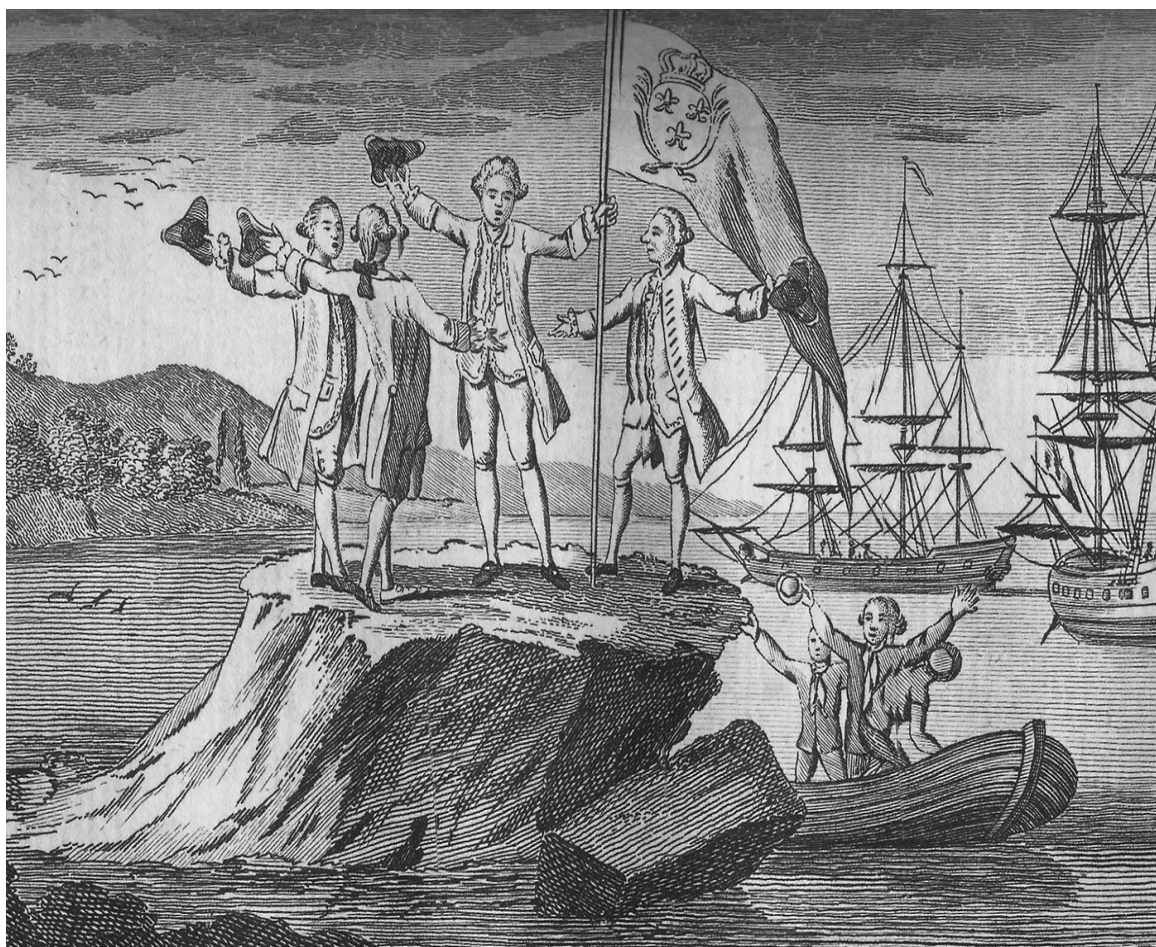


Falkland Islands: South Georgia & the South Sandwich Islands - The History

by Roger Lorton



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

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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 Law 2001 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 are 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 Hakluyt in 1582. *PRO 178/8* (Public Records Office)

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.”*

1500 – a Portuguese expedition led by the navigator Cabral sails south from Lisbon intending to round Cape Horn. To take advantage of the trade winds the vessels stay so far from the African coast that they sight land to the west.

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.”*

Another Portuguese expedition, with the Florentine astronomer Amerigo Vespucci aboard the flagship, sails from Lisbon looking for whatever Cabral found.

