire, asking for mutual withdrawal. But he hoped that we could again manoeuvre, as we had so successfully last week, to avoid a situation in which we and the Americans were isolated in the UN. It was, as usual, clear throughout this conversation that Haig has no confidence whatever in Mrs. Kirkpatrick, with whom he has just had another major row on this issue, and foresees more trouble from her. Haig thought we should be in a position to win militarily in the near future. The question was, how, after the garrison had surrendered, to bring the conflict to an end. I said it seemed clear that the Argentinians actually preferred military defeat to any diplomatic settlement. I also pointed out that their prospects of continuing with air attacks would be much diminished once we had recovered control of the Port Stanley airfield. Haig agreed but said the President would want to discuss with the Prime Minister, ways of trying to mend fences with Latin America and limit Soviet opportunities to exploit the aftermath .. He said again that he did not think that independence could be a viable solution..”*

Francis Pym advises Parsons; *“Pérez de Cuéllar's five-point plan is certainly unacceptable as it stands. But I agree that without raising false hopes or misrepresenting our position you should give him a reasoned response... You should tell the Secretary-General that while other aspects of his plan give us difficulty we approve the emphasis on total Argentine withdrawal with a fixed period of time. We look forward to learning of the Argentine response.”¹⁴⁰*

An Argentine C-130 reconnaissance aircraft is shot down. 5 Brigade commences its disembarkation at San Carlos. Peru offers the use of its Air Force for the evacuation of Argentine wounded while President Belaunde sends a personal message to President Reagan urging him to arrange an immediate cease-fire as; *“his word would be decisive in averting the final battle.”* Information is received that Libya is supplying missiles to Argentina. The aircraft including military and civilian Boeing 707's are transiting via Cape Verde/Las Palmas and Brazil.

1140 PREM19/633 Telegram 488 of 1 June 1982

HMS Avenger bombards Argentine positions on Pebble Island, while *HMS Active* and *HMS Ambuscade* hit targets around Stanley.

Parsons responds to Francis Pym; *"I acted this afternoon on the instructions in your telegram under reference. Pérez de Cuéllar was disheartened by them. ... Pérez de Cuéllar subsequently saw Ros. Ros had given Pérez de Cuéllar a piece of paper in the following terms - "The Secretary-Generals proposal would be acceptable if: (1) .. the completion of the total British withdrawal, whatever its rhythm, would be within Y days (2) It is clearly understood that in no case would British forces remain alone on the Islands. The Blue Helmets should be on the Islands before the completion of withdrawal of Argentine forces. The withdrawal of Argentine forces from the areas occupied by them should correspond with a gradual takeover of control of those areas by Blue Helmets (3) The British forces shall abstain from widening their areas of occupation at the date of ceasefire. ... what this amounted to was that a date would have to be agreed for the completion of total British withdrawal and that British forces would not be able to establish control over the whole of the Islands... Pérez de Cuéllar recognises that his current efforts have come to an end."*

The new French President of the *Security Council* calls a meeting for the 2nd so that the Secretary-General can present his report.

Ambassador Henderson in Washington considers the assistance provided by the United States; *"I do not need to go into the details about the value of the intelligence cooperation which has been given, the full extent of which is well known to the JIC. So far as communications facilities are concerned, the Americans have made especially available satellite communication channels at considerable cost to their own operations, communications sets for our special forces on the Islands, secure speech facilities with the fleet and satellite weather information. So far as equipment is concerned, we have over the last month procured at least \$120 million of US material made available at very short notice and frequently from stocks normally earmarked for US operational requirements. This equipment has included the latest air-to-air Side-winder missiles urgently required for use by the Harriers, the Vulcan phalanx anti-missile gun system for HMS *Illustrious*, 4700 tons of airstrip matting for the Port Stanley airport once it has been recaptured, conversion of the SS *Stena Inspector* for use as a repair ship in the South Atlantic, Shrike missiles for use by the Vulcans, helicopter engines, submarine detection devices for use by the Sea King Helicopters, Temporary accommodation on a large scale for Ascension Island for our forces, Stinger ground-to-air missiles (already used successfully against Argentine aircraft), as well as the usual array of weapons and ammunition..."*¹⁴¹

June 2nd – 2 *Para* reaches Bluff Cove. Surrender leaflets are dropped on Port Stanley. *HMS Arrow* bombards Fox Bay. *Harrier* reinforcements arrive from Ascension Island. Hospital ship *Hecla* arrives in Montevideo and disembarks 24 Argentine prisoners and 18 British casualties.

President Turbay of Colombia writes to PM Thatcher appealing for her to; *".. consider the possibility of reaching an honourable peace agreement with Argentina, thus avoiding the unnecessary holocaust of many innocent lives."*

In New York, Sir Anthony Parsons informs Pérez de Cuéllar that the British Government are disappointed, though not surprised, by the terms of the Argentine response to the 5-point plan that he had put to the two sides.

The Secretary-General then reports to the *Security Council* that he has been unable to negotiate mutually acceptable terms for a ceasefire; *"At the informal consultation of the Security Council .. the Secretary-General read out his report. .. You will see that it is a brief and even-handed account of his efforts during the last seven days and it does not apportion blame for their failure. He affirms his readiness to remain in close contact with*

1141 PREM19/633 Telegram 1977 of 1 June 1982

the parties and to continue to exercise his good offices. The mandate he was given in SCR 505 thus remains in being...

Following a call for a formal meeting by Panama, the *Security Council* reconvenes. Spain and Panama co-sponsor a draft *Resolution* for the *Council's* consideration which calls for an unconditional ceasefire.

“Ros spoke at length. The negotiations with the Secretary-General had shown that the UK did not intend at any time to heed the Council's appeals. Its only objective was to continue its aggression, with the intention of installing in the islands a military system as part of its plan to dominate the South Atlantic. The wishes of the Islanders were simply a mask. .. Argentina, on the other hand, had replied promptly and positively to the Secretary-General's efforts under SCR 505. .. The intransigence of the United Kingdom was evident. In its view, the Council ought not to endorse the restoration of a colonial situation, plus a military force to preserve it. This confirmed the pattern of threat and aggression pursued by the British since 1833. It recalled Guantanamo, Diego Garcia and Ascension. .. Ros then read out the Resolution adopted by the Rio Treaty powers...

(Brazil) then made a notably pro-Argentine speech. ... The UK had no right to try unilaterally to enforce SCR 502. The Council should demand an immediate ceasefire, with UN participation...”

Sir Anthony Parsons speaks next; *“I pay tribute once again to the Secretary-General for the efforts he has made during the past few days to implement Resolution 502 and 505. ... I have said before, but it cannot be repeated too often, that the current breach of the peace was caused by Argentina. It was Argentina which closed the diplomatic channels on 1 April. It was Argentina which remained silent in the face of the Security Council's appeal not to use force .. It was Argentina .. which invaded the Falkland Islands... It was, and is, Argentina which has failed to comply with Resolution 502 which demanded the immediate withdrawal of all Argentine troops. .. It is the United Kingdom which was the victim of the Argentine act of aggression.... Everything we have done since has been in exercise of our inherent right to self-defence. ..*

The plain fact is, Mr. President, that until the Government of Argentina changes its position it is clear that the conditions for a cease-fire do not exist. Against this background the call by the distinguished representatives of Spain and Panama for an unconditional cease-fire is not acceptable to my delegation. A cease-fire which is not inseparably linked to an immediate Argentine withdrawal would not be consistent with Resolution 502.. When we talk about security arrangements for the future, we are talking about security arrangements to shield the Islanders against any threat of renewed aggression – that is all.”¹¹⁴²

Spain presses the *Council* for an immediate vote but the meeting is adjourned until the 3rd so that the various Representatives can obtain instructions from their Governments.

Parsons advises London; *“Spain and Panama will press hard tomorrow morning for an immediate vote on their draft Resolution. They can count on six affirmative votes (China, USSR, Poland, Spain, Ireland, Panama). I think we can count on five negative votes or abstentions (France, UK, US, Guyana, Japan). Spain/Panama therefore have to get three out of the following four in order to get the necessary nine votes to turn our negative vote into a veto: Jordan, Togo, Uganda, Zaire... I recommend that the most urgent lobbying should now be carried out ..”*

June 3rd – a New Zealand business man and his wife contribute \$NZ 1,000 for a supply of *Dunbar Whisky* to be sent to the troops in the Falklands, for; *“immediate consumption.”¹¹⁴³* The Canadian Ambassador in Buenos

1142 PREM19/633 Telegram 916 of 2 June 1982

1143 PREM19/633 Telegram 185 of 3 June 1982

Aires is asked to leave the country following supposedly 'pro-British' remarks he has made. Argentina recalls its own Ambassador to France.

HMS Plymouth bombards Argentine positions at Port Howard. Two *Harriers* are lost following attacks on other Argentine military installations, although the pilots are recovered safely.

Secretary Haig sends an instruction to Jeanne Kirkpatrick in New York directing the Ambassador to work closely with Sir Anthony Parsons to see if the proposed *Resolution* can be made to work. If this is not possible, Kirkpatrick is instructed to join the UK in a veto. The French Ambassador is also instructed by his Government to stay in close contact with Sir Anthony Parsons. Japan confirms that its Ambassador will abstain.

Short of fuel, a *Vulcan* bomber is diverted to Rio de Janeiro, Brazil where the aircraft is held at a military airport, and its missile removed by the Brazilian authorities.

At a meeting of the *Non-Aligned Movement*, Costa Mendez, in an attempt to get a *Resolution* calling for a ceasefire, makes a speech in which he refers to countries such as Algeria, India, Cuba and Vietnam which had fought for their freedom and he also mentions the South African peoples fight against apartheid. His speech is greeted with laughter by some African representatives who recall that Argentina has never previously supported their efforts against the Government of South Africa. "*Costa Mendez's reference to Britain having expelled original inhabitants of Falklands does not seem to have misled most delegates.*"¹¹⁴⁴

The *Security Council* continues its deliberations on the Spanish/Panamanian draft *Resolution*; "... *Spain and Panama failed to line up nine votes for the draft Resolution .. The Americans, and to a lesser extent the French, made frenzied efforts to avoid a vote today, lest they had to veto with us. (Spain) finally agreed .. to postpone a vote until 2000z tomorrow (4 June). .. It was clear at the start of play today that we had six negative votes or abstentions (France, Guyana, Japan, Jordan, UK, US). As soon as the members of the Council gathered .. the Non-Aligned went into a private meeting. At this Guyana pressed hard, with some support from Jordan, for major changes to the draft in order to make the cease-fire conditional upon the commencement of Argentine withdrawal. Panama was not prepared to accept these amendments. .. This led Panama to propose a new operative paragraph which would have asked the parties to implement immediately SCR's 502 and 505 in all their parts. This was acceptable to the Africans and Panama undertook to sell it to Spain.*"

Panama's suggested amendment is debated. Parsons asks for time to seek instructions but says that he would expect further, and substantial, amendments to be suggested by London; "*De Pinies (Spain) said that there was no question of the Argentines and the Panamanians accepting the kind of amendments I was talking about. He saw no alternative to voting straight away. This led to frenzied efforts by the Americans to persuade the Argentines to discourage de Pinies from pressing for a vote (I dread to think what promises were made..). At the same time it became clear that both Zaire and Togo, in spite of their positions in the morning, were inclined to abstain on the revised draft. So de Pinies still had not got his nine votes and American and French efforts to postpone the vote therefore met with success...*"¹¹⁴⁵

The revised draft reads: "*Reaffirming its Resolutions 502 (1982) and 505 (1982) and the need for implementation of all the parts thereof, (1) Requests the parties to the dispute to cease-fire immediately in the region of the Falkland Islands (Islas Malvinas), (2) Requests the parties to initiate, simultaneously with the cease-fire, the implementation of Resolutions 502 (1982) and 505 (1982) in their entirety, (3) Authorizes the Secretary-General to use such means as he may deem necessary to verify the cease-fire, (4) Requests the Secretary-General to report to the Security Council on compliance with this Resolution within 72 hours.*"

1144 PREM19/633 Telegram 170 of 4 June 1982

1145 PREM19/633 Telegram 924 of 3 June 1982

A vote is deferred until the 4th.

Parsons reports; *“.. I believe that our best tactic is firmly to put forward all the amendments we need to make the latest draft acceptable to us, .. Spain, Panama and the Argentine friends will explode, and may insist on an immediate vote on a text designed to leave us in maximum isolation. If they succeed, we will have to face its something we always anticipated, in the not unsatisfactory knowledge that we have now held out for over 60 days.”*¹¹⁴⁶

June 4th – prior to a G8 summit meeting at Versailles, Margaret Thatcher meets Ronald Reagan at the US Embassy in Paris to tell him that the only proposal that Britain is willing to accept is a ceasefire, irrevocably linked to Argentine withdrawal within 14 days.

In the *Security Council* meeting, Sir Anthony Parsons informs Spain that he will not be proposing any amendments to the Panamanian/Spanish draft *Resolution*; *“Both sides said that in that case, there was no alternative to voting... There followed a delay of about two hours while both sides counted heads, and Mrs. Kirkpatrick made several efforts to persuade Haig in Versailles to switch .. to abstention. With abstentions assured from Guyana, Japan, Jordan and Togo, and probably from Zaire, it looked as though De Pinies would not be able to get his nine votes. But, at the last minute, my Japanese colleague, to his obvious chagrin, received instructions from Versailles to switch from an abstention to a vote in favour. He took with him Zaire, and nearly Jordan as well. ..”*

Ambassador Henderson in Washington receives a message; *“Stoessel then telephoned me back, after the meeting was well under way in New York, to say that Haig had now considered the problem and had decided that, given that no effort had been made to improve the draft, it was no longer appropriate for the United States to vote against it. He had therefore given instructions that Mrs Kirkpatrick should abstain. ... Stoessel had the grace to be extremely embarrassed...”*

President Hurtado of Ecuador sends a personal appeal to Margaret Thatcher for an, *“immediate cease-fire and the suspension of hostilities .. in accord with the happy initiative presented by Spain and Panama in the UN Security Council...”*

Parsons reports from the meeting; *“A slightly amended version of the Panamanian/ Spanish draft failed to secure adoption this evening because of vetoes by UK and US. The voting was 9-2 (UK, US) – 4 (France, Guyana, Jordan Togo). The Resolution secured nine votes only because of a last minute switch by Japan. After the vote, Mrs. Kirkpatrick astonishingly stated that she had been asked by her Government to say that if it were possible to change a vote once cast, the United States would like to change its vote from a veto to an abstention.”*¹¹⁴⁷

In explanation of the UK veto, Sir Anthony Parsons tells the *Council*; *“The situation facing the Council this afternoon is straight forward. If Argentina had not invaded the Falkland Islands at the beginning of April there would be no crisis and we would not be meeting today. If Argentina had obeyed the mandatory demand in SCR 502 immediately to withdraw all its forces from the Falkland Islands, the crisis would have passed and we would not be meeting today. But Argentina did invade the Islands, and defied the mandatory demand of the Council to withdraw.... there is no direct and inseparable link between the ceasefire and immediate Argentine withdrawal with a fixed time limit. The wording of the draft, without any shadow of a doubt, enables Argentina to reopen the endless process of negotiation, thus leaving Argentine armed forces in illegal*

1146 PREM19/633 Telegram 927 of 3 June 1982

1147 9 votes for, was the minimum required for the *Resolution* to be adopted.

occupation of parts of the Islands. This is totally unacceptable to my Government."¹¹⁴⁸

Argentina's Representative condemns Britain's use of her veto and asserts that the UK is now responsible for all further deaths.

Sir Anthony Parsons rounds the day's events off; *"It was a very close run thing. Had it not been for the last minute Japanese switch (for which my Japanese colleague was bitterly ashamed) the Resolution would have failed for lack of votes. I confess that, with the amendments, I expected it to do better. If anyone had told me on 9 April, when we notified to the Security Council the establishment of the EZ (exclusion zone), that we would last out until 4 June without having to veto a cease-fire Resolution and that the eventual Resolution would only scrape 9 votes, I would not have believed it. I think we owe this not unsatisfactory result to a number of factors. First, basic sympathy for our position amongst NAM members .. Argentine unpopularity, de Pinies' bullying methods: and powerful lobbying both here and in capitals. Another unexpected bonus was Mrs Kirkpatrick's truly grotesque intervention when she last received instructions from Haig to abstain having cast a negative vote. .. Her performance has already excited much more media attention than out veto. The important thing now is that we firmly kill any suggestion that we are isolated in the UN. .. The fact is that we are not. The Latins got a poor result for what looked like a reasonable Resolution to many people, and I have already received numerous expressions of sympathy and support from third world delegations from Africa and Asia.*

It is difficult to see what the UN will now do. There has been very little talk about an emergency special session of the General Assembly and there would definitely not have been nine votes for such a proposition had it been tabled tonight... We owe a great deal to David Karran, the charge d'affairs of Guyana, who has been a tower of strength and helpfulness throughout.."

Brazil's refusal to release the detained *Vulcan* is the basis of a protest; *"This prevarication is, I fear, typical of Brazilian spinelessness and exemplifies their acute anxiety not to offend the Argentines unless they feel they have no alternative.."*¹¹⁴⁹

June 5th – a military situation report is passed to the Prime Minister in her meeting in Versailles; *"Sea: Sir Galahad is unloading at Teal Inlet. Andromeda, Penelope, Blue Rover and Sir Geraint to San Carlos early 5 June. The carrier battle group remains to the east of the TEZ. Naval gunfire support operations to be carried out tonight by Cardiff and Active on the Port Stanley area. Glasgow and Argonaut have been released from Op. Corporate due to extensive damage from earlier actions. ..*

Land: 3 Para remain in area of NW Mount Longdon. 45 CDO are moving from Teal Inlet to the area of Smoko Mountain. 2 Para are at Bluff Cove with 1/7 Gurkha Rifles moving forward from Goose Green to join. 2 Scots Guards and 1 Welsh Guards are moving to Bluff Cove area by the night of 5/6 June. It is intended that two CDO attacks will be made on Two Sisters Mountain within next 48 hours.

Air: Weather conditions continue to be poor. Fog has severely limited all air operations. There are no reports of Argentine air activity. The deployment ashore of GR3/Sea Harrier aircraft is not yet confirmed but the forward operating base is ready for them.

Incidents: A 42 CDO patrol struck a minefield during the night of 2/3 June; one own forces wounded. In a separate incident an Argentine patrol of 5 was engaged and 3 enemy killed."

HMS Hydra takes 51 British casualties to Montevideo while ARA Bahia Paraiso embarks Argentine wounded

1148 PREM19/633 Telegram 935 of 4 June 1982

1149 PREM19/633 Telegram 247 of 4 June 1982

from *HMS Uganda*. Argentina demands that Uruguay intern the wounded under the terms of the Geneva Conventions. Uruguay refuses. Argentina also formally requests that Brazil intern the *Vulcan* bomber under the terms of the *Rio Treaty*.

A message from Pérez de Cuéllar for Margaret Thatcher is delivered to Sir Anthony Parsons in New York; *“The armed conflict in the region of the Falkland islands threatens to enter into a new and extremely dangerous phase that is likely to result in heavy loss of life on both sides. This would gravely prejudice, for the foreseeable future, any prospect for a settlement of the underlying dispute... I feel it is my duty in this situation, in pursuance of the mandate entrusted to me by the Security Council, to appeal directly to Your Excellency and to President Galtieri, in the hope that a way can still be found to bring the fighting to a halt and to initiate negotiations towards a settlement of the crisis... I therefore wish to suggest the following plan which should be considered as an integral whole:*

(1) a truce comes into effect as of 11.00am, New York time, on Monday, 7 June 1982. (2) On Wednesday 9 June, the two military commanders on the Islands meet in the presence of a representative of the Secretary-General for the purpose of agreeing on the modalities of a cease-fire, which is to come into effect by 11.00am,.. Friday, 11 June. (3) simultaneously with the cease-fire, withdraw of Argentine forces from the Islands will commence, to be completed within 15 days... (4) within this time frame, the United Kingdom will inform the secretary-General of plans for the reduction of its forces in the region of the Falkland Islands. In the light of these plans, the Secretary-General will undertake consultations on the possibility of security arrangements under United Nations auspices. (5) the parties undertake to enter into negotiations in good faith under the auspices of the Secretary-General of the United Nations, for the peaceful settlement of their dispute and to seek, with a sense of urgency, the completion of these negotiations by 31 December 1982. Taking into account the Charter and the relevant Resolutions of the General Assembly. These negotiations shall be initiated without prejudice to the rights, claims or positions of the parties and without prejudgement of the outcome...(6) the negotiations will be inaugurated on 1 July 1982. (7) should the Secretary-General, after taking account of the course of negotiations and the views of the parties, determine that the achievement of a negotiated settlement will not be possible within the time frame envisaged, he may establish a new target date which will be in keeping with the urgency of a diplomatic solution .. ¹¹⁵⁰

Parsons comments; *“I believe that this is another genuine last minute attempt by Pérez de Cuéllar to try to bring about Argentine withdrawal without further bloodshed. Obviously it has come too late ..”*

Britain presents a *bout de papier* condemning the Brazilian decision to retain the *Vulcan* bomber and threatens *“serious consequences”* for continuing friendly relations between the two countries.¹¹⁵¹

A meeting of the *Non-Aligned Movement* deplores the military operations being carried out by the UK with US support and reaffirms; *“solidarity with Argentina in its efforts to end an outdated colonial presence.”*

“Following twenty hours of discussions a Latin American group text on Falklands has been agreed and is being put to Political Committee at Ambassadorial level later today. UK veto in Security Council on 4 June has led to increased Cuban/Argentine pressure on non Latin group members to accept revised draft of Falklands.”

“The Latin Americans had taken the whole place over in a big way on the Falklands, with Castro acting as impresario for Costa Mendez. He frankly admitted that Britain's friends had been swept away by the torrent of Latin American rhetoric, pressure and theatricality. All under the TV cameras. He had attended many NAM meetings over the years but had never heard anything like the violence of Costa Mendez's rhetoric. Pretty well

1150 PREM19/634 Telegram 945 of 6 June 1982

1151 PREM19/634 Telegram 250 of 5 June 1982

*every Latin American under the sun had spoken on similar lines. Almost all the vitriol had been directed against Britain, with the United States as a footnote ... Costa Mendez had received a long standing ovation with Castro capering in the public gallery ..*¹¹⁵²

June 6th – Scots Guards land at Fitzroy, bringing the troops now on East Falkland to some 8,000 strong.

MV Norland sails towards Montevideo with 1400 Argentine prisoners. *HMS Hydra* arrives in Montevideo with 50 British walking wounded.

Sir Anthony Parsons is instructed to inform the Secretary-General that his proposals are “unacceptable.”

“I saw the Secretary-General at 2300z this evening, ie one hour before his deadline. He had not by then heard from the Argentines... I said that you (Pym) and the Prime Minister had studied the Secretary-General's message very carefully... But for the immediate future you had a single objective, namely to bring about Argentine withdrawal by one way or another and as quickly as possible. The military situation on the ground was now too complex to make it practicable for a third party to intervene. You could not at this stage accept an integrated package involving many other aspects of the crisis. Nor at this stage could you commit yourselves to any proposition about the reduction of UK forces or about long term security arrangements under the UN's or anyone else's auspices. These were matters that would have to be worked out after we had repossessed the Islands. I went on to say that we had become disillusioned by the course of negotiations during the last two months. ...

Most recently our complete lack of confidence in the Argentines had been compounded by the Non-Aligned communique which had just been drafted in Havana. This had been an Argentine text. It showed absolutely no disposition on Argentina's part to compromise. .. Against this background you were not prepared to take another chance which would involve the risk of re-involving ourselves in interminable negotiations. We had reached the point where the only practicable way of bringing about a cease-fire and Argentine withdrawal was through direct negotiations between the military commanders on the spot.

*It was clear that none of this came as any surprise to the Secretary-General. ... De Soto has since told me that the Argentine response was negative, he would not reveal the details ..*¹¹⁵³

The mood amongst American officials, including Jeanne Kirkpatrick, is described as “glum.”

June 7th – the Royal Navy bombards Argentine positions near Stanley while *Gurkha* patrols mop up pockets of resistance behind British lines.

In a letter to Taoiseach Charles Haughey, the *Irish Exporters Association* inform their Government that the policy of opposition to EU trade sanctions against Argentina had caused a severe trade backlash in the UK.

President Reagan visits Britain, while the Pope visits Argentina. Following Zaire's support for the vetoed *Security Council Resolution*, a decision is made in London not to finance military equipment for the Zairean contingent in Chad, amongst other punitive actions.

June 8th – President Ronald Reagan addresses both Houses of Parliament; “... *On distant islands in the South Atlantic young men are fighting for Britain. And, yes, voices have been raised protesting their sacrifice for lumps of rock and earth so far away. But those young men aren't fighting for mere real estate. They fight for a cause -- for the belief that armed aggression must not be allowed to succeed, and the people must*

1152 *PREM19/634 Telegram 958 of 7 June 1982.* Conversation between Anthony Parsons and Amin Doha, (Bangladesh).
1153 *PREM19/634 Telegram 949 of 6 June 1982*

participate in the decisions of government -- [applause] -- the decisions of government under the rule of law. If there had been firmer support for that principle some 45 years ago, perhaps our generation wouldn't have suffered the bloodletting of World War II."

An article in the French newspaper *Le Monde* declares that President Mitterrand does not endorse the British claim to sovereignty and that while France agrees that international law must be upheld, Britain should negotiate with Argentina for a new status for the Falklands which would be fair for both sides.

After overnight shelling of Argentine positions by *HMS Active* and *HMS Ambuscade*, the Ministry of Defence issue a press release; "*Elements of 5 Brigade are now firmly established at Fitzroy Settlement and Bluff Cove.*"

HMS Plymouth is attacked by *Dagger* fighter bombers and hit by 4 bombs, none of which explode. *RFA Sir Galahad* and *RFA Sir Tristram* are hit by 500lb bombs launched from *A4 Skyhawks*. Both ships are abandoned.¹¹⁵⁴ 3 Argentine *Skyhawk* aircraft are shot down by 2 *Sea Harriers*, as they attack landing craft near Fitzroy.

A crude oil tanker, *Hercules*, owned by a Liberian corporation is attacked and bombed by Argentine aircraft 600 nautical miles from Argentina and more than 500 from the Falklands. After failing to defuse an unexploded bomb, the vessel is scuttled by its crew. The hospital ship, *HMS Hydra*, sails from Montevideo to assist.¹¹⁵⁵

4 Argentine *Mirage* aircraft are shot down by two *Sea Harriers*. 3 other Argentine aircraft are also reported to be down.

June 9th – in an interview with NBC, Prime Minister Thatcher is asked about the chances of a political settlement. She responds; "*We've been trying for a political negotiated settlement for 8 weeks. For 8 weeks the Argentines could have withdrawn at any time. They haven't withdrawn. It is now beyond a negotiated settlement.*"

French President Mitterand, at a press conference, says that although he felt solidarity with Britain; "*This war must not turn into a war of revenge. There are limits to this conflict which I fully intend to make known at the right time, which will not be long.*"

Michael Foot, leader of the main opposition party in Parliament, the *Labour Party*, writes to the Prime Minister; "*.. All the indications from the Argentines are that, so long as their only alternative is unconditional surrender to a British ultimatum, they will persist in defending Port Stanley and other points on the Islands. This may well lead to heavy casualties. Both for Britain's good name, and for the sake of the servicemen on both sides who may be killed and wounded. Is it not worth giving the Argentines an undertaking that discussions will reopen as soon as they complete their withdrawal?*"

Foreign Secretary Pym instructs Ambassadors and missions around the world; "*Please deliver as soon as possible the following message from me to the Foreign Minister of the country to which you are accredited. Quote. - I am very concerned to ensure that, once Argentine forces have been obliged to leave the Falklands, all military action by Argentina against us in the South Atlantic must stop. We want the next period to be one of rehabilitation and reconstruction and not one of continuing bitterness and hostility. I hope that this would also be the Argentine mood, and presumably they will be concerned for the return of their prisoners of war.... We do not want a situation where we have regained the Falkland Islands but Argentina refuses to give up the*

1154 *Galahad* was later towed out to sea and sunk. It is now listed as a war grave. A Hong Kong Chinese crewman, Chiu Yiu Nam, was awarded a George Medal for his bravery in saving those trapped inside the vessel. He was not identified until 1983.

1155 *Amerada Hess Shipping Corp v. Argentine Republic*, 830 F. 2d 421. 423 (2d Cir.1987). Decided on appeal 1989. The petitioners took their case to the US after failing to find an Argentine law firm that would represent them in Argentina.

fighting against us. There may be a need to maintain economic measures until Argentina agrees to cease all hostilities in the South Atlantic. The embargo on arms supplies might remain rather longer, so that we can be sure that Argentina has finally abandoned her aggressive intentions.”

HMS Yarmouth bombards the Moody Brooks area. Newspapers in Buenos Aires headline a, “*serious British setback at Fitzroy Settlement,*” and talk of many, “*British losses in landing attempt.*” *La Nacion* claims that a frigate has been sunk and three other Royal Navy vessels, “*destroyed.*”

In the Madrid daily, *Ya*, President Galtieri is quoted as saying; “*Argentina will not accept a return to the status of 1 April in the Malvinas.. but is willing to withdraw her forces at the same pace as the British, leaving a UN Administrator to govern the Islands.*” *La Nacion* quotes Galtieri as saying that Argentina; “*is prepared to continue the war for as many months and years as necessary.*”

June 10th – Lord Shackleton launches the *Falklands Appeal*.

Defence Secretary John Nott speaks to the House of Commons; “*Since I reported to the House on 26 May British forces have moved forward to positions surrounding Port Stanley and are in firm control of high ground on an arc surrounding the town.*”

Thatcher responds to Michael Foot's letter; “*.. We are not demanding the unconditional surrender of Argentine forces. We have made it clear that if the Argentine Commander on the Falkland Islands announces his wish to withdraw all Argentine forces to the mainland, we will allow him to do so in good order. There need be no humiliation involved. .. Since our landings on the Islands and the losses which we have incurred it would be unthinkable to negotiate about the future of the Islands as if everything were still as it had been before. .. We cannot allow the Argentines to demonstrate that they have been able to achieve progress in their attempts to impose sovereignty over the Islands as a result of their aggression. On the future of the Islands, we must, of course, consult the Islanders ...*”

HMS Yarmouth's bombardment continues. Peru supplies 10 *Mirage* jets to Argentina. The *Vulcan* bomber detained by Brazil is allowed to leave on an undertaking that it will take no further part in “*warlike operations.*” The missile removed from the aircraft remains in Brazil.

At the UN, Pérez de Cuéllar makes it known that he is thinking of asking the Pope to intervene with President Galtieri in an attempt to persuade the Argentines to accept his last proposals. Sir Anthony Parsons dissuades Pérez de Cuéllar from this course.

June 11th – in Paris, the French Ministry of Foreign affairs suggests that it might be possible for the British to come to an arrangement with the Argentines without driving them off the last square metre of the Islands. The French argue that relations between Europe and Latin America could be poisoned for years if Britain did not seize the right moment to begin working towards a solution.

The battle for Port Stanley commences. Argentine positions to the west of Stanley are attacked. 3 Islanders are killed in a naval bombardment of Stanley. Argentina's military command post inside Stanley police station is also attacked. RAF *Harriers* bomb Argentine positions at Two Sisters, Mount Harriet, Mount Longdon, Mount Tumbledown and Moody Brook Barracks.

A member of Pérez de Cuéllar's staff flies to Buenos Aires with a mission to contact the Cardinal accompanying the Pope in order to give him a full briefing of the Secretary-General's proposals of 5 June. Parsons reports; “*This is tiresome. It is naive to suggest that De Soto will not be in contact with Ros in Buenos Aires and if his mission becomes public it will arouse expectations...*”

In Lima, the Peruvian Foreign Minister, Dr. Arias, tells the British Ambassador that Costa Mendez had telephoned him to say that the Argentines would withdraw if only, “*some suitable formula could be found.*”

The Pope arrives in Buenos Aires. He is met by crowds shouting; “*Holy Father bless our just war.*”

June 12th – *The Times* newspaper publishes an interview with President Galtieri; conducted by the Italian journalist, Oriana Fallaci:

Fallaci: “*.. the islands are practically back in the hands of the British ..*”

Galtieri: “*No, madam journalist. The Malvinas are not back in the hands of the British. The British have still to capture them, and the result of the battle which is going to take place at Puerto Argentino is not so sure as you expect. I am much more optimistic than you. However, even if Puerto Argentino should fall as you say, I should not ask myself “was it worth while,” even less would I think I had made a mistake. ... Listen to me, madam journalist, not even the fall of Puerto Argentino would be the end of this conflict and our defeat... In fact I am not alone in believing that what we did on the second of April was right. The whole Argentine people believe it. Madam journalist, for 149 years the Argentines have denounced the aggression by the British .., and for 17 years they have tried to settle the problem through diplomatic channels, through the United Nations.... The British colonisation could not last any longer.*”

Fallaci: “*But why do you say colonisation? ..Whom did the British colonise in this case – the penguins?*”

Galtieri: “*They are all British because the British never permitted the Argentines to buy a piece of land there, to start a business, some kind of commerce or presence. .. The British .. kept these islands as a personal farm, and did not let any Argentine settle down.*”

Fallaci: “*.. you are a coloniser too, Mr. President..*”

Galtieri: “*.. let's not go back that far in the past. Let's look at things as they are since the British stole the Malvinas from us. Let's observe where these islands are situated, how the under-water terrain extends itself in that area and connects with the islands. One can easily see the natural correlation existing between them and the terra firma. Not only historically, but geographically, the Malvinas belong to us...*”

Fallaci: “*But apart from that underwater terrain, what is it that appeals to you so much in those ugly islands? ..*”

Galtieri: “*You should ask Mrs. Thatcher, who is dealing death to us and to her people because of these islands, and because of these islands has lost half her fleet. Go ask her.*”

Fallaci: “*Now I am asking you.*”

Galtieri: “*Madam journalist, its the sentiment... the sentiment of the Argentine nation since 1833.*”

Fallaci: “*.. should I say illusions? To begin with the illusion that Great Britain would not react..*”

Galtieri: “*No, I'll tell you that though an English reaction was considered a possibility, we did not see it as a probability. Personally I judged it scarcely possible and totally improbable. In any case, I never expected such a disproportionate answer. Nobody did. ... It seems senseless to me.*”

Fallaci: “*Haig claims that the fault is yours because he did not know with whom to deal .. Even on the 502 Resolution, the one that asked the Argentines to withdraw, he claims you and your generals had different views..*”

Galtieri: “.. *the 502 Resolution contained a series of consequences that we could not accept because Argentina had not shed on drop of English blood to take back the Malvinas and the British were attacking us ..*

Fallaci: “.. *you said that the complete fall of the islands would not mean the end of the war...*”

Galtieri: “... *Argentina does not give up her rights on the Malvinas, on South Georgia, and on the South Sandwich Islands. It means that Argentine will never accept a return to where she was on the first of April. It means that we shall not have peace until we have obtained what we want.*

Fallaci: “ *What is wrong with accepting, for example, the United Nations flag on those islands?*”

Galtieri: “.. *the United Nations flag is alright until the negotiations take place. But not after. Not in the future. The future must see the Argentine flag on the Malvinas. And it will.*” ¹¹⁵⁶

Royal Marines capture Mount Harriet and Two Sisters. A Vulcan bomber drops 21 x 1000lb bombs on Stanley Airport. Sgt. Ian McKay is killed on Mount Longdon in an action for which he'll be awarded a Victoria Cross.^{xvii}

HMS Glamorgan is hit by a shore based Exocet missile, killing 13 and causing extensive damage but not putting the vessel out of action.

In Buenos Aires the *Junta* claim that British forces have attacked the hospital ship *Bahia Paraiso*. This is denied by representatives of the ICRC who are aboard the vessel. The Argentine postal services on the Islands issue a stamp celebrating the 153rd anniversary of the *Civil and Military Command*, headed by Luis Vernet.

June 13th – battles for Tumbledown, Wireless Ridge and Mount William commence. 3 Argentine aircraft attack British ships near Port Stanley. One of the aircraft is shot down. *HMS Glamorgan* fires 147 rounds at 6 targets in support of the assault on Two Sisters. *HMS Avenger* and *HMS Yarmouth* fire 200 shells at targets in Port Stanley and Port Howard.

*“Phase 1 of the attack on Stanley began .. It involved a night move and silent attack supported by naval gunfire engaging targets further east. Initial surprise was achieved but there was stiff fighting as final objectives were taken. All units .. are firm on high features Mt. Longdon, Two Sisters and Mt. Harriet. First, unconfirmed, casualty figures are thought to be 19 killed and 80 wounded. 300 prisoners taken, including CO 4 Inf. Regt.”*¹¹⁵⁷

Asked about the Falklands in a television interview, Alexander Haig says that; *“the problem will ultimately have to be solved in the context of the traditional friendships between the US, UK and Latin America, and in a way which ensured stability and justice.”*

June 14th – Scots Guards and Gurkha detachments capture Tumbledown and Mount William.

“During this action 1/7 Gurkha Rifles had as their objective Mount William. Believed to be held strongly by a Battalion of enemy which, by all accounts, faced with the panache and reputation of the Gurkhas appeared to have turned tail and fled ... So no heads were cut off with kukris or anything messy like that... The mere presence of the Gurkhas actually helped to quicken the final stages and save casualties....”

Governor Mendez manages to speak to President Galtieri in Buenos Aires. Galtieri reminds his Governor that the Argentine military code calls for a commander to fight until he had lost 50% of his men, and 75% of his

1156 “Galtieri: No regrets, No Going Back” by Oriana Fallaci

1157 PREM19/635 Situation Report for Prime Minister as at 1200A Sun 13 Jun 82

ammunition. Mendez replies, "I cannot ask more of my troops, after what they have been through ... We have not been able to hold on to the heights ... We have no room, we have no support."

2 Para are in Stanley. White flags are seen and a cease-fire is called.

Instrument of Surrender

I, the undersigned, Commander of all the Argentine land, sea and air forces in the Falkland Islands¹¹⁵⁸ surrender to Major General J.J. MOORE CB OBE MC as representative of Her Britannic Majesty's Government.

Under the terms of this surrender all Argentine personnel in the Falkland Islands are to muster at assembly points which will be nominated by General Moore and hand over their arms, ammunition, and all other weapons and warlike equipment as directed by General Moore or appropriate British officers acting on his behalf.

Following the surrender all personnel of the Argentinian Forces will be treated with honour in accordance with the conditions set out in the Geneva Convention of 1949. They will obey any directions concerning movement and in connection with accommodation.

This surrender is to be effective from 2359 hours ZULU on 14 June (2059 hours local) and includes those Argentine Forces presently deployed in and around Port Stanley, those others on East Falkland, (Menendez's signature) West Falkland and all outlying islands.

[Menéndez's signature] Commander Argentine Forces

[Moore's signature] J. J. MOORE Major General

[Pennicott's signature] Witness

2359 hours 14 June 1982

In a message to the Commander-in-Chief Fleet, General Moore reports in a telex message: "In Port Stanley at 9pm Falkland Island time tonight, 14th June 1982, Major General Menendez surrendered to me all the Argentine Armed Forces in East and West Falkland, together with their impedimenta. Arrangements are in hand to assemble the men for return to Argentina, to gather in their arms and equipment, and to mark and make safe their ammunition.

"The Falkland Islands are once more under the Government desired by their inhabitants.

God Save the Queen."

