



Management and Personnel Office

Whitehall London SW1A 2AZ

Telephone 01-273 } 4400
GTN 273 }

29 April 82

Mike Pattison, Esq
10 Downing St

Dear Mike,

Here is the text of
the Lord Privy Seal's speech -
as at 1300! Any amendments
gratefully received.

Tim Buckley.

My Lords I beg to move the motion standing in my name on the Order Paper.

My Lords, from the onset of the Falklands crisis, we have undertaken to keep the House as closely informed as possible about the situation. Although my last report to Your Lordships was only on Monday I know that the House will agree that such is the seriousness of the situation that it merits an emergency debate in your Lordships House this afternoon. [Perhaps I could thank those members - in particular the Noble Lord, Lord Greenhill of Harrow - for agreeing to take off the business which we had intended to take today]. This is the third debate since the Argentine invasion of the Falkland Islands four weeks ago tomorrow.

My Lords, during that period the Government has taken every possible step that has a reasonable prospect of helping us to achieve our objectives - the withdrawal of the Argentine forces and the end of their illegal occupation of the Islands; the restoration of the traditional administration; and a long term solution which is acceptable not only to the House but to the inhabitants of the Falkland Islands.

It is the Government's most earnest hope that we can achieve these objectives by a negotiated settlement. We have done

/everything we can to

everything we can to encourage Mr Haig's attempts to find a solution by diplomatic means, and I shall have something to say about the latest developments in this area in a moment.

Military Developments

But as the House knows, the Government has taken military measures as well to strengthen our diplomatic efforts.

Mr Haig's initiative would never have got underway if the British Government had not sent the naval task force to the South Atlantic within four days of Argentina's aggression against the Falkland Islands. [What incentive would there have been for the Argentine junta to give Mr Haig's proposals more than the most cursory glance if Britain had not underpinned its search for a diplomatic settlement with the despatch of the task force?] Gentle persuasion is not going to make the Argentine Government give up what it has seized by force.

Our military response to the situation has been measured and controlled. On 12 April we declared a Maritime Exclusion Zone. This has been enforced since then against Argentine warships and naval auxiliaries. It has been completely successful, and the Argentine forces on the Falkland Islands have been isolated by sea.

Eleven days later we warned the Argentine authorities that any approach by their warships or military aircraft which could amount to a threat to interfere with the mission of the British

Forces in the South Atlantic would encounterⁿ the appropriate response.

Then on 25 April, as I told the House on Monday, British forces recaptured South Georgia. This operation was conducted in exercise of our right of self-defence under Article 51 of the UN Charter. The minimum of force was used consistent with achieving our objective and no lives - Argentinian or British - were lost in the operation, though, as was announced yesterday, an Argentine prisoner was most unfortunately killed in an incident on 26 April which is now being urgently investigated by a Board of Inquiry.

The latest of our military measures is the imposition of the Total Exclusion Zone round the Falkland Islands of which we gave 48 hours notice yesterday. The new Zone has the same geographical boundaries as the Maritime Exclusion Zone which took effect on 12 April.

It will apply from noon London time tomorrow to all ships and aircraft, whether military or civil, operating in support of the illegal occupation of the Falkland Islands. A complete blockade will be placed on all traffic supporting the occupation forces of Argentina. Maritime and aviation authorities have been informed of the imposition of the Zone, in accordance with our international obligations.

/ It is our present

It is our present understanding that the majority of the Falkland Islanders prefer to stay where they are. This is a remarkable testimony to their attachment to their native Islands. We cannot pretend that the Total Exclusion Zone has no implications for their well-being. But it is something which must be done if we are to achieve the common aim of getting the Argentines out, and I have every confidence that the Islanders - whose fortitude and determination we so much admire - will see why we had to act as we did. It is our hope that the ICRC will be able to establish a presence in the Islands, and that with their help or by other means we may be able to arrange for the evacuation of any Islanders who may still wish to depart.

As my Right Honourable Friend the Prime Minister said in the House on 26 April, if some of the Islanders still in the Falkland Islands wish to be evacuated temporarily and have not the means to do so, the Government will ensure that the necessary means are provided. We are doing all that we reasonably can to help those from the Falkland Islands who have arrived in the UK, and others who may arrive in the future. A welfare committee has been established by the Home Office for that purpose.