1502 – the Portuguese expedition arrives on the Brazilian coast at 5° south latitude. The ships sail south down the coast of South America. ⁴

“It has been asserted, that Americus Vespuccius saw these islands in 1502, but if the account of Americus himself is authentic, he could not have explored farther south than the right bank of La Plata. In 1501-2 Americus Vespuccius, then employed by the King of Portugal, sailed 600 leagues south and 150 leagues west from Cape San Agostinho (lat. 8° 20' S.) along the coast of a country then named Terra Sancte Crucis. His account of longitude may be very erroneous, but how could his latitude have erred thirteen degrees in this his southernmost voyage? ... If the Portuguese or any other people actually traced or even discovered portions of coast south of the Plata before 1512, it appears strange that so remarkable an estuary, one hundred and twenty miles across, should have been overlooked; especially as soundings extend two hundred miles seaward of its entrance:—and that the world should have no clear record of its having been discovered prior to the voyage of Juan de Solis, in 1512. Vespuccius has already robbed Columbus and his predecessor, Cabot, of the great honour of affixing their names to the New World—shall he also be tacitly permitted to claim even the trifling distinction of discovering the Falklands, when it is evident that he could not have seen them?” ⁵

4 The claim is found in a letter, written in 1504 and purporting to have been written by Vespucci to Piero Soderini. This claim was revealed as a likely forgery following an investigation by Professor Magnaghi in his book *Amerigo Vespucci* published in Rome in 1924, supported by the fact that Vespucci made no mention of the claim in a letter to his patron, Lorenzo di Medici, in 1503. Other historians however believe that the expedition reached Tierra del Fuego. *cf. The Antarctic Problem* Hunter-Christie E. W. 1951 pp 29-32. Maintaining a course close to the coast would not have allowed any discovery of the Falklands although further Portuguese expeditions quickly followed and it is likely that one of these sighted the archipelago.

5 *Narrative of the Surveying Voyages of His Majesty's Ship Adventure and Beagle between the Years 1826 and 1836.. Vol. II Proceedings of the Second Expedition, 1831 – 1836 under the command of Captain Robert Fitzroy* Robert Fitzroy 1839 published by Henry Colburn, Great Marlborough Street, London

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

1507 – islands near South America, indicated as close to the 50° parallel, appear in a map by a German cartographer, Martin Waldseemuller.⁶

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. On reaching the Americas, Magellan's fleet sail south, hugging the coast. The fleet sights a group of islands near the coast.

1521 – Estêvão Gomes, a Portuguese captain with Magellan, deserts the expedition and returns to Spain.⁷

*“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.”*⁸

1522 – **September 6th**, the battered remains of Magellan's expedition arrive back in Spain.⁹

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

1529 – the Portuguese cartographer Diego Ribeiro includes the islands on his world map.

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.¹⁰

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 sets out on an expedition against the Spanish in the America's.

6 Waldseemuller's sources are unknown although there is some evidence that Martin Behaim, a German explorer working for Portugal, was one. Behaim is credited with providing at least some of the information, and maps, that led Magellan to discover his Strait suggesting Portuguese knowledge of those seas more than a decade before Magellan set sail from Spain. There is some doubt about the accuracy of the Waldseemuller map however, and some authors question whether the marking of 50° is correct. However, Portugal remains the nation most likely to have first sighted the Falklands.

7 It will later be claimed that Gomez encountered several islands near the coast of South America, which members of his crew named them the, '*Islas de Sansón y de los Patos*'. The claim was not made public before 1765 and Spain produced no evidence in support of it.

8 '*Annual Register*' Edmund Burke 1771

9 “... no log of Magellan's voyage survived and the map-makers of the time had to rely on word of mouth and memory of the survivors when they eventually returned to Spain...” Cawkell 1983. Pigafetta, the official chronicler of Magellan's voyage, was not called to the Valladolid enquiry into the expedition. Had he done so then he would have confirmed that the islands that Magellan had discovered lay above 50° S latitude, and as Magellan's expedition hugged the South American coast these could not have been the Falkland Islands. Hakluyt identified them as the Sanson Islands.

10 City of Our Lady Saint Mary of the Fair Winds

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*.

*“The unexpected appearance of Drake in the South Seas was a matter of serious alarm to the Spaniards. Their exclusive navigation of that Ocean was now gone; .. they perceived that henceforth they would have to contend for their riches with a powerful and ambitious enemy.”*¹¹

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.¹²

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 by 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.”*¹³

1582 – November 2nd, disturbed by Drake's successes, an expedition consisting of 23 ships and 2,500 men under Diego Flores Valdés is sent to the south Atlantic. Valdés refounds a Spanish settlement on the Rio de la Plata and calls its harbour there - Puerto de Santa María de los Buenos Aires.

1586 – December 17th, Thomas Cavendish sails into an estuary on the South American coast at 45° 47' south latitude; and names the natural harbour there, Port Desire after his ship.

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:...*”

1591 – Cavendish, commanding the *Leicester Galleon*, together with four other vessels including his old ship *Desire*, under Capt. John Davis, sails again for the south Atlantic with orders to round the Horn and sail into the Pacific. Their intention is to discover the fabled North-West Passage from the far side.