Margaret Thatcher, makes a speech to the House of Commons; "... in Port Stanley, 74 days after the Falkland Islands were invaded, General Moore accepted from General Menendez the surrender of all the Argentine forces ... General Menendez has surrendered some 11,000 men in Port Stanley and some 2,000 in West Falkland. In addition, we had already captured and were holding elsewhere on the islands 1,800 prisoners,

1158 Menéndez's signature, scribbled over the crossed-out word of "unconditionally"

making in all some 15,000 prisoners of war now in our hands... We have today sent to the Argentine Government, through the Swiss Government, a message seeking confirmation that Argentina, like Britain, considers all hostilities between us in the South Atlantic—and not only on the Islands themselves—to be at an end. It is important that this should be established with clarity and without delay.” xviii

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

Sir Anthony Parsons reports; *“I saw the Secretary-General .. we have told the press that the meeting took place at my initiative: and I wished to inform the Secretary-General of the statement which the Prime Minister had made shortly beforehand in the House of Commons.... We have said nothing to encourage the speculation about a future role for the United Nations...”*

Sri Lanka's President, speaking to the British Ambassador, conveys to the Prime Minister his; *“.. personal assurance of Sri Lanka's support for Britain over the Falkland Islands.”*¹¹⁵⁹ Messages of congratulation for Margaret Thatcher pour in from both Commonwealth, and other, countries.

Television footage shows Margaret Thatcher shaking hands with members of a cheering crowd in Whitehall.¹¹⁶⁰

June 15th – in a message to the *Junta* in Buenos Aires, sent via the Swiss Embassy, the British Government seeks confirmation that hostilities are now at an end; *“Following the ceasefire in the Falkland Islands, there are a large number of Argentine personnel who will wish to return as soon as possible to their homes and families in Argentina. The British Government is prepared to start the process of repatriation as soon as possible, provided that they receive confirmation from the Argentine Government that there is now a total cessation of hostilities between the two countries and that Argentina is ready to accept the return of Argentine prisoners of war and others from the Falkland islands and dependencies direct to Argentine ports on British or other ships or aircraft. The British Government would also require confirmation of safe passage for any ships or aircraft used for this purpose. ...”*¹¹⁶¹

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

British Ambassadors in South American capitals are requested to ask the respective Presidents to bring pressure to bear on Argentina to accept a cessation of hostilities. Similar requests are sent to Governments world-wide. Ambassador Henderson speaks to the State Department; *“The US Ambassador has been instructed to speak immediately to the Argentinians; the US Ambassador in Brasilia has been instructed to encourage the Brazilians also to advise the Argentinians to agree to an immediate cessation of hostilities. It is not clear, however, whether the Junta is in any state to take decisions.”*

Faced with a similar instruction, Sir Anthony Parsons responds; *“ I do not wish to seem inhumane, but I am reluctant to involve the Secretary-General in this exercise. We would in effect be asking him to persuade the Argentines to accept a cessation of hostilities including the lifting of economic measures/exclusion zones so that*

1159 PREM19/635 Telegram 148 of 15 June 1982. Sri Lanka is a member of the *Non-Aligned Movement*. In 2012, Sri Lanka was a member of the C24 and a strong supporter of self-determination for the Falkland Islanders.

1160 *Falklands anniversary: Baroness Thatcher's sympathy for Argentine mothers. The Telegraph* 14 June 2012

1161 PREM19/635 Telegram 119 of 15 June 1982.

their prisoners could be returned immediately. I believe that the Secretary-General and his staff would see this as a golden opportunity to get the UN into the act again... If we ourselves invoke the Secretary-General's help and, having consulted the Argentines, he comes back with proposals for UN involvement ostensibly on humanitarian grounds, we could find ourselves in a difficult position. There is already a strong feeling here that we should accept some kind of UN involvement even at this late stage in order to save Argentine face, avoid the ultimate humiliation, etc. .. We should stick to the ICRC as the correct agency for dealing with such situations."¹¹⁶²

President Galtieri tells his people that the fighting at Port Stanley has ended; "Our soldiers made supreme efforts in fighting for the dignity of the Nation. Those who fell will always be alive in the hearts and great history of the Argentinians. ... They fought against incomprehension, contempt and arrogance with more courage than arms. They faced up to the overwhelming superiority of a power supported by the military technology of the United States of America, which was surprisingly the enemy of Argentina and its people. They fought to remove from our soil the last vestige of colonialism. They fought for the very essence of our national and American identity, they fought for the same causes which prevailed over the glorious birth of our Fatherland. Our Nation has fought for its spiritual and material integrity, convinced that ever tolerated insults break the spirit of peoples and of men.

Those who hitherto have not wanted or been able to acknowledge the truth of our cause will have to listen to their consciences and understand that there must exist profound reasons of justice for a peaceful Nation to take up arms to the point of heroism.

Puerto Argentino will not be the last step in the National endeavour which we began in 1833 and which we continued on 2nd April. In all cases the nation, standing united and spurred on by a sole cause, will continue marching forward.

Let nobody try to disturb or interfere in the path of the Argentinians. Let nobody try to play with our wounds or our emotions. Let nobody be misled into believing that we are tough in the fight but weak in spirit. The World knows that we are not a people which has forged its existence in the fires of wars of conquest, and it is well attested that we never said "No" to peace. The majority of States acknowledge the legitimacy of our claim to the Malvinas. What we are claiming belongs to us, will always be within our reach and sooner or later we will obtain it... "

The Plaza de Mayo is filled with crowds shouting; "Cowards!". Demonstrators set off a bomb near the US Embassy.

Multipartidaria, a grouping of Argentine political parties, calls for democracy but states; "The result of the battle does not leave a stain on the heroism of our fighters, nor should the lives sacrificed or wounds suffered be for nothing. The reconquest of the Malvinas Islands for the integral sovereignty of the Republic will be a permanent national objective for this generation and those to come."

President Burnham of Guyana telephones PM Thatcher to offer his congratulations, and to hope that a lesson had been learnt.¹¹⁶³

Telam asserts that an agreement has been signed allowing for a withdrawal of Argentine forces - (1) the courage of Argentine troops is recognised, (2) a joint Argentine-British Commission is to be set up for the transfer

1162 *PREM19/635 Telegram 1001 of 15 June 1982*. ICRC = International Committee of the Red Cross.

1163 Guyana had its own territorial dispute with Venezuela and there had been a fear in 1981 that when the *Protocol of Port of Spain* agreement expired in July 1982, Venezuela might resort to force. This was thought to have been more likely had Argentina resolved its dispute successfully through force.

ceremony of the Island's Administration, (3) Argentine troops to remain under General Mario Menendez, (4) British and Argentine troops will be involved in clearing minefields, (5) the flag will not be turned over to the British, (6) the ceremony will be held in private, and (7) Argentine troops will withdraw on Argentine ships and planes.

Ambassador Tickell in Mexico, is asked by the Deputy Foreign Minister about future negotiations over the Falklands; *"I said that it was too early to think about negotiations with the Argentines. They had caused the loss of many lives, wasted vast resources and done enormous damage. We were more inclined to send them a bill than to join them in a cosy chat about the future."*

At the UN, Jeanne Kirkpatrick tells Pérez de Cuéllar that the Argentines and the British have reached agreement that there is to be no surrender ceremony; Argentine withdrawal will take place in implementation of SCR 502; all Argentine troops will withdraw with their weapons and equipment except POW's taken before the final assault and, on this basis, Argentine aircraft will not carry out further attacks on the British Task Force.

Sir Anthony Parsons denies any knowledge of such an agreement; *"It is characteristic of Mrs Kirkpatrick that she should choose to act as a relay between Argentina and the Secretary-General. If there is any truth in her statement – I have no doubt that she is in touch with the Argentines, probably General Miret – it may represent the conditions that Argentina will try to put forward .."*¹¹⁶⁴

Parsons telegrams London; *".. I should notify the Security Council of the Argentine surrender, having regard to our obligations under Article 51 of the Charter. We did this for South Georgia. At present, our prime objective must be to avoid any revival of activity by the Secretary-General or in the Security Council, whether at the behest of Argentina (through Panama) or of the do-gooders. I have therefore concluded that we should do nothing vis-a-vis the Council, at least until we know the Argentine reply .."*

June 16th – American Vice-President Bush, and Senator Percy, telephone Margaret Thatcher to offer their congratulations. The US Ambassador in London writes expressing his; *"profound admiration."* Similar messages continue to arrive from around the world.¹¹⁶⁵

Information is received, via the Swiss Embassy in Buenos Aires, to the effect that the *Junta* wish that; *"Argentine prisoners not be considered as prisoners of war because this would suggest capitulation and instead would like the evacuation of their troops to be considered as "withdrawal" linked with Security Council Resolution 502."*¹¹⁶⁶

The Swiss are also informed that only the *Junta* can make a decision on a ceasefire, and when they are ready to do so the Swiss Embassy will be informed.

Chile's Ministry of Foreign Affairs, informs the British Embassy that they cannot assist in the repatriation of prisoners of war unless Argentina agrees. Argentina maintains that the existing route via Montevideo is sufficient and they are not prepared to consider other ports. Buenos Aires informs the ICRC that it has no objections to the *Canberra* or the *Norland* repatriating its troops via Montevideo; *"In the Junta's view in no event could a British ship enter an Argentine port. Moreover, the infrastructure.. for the reception of the soldiers was not ready. The proposal by Great Britain was described as "cruel"..."*

1164 *PREM19/635 Telegram 1004 of 15 June 1982.*

1165 Many whispered or muttered quietly to Ambassadors on the understanding that they should not be made public.

1166 *PREM19/635 Telegram 168 of 16 June 1982.* The request had been directed at the International Red Cross by Ambassador Fransisco Jose Pulit.

Brazil's Government issue a statement; *"At this time Brazil cannot fail to express to the brother nation its solidarity and its conviction that just as the Argentine people has the right and the duty to feel pride in the patriotism and courage of its sons, so it will also, united and strengthened, overcome the difficulties of the moment ... Since 1833 Argentina has never ceased to claim sovereignty over the Malvinas. Brazil has always recognised the just title to that claim. At all times, we favour and continue to favour a political and diplomatic solution for the issue, for we believe that controversy cannot be extinguished by force of arms..."*¹¹⁶⁷

June 17th – a message is received in London, via Brazil; *"The Argentine Government is ready to receive as soon as possible, the Argentine personnel who are now in the Malvinas Islands. For this purpose, it is understood that the procedure followed up to this moment since the beginning of the conflict should continue to be applied ... Any attempt to impose unilaterally other conditions of a political character aside from humanitarian purposes is unacceptable to the Argentine Government. Otherwise, the British Government will bear the responsibility for using the fate of those thousands of people for political purposes."*

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

General Galtieri resigns as President of Argentina.

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

The FCO send information to all Ambassadors about the repatriation problem; *"There remains widespread international confusion about the basic issues involved in our current problem of repatriating the Argentine POW's and achieving an end to hostilities. This confusion is being worse confounded by deliberate Argentine misrepresentation of our position. Ministers should take every opportunity to set the record straight. (1) what we are demanding from Argentina now is a ceasefire and an end to hostilities: ie we want peace. We are not demanding a 'Peace Settlement', nor that they should explicitly renounce their sovereignty claims over the Falklands, nor that they should give up any long-term understandings. (2) We are not using the POW's as hostages or as a bargaining counter to achieve this ceasefire... the Geneva Convention does not envisage a return of POW's until a cessation of hostilities has been agreed. Premature return risks prisoners being recycled for war. (3) Despite this, we are prepared as a humanitarian act, to return the vast bulk of the Argentine POWs even in advance of a ceasefire providing only that we have a guarantee of safe passage. Reports from Port Stanley have shown that the Argentine prisoners were in very bad condition when captured and that local resources are quite inadequate to provide shelter and nourishment in the prevailing blizzard*

1167 PREM19/636 Telegram 281 of 16 June 1982.

conditions. (4) Our evacuation plans are being dangerously frustrated by the Argentine refusal even to give safe-conduct for the ships on which we would propose to return their prisoners. We are prepared to send these to any port in Argentina or a neighbouring country where they may be safely delivered. But the closer the port to the Falklands the faster we can undertake the operation and therefore the more chance we have of avoiding even more severe hardship and even fatalities among the POWs. (5) The Argentine Junta's intransigence demonstrates their lack of regard for the safety and well-being of their own troops: they appear to be using POWs as an expendable factor in their own efforts to avoid political embarrassment."

HMS Endurance, HMS Yarmouth and MS Salvageman arrive off Southern Thule.

Argentina presents a letter to the Security Council; "... I have the honour to refer to certain actions taken by the British Government with regard to the scientific station 'Corbeta Uruguay', which the Argentine Republic set up in March 1977 on Morell Island (Southern Thule), in the South Sandwich group. Previous work on this station had begun at the end of 1976.... It should also be noted that, before the construction of the scientific station, no permanent installation like 'Corbeta Uruguay' had been built on the South Sandwich Islands and that consequently there was no permanent settlement on the islands up to that point. .. We have now been informed that the British warship *Endurance* has informed the personnel of the Station that they should abandon it and give themselves up as prisoners, otherwise the ship will open fire..."

Parsons' comments; "The letter is remarkable for not asserting Argentine sovereignty."

June 18th – President Reagan writes to Prime Minister Thatcher; "Let me extend my congratulations on the success of British arms in the South Atlantic. Your victory was both a brilliant military feat and a defence of our shared principle that disputes are not to be resolved by aggression. The minimum loss of life and the generous terms of withdrawal were also in the finest British tradition. A just war requires a just peace. We look forward to consulting with you and to assisting in building such a peace. It must of course take into account the sacrifices of your men in battle. Its elements in my judgment must include enhancement of the long-term security of the South Atlantic, mitigation of Argentine hostility and improvement in the relations of both our countries with Latin America."

A message is received from the Junta, via the Swiss; "It is absolutely forbidden for any British ship to dock in Argentine continental territory.... Argentina will not accept any British proposal for a ceasefire as long as there is no mention of the possibility of being able to reopen the discussion on sovereignty."¹¹⁶⁸

Argentina complains to the President of the Security Council alleging that Britain is refusing to implement paragraphs 1 and 3 of SCR 502; "Argentina comes back again today to the Security Council to establish clearly, as it has on previous occasions, its full readiness to implement Resolutions 502 and 505. My Country hopes at the same time that the Council will pursue its efforts to get the United Kingdom to implement those Resolutions in full. ..

There exists de facto in present circumstances, a cessation of hostilities which Argentina is observing. But this cessation of hostilities will be precarious as long as the British attitude, as shown by the military occupation, the blockade and the economic aggression, continue. The complete cessation of hostilities will only be achieved when the United Kingdom lifts its sea and air blockade and the economic sanctions already referred to and when it withdraws its military occupation forces on the Islands, the naval Task Force and the nuclear submarines which it has deployed in the waters of the region.

1168 PREM19/636 Telegram 177 of 18 June 1982.

*Argentina indicates once again that only a negotiation conducted under the auspices of the United Nations and in accordance with the relevant Resolutions, for which Argentina has always been ready, can lead to a definitive solution of the dispute, removing the situation of illegal colonial domination, sustained by force and which in itself constitutes a permanent threat to peace*¹¹⁶⁹

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

*“I told Urquhart afterwards of the .. conversation. He said that he was glad I had spoken as I had. He had been present at all Pérez de Cuéllar's recent meetings. A number of visitors, including Reagan/Haig, Schmidt (rather offensively to us), and Trudeau had been wringing their hands about the need to heal the breach between the West and Latin America and about the need for the British to show flexibility etc. Pérez de Cuéllar had told each of them that, in his judgment, the Argentines had been in the wrong from the start, that they had been vastly mistaken not to accept our offer of 17 May “which involved major concessions which he knew we had been reluctant to make,” that Argentina had wrecked his negotiations, thus leaving us no choice but to repossess the Islands by force.”*¹¹⁷⁰

The ICRC informs the British Government that Argentina has now agreed to the repatriation of POWs through both Montevideo, and Puerto Madryn.¹¹⁷¹

Ambassador Henderson in Washington telegrams the FCO; *“Eagleburger has told me about a proposition which was put to Haig this morning by the Secretary-General in New York. This was that since paragraphs 1 and 2 of SCR 502 had now in practice been fulfilled, the way was open for HMG and the Argentines to negotiate a diplomatic solution under para 3. Pérez de Cuéllar seemed to think that he might have a role in bringing the two together. Eagleburger said Haig would like our views. I said that there was no future in the Secretary-General trying to pursue this thought. Things had changed fundamentally since the Resolution was passed. Eagleburger said that was Haig's view too.”*

June 19th – Argentina's charge d'affaires at the UN, Arnaldo Listre, presents a note to the Security Council; *“(1) On express instructions from my Government, I have the honour to bring the following to the attention of the Security Council with regard to the question of the Malvinas, South Georgia and South Sandwich Islands. (2) After vetoing the draft Resolution ordering the cease-fire which was voted by the majority of the Council on 4 June 1982, the United Kingdom ... has continued its armed aggression against my country and has completed the military occupation of Puerto Argentino, the capital of the Malvinas, on 14 June. The self-defence exercised by Argentina in order to safeguard its territorial integrity could not prevail against the military superiority of the aggressor. (3) Consequently, the Commander of the Argentine forces defending the Malvinas had to surrender the personnel under his command in order to avoid greater loss of human life. (4) Throughout the developments which led to this situation the United Kingdom ... ignored the demand for an immediate cease-fire contained in Security Council Resolution 502 (1982) of 3 April 1982 and also the exhortation of the Council contained in paragraph 3 of that Resolution to the Governments concerned*

1169 PREM19/636 Telegram 1025 of 18 June 1982.

1170 PREM19/636 Telegram 1024 of 18 June 1982.

1171 PREM19/636 Telegram 341 of 18 June 1982.

to seek a peaceful solution of the dispute by means of negotiations. (5) As is well known, the United Kingdom vetoed the draft Resolution of 4 June, submitted by Panama and Spain, thus making clear its refusal to carry out the cease-fire and to accept Resolution 505 (1982), although it had been adopted unanimously and, obviously, with its own affirmative vote. (6) Argentina cannot and will not accept the situation of force which Great Britain has thus sought to impose. Today, it is clearer than ever that the United Kingdom's aim is to ensure by any means the continuation of a situation of colonial domination in the South Atlantic, in open violation of the Charter of the United Nations. (7) The Argentine Republic is now addressing the Security Council again to make clear, as it has done on previous occasions, its full readiness to carry out Resolutions 502 (1982) and 505 (1982). My country hopes likewise that the Council will continue its efforts to secure the full compliance of the United Kingdom with these Resolutions. (8) The United Kingdom is maintaining its troops on the islands, its fleet in the South Atlantic, the naval and air blockade against Argentina and also economic aggression carried out with the participation of other industrialized countries. (9) In addition, the United Kingdom has now extended its military operations to the South Sandwich Islands, as the Argentine mission informed the Security Council in Note No.171 of 17 June circulated in Security Council Document S/15230, by attacking the scientific station "Corbeta Uruguay" which the Argentine Republic has maintained in those islands for a number of years. (10) In view of the present circumstances, there is a de facto cessation of hostilities which Argentina is now observing. However, this cessation of hostilities will be precarious as long as the British policy of continuing the military occupation, the blockade and the economic aggression continues. (11) the total cessation of hostilities will be achieved only when the United Kingdom agrees to lift the naval and air blockade and the economic sanctions referred to above and when it withdraws the military force occupying the islands and the naval task force and the nuclear submarines which it has deployed in the area. (12) The Argentine Republic points out, once again, that only negotiations within the framework of the United Nations and in conformity with the pertinent Resolutions – negotiations in which Argentina has always been ready to participate – can lead to a final settlement of the dispute, thus eliminating a situation of illegal colonial domination, which is sustained by force and which in itself constitutes a permanent threat to peace."¹¹⁷²

Sir Anthony Parsons reports; "It looks as though Costa Mendez's propaganda machine is making the most of the Argentine note... Officials said that the note had been approved by the ruling three man Junta, including General Nicolaidis. Senior military officers said that it was the resignation of Galtieri that opened the way for the note. Foreign Ministry officials favoured a resumption of the Secretary-General's mission because he seemed fair and well-versed in the issues. Argentina would continue to seek sovereignty over the Falklands.... Pérez de Cuéllar and I looked ... but thought it did not amount to a serious offer of an immediate cessation of hostilities..."

June 20th – British troops occupy the South Sandwich Islands in *Operation Keyhole*. No shots are fired.

Argentina's representative at the UN submits a further note to the *Security Council* regarding Southern Thule; "This action constitutes a clear violation of the cessation of hostilities existing under the terms of my note No. 172 of 18th June and also constitutes a new act of aggression committed by the United Kingdom, in violation of *Security Council Resolution 502 (1982)*."¹¹⁷³

A 150 mile radius *Falkland Islands Protection Zone (FIPZ)*, with its center in Falklands Sound, is established by the British Government. Economic sanctions imposed by the EEC are lifted, although an arms embargo is

1172 *PREM19/637 Telegram 1032 of 19 June 1982*.

1173 *PREM19/637 Telegram 1035 of 23 June 1982*. After this was submitted, Parsons began to think that the note of the 18th had possibly contained Argentina's recognition that hostilities had ceased. However this was not very clear; and remained unclear. Secretary-General de Cuéllar did not see the note of the 18th as confirming a cessation of hostilities.

maintained. Norway announces its intention to do the same.

June 23rd – Margaret Thatcher calls on Secretary-General de Cuéllar at the UN. Pérez de Cuéllar informs her that he still has a mandate from the *Security Council*, but realises that there is not very much to be done at the present. Thatcher appraises de Cuéllar of the problems being addressed on the Islands including unmarked plastic minefields. Britain had repatriated about 10,000 POW's, some in a poor condition, but would retain 600 – 700 technicians, pilots and senior officers pending a cessation of hostilities. As regards a cessation of hostilities, lifting of exclusion zones, etc, the British Government had sent a message via the Swiss, but it was difficult to know who to deal with. If there were no hostilities for a long period, she might assume that there had been a cessation in the absence of a clear message, and return the remaining POW's. Thatcher also explains the British attitude to self-determination and the intention to act in accordance with Article 73 of the *Charter*.¹¹⁷⁴

Sir Anthony Parsons reports that there is no sign of the *Security Council*; “*resuscitating the subject*.” The Ugandan Representative had also made a comment about; “*the British people would lynch anyone who talked of negotiating with Argentina for at least a year*.”

The Prime Minister tells a special session on disarmament at the United Nations that, “*The fundamental risk to peace is not the existence of weapons of particular types, ...It is the disposition on the part of some states to impose change on others by resorting to force*.”

Canada lifts its economic sanctions against Argentina but maintains its arms ban.

June 24th – the FCO *Situation Report*, issued by the *Emergency Unit* at 0700 every morning since April 2nd, simply states; “(1) *There is nothing to report*. (2) *This is the last SITREP*.”

June 25th – Governor Hunt arrives back in the Falkland Islands, with instructions to carry out an urgent assessment of what is required immediately and in the longer term.

New Zealand announces to the British Ambassador that it is not prepared to normalise its relations with Argentina until the UK; “*are satisfied that hostilities have ceased*.”

Three British journalists seized in Ushuaia on April 17th, are ‘*bailed*’ in the sum of \$20,000 each. Further enquires are initiated via the Swiss Embassy regarding the oft delayed repatriation of Flt. Lt. Glover, captured on May 21st. The Argentine authorities are reminded that all their wounded have already been repatriated.

Argentina's postal authorities issue a decree saying that any mail carrying the words ‘*Falklands*’ or ‘*Port Stanley*’, will be stamped; “*RETURN TO SENDER. Postal communications have been interrupted in the Malvinas Islands, South Georgias and South Sandwich due to the illegitimate occupation by Great Britain of these Islands, which form part of the Argentine Republic and belong to its sovereignty*.”

The *Junta* in Buenos Aires announces that there will be a return to democratic rule early in 1984. Its new leader, General Reynaldo Bignone, rejects any possibility of any bilateral agreement with Britain, indicating that Argentina's sovereignty claim will still be presented in international fora.¹¹⁷⁵

In an article in *La Prensa*, Iglesias Rouco says that; “*..if Buenos Aires now decrees a cessation of hostilities without even a minimal negotiating recompense from London, the Argentine Government's future will become much more uncertain still*.”

1174 PREM19/637 Telegram 1045 of 23 June 1982.

1175 PREM19/637 Telegram 184 of 25 June 1982.

July 1st – General Reynaldo Bignone takes over officially as President of Argentina.

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

July 2nd – a message is sent to the new Argentine Government in Buenos Aires, via the Swiss and Brazilian authorities, to the effect that the UK is willing to proceed with an exchange of prisoners on; *“the assumption that active hostilities were over.”*¹¹⁷⁶

July 5th – at a meeting of the War Cabinet; *“If it is the Foreign and Commonwealth Office view that a positive response is unlikely and that the Argentine Government can be expected to opt for a de facto cessation of hostilities becoming effective simply through the passage of time, the question arises whether, and if so, at what point, we should offer to return the prisoners on the basis of a unilateral statement by the United Kingdom that we regard active hostilities as being at an end. (Provided that Argentina then accepted the prisoners back – and a fortiori if they agreed at the same time to return Flight Lieutenant Glover -it could reasonably be assumed that Argentina too regarded active hostilities as over even if they declined to say so.)”*

Argentina's Foreign Minister, in a speech, refers to a, *“de facto cessation of hostilities.”*

July 6th – Lord Franks is selected to head a commission of inquiry by Privy Councillors. *“To review the way in which the responsibilities of Government in relation to the Falkland islands and their dependencies were discharged in the period leading up to the Argentine invasion of the Falkland Islands on 2 April 1982, taking account of all such factors in previous years as are relevant; and to report.”*¹¹⁷⁷

Pérez de Cuéllar receives a telephone call from Buenos Aires to say that they releasing Ft. Lt. Glover.

July 7th – financial aid for the Falklands is agreed by the EC.

July 8th – at a further meeting of the War Cabinet; *“There has still been no response to the message conveyed to them through the Swiss on 3rd July. The Swiss believe that a direct response is unlikely to be forthcoming for some considerable time, if ever.”*

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

July 12th – trade sanctions imposed on Argentina by the USA are ended.

July 19th – a Parliamentary Question is asked and answered; *“Mr. Cook asked the Secretary of State for Foreign and Commonwealth Affairs in what area of the South Atlantic the United Kingdom is prevented from deploying nuclear weapons by its adherence to the treaty of Tlatelolco; and if he is aware of any infraction of the treaty by a signatory country.*

Mr. Hurd: By ratification of Additional Protocol I of the Treaty of Tlatelolco, the United Kingdom has undertaken not to deploy nuclear weapons in territories, including their surrounding territorial waters and airspace, for which it is de jure or de facto internationally responsible, and which lie within the geographical zone established in the Treaty. This covers the Falkland Islands and the Falkland Islands dependencies.

1176 560 POW's remained in British hands following the repatriation of the majority of Argentine conscripts.
1177 PREM19/654

*The Treaty is not in force in the south Atlantic outside these territorial limits because there are countries in the area to which the treaty applies which have not ratified it. I am aware of no infractions of the treaty.*¹¹⁷⁸

Secretary Weinberger provides an initial assessment for President Reagan; *"In the final analysis, the battle for the Falklands appears to have been a closer call than many would believe. The British won primarily because their forces, inferior in numbers at first, were superior in training, leadership and equipment. But luck played a significant role. The failure of the Argentine bombs is but one example; others exist. The British prevailed and pushed to victory just in time as they were critically low on artillery rounds and other supplies (8 rounds per barrel of artillery and no helicopter fuel) when they retook Stanley.*¹¹⁷⁹

July 22nd – the Total Exclusion Zone around the Islands is lifted.

August 13th – *The New York Times* reports on events in Buenos Aires; *"At least 1,000 people gathered in a downtown meeting hall to shout slogans condemning Argentina's surrender to Britain in the Falkland Islands and demand the continuation of the war to regain the archipelago. Local news agencies said that between 1,000 and 2,000 people attended the Thursday night rally. One speaker, Gerardo Palacios Hardy, a journalist, told the crowd, "For us, the war has not ended and we do not want peace but demand victory." The rally was organized by a group called Militant Patriotism. The organization recently placed advertisements in Buenos Aires newspapers calling on the Government "to continue the war effort in the propitious moments, forms and opportunities until the enemy is completely expelled from the South Atlantic."*

August 19th – two members of the Falkland Islands' *Legislative Assembly*, John Cheek and Anthony Blake, go to New York to tell the UN's *Decolonization Committee* that the Islanders' wish to stay with Britain.

Venezuela, Cuba and Czechoslovakia try to stop the Islanders from speaking, claiming that they first had to be approved by a sub-committee, headed by Czechoslovakia. *The New York Times* reports; *".. the committee chairman, Frank O. Abdullah of Trinidad and Tobago, refused, suggesting that diplomats should listen to representatives of people whose territory was under examination. Bulgaria, Afghanistan and the Soviet Union grumbled, but nobody challenged Mr. Abdullah's ruling. The islanders went ahead with their case.*

"We believe passionately in the United Nations idea of self-determination," Mr. Cheek said. "We look to you to support us." Mr. Blake described the islanders' life until British troops forced the Argentine invaders off the islands. The Argentine authorities, he said, curbed free speech, interned people for listening to English-language broadcasts, jailed others arbitrarily, scattered mines without maps creating a danger that still imperiled islanders and "smashed, soiled and looted" homes. He said the Argentines told the islanders that "we had no right to determine our own future." "These ideas seem to us preposterous and offensive," he said."

In **September** – the UK Government eases financial sanctions against Argentina.

Lord Shackleton publishes his updated *Report*, noting the changes that have occurred between 1976 and 1982, and recommending a transfer of land ownership to the inhabitants. He also notes the advantages of a 200 mile limit and suggests that greater economic emphasis be placed on offshore fishing.

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

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

1178 Hansard 19 July 1982 col 46w

1179 Reagan Library, Oliver North Files (*Falkland Islands Box 103*)

November 2nd – Argentina's new representative to the UN, Juan Aquirre Lanari, outlines Argentina's argument to the *Decolonization Committee*, claiming that:

- Argentina succeeded to Spain's historical right to the Islands,
- that the principle of '*territorial integrity*' over-rides that of '*self-determination*',
- that *Uti Possidetis De Facto* is ruled inapplicable by UN *Resolution 1514*, and that
- the UN had favoured the Argentine claim with *Resolution 2065*.

President Reagan writes to PM Thatcher about the US position at the UN regarding a new *draft Resolution*: “*I fully understand that negotiations are not acceptable to you, having just paid so much in blood and treasure to repulse the Argentine invasion. We have no intention to press you – or to see you pressed – into negotiations before you are ready. Equally, we have no intention to take a position on the substance of the matter that is in any way prejudicial to your position on the questions of sovereignty and self-determination. Indeed Resolution 1514 contains stronger references to self-determination than it does to the principle the Argentines proclaim, “territorial integrity”. Margaret, my country has always supported you and always will in defeating any effort to solve the Falklands dispute by force. You know that we have always been neutral on the question of sovereignty. And we have always favored peaceful solution of the issue by negotiation. I am well aware that it was the Argentines that interrupted negotiations by attacking the islands. But I do not think that in itself is reason not to support a solution by negotiations sometime in the future. It is hard for the United States to have any other position. ... I believe more weight ought to be given to the text of the Resolution as it now stands. The Brazilian amendments have made it much less objectionable. It was on the basis of this new text that my colleagues informed Argentina and other sponsors that we would support it. In particular, the references to de facto cessation of hostilities and the intention of the partners not to renew them takes us a good ways towards the formal renunciation of hostilities we both have been working for, ... At the time of the vote, our representative will put clearly on record our views that force must not be used again to solve the dispute, that the underlying question of sovereignty is not and cannot be prejudiced by the Resolution, and that the aspirations of the islanders must be taken into account.*”

Sir Anthony Parsons retires from the Foreign and Commonwealth Office to be appointed to the post of *Special Adviser on Foreign Affairs* to the Prime Minister.

November 4th – UN *Resolution 37/9* requests the Governments of Argentina and the United Kingdom to resume negotiations in order to find as soon as possible a peaceful solution to the sovereignty dispute relating to the question of the Falkland Islands.^{xix}

December – Secretary of State, Francis Pym, makes a speech in the House of Commons regarding Lord Shackleton's *Report*; “... *The Government agree with the broad conclusions of Lord Shackleton's report and are ready to support action by the Falkland Islands Government in the following major areas covered by his recommendations*:

A Falkland Islands Development Agency should be established. This would be provided with funds to buy land on the open market, and to divide it into smaller holdings. It would also have powers to make loans and grants towards the cost of a number of small-scale development projects.

The Islands' agricultural research centre, the Grasslands Trials Unit should be expanded;

There should be a feasibility study on an improved harbour complex, including a new deep-water jetty;

The Stanley-Darwin road should be completed and the existing network of tracks should be improved;

A pilot scheme for salmon-ranching and a survey of shellfish resources should be established; hotel and guest house facilities upgraded; and cottage industry skills developed.

Although they were not specifically covered in Lord Shackleton's report, we believe that urgent action should also be taken to improve the water supply and sewerage system in Port Stanley, and to study the requirements for future electricity generation and distribution, and the telephone system in the islands.

The following proposals made by Lord Shackleton in our view require further study:

Exploratory offshore fishing and the establishment of a 200-mile fisheries limit: the implications of such a limit, not least its policing, and the degree of commercial interest in fishing need to be carefully assessed.

Expansion of tourism: this will depend to a large extent on the establishment of commercial air links.

We are not convinced by Lord Shackleton's proposal for the wholesale transfer and sub-division of absentee-owned farms. We believe that this is inappropriate and consider a gradual approach to land redistribution under the auspices of the Falkland Islands Development Agency more in keeping with the capacity of the islands' existing agricultural population and more consistent with realistic immigration prospects. We are also not convinced of the need for a major expansion of the road network and are looking at more cost-effective ways of improving transport within the islands, in particular by improving the existing network of roads and tracks.

Lord Shackleton proposed expenditure of between £30 million and £35 million. My tentative estimate is that the programme that I have outlined would cost about £31 million over six years. The Government also propose to make available a further £5 million for civilian rehabilitation, in addition to the £10 million announced in July.

The islands' economy will inevitably be affected by the presence of a sizeable military garrison there, and by the outcome of the Government's present studies into the feasibility and cost of establishing a better airfield on the islands. ...

We have restored the freedom of the Falkland Islanders and shall continue to do what is necessary to guarantee their future security. ... "

Also in **December**, the British Government commission a firm of undertakers to find and consolidate all of the Argentine war graves at a single site near Port Darwin. 123 of the 237 graves are marked simply; "*Soldado Argentino Solo Conocido Por Dios.*"¹¹⁸⁰

In the last act of the year, the *Corbeta Uruguay* military base in the South Sandwich Islands is destroyed by the Royal Navy after *HMS Hecate* discovers that the Argentine flag has been raised there again.



1180 "*An Argentine Soldier Known Unto God*"

1983 - 1999



1983 – from **January 1st**, the Falkland Islanders become British Citizens under the *British Nationality (Falkland Islands) Act 1983*.

January 2nd, the 150th anniversary of the 1833 reoccupation is celebrated in the Falklands.

Foreign Minister, Juan Aguirre Lanari, says that his country will continue pushing for sovereignty over the Falkland Islands and that; *"Illegal occupation may perhaps give the United Kingdom transitory control of the territory, but it will never grant it the full and legitimate sovereignty our country will continue to demand in every international forum."*

January 8th, Margaret Thatcher arrives in the Falkland Islands and is greeted by Governor Rex Hunt.

January 9th, the Falkland Islands' issue a commemorative five-pound note to celebrate Margaret Thatcher's visit to the Falkland Islands.

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

The PM is granted the Freedom of the Islands. She responds; *".. as you know that the whole British people were outraged that such an invasion should have occurred, and promptly set about remedying the situation of throwing the invader off the islands. And as I said in the House of Commons, restoring British sovereignty and British administration to a people of British stock who were British ... Today again the Union Jack flies over Port Stanley, and may it ever fly there. So we in the Falkland islands and in Great Britain re-dedicate our lives to the cause of freedom and justice of people here and everywhere. We have given an example to the world, and hope to many of those who do not enjoy these great qualities. May we also act as a beacon of hope to them, that so long as we defend that which is ours now, they too one day may enjoy these great things."*

Argentina protests.

January 12th, PM Thatcher returns to the UK.

January 18th, the conclusions of Lord Oliver Franks and his committee of Privy Councillors, are presented to the House of Commons by the PM; *"The report makes it clear that the committee was provided with all the papers relevant to its terms of reference, including a comprehensive collection of reports from the intelligence agencies.... The report is unanimous and is signed by all the members of the committee without qualification.... On the second question, whether the Government could have prevented the invasion, the committee's conclusion, contained in the final paragraph of the report, is: 'Against this background we have pointed out in this Chapter where different decisions might have been taken, where fuller consideration of alternative courses of action might, in our opinion, have been advantageous, and where the machinery of Government could have*

been better used. But, if the British Government had acted differently in the ways we have indicated, it is impossible to judge what the impact on the Argentine Government or the implications for the course of events might have been. There is no reasonable basis for any suggestion—which would be purely hypothetical—that the invasion would have been prevented if the Government had acted in the ways indicated in our report. Taking account of these 174 considerations, and of all the evidence we have received, we conclude that we would not be justified in attaching any criticism or blame to the present Government. ... It was its conclusion and has nothing to do with the Government. It said: 'we conclude that we would not be justified in attaching any criticism or blame to the present Government for the Argentine Junta's decision to commit its act of unprovoked aggression in the invasion of the Falkland Islands on 2 April 1982.'..”

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

January 31st, Mr. Onslow speaks in the Commons; “*Exact figures are not readily available, but a considerable number of Chileans have indicated an interest in emigrating to or working in the Falkland Islands. In consultation with the Falkland Islands Government, Her Majesty's consul in Santiago has informed applicants that their interest has been recorded; that at present all immigration into the islands is constrained by practical considerations; and that applicants will be contacted again if the situation offers more hope at a later stage.*”¹¹⁸¹

In **February**, a cemetery to the Argentine war dead is consecrated in the Islands.

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

March 17th, a report in *The New York Times*; “*An Argentine group opposed to British rule of the Falkland Islands has claimed responsibility for letter bombs sent Tuesday and Wednesday to Prime Minister Margaret Thatcher and the European headquarters of the United States Navy. A man who said he represented the group told the Argentine press agency Diarios y Noticias that the group was also planning a series of attacks against British schools and institutions in Argentina in connection with the anniversary of the April 2, 1982, landing on the Falklands by Argentine troops.*”

Argentina issues a stamp set commemorating the '*First Recovery of the Malvinas, South Georgias and South Sandwich*'. To the annoyance of Chile, Cape Horn is shown as Argentine territory.

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

April 30th, the Argentine Government prevents a cargo ship leaving for the Islands. The vessel has 400 relatives of Argentina's dead aboard, but has not applied for British permission to travel to the archipelago.

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

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

September 14th, the C24 notes, '*..with concern..*', the presence of a military base on Ascension Island and recalls the relevant *Resolutions* and decisions concerning military bases and installations in colonial and *non-self-governing Territories*.¹¹⁸²

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

1181 *HC Deb 31 January 1983 vol 36 cc29-30W*

1182 A reference to *Resolution 2621 (XXV)* of October 1970.

In **November**, the Islands *Legislative Council* recommend the imposition of an 'exclusive fishing zone' to reduce the uncontrolled fishing activities of foreign vessels; described as a "free for all" by the *Select Committee on Foreign Affairs*.

November 13th, Dante Caputo, Argentine Foreign Minister, says; "*Argentinean Sovereignty over the Falklands is not negotiable. That is the starting point of negotiation.*"

November 16th, UN Resolution 38/12 reiterates the request of the *General Assembly* for the Governments of Argentina and the United Kingdom of Great Britain to resume negotiations in order to find as soon as possible a peaceful solution to the sovereignty dispute relating to the question of the Falkland Islands. ^{xx}

In **December**, the new Argentine Foreign Minister, Dante Caputo, states, "*Argentinean Sovereignty over the Malvinas is not negotiable. That is the starting point of negotiation.*"

December 10th, Raúl Alfonsín, makes his inaugural speech to Congress; " ... *In the case of the Islands Malvinas, Georgia of the South and Sandwich of the South, our undeniable objective is and it will always be their recovery and the definitive assertion of our Nation's right to its sovereign territorial integrity. In this point we are inflexible and the sovereignty is a previous fact to the negotiation. We will impel the recovery of those insular territories and their definitive integration to the sovereignty of the Nation by claiming with energy and decision the fulfillment of the effective resolutions of the General Assembly of the United Nations, which exhort the parts to conduct direct negotiation on all the issues.*"

The *South Atlantic Council*, a pro-Argentine group, is established in the UK. ¹¹⁸³

1984 – the *1st Falkland Islands Scout Group* is established by Staff Sgt. Ian Roberts.

