



Foreign and Commonwealth Office

London SW1A 2AH

28 April 1982

Dear John,

Prime Minister
of, I hope, only historical
interest now.

AD 30/4

Falkland Islands: Judge Clark's
Ideas about Trusteeship

You may have noticed in Mr Pym's memorandum (OD(SA) (82)25) reporting on his discussions with Mr Haig in Washington a reference to the idea of US trusteeship briefly floated by Judge Clark. I enclose a copy of a letter from Nicko Henderson which gives the background. I would add only that, while we were having the breakfast with Clark, it seemed natural to assume that we were being given advance warning of an American proposal which would be put to Mr Pym by President Reagan, and we were given no reason to believe that Mr Haig would be taken by surprise (though Clark did make it clear that he would speak to Haig after our breakfast).

p.a.
AD 4/5

Yours ever,
J.P.F.

(B J P Fall)
Private Secretary

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FROM THE AMBASSADOR

26 April 1982

B J P Fall Esq
 Private Secretary to the
 Secretary of State
 Foreign and Commonwealth Office
 London SW1

Dear Brian

FALKLANDS: THE SECRETARY OF STATE'S BREAKFAST WITH
 JUDGE CLARK

1. I promised to let you have an account of the Secretary of State's discussion over breakfast on 23 April with Judge Clark: and of the subsequent developments.
2. Clark took as his starting point the fact that the negotiations were making no progress. He did not in any way suggest that this was our fault, nor did he put forward any ideas for bringing the two parties together in the framework of the present draft. The Secretary of State took the opportunity to argue the need for greater pressure on Argentina; and to explain that, although he recognised the reason for the US position while they were acting as intermediaries in a negotiation, American "even-handedness" was becoming increasingly difficult to explain to British public opinion. He also warned Clark about the time constraints which we were operating under on the military side.
3. Clark replied that there was no doubt about US support for the British case on moral grounds. He recognised that the time might come when the Americans would have to move away from their policy of even-handedness, but that time was not yet. He mentioned in the context of even-handedness the importance which President Reagan attached to the hemisphere.
4. Emphasising that he was talking off the record, Clark then said that the President had been giving much thought to the

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problem and had personally come up with the idea that trusteeship - of which the Americans had some experience - might provide an answer. It transpired that Clark was thinking in terms of Argentinian trusteeship, complete with the Argentinian flag over the Islands. The Secretary of State and I reacted strongly to this extraordinary idea, whereupon Clark indicated that he regarded as worth exploring further the idea of American trusteeship. He envisaged that this would be for a fixed period (five years was mentioned) but he indicated at one stage that this might be subject to extension. He foresaw the trusteeship as ending with the self-determination of the population. We pointed out that this would be likely to be difficult for the Argentinians as it was they, not we, who were opposed to the option of independence. Clark appeared to see no objection to independence as a final solution and did not react adversely to the idea of the United States guaranteeing independence. Indeed he seemed to think that they would be prepared to do this.

5. In further discussion, Clark seemed to accept that if the idea were thought worth pursuing after further study by us and the Americans, the Americans would have to present it to the Argentinians in a form of ultimatum. I put it to Clark that this would have to be backed up by a clear indication that the United States would join our other allies in supporting us if the Argentinians rejected the trusteeship idea. Finally, there was some discussion of the UN aspects. Clark's original conception involved taking an appropriate trusteeship precedent, and by implication presumably a role for the United Nations under the relevant provisions of the Charter. We pointed out how difficult it would be for us to embark on the trusteeship route if what was agreed between the three countries could subsequently be amended by the General Assembly.

6. When the Secretary of State saw Haig privately afterwards, he said that he had been furious to be summoned to the White House to be told that Clark had floated these ideas without consulting him. Haig said that Clark did not know what he was talking about. He had already tried out the idea of American trusteeship on the Argentinians, who would not wear it. He was conducting the negotiations. I have no doubt, therefore, that whatever the attractions of this option from our point of view (in terms of greater American involvement and not pre-judging the outcome) Haig will not be prepared to endorse it or put it again to the Argentinians, least of all as a take it or leave it proposition.

7. One adverse outcome of this somewhat ill-considered entry by Clark into the diplomatic arena was that the Secretary of

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State never got to see the President. It had been understood beforehand that this would be arranged. I can only suppose that Haig told the White House to keep off the grass - or, *curf*, to use his own phrase - and they did not have enough experience or self-confidence to get into the act. It was a graphic example to the Secretary of State of the peculiar decision-making process - if the word process can be used - that prevails at the moment in this town.

Yours

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Nicholas Henderson