11 *Circumnavigation of the Globe* Harper & Brother New York 1837

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

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

1592 – May 20th, the *Desire* and the pinnace *Black*, under Capt. Toby Stafford, lose contact with the rest of the fleet and return to Port Desire to await Cavendish.¹⁴

August 14th, Davis, sailing south from Port Desire after abandoning the wait for Cavendish, 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 ...*”¹⁵

“*These were the Falkland Islands, of which Captain Davis certainly has the honour of being the original discoverer ..*”¹⁶

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.*”¹⁷

1594 – February 2nd, Hawkins, blown off course by a storm, sees a group of islands; “... *about nine of the clocke in the morning, wee descried land, which bare South-West of us, which we looked not for so timely and coming neerer and neerer unto it, by the lying, wee could not conjecture what land it could be....*

It hath great Rivers of fresh waters; for the out-shoot of them colours the Sea ...”¹⁸

The Land, for that it was discovered in the Reigne of Queene Elizabeth, my Sovereigne Lady and Mistris, and a Mayden Queene, and at my cost and adventure, in a perpetual memory of her chastitie, and remembrance of my endeavours, I gave it the name of Hawkins Maiden land ... the Westernmost part lyeth some threescore leagues from the neerest Land of America.”

John Ellis, one of the Captains with Hawkins, writes; “.. *wee fell in with the land of Terra Australis, in 50 degrees, 55 leagues off the straits of Magellan, which land lay East North-east from the Straite, which is a part of Terra Australis: from which land wee entered the Straite upon the West South-west course.*”¹⁹

Unable to land, Hawkins sails back towards the South American continent. Following a 3 day battle with Spanish forces, Hawkins is captured.²⁰

14 This was the agreement if contact was lost, however Cavendish broke the arrangement and sailed on. He died on that journey but not before suffering conflicts with his captains. Before he died he wrote a damning letter blaming Davis for the expedition's failure.

15 John Jane, the voyages chronicler, quoted in *The Falkland Islands, a Memoir, descriptive, historical, and political* Robert Greenhow in *Hunt's Merchant Magazine* vol.6 Feb 1842. Also *The Falkland Story 1592 – 1982* Mary Cawkell 1983

16 *Lives and Voyages of Drake, Cavendish and Dampier including an Introductory view of the Earlier Discoveries in the South Sea; and the History of the Buccaneers* published by Oliver & Boyd, Edinburgh 1831. The discovery was not made public at the time as Davis returned to England to find that Cavendish's letter had preceded him. Hakluyt, the foremost English chronicler of the time was married to Cavendish's sister and refused to acknowledge the discovery. The story was finally published in 1803.

17 '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

18 Many early visitors to the Islands describe the fresh water as palatable, but tainted by the peat to a brownish hue.

19 *Purchase His Pilgrims* 1613 vol. iv p.1415

20 Hawkins was held for 8 years during which time he wrote his account of the voyage. This was not published until after his death in 1622 however. Some of Hawkins' details, as published, do not fit easily with the known facts and, as a result, doubts have been expressed as to what exactly, he saw - the Falklands, or some part of the mainland. Cape Tres Puntas was suggested by Commander B.M.Chambers in *Can "Hawkins Maidenland" Be Identified as the Falkland Islands*, published in *The Geographical Journal* Vol.17 No.4 Apr 1901 and M. Paul Groussac in his work '*Les Isles Malouines*' (1910) cited Chambers work. However, Henniker-Heaton, writing in 1926, argued convincingly that Hawkins had indeed seen the Falklands following a professional assessment by round-the-world yachtsman, Connor O'Brien. Neither Chambers or Groussac mentioned Ellis' account. cf. *Did Sir Richard Hawkins Visit the Falkland Islands* by H. Henniker-Heaton in *The Geographical Journal* Vol.67 No.1 Jan 1926.

*“The French claimed the honour of having made the original discovery but Frézier, 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.”*²¹

1598/1600 – Dutchman, Sebald de Weerdt, a vice-admiral of the *Dutch East India Company* makes the first accurate charting of the Islands' location.²²

1604 – August 28th, the *Treaty of London* between England and Spain brings peace after nineteen years of the *Anglo-Spanish War*. England agrees to curtail the activities of its privateers in the West Indies while Spain agrees to freedom of commerce as it stood before the war started.

“As to trade with the Indies, the treaty remained intentionally ambiguous. It simply declared that commerce could be resumed it had taken place before the war. The Spanish believed that this clause boiled down to a general exclusion.

*The English took it as an authorization to trade outside the existing Spanish dominions. Neither side thought it prudent to seek further clarification.”*²³

*“At the time the Treaty of London was concluded in 1604, James I asserted that England would respect Spain's monopoly of trade and settlements in all territories effectively occupied by her but could recognise non in unoccupied territory. At this point in time the unoccupied Falkland Islands were a thousand miles away from the nearest point of the Spanish Vice-Royalty.”*²⁴

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 Cuñega²⁵, 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.”*²⁶

1616 – January 18th, the Dutch ship, *Eenracht*, under William Schouten, sights the islands.