February 4th, the Foreign Office announce that a series of talks, via Swiss and Brazilian mediators, have been taking place with Argentina in an attempt to normalise relations. Margaret Thatcher confirms to Parliament; "*We have no intention of negotiating on sovereignty.*"

February 10th, Argentina accuses the UK of committing acts of provocation against Argentine fishing vessels.

A proposal by the Argentine Government that UN peacekeeping forces be posted in the Falklands, is rejected by the Foreign Secretary, Sir Geoffrey Howe; "*It has, over many years, been accepted in the United Nations that the administration and protection of the Falkland Islands is a clear British responsibility. It follows that there is no role for the United Nations in the protection of the Islands.*"

Argentina's Foreign Minister, Dante Caputo, says that he finds this, "*incomprehensible*". ¹¹⁸⁴

April 10th, a fire at the hospital in Stanley kills 7 patients and a nurse, Barbara Chick, who refuses to abandon those in her care.

April 26th, the military commander on the Islands takes delivery of the *Falklands Intermediate Port and Storage System (FIPASS)*. ¹¹⁸⁵

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

1183 The founders consisted of George Foulkes MP, Cyril Townsend MP, Christopher Mitchel and Walter Little.

1184 *Park City Daily News Feb 2nd 1984*

1185 *FIPASS* consists of 6 x 300 ft oil rig support barges, each 90 ft wide and each supporting a quay. This floating dock is joined to the shore by a causeway.

July 18th, representatives from Argentina, Britain and Brazil meet in Berne, Switzerland. Argentina declines to negotiate on any issue, if sovereignty is not included.¹¹⁸⁶

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

July 20th, informal talks between Argentina and Great Britain collapse on Argentina's insistence that any agreement to resume diplomatic relations has to be linked to sovereignty talks.

In **October**, the House of Commons *Foreign Affairs Committee* produces its report concerning the sovereignty of the Falklands, South Georgia and the South Sandwich Islands, based on evidence taken the previous year. Whilst finding that Argentina's claims to South Georgia and the South Sandwich Islands are not credible, the Committee is unable to reach a decision on the Falkland Islands.¹¹⁸⁷

October 19th, "*Firstland Oil and Gas P.L.C. said today that it is undertaking the first petroleum survey of the Falkland Islands since 1922. The company said a program of Landsat satellite imagery and photo-geological interpretation of the area's hydrocarbon potential had proved "encouraging."*¹¹⁸⁸

November 1st, in UN Resolution 39/06, the General Assembly; "*Reiterates its request to the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland to resume negotiations in order to find as soon as possible a peaceful solution to the sovereignty dispute and their remaining differences relating to the question of the Falkland Islands.*"^{xxi}

November 14th, during a House of Commons debate, Parliamentary Under-Secretary Tim Renton, addresses a question regarding the latest UN Resolution; "*We voted against this resolution. It is not mandatory. We are not prepared to enter into negotiations on sovereignty over the Falkland Islands, ...*"

November 25th, in Argentina, a national referendum is held to consider the Beagle Channel dispute and to decide whether or not to accept the Papal decision. 82.6% of the population are in favour and a *Treaty* with Chile is negotiated.

In December, Argentina's Foreign Minister makes a statement to the effect that any negotiations with the UK have to be an indivisible package, and must include the question of sovereignty.

*"It is clear that when referring to negotiations on sovereignty, the new Argentine Government is pursuing a policy essentially no different from that of its predecessors: that such negotiations, once begun, must lead eventually and inevitably to the relinquishment of the United Kingdom's claim to and administration of the Falklands. It is the indivisibility of that link, as set out in all the approaches made to the subject by the Argentine Government, that is so totally contrary to any sensible foundation for discussion of other matters."*¹¹⁸⁹

1985 – Gordon Wesley Jewkes is appointed Governor.¹¹⁹⁰

January 2nd, the Argentine press reports that the British Government have authorised an oil company to explore and prospect for oil in the archipelago.¹¹⁹¹

1186 *UN Yearbook 1984*

1187 *The Falkland Islands*, 5th Report from the Foreign Affairs Committee Session 1983-1984 HC 268 25.10.1984

1188 *The New York Times Oct. 20th*

1189 *HC Deb 14 March 1985 vol 75 cc492-530*

1190 Not gazetted.

1191 *UN Yearbook 1985*

February 18th, Argentina complains to the UN that the United Kingdom is planning to reform the Constitution of the Falkland Islands.

South Georgia and the South Sandwich islands are declared a separate British Overseas Territory under the control of a Commissioner.¹¹⁹²

The Argentine submarine, *ARA Sante Fe*, beached at South Georgia in 1982, is declared too badly damaged to be salvaged and is towed out to deeper water where she is scuttled.

March 13th, Britain responds that the proposed new *Constitution* for the Falklands is consistent with its international obligations under the UN's *Charter* and the *International Covenant on Civil and Political Rights*.

March 14th, Geoffrey Howe announces that Britain will attempt to negotiate a multilateral management agreement to control fishing in the South Atlantic. He also refers to the proposed Islands' *Constitution*; "*The new constitution for the Falkland Islands contains one important new element. The island councillors expressed the view that the constitution should include a reference to their right of self-determination. We agree with them. Accordingly, the preamble to the human rights chapter of the constitution now recalls the provisions on self-determination from article 1 of the International Covenant on Civil and Political Rights. This was adopted by the United Nations General Assembly in 1966. The United Kingdom ratified it in 1976.*

Argentina has not subscribed to that covenant. On the contrary, the Argentine Government seek to deny the Falkland Islanders the right of self-determination. In our view, the Falkland Islanders, like any other people, have that right. They make up a peaceful and homogeneous community which has developed democratic institutions over more than a century. Their right to self-determination will now be reflected in their constitution, and we shall uphold it."¹¹⁹³

May 16th, Argentina claims that the opening of a new airport on the Falklands represents an escalation of the militarization of the Islands. Britain denies that the UN's *Charter* obligations regarding the peaceful negotiation of disputes requires recourse to negotiations.

April 22nd, General Galtieri and other members of the *Junta* from 1982 are put on trial.

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

May 30th, the OAS adopt a *Resolution* expressing their concern at the establishment of military facilities in the Falklands. The US and 9 English-speaking Caribbean countries abstain.

July 8th, the UK formally lifts the ban on imports from Argentina imposed in 1982.

July 10th, Argentina welcomes the lifting of the import ban, but demands that the UK deals with the issue of sovereignty and eliminates the; "*military threat and the so-called protection zone.*"

In **August**, the *Falkland Islands Development Corporation* is established.¹¹⁹⁴

Trade restrictions on the import of Argentine goods into the UK, imposed in 1982, are lifted.

September, Geoffrey Howe speaks at the UN on the problems with uncontrolled fishing off the coast of Patagonia, and around the Falklands, suggesting; "*mutually beneficial co-operation.*"

1192 Who was, at that time, invariably the Governor of the Falkland Islands.

1193 *HC Deb 14 March 1985 vol 75 cc492-530*

1194 One of Shackleton's recommendations, this is a statutory corporation responsible for economic development.

October 3rd, under a new *Constitution*, the Falklands becomes a parliamentary representative democratic dependency. The Governor is the head of the Falkland Islands Government (FIG), the Queen's representative and retains responsibility for foreign affairs.

November 14th, Argentina agrees to a study of the fisheries in the South Atlantic by the UN's *Food and Agriculture Organisation*.

November 27th, UN Resolution 40/21 requests Argentina and the UK to; “ .. *initiate negotiations with a view to finding the means to resolve peacefully and definitively the problems pending between both countries, including all aspects on the future of the Falkland Islands (Malvinas), in accordance with the Charter of the United Nation.*”^{xxii}

Prior to the final vote two amendments are proposed by Britain. The first reaffirms the right of all peoples to self-determination. The second adds the phrase; “ *and the right thereunder to peoples of self-determination,*” to the end of the first paragraph. Argentina argues that a vote in favour of the amendments would be tantamount to taking the side of one of the parties to the dispute. As a result, they are not passed.¹¹⁹⁵

General Galtieri, at his court-martial for negligence over the Falklands War, tells the panel that “*British aggression*” justified the invasion.

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

1986 – January, Britain withdraws its cooperation from the C24 in frustration over its refusal to recognise the changing nature of its relationship with the remaining Overseas Territories, whilst reserving the right to speak in debates on the Falklands.¹¹⁹⁶

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

April 1st, a survey of Falkland Islanders is carried out by *Marplan* and supervised by the Electoral Reform Society asking; “*What kind of sovereignty do you want for the Falkland Islands?*” 94.5% of respondents opt for ‘*British Sovereignty.*’ Only 1.5% opt for ‘*Independence.*’

May 16th, General Leopoldo Galtieri, Admiral Jorge Anaya and General Basilio Lami Dozo are convicted by the *Supreme Council of the Armed Forces* for negligence under *Article 740* of the *Code of Military Justice* in relation to their attack on the Falklands in 1982.¹¹⁹⁷

May 28th, a Taiwanese flagged trawler, *Chian-de 3*, illegally fishing, is machine-gunned and sunk by an Argentine Coast Guard vessel some 24 nautical miles outside the 200 nautical mile *Exclusion Zone* around the Falkland Islands. Two Taiwanese fishermen are killed and four others injured. The action is described by the British Government as; “*unjustifiable and excessive.*”

1195 The first amendment was defeated by 60 votes to 38 with 43 abstentions. The second by 57 votes to 36, with 47 abstentions. *cf. UN Yearbook 1985*

1196 *Memorandum by the Foreign and Commonwealth Office 2011. cf 2011*

1197 Galtieri received a sentence of 12 years imprisonment, Anaya 14 years and Dozo, 8 years.

May 31st, *The New York Times* reports; “Britain has condemned Argentina for attacking Taiwan fishing trawlers near the Falkland Islands and said it called earlier this week for an end to harassment of the vessels. The Foreign Office said Thursday that the action “amounts to an attempt to pursue a sovereignty claim by force. The Argentine Government said a coast guard cutter fired on the trawlers, one of which was set afire and abandoned Wednesday, after the trawlers were found operating within the 200-mile fishing limit Argentina claims. A Taiwan fisheries official in the Falklands said that a crewman from the *Chiann-Der 3*, the trawler set afire, was killed and that three were wounded.”

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

In **August**, Argentina writes to the Secretary-General of the UN complaining that British aircraft are harassing Argentine fishing vessels outside of the *protection zone*. The UK denies the allegations, stating that the vessels were within the zone and had been approached in order to confirm their identity.¹¹⁹⁸

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

September 26th, Britain warns the USSR and Bulgaria that its agreements with Argentina are contrary to international law.

October 27th, UN Resolution 41/11 creates a *South Atlantic Peace and Cooperation Zone* in the South Atlantic which aims to reduce militarization, the presence of foreign military bases and nuclear weapons.¹¹⁹⁹

October 29th, the British Foreign Secretary speaks to Parliament on the introduction of new legislation; “.. the Argentine Government's recent actions show an indifference to conservation needs and a preference for obstruction rather than co-operation. The Government are determined that there should be adequate protection for the fishery. In view of the failure of Argentina to co-operate in a multilateral approach, we have therefore decided to establish unilaterally a conservation and management regime.”

A *Falkland Islands Interim Conservation and Management Zone* (FICZ) is introduced to impose licensing controls: “In order to create the necessary conditions for ensuring conservation of the fish stocks around the Falkland Islands, the British government hereby declares that:-

The Falkland Islands are entitled under international law to fishery limits of a maximum of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.

The maximum extent of these limits is also subject to the need for a boundary with Argentina in areas where arcs of 200 nautical miles from Argentina and the Falkland Islands overlap. In the absence of any agreement, the British Government hereby declares that:

The boundary is that prescribed by the rules of international law concerning the delimitation of maritime jurisdiction....

The continental shelf around the Falkland Islands extends to a distance of 200 nautical miles from the baselines from which the territorial sea of the Falkland Islands is measured or to such other limit as is prescribed by rules of international law, including those concerning the delimitation of maritime jurisdiction

1198 *UN Yearbook 1986*. Letters of complaint were dated the 11th and the 15th. Further letters of complaint were dated October 1st, and November 24th.

1199 Argentina regularly bases its protests to Britain on the provisions of this Resolution.

between neighbours.”¹²⁰⁰

October 30th, the Government in Buenos Aires issues a press release calling the UK's claim to control fishing resources and jurisdiction over the continental shelf; “.. *juridically and politically inadmissible*.”¹²⁰¹

October 31st, Argentina sends a *Diplomatic Note* to the UK, via Brazil, rejecting Britain's claims and reaffirming its own sovereignty over the Falkland Islands, South Georgia and the South Sandwich Islands; the surrounding maritime waters, sea-bed and marine sub-soil.

November 2nd, Defence Minister Horacio Juanarena tells reporters in Buenos Aires; “*It's our zone*.” Leave is cancelled for military conscripts.

November 11th, the OAS issues a *Resolution* expressing; “*deep concern at this new element of tension and potential conflict*.”

November 17th, Argentina expresses its willingness to negotiate with the UK, assisted by the UN Secretary-General's, on matters unconnected with sovereignty such as trade, consular and diplomatic relations, transport and communications, and fishing resources.

November 19th, the UK rejects an offer of a formal announcement ending hostilities by Argentina, in exchange for Britain lifting the 150-mile '*military protection zone*'.¹²⁰²

November 24th, Dr. Caputo, speaking at the UN, accuses Britain of; “*an expansionist logic which seeks to expand, whatever the cost may be, its illegal occupation of the maritime and insular territory of Argentina*.”

November 25th, UN *Resolution 41/40*, renews its call of the previous year for the UK and Argentina to negotiate with a view to finding the means to resolve the problems pending between them; “*including all aspects on the future of the Falkland Islands*.”^{xxiii} The UK calls the text, '*pro-Argentine*' as it can be interpreted as including discussions on sovereignty while the essential question was that of self-determination.

In **December**, the FIG declare a 160-nautical-mile radius *Fisheries Conservation & Management Zone*. Annual licenses are issued by the *Falklands Fisheries Department* permitting foreign vessels to fish within the *Zone*.

Argentina protests.

1987 – in **January**, the US offers to act as a mediator in the dispute over the Falklands' fisheries.

January 31st, Argentina states that, in order to maintain peace and avoid incidents, it will not send its ships to patrol within the 150 mile *zone* around the Falklands imposed by Britain after the 1982 war. However, this is not to be seen as any recognition of Britain's sovereignty within the zone.

February 1st, two fisheries protection vessels and an aircraft are now available to monitor the *zone*.

Between **February 1st**, and **March 12th**, 74 fishing vessels are boarded and checked; while 100 licences are granted to 50 vessels.

November 17th, UN *Resolution 42/19* again invites the Governments of the UK and Argentina to negotiate.^{xxiv}

1200 *Declaration on the Conservation of Fish Stocks and on Maritime Jurisdiction around the Falkland Islands*

1201 *UN Yearbook 1986*

1202 Argentina had also insisted that the offer was dependent upon new sovereignty talks.

In explaining why it voted against the *Resolution*, the UK representative says that the wording prejudices the UK's position, and makes no mention of the rights of the Islanders. The spokesman adds that the Falklands had been British longer than Argentina had been Argentine; and the sovereignty issue should be set aside.¹²⁰³

1988 – William Hugh Fullerton takes over as Governor of the Falkland Islands.¹²⁰⁴

March 11th, Argentina writes to the *Security Council* requesting a discussion about planned British military exercises on the Falkland Islands.¹²⁰⁵

March 17th, the *Security Council* discuss the issue. Argentina accuses the UK of posing a threat to international peace. Britain responds by saying that it is determined to prevent a repetition of the 1982 invasion of the islands by over 10,000 Argentine troops. No conclusions are drawn by the *Council* and there is no statement.

Vessels from the Republic of Korea are arrested on four occasions in April and May for fishing illegally in the Falkland Islands' *Interim Conservation and Management Zone* and fined a total of £260,000 by magistrates in Port Stanley. A Polish vessel receives an administrative penalty of £1,000 for unlicensed trans-shipment of fish.

July 28th, Lord Trefgarne answers questions in the House of Lords; “*My Lords, the revenue to the Falkland Islands Government for 1987–88 is estimated at £1865 million. This does not include the joint venture premiums payable by the Stanley Fisheries Company Ltd. Against that must be set the estimated enforcement and scientific costs, which are of the region of £6 million for 1988–89. There is clearly a substantial new revenue for the Falkland Islands Government which they did not have before. Our aid as such to the Falkland Islands is now at a comparatively low level. Indeed, I think it is zero for this year.*”¹²⁰⁶

The FIG purchases the FIPASS dock from the Ministry of Defence.

November 7th, UN *Resolution 43/25* again invites Britain and Argentina to resolve the issues between them.^{xxv}

1989 – **May 14th**, Carlos Menem is elected President of Argentina.

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

August 18th, in accordance with *Resolution 43/25*, Britain and Argentina agree to commence substantive talks on restoring diplomatic relations. The two countries also agree that, “*where necessary, discussion would take place under the terms of a formula to protect the position of each side with regard to sovereignty or territorial and maritime jurisdiction over the Falkland Islands, South Georgia and the South Sandwich Islands.*”

September 25th, President Menem addresses the United Nations; “*I want to reassert that we will fight unstintingly and peacefully to recover our Malvinas Islands with reason and perseverance.*”

October 11th, General Galtieri, Admiral Anaya and General Dozo, all serving terms of imprisonment, are freed by a Presidential pardon.

October 17th, negotiating teams meet in Madrid.

1203 *UN Yearbook 1987*

1204 Not gazetted.

1205 Operation 'Fire Focus'. *UN Yearbook 1988*

1206 *HL Deb 28 July 1988 vol 500 cc380-3*

October 19th, negotiations result in an agreement to resume consular relations.

In his inaugural speech to Congress, President Carlos Menem says, " ... as President ...I am going to dedicate the largest and the most important effort, in a cause I will fight with the law and the right in the hand. It will be a great Argentine cause: the recovery of our Malvinas, South Georgias, and South Sandwich Islands."

November 1st, the *Falkland Islands (Territorial Sea) Order* declares a 12 mile limit around the Islands.

November 8th, Foreign Minister Domingo Cavallo rejects Britain's 12 mile limit.

1990 – the UN *General Assembly* declares the 1st *International Decade for the Eradication of Colonialism*.

Authority over the British Antarctic Territory transfers from a High Commissioner based in the Falklands, to a Commissioner based in London.

February 14th, delegations from Argentina and the UK meet in Madrid, Spain. Agreement is reached on an '*Interim reciprocal information and consultation system*' regarding the movement of armed forces in areas of the south-west Atlantic in order to boost confidence building measures.

The FIG declares the *Falklands Outer Conservation Zone* lying between the perimeter of the FICZ and the 200-nautical-mile economic zone boundary. In response, Argentina declares its own 200-nautical-mile *Exclusive Economic Zone*.

Research in Argentina indicates that the *Falklands Question* is no longer an important foreign policy issue for many Argentines.¹²⁰⁷

November 28th, Argentina and Britain adopt a *Joint Statement* resulting in the creation of *The South Atlantic Fisheries Commission*.

December, in his Christmas Message to the Falklands, PM John Major says about the current Gulf crisis; " *Our armed forces are there to help recover the liberty and independence of a small country, precisely as they did for the Falklands in 1982.*"

Argentina protests.

1991 – March 18th, 358 relatives of the Argentine war dead visit the Islands' cemetery.

A population census reveals that there are 2,091 people on the Islands, excluding military personnel, their families and others present in connection with the military garrison.

Agricultural land holdings belonging to the *Falkland Islands Company* are sold to the FIG.

November 22nd, Argentina promulgates *Act 23968* applying its sovereignty to an "Exclusive Economic Zone" of up to 200 nautical miles and over the whole continental shelf, including the Falkland Islands, South Georgia and the South Sandwich Islands.

December 4th, British and Argentine representatives meet to consider proposals for cooperation. Agreement is reached to establish a '*High Level Group*' to take matters forward.¹²⁰⁸

1207 *Prospects for a Settlement of the Falklands/Malvinas Dispute* F. Noguera & P. Willets 1992

1208 *Argentine Malvinas islands, Kelpers Oil ?* Rafael Bielsa 2010

1992 – David Everard Tatham is appointed Governor.¹²⁰⁹

January 1st, the Falkland Islands police force is granted the prefix '*Royal*' by HM Queen Elizabeth II, in recognition of 146 years of loyal service.

January 10th, is designated as '*Margaret Thatcher Day*' in the islands to commemorate her visit in 1983.¹²¹⁰

In **April**, President Menem, promises that the Islands will return to Argentina before the year 2000.

July 1st, during a debate in the House of Lords, a question is asked regarding the Falklands' fishery. It is answered on behalf of the Government; "*My Lords, to answer ... the issue of licences in the Falkland Islands control zone is decided by the Falkland Islands Government. The revenue from fisheries is doing well. It went up in 1991–92 to some £25 million. The fisheries income is being well used for secondary schools and other necessary needs of the Falkland Islands.*"¹²¹¹

An *Ungentlemanly Act*, a BBC film about the early days of the Falklands War, is aired on British television.

1993 – July 12th, a *Joint Declaration* on military confidence building measures in the South-West Atlantic is announced. The measures include -

- a direct communication system between the Argentine military authorities in Comodoro Rivadavia and Ushuaia and the British in the Falkland Islands;
- a mechanism for advance communication of the approach of military vessels to the coasts controlled by the other party;
- security measures for air and naval units operating nearby;
- the exchange of information and the coordination of activities in cases of search and rescue at sea;
- the provision of sea-related information by the British party to the Argentine Party, which is in charge of *Navarea 6* of the International Maritime Organization.

Agreement is also reached on the control of air traffic in the South Atlantic, as Mount Pleasant airport reports to the *Comodoro Rivadavia Flight Information Region*, in pursuance of *International Civil Aviation Organisation* rules.

1994 – Argentina's Defence Ministry drop their claim that the sinking of the *ARA Belgrano* was a '*war crime*', and accept that it was a '*legal act of war*'.

January 18th, the *Treaty of Tlatelolco* is ratified by Argentina, 26 years after applying its signature. The *Treaty* is more commonly known as the *Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean*.¹²¹²

In **February**, Argentina offers to assist in clearing the land mines laid on the archipelago in 1982.¹²¹³

1209 Not gazetted.

1210 Perhaps appropriately there is no day off.

1211 *HL 1.July 1992 vol 538 cc769-70 Hansard*

1212 *Protocol 1* binds the UK which subsequently ratified the *Treaty*.

1213 *UN Yearbook 1994*

Argentina's *Constitution* is amended and now includes under its Temporary Provisions; " *First.- The Argentine Nation ratifies its legitimate and non-prescribing sovereignty over the Malvinas, Georgias del Sur and Sandwich del Sur Islands and over the corresponding maritime and insular zones, as they are an integral part of the National territory. The recovery of said territories and the full exercise of sovereignty, respectful of the way of life of their inhabitants and according to the principles of international law, are a permanent and unrelinquished goal of the Argentine people.*"

In **July**, Argentina and the UK agree to request the collaboration of the United States of America in removing mines laid by Argentina in 1982.¹²¹⁴

Britain's Foreign Secretary, Douglas Hurd, visits the Falkland Islands.

November 16th, the UN's *Convention on the Law of the Sea* (UNCLOS III) comes into force after 60 States ratify its provisions. The convention introduces a number of provisions, of which the most significant are archipelagic status, *exclusive economic zones* (EEZs), continental shelf jurisdiction, deep seabed mining, the exploitation regime, protection of the marine environment, scientific research, and settlement of disputes. The *Convention* also sets the limit of various areas, measured from a carefully defined baseline.¹²¹⁵

EEZ's extend out to 200 nautical miles providing sole exploitation rights over all natural resources.

Under the *Convention*, vessels are given the right of '*innocent passage*' through any territorial waters. This is defined by the *Convention* as passing through waters in an expeditious and continuous manner, which is not "*prejudicial to the peace, good order or the security*" of the coastal state.

1995 – in **May**, Argentina offers to buy the sovereignty of the Falkland Islands with an offer reputed to be between \$500,000 and \$1m for every one of the 2,200 inhabitants.¹²¹⁶

Governor David Tatham, tells reporters, " *I think the Islanders' find it offensive that another country would attempt to buy their citizenship. Di Tella is just casting around for a fresh ploy to divide the Islanders, but there's no chance of this working.*"¹²¹⁷

June 30th, the ICJ, in the case concerning East Timor, states that; " *The principle of self-determination of peoples has been recognized by the Charter and in the jurisprudence of the Court; it is one of the essential principles of contemporary international law.*"

September 27th, a *Joint Declaration* between the UK and Argentina is announced regarding the exploration and exploitation of hydrocarbons (oil and gas). This establishes a program of coordinated activities and provides for the creation of six special cooperation areas.

October, the FIG announces the availability of, ' *.. petroleum production licences.*'¹²¹⁸

October 5th, Argentina protests the announcement from the FIG.¹²¹⁹

Stanley hosts the regional conference of the *Commonwealth Parliamentary Association*.

1214 *UN Yearbook 1996*

1215 This *Convention* resulted from the third *United Nations Conference on the Law of the Sea*; a Conference which opened in 1973 and finally concluded in 1982. To-date 162 countries and the EU have joined.

1216 *Independent on Sunday 18.5.95*

1217 *The New York Times* June 8th 1995

1218 *The London Gazette, No. 54174*

1219 Bielsa 2010

1996 – January 8th, Richard Peter Ralph becomes Governor. At his swearing-in ceremony, he reaffirms the commitment of the UK to uphold the right of the Islanders to choose which flag they wished to be governed under.¹²²⁰

February 29th, a *Joint Commission*, formed by Argentina and the UK under the terms of the September, 1995 agreement, meets to co-ordinate activities by the offshore oil and gas industry.

The regular population census reveals that there are 2,564 people on the Islands, excluding military personnel and their families but including 483 otherwise present in connection with the military garrison.

April 17th, Argentina's Foreign Minister meets with the UN Secretary-General and complains about the UK's enforcement of fishing licences against Argentine trawlers off the coast of South Georgia.

7 *Production Licences*, covering 12,000 square kilometers, are awarded to 14 oil companies as a result of a competitive bidding round.

HRH Princess Anne, Princess Royal, visits the Islands.

1997 – internet services become available to the Islanders.

January 2nd, the Secretary of State for Defence, Michael Portillo, visits the Falklands. He states that the UK Government is committed to defending the islands and maintaining their security; that there is no caveat, exception or time limit to that commitment and that the UK is not prepared to discuss sovereignty, let alone share it.¹²²¹

April 8th, Margaret Thatcher makes a speech aboard *HMS Canberra*, on the 15th anniversary of its departure for the Falklands War; “*Effective action can only be taken by strong nations able to call upon the total loyalty and support of its citizens. We are such a nation. The public insisted that we remedy this wrong and that we restore our high reputation and by the end of this wonderful campaign Britain's standing in the world had been transformed and we had recovered faith in ourselves as well as free the territories and peoples of the Falkland Islands.*”

Some of the world was astonished. It also had an effect on East-West relations. I remember a Russian General coming to see me and saying, “... we Soviets never thought you would go to fight. And if you did go we thought you would lose.” Diplomacy was clearly not his strong suit. It wasn't mine either. I said rather tartly “Britain doesn't lose. And the message got across

... there was a reception afterwards and I and many of the rest of us were among the relatives, one very nice Scottish mother came up to me rather quickly, I could see she was very anxious, I went up to her. And she said this to me, she had lost her son who 19 years old in the campaign, so she said to me, “you will never let the Falkland Islands go will you Mrs. Thatcher, you will never let them go?” I said “no, never.” And I believe that pledge will be honoured by future Prime Ministers, Parliament and people of our great country that we may finally honour all of those who gave their lives for the liberty and land of the Falkland Islands.”

In **June**, Foreign Minister Guido di Tella says; “*We are fully aware that no British government will ever take a substantive decision on this issue without the approval of the islanders. The islanders have acquired a de facto veto. It's them we have to convince.*”¹²²²

1220 *UN Yearbook 1996*

1221 *UN Yearbook 1997*

1222 “*Di Tella did not accept the Islanders' right to self-determination, but he was conscious of the fact that if Argentina*

July 16th, the *South-West Atlantic Hydrocarbons Commission*, made up of representatives from Argentina, the UK and the Islands, holds its 3rd meeting in Buenos Aires.

July 25th, the UK extends its accession to UNCLOS III to include the Falklands, South Georgia and the South Sandwich Islands. The British Government dismisses an earlier Argentine objection; “ *With regard to paragraph (d) of the Declaration made upon ratification of the Convention by the Government of the Argentine Republic, the Government of the United Kingdom has no doubt about the sovereignty of the United Kingdom over the Falkland Islands and over South Georgia and the South Sandwich Islands. The Government of the United Kingdom, as the administering authority of both Territories, has extended the United Kingdom's accession to the Convention and ratification of the Agreement to the Falkland Islands and to South Georgia and the South Sandwich Islands. The Government of the United Kingdom, therefore, rejects as unfounded paragraph (d) of the Argentine declaration.*”

November 24th, the *South Atlantic Fisheries Commission* express their commitment to the conservation of fish stocks in the South Atlantic.

December 5th, the *South-West Atlantic Hydrocarbons Commission*, holds its 4th meeting in London.

For Christmas, Argentina's President, Carlos Menem, sends gifts of books and videos to the Islanders.

1998 – 6 exploratory oil wells are drilled in the North Falklands Basin.

HRH Prince Charles, Prince of Wales visits the islands.

April 30th, Argentina again protests the issue of exploration licences by the FIG.

Argentina passes a Bill in Congress requiring any oil company finding oil in Falklands waters, to pay Royalties.

In **October**, President Carlos Menem, visits London and makes a speech at Lancaster House; “*As President of the Argentines, I repeat that we are fully convinced of the legitimacy of our historical rights.*”

Menem makes no apology for the invasion of the Islands in 1982, but suggests a ‘*joint sovereignty*’ arrangement.

December, Chile suspends flights to the Falkland Islands as a part of its on-going dispute with Britain over the detention of General Augusto Pinochet in London.

1999 – January 1st, in his *New Year's Message* British Prime Minister, Tony Blair, tells Argentina's President, Carlos Menem, that sovereignty of the islands is not up for negotiation; nor is the Islanders' right to determine their own future.

Donald Alexander Lamont becomes Governor.

January 16th, Grytviken church is re-inaugurated by the Bishop of Tunsberg, Magne Storli.

March 17th, A Government *White Paper*, ‘*Partnership for Progress and Prosperity: Britain and the Overseas Territories*’ is published. The new ‘*partnership*’ is to be based on 4 principles:

1. self-determination, with Britain willingly granting independence where it is requested and is an option;
2. responsibilities on both sides, with Britain pledged to defend the Overseas Territories, to encourage their

did not succeed in making itself an attractive country, it would be impossible to get the British Government and Parliament to accept a transfer of sovereignty.” Why the Falkland Islands will never be Argentine Carlos Escude, 2003.

sustainable development and to look after their interests internationally, and in return expecting the highest standards of probity, law and order, good government and observance of Britain's international commitments;

3. the Overseas Territories exercising the greatest possible autonomy; and

4. Britain providing continued financial help to the Overseas Territories that need it.

The White Paper states; “*Argentina asserts a claim to sovereignty over the Falklands. But the British Government has no doubt about British sovereignty over them and does not regard this as negotiable. The British Government remains committed to defend the Islanders' right to self-determination. In exercise of this right the Islanders have repeatedly made known their wish to remain British.*”¹²²³

May 25th, talks with Argentina in Madrid commence with regard to further co-operation over fish stocks, conservation and mineral resources. The United Kingdom delegation includes members of the *Falkland Islands Legislative Council*.

July 14th, a 'Joint Statement' by Britain and Argentina announces arrangements for air access; a joint approach to fisheries and further confidence building measures.^{xxvi}

Responsibility for the upkeep of the Argentine Cemetery at Darwin is passed to the families of those buried there.

September 21st, President Menem, speaking to the UN *General Assembly*, says that he is convinced the conditions exist for Argentina and Britain to begin a dialogue towards the definitive solution of the sovereignty dispute.¹²²⁴

September 22nd, the UK responds that the people of the Falkland Islands had asked the *Special Committee on Decolonisation*, to recognise that they, like other democratic peoples, were entitled to exercise their right of self-determination.

October 13th, Argentina rejects the UK's claim that the wishes of the inhabitants should be respected.



1223 Taken from the 7th Report of the Select Committee on Foreign Affairs.

1224 *UN Yearbook 1999*

2000 - 2009



2000 – January 11th, Argentina refuses to allow a Falklands registered yacht, *Golden Fleece*, to dock at an Argentine port. The owners are told that ship's registry in the Falklands is no longer recognised.¹²²⁵

March 14th, in a case seeking to indict Margaret Thatcher for war crimes relating to the sinking of the *ARA Belgrano*, the Supreme Court in Buenos Aires rules that the acts, if illegal, cannot be prosecuted before an Argentine court.

Private flights between Argentina and the Falklands are permitted under an *Exchange of Letters*.

June, lawyers acting for relatives of those that died when the *Belgrano* was sunk in 1982, announce that they will launch a case for damages at the European Court of Human Rights (ECHR).

July 19th, the *Belgrano* case is dismissed by the ECHR at the Hague, for being 'out of time'.¹²²⁶

October 5th, Argentina submits a *Note* complaining the Britain is acting unilaterally by issuing exploration licences.

November 27th, Argentina complains again.¹²²⁷

December 8th, the UN celebrates the 40th anniversary of its adoption of the *Declaration on the Granting of Independence to Colonial Countries and Peoples*.

2001 – January 29th, UN Resolution 55/147;

" .. 1. Reaffirms its resolution 1514 (XV) and all other resolutions and decisions on decolonization, including its resolution 55/146, in which it declares the period 2001–2010 the Second International Decade for the Eradication of Colonialism, and calls upon the administering Powers, in accordance with those resolutions, to take all necessary steps to enable the peoples of the Non-Self-Governing Territories concerned to exercise fully as soon as possible their right to self-determination, including independence; ...

5. Affirms once again its support for the aspirations of the peoples under colonial rule to exercise their right to self-determination, including independence, in accordance with relevant resolutions of the United Nations on decolonization..."

March 19th, the United Kingdom rejects as unfounded any sovereignty claims by Argentina.

1225 The Falklands have operated a ship's Registry since 1861 and are currently part of the *Red Ensign Group*.

1226 The *Human Rights Convention* stipulates applications must be made within six months, and after all other available remedies have been pursued in domestic courts. In this case, Strasbourg ruled that the domestic courts were those in Britain. As no cases had been placed before the British courts, the ECHR judges ruled that the six months should run from the date of the sinking of the *Belgrano* on May 2, 1982.

1227 Bielsa 2010

April 7th, a population census reveals that there are 2,955 people on the Islands, including 534 people present in connection with the military garrison, but excluding military personnel and their families.

June 29th, representatives of the Falkland Islands community address the *Special Committee on Decolonisation* and express their wish to exercise the right of self-determination enshrined in the UN Charter. The FIG publish its '*Islands Plan*', which calls for, *inter alia*, the construction of a deep water port.

In **August**, the British Prime Minister, Tony Blair, makes a brief visit to Argentina after meetings in Brazil.¹²²⁸

November 19th, Argentina and the UK exchange notes on an understanding between the two Governments to carry out a feasibility study on the clearance of land mines.

December 3rd, a joint working group holds a meeting in Buenos Aires to discuss de-mining.

2002 – Howard John Pearce takes over Governor.

January 3rd, Argentina reiterates its commitment to the peaceful recovery of the Falkland Islands, South Georgia and the South Sandwich Islands.¹²²⁹

January 21st, the UK responds that it has no doubt about its sovereignty over the Islands referred to by Argentina, and rejects Argentina's claims as "*unfounded*."

February 26th, the *British Overseas Territories Act* comes into force. Based on the 1999 White Paper, it changes the status of the remaining British Dependent Territories and renames them *British Overseas Territories*.

March 11th, Defence Secretary Geoffrey Hoon visits the Falklands before moving on to Buenos Aires.

April 2nd, President Eduardo Duhalde marks the 20th anniversary of the Falklands War with a speech in Tierra del Fuego, stating; "*The Malvinas are ours and we are going to get them back*."

June 14th, on the 20th anniversary of victory in the Falklands War, the British Armed Forces are granted the *Freedom of the Falkland Islands*. Commodore R. J. Ibbotson, accepts the *Freedom* witnessed by the Rt Hon. Adam Ingram MP.

On the same day, Argentina complains; "*..about the British intention to grant licences for the exploration and exploitation of hydrocarbons in the areas of the Argentine continental shelf that surround Malvinas Islands, which was evidently contrary to the bilateral understandings in the matter and to the solution of the sovereignty conflict between both countries*."¹²³⁰

October 8th, Argentina renews its rejection of the designation of the Falklands, South Georgia and the South Sandwich Islands as *British Overseas Territories*.

November 9th, Prince Andrew visits the Argentine Military Cemetery at Darwin, and lays a wreath.

2003 – in **April**, Nestor Kirchner wins the Presidential election in Argentina.

1228 Although the first visit to Argentina by a serving British Prime Minister, the Falkland Islands were not on the agenda.

1229 *UN Yearbook 2002*

1230 Bielsa 2010

June 16th, elected representatives of the Falkland Islands community address the *Special Committee on Decolonisation* at the UN and demand that their rights are recognised.

In **November**, the Argentine government withdraws permission for charter flights, to the Falklands, to over-fly Argentine airspace. Buenos Aires also demands that there should be negotiations on scheduled flights operating directly between Argentina and the Falklands, but state that they will not accept the presence of any Island representative to the talks.

Britain's response is brief: "*The Falkland Islands Government is wholly opposed to any scheduled flights originating in Argentina or operated by Argentine carriers. The concern would be, based on past experience, that the Argentines could not be trusted not to heavily subsidise the flight, to such an extent that it made the LAN Chile flight no longer commercial and caused its withdrawal, following which we would have commercial scheduled flights only through Argentina. This of course is reminiscent of the situation in the 1970's and is unacceptable.*"¹²³¹

November 11th, Argentina complains to the UN that the Falkland Islanders who addressed the *Special Committee* in June, only did so as petitioners and that they did not have representative status; such being unrecognised by Argentina.¹²³²

A UK postcode is given to the Falkland Islands - FIQQ 1ZZ

December 8th, Argentina demands that Britain apologises for the deployment of nuclear weapons to the South Atlantic during the 1982 Falklands War. Britain declines.¹²³³

2004 – Argentina's war dead are commemorated by the erection of a permanent memorial on the Islands.

March, a *Fugro Airborne Surveys* aircraft contracted to work in the Islands, is refused permission to fly from Argentina, or to pass through Argentine airspace from Chile.

Also in **March**, the Argentine naval icebreaker, *Almirante Irizar*, sails through the FICZ, challenging fishing vessels by radio and demanding that they identify themselves.

Britain registers a formal protest.

June 8th, Argentina protests an upgrading of the British military base. The only changes are administrative and affect titles; e.g. *Commander British Forces South Atlantic Islands*.