If the Argentines choose to challenge our authority in the ^{Exclusion} ~~Total~~ Exclusion Zone, the responsibility will be theirs. We shall enforce that ~~Total Exclusion~~ Zone as completely as we have done the Maritime Exclusion Zone. The Argentine occupying forces will then be totally isolated. They will be cut off by sea and air.

All these measures have been designed to support our diplomatic efforts.

Diplomatic Negotiations

Since I last reported to the House, Mr Haig has put formal American proposals to the Argentine Government and requested an early response.

He saw Mr. Costa Mendez last evening but no conclusion was reached. He judged it right to ^{ask} ~~put the proposals first to~~ Argentina as the country to whom Security Council Resolution 502 is principally addressed. *to give her decision first.*

Mr Haig has also communicated to us the text of his proposals. They are the result of Mr Haig's talks in London and Buenos Aires and of his discussions in Washington with my Rt Hon Friend last week.

It is difficult both for the House and the Government that we have not been able to say more about them, especially as in our democratic system we need the interplay of opinions and ideas. And we should profit from the views and analysis of Hon Members. But they are Mr Haig's proposals and negotiations are continuing. We understand from Mr Haig that it is his present intention to publish them in full but he of course must judge the appropriate time. The proposals are complex and difficult and inevitably bear the hallmarks of compromise in both their substance and language. We are studying them very carefully indeed in the light of the principles and objectives enunciated in past debates.

It was the Argentine invasion which started this crisis and it is Argentine withdrawal that must put an end to it.

The United Nations

As this situation has developed, and as the British Government has made every effort to find a solution. This House and those in another place have broadly supported both the Government's objectives and its methods. But in the last few days, it have been argued that first that we should not have resorted to the use of force and second that we should seek greater involvement by the United Nations.

My Lords, with regard to the first argument -

It would be totally inconsistent to support the despatch of the Task Force and yet to be opposed to its use. The diplomatic pressure would be undermined. As long as the Argentines refuse to comply with the Security Council Resolution, we must continue to intensify the pressure on them. And we must not abandon our efforts to re-establish our authority over our own territory and to free our own people from the invader.

/ Let me turn now

Let me turn now to the United Nations. The House knows that all our action has been based on a Resolution of the United Nations. ^{The Argentinian} ~~Before the invasion occurred we went to~~ ^{was carried out in defiance of} an appeal issued by the President of the Security Council at the Secretary-General and asked him to issue a stern warning ~~our urgent request on 1 April. This solemn appeal was endorsed calling on Argentina to desist from the use of force. As~~ ^{by the whole of the Security Council. but it was brushed aside.} ~~soon as the invasion had occurred we asked for a meeting of~~ ^{immediately after} ~~the Security Council.~~ ^{Lanister} That meeting passed Resolution 502. Since then our efforts, those of Mr. Haig and a large part of the international community have been directed to implementing that mandatory Resolution.

If I may just remind your Lordships, ~~that~~ Resolution 502 calls for ~~three things: the cessation of hostilities,~~ Argentine withdrawal and a negotiated solution to the dispute. ~~The three things are linked. Without Argentine withdrawal, there cannot be a cessation of hostilities; we are forced to~~ ^{have no choice but} exercise our right to self-defence. ^{Of course,} ~~Likewise,~~ if Argentina withdraws it would be out of the question for us to continue hostilities or to refuse to hold negotiations with a view to solving the underlying dispute. We were after all negotiating a few weeks before the invasion. It is quite wrong to suggest

/ that because

that because the invader is not prepared to implement the Resolution, the principles of the United Nations require that we should refrain from limited use of force in self-defence. ^{It} ~~That~~ ^{also} would be to condone and encourage aggression.

Such an argument has no validity in international law

The Government have been criticised for their response to the United Nations Secretary-General's Statement of 26 April. We agree with the Secretary-General that Security Council Resolution 502 must be complied with. It is Argentina that has flagrantly failed to do this. The Government have told the Secretary-General that any suggestion that Britain has failed to comply with SCR 502 is unacceptable, and he has taken note. The Secretary-General's appeal has not been communicated to us in any formal way and we do not propose to make a formal reply to it. It is because of that failure that we must be free to exercise our right of self-defence.