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 West India Companies in their name, within the limits of their said grants, are in friendship and alliance.*

21 Francis Baylie to Manuel Vicente de Maza, July 10th, 1832.

22 These were probably the small group now known as the Jason Islands, to the north-west of West Falkland. Slightly different sighting dates for the de Weerdt sighting are given depending on the source.

23 *Dynasty and Piety: Archduke Albert (1598-1621) and Habsburg Political Culture in an Age of Religious Wars* Luc Duerloo 2012

24 Cawkell 1983

25 Or possibly Don Pedro de Zúñiga ??

26 *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'.

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 Spain in the Caribbean.

1669 – **September**, John Narborough sails from England in the *Sweepstakes*, accompanied by a merchant vessel carrying trade goods valued at £300 and orders from the Lord High Admiral to make a discovery in the South Seas and to lay the foundations of trade.

1670 – Narborough claims Port Desire for Charles II.²⁷ The *Sweepstakes'* Spanish pilot tells Narborough that he; “.. *did not understand the coast, nor where 'twas inhabited.*”²⁸

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.”

News of Narborough's expedition reaches Lima. Fearing an attack on the city, the Viceroy halts the regular silver shipment to Panama.²⁹

1673 – Narborough's detailed chart of the *Strait of Magellan* is published in England.

1675 – Anthony de la Roche, an English merchant of French Huguenot descent, discovers South Georgia after being blown off course.³⁰

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

1684 – **January 28th**, William Dampier, John Cook and Ambrose Cowley anchor off the Islands in the *Batchelor's Delight*; “..*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.*”³¹

27 The claim was never followed up, nor any effective occupation made; probably due to the recent negotiations with Spain and a wish not to cause further conflict so soon. The harbour is now known as Port Deseado.

28 *An Account of several late Voyages & Discoveries to the South and North, Towards the Streights of Magellan, the South Seas ...* Sir John Narborough, Captain Jasmen Tasman, Captain John Wood London 1694. Narborough passed through Magellan's *Strait* to Valdivia and then returned; the first recorded navigation in both directions.

29 Quoted in *The Inexhaustible Fountains of Gold: English Projects and Ventures in the South Seas, 1670-1750* Glyndwr Williams in *Perspectives of Empire* John E. Flint (ed) 1973

30 For a discussion on the merits of this claimed discover, see Hunter-Christie 1951

31 *A New Voyage Round the World* William Dampier 1697. Cowley's account confused the issue however when it set the location of the islands at 41°. This account led to the conclusion that there was another island which Cowley's editor

"the first discoverer of the group was is uncertain; but the English navigator Cowley saw the islands in the year 1684."³²

"In 1683-4, Dampier and Cowley saw three islands in lat. 51° to 51° 20' S., which they (correctly) supposed to be those seen and named by Sebald de Weert."³³

1689 – John Locke publishes his *Two Treatises*. In the second of the two essays he suggests that; “.. discovery alone, not followed by Actual Possession and Establishment, can never be admitted as giving any Right to the Exclusion of Other Nations.”³⁴

1690 – **January 27th**, the Islands are sighted by Captain John Strong from the ship *Welfare*. Strong records in his log; “1690. Monday 27th January. We saw the land; when within three or four leagues, we had thirty-six fathoms. It is a large land, and lieth east and west nearest. There are several quays that lie among the shore. We sent our boat to one, and she brought on board abundance of penguins, and other fowls, and seals. We steered along shore E. by N., and at eight at night we saw the land run eastward as far as we could discern. Lat. 51° 3' S.

Tuesday 28th. This morning at four o'clock we saw a rock that lieth from the main island four or five leagues. It maketh like a sail.³⁵

At six, we stood into a sound that lies about twenty leagues from the westernmost land we had seen. The sound lieth south and north nearest. There is twenty-four fathoms depth at the entrance, which is four leagues wide. We came to an anchor six or seven leagues within, in fourteen fathoms water. Here are many good harbours. We found fresh water in plenty, and killed abundance of geese and ducks. As for wood, there is none.”

On **January 29th**, Strong sails down the passage between the main Islands which he names '*Fawlkland Channel*'; “This sound, Falkland Sound as I named it, is about seventeen leagues long; the first entrance lies S. by E., and afterwards S. by W.”

The ship's surgeon, Richard Simson, 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 meadow. 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.”

Capt. 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...”³⁶

“Captain Strong in the “*Welfare*,” sailed through between the two principle islands in 1690, and called the passage Falkland sound, in memory of the well-known Royalist Lucius Cary, Lord Falkland, killed at the battle of Newbury in 1643;..”³⁷

Simson records a description of the Falklands wolf in his log.

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

named Pepy's Island. Much time would be wasted in later searches for this mythical island.

32 *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.