July, the *General Assembly* of the UN decides that the '*Question of the Falkland Islands*' should remain on the agenda for consideration upon notification by a Member State.¹²³⁴

July 5th, the United Kingdom recognises the compulsory jurisdiction of the International Court of Justice over all disputes arising after 1st January 1974.¹²³⁵

1231 Parliamentary letter dated 15.1.2004

1232 *UN Yearbook 2003*

1233 *Chicago Tribune*

1234 As a question, the Falkland Islands appears on the provisional agenda of each annual session of the General Assembly. However, there has not been a UN GA *Resolution* on the subject of the Islands since 1988.

1235 Argentina has still not made any Declaration recognising the compulsory jurisdiction of the ICJ.

2005 – January, a Canadian *Commonwealth Parliamentary Association* delegation visits the Falklands; *“If any other country were subject to such economic warfare, the rest of the world would not stay silent. It is time to break that silence.”*¹²³⁶

Falklands Oil and Gas Ltd commission a major seismic survey in waters to the south of the Islands.

April 20th, Argentina sends letters of protest to the 25 members of the European Union following the inclusion of the Falkland Islands as a British Overseas Territory in the *EU Constitutional Treaty*.¹²³⁷

May 2nd, Carlos Menem, former President of Argentina, is critical of the current Government's approach;

“Galtieri lost the war and Kirchner is losing peace .. in spite of the military defeat of 1982 under the responsibility of de facto government presided by General Leopoldo Fortunato Galtieri, Argentina managed to sustain its rights over the Islas Malvinas in the diplomatic field by installing the difference with Great Britain under the so called "sovereignty umbrella", ... we advanced in the search for alternatives to make effective the compliance of the United Nations mandate, which calls for a peaceful and negotiated solution of the dispute between the occupying power, United Kingdom, and Argentina. The EU Constitutional Treaty by including Malvinas among the "Overseas Territories" under tutelage of that regional block ignores the Argentine sovereignty claim .. What should really concern us is the growing and vertiginous international isolation to which this government is leading us with its verbally confrontational and factually debilitating manners.”

In **June**, speaking to the OAS, Argentina's Foreign Minister, Rafael Bielsa, calls on Britain to open negotiations on ceding the Falklands, and accuses Britain of antagonizing Argentina through unilateral actions.¹²³⁸

Argentina's Chamber of Deputies passes a motion calling for Margaret Thatcher to face trial in an international court for the 'war crime' of sinking the *Begrano* in 1982.

June 15th, Bielsa repeats his call to the C24, complaining about British attempts to establish; *“an international presence to the islands as an entity separate from our country.”*¹²³⁹

June 27th, in a response to the request by the UN for Members' views on the implementation of the *Zone of Peace and Cooperation in the South Atlantic*, Argentina includes; *“It is important to point out the colonial realities of the Falkland Islands, and South Georgia and the South Sandwich Islands and the surrounding maritime areas, which affect the territorial integrity of the Argentine Republic. Despite the efforts made by Argentina in favour of dialogue and the peaceful and definitive solution of the issue of the Falkland Islands (Malvinas), its commitment to respect the way of life of the inhabitants of the islands and numerous appeals from the international community for a negotiated settlement, it has not been possible to resume negotiations between the Government of the Argentine Republic and the Government of the United Kingdom of Great Britain and Northern Ireland directed towards putting an end to the sovereignty dispute. The Argentine Republic considers that a solution to this important issue would help to consolidate stability and cooperation in the South Atlantic on a permanent basis.”*

August 26th, the FIG change the fishery licensing system to allow for the issue of licenses lasting 25 years.

1236 Hon. Sarmite Bulte

1237 *Annex II of Title IV, Part III of the EU Constitutional Treaty* includes Falklands, South Georgia and the South Sandwich Islands, and the British Antarctic Territory.

1238 *SN/IA/5602 Argentina and the Falklands* Vaughne Miller 2010 House of Commons Library

1239 UN Press Release *GA/COL/3122*

September 4th, the Merchant Navy Falklands 1982 Memorial is unveiled by the First Sea Lord, Sir Alan West.

September 21st, in response to remarks made by Nestor Kirchner before the UN's *General Assembly*, Britain says; “... *in exercise of the right of reply to the remarks made by the President of the Argentine Republic in the High-Level Plenary Meeting of the General Assembly on 14 September 2005. The British Government attaches great importance to the principle of self-determination as set out in Article 1.2 of the UN Charter and Article 1 of the International Covenant on Civil and Political Rights.*”

That principle underlies our position on the Falkland Islands. The elected representatives of the Falkland Islands once again expressed their own views clearly when they visited the United Nations for this year's debate in the UN Committee of 24. They asked the Committee to recognise that they, like any other people, were entitled to exercise the right of self-determination. They reiterated that the people of the Falkland Islands did not wish for any change in the status of the Islands.

There can be no negotiations on the sovereignty of the Falkland Islands unless and until such time as the Islanders so wish. The United Kingdom has no doubts about its sovereignty over the Falkland Islands.”

October 5th, at the meeting of the UN's *Fourth Committee*, Cesar Mayoral, speaking on behalf of the *Rio Group* of Member States, says that the *Group* had deemed it necessary for the Governments of Argentina and the UK to resume negotiations to achieve, as soon as possible, a peaceful, just and definitive solution to the sovereignty dispute relating to the question of the Falkland Islands, South Georgia, and the South Sandwich Islands in accordance with *UN Resolutions*.

In response, the British delegate, Simon Williams says that the UK's position on the Falklands is well known and that there were no doubts about the UK's sovereignty over them. He adds that there would be no discussion over sovereignty unless the peoples of the Islands requested it.

October 28th, Argentina issued a rejection of a; “*new measure whereby the UK claimed to assign ownership rights to the fisheries resources in the maritime areas surrounding the Islands.*”¹²⁴⁰

Nestor Kirchner is returned as President of Argentina for a 2nd term.

November 4th, an Administrative Contentious Appeals Court in Argentina, throws out a compensation claim by Constantino Davidoff on the basis that it does not have jurisdiction. He had claimed for compensation arising from South Georgia in 1982; “*.. for damages and losses caused by dependent personnel from the defendant country which impeded him from going ahead with the commercial activities he was involved in.*”

November 30th, Argentina objects to the extension of the *Convention on the Prohibition of the Development, production, Stockpiling and Use of Chemical Weapons and on their Destruction*, to the Falklands, by the UK.

December 12th, Argentina sets conditions on *South Atlantic Fisheries Commission* talks, requiring sovereignty to be linked to fisheries conservation. Meetings are suspended as a result.

2006 – Alan Huckle is appointed as Governor of the Falkland Islands.

February 20th, Argentina detains the fishing vessel, *John Cheek*, accusing the crew of illegally fishing in its waters, and flying an unrecognised (Falklands) flag.¹²⁴¹

1240 *UN Yearbook 2005*

1241 Britain argued that the vessel was in international waters at the time it was stopped. Following payment of an 'administrative' penalty, the *John Cheek* was released.

In **April**, a population census reveals that there are 2,955 people on the Islands, including 477 people present in connection with the military garrison, but excluding military personnel and their families.

April 2nd, President Kirchner, marking the anniversary of Argentina's invasion of the Falklands, which he describes as a; “*a crime committed by a cowardly military dictatorship*”; maintains that the Islands; “*must be a national objective of all Argentineans, and with dialogue, diplomacy and peace we must recover them for our homeland.*”

Kirchner informs his Ministers that he will abandon the ‘*sovereignty umbrella*’ agreed by former Carlos Menem, under which Argentina agreed to set aside claims over the Falklands to facilitate accords on fishing, oil exploration and transport. Diplomats are instructed to make the Falklands a priority, and to keep the claim prominent.

They are also to present their foreign counterparts with a DVD setting out their claims, and Britain’s supposed “*non-fulfillment*” of agreements established at the end of the conflict.

June 5th, MERCOSUR¹²⁴² adopts a *Resolution* reaffirming; “*the need for the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland to begin, as soon as possible, negotiations on the sovereignty dispute, in order to find a peaceful solution to this protracted controversy.*”

On the same day, in a Parliamentary written answer to a question regarding the *South Atlantic Fisheries Commission* (SAFC);

"The SAFC has met normally twice a year, usually in July and December, under the "sovereignty umbrella", with a representative of the Falkland Islands Government present—as part of the UK delegation. The SAFC is usually preceded by a scientific meeting to share data on fish and squid stocks. The last SAFC meeting took place in Buenos Aires in December 2005. However, it proved impossible to reach agreement on the agenda. The Argentine government also cancelled the scientific pre-meeting, as they had done in July 2005, and declined to take part in the customary Research Cruise to assess the state of illex stocks, although data sharing has continued...

The Argentines linked the failure to agree the agenda and the cancellation of the scientific meetings to the adoption of a new fisheries management regime by the Falkland Islands Legislative Council on 26 August 2005. This changed the basis of the Islands' fisheries management system from short term licensing to long-term ownership rights of up to 25 years in duration. The system will come into operation for some stocks on 1 July 2006. This was a decision for the Falkland Island Government. It was aimed at ensuring the longer-term viability of the fishing industry and conservation of stocks. We fully support the Falkland Islands Government in its activities to develop and conserve its fisheries. The change in licensing regime does not affect the UK's commitment to co-operate with Argentina within the SAFC (which places no restrictions on the fisheries management regime of either party). We are exploring arrangements for the next meeting of the Commission with the Argentine government"

June 29th, the *Congressional Observatory* is established in Buenos Aires to consider how best to gain possession of the Falklands.

During **July**, the new 25 year licensing system, commences.

1242 Also referred to as the *Southern Common Market*; Argentina, Brazil, Paraguay and Uruguay are the only members.

The *Guardian* newspaper reports the strategy being pursued by Argentina: “Mr Kirchner's approach represents a marked change in the conciliatory, passive approach that Argentina has been more or less pursuing since the fall of the late dictator General Leopoldo Galtieri in the aftermath of the war. The strategy of trying to woo the islanders reached its height under the presidency of Mr Kirchner's predecessor, Carlos Menem: Argentinians still cringe over his decision to mail islanders, as a Christmas present, copies of Winnie the Pooh. Cooperation between Argentina, Britain and the Falklands has broken down in various areas: fishing agreements, oil exploration, joint scientific cruises and air links between the Falklands and Latin America ...

The new mood is reflected in the streets. The Argentinian war cry *Las Malvinas son Argentinas* (the Falklands are Argentinian) has resurfaced in graffiti and posters round Buenos Aires. The Malvinas are a matter of wounded pride, not over the calamitous end of the war, which is universally dismissed as the last lunatic act of a floundering dictatorship, but over the original British occupation of the islands in 1833.”

July 11th, the deputy chairman of the Senate *Foreign Relations Committee*, Rodolfo Terragno, is reported by the official news agency Telam, to have described the British claim that Falkland Islanders' have the right to self-determination as a “farce”.¹²⁴³

August, the *Observatory* publishes a paper entitled, *The Fallacy of Self-Determination*, picking up on the recent theme that the population of the Islands were 'implanted', and therefore cannot be a 'peoples' for the purposes of UN Resolutions. Based on a previous census, this argument ignores the fact that some Islanders can trace their families back 6 generations, to the 1840's.

September 20th, President Kirchner makes a speech to the UN *General Assembly* in which he refers to his country's claim to the Falklands; “we can't but express that the British government continues to be remissive to UN resolutions on the issue”.

September 27th, the *Guardian* newspaper reports that the Argentine congress is drafting a Bill that allows their authorities to refuse to recognise the new fishing licenses; and that a new book is to be distributed to every secondary school pupil in the country showing how the British “illegally” colonized the Falkland Islands.

October 2nd, Brazil's representative to the UN's *Fourth Committee*, Piragibe Tarrago, speaks on behalf of the MERCOSUR countries, erroneously stating that the sovereignty dispute over the Falklands has been previously described in UN Resolutions as a 'special colonial question', and that *Resolution 2065 (XX)* limits the principle of self-determination to people who are oppressed.¹²⁴⁴

2007 – January, the *Washington Post* reports that the Argentine Government has issued official complaints concerning the Falkland Islands at a rate of one per month during 2006.

January 3rd, Argentina, in a letter to the UN Secretary-General, complains that the UK's refusal to address the sovereignty issue is incomprehensible.

January 15th, the UK rejects Argentina's claims.

1243 *Agencia de noticias oficial de la República Argentina*

1244 This tends to be the type of language used in C24 meetings and the *Draft Resolutions* that this sub-Committee of the *Fourth Committee* sends up for consideration each year. No *Draft Resolution* dealing with the Falklands has been forwarded by the *Fourth Committee* to the UN's *General Assembly* since 1988, and the attempt to resurrect the pre-War *Resolution 2065* seems to be a strategy aimed at getting around these failures in diplomacy.

Argentina announces that any discussions on fisheries or conservation must include negotiations over sovereignty.¹²⁴⁵

February, Argentina rejects a British proposal for a joint commemoration to honour the dead on both sides during the 25th anniversary of the Falklands war.

March 27th, the Government in Buenos Aires announces its repudiation of the 1995 *Joint Declaration on Co-operation over Offshore Activities in the South West Atlantic*. Argentina places the blame on 'unilateral' actions taken by the British; “ .. which violates and abuses the bilateral commitment.”

March 29th, the Energy Secretariat of Argentina issues Resolution 407; “... prohibiting the inclusion in the Oil Company Register of individuals or companies that were - directly or indirectly – owners, shareholders or contractors of, or that maintained profit relationships with:

a) companies that develop or have developed hydrocarbon activities on the Argentine continental shelf, without being authorised to carry out hydrocarbon exploration or exploitation by an Argentine authority, ...”¹²⁴⁶

In **April**, Argentine Vice-President Daniel Scioli makes a statement; “*The Malvinas are Argentine, they always were, they always will be ... Once again, we urge the United Kingdom to heed international calls and resume negotiations in the appropriate manner, through the United Nations*”

May 2nd, in an interview with the *Clarín* newspaper, Hector Bonzo, Captain of the Belgrano in 1982, denies that the sinking of his vessel was a war crime; “ *It was an act of war. The acts of those who are at war, like the submarine's attack, are not a crime ... The crime is the war. We were on the front line and suffered the consequences. On April 30, we were authorised to open fire, and if the submarine had surfaced in front of me I would have opened fire with all our 15 guns until it sank.*”

May 12th, Baroness Thatcher unveils a commemorative arch in Fareham, Hampshire.

June 17th, Queen Elizabeth II, Tony Blair and Baroness Thatcher join veterans for a remembrance service in the Falkland Islands Memorial Chapel to mark the 25 years since the end of the Falklands War. Lord Parkinson and Prince Edward, attend a similar service in Stanley.

June 21st, speaking before the United Nation's Decolonisation Committee, Argentina's Foreign Minister, Jorge Taiana says; “*The military dictatorship that ruled Argentina in 1982 acted behind the Argentine people's back, departing from the traditional peaceful claim for the Islands. It was a mistaken decision, because the Argentine people always knew that the full exercise of sovereignty over the Islands would be recovered through peaceful and diplomatic dialogue. The United Kingdom has become publicly involved in a series of events of a celebratory and militarist nature that Argentina laments. My country cannot share this spirit, and, quoting President Kirchner's words, I would like to remind the United Kingdom that, as a powerful country, 'it may have won a battle, but it will never beat the reason or justice that the Falkland Islands are Argentine and that, through peace, they will be Argentine again*”.¹²⁴⁷

1245 Miller 2010

1246 Bielsa 2010

1247 Quoted in *The situation of Malvinas Islands at the beginning of the Bicentennial of the Argentine Independence*
Alfredo Bologna 2010

September 25th, outgoing President Néstor Kirchner, makes a speech to the UN's *General Assembly* restating Argentina's wish for negotiations with the UK over the Islands. He says that the UK should shoulder its responsibility and put an end to this anachronism; the illegal occupation for clearly colonial purposes of territory belonging to another State.

October 1st, the British respond; “*The British Government attaches great importance to the principle of self-determination as set out in Article 1.2 of the Charter of the United Nations and article 1 of the International Covenant on Civil and Political Rights. That principle underlies our position on the Falkland Islands.*”

The elected representatives of the Falkland Islands once again expressed their own views clearly when they visited the United Nations for this year's debate in the Committee of 24. They asked the Committee to recognize that they, like any other people, were entitled to exercise the right of self-determination. They reiterated that the people of the Falkland Islands did not wish for any change in the status of the Islands.

There can be no negotiations on the sovereignty of the Falkland Islands unless and until such time as the islanders so wish.

The United Kingdom has no doubts about its sovereignty over the Falkland Islands.”

October 8th, Federico Perazza of Uruguay, speaks on behalf of MERCOSUR to the UN's *Fourth Committee* at its annual meeting and renews the group's support for Argentina and its “*.. legitimate right to sovereignty over the Malvinas Islands*”. He emphasizes the wish that negotiations resume and states that the Argentine claim is a just one. He also declares that the question of the Falkland Islands is a sovereignty dispute and not a question of self-determination.

October 16th, Argentina formally protests the issue of licences for the exploration and exploitation of hydrocarbons around the archipelago, which it claims, violates its sovereignty.

Also in **October**, Cristina Fernandez de Kirchner, the wife of the outgoing President, wins the presidential election and takes over as Argentina's Head of State.

December 13th, Argentina protests to the President of the European Union about the Falkland Islands inclusion in the *Treaty of Lisbon*.

2008 – March, Members of the *House of Commons Foreign Affairs Committee* visit the Falkland Islands to inquire into the current situation there.

On behalf of the Falkland Islands Government, Councillor Summers informs the *Committee*; “*The Falkland Islands Government are happy with UK Government statements on sovereignty over the Falkland Islands going back a number of years now. The current Prime Minister and his predecessor have been very robust in saying that the UK does not doubt the sovereignty and independence of the Falkland Islands, and that there should be no discussion of sovereignty unless the people of the Falklands so wish. That has been a strong, coherent and unwavering message, and in our circumstances the consistency of that message is crucial.*”

Also in **March**, the British Prime Minister, Gordon Brown, meets Cristina Kirchner in Santiago de Chile. An agreement is reached to allow the relatives of Argentine troops killed in the 1982 war, to visit the Islands for the official inauguration of a Memorial at the Argentine Cemetery in Darwin.¹²⁴⁸

1248 The agreed number of 649 was subsequently reduced to 375 by Argentina.

May 23rd, the ICJ considers the concept of a 'critical date', in its judgment on the *Pedra Branca/Pulau Batu Puteh Case*; "The Court recalls that, in the context of a dispute related to sovereignty over land such as the present one, the date upon which the dispute crystallized is of significance. Its significance lies in distinguishing between those acts which should be taken into consideration for the purpose of establishing or ascertaining sovereignty and those acts occurring after such date, "which are in general meaningless for that purpose, having been carried out by a State which, already having claims to assert in a legal dispute, could have taken those actions strictly with the aim of buttressing those claims"¹²⁴⁹

As the Court explained in the *Indonesia/Malaysia case*, "it cannot take into consideration acts having taken place after the date on which the dispute between the Parties crystallized unless such acts are a normal continuation of prior acts and are not undertaken for the purpose of improving the legal position of the Party which relies on them"¹²⁵⁰

June, the *Foreign Affairs Committee* publishes its report.¹²⁵¹

Argentina introduces legislation controlling fishing companies operating in both Argentinean and Falklands waters.

September 23rd, in her speech at the opening of this year's *UN General Assembly*, President Cristina Kirchner tells her audience that the Falklands' situation is; "an embarrassment for the 21st century."

October 6th, the *UN's Fourth Committee*, chaired by Argentina's Ambassador, Jorge Arguello, resumes its consideration of the decolonisation process.

Brazil's Representative states that the United Kingdom took the Falklands by force in 1833 and expelled the native population, replacing them with British citizens who can not be classed as a subjugated people.

The United Kingdom responds that it has no doubt about its sovereignty in the Falkland Islands and that there can be no negotiations on the matter until such time as; "the islanders so wish."

October 20th, the *Fourth Committee* rounds up a debate on the remaining Non-Self Governing Territories, conceding that self-determination is the guiding principle:

"...The *Fourth Committee (Special Political and Decolonization)* would have the *General Assembly* reaffirm the inalienable right of the peoples of 11 of the 16 remaining Non-Self-Governing Territories to self-determination by an "omnibus" draft resolution it approved today....."

The omnibus text achieved consensus only after an amendment to its second operative paragraph was adopted by a recorded vote of 61 in favour to 40 against, with 47 abstentions. The amendment, which struck the qualifying phrase "and where there is no dispute over sovereignty" from that operative paragraph, had been tabled by the United Kingdom, which argued today, as it had last week, that, not only was the new language inapplicable to the 11 Territories targeted in the resolution, but that it introduced conditions that could have unexplored ramifications. As action was taken, delegations were clearly split between those that supported the text, which had been approved by consensus in the Special Committee in June, and those that did not.

Differences centered over the new wording, which, as Bolivia's speaker said, acknowledged that there were two guiding principles in the decolonization process -- that of self-determination and of territorial integrity --

1249 *Territorial and Maritime Dispute between Nicaragua and Honduras in the Caribbean Sea (Nicaragua v. Honduras)*, Judgment, I.C.J. Reports 2007, pp. 697-698, para. 117

1250 *Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia)*, I.C.J. Reports 2002, p. 682, para. 135

1251 *House of Commons Foreign Affairs Committee 7th Report of Session 2007-2008*

and those that believed the phrasing was unnecessary, as the representative of the United States said, ...

By the terms of the amended resolution, the Assembly would further reaffirm that, in the process of decolonization, there was **no alternative to the principle of self-determination**, which was also a fundamental human right.¹²⁵²

November 4th, Queen Elizabeth II signs the new *Constitution* for the Falklands.

November 6th, Argentina formally complains.

November 28th, the UK is granted a 10 year extension to the deadline under the *Ottawa Convention* for the elimination of anti-personnel mines.

2009 – January 1st, the new *Constitution of the Falkland Islands* comes into force. Chapter 1 states, "1.

Whereas – (a) all peoples have the right to self-determination and by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development and may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic cooperation, based upon the principle of mutual benefit and international law; (b) the realisation of the right of self-determination must be promoted and respected in conformity with the provisions of the Charter of the United Nations;..."

In **March**, tri-service military exercises are held in and around the Falkland Islands.

March 23rd, Princess Anne visits the Falklands before moving on to South Georgia.

March 28th, the British Prime Minister, Gordon Brown, says that there is, in relation to the Falklands, " .. *nothing to discuss..*", when he and Argentina's President Cristina Kirchner meet in Chile.

April 1st, in her speech to the Summit of Arab-South American Countries in Qatar, President Cristina Fernandez tells her audience; " *The Questions of the Malvinas and Palestine are but two terrible examples of non-compliance with the rules laid down by international organisations regarding law, and recognition of our countries.*"

The Israeli Embassy in Buenos Aires issues a statement; " *The remark is out of place and takes us by surprise. What was clear to me is that Israel is to blame for all the problems of the Arabs. But we did not know that we reached as far as the Falklands.*"

April 2nd, Cristina Kirchner, in London for a G20 meeting, calls for sovereignty talks.

April 22nd, Argentina makes an expansive submission to the *Commission on the Limits of the Continental Shelf* (CLCS). This includes claims to continental shelf areas off mainland Argentina, the Falkland Islands, South Georgia Island, the South Sandwich Islands as well as areas in the Weddell Sea off Argentina's claimed territory in Antarctica. Argentina's submission notes that a dispute exists with the United Kingdom over the Falkland Islands, South Georgia and South Sandwich Islands, however Argentina does not qualify its claims to any Antarctic territory.¹²⁵³

1252 UN GA/SPD/406 - Sixty-third General Assembly. My emphasis.

1253 Under Annex I of its rules of procedure, the CLCS cannot rule on a submission relating to a land or maritime dispute without the consent of all parties to the dispute.

April 23rd, a Report from the Secretary General of the United Nations on the *'Implementation of decolonization Resolutions adopted since the declaration of the First and Second International Decades for the Eradication of Colonialism'* states the Mexican, Russian Federation and British positions.

Mexico: *'Mexico recognizes the right of peoples to 'self-determination.'*

Russian Federation: *'With regard to the Falkland Islands (Malvinas) and Gibraltar, each subject to sovereignty disputes, the Russian Federation holds the view that the search for a definitive solution should be based on negotiations between the relevant Governments.'*

Britain: *'Some commentators have suggested that the United Kingdom should agree to allow Territories the options for status set out in United Nations General Assembly resolution 1541 (XV). This identified three options for de-listing (i.e., removing Territories from the United Nations list of Non-Self-Governing Territories). These were integration; independence; and free association. As already stated, the United Kingdom policy is not to agree to integration; and nor is there any indication that any of the Territories are seeking this. The United Kingdom's position on independence has already been set out.*

But the concept of free association, as defined by the General Assembly, would mean that the Territory itself would draw up its Constitution free from United Kingdom involvement. The United Kingdom would retain all responsibility for the Territory, but would not be able to ensure that it had the powers necessary to meet its responsibilities for the Territories. This is not a position the United Kingdom is willing to put itself in.

General Assembly resolution 1541 (XV) is not legally binding. Furthermore, the United Kingdom did not vote in favour of the resolution. It believes that the guiding principles for the relationship with the Territory should draw on the Charter of the United Nations. This states, inter alia, that an administering Power shall take due account of the political aspirations of the peoples of its Territories, and assist them in the progressive development of their free political institutions according to the particular circumstances of each Territory and its peoples and their varying stages of advancement. The United Kingdom places the utmost importance on these fundamental principles, which are at the heart of the constitutional review process.

The United Nations Declaration on the Principles of International Law Concerning Friendly Relations and Cooperation among States in Accordance with the Charter of the United Nations (1970), which elaborates the principle of self-determination, also makes clear that there is an option for the peoples of a Territory in addition to those set out in resolution 1541. It says that the establishment of a sovereign and independent State, 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"¹²⁵⁴

May 11th, Britain submits its claim to the continental shelf area around the Falkland Islands, South Georgia and the South Sandwich Islands.

May 12th, Argentina protests at the UK submission; *"British insistence in pretending to arrogate competence over the Malvinas, South Georgia and South Sandwich Islands and adjoining maritime spaces is unacceptable and inadmissible ..."*

June, in an answer to a question in Parliament, Government spokesman Chris Bryant says of the C24, *"The Government do not consider that any of their Overseas Territories should remain on the UN list."*

1254 UN A/64/70

In *September*, delegates from the Falkland Islands attend the *World Summit on Fishing Sustainability*, in Spain. Argentina protests by walking out of the first meeting; removing the Falkland's delegates flags and nameplates on the way. ¹²⁵⁵

October 3rd, the Memorial at the Argentine cemetery in Darwin, is inaugurated. No officials accompany the next-of-kin who attend.

October 5th, the *Fourth Committee* of the United Nations resumes its annual debate on decolonisation.

In the speeches, José Luis Cancela, speaking on behalf of MERCOSUR, says that self-determination is the fair way of decolonizing the Territories in which there existed a “*people*” subjected to alien subjugation, domination and exploitation. However, decolonization and self-determination were “*not synonyms*”. A case in point was the Falkland Islands, where there is not such a “*people*”, but rather the disruption of the national unity and territorial integrity of the Argentine Republic.

He goes on to say that the Falkland Islands are a “*colonial territory*” with no colonized population.

In *December*, military exercises take place in the Falklands.

December 1st, Argentina registers objections to the European Union's *Treaty of Lisbon*, rejecting the inclusion of the Falkland Islands, South Georgia and the South Sandwich Islands, and what it refers to as the *Argentine Antarctic Sector* in the list of territories.

December 9th, Argentina enacts law 26.552 which places the Falkland Islands, South Georgia, the South Sandwich Islands, and the British Antarctic Territories within the new Province of Tierra del Fuego.

Britain sends a *note verbale* to the Argentine *charge d'affaires* in London outlining the UK's rejection of the new law.



2010 – 2019 (?)



2010 – Nigel Haywood becomes Governor.

January 28th, HMS York challenges the Argentine Corvette, ARA Drummond in Falklands waters. An MoD spokesman states diplomatically; *"We can confirm that on 28 January this year during rough weather and at night, HMS York and an Argentine ship were operating in the same locality in international waters around 50 miles from Falkland Island Territorial Waters. After a friendly dialogue by radio they each continued with their own exercises."*

In **February**, two oil exploration companies, *Desire Petroleum* and *Rockhopper Exploration*, commence operations under licences issued by the FIG.

February 2nd, Argentina's Foreign Ministry summon British embassy officials to protest about the; *"imminent start of drilling."*

February 3rd, the United Kingdom formally rejects the protest.

February 4th, the Government in Buenos Aires issues a statement; *"Argentina again warns the UK about the illegality and consequences of this new unilateral action, extensive to all private actors involved, that they will be liable of future legal demands in the maximum tribunals, for the potential exploration and exploitation of Argentine resources."*

February 10th, Argentine authorities detain a freighter loaded with oil pipes which they claim are destined for the Falklands. The vessels owners deny the allegation.

February 16th, Argentina issues a *Decree* requiring its prior approval for vessels sailing between the Islands and the mainland. The British Government immediately protests; *"The United Kingdom ... knows very well that the exploration of hydrocarbons is a completely legitimate project."*

February 22nd, during a radio show, Hugo Chavez, the Venezuelan President, says; *"Look, England, how long are you going to be in Las Malvinas? Queen of England, I'm talking to you, ... The time for empires are over, haven't you noticed? Return the Malvinas to the Argentine people... The English are still threatening Argentina. Things have changed. We are no longer in 1982. If conflict breaks out, be sure Argentina will not be alone like it was back then."*

Luiz Inácio Lula da Silva, President of Brazil, criticises the UN for not pushing more forcefully to reopen the debate over the islands; *"What is the geographic, the political or economic explanation for the UK to be in Las Malvinas? .. Could it be because the UK is a permanent member of the UN's Security Council where they can do everything and the others nothing?"*.

Argentina's President, Cristina Kirchner tells reporters; *"We do not believe in methods like blockades,"* before signing *Decree 256/10*, a law requiring, *"any ship or vessel who intends to travel between ports on the Argentine mainland and ports located in the Falkland Islands, South Georgia and South Sandwich Islands, or*

through Argentine waters toward the latter, and / or carrying goods to be transported directly or indirectly from these ports,..” to obtain a permit from Buenos Aires.

Argentine hackers attack the *Penguin News* web site, posting an audio recording of 'March of the Malvinas.'

March 1st, President Cristina Kirchner asks the USA to act as an intermediary. Secretary Hillary Clinton, responds; “*We agree; we stand ready to help resolve the issue.*” Her Government in Washington however, are quick to restate their traditional neutrality on the issue.

March 2nd, Prime Minister Gordon Brown rejects any suggestion of US mediation.

March 10th, scores of demonstrators besiege the British Embassy in Buenos Aires.

March 25th, one of the minefields from 1982 is finally declared safe by Zimbabwean experts.

In **May**, oil is discovered near the Islands by *Rockhopper Exploration PLC*.

The legal department of the FIG are granted membership of the *International Association of Prosecutors*.

May 18th, Foreign Office Minister Jeremy Browne reiterates the new Coalition Government's support for the Islanders and states that; “*the Lisbon Treaty clearly reaffirms the EU position that the Falkland Islands is an Overseas Territory of the United Kingdom.*”¹²⁵⁶

May 19th, the FCO send a 'note verbale' to the Argentine *chargé d'affaires* in London; “*The United Kingdom of Great Britain and Northern Ireland considers that Presidential Decree 256/2010 and Disposition 14/2010 are not compliant with international law, including the United Nations Convention on the Law of the Sea.*

The United Kingdom of Great Britain and Northern Ireland would like to take this opportunity to remind the Government of the Republic of Argentina of its obligations under international law, and that the United Nations Convention on the Law of the Sea provides for ships of all States to enjoy the right of innocent passage through territorial seas, and freedom of navigation in the waters beyond the territorial sea. Furthermore, with respect to the Straits of Magellan, the rights of international shipping to navigate these waters expeditiously and without obstacle is affirmed in the 1984 Treaty of Peace and Friendship between Chile and Argentina with respect to the Straits of Magellan. Article 10 of the Treaty of Magellan further provides; “The Argentine Republic undertakes to maintain, at any time and in whatever circumstances, the right of ships of all flags to navigate expeditiously and without obstacles through its jurisdictional waters to and from the Strait of Magellan.”

The United Kingdom of Great Britain and Northern Ireland has no doubt about its sovereignty over the Falkland Islands, and South Georgia and the South Sandwich Islands, its sovereignty over the adjacent territorial sea of these Islands, and its sovereign rights over the adjacent maritime areas. The United Kingdom .. also has no doubt that the surrounding maritime areas of the Falkland Islands, and South Georgia and the South Sandwich Islands are not Argentine jurisdictional waters.”

May 24th, Argentina rejects the British complaint.

June 9th, in its annual Report, the *International Maritime Organisation* (IMO) notes a complaint from Argentina rejecting; “*.. the United Kingdom's claim to include the Malvinas Islands in the European Union LRIT CDC.*”¹²⁵⁷

1256 Miller 2010

1257 *European Union Long Range Identification and tracking Cooperative Data Centre.*

The UK responds, "*.. the Falkland Islands are associated with the European Union in accordance with Part Four of the Treaty of the Functioning of the European Union, specifically Articles 198-204. The Falkland Islands are listed specifically in Annex II of the same Treaty as Overseas Countries and Territories to which provisions of Part Four of the Treaty apply.*"

June 10th, the '*Day of the Reaffirmation of Rights over the Malvinas, South Atlantic Islands and the Antarctic sector*' in Argentina, recalls the creation in 1829 of the '*Military and Political Command of the Malvinas Islands.*'

June 22nd, a Parliamentary Briefing Paper states; "*The UK Government's position on sovereignty of the Falklands has traditionally been as follows:*

The British Government has no doubt about Britain's sovereignty over the Falkland Islands.

With the exception of the 2 months of illegal occupation in 1982, the Falklands have been continuously, peacefully and effectively inhabited and administered by Britain since 1833.

Argentina's claim to the Falklands is based on the grounds that, at the time of British repossession of the Islands in 1833, Argentina had sovereignty over them through her inheritance, upon independence, of Spain's possessory title (uti possedetis), through her attempts to settle the Islands between 1826 and 1833, and through the concept of territorial contiguity. However, uti possedetis is not accepted as a general principle of international law. Moreover Spain's title to the Islands was disputed and in 1811 the Spanish settlement was evacuated, leaving the Islands without inhabitants or any form of government. Argentina's subsequent attempts at settlement were sporadic and ineffectual.

As for territorial contiguity, this has never been a determinant for title to islands (otherwise the Canary Islands, for example, might be Moroccan) and should not be used to overrule the right of self-determination.

The Argentine Government has argued that the Falkland Islanders do not enjoy the right of self-determination, on the (false) basis that they replaced an indigenous Argentine population expelled by force. However there was no indigenous or settled population on the Islands until British settlement...." ^{xxvii}

June 24th, Argentina's Foreign Minister, Hector Timerman, in a speech to the C24, repeats Dr. Ruda's 1964 claim that Britain took South Georgia from Argentina; "*by force*".

Representatives from the Falklands ask the C24; "*Why was this committee originally set up by the United Nations – to protect the rights of people or the rights of nations to argue over the sovereignty of land?*"

July, Argentine delegates walk out of the *International Association of Prosecutors* in protest at the Falkland Islands being admitted as full members.

Chile receives a complaint from Argentina relating to a group of its school children taking a 3 week trip to the Islands in order to improve their English language skills. Argentina argues that the visit; "*recognizes the legitimacy of a government in a disputed territory.*"

Argos Resources, an oil exploration company operating in the Falklands, is warned by Argentina's Embassy in London to abstain from acting on its licences, otherwise Argentina will; '*take action.*'

July 22nd, the ICJ gives its '*advisory*' opinion in the Kosovo sovereignty case. On the question of whether Kosovo's unilateral declaration of independence was a breach of international law the decision is that; "*.. the declaration of independence of the 17th of February 2008 did not violate general international law because*

international law contains no prohibition on declarations of independence."¹²⁵⁸

Seen as an attack on the concept of '*territorial integrity*', Argentina rejects the Court's decision despite having voted in favour of the *Resolution* that put the question before the ICJ.

August, Cuba's Fidel Castro accuses the USA of having a permanent military base in the Falkland Islands.

In **September**, the FIG attends the *Commonwealth Parliamentary Association's* conference in Kenya.

Referring to his speech before the C24, Dick Sawle says; "*Thanks to much hard work and research by Peter Pepper and Graham Pascoe, the speech also went through some detail of the expulsion myth proposed by Argentina. The historical falsehoods stated and repeated many times in 1964 at the UN by Argentina have been proved to be exactly that. Any claim based as it was on false historical 'evidence' is meaningless. ... a crucial point agreed by the UN 4th Committee in 2008 was that any dispute over sovereignty should not affect self-determination which is a fundamental human right.*"

Sawle concludes that Argentina has; "*a simple desire to steal what is ours and to subjugate a fiercely independent people to an authority that we do not admire, respect, desire, envy or want.*"

September 21st, Uruguay denies permission for *HMS Gloucester* to enter Montevideo, citing its relationship with Argentina as the reason; although the President privately apologises to the British Ambassador.

September 24th, Cristina Kirchner, Argentina's President, in a speech at the opening session of this year's UN *General Assembly*, states; "*Once again we have come to claim our sovereign rights over the Malvinas Islands. It's not a historic claim but an absolutely present-time claim ... That country is making unilateral decisions on hydrocarbon exploitation which means the plundering of natural resources that do not belong to her.*"

October 4th, the UN's Fourth Committee commences its annual review of the decolonisation process and the work of the C24. In the opening debate Argentina's representative stresses that the persistence of colonial cases in their different types and forms constitutes a crime which violates the *Charter*, the *Declaration on the Granting of Independence to Colonial Countries and Peoples*, and the principles of international law.

The United Kingdom's representative responds; "*.. the British Government's relationship with its overseas Territories is a modern one, based on partnership, shared values and the right of each Territory to self-determination. The United Kingdom has no intention of imposing independence against the will of people concerned. Where independence was an option and the clear and constitutionally expressed will of the people of the Territories existed, the British Government would give it every help to achieve it.*"

October 5th, as a requirement under the confidence building section of the 1989 agreements, Britain informs Argentina's *Naval Hydrographic Service* of missile tests taking place between October 11th and 22nd.

Argentina protests. Minister Timerman makes a statement; "*The UK's refusal to negotiate a peaceful solution to this problem and the self-confidence with which it seizes our natural resources in the seas off Patagonia and at the same time tests missiles from our islands, are seen as acts of aggression not only in Argentina, ... Each day, there are more and more fellow South American nations that understands that a permanent member of the UN Security Council is behaving like something from the colonial past.*"¹²⁵⁹

1258 This case has ramifications for any '*peoples*' exercising their right to self-determination under the UN *Charter*. The issue of recognition of a new State was deemed a political one however, and not a matter for international law.

1259 The testing of '*Rapier*' missiles within the *EEZ* of the Falkland Islands had been taking place for 28 years. Argentina denied any previous knowledge of such tests and claimed that the testing contravened, "*... the object and purposes of the bilateral understandings on confidence building measures in the military field in force between the two countries ..*"

Argentina's UN Ambassador, Jorge Argüello, refers the missile testing to the office of the UN's Secretary-General which makes no response.

October 12th, a Falklands fishing vessel, *Venturer*, sailing three and a half miles inside the *Falklands Outer Conservation Zone*, is challenged by an Argentine naval vessel and ordered to leave the area. The fishing vessel ignores the instruction.

In **December**, Argentina registers a complaint with the IMO about the UK testing missiles near the Falklands.

December 11th, the 98th anniversary of the '*Battle of the Falkland Islands*' is commemorated at a ceremony held in London.

December 16th, MERCOSUR condemns the holding of military exercises near the Falklands, but does not make clear what it is referring to.¹²⁶⁰

December 24th, PM David Cameron, in his *Christmas Message*, says to the Falkland Islanders; "*The UK's commitment to your Islands is without question. Our interest in your prosperity, our determination to ensure your security and our resolve to stand beside you on any question of sovereignty remain as strong as ever.*"

December 29th, at the UN, Ambassador Argüello accuses Britain of abusing its position on the UN's *Security Council* to avoid complying with *Resolutions* calling for negotiations over the sovereignty of the Falkland Islands.