What could further recourse to the United Nations ~~now~~ achieve ^{at the present stage?}
We need mediation. But we already have the most powerful and the most suitable mediator available; Mr Haig, backed by all the authority and all the influence of the United States. ^{If} anyone can succeed in mediation, it is Mr Haig. Of course we support the United Nations and we believe that respect for the United Nations should form the basis of international conduct. ^{and working to implement a mandatory resolution of the Security Council.}
But the United Nations does not have the power to enforce compliance with its Resolutions.

These simple facts are perfectly well understood in the international community. Let me quote the Swedish

/ Foreign Minister because

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Foreign Minister because Sweden is a country second to none in its opposition to the use of force and its respect for the United Nations. The Swedish Foreign Minister said, ^{of the South Georgia operation,} and I quote, "We have no objection to Britain retaking British territory. Time and again one is forced to observe that the United Nations is weak and lacks the authority required to mediate". That I think says it all.

The recapture of South Georgia has not diminished international support. No country that was previously with us has turned against us. On Tuesday, we saw that the support

of the European Community remained robust. The world has shown no inclination to condemn Britain's exercise of the right to self-defence.

~~And even~~ In the Organisation of American States ^{itself} Argentina ^{was criticised,} ~~realised that despite the claims of traditional Latin American solidarity, for her use of force it would not be possible to obtain any form of sanctions against Britain, and the only resolution passed clearly referred to SCR 502 and called despite the traditional sympathy of members for her claim to sovereignty.~~ on Argentina ~~not to exacerbate the situation.~~

My Lords, We have been involved in constant activity at the United Nations. Our representative in New York has been in daily touch with the Secretary-General since the crisis began. He has discussed with him repeatedly and at length all possible ways in which the United Nations could play a constructive role in assisting Mr Haig's mission and, if Mr Haig fails, in securing implementation of Resolution 502. Sir Anthony Parsons has also discussed with Mr de Cuellar his contingency planning about the part the United Nations might be able to play in the longer term in negotiating and implementing a diplomatic settlement. In the light of these discussions our representative has advised that:-

(a) The Secretary-General is very conscious of the complexity of the problem and of the need for careful preparation of any initiative he might take.

/ b) As the

(b) As the Security Council is already seized of the problem, it would ^{not} be appropriate for the Secretary-General to act under Article 99 of the Charter.

(c) The Secretary-General would not wish to take any initiative which he had not established in advance would be acceptable to both the parties.

(d) He would also require a clear mandate from the Security Council before taking any action.

Our representative has also reported that the Secretary-General has several times stated in public that he was not prepared to take action while Mr Haig's mission was alive and that he had pointed out that not even the Organisation of American States had asked for him to become involved.

In these circumstances the Government have accepted the advice that the only valid course for the Security Council at the present juncture was to insist on implementation of Resolution 502. The United Nations Secretary-General is aware of this view. Our representative was consequently instructed to ensure that no action was taken in New York which would cut across Mr Haig's efforts. He has reported that he has had the full support of the Secretary-General, and of the President of the Security Council, in carrying out these instructions.

Although we have no doubt about our sovereignty over the Falkland Islands, South Georgia, South Sandwich or British Antarctic Territory, some Noble Lords 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 matter cannot be referred ^{for a binding decision} without her agreement, ~~except by resolution of the Security Council.~~

We have never submitted the Falkland Islands themselves to that Court, but we have raised the question of the dependencies on three separate occasions. In 1947, 1949 and 1951. Each time Argentina withheld her consent.

In 1955, the British Government applied unilaterally to the ICJ against encroachments on British sovereignty in the Dependencies by Argentina. Again, the Court advised that it could not pursue the matter since it could only act if there was agreement between the parties recognising the Court's jurisdiction.

In 1977 Argentina, having accepted the jurisdiction of a 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

There is no reason, given the past history of this question, for Britain, which has sovereignty and is claiming nothing, to make the first move. It is Argentina that is making a claim. If she wanted to refer it to the International Court, we should consider the possibility very seriously. But it would be hard to have confidence that Argentina would respect a judgement she did not like.

My Lords, I have made it clear that our hopes for a peaceful settlement continue to be based on Mr Haig's efforts. What then will happen if Argentina does not accept the results of those efforts? As the Commonwealth Secretary-General said on 27 April:

"In making a firm and unambiguous response to Argentine aggression. Britain is rendering a service to the international community as a whole".

My Lords, I beg to move.

29 APR 1982