33 Fitzroy 1839

34 This was the interpretation put to Spain by Lord Leeds in 1790 during the Nootka crisis. Locke's work and ideas did not become popular till the mid-18th century. cf. *Two Treatises of Government: In the Former, The False Principles and Foundation of Sir Robert Filmer, And His Followers, are Detected and Overthrown. The Latter is an Essay concerning The True Original, Extent, and End of Civil-Government.* J. Locke 1689

35 “This rock was seen by Hawkins, and named by him 'White Conduit.' Now it is called Eddystone.” Fitzroy 1839

36 Strong's *Journal* is kept at the British Museum in manuscript form.

37 *Memorandum Respecting the Falkland Islands* Bernhardt G de 1911

Speaking of the Spanish, Dampier says; “*The Spaniards have more than they can well manage. I know yet, they would lie like the Dog in the Manger; although not able to eat themselves, yet they would endeavour to hinder others.*”

1698 – French privateer-entrepreneurs from St. Malo are increasingly active around the tip of South America.³⁸

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

1699 – surgeon Lionel Wafer publishes a book in which he advocates the establishment of English settlements on the isthmus and in Chile as a way of getting around Spain's protectionist trading methods which has seen ports closed to English merchants.³⁹

1700 – Edmund Halley publishes a map of the Atlantic Ocean showing magnetic variation. This map shows the '*Seibold de Waerds Isles*' off the South American coast.

French naval captain, Jacques Gouin de Beauchêne in the *Prudent*, anchors off the east coast of East Falkland.⁴⁰

1701 – de Beauchêne discovers a remote island to the south of the main Falklands archipelago. French investment in the south seas trade is estimated at 500,000 livres per annum.

“*.. 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.*”⁴¹

“*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, ..*”⁴²

“*.. it does not appear that any further landing was effected, or even that any vessel anchored there, after Beauchesne, except the Saint Louis, of St. Malo, until M. de Bougainville landed ..*”⁴³

Daniel Defoe publishes *Reasons Against a War* arguing for a profitable maritime war against Spain rather than an expensive continental assault. Defoe advises King William III to establish a colony in Chile and supporting settlements both in the Rio de la Plata and near the *Strait of Magellan*.⁴⁴

1702 – Halley publishes a revision of his map. This time the '*Falkland Islands*' are marked.

French merchants take advantage of the war in Europe to extend their smuggling activities in the south Atlantic.

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

38 On average, 10 ships left St. Malo every year between 1703 and 1713 for the South Seas. The Chilean port of Concepcion was the principle destination. France's *South Sea Company* estimated that the import of precious metals had exceeded 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

39 *New Voyage and Description of the Isthmus of America* Lionel Wafer 1699

40 Fitzroy 1839

41 *Francis Baylies to Manuel Vicente de Maza*, July 10th, 1832.

42 Greenhow 1842

43 Fitzroy 1839 p.232

44 Williams 1973 p.33. Defoe claimed that the King had approved his scheme but that the monarch's death in 1702 prevented its commencement.

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 endeavorour'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. ...*”⁴⁵

“*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, 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.*”⁴⁶

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 *Falkland's Land*.⁴⁷

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...*”⁴⁸

1711 – in **June**, the British '*South Seas Company*' is established, with a monopoly, to trade with Spanish colonies in South America, granted; “*.. the sole trade and traffick into, unto, and from all of the kingdoms, lands, countries, territories, islands, cities, towns, ports, havens, creeks, and places of America, on the east side thereof from the river of Aranoca, to the southernmost part of the Terra del Fuego, ...*”

In **July**, Defoe writes; “*New Spain is the Spouse of Old Spain, and they will no more prostate her to be debauch'd in Trade by us, than they, the most Jealous People in the world, should allow us to come to Bed their Wives.*”⁴⁹

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

In **September**, a London merchant, Thomas Bowrey, submits a proposal to the Government in London identifying potential bases on the Atlantic coast of South America he believes necessary to protect trade with Spanish America.⁵⁰

1712 – the name, *Falkland Islands*, is used in a publication describing the *Welfare's* journey in 1690.

45 *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.

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

47 *The History of the Falkland Islands* Mary Cawkell 2001

48 Frézier 1716

49 *Review of the State of the British Nation* no.45 July 7th 1711

50 Williams 1973

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. Louis XIV orders Frézier to; “.. *chart the coast while the French could still enter the Pacific, and before the expected ban on such voyages became operative. Thus, if war should break out between France and Spain, the French would have a sound knowledge of the coast for possible military operations against the poorly defended Spanish Pacific..*”⁵¹

1713/14 – between **July** and **September** the Spanish *Treaties of Utrecht* are signed, ending the *War of Spanish Succession*. Philip, Duke of Anjou is recognized as Philip V, King of Spain.⁵²

July, two of the *Treaties* concern British/Spanish relations, the first is a peace agreement, the second deals with commercial matters. 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.

“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, cédulas, 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, that more strong and full precautions may be taken on all sides, as above said, 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.”