2011 - January 3rd, Argentina releases a statement; "*British forces occupied the Malvinas Islands ousting by force Argentine inhabitants and authorities legitimately established. This action of force was immediately protested and never consented by the Argentina Republic. The occupation continues since then. .*"

January 19th, the IMO includes a 3 page statement by Argentina in an appendix to its annual report; but otherwise makes no comment about missile testing near the Islands.¹²⁶¹

February 11th, *Rockhopper Exploration* again strikes oil near the Falklands.

In **March**, the Islanders send 2 representatives to the *Overseas Countries and Territories of the European Union* conference in New Caledonia.

March 16th, legislative measures are approved in the Argentine Congress allowing the prosecution of any company participating in oil exploration, without a licence issued by Buenos Aires.

March 21st, *Rockhopper Exploration* announces their oil find to be commercially viable.

March 31st, Argentina announces a world-wide initiative to take the Falkland Islands debate to other Nations. "*These conferences are geared to keep the international community informed about the Malvinas issue with the purpose of making viable the implementation of UN Resolution 2065 which calls on both sides of the conflict, Argentina and the UK to resume Malvinas Islands sovereignty negotiations*".

April 2nd, President Cristina Kirchner, speaking at a ceremony commemorating Argentina's dead in the Falklands War, says; "*The Malvinas are Argentine for ever.*"

1260 Apparently a British naval vessel was photographed testing a missile for training purposes.

1261 *Maritime Safety Committee* of the *International Maritime Organisation*, 88th Session, MSC 88/26 Add.1

May 31st, the *Wild Life and Protected Areas Ordinance* is signed, increasing protection for the fauna on South Georgia and the South Sandwich Islands.

June 15th, speaking at the British Parliament, PM David Cameron emphasises; “.. *as far as the Falkland Islands maintain their interest in remaining as British sovereign territory, they should remain that way, and there is nothing more to say about it.*”

June 21st, in the C24's annual debate, Foreign Minister Timmerman, reiterates Argentina's claim to the Falklands, South Georgia and the South Sandwich islands. He tells the *Committee* that the right to self-determination does not apply to the Islanders, as they are not a peoples who have been subjugated by a colonial power.

Islander, Roger Edwards, tells the C24 that the Islands are already self-sufficient and self-governing.

June 28th, a memo prepared by the FCO detailing the UK's attitude towards the the C24 is circulated: “*Despite abstaining on the Declaration on the Granting of Independence to Colonial Countries and Peoples, and the General Assembly resolution setting up the C24, the UK agreed to join and cooperate with the C24. This it did until 1971, when it left the Committee.*”

The UK was concerned at that time by the Committee's recently adopted "programme of action" to implement 1514 (XV), its reluctance to address the issue of small territories, as well as its unfavourable composition...

In 1974 the UK resumed cooperation with the Committee, without rejoining. .. However, by mid-1985, again frustrated at the Committee's work, the UK decided to cease cooperation (with effect from January 1986), while reserving the right to participate in the C24's debate on the Falklands.

In a letter to the then C24 Chair, the UK Permanent Representative in New York explained the UK's decision on the grounds that the territories which remained in close association with the UK had chosen to do so, that this was unlikely to change in the near future, that the UK and its (then "Dependent") Territories, therefore considered the colonial era over, and hence the UN's interest in these territories' affairs should cease. ..

(the UK) attends C24 meetings but does not sit in the UK seat, nor make any statements. Counsellors from the Falkland Islands address the Committee annually, to put forward their case. ... The UK continues, however, to be frustrated that the C24's resolutions on its OTs do not properly reflect developments in the territories, including ...the right of self-determination.”^{xxviii}

In **August**, FIG representative Dick Sawle attends the 57th *Commonwealth Parliamentary Conference*.

August 7th, Arturo Puricelli, Argentina's Defence Minister, in an interview with the *Buenos Aires Herald*, accuses the UK of; '*militarizing the South Atlantic*'.

Rockhopper Exploration raises its estimates of oil in the Northern Basin to 608 million barrels.

September, Ambassador Argüello, claims that the Falklands are under '*military occupation*' and that there are more military personal on the Islands than there are civilians.

The Galician fishing fleet, operating within the fisheries under Falkland licences, complain of harassment by Argentine naval vessels when they return to Montevideo.

September 18th, Tierra del Fuego authorities decline to attend Chile's independence celebrations in protest at the Mayor of Cabo de Hornos referring to the Falklands by their English name.

September 21st, President Cristina Fernandez de Kirchner speaks to the UN *General Assembly* on its opening of the new session. She demands negotiations on the issue of the Islands' sovereignty and threatens to cancel the bi-weekly flight from Argentina to Mount Pleasant; “*It is obvious the UK cannot claim sovereignty over a territory that's 14,000 kilometres away from their land ...*”

The UK delegation, in its right to reply, says; “ *... The United Kingdom Government attaches great importance to the principle and right of self-determination as set out in Article 1.2 of the Charter of the United Nations and Article 1 of the International Covenant on Civil and Political Rights. That principle underlies our position on the Falkland Islands. There can be no negotiations on the sovereignty of the Falkland Islands unless and until such time as the islanders so wish.*

The United Kingdom's relationship with all its overseas territories is a modern one based on partnership, shared values and the right of each territory, including the Falkland Islands, to determine if it wishes to retain a link with the United Kingdom.

The democratically elected representatives of the Falkland Islands once again expressed their own views clearly when they visited the United Nations for this year's debate in the Special Committee of 24. They asked the Committee to recognise that self-determination is a universal human right, and respect for this principle is enshrined in the UN Charter as one of the purposes of this Organisation. They made it clear they, like any other people, are entitled to exercise the right of self-determination. They reiterated the historical facts that the Falkland Islands had no indigenous people and that no civilian population was removed prior to their people settling on the Islands over 178 years ago. They confirmed that they are, and have been the only people of the Falkland Islands, and they did not wish for any change in the status of the Islands. They lamented the measures adopted by the Republic of Argentina that unlawfully aim to limit both their transport links and their access to open and free trade.

The Falkland Islands Government is entitled to develop both fisheries and hydrocarbons industries within its own waters. This right is an integral part of the right of self-determination, which is expressly contained in Article 1.2 of the International Covenant on Civil and Political Rights. It states that all peoples may, for their own ends, freely dispose of their natural wealth and resources. In no case may a people be deprived of its own means of subsistence. .. ”

Defence Minister Puricelli, in a newspaper interview, claims that the Islanders' are being held as 'hostages'.

October, the *Argentine Internet Users Association* complains to the *Internet Corporation for assigned Names and Numbers* about the Falklands being given an *.fk* designation. They also argue that South Georgia should not have a *.sg* designation.

Jorge Argüello, claims that the UK bribes the Islanders not to migrate to Argentina.

October 16th, at the 125th meeting of the *International Parliamentary Union*, the Argentine delegates propose an item for future consideration - a ban on any exploitation of resources by an occupying power.

October 23rd, Cristina Fernandez de Kirchner is re-elected as President of Argentina.

October 29th, the *Resolution* adopted at the end of an *Ibero-American Summit* in Paraguay states; “*The Heads of State and Governments of the Ibero-American countries reaffirm the need for the Argentine Government and that of Great Britain to solve, as soon as possible, the negotiations left unsolved over the sovereignty of the Malvinas Islands.*”

October 30th, the Union of South American Nations (UNASUR) objects the British frigate *HMS Montrose*, being deployed to the South Atlantic.

November, the British Government confirms that Prince William, heir to the throne, will be sent to the Falklands as part of his helicopter unit's routine *Search and Rescue* mission in 2012.

November 9th, *Rockhopper Exploration* announce a further oil discovery.

November 11th, Argentina protests, claiming the Prince's posting to be “*provocative*” as it planned to take place near the 30th anniversary of the Argentina invasion of 1982. Brugo Marco from Argentina's Foreign Ministry says; “*It is one more provocative act that shows Britain's military presence in a zone of peace where there is no armed conflict, ... One cannot ignore the political content of this military operation bearing in mind that the prince forms part of the Royal Family.*”

November 28th, Argentina's Embassy in Madrid, following complaints from the Spanish fishing fleet about interference, warns that the vessels are operating illegally in Falkland Islands waters and that it is their duty; “*to put an end to all those illegal fishing activities*”.¹²⁶²

December 6th, Britain protests to Argentina following the incidents involving the Spanish fishing fleet.

December 7th, news of a proposed one million square mile conservation zone around South Georgia is leaked to the British press.

December 21st, MERCOSUR countries agree to ban Falkland flagged vessels from their ports. The Foreign and Commonwealth Office seek clarification from Uruguay.¹²⁶³

December 23rd, in his Christmas Message to the Falkland Islanders, Prime Minister David Cameron reiterates British support; “*... Argentina continues its unjustified and counterproductive efforts to disrupt shipping around the Islands and to deter business from engaging in legitimate commerce. Threats to cut communication links between the Islands and your neighbours in South America only reflect badly on those who make them ... So let me be absolutely clear. We will always maintain our commitment to you on any question of sovereignty. Your right to self-determination is the cornerstone of our policy. We will never negotiate on the sovereignty of the Falkland Islands unless you, the Falkland Islanders, so wish. No democracy could ever do otherwise.*”

December 29th, Uruguay's Foreign Minister, Luis Almagro, indicates that while Falkland flagged ships will be refused entry to his country's ports, those flying the red ensign would still be welcome. Uruguay's coast guards indicate that they is no law in place allowing them to ban any vessels.

2012 - January 3rd, Argentina restates its claim to the Falkland Islands.

January 27th, Britain's Permanent representative at the UN, Mark Lyall Grant, responds; “*The United Kingdom is clear about both the historical and legal position on the sovereignty of the Falkland Islands. No civilian population was expelled from the Falkland Islands on 3 January 1833. An Argentine military garrison had been sent to the Falkland Islands three months earlier in an attempt to impose Argentine sovereignty over British sovereign territory. The United Kingdom immediately protested and later expelled the Argentine*

¹²⁶² *MercoPress Nov 28th*

¹²⁶³ This was originally agreed in 2010. As Argentina had already imposed a ban, Uruguay and Brazil were the other MERCOSUR coastal countries to impose the ban.

military garrison on 3 January 1833.

The civilian population, who had previously sought and received British permission to reside on the Islands, were encouraged to remain. The majority voluntarily chose to do so.

In 1833, the territorial borders of the Republic of Argentina did not include the geographical southern half of its present form, nor any territory in the Falkland Islands, Antarctica, or South Georgia and the South Sandwich Islands. The land which now forms the Argentine province of Tierra del Fuego, of which the Republic of Argentina purportedly claims the Falkland Islands forms a part, did not itself form part of the Republic of Argentina until approximately half a century after 1833, by which time the current Falkland Islands people had lived and raised two generations on the Islands.

British sovereignty over the Falkland Islands dates back to 1765, some years before the Republic of Argentina even existed.¹²⁶⁴

In **February**, Prince William arrives in the Falkland Islands as part of his training as a *Search and Rescue* helicopter pilot. Argentina protests. At the same time the Ministry of Defence in London announces the deployment of *HMS Dauntless*, a new type 45 destroyer to the south Atlantic.

In Argentina, 17 intellectuals challenge their Government's policy towards the Falklands, publishing a statement entitled; *"An Alternative Vision of the Malvinas."* The group includes journalist, Jorge Lanata, historians Luis Alberto Romero and Hilda Sabato, cultural critic, Beatriz Sarlo and constitutional law expert, Daniel Sabsay. They are accused of being 'traitors' and 'sell-outs'.¹²⁶⁵

February 7th, Argentina's President, Cristina Fernandez, goes on national television to say that her Government will lodge a protest with the *Security Council* accusing Britain of 'militarizing' the South Atlantic.

February 10th, Argentina's Foreign Minister, Hector Timerman, lodges a protest with the United Nations.

Ambassador Lyall-Grant, in a press interview, says; *"The facts in the Falkland Islands are very clear. It is a question, in our view, of self determination, because there is no issue of sovereignty. The claim of sovereignty is an entirely manufactured claim that has no basis in law and no basis in history, and therefore it's a manufactured claim. Why on earth should Argentina suddenly decide that it has sovereignty over the Falkland Islands just because they happen to be 300 miles away? On that basis Canada could claim sovereignty over Alaska. It just doesn't make any sense. There is no historic, there is no judicial basis for the claim of sovereignty."*

March 1st, President Fernandez announces in a speech to the nation, that she wishes to re-negotiate the 1999 agreements with Britain including direct flights from Buenos Aires to the Islands.

March 23rd, Hector Timerman writes to the Stock Exchanges in New York and London claiming that the 5 oil companies involved in exploration around the islands are operating illegally and demands that their shareholders be informed. At the same time he announces that legal action will be initiated against the companies involved.

April 1st, rioters in Buenos Aires attack the British Embassy.

April 15th, Argentina's President, Cristina Fernandez, leaves the 6th *Summit of the Americas* early having failed to obtain a *Summit* declaration supporting her Falklands claims.

1264 UN A/66/677

1265 BBC News: *Latin America & Caribbean* February 23rd 2012

The Islands' census records 2932 residents including employees of Mount Pleasant Airport.

April 23rd, the presence of gas condensate is confirmed in exploratory wells drilled to the south of the Islands.

May 20th, a dedication service is held for a new memorial at the *National Memorial Arboretum* in Staffordshire, England remembering the dead of the 1982 Falklands War.

June 12th, the Falklands *Legislative Assembly* announce that they will hold a referendum on their status in 2013.

June 14th, attending the annual *Decolonization Committee* meeting at the UN in New York, President Cristina Kirchner repeats Argentina's claim to the Islands, and demands that Britain negotiate. The FIG delegation offer to hold talks immediately after the meeting, but their invitation is ignored.

June 18th, the British Prime Minister, David Cameron, asked about the Falklands' referendum says; *"The Falkland Islanders have decided to have a referendum. They are going to ask a very simple question of whether they want to continue with the status quo or whether they want to change. The message to Argentina is very clear – listen to what the people of the Falkland Islands want. We should all believe in this day and age in self-determination, not colonialism."*

Speaking in the House of Commons, Government Minister David Lidington states; *"I wish to inform the House that the Government of the Falkland Islands announced their intention to hold a referendum on the political status of the islands. This decision, which was taken by the Falkland Islanders themselves through their elected representatives, has the full support of the British Government."*

The referendum will be organised by the Falkland Islands Government and will take place in the first half of 2013. Independent international observers will be invited to observe the process. .. the islanders have often been surprised by the lack of understanding about their wishes and their outlook on life. It is because of this that the islanders have decided to hold a referendum to eliminate any possible doubt in the eyes of the world as to what future they want. That will provide a legal, fair and decisive means for the people of the Falkland Islands to express their views."

Uruguay's Chancellor, Luis Almagro, immediately announces that his country will not recognise the outcome of the referendum.

June 28th, in response to Argentina's announcement regarding direct flights to the islands, the FIG states that they are; *".. keen to strengthen communication links between the Falkland islands and the continent, and are prepared to discuss with the Argentine Government ways in which this might be achieved. A welcome first step would be for the Government of Argentina if it is sincere about improving air links to the Islands – to rescind its unjustified and illegal ban on charter flights over flying Argentina which, since 2003, has impeded access for tourists, business travellers and other visitors. This would be a confidence building measure which would allow discussion of other proposals, both those from the Argentine Government, and others which we might wish to table."*

July 12th, Premier Oil announces that it is to acquire a stake in an oil development project in the Falklands as part of a deal with *Rockhopper Exploration PLC*.

August 13th, Argentina complains to the UN about; *".. the United Kingdom's unilateral military activities in the South Atlantic."*

August 15th, the Argentine Government makes a submission to the UN's *Commission on the Limits of the Continental Shelf* claiming that the sea bed around the Falklands archipelago belong to Argentina.

August 25th, President Cristina Fernandez attends a ceremony to celebrate the life of the Gaucho Antonio Rivero who, she claims, raised the Argentine flag in defiance of the British authorities in 1833.

In **September**, Argentina issues a 2 peso coin celebrating the 1982 invasion of the Falkland Islands.

September 25th, at the opening of the 67th session of the UN, Fernandez claims that the Falklands question is now a “.. global issue.”

In **November**, during an interview with *Tiempo Argentino*, a Buenos Aires newspaper, the Secretary-General of the UN states that, contrary to the assertions of Argentina, Britain is not in breach of any UN Resolutions; “*I don't think Security Council members are violating relevant UN resolutions. The impression is that people who are living under certain conditions should have access to certain level of capacities so that they can decide on their own future. And that is the main criteria of the main UN bodies. Having independence or having some kind of government in their territories. I don't think it's an abuse or violation of relevant UN resolutions.*”¹²⁶⁶

December 1st, UNASUR, at its annual summit in Lima, rejects the referendum due to be held in the Islands in 2013. Argentina claims that the United Nations rejected the principle of 'self-determination', as being applicable to the Falkland Islanders, in 1985.¹²⁶⁷

December 18th, in the last official engagement of her *Diamond Jubilee Year*, Queen Elizabeth II visits the Foreign and Commonwealth Office in London. While there the Foreign Secretary, William Hague, announces that the southern part of the British Antarctic Territory has been renamed “*Queen Elizabeth Land*” in honour of her 60 years as monarch.

December 21st, in a diplomatic *Note* handed to the British Ambassador in Buenos Aires, the Argentine Government protests the designation of part of the British Antarctic Territory as “*Queen Elizabeth Land*”, stating; “... *the Argentine Government recalls its categorical rejection of any territorial claim to British Antarctica and reaffirms its rights of sovereignty over the Argentine Antarctic Sector. ... the claim of the United Kingdom demonstrates, once more, the anachronistic imperialist ambitions in that country, which dates back to ancient practices already overcome, and does not agree with the spirit of peace and cooperation that characterizes to the the Antarctic Treaty System.*”¹²⁶⁸

On the same day, in his Christmas Message to the Falkland Islanders, the British Prime Minister, David Cameron, says; “... *this year the Government officially renewed its partnership with the Overseas Territories, restating our commitment to help promote the territories social and economic development at a time of dramatic global challenges. We want all the peoples of the Overseas Territories to be able to determine their own destiny and realise their aspirations. But, I'm always conscious that you, the people of the Falkland Islands, continue to face a particular and direct challenge both to your economy and to your identity as Falkland Islanders.*

President Kirchner's Government appears determined to argue that you should have no say in how you are governed.

1266 Ban ki-moon quoted in *MercoPress* 12.11.12

1267 *cf. November 27th 1985.*

1268 Ministerio de Relaciones Exteriores y Culto - *Información para la prensa N° 416/12 Dirección de Prensa de Cancillería: 4819-7375 / 8296 / 7388*

They continue to misrepresent the history of your Islands and the current realities of life there. I'm pleased to see the Falkland Islanders working hard to correct these misrepresentations.... It is a pity that Argentina persists in behaving this way. ... But, the British Government will not stand by and allow your human rights to be ignored.

There is no justification for any country to try and deny you the right to democracy and self-determination. Nor to make attempts to isolate you, block your trade and undermine your legitimate fisheries, hydrocarbons and tourism industries. Next year the Falkland Islands Government will hold a referendum on the political status of the Islands. I value deeply the UK's relationship with the Falklands and hope it will long continue. But it is not my decision, nor is it Argentina's, it is yours and yours alone. This referendum is true democracy in action, an opportunity to show the international community what you want for your future and to show it definitively. I hope all of you seize it."

2013 - January 3rd, Argentina's President Kirchner places an advertisement in the *Guardian* and *Independent* newspapers restating Argentina's claim to the Falkland Islands and demanding that Britain negotiates.

January 4th, in a response to Kirchner's advertisement in British newspapers, the *Sun* newspapers takes out a similar advert in the *Buenos Aires Herald*.

"President Cristina Fernandez de Kirchner - Thirty one years ago this year, Argentina invaded the Falkland Islands with the loss of 255 British service personnel, 649 Argentine troops and three Falkland Islanders. This action was in direct conflict with the UN charter's principle of self determination in which the people of the Falkland Islands are British and have chosen to be so.

Self determination is a fundamental human right for all peoples.

Claims that 180 years ago Argentina was 'stripped' of the Falkland Islands are unfounded. No Argentine civilian population was ever expelled. It was an Argentine garrison which had been sent to the Islands to try to impose Argentine sovereignty over British sovereign territory. British sovereignty over the Falkland Islands dates back to 1765 before the Republic of Argentina even existed. The Islands have never been governed by or formed part of the sovereign territory of the Republic of Argentina. Until the people of the Falkland Islands chose to become Argentine, they remain resolutely British.

In the name of our millions of readers, and to put it another way: "HANDS OFF"

January 6th, PM David Cameron speaking on the BBC's *Andrew Marr Show* reaffirms Britain's commitment to defending the Islands from any threat posed by Argentina.

Argentina's Foreign Ministry immediately issue a statement rejecting the "*military threats*" from the PM.

A programme to reduce the numbers of deer on South Georgia is commenced. Originally introduced in 1911 by a Norwegian, Carl Larsen, the population has grown to destructive levels. Rounding the circle, experts from Norway are called in to manage the cull.

January 18th, the FIG announce that their referendum is to be held over March 10th and 11th. The question to be put is; "*Do you wish the Falkland Islands to retain their current political status as an Overseas Territory of the United Kingdom? YES or NO.*"

January 30th, Minister Timmerman announces a visit to London in February when he expects to meet with 80 “leading figures” from Europe who he claims are calling for Britain to negotiate.

January 31st, after requesting a meeting with Britain's Foreign Secretary, William Hague, to discuss a range of subjects; Minister Timmerman declines an appointment when informed that members of the FIG will also be present; “ ... *I am sorry to receive your letter yesterday in which says that you can not meet without the supervision of the Malvinenses settlers....*”

I repeat that it is a pity that you refuse to have a bilateral meeting. Your decision will surely harm the interest of Argentina's work with the United Kingdom at the G20, the United Nations Security Council, issues of nuclear proliferation, trafficking in human beings, drugs, laundering money, investment, trade, human rights, and many others in which both countries are active members of the international community...

On the other hand you can not ignore that the United Nations, its General Assembly and its Decolonization Committee resolved that the Malvinas question is a conflict of sovereignty between the United Kingdom and Argentina which must be resolved through dialogue between the two countries. The international community will not accept a third party in this dispute.

Britain insists on ignoring more than 40 resolutions to that effect. Argentina has accepted the decisions of the United Nations and if the United Kingdom had done likewise, already would have passed a conflict of sovereignty that dates back to 1833....”

February 5th, after meeting an all-party UK/Argentina Group at the House of Commons, Hector Timmerman refuses to accept a letter from the FIG proffered by Dick Sawle in the lobby of the House. At a news conference after his encounter, Timmerman states that; “*The Falkland Islanders do not exist. What exists is British citizens who live in the Islas Malvinas.*” He also goes on to claim that Argentina will regain the Falklands, South Georgia and the South Sandwich Islands within 20 years.

February 10th, in an interview for the *Sun* newspaper, William Hague dismisses Argentina's claim to the Falkland Islands as, “*fantasy.*”

“Britain is a country which supports the right of people to determine their own future. There should never be reward for bullying or threatening behaviour in international affairs – just as there never should be in our personal lives. ... There are families in the Falklands who are in their ninth generation. The Falklands have been there longer than Argentina has had its current boundaries or existed in its current form.”

March 10th/ 11th, the Falkland Islanders hold a referendum on the question - “*Do you wish the Falkland Islands to retain their current political status as an Overseas Territory of the United Kingdom? YES or NO.*”

Observers from Brazil, Canada, USA, Paraguay, Chile Mexico, New Zealand and Uruguay attend the voting.

March 12th, the results of the referendum are announced. Of 1,517 votes cast, 1,513 (98.8%) are in favour of retaining the current status and the links with the UK. Only three votes (0.2%) are cast against.¹²⁶⁹

March 23rd, Fabian Picardo, Gibraltar's Chief Minister, makes a speech at the *Sunday Times Oxford Literary Festival* in which he discusses the right of the peoples of non-self governing territories to self-determination and the steps that both Spain and Argentina have taken to diminish that right; “*In recent years the latest ruse which has crept into the seminars organised by the United Nations is that Spain and Argentina have tried to create a flaw in the absolute nature of the right to self determination.*”

1269 There was a 92% turnout from 1,672 British citizens eligible to vote out of a total population of some 2,900.

The bright idea has been to suggest that the inalienable right of self determination is alienable in instances where the territory over which a people purport to exercise their right is subject to a sovereignty dispute.

You can see the beauty of how Spain and Argentina have attempted to frame their con. By limiting the curtailment of the absolute right to self determination to cases of sovereignty disputes, they are, in effect, trying to tell the world - agree with us with no peril, as the only instances - or at least the most high profile - where the principle of self determination and sovereignty disputes collide happen to be the cases of Gibraltar and the Falkland Islands."

March 26th, Argentina's Foreign Minister has a meeting with the Secretary-General Ban Ki-moon, to once again restate his country's claims. He is supported at the meeting by Foreign Minister Bruno Rodríguez Parrilla of Cuba; Deputy Foreign Minister José Beraún, of Peru; and Foreign Minister Luis Almagro, Minister from Uruguay. Timmerman is quoted as saying; *"We must continue to insist. Of course we would like the Secretary-General to wear down the other party and not be worn out."*

The British Ambassador responds: *"It is disappointing that Mr Timmerman and his colleagues spent so little time talking about the Falkland islanders and the wishes of the Falkland islanders. Their views are now unequivocally on the record and should be respected by all. Argentina's dismissal of the referendum as illegal and irrelevant is untenable."*



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i *Treaty of Peace and Friendship between the Most Serene and Most Potent Princess Anne, by the Grace of God, Queen of Great Britain, France, and Ireland, Defender of the Faith, &c. and the Most Serene and Most Potent Prince Philip the Fifth, the Catholic King of Spain, concluded at Utrecht the 2/13 Day of July, 1713.*

Article VIII

That there be a free use of navigation and commerce between the subjects of each kingdom, as it was heretofore, in time of peace, and before the declaration of this late war, in the reign of Charles the Second, of glorious memory, Catholic King of Spain, according to the treaties of friendship, confederation, and commerce, which were formerly made between both nations, according to ancient customs, letters patents, cedula, and other particular acts; and also according to the treaty or treaties of commerce which are now, or will forthwith be made at Madrid.

And whereas, among other conditions of the general peace, it is by common consent established as a chief and fundamental rule, that the exercise of navigation and commerce to the Spanish West Indies should remain in the same state it was in the time of the aforesaid King Charles the Second; that therefore this rule may hereafter be observed with inviolable faith, and in a manner never to be broken, and thereby all causes of distrust and suspicion concerning that matter may be prevented and removed, it is especially agreed and concluded, that no licence; nor any permission at all; shall at any time be given, either to the French, or to any nation whatever, in any name, or under any pretence, directly or indirectly, to sail, to traffic in, or introduce negroes, goods, merchandizes, or any things whatsoever, into the dominions subject to the crown of Spain in America, except what may be agreed by the treaty or treaties of commerce abovesaid, and the rights and privileges granted in a certain convention, commonly called El Assiento de Negros, whereof mention is made in the twelfth article; except also whatsoever the said Catholic King, or his heirs or successors, shall promise by any contract or contracts for the introduction of negroes into the Spanish West Indies, to be made after that the convention or the Assiento de Negros above-mentioned shall be determined.

And, that more strong and full precautions may be taken on all sides, as abovesaid, concerning the navigation and commerce to the West Indies, it is hereby further agreed and concluded, that neither the Catholic King, nor any of his heirs and successors whatsoever, shall sell, yield, pawn, transfer, or by any means, or under any name, alienate from them and the crown of Spain, to the French, or to any other nations whatever, any lands, dominions, or territories, or any part thereof, belonging to Spain in America. On the contrary, that the Spanish dominions in the West Indies may be preserved whole and entire, the Queen of Great Britain engages, that she will endeavour, and give assistance to the Spaniards, that the ancient limits of their dominions in the West Indies be restored, and settled as they flood in the time of the above-said Catholic King Charles the Second, if it shall appear that they have in any manner, or under any pretence, been broken into, and lessened in any part, since the death of the aforesaid Catholic King Charles the Second.

ii *Decree, Buenos Ayres, 5th January, 1828*

The Government,

- taking into consideration the great benefit the Country will derive by populating the Island, the ownership of which is solicited, and that, besides the increase of commerce, which naturally must result, with other Nations, new channels will be opened to national prosperity by encouraging the important branch of Fishery, the benefit of which would flow to the Inhabitants of the Republic, which hitherto have fallen into the hands of Foreigners,
- that, in the present War with the Emperor of the Brazils, and in any other in which the Republic may some future day see itself engaged, nothing can be more convenient than to find among those Islands a point of support for maritime operations, which will furnish to the Privateers safe Harbours to convey their prizes to;
- that toward the settling and extension of Territory on the Southern Coasts the settlement on these Islands is a great step;
- and lastly, that the great expenses required to put into execution a scheme of this nature, can by no means be compensated, but by the ownership of lands, which, if not granted, an opportunity of doing a great national good would be lost, and even the right of Sovereignty over them;

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doth in conformity to the spirit of the Law of 22nd October, 1821, cede to Mr. Lewis Vernet, Resident and Merchant of this place, the Island of Statenland, and all the lands of the Island of Soledad, excepting those that were ceded to Don. Jorge Pacheco, by a Decree dated 13th December 1823, and which has been ratified by a Decree of this day; and excepting moreover an extent of 10 square leagues in the Bay of San Carlos, which the Government reserves for itself; with the object, and under the express condition, that, within 3 years of the date hereof, a Colony shall be established, and that at the end of that time the Government shall be informed of its state; in order to determine what it may consider convenient for the interior or exterior administration of the same.

And further, the Government, wishing to contribute as much as possible to the encouragement and prosperity of the Colony, has further determined:

First, That the Colony shall be free from every description of contribution, excepting what may be necessary for the maintenance of the local Authorities that may be established, from excise, tolls, and export duties, as also free from import duties on such merchandize as shall be introduced for the use of the Colony, which privileges are granted for 20 years, exclusive of the 3 years fixed for the establishment of the Colony.

Secondly, That for the same term of 20 years, the Colony shall be at liberty to carry on the Fishery, free of duties at the 2 Islands whose property is ceded, in all the Islands of Malvinas, and on the Coast of the Continent south of Rio Negro of Patagonia.

Thirdly, That, in case of the population extending to the other Islands, within the period of the 3 years allowed for the establishment of the Colony, the Director of the same shall be under the obligation of informing the Government of such further Population, in order to determine what may be convenient.

The Notary of the Government is hereby authorized to furnish the Petitioner with as many Copies hereof as he may require.

BALCARCE (Minister)

iii A VISIT TO THE FALKLAND ISLANDS.

The United Services Journal and Naval and Military Magazine, 1832 part III, republished in The Museum of Foreign Literature, Science and Art, vol.22, Eliakim Littell 1833

[The dispute respecting these islands, between the United States and Buenos Ayres, having brought them into immediate notice, the following account of them, from the notes of a recent visitor, will, doubtless, be interesting to our readers.]

The Falkland Islands, situated between latitude 51 and 52 S., and longitude 58 and 61 W., are about ninety leagues from the coast of Patagonia; they are said to have been discovered by Americus Vesputius, in 1502. Beauchene Gouin anchored on the eastern shore, in 1770. A low island a little farther south bears this navigator's name.

The first settlement ever formed here took place in 1763, by the French, under De Bougainville, an experienced navigator, it appears that he arrived there on the 3d of February in that year, taking with him colonists, nineteen men, five women, and three children.

After remaining about fourteen months on the island, De Bougainville sailed for France; but returned to the island in January 1765, and was much pleased to find the colony well and contented.

In the latter end of 1764, the Spanish government having their jealousy roused by the idea of any other nation possessing a country so nearly adjacent to their own South American possessions, sent to the French government a demand for the immediate surrender of the islands to their forces. This demand was acceded to, and De Bougainville, by their order, abandoned these lands to the above claimants on the 27th of April, 1765, having had possession of them rather better than two years. The French, it is supposed, were settled during the whole of the time at Port Louis, the place of the present settlement; and when De Bougainville left, it is probable that he took away the French colonists with him.

In the year 1765, Commodore Byron touched at the western of these islands, and in the following year the English government formed a settlement at Port Egmont on the northern coast of the west Falkland

The Spaniards dispossessed the English, and settled at Port Louis, in or about the year 1766, and remained there about eleven years.

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Of the proceedings of the Spaniards whilst there, little or nothing is known, except what appears from the remains of then buildings, and their excavations of peat, for domestic uses, no wood growing on the islands. Who their governor was, and whether, on leaving the colony, any account was published in Spain of their proceeding do not know, but it would be interesting to discover if any such document exists.

Since their abandonment by the Spaniards, these islands remained unoccupied until the year 1825, when Don Louis Vernet, a German by birth, resident in America from his youth upwards, was induced to visit and inspect them with a view of settling on them. Having matured his plans, he returned, and made application to the neighbouring republic of Buenos Ayres (who then claimed their possession) for a grant of them to him. It appears that certain military officers in the Buenos Ayres army, relations of Don Vernet by marriage, having claims on that government for services in the late wars, agreed to receive from him certain sums of money, cancelling in part the debt due by the government of Buenos Ayres to them; the said government in consideration of such sums paid by Don Vernet to these officers, made over to him the eastern Falkland Island, as his property for ever, with entire and sole right to all its soil, cattle, horses, hogs, fisheries, &c. &c, as also the adjacent island of Staten Land, likewise his property for ever; for the supplying wood to the first named island, and either he or his brother immediately formed a settlement on the eastern Falkland.

Lieutenant Langdon, R. N., on his voyage in 1827, from Van Diemen's Land to England, being becalmed for five weeks off Cape Horn, and having only one cask of water left on board, put into Berkeley Sound, and anchored about two miles up; watered easily, and procured some fine beef at two pence per pound, from Don Vernet's brother (then there,) who sent it down in a whaleboat from the settlement, and with it a letter warning that officer not to kill any of the cattle or wild pigs.

On the 22d of October, 1831, the "*Thomas Lawrie*," Captain Langdon, made the land of Malvina, (the French name of the eastern Falkland island.) The day was very foggy, with heavy rain, and after anxiously beating up the eastern coast all the morning, it was with feelings of great satisfaction to all on board, that about four P. M., the vessel safely entered Berkeley Sound; the mist and rain clearing off at the moment, exposed to view, at about half a mile's distance, on either side, a succession of hills, partially covered with grass to the summits. Proceeding about four miles up the Sound, the anchor was dropped within a stone's throw of the shore to larboard. In about two hours a whale-boat manned with six hands was observed pulling towards the ship from the bottom of the Sound; and on its arrival we were informed of the situation of the settlement.

On the following morning early, the writer (a passenger in the *Lawrie*) returned with the whale-boat, and found the settlement securely situated along the edges of a small bay, which has a narrow entrance into it out of the Sound; this entrance in the time of the Spaniards was commanded by two forts, both now lying in ruins; the only use made of one being to confine the wild cattle in its circular wall, when newly brought in from the interior. Having landed, I immediately paid a visit to the governor, Don Vernet, who received me with much cordiality. His features are prepossessing, and his address gentlemanly and pleasing. He possesses much information, and speaks fluently several languages. The house is long and low, of one story, and has very thick walls of stone. In the sitting room I found a good library of Spanish, German, and English works. Having, at his request, sent an invitation to Captain Langdon and his family to come and remain on shore, they accordingly arrived about sunset. A lively conversation passed at dinner; the party consisting of Don Vernet and his lady, Captain Langdon and his family, a Captain Brisbane, and two American gentlemen belonging to a sealing schooner detained at the island by Don Vernet; in the evening we had music and dancing. In the room was one of Stoddart's pianofortes, and Donna Vernet, a Spanish lady, favoured us with some excellent singing—it sounding not a little strange to listen to "*Di Tanti Palpiti*," &c, well executed, at the Falkland Isles, where we had only expected to find a few fishermen.

On the following day I was conducted round the settlement, and shown the "lions." The buildings (except some dry grass lints) were all originally constructed by the Spaniards; they are remarkable for their extremely thick walls (of stone,) some being three feet in solidity. They are very straggling, covering a space of half a mile in length, and a quarter of a mile in breadth.

There are the remains of a building, formerly used as a cathedral, (now uninhabited and in ruins,) a hospital, a general store warehouse, a large oven (in which at present resides a family of five people,) a parade-ground, trenches, several small forts, and the remains of a very thick, straight, stone bridge, lying quite in ruins, in the erection of which, report said, the Spaniards expended twenty-five thousand dollars, the stream which it crossed being, even in rainy weather, never too deep to pass over it by the help of common stepping-stones.

About a mile from the "Town," is the place where the Spaniards excavated their peat, now presenting to the eye a number of tanks of various sizes filled with water, and many of them from fifteen to twenty feet in depth. On the edge of the cliff, before the house, a piece of ordnance was placed, and near the ruined fort at the entrance of the bay, four or five more.

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Close to the entrance of the bay, but in the Sound, a small schooner was lying at anchor. It appears that about three months previous to the arrival of the "*Thomas Lawrie*," three schooners from the United States were sealing amongst the islands; one escaped, but the other two Don Vernet took, and detained the captains and crews in custody: a short time after he suffered one of these two to depart, leaving a cargo of seal-skins as a deposit. The other was still detained, out of which he took stores of all kinds, and sold them by auction, and was about to sail in her to Buenos Ayres, for the purpose of attending the trial as to her and her companion's condemnation.

Don Vernet's domestic establishment consisted of about fifteen slaves, bought by him from the Buenos Ayrean government, on the condition of learning them some useful employment, and having their services for a certain number of years, after which, by the provisions of the Slave Trade Act, they were free. They seemed generally to be from fifteen to twenty years of age, and appeared quite contented and happy.

The number of persons altogether on the island consisted of about one hundred, including twenty-five gauchos and five charruas, Indians. There are a few Dutch families, the women of which milk the cows, and make the butter. Two or three Englishmen, a German family, and the remainder made up of Spaniards and Portuguese, pretending to follow some trade, but doing little or nothing. The gauchos are chiefly Spaniards: their captain or "*the Chief of the Gauchos*" is a Frenchman. These men throw the lasso after the manner practised in the great bull-fights of Spain. A fierce bull was caught in my presence by the captain, who, after galloping for some time in pursuit of him up and down the hills, dexterously threw the lasso across his horns, the horse, as if instinctively, throwing himself on his haunches, and firmly planting his fore-feet on the ground, held him fast; and at the same moment another gaucho threw a lasso with heavy metal balls attached to it, round his hind-legs, thus effectually preventing his escape; they then hamstrung him. When in the interior, these men lie down to sleep on the ground, wrapped in their saddle-cloths and cloaks, regardless of wet or cold. They are very fond of their horses. The rowels of their spurs are about two inches long, and their stirrups only admit the toes. When in camp they gamble very deeply. Their game is with dib-bones; the art being to throw them in a particular manner. I have seen notes (of the country) to the amount of two or three hundred dollars on the ground at one time. One gaucho was worth fifteen hundred dollars, and an Irishman who had been a gaucho, and had come to the island in Don Vernet's debt, had not only paid it off, but had been enabled to give him seven hundred and fifty dollars for a building which he had converted into a store. On the day I first landed, it being Sunday (with them,—Saturday with ourselves,) I walked down to this store, where I found all the gauchos assembled over a cask of a beverage made of molasses and dried apples, and tasting not unlike beer. They drank it freely, relating tales and singing, performing slight-of-hand tricks upon each other, and occasionally bursting into the most dissonant laughter; but before I left, their knives were drawn, and with furious and impassioned gestures, and wild cries, they aimed blows at each other, and blood was brought in two or three instances. With their huge cloaks, slouched hats, ear and nose-rings, thick, curly, bushy hair hanging down to their shoulders, and their daggers in their girdles, seen too by the dim light of a large lamp hanging from the ceiling, they formed altogether a group such as is described in the old Italian romances, as reveling in the deep caverns of the Alpine mountains, after a desperate but prosperous adventure.