*“The terms of these conventions were however so vague, that they seemed rather to increase than lessen the causes of dispute. The meaning of the expression Spanish West Indies never could be fixed or defined to the satisfaction of both parties...”*⁵³

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 1708.⁵⁴

“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...”

*“Ces îsles sont sans doute les mêmes que celles que le Chevalier Richard Hawkins découvrit en 1593.”*⁵⁵

51 Frézier 1717 English ed.

52 Treaties between France and Britain, the Dutch Republic, Prussia, Portugal and Savoy were signed commencing April.

53 Greenhow 1842

54 Frézier 1716.

55 Frézier, Amsterdam Edition 1717 quoted in Fitzroy 1839

*“These islands are certainly the same which were discovered by Sir Richard Hawkins in 1593. Being to the east of Cote Deserte he was cast by a storm on an unknown land; he coasted along this island for about 60 leagues, and saw fires which made him believe they were inhabited.”*⁵⁶

1721 – the Dutch explorer Jacob Roggewein sights the islands and names them South Belgia (*Belgia Australis*).⁵⁷

*“We looked for Hawkins' Maiden Land but could not find it; but we discovered an island 200 leagues in circuit, in latitude 52° South, about 200 leagues distant to east of coast of S. America, which we named Belgia Austral.”*⁵⁸

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

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 carries a copy of Frézier's book and map with him.⁵⁹

1744 – Anson arrives back in England with the bullion from the galleon *Nuestra Senora de Covadonga* and an idea of how England could increase its trading opportunities in the south Atlantic and Pacific Oceans.⁶⁰

1748 – ‘*A Voyage Round the World*’ is published.⁶¹

Admiral Anson uses the book to promote his argument for the establishment of British bases in the South Atlantic and South Pacific. He notes that Woode Rogers had taken only 35 days to reach Juan Fernandez Island in the Pacific and outlines his concerns that the Portuguese immediately inform Spain of the location and purpose of English ships visiting their ports; “.. *The treatment we met with, and the small store of refreshments we could procure there (St. Catherine's) are sufficient reason to render all ships for the future cautious, how they trust themselves in the government of Don Jose Silva de Paz; for they may certainly depend on having their strength, conditions and designs betrayed to the Spaniards, as far as the knowledge the Governor can procure of these particulars will give leave. And as this treacherous conduct is inspired by the view of private gain, in the illicit commerce carried on to the river Plate, rather than by any natural affection which the Portuguese bear the Spaniards, the same perfidy may perhaps be expected from most of the governors of the Brazil coast, since these smuggling engagements are doubtless very extensive and general...*”⁶²

56 Frézier quoted in *Did Sir Richard Hawkins Visit the Falkland Islands* by H. Henniker-Heaton in *The Geographical Journal* Vol.67 No.1 Jan 1926

57 *General History and Collection of Voyages and Travels* Robert Kerr 1814. Roggewein, on leaving the coast of Brazil, had tried to find a group of islands he believed were called the *Aukes Magdeland* situated at 30° S latitude. Having failed he then went in search of the *New Islands*. *Aukes Magdeland* appears to be a mistranslation of *Hawkins Maidenland*. *New Islands* is the name given to the Falklands by Frézier.

58 “*The latitude of 48° given by Hawkins was an obvious error. The cross staff of the period was divided into minutes and this was possibly a mistake for 50° 48'. This was confirmed by John Ellis.*” Cawkell 2001

59 “*Masters of those Seas*”: *Strategy and Space in George Anson's A Voyage Round the World in the years 1740-1744* James G. R. Cronin 2011

60 In many ways the voyage had been a disaster rescued only by the encounter with the Spanish gold shipment off the Philippines. The voyage caught the public imagination however and eyes turned to the South Seas. cf. Williams 1973

61 *A Voyage Round the World in the years 1740-1-2-3-4*, by George Anson Esq., *Commander of a Squadron of his Majesty's Ships sent upon an Expedition to the South Seas. Compiled from Papers and other Materials of the Right Honourable George Lord Anson, and published under his Direction.* George Anson & Richard Walter London 1748

62 Anson/Walter 1748 pp.72, 73

*“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 those seas.”*⁶³

1749 – Anson's 'A Voyage Round the World' is published in French and the Admiral persuades the Earl of Sandwich, and the Admiralty, to send two sloops into the Pacific Ocean by way of Cape Horn. En-route, the ships are to survey the Falkland Islands so that their utility can be assessed.

Following the cessation of hostilities, and whilst peace negotiations are still taking place, information of the venture reaches the Spanish court which immediately protests any further encroachment into what it still regards as its own seas.

April 24th, the Duke of Bedford writes to Keene; *“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 Chile 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 willing to depart from the second.”*⁶⁴

In **May**, Madrid writes to the Viceroy, Don Manuel de Amat, in Lima; *“By communications from the Court dated in May 1749 we were confidentially appraised that the British Government projected forming a settlement either on the island of Juan Fernandez, or in the archipelago of Chonos, in consequence of the reports made by Commodore Anson on his return from those seas of the great advantages which might be expected from such an establishment.*

The King, naturally alive to the consequences of such a project on the part of the English, and seeing how detrimental it might prove to the peace and quiet of his Majesty's dominions in these parts, desired that a ship-of-war should be immediately despatched to examine the said islands, as well as all the coasts to the southwards, with orders to expel any foreign ship whatever which might be met with in any of the ports or

63 Anson/Walter 1748 p. 78

64 *Archivo General de Indias, Seilla Seccion V, Audiencia de Buenos Aires Correspondencia con los Gobernadores Anos 1732 – 1760.* Major-General Wall, an Irishman, was the Spanish Ambassador to the English Court.

possessions of his Majesty in these seas....”⁶⁵

May 21st, in Madrid, the British Ambassador, Sir Benjamin Keene suggests to Spanish Minister Carvajal that Anson's proposed expedition is only to rediscover and survey the Falkland Islands; “*Carvajal said he was sorry that, so soon after the signature of a treaty for re-establishing the ancient friendship between the two crowns, new matter should be projected, which would probably throw us into the same, or worse, disputes than those which had been the cause of the last rupture. We knew, by experience, that our having possessions in the neighbourhood and way of each other, where communication and commerce were absolutely prohibited on both sides, had exposed us to many disagreeable accidents. ... It was in this light he must look upon the preparations we were making at present, to send two frigates into the American seas; that neither he, nor anyone else could be a stranger to the rise and extent of such an expedition, since it was so fully explained in the printed version of Lord Anson's voyages...*

Whatever I could say did not seem to render this scheme more palatable. When he appeared to give credit to our not having any design to settle on the two islands in question, he adverted to the inutility of pretending to a further examination 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 number of sea lions on their coasts and that in the office books there were ample descriptions of the dimensions, properties, etc.

If we did not intend to make any establishment there, what service could this knowledge be to us? We had no possessions in that part of the world, and consequently could want no passages or places to refresh in.

He hoped we would consider what air it would have to see us planted directly against the mouth of the straits of Magellan, ready on all occasions to enter into the South Seas, where the first step would be to endeavour to discover and settle in some other islands, in order to remedy the inconvenience of so long a voyage as that to China, and to refit our naval force on any disappointment we might experience in our future attacks upon the Spanish coasts, as happened to Lord Anson.”⁶⁶

Keene also speaks to Minister Ensenada; “*.. who cut short my account by saying that the present time and circumstances appeared not the most proper for such an undertaking, from the rumours to which it would give rise. ... He repeated his hopes that it would be laid aside for the present.”⁶⁷*

“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.”⁶⁸

“A tendency, which was to become characteristic of the Spanish approach to the Falklands, of making assertive statements before producing known fact, made its first appearance at a meeting in 1749...”⁶⁹

In **June**, concerned with effecting a rapprochement with the Madrid Court following the *War of Austrian Succession* (1740-48), and in the middle of negotiating a commercial treaty, the Duke of Bedford instructs the Admiralty to postpone 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.”⁷⁰*

65 *Extracts from a Spanish MS, giving an Account of certain Expeditions undertaken by Order of the King of Spain, between the years 1749 and 1776 and of the Establishment of a Colony on the Island of Juan Fernandez.* Woodbine Parish. *Journal of the Royal Geographical Society of London* vol.4 1834. The MS in question was written in 1776 by de Amat to inform his successor of what had been done. It is reasonable to assume that similar orders were sent to Buenos Aires although no record exists of such instructions or any visit to the Falkland Islands by the Spanish Navy.

66 *Keene to Bedford* quoted in *Memoirs of the Kings of Spain of the House of Bourbon from the Accession of Philip the Fifth to the Death of Charles the Third* William Coxe 1813

67 Coxe 1813.

68 Greenhow 1842

69 Cawkell 1983 p.10

70 *Keene to Bedford* May 21st 1749

“... but no declaration was required, by which our right to pursue it, hereafter, might be annulled.”⁷¹

1750 – January 13th, 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 a principle of Roman Law - '*uti possidetis, ita possideatis*' (*Who owns by fact, owns by right*). This acknowledges the real situation in South America.

In return Portugal relinquishes its territory on the northern bank of the River Plate.

October 5th, another *Treaty of Madrid*, this time a commercial treaty between Spain and Britain is signed by Minister Carvajal and Ambassador Keene.

Britain renounces the remaining term of the *asciento* in exchange for £100,000 and Spain allows England to trade “as native Spaniards” with 'most favoured nation' status; “No mention is made of the right of search.”