These men obtain two dollars a head for all the cattle they bring in; and they in fact keep the greater proportion of the inhabitants, for the females wash for them, mend their clothes, &c. &c., and so obtain sufficient to keep their husbands in tobacco and idleness.

No greater proof of the miserable laziness of the men generally need be adduced than the following:—Very good potatoes are grown by Don Vernet, and sooner than raise them themselves (though offered them by him for seed *gratis*) they pay him ten pence per pound for them.

The five Indians are very powerfully made men, from the country to the north of the Monte Video side of the river La Plate. Being at war with a neighbouring nation in amity with the Buenos Ayrean government, they were made prisoners and sent to Buenos Ayres. Don Vernet seeing them there, applied to the government for them as gauchos, who gave them the option of remaining in prison, or going to the Falkland Islands, which latter alternative they chose. They were employed making lassos for the gauchos. I went into their hut and heard one of them play upon an instrument, which produced sounds far from unmusical, made of a hollow piece of wood, with an incision in it, and two strings of gut tied across it, which he beat upon with a slick, and at the same time chanted a low and rather sweet song.

It is of course only from those who have resided for any length of time in it, that true description of any country can be obtained, and it is impossible for a mere passer-on to do more than to collect the best information he can from such persons, making his own observations as time will allow.

A work written by the first settler, M. de Bougainville, appears to me to give a faithful description of these islands; and in this opinion I am borne out by the testimony of Don Vernet.

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The following are the remarks which I was enabled to make during my stay at Port Louis, my researches extending to a few miles in every direction round the settlement.

I tried the soil in different places, and found it generally (except on those hills near the coast, consisting mostly of rock and grass to the summit) to consist of a mixture of the roots of different small shrubs, and below them, at the depth of from eight to fourteen inches, a black mould. In some places a firm peat goes down several feet in depth.

In a garden near Don Vernet's house, the spot chosen indiscriminately, much exposed to the west and north winds, and the soil not artificially manured, I found growing cabbages, lettuces, onions, peas, beans, potatoes, (some of the latter accidentally left in the ground in the fall, produced the next Tear more abundant than those planted in the spring following,) turnips, and carrots, a species of birch from Staten Land, which appeared to have taken root, also a currant tree from thence, quite flourishing, and precisely similar in taste and smell to the English currant-tree! How it made its way to Staten Land is a query. It should be recollected that it was now just the end of winter.

Don Vernet showed me -some fine specimens of flax which he had raised—and wheat he was about to try the approaching spring.

The winds from the west and north would be the only cause, in my opinion, of suspending the regular labour of the agriculturist. These winds, more or less, during the *summer* months, blow with great violence from soon after sunrise till sunset. I have been almost unable to stand against their force, and with difficulty made myself heard by a person at no very great distance from me. I am here, however, speaking of rather elevated ground near a large open sound, whilst in the interior are said to be plains of the richest soil sheltered by mountains, over which the force of these winds is probably not so severely felt, and where under the immediate cover of the hills many acres might always be throwing up a produce; and the increase of vegetation, and the growth of timber would, no doubt, in time much soften their effect. Of water there is plenty everywhere and of the best quality. The island is indeed indented on every side in an extraordinary manner by inlets and bays ending in rivers, many of them of fresh water.

As to the climate, all accounts speak of it as temperate. The first day I landed was sunshiny and pleasant, neither hot nor cold; each of the following days was attended, from sunrise to sunset, with the wind violent from the west and northwest; and on one day there was a continual fall of snow and hail, but which had entirely disappeared the following morning. The nights were beautifully starlight and very still.

The thermometer, Don Vernet informed me, in winter has not been lower than 26°, and generally above the freezing point. The snow seldom lies three days on the ground. In summer the thermometer seldom rises above 75°. The whole of the inhabitants were in the finest state of health.

The gum plant I met with in great abundance : on breaking short the flower from the root I perceived a thick glutinous matter, which adhered to my fingers, but I had neither time nor opportunity to make experiments on this plant. I also found wild celery, scurvy-grass, sorrel, rosemary, the tea and the beer plant in great plenty. The former is chiefly found amongst the cliffs growing in crevices and niches; the rosemary is met with on the rising grounds, and the tea and beer plant everywhere.

Don Vernet informed me, that on a spot twelve feet square, chosen indiscriminately on the hills in the interior, when journeying through the country with his brother, he had counted as many as twenty-seven different plants.

A German, into whose hut I went, gave me a quantity of the infusion of the tea plant to taste; I found it not unpleasant, and having a slight flavour of the common black tea used in England. None of the persons I conversed with appeared to know any thing of the properties of the beer plant. Different heaths, grasses, and weeds seem to abound. In summer they collect a great quantity of a fruit called lucet, and eat it with milk. I met with many little yellow flowers, and one white, smelling like the rose, and I saw also a flower similar to a violet.

On ranging along the beach, I broke with a hammer large pieces of stone, which upon dividing presented to the eye the most perfect impressions of shells, leaves, and a species of worms, some of which I brought with me to England. I found but few shells, and those of a common kind. Quartz was scattered over the surface of many hills, and granite in detached rounded masses; but sandstone seems to be the prevailing feature.

On the opposite side of the sound, and some few miles in the interior, natural curiosities are met with in the shape of huge amphitheatres, large caverns, &c., from which some beautiful specimens of stalactites were shown, and which sufficiently proves the presence of lime in the country.

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No reptiles have ever been found, and the only quadruped is an animal between the fox and the wolf, very destructive to the birds. I saw the skin of one which was about three feet long. Of birds, I observed some precisely similar to the plover and the sparrow of England; a little yellow bird very common; a great number of small hawks, and a beautiful bird of the gull kind, very common, of a soft slate colour, with red beak and red feet. Captain Langdon and myself took an excursion across the hills to a rabbit ground, (of which animals' there are an immense number,) and we returned in a short time, having obtained three or four couples, two large upland geese, a kind of curlew, (having eyes like rubies with a white rim round them;) a very handsome bird of the diver kind, and two or three kinds of teal and snipe. In the season an immense number of excellent eggs of all kinds are to be obtained with ease; and nothing can exceed the richness of the penguin or mollymawk's egg beat up with coffee.

I collected some pearls from a very large mussel common there, which were inferior; but I was informed by Captain Brisbane, that he had collected as many as would fill a wine-glass, in a very short time at a particular season, nearly the bigness of a pea, and colourless.

As respects the resources of the island, its exports, &c, I found that, as near as Don Vernet can calculate, he supposes there to be about twenty thousand head of horned cattle, three thousand horses, and a great number of wild pigs and rabbits on the island.

A kind of mullet prevails from the month of October until April, so numerous that not only a sufficiency could be obtained to nourish thousands of inhabitants, but also to become a considerable article of exportation.

His exports consist at present of cattle hides, for which he has an establishment, and for salting, about sixty miles to the southward, where are large bulls of that size, that he informed me the skins alone had weighed eighty pounds, and so heavy that the gauchos cannot drive them across the marshes to the north side. Rabbit-skins, of dark iron-gray, and particularly close, thick, and soft in their texture; and dried mullet, of which in one season, from one fishery-ground only, he has exported eighty tons, which sold in South America for twenty-five shillings a hundred weight

All agricultural produce fetches the highest prices in the Brazils. The island affords every prospect to the picked up on the coast at different whalebone to the value of at least four hundred pounds, according to its present price. Whaling in boats alone about the coast would be sure of being successful. The harbours all round the island are of the best kind, mostly formed by bays, well sheltered by small islands, and possessing inlets navigable far up, and intersecting the country in every direction. The immense quantity of kelp would not only assist in manuring the ground, but also make excellent potash. Plenty of materials for making pottery abound in the island.

Don Vernet has divided the island into eleven sections: one he has colonized, and another he has sold to Lieutenant Langdon, to whom he has given a deed of grant, authorizing him to let other portions of the land to persons willing to emigrate to the country. This tract consists of about ten square miles, of six hundred and forty English acres each, as his property for ever, with a proviso that he, or some person appointed by him, shall settle on it within a given time. He has also empowered lieutenant Langdon to distribute, gratis, among ten families willing to emigrate, certain portions of the land.

The above deed sets forth the condition under which emigrants will be received, and also Don Vernet's ideas on the subject of colonization. He engages to provide the settlers with cattle and horses sufficiently tame for use, at certain low prices, a freedom from taxes, contributions, and imposts of any kind whatsoever, during twenty years, from the 5th of January, 1831; a free use of the fisheries; and to provide them upon arrival with beef at the rate of two pence per pound. He proposes that settlers should transport themselves there in a whaling or sealing vessel, which after landing them could go direct to Staten land for a cargo of timber, and then either remain sealing and whaling about the islands, or take to the Brazils any produce which the settlers might have raised in the meantime.

The settler on the Falkland Islands need not fear the many disappointments and almost insurmountable difficulties experienced by the hundreds who embarked their all in the Swan River scheme. He need not dread, on his return home from a journey, to find his wife and children murdered by the ferocious and blood-thirsty savage, as has lately been the case in Van Diemen's Land—neither need he fear to hear the war-whoop of the Indian burst upon his ear, as he is assembled round his domestic hearth with his family, as was, not long ago, the case in the back settlements of America—he need not fear, as in the African settlements, the murderous attack of the Caffres—neither has to reside amongst a number of slaves, against whose rising he has not one single moment's real protection. He has only steadily to pursue his aim, certain of never being in want, and with every prospect of acquiring wealth.

In one point of view these islands present to the English a most important feature. It has hitherto been the custom for almost all vessels returning home from the colonies of New South Wales and Van Diemen's Land to put into the Brazils for

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refreshments. This takes them out of their direct track, is a great loss of time, and is only done by incurring such expenses as very materially lessen the value to the owners of the ships' cargoes.

The population of the above colonies is fast increasing; their trade is becoming very great; and their shipping is doubling itself. Now, as it is absolutely necessary, that vessels returning to England from either should put into some port for refreshments, no one presents itself so conveniently circumstanced as the Eastern Falkland island, which lies in the direct track of every ship after she has doubled Cape Horn. It possesses a beautiful harbour, of easy access, where can be obtained excellent water, fine beef, good vegetables, and, in case of the illness of seamen, plenty of the finest antiscorbutic grasses.

Of the Western Falkland Island, the following account is extracted from a letter written by Mr. (afterwards Admiral) Gower, to which himself and crew had been conveyed, after being wrecked in a sloop of war on the coast of Patagonia.

"The country abounds with long sedgy grass. Our food consisted of geese, ducks, widgeons, teal, &c., tame enough to be knocked down with sticks. Foxes were the only native quadruped. We brought many pigs and rabbits to the island, which increased much. Many beautiful pebbles were found upon the beach, some quite transparent, making handsome seals. The mountains produced fine crystals, which, after being in the hands of our workmen, were, to all appearance, little inferior to precious stones.

"The cluster of islands called Falkland are all extremely high, and may be seen in fine weather fifty miles off. The tops are entire rock, the lower parts very rich, on which any thing that is sown will grow. They contain fine lagoons, abounding in wild fowl. There are likewise many rivulets, where water-cresses, wild celery, and scurvy-grass, are to be met with in plenty, and the banks produce excellent turf for fires. We caught but few fish."

iv **Edward Livingston, Secretary of State of the United States, to Francis Baylies, United States Charge d' Affaires at Buenos Aires 1832**

No. 2 WASHINGTON, January 26, 1832.

SIR: Having, by the President, by and with the advice and consent of the Senate, been appointed Charge d'Affaires to the Republic of Buenos Ayres, you will embark as speedily as possible for the place of your destination, in the United States' sloop of war, the Peacock, now lying at Boston.

On the ordinary duties you will have to perform as charged with the political interests of your Government, and the protection of your fellow citizens in their lawful intercourse with the country to which you are sent you need no particular instructions: Your general knowledge of the subject, the perusal of the instructions to your predecessors, and their correspondence with the Government, will be sufficient guides in that part of your duties.

There are, however, subjects in the relations between the two countries, in which it is necessary to put you more particularly in possession of the views of your Government some of which subjects, for your negotiations, will require the exercise of that discretion, industry, and talent you are known to possess, and which led to your selection for the present mission.

The first of these to which it is necessary to call your attention, are the acts and pretensions of an individual at the Falkland Islands, pretending to, or really possessing authority under the Government to which you are sent.

A certain Lewis Vernet, who appears to have formed an establishment at Soledad, one of the Falkland Islands, has, within a few months past, captured three American vessels, the Breakwater, the Harriet of Stonington, and the Superior of New York, under pretence that they had infringed some unknown laws of the Republic of Buenos Ayres, for the protection of the fisheries. By the affidavit of William Mitchel, copy of which is annexed, it appears that two of the vessels so captured, have, without any form of trial, been appropriated to the use of Vernet, and fitted out with the avowed design of making them the instruments of further aggressions on the property of citizens of the United States pursuing their lawful commerce and business in those seas.

A copy of Vernet's circular to the masters of vessels arriving at the Falkland Islands, with a copy of the decree, real or

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pretended, under which he professed to act, has also been forwarded to the Department, by a person in Philadelphia, (L. Krumbhaar,) supposed to be the partner, but certainly the correspondent, of Vernet. His letter, with Vernet's circular, and copy of the decree, are also annexed for your information.

The lawless and piratical nature of these acts, could not permit the President for a moment to believe that they were authorized by a friendly power, this persuasion was strengthened by the circumstance, that, at the date of the alleged decree put forth by Vernet as his authority, we had an accredited agent at the Republic of Buenos Ayres, who was, at the time, in active correspondence with that Government, and with this Department, whose despatches bearing date within a few days after that of the pretended decree, are entirely silent on the subject.

There are other reasons for doubting the authenticity of this paper. At the time it bears date, the Government was engaged in a perilous civil war, with an enemy in the immediate vicinity of the city, which was terminated only a few days after by a revolution changing their form of Government, as no copies of any of the documents, said to have been enclosed with this instruction, are with the Department's file copy of it. This statement will apply to practically all instructions, especially during the period covered by the present publication.

The decree is in the name of a Governor Delegate, appointed during the absence of the regular Chief, without the assistance of the Council of Government.

At this time, (the 11 June, 1829,) we were on the most friendly terms with the Government of Buenos Ayres. It was known there, that, from the earliest period of our political existence, our citizens engaged in the fisheries had resorted to the Falkland Islands for shelter, for such necessaries as it afforded, and for the purpose of carrying on their business on its shores, and in its harbors, and bays; and it is entirely inconsistent with this knowledge and those friendly dispositions, that powers should have been given to an individual, and that individual not a citizen of the country, to interrupt this trade at his pleasure, and even making it his interest so to do at the same time that the decree was kept secret from the Agent of our Government who was on the spot.

With these reasons for believing the pretence of a decree a mere color for piratical acts, the President has directed the Secretary of the Navy to send all the force he could command to those seas, with the orders of which a copy is annexed to these instructions: And he also communicated the representations he had received, and the measures he had adopted in consequence of them to Congress by a Message, copy of which is also annexed .

This statement of facts puts you in possession of the position of this important affair, at this period.

While the Executive takes measures for the immediate protection and relief of our fellow-citizens, it will be your duty, first, to justify these measures to the Government of Buenos Ayres in case you should find, on your arrival, that the authority set up by Vernet has really been given to him, and is avowed by the Government and afterwards to place our claim to the fisheries in a proper point of view, and secure it from future interruption, by a formal acknowledgement of our right, and by procuring proper stipulations guarantying its undisturbed exercise hereafter.

The directions from the Navy Department, dated 29th November, 1831, are general "to afford protection to our citizens engaged in the fisheries, and in their lawful commerce, and particularly if they are molested in their usual pursuits and trade."

The orders given on the 4th January are in answer to a request by the commander of the squadron for more particular instructions. The circumstances of the case are there stated, and the orders given in consequence of them, are infinitely more moderate than those circumstances would have justified. The Commander is to inquire whether the acts have been done under the allegation of authority from the Government; and, in that case, he is merely directed to prevent our ships from capture, to retake those that have fallen into the hands of Vernet, and keep them until the return of a despatch vessel he is ordered to send to you for instructions. The most suppose unauthorized. But the more moderate and friendly course has been pursued. There was a possibility that Vernet might, under false pretences, have obtained from the Delegate Governor, the decree which he sets up as his authority, and being vested ostensibly with a national character, we thought it right before proceeding further, to ask for a disavowal of the acts in which we must suppose he has exceeded his powers. You will not fail to cause the friendly spirit which dictated this course to be perceived, and duly appreciated, before you proceed to demand a disavowal of the acts of Vernet, and restoration, with indemnity of the property he has seized. This you are to do

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on the following grounds :

First: That without entering here into the question of right, which will be hereafter discussed, the seizure of our vessels cannot be justified under the decree from which Vernet pretends to derive his authority because, at the period he was so appointed, we were in actual use of the shores, bays, and harbors, of those Islands for the purposes of shelter and fishery. We had been in such use for more than fifty years undisturbed when there were settlements on the Island unmolested when there were none. We had, in consequence of this undisturbed use, increased our capital employed in the fisheries, and had good reason to believe that whatever right any nation might have to interfere with a use so extensively important to us, and so long enjoyed, that we should specially be informed of such conflicting claim more especially if the claim were set up by a friendly nation with whom we were then connected in the usual diplomatic intercourse, and who, not being ignorant that we had made this use of the shores they claimed, had suffered us uninterruptedly, and without asking any permission, to enjoy it as a common right. To give the first notice of such interfering claim by a seizure and confiscation of our vessels unsuspectingly engaged in what they deemed a lawful occupation, partakes more of a hostile act than of the assertion of a right as used among civilized nations.

Still stronger would be the reasoning if the act is considered not as one emanating from the immediate authority of the Nation for the assertion of a public right claimed by them, but as the delegation of an authority to an individual to exercise that national right at his own discretion, and for his own benefit, in the manner claimed by the person who has, as we think, abused the authority if any, and whatever it may be, that has been vested in him.

The decree in question, supposing it to be authentic, is dated the 10th of June, 1829. Mr. Forbes, our Charge d' Affaires, was then in Buenos Ayres. Had the decree been communicated to him had he been told that the Islands could no longer be made use of in the accustomed manner, under the penalty of confiscation of the vessels resorting there, he would have communicated the information to his Government, and measures would have been taken to inquire into the right, and, if it were acknowledged, to warn our citizens that it ought to be respected. Nothing of this kind was done, and our ships are seized and confiscated for the violation of a right, (supposing it to be one,) of which our Government had no notice, and our citizens no warning.

Should it be said, in answer to this branch of the argument that the decree in question was published in the gazette of the day, at Buenos Ayres, (which is not, however, believed, as Mr. Forbes, very minute in his general correspondence, takes no notice of it,) and should this prove to be the fact, the reply is easy: First the communication ought to have been special. It interfered with an existing and most extensive use, and, therefore, not only a friendly disposition, but absolute justice, required that express notice should be given of an intent to interfere with this use. Secondly the communication of the decree, supposing the publication a sufficient notice, would not inform us of the interpretation that was practically to be put upon it. The preamble asserts a possession by Spain on the 11th May, 1810, of the Falkland Islands, and of all the others near Cape Horn, including that of Terra del Fuego, and derives the right in the Republic to them, as forming part of the Vice Royalty of the Rio de la Plata by the effect of the revolution. It then erects those Islands into a military and civil Government directs that the residence of the Governor shall be on the Island of Soledad, on which a battery is to be erected under the flag of the Republic, and directs him (the Governor) to enforce the laws of the Republic on the inhabitants, "and to see to the execution of the regulations of the fishery on all the coasts of the same." What those regulations are, is not even hinted at: Did they apply to the inhabitants only? Such would be the natural construction. Did they exclude foreigners from the right of fishery? If so, some notice, some motive for inquiry, ought to have been given. The law of Nations founded in the principles of justice, requires that a right enjoyed for more than half a century, even if only by tacit permission, be not withdrawn without notice, much less ought any penalty to be enforced for the exercise of it before such notice. Thus, even supposing the right of the Buenos Ayrean Government to be uncontroverted, we have a just cause to complain of the seizure of our vessels, and to demand restoration and indemnity. But our cause of complaint is rendered more apparent from the manner in which their officer, supposing him to be such, has executed this pretended right of seizure and confiscation. Without trial, without evidence, he has imprisoned the crews, and converted the vessels and cargoes to his own use. He has done this after enticing them into his port by the offer of supplies and assistance, and as far as appears, without any allegation of a breach of their fishery laws.

Without any precise information on that subject, your instructions must be hypothetical; to remonstrate against them, should they be found to contravene rights which we think ourselves entitled to by the laws of Nations. These will be briefly explained as applicable to the subject, and to the circumstances of the two Nations.

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The right of fishery, considered as to the place in which it is to be exercised, is that which is carried on solely on the high seas out of the jurisdiction of any nation That which is carried on the high seas, but within the distance of the shore belonging to another nation which gives to it a customary jurisdiction within bays of the sea included by an ideal line drawn from one headland to another none of which require the use of the shores for the drying or preparing of the animals taken from the sea and, finally, those fisheries which require the use of the shore for some of the operations necessary for the fishery, either to haul the seines, or to prepare, or dry the fish.

The ocean fishery is a natural right which all nations may enjoy, in common. Every interference with it by a foreign power is a national wrong. When it is carried on within the marine league of the coast which has been designated as the extent of national jurisdiction, reason seems to dictate a restriction, if, under pretext of carrying on the fishery an evasion of the revenue laws of the country may reasonably be apprehended, or any other serious injury to the Sovereign of the coast, he has a right to prohibit it; but as such prohibition derogates from a natural right, the evil to be apprehended ought to be a real, not an imaginary one. No such evil can be apprehended on a desert and uninhabited coast therefore such coasts form no exception to the common right of fishery in the seas adjoining them. All the reasoning on the subject of the ocean, applies to the large bays the entrances to which cannot be defended.

As to the use of the shores for purposes necessary to the fishery, that depends on other principles. When the right of exclusive dominion is undisputed, the sovereign may, with propriety, forbid the use of them to any foreign Nation: provided such use interferes with any that his subjects may make of them; but where the shore is unsettled and deserted, and the use of it, of course, interferes with no right of the subjects of the power to which it belongs, there it would be an infringement of the right to the common use of the shores, as well as of the ocean itself, which all nations enjoy by the laws of Nature, and which is restricted only by the paramount right which the sovereign of the soil has to its exclusive use, where the convenience or interest of his subjects require it, or when he wishes to apply it to public purposes. It is true that he is the judge of this interest of his subjects, and of the necessity of using it for his public purposes, but justice requires that where no such pretension can be made, the shores as well as the body of the ocean, ought to be left common to all.

These principles seem to have dictated the articles in the treaties between the United States and England. The third article of the treaty of peace of 1782, declares that the people of the United States shall continue to enjoy, unmolested, the right to take fish on the Grand Bank, &c. and to dry and cure their fish in any of the unsettled bays, harbors, and creeks of Nova Scotia, Magdalen Islands, and Labrador, so long as the same shall remain unsettled; but that when settlements are made, then they cannot enjoy the right without a previous agreement with the inhabitants, or possessors of the soil. In the treaty of Utrecht, too, France is allowed the use of the unsettled shores, for the purpose of drying fish, by certain metes and bounds. But the most remarkable treaty on this subject, is that entered into between Great Britain and Spain in 1790, by which the latter power stipulates not to make any settlements on either the Pacific or the Atlantic shores of America further south than those which were then made. A copy of this treaty, taken from a book printed in Spain in the year 1801, by authority, entitled " Coleccion de los Tratados," &c. is herewith delivered to you. This stipulation is clearly founded on the right to use the unsettled shores for the purpose of fishery, and to insure its continuance.

But where the unsettled shore, although under the nominal sovereignty of one nation, is in fact possessed by independent uncivilized tribes, the right to exclude other nations from the use of the shores, stands on a much less stable footing. This is the case with all the continent of South America to its extremity, from the Rio Negro or Rio Saules, in latitude 41, and also with the adjacent islands of Terra del Fuego and Staten land. On the Pacific side, the Arancaunians [Araucanians], and on the Atlantic the Puelches, Patagonians, and other tribes, are perfectly independent. To the common use of these shores, therefore, there can be no reasonable objection.

How far the present Government of Buenos Ayres is entitled to the extent of territory necessary to establish a right over these fisheries, even supposing them to be attached to the Sovereignty of the country, is another important question to which your attention must be turned, and which we have not the means of determining here. The Vice Royalty of Buenos Ayres under the Spanish Government comprehended several provinces on both sides of the La Plata, these now form separate Governments as far as their unsettled state will allow us to judge of their condition: But that Patagonia was ever included in the Province of Buenos Ayres proper, is not believed. A project was formed by the Spaniards in 1778 of forming settlements there, but although the settlers came out to Monte Video, the project was abandoned, and the whole of the continent, and Islands of Terra del Fuego and Staten land remain as unsettled and desert now as they were found at the time of their discovery.

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From the foregoing facts, and principles applicable to them, you are instructed to press, in the negotiation you are authorized to open on the occasion,

1. The perfect right of the United States to the free use of the fishery on the ocean, in every part of it, and on the bays, arms of the sea, gulfs, and other inlets, which are incapable of being fortified.
2. To the same perfect right on the ocean within a marine league of the shore, when the approach cannot be injurious to the sovereignty of the country, as it cannot be on the shores which are possessed by savage tribes, or are totally deserted, as they are to the south of the Rio Negro.
3. To the same use of the shores when in the situation above described.
4. That even where a settlement is made, and other circumstances would deprive us of the right, that a constant and uninterrupted use will give it to us.

It cannot be denied that the United States, since the beginning of their independent political existence, and even while they were colonies, were, in common with other nations, in the undisturbed enjoyment of the whale and seal fishery, with the knowledge of Spain and this, it is believed, applies particularly to the Falkland Islands and at times when there were settlements on them as well as when they were deserted.

The object of establishing these points is to embody them into a treaty which you have herewith a full power to negotiate and conclude. The articles on this subject must acknowledge our right to the fisheries on the shores while they remain unsettled, and you may fix a certain extent from each settlement, not to exceed ten leagues each way.

With respect to the vessels seized by Vernet, if his acts are avowed, you are to justify their recapture, (if they have been taken by our squadron,) and demand their restitution if they have not, on the grounds herein before stated to show the irregularity of his proceedings, and if his acts are disavowed, you are to give orders to the commander of the squadron to break up the settlement and bring him to Buenos Ayres for trial.

You will, in your demands on the subject of the fisheries, use firm but not irritating language. The President is fully sensible of the difficult situations in which the internal troubles of the Republic have placed its Government, and he does not attribute to an unfriendly disposition, acts that, in ordinary times, might wear such an aspect but he expects, from the similarity of our republican forms, and from a recollection of our early recognition of their independence, and our uniformly amicable disposition since, that, on consideration of our complaints, full justice will be done to our citizens, and that measures will be taken to meet the disposition he feels, for a strict commercial union on principles of perfect reciprocity.

At several periods, Mr Forbes was invited by that Government to form such a treaty, as you will find from a perusal of his correspondence with the Department. It is hoped that the same disposition still continues, and, if such be the case, you are to proceed, without delay, to the formation of a treaty of amity and commerce, of which the basis is to be perfect reciprocity between the contracting parties no advantage asked or conceded with respect to third parties the freedom of commerce in time of war, as contained in the treaties we have concluded with other American Republics: that with Central America you may take as your model.

There are several claims of American citizens against the Government of Buenos Ayres, some of which are unsettled others, although liquidated, are unpaid. You will find all of them referred to in the correspondence of the Department with Mr. Forbes, or Mr. Rodney, and you are instructed to press for the liquidation and payment of these demands, with earnestness. If the finances of the Republic will not admit of immediate payment, the settlement of such as are unliquidated should be made, and secure funds provided for their payment at a future day.

One of these claims, that of M T . Halsey, stands on a different ground from all the rest, and its peculiar circumstances, as well as the magnitude of the sum, its importance to him, and the great expense, vexation, and loss of time, he has incurred in prosecuting it, call for particular attention to it. In addition to the papers in the archives relating to this claim, his own explanations of its circumstances to you, personally, have put you in possession of all its particulars, and you will urge its satisfaction, as a matter which justice, as well as the amicable relations of the two countries require. You are more particularly referred, in this case, to despatch N^o 16, from this Department, a copy of which is herewith transmitted for your

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guidance.

cf. Diplomatic Correspondence of the United States Latin American Affairs 1831 – 1860 Vol 1

v Edward Livingston, Secretary of State of the United States
to
Francis Baylies, United States Charge d 'Affaires at Buenos Aires

No. 6 WASHINGTON, April 3rd, 1832.

SIR: The Department has received intelligence which will have met you on your arrival at Buenos Ayres, of what was done by Captain Duncan at the Falkland Islands. It is proper you should, as soon as possible, know that the President has signified to Captain Duncan that he entirely approves of his conduct under the circumstances which he details.

According to that statement, the proceedings of Vernet and his band, have no circumstance that can distinguish them from piratical acts. Vessels, the property of our citizens, were forcibly seized the crews imprisoned the cargoes plundered the seamen forced by starvation to enter into the service of the captors and even property saved from shipwreck seized and appropriated to their use. The nature of the establishment, without any legal organization, and its population composed of deserters from all nations, and the inability, or neglect, of the country, (whose citizens they claimed to be,) to restrain their excesses, made it proper and necessary to break it up, and deprive it of the means of annoying our commerce. You will, therefore, justify the acts of Captain Duncan to the Buenos Ayrean Government:

1. In seizing and sending to the United States the persons most active in the outrage against our citizens to be tried as pirates the acts of which they were guilty coming strictly within the definition of that crime. Even if they had (which they had not,) authority to seize vessels which had infringed the laws of the Republic for the protection of their fisheries, they are pirates for making them the color for an unlawful appropriation to their own use without the form of trial.
2. In depriving the establishment of the means of a future annoyance to our commerce. This right is a corollary from that of seizing the offenders.
3. The removal of the inhabitants. This being done at their own request cannot be considered as an injury.

Independently of the necessity of taking these measures from the nature of the aggressions, and the great amount of property at stake, you will justify it from the refusal to give any orders to prevent the evil, when Captain Duncan and our Consul made the application before the Lexington sailed from Buenos Ayres for the Falkland Islands.

If the men taken by Captain Duncan should not have been sent on for trial before this reaches you, you will inform the Government that they will go with a vessel to be despatched for that purpose; and you will expedite them accordingly, unless you should find a disposition to enter into an arrangement by which, on the one hand, full reparation shall be made to our citizens who have been injured, and a stipulation not to interfere with our fisheries in the extent they have heretofore been enjoyed and, on the other, the restoration of the prisoners which arrangement you are authorized to conclude.

I am [etc.].

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vi **Observations on the Forcible Occupation of the Malvinas,
or Falkland Islands,
by the British Government in 1833.**

LONDON :

PRINTED BY CHARLES WOOD AND SON, POPPIN'S COURT, FLEET STREET

1833.

OBSERVATIONS,
&c. &c.

The international question respecting the sovereignty of these islands, between Great Britain and the provinces of Rio de la Plata, being again brought under discussion, it is of paramount importance that the public should have a clear, and as it were tangible account of them, as well as of the claims of the respective competitors to their permanent and unmolested possession.

The following observations, therefore, being address to no portion of the British people in particular, not to any political creed, but to all who glory in the name of Britain, and are solicitous of conferring additional luster on her incommensurable influence and imperishable fame, will, it is confidently presumed, meet with that candour, and secure that attention, which the enlightened people of this country never fail to accord, especially where the subject, as in the present case, is momentous, and their honour in abeyance.

The islands constituting the subject of international litigation, are geographically situated between the fifty-first and fifty-third degrees of south latitude, and fifty-seventh and sixty-first degrees of west longitude.

No absolute certainty exists as to the circumnavigator by whom they were originally discovered, and the precise period of that event is equally problematical. Vespucci, Magalhaes, Loiza, Alcozaba, Villalobo, and others, in the Spanish service; Drake, Davies, and Hawkins in the English; and Sabal de Wert and Lemaire in the Dutch; are generally cited as the most probable; although the most plausible historic investigation balances in favour of either Vespucci or Magalhaes.

The first European settlement was, however, effected under the direction of Bougainville, with the sanction of Louis XV, in 1764, by the co-operation of a joint-stock company, incorporated at St. Malo, in Brittany, for that purpose; whence the denomination Iles Malouines, conferred on these islands, commemorative of that event.

But the Spanish government, which was ever tacitly considered as their legitimate proprietor, remonstrated, as might naturally have been anticipated, with the French court, against this extraneous establishment, on a part of its territory; and the French, with that perspicacity which is frequently observable in their public transactions, readily acquiescing in the validity of the anterior right vested in the Spanish nation, and in consideration of a pecuniary indemnity accorded by Spain to the colonists of St. Malo, abandoned that part of the insular territory they had temporarily occupied, and which was considered an appendage to the then vice-royalty of Buenos Ayres.

Subsequently to the establishment of the French colony, the British government, in the year 1766, directed the colonization of Puerto de la Cruzada, otherwise Port Egmont, to be effected; but after various altercations between the courts of London and Madrid, on the subject of this encroachment and occupancy by the British government, the latter relinquished by treaty, in 1774; thus manifestly and irrevocably corroborating the superior validity of the Spanish claims, as had likewise been signally done by the French in 1767.

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These islands have thus been considered an integral part of the Spanish, and subsequently of the Buenos-Ayreal territory, from the year 1774 to the present time, both tacitly and publicly, not merely by Great Britain and France but indeed by every other European power; for, had it been otherwise, it is more than probable the Dutch, Danes, Russians, or other people, jealous of maritime importance, or imbued with the spirit of colonization, would have attempted a settlement on them, either antecedently or subsequently to the glorious and victorious struggle for political emancipation from Spanish domination, which for ever united these Buenos-Ayreal islands with the continental territory as their imprescriptible, indefeasible, and inalienable right.

The several northern people just adverted to, would naturally reflect, that the formal cession and public relinquishment of claim, on the part of the French and British governments, in favour of Spain, the aboriginal possessor, was a substantial and irrefragable argument against their temporary or permanent occupancy and subjugation by another power on any pretext whatever; for the universal opinion throughout Europe and America, and indeed every point of the civilized world is, that they not only belong to, but constitute an integral part of, the Argentine Republic.

Such are the principal facts and inferences connected with this question, in reference to occurrences prior to the long-relinquished and long-forgotten pretensions of the British government, renewed and supported by force of arms in the early part of the present year. Other episodes or appendages connected with these facts have been elsewhere reiterated, and bear upon the subject in a comparatively less degree; but all tend to strengthen the undoubted priority of claim in favour of those from whom the islands have been unjustly wrested.

Had the provinces of Rio de la Plata contained a population commensurate with their extent or exuberant territorial resources, or had the Malvinas – which constitute an integral part of the Buenos-Ayreal state, as before remarked – been adequately fortified, strongly garrisoned, numerously colonized, and consequently prepared to repel the attacks of foreign invaders, is it probable that the presumed agents of the British, or any other government, would have either laid claim to them, or assert that claim by the demonstration of physical force, at a period of profound peace? Or, again, in the event of its pretensions being considered inadmissible, and contested, would not the non-compliance be naturally followed up by the preliminary intimation of hostilities, from the British or other government similarly situated?

Such would have been the regular and universally-acknowledged mode of proceeding; and they who are still unacquainted with the deplorable circumstances attending this important transaction, will be surprised to learn, that, on the fifth of January, in the present year (1833), the second of British regeneration, and the eighteenth of Buenos-Ayreal independence, the crew of the British sloop-of-war *Clio*, commanded by Captain Onslow, by superior orders emanating from Admiral Baker, late commander-in-chief on the South American station, in compliance with instructions communicated to him from his government, unceremoniously and forcibly took possession of the Malvinas, tore down the glorious standard of liberty which floated on its rightful pinnacles, compelled the ship-of-war *Sarandi*, belonging to the republic, and stationed off the islands, to depart, and expelled the garrison and colonists; who arrived at Buenos Ayres on the fifteenth of the same month, to narrate this unprovoked and unexampled infringement of the rights of nations to their astonished and almost incredulous countrymen!

It is scarcely possible to imagine the degree of indignation that would be manifested by the people of England, should the French, in time of profound peace, and in the hour of political delirium, attempt the capture of the islands of Guernsey and Jersey; or the Spaniards operate a descent for the recovery of Gibraltar; or the Knights of Malta, aided by foreign potentates, surprise their lost island. For, however such attempts might be hailed with joy and congratulation by some individuals, still the general voice of disapprobation and execration would be raised against those who had thus infringed and violated every principle of recognized international law. Yet has the British ministry, or those whose authority was professedly delegated therefrom, been placed in a similar category, both in a moral and political point of view, by this unprecedented and unprovoked aggression in the Malvinas.

If the possession of these islands is comparatively or absolutely unimportant, why risk reputation, and sacrifice national faith, to usurp and secure them? If, again, they are really profitable to British commerce, which the most competent judges pronounce to be very questionable, is not national integrity the best and surest foundation for general stability and individual

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prosperity? By what other talismanic charm is the famed fabric of British supremacy cemented, than its presumed incorruptibility? Is that adamant basis, on which it is imagined to repose, any thing less than the hitherto-supposed political impeccability of its guardians and constructors? By this ever-to-be-deplored transaction, the heretofore glorious edifice is rendered insecure; its sentinels slumber, or are regardless of the object of their mission; its approaches are laid open and unprotected; its foundation-stones are loosened; its most admirable materials become pervious to the fury of the elements; the night-bird hovering around may shortly claim its tottering walls and shapeless fragments for its dilapidated habitation; and the goddess of Justice, who presided at its erection, for ever abandon it; whilst its premature annihilation will be unaccompanied with that heart-felt sympathy, which is the accustomed need of noble actions, unrequited worth, and undeserved misfortune !

Hasten, then, to revise your proceedings, and repair the deleterious effects of your precipitation ! – you, who have thus unwarily sounded the tocsin of alarm, now vibrating through the most distant regions, and announced to an astonished world the symptomatic decrepitude of Britannia, once so stately and so radiant !. If this ill-advised step has been precipitated – as its authors must unquestionably, on adequate reflection, acknowledge it to be – let them not procrastinate to accede to the wishes of the British public, by the unhesitating and instantaneous relinquishment of these islands, on the shoals of which the British character will otherwise be irrevocably wrecked !

As a question of geographical circumscription, the citizens of Rio de la Plata would have as available a title to the Isle of Man, or even to Ireland, as the government of Great Britain to the Malvinas, or any other integral portion of the Argentine territory.

As a question, again, of assumed right, no civilized state could, conformably with well-defined and long-established international usage, enforce an imaginary or even apparently indisputable right, either by premature violence, or recur to artifice for its substantiation. Violence has, in the case before us, been resorted to; and it appears, from the declaration of the British Minister, regularly accredited and resident at Buenos Ayres, that even he has received no communication from his government on the subject of this memorable invasion of a vulnerable part of the territory of the republic; or, in other words, that he had no instructions, no official cognizance of it; which fact is as extraordinary as important; for a clear and unblemished title is very rarely attempted to be substantiated through indirect and tortuous channels; consequently the advisers of the British government, occult parties in the transaction, have demonstrated, in the most palpable and unequivocal manner, their internal conviction of the frangibility of their assumptions, and the complete invalidity of their claims at the bar of impartial justice, by the unwarrantable and antinational expedients they have resorted to, to enforce them.

Moreover, according to the laws of Great Britain, and of every nation professing even the primary germs of civilization, when one individual has obtained possession of an object asserted to be the property of another, the claimant is expected and required, for its recovery, to proceed by legal investigation, arbitration, or amicable adjustment, and by no other measures. It is on this principle of mutual security, that international law is framed, that negotiations are carried on, that mediation is practised; for, were it otherwise, the weak would be constantly exposed to the caprice of the powerful, and the insatiable voracity of ambition ever find a plausible pretext for the subversion and immolation of the unoffending. But it is not the object of this document to impugn the moral intentions of the present ministry in this mysterious transaction; which, having a more gigantic and glorious task to fulfill, by the consolidation of indispensable ameliorations at home, than ever fell to the lot of the Executive at any preceding period, remitted that scrupulous indignation which the importance of the subject demanded, by prematurely and hastily acceding to the insinuations and suggestions of certain misinformed or interested individuals, who, upon erroneous premises, proposed an act of injustice, which no government could on mature reflection approve, but which it was unguardedly influenced to sanction.

Notwithstanding this political dilemma, the government most certainly will not permit its reputation to be thus tarnished, by withholding a territory which has been in the undisputed and undisturbed possession of the Spanish and Buenos-Ayorean governments during an uninterrupted period of fifty-nine years! This momentous circumstance cannot be disregarded even at the tribunal of power, which acts both as party and judge in its own interests, more especially when the vagueness and ambiguity of the original British claim is considered.

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Again – it cannot be too often repeated – that, had not the pretensions been slender, they would most probably have been made available half a century ago. It is therefore presumable, that they have been resuscitated at this late period, rather in contemplation of some imaginary or real advantage inherent in the possession of the islands, than from any solid title to them. It must however, be acknowledged to be particularly sinister, that this direct outrage on the principles and moral spirit of the Reform Bill should have been committed at an epoch, when nations, as by universal consent, are beginning to feel and confess, that the manifestation of mutual forbearance, and generous sentiments is the most effectual means to allay animosity, secure reciprocal esteem, and engender permanent prosperity.

Let it not moreover be forgotten, that the most sacred and peculiar mission of the present age, is to unite the various nations of the universe in the bonds of amity; to teach them to sympathize with and respect each other; consequently, conduct of an opposite tendency will necessary encounter present disapprobation and ulterior discomfiture.

Independently of this, it is of the utmost importance to Great Britain to cultivate a good understanding with the Argentine Republic. International hatred, rancour, and distrust, are the natural concomitants of violence and injustice and may lead to deplorable results; inasmuch as the other South American governments, alarmed at the extraordinary occupation of the Malvinas, and regarding the unjustifiable manner in which it was effectuated with abhorrence, may be induced to impose such restriction on commercial intercourse, by future enactments, as will prove highly unfavourable to the development of British speculation.

It requires little perspicacity to foresee, and little political information to be convinced, that the states of South America may eventually prove the most advantageous and inexhaustible mart for British industry of any portion of the universe and therefore to have inflicted so profound a wound on one of the most important of these illustrious nations, is, independently of other considerations, the most impolitic measure ever adopted by an enlightened government.

This unpropitious event is still more to be deplored, when we consider that the people of South America, participating in, and inheriting the noblest qualities of the Spanish nation – as honour, and incorruptible integrity – either indigenous in, or transplanted to, a congenial soil, fertilized by a propitious clime, and animated by a brilliant sun, are naturally rendered more sensible to the shafts of injustice ; and are, at the same time, infinitely benevolent, disposed to excuse unmerited aggression, and illimitably generous in their friendships and sympathies, which are communicated in one of the noblest and most majestic idioms ever uttered in any age or by any nation.

But never let it be forgotten, that the illustrious South Americans have acquired the immortal glory of redeeming the honour of the human race, and establishing a renown far more transcendent than was ever conferred on the best exertions of the ancient or modern world ; for, whilst the puerilities and absurdities of Gothic barbarism are still held sacred in the nineteenth century in benighted Europe, enchained by prejudice and political superstition, the transatlantic freemen achieved those signal victories which forever secured their well-merited independence ! Their consummate and admirable prudence protected them from the substitution of one tyranny for another, as is almost invariably done by less talented people; but, on the contrary, the imprescriptible rights of humanity were made the eternal touchstone of their glorious political institutions ; and, consequently, one of the brightest pages in the history of man is reserved for those who have thus entitled themselves to the respect and esteem of the highly-minded and virtuous of every nation.

And surely the British Lion has not degenerated, as his triumphant struggle against domestic usurpation last year abundantly verified; his moral vigour has not relaxed, nor his magnanimity become questionable or diminished; but, animated by that noble indignation against oppression, and by that inexhaustible generosity which has been his predominating characteristics in every age since he was called into existence, will spurn the unhallowed suggestions of those who would endeavour to implant an indelible stain upon his reputation, by the deliberate perpetration of injustice; or should he unhappily, as in the present instance, be unwarily induced into error, will doubtless accelerate its reparation, by instantaneously restoring the Malvinas to their legitimate government; thereby cementing that glorious union, which will henceforth irradiate the uninterrupted and reciprocally-advantageous intercourse between the population of both states.

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vii *Extract from Thomas Helsby's Account of the Port Louis Murders*

On the 26th of August 1833, the settlement at Port Louis, Berkley Sound, East Falkland Island, consisted of the following persons, (viz) Captain Matthew Brisbane (superintendent), Thomas Helsby (the writer of these pages), William Dickson, Don Ventura Pasos, Charles Russler, Antonio Vehingar (known in Buenos Ayres as Antony Wagner), Juan Simon (Capitaz), Faustin Martinez, Santiago Lopez, Pascual Diego, Manuel Coronel, Antonio Rivero, Jose Maria Lune, Juan Brasido, Manuel Gonzales, Luciano Pelores, Manuel Godoy, Felipe Salagar, Lattore, (the last five being Indians, having been sent to this Island by the Governor of Monte Video), three women (viz) Antonina Roxa, Gregoria Madrid, Carmelita and her two children, also Captain William Low and boats crew late of the schooner "Unicorn" were temporary residents, (Captain Low sold the "Unicorn" near six months since to Captain Fitz-Roy of HMS Beagle): (viz) Henry Channen, John Stokes, Daniel MacKay, Patrick Kermin, Samuel Pearce, George Hopkins, Joseph Douglas, Francis Marchedo, & Jose Manuel Prado, likewise two men of colour, one of them formerly of the Unicorn, known in the settlement by the name of "honest John", and the other, late of the U.S. Schooner "Transport"[1] (Captain Bray) named Antonio Manuel.

On the morning of the 26th of August as above mentioned, Captain Low left the colony in a whale boat with four hands, (viz) Faustin Martinez, Francis Muchado, Jose Manuel Prado, and the man of colour Antonio Manuel, for the purpose of sealing the North & South rocks, at the mouth of the sound, calling at Johnsons Harbour. About 10 AM of the same date, I walked down from Captain Brisbane's house towards the store on the point, for the purpose of procuring some oil from William Dickson, whom I found with Henry Channen, Daniel McKay and Joseph Douglas, in the house of Antonio Wagner.

I returned immediately afterwards towards the flagstaff with Henry Channen, leaving the three aforementioned persons with Antonio Wagner, in his house. When I had passed the house of Antonio Santiago Lopez, I met Antonio Rivero, Jose Maria Luna, Juan Brasido, Manuel Gonzales, Luciano Flores, Manuel Godoy, Felipe Salagar and Lattore, running towards the point armed with muskets, pistols, swords, dirks and knives. It was very evident they were going to kill someone, and I hastened towards the house of Captain Brisbane, for the purpose of informing him of what was going on. On my arrival I was alarmed at finding the doors locked and after knocking some time, was surprised at learning from two of the women that the aforesaid eight men had killed Captain Brisbane, Juan Capitaz Simon (the Capitaz) and had left Don Ventura for dead, he having been wounded by a musket ball in his throat, his head cut open, and his hand almost cut off by a sword, afterwards he escaped by a back window, and reached the house of Antonina Roxa, about 50 or 60 yards distant. On my way up from the point, I heard two musket shots fired at the house of Antonio Wagner, where they killed him, and William Dickson, to which two of the boats crew Joseph Douglas and Daniel McKay, were eye witness.

They then returned to the house of Captain Brisbane, and not finding the body of Don Ventura, searched for him and on finding him, he ran out, when I saw him killed by their firing 2 or 3 musket shots at him. On being informed what had taken place by the women on my arrival from the point, I was attempting my escape by running into the camp, but was soon overtaken by Felipe Salagar, who was on horse back, and seeing that it was impossible to get from him, I walked towards him, he had a drawn sword in his hand. Afterwards I got upon the South side of the garden wall to see where the remaining seven men were, when they passed along the outside of the South wall entered the garden gate and came across it to shoot me, and ordered me off the wall for that purpose. Some conversation took place among them and I was spared, but I was ignorant at that time by whose interposition; this occurred immediately on their return from killing Antonio Wagner and William Dickson, and before they missed the body of Ventura.

I was ordered by them into Captain Brisbane's house, and there first saw his body lying dead upon the floor, he appeared to have been making towards his pistols before he fell, and there was smile of contempt or disdain very strongly marked in his countenance. They dragged his body with a horse to a considerable distance, and plundered the house. Afterwards it was locked up and I was ordered to the house of Antonina Roxa, where I found her, one of the women and Pascual Diez. I pleaded hard to be allowed to go to the house of the boat crew, but it was not permitted. I considered myself still

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condemned to be shot, and they left one for the purpose of plundering William Dickson's the store at the point, after some conversation on their return, I was ordered to my room, and I took that opportunity of joining the boats crew (seven on them) at their own house. The assassins now became possessed of all the arms and ammunition in the place excepting what the boats crew had, two guns of which were only good for any thing, and which might be said to compose all the arms they had to defend themselves with. The house of Faustin Martinez (who was with Captain Low) was robbed of its contents. At the time these murders took place, the remainder of the male inhabitants of the settlement were at the following places; I and Henry Channen were returning from the house of Antonio Wagner towards the flag staff, having left two of the boats crew there as before mentioned, with him and William Dickson, Santiago Lopez was in the house of the boats crew, four of whom were within and variously employed, Pascual Diez was cooking in the house of Antonina Roxa, Manuel Coronel was sick in bed, and honest John was in his own house, whose fingers and toes had been frost bitten. Captain Brisbane was a native of Perth in Scotland, William Dickson of Dublin in Ireland, Antonio Vehingar alias Wagner, of Pratten on the Rhine in Germany, Juan Simon (Capitaz) of France, but further particulars unknown.

The eight murderers made the house of Santiago Lopez their head quarters, where they afterwards lived, and which commanded a view of the mouth of the Sound, the entrance into the basin and the house of the boats crew. About two hours after the murders were committed, we saw the green whale boat drifting across the basin and which had been launched by them, (from the place she was laying in, hauled up high and dry) to prevent our escape. We kept a good look out all day, and a regular watch was set at night, to guard against surprise. The wind blowing very fresh from the westward, and when we saw the boat on shore on the other side of the basin on the rocks, we expected she would be such a state as to be of no use to us in effecting our escape.

Tuesday 27th. Wind from the SW weather more moderate. Felipe Salagar called at the house at day break this morning on horse back, inviting us to walk about the settlement as usual, but observing that their object was to separate us, it was determined that only two should leave the house at one time on any account. We kept within doors altho' several requests were made that we should bury the dead, and at length Henry Channen and Samuel Pearce left the house to assist in burying Captain Brisbane, Juan Simon and Don Ventura: they had some difficulty in finding the body of the former, which had been dragged by a horse to a considerable distance from the house, and was interred on the spot, the two latter were buried in one grave, the bodies were stripped of a part of their clothes and their pockets searched by Juan Brasido; during the absence of Channen and Pearce, I was outside the house looking round, when I perceived Lattore coming full gallop towards me, with a sword in his hand, and I retreated within doors, when he was within about 100 yards of me, on which Felipe Salagar called to him, and he turned his horse in another direction, and I afterwards found that he was sent by Antonio Rivero for the purpose of killing me, and under the expectation that I should assist in burying the dead; a loaded musket was sent to one of the graves for the express purpose of dispatching me. On the return of Channen and Pearce, Stokes and Hopkins left the house to assist in burying William Dickson and Antonio Wagner, the body of the former was stripped of every thing except his shirt waistcoat and drawers. The jolly boat which had been fastened to a boat under the flag staff was this day turned adrift, no doubt to prevent our means of escaping, and appeared at high water about 2PM to be going out of the gut into the sound, but fortunately grounded on the East side of the basin near the entrance.

On this day they killed some of the tame cattle, saying, now they would have fat beef, and talked of going tomorrow into the camp to the southward, asked several questions respecting where Captain Low had gone, but we gave them very different answers to where we supposed he was. This evening Juan Brasido informed me, he had been the cause of saving my life, when they came armed to me across the garden, as it was their intention to shoot me, and related the conversation that had passed amongst them concerning me, that he had done all in his power to save me altogether, but that he was only one against seven, and that I was merely safe for the present and that he and Jose Maria Luna were at variance with the other six, who not only wanted to kill me, but the whole of the boats crew, women and children so that no one would be left to tell the story of what had actually occurred. All hope of escaping appeared now to be cut off by their turning the two boats adrift, and as the weather had been very boisterous, we had every reason to expect to find them both stove on the rocks, where they were lying on the other side of the basin. The boat with Captain Low and the four hands was seen this morning under sail off the mouth of the sound going towards the south rocks. A message was soon afterwards received by one of the indians from Antonio Rivero requesting to know which way she was going, when we replied she was going towards the North rocks, when we all felt convinced that she was going to the Southward. Preparation was made by them for leaving the settlement to go to the Southward, and all the horses (say fifty) were collected for that purpose from Long island. It was reported that their intention was to escape to Patagonia by falling in

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with some vessel in Grantham Sound, Choisseul Bay or Bull Point.

Thursday 29th. The eight murderers left the settlement this morning on horse back armed, for the north rocks with the avowed intention of killing Captain Low and his boats crew; after seeing them over the hill four hands were dispatched to examine into the condition of the two boats on the other side of the basin; they found the whale boat completely stove, but after some time returned with the jolly boat, and as she was small could merely carry our persons arms and ammunition which were necessary for our subsistence, we quickly determined first to land on Hog island and then that the boat should return with a few hands for the purpose of bringing off the seal skins belonging to the boat's crew which had been the whole of their earnings for the last sixteen months, and in procuring which they had suffered much privation and labour. All hands hastened towards the boat, learning the assassins had only pretended to go after Captain Low, for the purpose of seeing if we would make any attempt at escaping, and on approaching her to embark, two of the women made their appearance in male attire on horse back and were nearly fired on as we at first supposed they were the Indians returning, not knowing them in their disguise. In this dress they intended going to the southward with the eight murderers, who were not only going to compel them, but the three men also who took no part in the murders. We then saw Pascual Diez coming towards us, crying and begging to be taken into the boat, and we complied with his request. Charles Russler then made his appearance, and we made signs for him to join us, and he lost no time in doing so. Santiago Lopez, Manuel Coronel and the three women begged we would not leave them for if we did, the eight Indians were sure to kill them on their return. It was impossible for the boat, small as she was, to carry all of them, and we directed the party to get round the basin to the point in front of Hog island as quick as possible, & on our arrival at that island the boat returned with a few hands to embark them, and no time was lost in doing so, as they were found ready there on arrival. Our party now consisted of twelve men three women and two children, and the next consideration was how we were to subsist? When it was instantly agreed that the boat should return to again to the colony for the purpose of bringing off whatever beef they could meet with, & we felt much anxiety for her return which she effected in safety bringing beef, fat, molasses and a few clothes, principally blankets. In consequence of saving the lives of these nine persons, the boats crew lost the only opportunity they had of saving their seal skins, which they had procured after so much starvation hardship and labour, and most of them after their escape, had not a second change of clothes to their backs. During the hurry of embarkation we saw nothing of black John, and not knowing the instant the Indians might return we did not think of going to look for him, he was the only person left behind. After our escape I was informed by the boats crew, that Juan Brasido, had also informed them on the same day I had the conversation with him, it was the intention of the murderers to kill me, and he begged of them to use every means in their power to prevent, and they explained they would not tell me before, as it would only have added to the anxiety of my situation.

Friday 30th Wind from the southward blowing fresh, at noon low water, saw the eight Indians galloping from the settlement towards the beach opposite us, a distance at low water of about 250 or 300 yards. On their arrival they gave an Indian yell and commenced taking the water with their horses, with an intention of crossing over to us, we fired upon them repeatedly, and they as often returned it; on firing the last shots they retreated in a body & rushed as fast as they could gallop to the back of a small hill, which at high water formed an island and I believe one of them was struck with a rifle ball, for he was seen to dismount with all the appearance of being wounded. They then returned to the settlement and passed over the hill to the westward, where we suppose they took up their quarters for the night in the open camp. Honest John was seen this afternoon going from house to house, and with the help of a telescope could plainly perceive him busy carrying bundles of things towards his own house.

Saturday 31st. Saw the Indians in the settlement, going from one house to another, and in the evening left it in a body and crossed over the hill to the westward with their baggage on spare horses

September 1st Sunday. Early this morning several vollies were heard from the other side of the hill to the westward. Some of the Indians to be seen about the settlement this day.

Monday 2nd. A regular watch kept day and night, looking out for the boat of Captain Low, and observing the settlement; fearing the indians might have gone after Captain Low to the south rocks, & force the four hands to bring them in the boat, or murder all hands and bring the boat up themselves; we thought it therefore prudent to move to a small island known by the name of Turf island, which we could more easily defend in case of an attack, and from the top of which two hands could keep a good lookout over the whole of the sound, which was an advantage over Hog island, and it would also take more than double our number to guard against surprise or the approach of a boat. Moved from Hog island in four trips, found the water small in quantity and brackish.

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viii *Lord Palmerston's 1834 Reply to Manuel Moreno's Protest of 1833*

NB. This is the central section of Palmerston's letter. For the sake of completeness, I repeat it here, and use the original French where appropriate.

The EARL of ROCHFORD to JAMES HARRIS, Esq.

"St. James's, 25th January 1771.

"I enclose to you a copy of the declaration signed on Tuesday last by Prince Masserano, with that of my acceptance of it in his Majesty's name."

SPANISH DECLARATION.

"Sa Majesté Britannique s'étant plainte de la violence qui avoit été commise le 10 Juin de l'année 1770, à l'île communément appelée la Grande Maloüine, et par les Anglais dite Falkland, en obligeant par la force le Commandant, et les sujets de sa Majesté Britannique, à évacuer le port par eux appelé Egmont, démarche offensante à l'honneur de sa Couronne, le Prince de Masseran, Ambassadeur Extraordinaire de sa Majesté Catholique, a reçu ordre de déclarer, et déclare, que sa Majesté Catholique, considérant l'amour dont elle est animée pour la paix, et pour le maintien de la bonne harmonie avec sa Majesté Britannique, et réfléchissant que cet évènement pourroit l'interrompre, a vu avec déplaisir cette expédition capable de la troubler; et dans la persuasion où elle est de la réciprocité de ses sentimens, et de son éloignement pour autoriser tout ce qui pourroit troubler la bonne intelligence entre les deux Cours, sa Majesté Catholique désavoue la susdite entreprise violente, et, en conséquence, le Prince de Masseran déclare, que sa Majesté Catholique s'engage à donner des ordres immédiats pour qu'on remette les choses dans la Grande Maloüine, au port dit Egmont, précisément dans l'état où elles étoient avant le 10 Juin 1770, auquel effet sa Majesté Catholique donnera ordre à un de ses officiers, de remettre à l'officier autorisé par sa Majesté Britannique, le fort et le port Egmont, avec toute l'artillerie, les munitions, et effets de sa Majesté Britannique et de ses sujets, qui s'y sont trouvés le jour ci-dessus nommé, conformément à l'inventaire qui en a été dressé.

"Le Prince de Masseran déclare en même tems, au nom du Roi son Maître, que l'engagement de sa dite Majesté Catholique, de restituer à sa Majesté Britannique la possession du port et fort dit Egmont, ne peut ni ne doit nullement affecter la question du droit antérieur de souveraineté des Iles Maloüines, autrement dites Falkland.

"En foi de quoi, moi, le susdit Ambassadeur Extraordinaire, ai signé la présente Déclaration de ma signature ordinaire, et à icelle fait apposer le cachet de nos armes. A Londres, le 22 Janvier 1771.

(L.S.) (Signé) "LE PRINCE DE MASSERAN."

BRITISH COUNTER DECLARATION.

"Sa Majesté Catholique ayant autorisé son Excellence le Prince de Masserano, son Ambassadeur Extraordinaire, à offrir, en son nom royal, au Roi de la Grande Bretagne, une satisfaction pour l'injure faite à sa Majesté Britannique, en la dépossédant du port et fort du port Egmont; et le dit ambassadeur ayant aujourd'hui signé une Déclaration, qu'il vient de me remettre, y exprimant, que sa Majesté Catholique, ayant le désir de rétablir la bonne harmonie et amitié que subsistoient ci-devant entre les deux couronnes, désavoue l'expédition contre le port Egmont, dans laquelle la force a été

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employée, contre les possessions, commandant, et sujets de sa Majesté Britannique, et s'engage aussi que toutes choses seront immédiatement remises dans la situation précise dans laquelle elles étoient avant le 10 Juin 1770; et que sa Majesté Catholique donnera des ordres en conséquence à un de ses officiers de remettre à l'officier, autorisé parsa Majesté Britannique, le port et fort du Port Egmont, comme aussi toute l'artillerie, les munitions, et effets de sa Majesté Britannique, et de ses sujets, selon l'inventaire qui en a été dressé; et le dit ambassadeur s'étant de plus engagé, au nom de sa Majesté Catholique, que le contenu de la dite déclaration sera effectué par sa Majesté Catholique, et que des duplicatas des ordres de sa dite Majesté Catholique à ses officiers seront remis entre les mains d'un des Principaux Secrétaires d'Etat de sa Majesté Britannique, dans l'espace de six semaines; sa dite Majesté Britannique, afin de faire voir les mêmes dispositions amicales de sa part, m'a autorisé à déclarer, qu'elle regardera la dite déclaration du Prince de Masserano, avec l'accomplissement entier du dit engagement de la part de sa Majesté Catholique, comme une satisfaction de l'injure faite à la Couronne de la Grande Bretagne. En foi de quoi, moi, soussigné, un des Principaux Secretaires d'Etat de sa Majesté Britannique, ai signé la présente de ma signature ordinaire, et à icelle fait apposer le cachet de nos armes. A Londres, ce 22 Janvier 1771.

(L.S.) (Signé) "ROCHFORD."

JAMES HARRIS, Esq. to the EARL OF ROCHFORD.

"Madrid, 14th February 1771.

"They keep the declaration here as secret as possible. I do not find any to whom they have shown it, except those to whom they are obliged to communicate it. They also report that we have given a verbal assurance to evacuate Falkland's Island in the space of two months."

The EARL OF ROCHFORD to JAMES HARRIS, Esq.

"St. James's, 8th March 1771.

"His Majesty has been pleased to order the Juno frigate of thirty-two guns, the Hound sloop, and Florida store-ship, to be prepared to go to Port Egmont, in order to receive the possession from the Spanish commander there; and as I have spoken so fully to Prince Masserano on the manner of its being executed, it is needless for me to say any more to you upon it.

"I think it right to acquaint you, that the Spanish ambassador pressed me to have some hopes given him of our agreeing to a mutual abandoning of Falkland's Islands, to which I replied, that it was impossible for me to enter on that subject with him, as the restitution must precede every discourse relating to those islands.

"You will endeavour; on all occasions, to inculcate the absurdity of Spain having any apprehensions, from the state in which Port Egmont was before its capture, or the force now sent out, of his Majesty's intending to make use of it for the annoyance of their settlements in the South Sea, than which nothing can be farther from the King's inclination, who sincerely desires to preserve peace between the two nations."

The EARL of ROCHFORD to the LORDS of the ADMIRALTY.

"St. James's, 15th March 1771.

"Your lordships having acquainted me that, in consequence of his Majesty's pleasure, signified in my letter of 22d last, you had ordered the Juno frigate, the Hound sloop, and Florida store-ship, to be prepared to proceed to Falkland's Islands, I am commanded to signify to your lordships his Majesty's pleasure, that you order the commander of the said frigate, as soon as those ships are ready for sea, to repair directly with them to Port Egmont, and presenting to Don Felipe Ruiz Puente, or any other Spanish officer he finds there, the duplicates of his Catholic Majesty's orders sent herewith, to receive, in proper form, the restitution of possession, and of the artillery, stores, and effects, agreeably to the said orders, and to the inventories

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signed by the Captains Farmer and Maltby (copies of which are annexed), and that you direct him to take an exact account of any deficiency which there may be of the things mentioned in the said inventories, in order that the same may be made good by his Catholic Majesty; giving a copy of the said account, signed by himself, to the Spanish officer, and desiring an acknowledgment under his hand of the same being a true account.

"After the said restitution shall have been completed, it is the King's pleasure that Captain Stott should return immediately to England with the Juno frigate and the Florida store-ship, unless he find it necessary to leave the latter behind; and that the Hound sloop should remain stationed in the harbour till his Majesty's further orders.

"Your lordships will direct Captain Stott to behave with the greatest prudence and civility towards the Spanish commander and the subjects of his Catholic Majesty, carefully avoiding any thing that might give occasion to disputes or animosity, and strictly restraining the crews of the ships under his command in this respect; but if, at or after the restitution to be made, the Spanish commander should make any protest against his Majesty's right to Port Egmont, or Falkland's Islands, it is his Majesty's pleasure that the commander of his ships should answer the same by a counter-protest, in proper terms, of his Majesty's right to the whole of the said islands, and against the right of his Catholic Majesty to any part of the same.

"In case, from any accident or otherwise, Captain Stott should not, on his arrival at Port Egmont, find any officer there on the part of the King of Spain, your lordships will direct him (supposing he should find it necessary to put any of his men on shore) to avoid setting up any marks of possession, or letting his Majesty's colours fly on shore, as it is for the King's honour that the possession should be formally restored by an officer of his Catholic Majesty; and for that reason it will be proper that the King's commanding officer should keep a good look-out, and, upon perceiving the approach of any vessel of his Catholic Majesty, should re-embark any of his men who may at that time be on shore, that the possession may be indisputably vacant.

"If it should happen that after the King's ships shall have remained as late as all October, no Spanish officer should yet appear, your lordships will direct Captain Stott, in such case, either to proceed himself, or send an officer to Soledad, to deliver his Catholic Majesty's orders to the Spanish commander there, taking care not to salute the fort as a Spanish garrison, and making a protest, in civil terms, against that settlement of his Catholic Majesty's subjects in an island belonging to his Majesty.

"If, within a reasonable time after the delivery of the said order to the Spanish commander, at Soledad, there still shall not arrive at Port Egmont any officer of his Catholic Majesty to make the restitution, it is the King's pleasure that the commanding officer of his ships should then draw up a protest of the in execution of his Catholic Majesty's late declaration, and should take formal possession, in his Majesty's name; hoisting his Majesty's colours on shore; and that, leaving there the Hound sloop, and Florida store-ship (if the latter is necessary), and sending a duplicate of his protest to the Spanish officer at Soledad, he should proceed to England to lay before your lordships, for his Majesty's information, his report of the manner in which he has executed his commission.

"Your lordships will take care that a sufficient quantity of provisions and necessaries of all kinds may be sent out in the said three vessels; and will, at a convenient distance of time, despatch another store-ship for a further supply.

"P.S. I also enclose to your Lordships the copy of his Catholic Majesty's order to Don Felipe Ruiz Puente, with its translation."

ORDER of the KING of SPAIN.

(Translation.)

"It being agreed between the King and his Britannic Majesty, by a Convention signed in London on the 22d of January last past, by the Prince of Masserano and the Earl of Rochford, that the Great Malouine, called by the English Falkland, should

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be immediately replaced in the precise situation in which it was before it was evacuated by them on the 10th June last year; I signify to you, by the King's order, that, as soon as the person commissioned by the Court of London, shall present himself to you with this, you order the delivery of the Port de la Cruzada or Egmont, and its fort and dependencies, to be effected, as also of all the artillery, ammunition and effects, that were found there, belonging to his Britannic Majesty and his subjects, according to the inventories signed by George Farmer and William Maltby, Esqs., on the 11th July of the said year, at the time of their quitting the same, of which I send you the enclosed copies, authenticated under my hand; and that, as soon as the one and the other shall be effected with the due formalities, you cause to retire immediately the officer and other subjects of the King which may be there. God preserve you many years. Pardo, 7th February 1771.

"The BALIO FRAY, DON JULIAN DE ARRIAGA.

"To Don Felipe Ruiz Puento."

CAPTAIN STOTT to the ADMIRALTY.

"Juno, Plymouth, 9th December 1771.

"I must beg leave to refer their lordships to the letter I had the honour of writing you from Rio de Janeiro, the 30th of July last, for the occurrences of my voyage to that time; from whence I sailed, with his Majesty's ships under my command, the next day, and arrived at Port Egmont the evening of the 13th of September following. The next morning, seeing Spanish colours flying, and troops on shore, at the settlement formerly held by the English, I sent a lieutenant to know if any officer was there on behalf of his Catholic Majesty, empowered to make restitution of possession to me, agreeably to the orders of his Court for that purpose, duplicates of which I had to deliver him: I was answered, that the commanding officer, Don Francisco de Orduna, a lieutenant of the royal artillery of Spain, was furnished with full powers, and ready to effect the restitution. He soon after came on board the Juno to me, when I delivered him his Catholic Majesty's orders. We then examined into the situation of the settlement and stores, adjusted the form of the restitution and reception of the possession—instruments for which were settled, executed, and reciprocally delivered (that which I received from the Spanish officer, and a copy of what I gave him, are here enclosed). On Monday, the 16th of September, I landed, followed by a party of marines, and was received by the Spanish officer, who formally restored me the possession; on which I caused his Majesty's colours to be hoisted and the marines to fire three volleys, and the Juno five guns, and was congratulated, as were the officers with me, by the Spanish officer, with great cordiality on the occasion. The next day Don Francisco, with all the troops and subjects of the King of Spain, departed in a schooner which they had with them. I have only to add, that this transaction was effected with the greatest appearance of good faith, without the least claim or reserve being made by the Spanish officer in behalf of his Court."

LORD GRANTHAM to the EARL of ROCHFORD.

"Madrid, 2nd January 1772.

"I have received the honour of your lordship's despatch, containing the agreeable intelligence of the restitution of Port Egmont and its dependencies, with the due formalities. On receiving this notice I waited on the Marquis de Grimaldi, to assure him of his Majesty's satisfaction at the good faith and punctuality observed in this transaction. M. de Grimaldi seemed aware of the intention of my visit, and was almost beforehand with me in communicating notice of this event's being known in England. He seemed well pleased at the conclusion of this affair; but entered no further into conversation upon it."

The LORDS of the ADMIRALTY to the EARL of ROCHFORD.

"Admiralty Office, 15th February 1772.

"Having received by the Florida store-ship, lately arrived at Spit-head, a letter from Captain Burr, of his Majesty's sloop the Hound, dated at Port Egmont, in Falkland's Islands, the 10th of November last, giving an account that, in the preceding

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month, two Spanish vessels had arrived there with the artillery, provisions, and stores, which had been taken from thence by the Spaniards, and that he had received the same from a commissary appointed by Don Philip Ruiz Puente, to deliver them up to him; we send your lordship herewith a copy of Captain Burr's said letter, together with a copy of the inventory of the artillery, provisions, and stores, which he had received as aforesaid, for his Majesty's information."

The EARL of ROCHFORD to LORD GRANTHAM.

"St. James's, 6th March 1772.

"It may be of use to inform your Excellency, that his Majesty has determined to reduce the force employed at Falkland's Island to a small sloop with about fifty men, and twenty-five marines on shore, which will answer the end of keeping the possession: and, at the same time, ought to make the court of Spain very easy as to our having any intention of making it a settlement of annoyance to them."

The EARL of ROCHFORD to LORD GRANTHAM.

"St. James's, February 11th, 1774.

"I think it proper to acquaint your Excellency that Lord North, in a speech some days ago in the House of Commons, on the subject of the Naval Establishment for this year, mentioned the intention of reducing the naval forces in the East Indies, as a material object of diminishing the number of seamen; and at the same time hinted, as a matter of small consequence, that, in order to avoid the expense of keeping any seamen or marines at Falkland's Island, they would be brought away, after leaving there the proper marks or signals of possession, and of its belonging to the Crown of Great Britain. As this measure was publicly declared in Parliament, it will naturally be reported to the Court of Spain; and though there is no necessity of your Excellency's communicating this notice officially to the Spanish ministers, since it is only a private regulation with regard to our own convenience; yet, as I am inclined to think, from what passed formerly upon this subject, that they will rather be pleased at this event, your Excellency may, if they mention it to you, freely avow it, without entering into any other reasonings thereon. It must strike your Excellency that this is likely to discourage them from suspecting designs, which they must now plainly see never entered into our minds. I hope they will not suspect, or suffer themselves to be made believe, that this was done at the request, or to gratify the most distant wish, of the French court; for the truth is, that it is neither more nor less than a small part of an economical naval regulation."

ix Convention for re-establishing the perfect Relations of Friendship between Her Britannic Majesty and the Argentine Confederation.

Her Majesty the Queen of Great Britain, and his Excellency the Governor and Captain-General of the Province of Buenos Ayres, charged with the foreign relations of the Argentine Confederation, being desirous of putting an end to the existing differences, and of restoring perfect relations of friendship, in accordance with the wishes manifested by both Governments; the Government of Her Britannic Majesty having declared that it has no separate or interested object in view, nor any other desire than to see securely established the peace and independence of the States of the River Plate, as recognized by Treaty; have named to that effect as their Plenipotentiaries, viz.:

Her Majesty the Queen of Great Britain, Henry Southern, Esquire, Her Majesty's Minister Plenipotentiary accredited to the Court of Buenos Ayres;

And his Excellency the Governor and Captain-General of the Province of Buenos Ayres, his Excellency the Minister for Foreign Affairs, Doctor Don Felipe Arana;

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Who, after having communicated to each other their respective full powers, and found them in good and due form, have agreed as follows:

Art. I. The Government of Her Britannic Majesty, animated by the desire of putting an end to the differences which have interrupted the political and commercial relations between the 2 countries, having on the 15th of July, 1847, raised the blockade which it had established of the ports of the 2 Republics of the Plata, thereby giving a proof of its conciliatory sentiments, now hereby binds itself, in the same amicable spirit, definitively to evacuate the Island of Martin Garcia; to return the Argentine vessels of war which are in its possession, as far as possible in the same state as they were in when taken; and to salute the flag of the Argentine Confederation with 21 guns.

II. By both Contracting Parties shall be delivered to their respective owners, all the merchant vessels, with their cargoes, taken by them during the blockade.

III. The auxiliary Argentine divisions existing in the Oriental State, shall return across the Uruguay when the French Government disarms the Foreign Legion and all other foreigners who may be under arms, and form the garrison of the town of Montevideo, evacuates the territory of the 2 Republics of the Plata, abandons its hostile position, and celebrates a Treaty of Peace. Her Britannic Majesty's Government, in the event of its being necessary, offers to use its good offices in bringing about these objects, with its ally the French Republic.

IV. Her Britannic Majesty's Government recognizes the navigation of the River Parana to be an inland navigation of the Argentine Confederation, and subject solely to its laws and regulations, in the same manner as that of the River Uruguay in common with the Oriental State.

V. Her Britannic Majesty's Government having declared, " that it is freely acknowledged and admitted that the Argentine Republic is in the unquestioned enjoyment and exercise of every right, whether of peace or war, possessed by any independent nation ; and that if the course of events in the Oriental Republic has made it necessary for the Allied Powers to interrupt for a time the exercise of the belligerent rights of the Argentine Republic, it is fully admitted that the principles on which they have acted, would, under similar circumstances, have been applicable either to Great Britain or France," it is hereby agreed that the Argentine Government, with regard to this declaration, reserves its right to discuss it opportunely with the Government of Great Britain, in that part which relates to the application of the principle.

VI. In virtue of the Argentine Government having declared that it would celebrate this Convention on condition that its ally, his Excellency the President of the Oriental Republic of Uruguay, Brigadier Don Manuel Oribe, should previously agree to it,— this being for the Argentine Government an indispensable condition in any arrangement of the existing differences,— it proceeded to solicit the assent of its said ally, and having obtained it, the present Convention is hereby agreed upon and concluded.

VII. Under this Convention perfect friendship between Her Britannic Majesty's Government and the Government of the Confederation, is restored to its former state of good understanding and cordiality.

VIII. This Convention shall be ratified by the Argentine Government within 15 days after the ratification of Her Britannic Majesty's Government is presented, and the ratifications shall be exchanged.

IX. In witness whereof the Plenipotentiaries sign this Convention, and affix the seals of their arms thereto.

Done at Buenos Ayres on the 24th of November; in the year of our Lord, 1849.

L.S.) HENRY SOUTHERN.

(L.S.) FELIPE ARANA

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x **Letter to the Secretary General of the United Nations.**
New York.

21st October, 1946.

SIR,

I have the honour under instructions from His Majesty's Principal Secretary of State for Foreign Affairs to acknowledge Your Excellency's letter to him of 29th June, 1946, requesting information about the progress made by His Majesty's Government in the United Kingdom in giving effect to the Resolution on Non-Self-Governing Peoples adopted at the General Assembly of the United Nations in London on 9th February, 1946, and relating to the application of Article 73 (e) of the Charter.

2. Your Excellency requested the views of His Majesty's Government in the United Kingdom regarding the factors to be taken into account in determining which territories are to be included within the scope of Chapter XI. In the view of H.M.G. it would be difficult to define in detail principles capable of general application, bearing in mind the great variety of conditions in the territories referred to in this Article and the number of different members of the United Nations who have responsibilities for such territories. The terms of Article 73 (e) appear to provide a sufficient and satisfactory guide in practice, and His Majesty's Government feel that the purposes of this Article can be adequately fulfilled without the necessity of any further interpretation. For their part, His Majesty's Government propose initially to supply information in accordance with Article 73 (e), in respect of the non-self-governing territories listed in Annex I.

3. Your Excellency will appreciate that those territories in the Far East mentioned in Annex I have only recently been freed from Japanese occupation; and consequently His Majesty's Government regret that they are not in a position to supply information for those territories for 1945. Information will, however, be supplied for future years. Again, while His Majesty's Government are anxious to provide information about the British Solomon Islands Protectorate and the Gilbert and Ellice Islands Colony, these territories were also occupied by the Japanese for a considerable time and it will not be possible at the outset to provide as much information as in the case of other territories.

4. I have also the honour to enclose, as Annex II, a note of the headings under which His Majesty's Government propose to supply information for the year 1945. It will be appreciated that the preparation and publication of many reports and statistics normally produced by British Colonial Governments was necessarily suspended during the war, and the amount of material of this type dealing with recent years, is therefore much less than that which was previously available. As Your Excellency is aware, a large amount of material relating to British Colonial territories was normally supplied by His Majesty's Government in the United Kingdom to the Library of the League of Nations before the war. In 1940 this material was greatly reduced, but British Colonial territories were instructed to continue to forward it to Geneva as long as communications permitted. The archives of the League of Nations having been transferred to the United Nations, all this material is now the property of the United Nations. As a result of post-war conditions and of the many urgent tasks facing British Colonial Governments, it is not yet practicable to produce such reports and statistics as informatively and as accurately as before the war. Nevertheless His Majesty's Government in the United Kingdom are anxious to fulfil their obligations under Article 73 (e) of the Charter to the greatest practicable extent, and they have asked Colonial Governments to compile statistical information in respect of the year 1945 under the headings shown in Annex II. This information will be forwarded to Your Excellency as soon as it is available. In respect of certain items and certain territories estimated figures only may be available for the first year, but His Majesty's Government hope that the information which will be supplied as a result of these enquiries will be satisfactory for the purposes referred to in your letter.

I have, etc.,

(Sgd.) A CADOGAN.

ANNEX I.

Non-self-governing territories in respect of which H.M.G. in the United Kingdom propose to supply information under Article 73 (e) of the Charter.

- Aden (Colony and Protectorate). · Bahamas. · Barbados. · Basutoland.
- Bechuanaland Protectorate. · Bermuda. · British Guiana. · British Honduras.

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- British Somaliland Protectorate. · Brunei. · Cyprus. · **Falkland Islands.**
- Fiji. · Gambia. · Gibraltar. · Gold Coast (Colony and Protectorate).
- Hong Kong. · Jamaica. · Kenya (Colony and Protectorate).
- Leeward Islands. · Malayan Union. · Malta. · Mauritius.
- Nigeria (Colony and Protectorate). · North Borneo. · Northern Rhodesia.
- Nyasaland. · St. Helena and Dependencies. · Sarawak. · Seychelles.
- Sierra Leone. · Singapore. · Swaziland. · Trinidad and Tobago.
- Uganda Protectorate. · Windward Islands. · Zanzibar Protectorate.
- High Commission territories, Western Pacific:
 - o Gilbert and Ellice Islands Colony.
 - o British Solomon Islands Protectorate.
 - o Pitcairn Islands.

xi UN Resolution 1514 (1960)

Declaration on the Granting of Independence to Colonial Countries and Peoples

" *The General Assembly,*

Mindful of the determination proclaimed by the peoples of the world in the Charter of the United Nations to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small and to promote social progress and better standards of life in larger freedom,

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, and of universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recognizing the passionate yearning for freedom in all dependent peoples and the decisive role of such peoples in the attainment of their independence.

Aware of the increasing conflicts resulting from the denial of impediments in the way of the freedom of such peoples, which constitute a serious threat to world peace,

Considering the important role of the United Nations in assisting the movement for independence in Trust and Non-Self-Governing Territories,

Recognising that the peoples of the world ardently desire the end of colonialism in all its manifestations,

Convinced that the continued existence of colonialism prevents the development of international economic co-operation, impedes the social, cultural and economic development of dependent peoples and militates against the United Nations ideal of universal peace,

Affirming that 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,

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Believing that the process of liberation is irresistible and irreversible and that, in order to avoid serious crises, an end must be put to colonialism and all practices of Segregation and discrimination associated therewith,

Welcoming the emergence in recent years of a large number of dependent territories into freedom and independence, and recognizing the increasingly powerful trends towards freedom in such territories which have not yet attained independence,

Convinced that all peoples have an inalienable right to complete freedom, the exercise of their sovereignty and the integrity of their national territory,

Solemnly proclaims the necessity of bringing to a speedy and unconditional end colonialism in all its forms and manifestations;

And to this end **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.
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.
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.”

xii UN Resolution 2065 (1965)

" **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,

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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);

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.

xiii UN Resolution 3160 (1973)

" The General Assembly,

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

Recalling its resolution 1514 (XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling also its resolution 2065 (XX) of 16 December 1965, in which it invited 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 of the Falkland Islands (Malvinas), bearing in mind the provisions and objectives of the Charter of the United Nations and of resolution 1514 (XV) and the interests of the population of the Falkland Islands (Malvinas),

Gravely concerned at the fact that eight years have elapsed since the adoption of resolution 2065 (XX) without any substantial progress having been made in the negotiations,

Mindful that resolution 2065 (XX) indicates that the way to put an end to this colonial situation is the peaceful solution of the conflict of sovereignty between the Governments of Argentina and the United Kingdom with regard to the aforementioned islands,

Expressing its gratitude for the continuous efforts made by the Government of Argentina, in accordance with the relevant decisions of the General Assembly, to facilitate the process of decolonisation and to promote the well-being of the population of the islands,

1. **Approves** the chapters of the 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 relating to the Falkland Islands (Malvinas) and, in particular, the resolution adopted by the Special Committee on 21 August 1973 concerning the Territory;

2. **Declares** the need to accelerate the negotiations between the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland called for in General Assembly resolution 2065 (XX) in order to arrive at a peaceful solution of the conflict of sovereignty between them concerning the Falkland Islands (Malvinas);

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3. **Urges** the Governments of Argentina and the United Kingdom, therefore, to proceed without delay with the negotiations, in accordance with the provisions of the relevant resolutions of the General Assembly, in order to put an end to the colonial situation;
4. **Requests** both Government to report to the Secretary-General and to the General Assembly as soon as possible, and not later than at its twenty-ninth session, on the results of the recommended negotiations.”

xiv UN Resolution 31/49 (XXXI) (1976)

" **The General Assembly,**

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

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

Bearing in mind the paragraphs related to this question contained in the Political Declaration adopted by the Conference of Ministers for Foreign Affairs of Non-Aligned Countries, held at Lima from 25 to 30 August 1975, and in the Political Declaration adopted by the Fifth Conference of Heads of State or Government of Non-Aligned Countries, held at Colombo from 16 to 19 August 1976,

Having regard to the chapter of the 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 relating to the Falkland Islands (Malvinas) and, in particular, the conclusions and recommendations of the Special Committee concerning the Territory,

1. **Approves** the chapter of the 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 relating to the Falkland Islands (Malvinas) and, in particular, the conclusions and recommendations of the Special Committee concerning the Territory;
2. **Expresses its gratitude** for the continuous efforts made by the Government of Argentina, in accordance with the relevant decisions of the General Assembly, to facilitate the process of decolonisation and to promote the well-being of the populations of the islands;
3. **Requests** the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland to expedite the negotiations concerning the dispute over sovereignty, as requested in General Assembly resolutions 2065 (XX) and 3160 (XXVIII);
4. **Calls** upon the two parties to refrain from taking decisions that would imply introducing unilateral modifications in the situation while the islands are going through the process recommended in the above-mentioned resolutions;
5. **Requests** both Governments to report to the Secretary-General and to the General Assembly as soon as possible on the results of the negotiations.”

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xv Falkland Islands: Proposed Interim Agreement by the British Government, May 17th 1982

The Government of the Republic of Argentina and the Government of the United Kingdom of Great Britain and Northern Ireland.

Responding to Security Council Resolution 502 (1982) adopted on 3 April 1982 under Article 40 of the Charter of the United Nations.

Having Entered into negotiation through the good offices of the Secretary-General of the United Nations for an Interim Agreement concerning the Falkland Islands (Islas Malvinas), hereinafter referred to as 'the Islands'.

Having in mind the obligations with regard to non-self-governing territories set out in Article 73 of the Charter of the United Nations, the text of which is annexed hereto.

Have agreed on the following:

Article 1

(1) No provision of this interim Agreement shall in any way prejudice the rights, claims and positions of either Party in the ultimate peaceful settlement of their dispute over the Islands.

(2) No acts or activities taking place whilst this Interim Agreement is in force shall constitute a basis for asserting, supporting or denying a claim to territorial sovereignty over the Islands or create any rights of sovereignty over them.

Article 2

(1) With effect from a specified time, 24 hours after signature of the Agreement (hereinafter referred to as Time 'T'), each Party undertakes to cease and thereafter to refrain from all firing and other hostile actions.

(2) Argentina undertakes:

(a) to commence withdrawal of its armed forces from the Islands with effect from Time 'T';

(b) to withdraw half of its armed forces to at least 150 nautical miles away from any point in the Islands by Time 'T' plus 7 days; and

(c) to complete its withdrawal to at least 150 nautical miles away by Time 'T' plus 14 days.

(3) The United Kingdom undertakes:

(a) to commence withdrawal of its armed forces from the Islands with effect from Time 'T';

(b) to withdraw half of its armed forces to at least 150 nautical miles away from any point in the Islands by Time 'T' plus 7 days; and

(c) to complete its withdrawal to at least 150 nautical miles away by Time 'T' plus 14 days.

Article 3

With effect from Time 'T', each Party undertakes to lift the exclusion zones, warnings and similar measures which have been imposed.

Article 4

On the completion of the steps for withdrawal specified in Article 2, each Party undertakes to refrain from reintroducing any armed forces onto the Islands or within 150 nautical miles thereof.

Article 5

Each Party undertakes to lift with effect from Time 'T' the economic measures that it has taken against the other and to seek the lifting of similar measures taken by third parties.

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Article 6

(1) Immediately after the signature of the present Agreement, Argentina and the United Kingdom shall jointly sponsor a draft Resolution in the United Nations under the terms of which the Security Council would take note of the present Agreement, acknowledge the role conferred upon the Secretary-General of the United Nations therein, and authorize him to carry out the tasks entrusted to him therein.

(2) Immediately after the adoption of the Resolution referred to in paragraph (1) of this Article, a United Nations Administrator, being a person acceptable to Argentina and the United Kingdom, shall be appointed by the Secretary-General and will be the officer administering the government of the Islands.

(3) The United Nations Administrator shall have the authority under the direction of the Secretary-General to ensure the continuing administration of the government of the Islands. He shall discharge his functions in consultation with the representative institutions in the Islands which have been developed in accordance with the terms of Article 73 of the Charter of the United Nations, with the exception that one representative from the Argentine population normally resident on the Islands shall be appointed by the Administrator to each of the two institutions. The Administrator shall exercise his powers in accordance with the terms of this Agreement and in conformity with the laws and practices traditionally obtaining in the Islands.

(4) The United Nations Administrator shall verify the withdrawal of all armed forces from the Islands, and shall devise an effective method of ensuring their non-reintroduction.

(5) The United Nations Administrator shall have such staff as may be agreed by Argentina and the United Kingdom to be necessary for the performance of his functions under this agreement.

(6) Each party may have no more than three observers in the Islands.

Article 7

Except as may be otherwise agreed between them, the Parties shall, during the currency of this Agreement, reactivate the Exchange of Notes of 5 August 1971, together with the Joint Statement on Communications between the Islands and the Argentine mainland referred to therein. The Parties shall accordingly take appropriate steps to establish a special consultative committee to carry out the functions entrusted to the Special Consultative Committee referred to in the Joint Statement.

Article 8

The Parties undertake to enter into negotiations in good faith under the auspices of the Secretary-General of the United Nations for the peaceful settlement of their dispute, and to seek, with a sense of urgency, the completion of these negotiations by 31 December 1982. The negotiations shall be initiated without prejudice to the rights, claims or positions of the Parties and without prejudgement of the outcome.

Article 9

This Interim Agreement shall enter into force on signature and shall remain in force until a definitive Agreement about the future of the Islands has been reached and implemented by the Parties. The Secretary-General will immediately communicate its text to the Security Council and register it in accordance with Article 102 of the Charter of the United Nations.

For the Republic of Argentina

For the United Kingdom of Great Britain and Northern Ireland

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xvi Citation – Lt. Colonel Herbert Jones London Gazette (Supplement) No. 49134

' On 28th May 1982 Lieutenant Colonel Jones was commanding 2nd Battalion The Parachute Regiment on operations on the Falkland Islands. The Battalion was ordered to attack enemy positions in and around the settlements of Darwin and Goose Green.

During the attack against an enemy who was well dug in with mutually supporting positions sited in depth, the Battalion was held up just South of Darwin by a particularly well-prepared and resilient enemy position of at least eleven trenches on an important ridge. A number of casualties were received. In order to read the battle fully and to ensure that the momentum of his attack was not lost, Colonel Jones took forward his reconnaissance party to the foot of a re-entrant which a section of his Battalion had just secured. Despite persistent, heavy and accurate fire the reconnaissance party gained the top of the re-entrant, at approximately the same height as the enemy positions. From here Colonel Jones encouraged the direction of his Battalion mortar fire, in an effort to neutralise the enemy positions. However, these had been well prepared and continued to pour effective fire onto the Battalion advance, which, by now held up for over an hour and under increasingly heavy artillery fire, was in danger of faltering.

In his effort to gain a good viewpoint, Colonel Jones was now at the very front of his Battalion. It was clear to him that desperate measures were needed in order to overcome the enemy position and rekindle the attack, and that unless these measures were taken promptly the Battalion would sustain increasing casualties and the attack perhaps even fail. It was time for personal leadership and action. Colonel Jones immediately seized a sub-machine gun, and, calling on those around him and with total disregard for his own safety, charged the nearest enemy position. This action exposed him to fire from a number of trenches. As he charged up a short slope at the enemy position he was seen to fall and roll backward downhill. He immediately picked himself up, and again charged the enemy trench, firing his sub-machine gun and seemingly oblivious to the intense fire directed at him. He was hit by fire from another trench which he outflanked, and fell dying only a few feet from the enemy he had assaulted. A short time later a company of the Battalion attacked the enemy, who quickly surrendered. The display of courage by Colonel Jones had completely undermined their will to fight further.

Thereafter the momentum of the attack was rapidly regained, Darwin and Goose Green were liberated, and the Battalion released the local inhabitants unharmed and forced the surrender of some 1,200 of the enemy.

The achievements of 2nd Battalion The Parachute Regiment at Darwin and Goose Green set the tone for the subsequent land victory on the Falklands. The British achieved such a moral superiority over the

enemy in this first battle that, despite the advantages of numbers and selection of battle-ground, the Argentinian troops never thereafter doubted neither the superior fighting qualities of the British troops, nor their own inevitable defeat. This was an action of the utmost gallantry by a Commanding Officer whose dashing leadership and courage throughout the battle were an inspiration to all about him.'

xvii Citation – Sgt Ian McKay London Gazette Friday October 8th 1982

During the night of 11th/12th June 1982, 3rd Battalion The Parachute Regiment mounted a silent night attack on an enemy battalion position on Mount Longdon, an important objective in the battle for Port Stanley, in the Falkland Islands. Sergeant McKay was platoon sergeant of 4 Platoon, B Company, which, after the initial objective had been secured, was ordered to clear the Northern side of the long East/West ridge feature, held by the enemy in depth, with strong, mutually-supporting positions.

By now the enemy were fully alert, and resisting fiercely. As 4 Platoon's advance continued it came under increasingly heavy fire from a number of well-sited enemy machine gun positions on the ridge, and received casualties. Realising that no further advance was possible the Platoon Commander ordered the Platoon to move from its exposed position to seek shelter

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among the rocks of the ridge itself. Here it met up with part of 5 Platoon.

The enemy fire was still both heavy and accurate and the position of the platoons was becoming increasingly hazardous. Taking Sergeant McKay, a Corporal and a few others, and covered by supporting machine gun fire, the Platoon Commander moved forward to reconnoitre the enemy positions but was hit by a bullet in the leg and command devolved upon Sergeant McKay.

It was clear that instant action was needed if the advance was not to falter and increasing casualties to ensue. Sergeant McKay decided to convert this reconnaissance into an attack in order to eliminate the enemy positions. He was in no doubt of the strength and deployment of the enemy as he undertook this attack. He issued orders and taking three men with him broke cover and charged the enemy position.

The assault was met by a hail of fire. The Corporal was seriously wounded, a Private killed and another wounded. Despite these losses Sergeant McKay, with complete disregard for his own safety, continued to charge the enemy position alone. On reaching it he despatched the enemy with grenades, thereby relieving the position of beleaguered 4 and 5 Platoons, who were now able to redeploy with relative safety. Sergeant McKay, however, was killed at the moment of victory, his body falling on the bunker.

Without doubt Sergeant McKay's action retrieved a most dangerous situation and was instrumental in ensuring the success of the attack. His was a coolly calculated act, the dangers of which must have been apparent to him beforehand. Undeterred he performed with outstanding selflessness, perseverance and courage. With a complete disregard for his own safety, he displayed courage and leadership of the highest order, and was an inspiration to all those around him.

xviii **Margaret Thatcher** **Speech to the House of Commons** **June 14th 1982**

"Early this morning in Port Stanley, 74 days after the Falkland Islands were invaded, General Moore accepted from General Menendez the surrender of all the Argentine forces in East and West Falkland together with their arms and equipment. In a message to the Commander-in-Chief Fleet, General Moore reported:

"The Falkland Islands are once more under the Government desired by their inhabitants. God Save the Queen."

General Menendez has surrendered some 11,000 men in Port Stanley and some 2,000 in West Falkland. In addition, we had already captured and were holding elsewhere on the islands 1,800 prisoners, making in all some 15,000 prisoners of war now in our hands.

The advance of our forces in the last few days is the culmination of a determined military effort to compel the Argentine Government to withdraw their forces from the Falkland Islands.

On the night of Friday 11 June, men of 42 and 45 Commandos and the 3rd Battalion the Parachute Regiment, supported by elements of the Royal Artillery and Royal Engineers, mounted an attack on Argentine positions on Mount Harriet, Two Sisters and Mount Longdon. They secured all their objectives, and during the next day consolidated their positions in the face of continuing resistance.

I regret to inform the House that five Royal Marines, 18 Paratroopers and two Royal Engineers lost their lives in those engagements. Their families are being informed. Seventy-two Marines and Paratroopers were wounded. We have no details of Argentine casualties. Hundreds of prisoners and large quantities of equipment were taken in these operations. The land operations were supported by Harrier attacks and naval gunfire from ships of the task force which made a major contribution to the success of our troops. In the course of the bombardment, however, HMS "Glamorgan" was hit by enemy fire. We now know that 13 of the crew died in this attack or are missing.

Throughout Sunday 13 June, the 3rd Commando Brigade maintained pressure on the enemy from its newly secured forward

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positions. Meanwhile, men of the 5th Infantry Brigade undertook reconnaissance missions in preparation for the next phase of the operations. HMS "Hermes" flew her one-thousandth Sea Harrier mission since leaving the United Kingdom.

The Argentines mounted two air raids that day. The first was turned back by Harriers of the task force before it could reach the Falklands. In the second raid A4 aircraft made an unsuccessful bombing run and one Mirage aircraft was shot down.

During the night of Sunday 13 June the second phase of the operations commenced. The 2nd Battalion the Parachute Regiment secured Wireless Ridge and the 2nd Battalion the Scots Guards took Tumbledown Mountain by first light on Monday 14 June. The 1st/7th Gurkhas advanced on Mount William, and the Welsh Guards on Sapper Hill. At 2 pm London time large numbers of Argentine troops were reported to be retreating from Mount William, Sapper Hill and Moody Brook in the direction of Port Stanley.⁷³⁰

British forces pressed forward to the outskirts of Port Stanley. Large numbers of Argentines threw down their weapons and surrendered.

At 4 o'clock the Argentine garrison indicated its willingness to talk. Orders were given to our forces to fire only in self-defence. Shortly before 5 o'clock a white flag appeared over Port Stanley.

Initial contact was made with the enemy by radio. By midnight General Moore and General Menendez were talking. The surrender of all the Argentine forces of East and West Falkland was agreed at 1 am today London time. Some of our forces are proceeding to West Falkland to organise the surrender of the Argentine forces there.

We are now tackling urgently the immense practical problems of dealing with the Argentine prisoners on the islands. The weather conditions are severe, permanent accommodation is very limited, and much of the temporary accommodation which we had hoped to use was lost when the "Atlantic Conveyor" was sunk on 25 May. We have already repatriated to Argentina almost 1,400 prisoners, and the further 15,000 now in our custody are substantially more than we had expected. With the help of the International Red Cross, we are taking urgent steps to safeguard these prisoners and hope to evacuate them as soon as possible from the islands, in accordance with our responsibilities under the Geneva Convention. This is a formidable task.

We have today sent to the Argentine Government, through the Swiss Government, a message seeking confirmation that Argentina, like Britain, considers all hostilities between us in the South Atlantic—and not only on the Islands themselves—to be at an end. It is important that this should be established with clarity and without delay.

We must now bring life in the islands back to normal as quickly as possible, despite the difficult conditions and the onset of the Antarctic winter. Mines must be removed; the water supply in Stanley is not working and there will be other urgent tasks of repair and reconstruction.

Mr. Rex Hunt and members of the Islands Council at present in this country will return as soon as possible. Mr. Hunt will concentrate on civilian matters. General Moore will be responsible for military matters. They will in effect act as civil and military commissioners and will, of course, work in the closest co-operation.

After all that has been suffered it is too early to look much beyond the beginning of the return to normal life. In due course the islanders will be able to consider and express their views about the future. When the time is right we can discuss with them ways of giving their elected representatives an expanded role in the government of the islands."

xix UN Resolution 37/9 (1982)

" **The General Assembly,**

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

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

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

Recalling further Security Council resolutions 502 (1982) of 3 April 1982 and 505 (1982) of 26 May 1982,

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

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

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

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

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

3. **Requests** the Secretary-General to submit a report to the General Assembly at its thirty-eighth session on the progress made in the implementation of the present resolution;

4. **Decides** to include in the provisional agenda of its thirty-eighth session the item entitled "Question of the Falkland Islands. "

xx UN Resolution 38/12 (1983)

" **The General Assembly,**

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

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

Recalling its resolutions 1514 (XV) of 14 December 1960, 2065 (XX) of 16 December 1965, 3160 (XXVIII) of 14 December 1973, 31/49 of 1 December 1976 and 37/9 of 4 November 1982,

Recalling also Security Council resolutions 502 (1982) of 3 April 1982 and 505 (1982) of 26 May 1982,

Having received the report of the Secretary-General on his mission of good offices,

Aware of the interest of the international community in the resumption by the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland of their negotiations in order to find as soon as possible a peaceful and just solution to the sovereignty dispute relating to the question of the Falkland Islands (Malvinas),

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

Reaffirming the need for the parties to take due account of the interests of the population of the Falkland Islands (Malvinas) in accordance with the provisions of General Assembly resolutions 2065 (XX), 3160 (XXVIII) and 37/9,

Reaffirming also the principles of the Charter of the United Nations on the non-use of force or the threat of force in

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international relations and the peaceful settlement of international disputes,

1. **Reiterates its request** to the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland to resume negotiations in order to find as soon as possible a peaceful solution to the sovereignty dispute relating to the question of the Falkland Islands (Malvinas);
2. **Takes note** of the report of the Secretary-General on the implementation of General Assembly resolution 37/9;
3. **Requests** the Secretary-General to continue his renewed mission of good offices in order to assist the parties in complying with the request made in paragraph 1 above, and to take the necessary measures to that end;
4. **Requests** the Secretary-General to submit a report to the General Assembly at its thirty-ninth session on the progress made in the implementation of the present resolution;
5. **Decides** to include in the provisional agenda of its thirty-ninth session the item entitled "Question of the Falkland Islands"

xxi UN Resolution 39/06 (1984)

" The General Assembly,

Having considered the question of the Falkland Islands (Malvinas) and having received the report of the Secretary-General,

Recalling its resolutions 1514 (XV) of 14 December 1960, 2065 (XX) of 16 December 1965, 3160 (XXVIII) of 14 December 1973, 31/49 of 1 December 1976, 37/9 of 4 November 1982 and 38/12 of 16 November 1983, together with Security Council resolutions 502 (1982) of 3 April 1982 and 505 (1982) of 26 May 1982,

Reaffirming the principles of the Charter of the United Nations on the non-use of force or the threat of force in international relations and the obligations of States to settle their international disputes by peaceful means and recalling that, in this respect, the General Assembly has repeatedly requested the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland to resume negotiations in order to find as soon as possible a peaceful, just and definitive solution to the sovereignty dispute relating to the question of the Falkland Islands (Malvinas),

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

Aware of the interest of the international community in the settlement by the Governments of Argentina and the United Kingdom of all their differences in accordance with the United Nations ideals of peace and friendship among peoples,

Taking note of the communique issued by the representatives of the Government of Switzerland and the Government of Brazil at Berne on 20 July 1984,

Reaffirming the need for the parties to take due account of the interests of the population of the Falkland islands (Malvinas) in accordance with the provisions of General Assembly resolutions 2065 (XX), 3160 (XXVIII), 37/9 and 38/12,

1. **Reiterates its request** to the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland to resume negotiations in order to find as soon as possible a peaceful solution to the sovereignty dispute and their remaining differences relating to the question of the Falkland Islands (Malvinas);
2. **Requests** the Secretary-General to continue his renewed mission of good offices in order to assist the parties in

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complying with the request made in paragraph 1 above, and to take the necessary measures to that end:

3. Requests the Secretary-General to submit a report to the General Assembly at its fortieth session on the progress made in the implementation of the present resolution;

4. Decides to include in the provisional agenda of its fortieth session the item entitled "Question of the Falkland Islands (Malvinas)."

xxii UN Resolution 40/21 (1985)

" The General Assembly,

Having considered the question of the Falkland Islands (Malvinas) and having received the report of the Secretary-General,

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

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

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

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

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

3. Requests the Secretary-General to submit to the General Assembly at its forty-first session a report on the progress made in the implementation of the present resolution;

4. Decides to include in the provisional agenda of its forty-first session the item entitled "Question of the Falkland Islands (Malvinas)."

xxiii UN Resolution 41/40 (1986)

" The General Assembly,

Having considered the question of the Falkland Islands (Malvinas) and having received the report of the Secretary-General,

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

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Charter of the United Nations,

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

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

1. **Requests** the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland to initiate negotiations with a view to finding the means to resolve peacefully and definitively the problems pending between both countries, including all aspects on the future of the Falkland Islands (Malvinas), in accordance with the Charter of the United Nations;
2. **Requests** the Secretary-General to continue his renewed mission of good offices in order to assist the parties in complying with the request made in paragraph 1 above, and to take the necessary measures to that end;
3. **Requests** the Secretary-General to submit to the General Assembly at its forty-second session a report on the progress made in the implementation of the present resolution;
4. **Decides** to include in the provisional agenda of its forty-second session the item entitled "Question of the Falkland Islands (Malvinas)."

xxiv UN Resolution 42/19 (1987)

" The General Assembly,

Having considered the question of the Falkland Islands (Malvinas) and having received the report of the Secretary-General,

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

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

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

1. **Requests** the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland to initiate negotiations with a view to finding the means to resolve peacefully and definitively the problems pending between both countries, including all aspects on the future of the Falkland Islands (Malvinas), in accordance with the Charter of the United Nations;
2. **Requests** the Secretary-General to continue his renewed mission of good offices in order to assist the parties in complying with the request made in paragraph 1 above, and to take the necessary measures to that end;
3. **Requests** the Secretary-General to submit to the General Assembly at its forty-third session a report on the progress made in the implementation of the present resolution;

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4. **Decides** to include in the provisional agenda of its forty-third session the item entitled "Question of the Falkland Islands (Malvinas)". "

xxv UN Resolution 43/25 (1988)

" **The General Assembly,**

Having considered the question of the Falkland Islands (Malvinas) and having received the report of the Secretary-General,

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

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

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

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

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

3. **Requests** the Secretary-General to submit to the General Assembly at its forty-fourth session a report on the progress made in the implementation of the present resolution;

4. **Decides** to include in the provisional agenda of its forty-fourth session the item entitled "Question of the Falkland Islands (Malvinas)".

xxvi Joint Statement by Britain and Argentina July 14th, 1999

I Introduction

The two Ministers recalled the joint Statements made by the UK and Argentine delegations in Madrid on 19 October 1989 and 15 February 1990, which made possible the normalisation of relations between the two countries, and the re-establishment of successful co-operation in the bilateral sphere. They agreed that the formula on sovereignty in paragraph 2 of the Joint Statement of 19 October 1989 applied to this Joint Statement and to its consequences.

They welcomed the improved understanding and degree of reconciliation in the bilateral relationship marked by the

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exchange of visits of the President of Argentina in October 1998 and HRH The Prince of Wales in March 1999.

The two Parties reached agreement on the following points....

II Access and Air Services

- 1. Argentine citizens will be able to visit the Falkland Islands, on their own passports. This provision applies equally to Argentine citizens traveling by air and by sea.*
- 2. Full support for the immediate resumption of direct scheduled civil air services Chile and the Falkland Islands, operated by Lan Chile or any other carrier agreed between the Parties. From 16 October 1999, these services will be able to take on and discharge passengers, cargo and mail.*
- 3. The possibility of flights between the Falkland Islands and third countries was welcomed with the option, from 16 October 1999, of making stops in mainland Argentina.*

III Fishing

In the light of the shared commitment to the maintenance and conservation of fish stocks in the South Atlantic, existing levels of co-operation between the United Kingdom and Argentina will be enhanced. In this context officials will meet shortly to consider the question of the relative stability of fish stocks, poaching, and other questions related to it and to recommend coordinated programmes of practical measures with the objective of putting them in place before 9 October 1999.

IV Confidence-Building

With a view to the further development of reconciliation and mutual understanding:

- i) A memorial to members of the Argentine armed services killed in action in 1982 will be constructed at the Argentine cemetery in the Falkland Islands.*
- ii) The Argentine Government is prepared to look at the question of toponymy in the Falkland Islands. To that end it will continue to consult the appropriate national institutions.*
- iii) As the Prime Minister of the United Kingdom and the President of the Argentine Republic agreed in October 1998, the two Governments will continue to work together to evaluate the feasibility and cost of clearing the land mines still present in the Falkland Islands.*

V Procedures

- i) The implementation of the arrangements detailed in this Joint Statement will be recorded in an exchange of letters between the two Governments*
- ii) The Governments will jointly send the text of the present and the accompanying letters, in English and Spanish, to the Secretary General of the United Nations for distribution as an official document of the General Assembly under the appropriate item of the agenda of the next regular session.*
- iii) This joint statement, as well as the arrangements deriving from it, will be kept under review by the two Government.*

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xxvii **Argentina and the Falkland Islands** **House of Commons Briefing Note 2010**

“The British Government has no doubt about Britain's sovereignty over the Falkland Islands. With the exception of the 2 months of illegal occupation in 1982, the Falklands have been continuously, peacefully and effectively inhabited and administered by Britain since 1833. Argentina's claim to the Falklands is based on the grounds that, at the time of British repossession of the Islands in 1833, Argentina had sovereignty over them through her inheritance, upon independence, of Spain's possessory title (uti possedetis), through her attempts to settle the Islands between 1826 and 1833, and through the concept of territorial contiguity. However, uti possedetis is not accepted as a general principle of international law. Moreover Spain's title to the Islands was disputed and in 1811 the Spanish settlement was evacuated, leaving the Islands without inhabitants or any form of government. Argentina's subsequent attempts at settlement were sporadic and ineffectual. As for territorial contiguity, this has never been a determinant for title to islands (otherwise the Canary Islands, for example, might be Moroccan) and should not be used to overrule the right of self-determination. The Argentine Government has argued that the Falkland Islanders do not enjoy the right of self-determination, on the (false) basis that they replaced an indigenous Argentine population expelled by force. However there was no indigenous or settled population on the Islands until British settlement.

The people who live in the Falklands now are not a transitory population. Many can trace their origins in the Islands back to the early 19th century. Britain is committed to defend their right to choose their own future. The Islanders are fully entitled to enjoy the right of self-determination. It is a right which cannot be applied selectively or be open to negotiation, and one which is recognised in the UN Charter and the International Covenant on Civil and Political Rights. Self-determination does not necessarily mean independence. Britain has willingly granted independence where it has been requested, and will continue to do so where it is an option, while remaining committed to those of its Overseas Territories which choose to retain the British connection. In exercise of their right of self-determination, the Falkland Islanders have repeatedly made known their wish to remain British. An Argentine-inspired poll, conducted in 1994, revealed that 87% of them would be against any form of discussion with Argentina over sovereignty, under any circumstances. In 1960 the United Nations General Assembly adopted its Declaration of the Granting of Independence to Colonial Countries and Peoples (GAR 1514). A committee was set up to oversee implementation of this resolution. This Committee, which became known as the Committee of Twenty-four, considered the question of the Falklands for the first time in 1964. Following its recommendations, the General Assembly adopted Resolution 2065 in 1965. The Resolution invited the British and Argentine Governments to begin negotiations 'with a view to finding a peaceful solution to the problem, bearing in mind the provisions and objectives of the UN Charter and of GAR 1514 and the interests of the population of the Falkland Islands (Malvinas).' During 1967 and 1968 Britain entered into negotiations with Argentina based on a willingness to transfer sovereignty. Although the British Government had no doubt about British sovereignty of the Falklands, they were concerned by the difficulty of defending the Islands, and by the threat to the Islands' economy from declining world demand for wool and from their isolation without links to the mainland. However, Britain maintained throughout that any transfer of sovereignty must be subject to the wishes of the Islanders. It was on this issue that negotiations foundered.

After the 1982 conflict, Britain sought ways to restore normal relations with Argentina while upholding her commitment to the Falkland Islanders. Diplomatic relations were re-established in February 1990, less than a year after Dr Carlos Menem was elected President of Argentina. The resumption of links followed a series of talks in Madrid, in which the two sides agreed a formula to protect their respective positions on sovereignty and maritime jurisdiction over the Falkland Islands, South Georgia and the South Sandwich Islands. The formula has enabled the two governments to make progress in many fields. Nonetheless, Argentina continued to claim sovereignty over the Falklands. President Menem asserted that the Islands

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would be Argentine by the year 2000 and suggested shared sovereignty as a possible intermediate step. His Foreign Minister, Dr Guido di Tella, also suggested other possible forms of association between the Falklands and Argentina.

In 1994, the Argentine Constitution was amended to include a clause asserting sovereignty over the Islands, which would be pursued 'in accordance with international law'. Argentina continued to ask the United Nations to call for negotiations on the issue of sovereignty. Although the United Nations General Assembly has not debated the question of the Falklands since 1988, the Committee of Twenty-four has continued to adopt resolutions calling for negotiations between Britain and Argentina. These resolutions are flawed because they make no reference to the Islanders' right to choose their own future. Several members of the Committee have acknowledged this omission. The principle of self-determination is included in every other resolution considered by the Committee. The British position that sovereignty is not for negotiation remains unaltered. There will be no change in the status of the Falklands without the Islanders' consent. The White Paper, Britain and the Overseas Territories, presented to Parliament by the Foreign Secretary in March 1999, did not propose any change of status. It charted a new partnership with all our Overseas Territories, founded on several core principles including the right of self-determination. In the White Paper the Government said, 'Our Overseas Territories are British for as long as they wish to remain British.'

xxviii **Memorandum by the Foreign and Commonwealth Office**
(submitted in response to a letter from the Chairman of the Foreign Affairs Committee)

Her Majesty's Government's current policy towards the
UN Decolonisation Committee

The role of the UN Special Committee on Decolonisation

1. The Special Committee on Decolonisation (known as the C24) was established by the UN General Assembly (UNGA) in 1961, to oversee implementation of the 1960 UN "Declaration on the Granting of Independence to Colonial Countries and Peoples" (UNGA resolution 1514 (XV)). The C24 hosts conferences and regional seminars on the status of Overseas Territories (OTs), and organises special missions in order to collect first-hand information on the economic and political development of OTs. It also reviews reports submitted to the UN Secretary-General by the UN Secretariat (which "Administering Powers" such as the UK contribute to), pursuant to Article 73 of the UN Charter, on developments in their OTs (Or "Non-Self Governing Territories" in UN parlance). The C24 also hears oral "petitions" from individuals and groups from the territories, as well as any statements from the Administering Powers, and calls on the General Assembly to agree to their programmes of work. The C24 then adopts resolutions on each territory. Most of these are then forwarded to the UNGA, via its Fourth Committee. All C24 resolutions on UK OTs reach the UNGA, except that on the Falklands (a position agreed by the UK and Argentina since the resumption of bilateral relations in 1989/90). On Gibraltar the C24 adopts a consensus decision, which both Spain and the UK support. The Fourth Committee debates and adopts the consensus decision, and UNGA simply takes note of the decision.

2. Under the UN Charter, the UK as an Administering Power is to ensure, among other things, the OTs' political, economic and social advancement and the development of their "self-government". Territories come off the UN list of Non-Self-Governing Territories ("de-listing") once they have been deemed to have achieved "a full measure of self-government". The C24 has a role in recommending territories for de-listing. This issue has been a point of much dispute between Administering Powers and the C24.

3. The Committee has 29 members, listed at the end of the memorandum (Annex A). None of the four remaining Administering Powers - the UK, France, New Zealand and the US - are members. Neither are there any EU or Western Group States members on the Committee. France and New Zealand both formally participate in the Committee's work, in respect of their territories. The US does not.

Background on the UK's historic position towards the UN Decolonisation Committee

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4.Despite abstaining on the Declaration on the Granting of Independence to Colonial Countries and Peoples, and the General Assembly resolution setting up the C24, the UK agreed to join and cooperate with the C24. This it did until 1971, when it left the Committee. The UK was concerned at that time by the Committee's recently adopted "programme of action" to implement 1514 (XV), its reluctance to address the issue of small territories, as well as its unfavourable composition.

5. In 1974 the UK resumed cooperation with the Committee, without rejoining. The US and France were not members either. However, by mid-1985, again frustrated at the Committee's work, the UK decided to cease cooperation (with effect from January 1986), while reserving the right to participate in the C24's debate on the Falklands. In a letter to the then C24 Chair, the UK Permanent Representative in New York explained the UK's decision on the grounds that the territories which remained in close association with the UK had chosen to do so, that this was unlikely to change in the near future, that the UK and its (then "Dependent") Territories, therefore considered the colonial era over, and hence the UN's interest in these territories' affairs should cease.

6.UK policy evolved again by the mid-1990s, when it resumed some informal cooperation with C24, although the UK did not participate in formal Committee meetings. In 1999, the UK policy became one of an "informal dialogue on de-listing". The UK started informally discussing with successive C24 chairs the possible modalities for de-listing its Overseas Territories (OTs). Despite much discussion (and even a C24 visit to Bermuda in 2005), these efforts came to nothing and no territory has been de-listed.

7.Since then the UK has maintained "informal cooperation" with the C24. It attends C24 meetings but does not sit in the UK seat, nor make any statements. Counsellors from the Falkland Islands address the Committee annually, to put forward their case. Representatives of the Gibraltar government have also petitioned the Committee. The UK continues, however, to be frustrated that the C24's resolutions on its OTs do not properly reflect developments in the territories, including their wish to retain links to the UK, nor explicitly acknowledge the Falkland Islanders or Gibraltarians right of self-determination.

How does the UK currently make its case in the UN and other international fora?

8.Our position of informal co-operation allows the UK to maintain a dialogue with the Chair of the C24, as well as C24 members. When resolutions on UK OTs are considered by the UNGA's Fourth Committee, the UK also takes full advantage of the opportunities provided to make statements, explanations of vote and positions as well as rights of reply. Most recently, in October 2010:

·The UK voted against texts calling for "Member States to intensify their efforts to continue to implement the plan of action for the Second International Decade for the Eradication of Colonialism and use those efforts as the basis for a plan of action for the next Decade" and "urging Member States to do their utmost to promote effective measures for the full and speedy implementation of the Declaration in all Non-Self-Governing Territories to which the Declaration applied". The UK argued that the proposals for the Third International Decade and the Fiftieth anniversary of the Decolonisation Declaration were "unacceptable", as the texts failed to recognise the progress made in the relationship between the United Kingdom and its territories. With regard to the text relating to the Third International decade, the UK stated that the UK considered the "Special Committee of 24" to be outdated. The UK also took the opportunity to stress that none of the UK's overseas territories should remain on the UN list of Non-Self Governing Territories. The resolution which called on member states to intensify their efforts to implement the C24's plan of action was passed with 130 votes in favour, three against (the UK, US and Israel) and 20 abstentions. The resolution calling for member states to promote effective measures for the implementation of the Declaration in all Non-Self-Governing Territories was passed with 150 votes in favour, three against (the UK, US and Israel) and no abstentions.

·The UK also abstained in UN Fourth Committee votes relating to the transmission of economic and other information on Non-Self Governing territories. The UK explained that it did not take issue with the resolution's main objective and continued to meet its obligations in that regard. However, the UK believed that a decision as to whether a Non-Self-Governing Territory had reached a level of self-government was ultimately for the government of the Territory and the administering Power concerned (in this case, the UK) to decide, and not the UNGA.

-The UK also used its right of reply to address specific points raised by a number of States regarding the Falkland Islands. The UK representative said that the UK had no doubt about its sovereignty over the Falkland Islands, and attached great importance to the principle of self-determination, which underpinned the UK's position on the Falkland Islands. The democratically elected representatives of the Falkland Islands had asked the "Committee of 24" to recognise that they, like others, should be free to exercise the right of self-determination.