December 8th, commenting on the causes of the recent war, Benjamin Keen writes to Lord Bedford; “*The principle cause of this evil, on the part of Spain, consists in the very nature and spirit of the laws and original institutions, for the Government of the Spanish West Indies. They were framed at a time when Spain had extended a whimsical universal right to land, sea and the air itself of that vast country, and was resolved to do her utmost to prevent the approach of any stranger. The very act of appearing there was criminal, as long as she had force to enforce it. From this source all orders to governors, instructions to guarda costas, and ever public dispatch and determination in tribunals, were, and still are infected.... the most beneficial thing which could happen to this country, would be to burn all the laws of the Indies.*”⁷²

1754/5 – Louis-Antoine de Bougainville serves on the staff of the Marechal de Levis-Mirepoix, the French Ambassador in London where he hears details of Anson's voyage; “*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.*”⁷³

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.

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.⁷⁴

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. 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 by the City authorities, \$2,000,000 remains outstanding which the acting-Governor, Archbishop Rojo,

71 *Thoughts on the Late Transactions Respecting Falkland's Islands* Samuel Johnson 1771.

72 Coxe 1813

73 *The History of a Voyage to the Maloine (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. Also *A Short Biography of Louis-Antoine de Bougainville, 1729 – 1811* John Robson 2005. Anson's book was a best seller and managed 4 editions before the end of 1848. It is likely that Bougainville had read the French version published in 1749 and was therefore fully aware of the British claim to the Falklands, and of future British aspirations in the South Seas. His proposals to the French Government should be viewed in this light; as, indeed, should the French Government's responses.

74 *Seven Years War 1756. - 1763*

promises that Spain will pay.⁷⁵

1763 – in Paris, Bougainville completes a proposal for an expedition to the Falkland Islands using displaced Acadians from Nova Scotia as settlers. He places this before the French Government which consults Frézier. The Government's decision is that, while interested, it is unwilling to fully finance the venture.

*“Au commencement de l'année 1763, la cour de France résolut de former un établissement dans ces îles. Je proposai au ministère de le commencer à mes frais, et secondé par MM. de Nerville et d'Arboulin, l'un mon cousin-germain et l'autre mon oncle, je fis sur le champ construire et armer à Saint Malo, par les soins de M. Duclos Guyot, aujourd'hui mon second, l'Aigle de vingt canons, et le Sphinx de douze, que je munis de tout ce qui étoit propre pour une pareille expédition. J'embarquai plusieurs familles Acadiennes, espèce d'hommes laborieuse, intelligente, et qui doit être chère à la France par l'inviolable attachement que lui ont prouvé ces honnêtes et infortunés citoyens.”*⁷⁶

In **February**, to facilitate funding, Bougainville forms the *Compagnie de St. Malo* with his uncle Jean d'Arboulin and a cousin, Michel-François Bougainville de Nerville.

They seek investors from d'Arboulin's contacts amongst French Royalty, and the Government.⁷⁷

February 10th, a treaty concludes the *Seven Years War* bringing peace between Britain, Spain and France.

*“Foiled and humbled in his hostile designs against England, the restless and vindictive minister of France only meditated a more effectual and deeper vengeance. Even in signing the treaty, he (Choiseul) looked forward to future retaliation, when England ... should be unprepared for the renewal of the contest.”*⁷⁸

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.

*“To recall the attention of the maritime powers, particularly of England .. Choiseul sent out the celebrated navigator Bougainville, to take possession of the most easterly of these islands.. This expedient produced the desired effect..”*⁷⁹

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*. He has 30 Acadian colonists aboard the two ships.

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

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

76 *Voyage autour du Monde 1766-69*, De Bougainville seconde édition, 1772, tom. i. p. 66-69 quoted in Fitzroy 1839

77 Robson 2005

78 Coxe 1813 vol.iii

79 Coxe 1813 vol.iii p.350. Coxe believed that Bougainville's expedition was part of Choiseul's plan of revenge for the losses of the *Seven Years War*.

court of Spain, together with a circumstantial account of our anchorage. M. De Bougainville readily complied with his request.”⁸⁰

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.

“The Archbishop might as well have drawn on the King for the province of Grenada, or agreed to deliver up the city of Madrid. My master will wage eternal war, rather than submit to pay a single pistole of so degrading a demand; and I myself will rather be cut to pieces, than make so dishonourable a proposal.”⁸¹

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

January 16th, Bougainville's two vessels depart Montevideo after taking on horses and cattle.

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.”⁸²

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.⁸³

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 settlers under the command of his cousin, Bougainville de Nerville.⁸⁴

April 18th, *HMS Dolphin* is prepared for a journey to the East Indies; “The different artificers belonging to the *Dolphin*, having received orders, on the 18th of April, 1764, to prepare for our intended voyage to the east Indies, the bottom was sheathed in copper, as were likewise the braces and pintles for the use of the rudder...”⁸⁵

80 Pernetty 1771 p.112

81 Grimaldi quoted in Coxe 1813. Spain was in some financial difficulty at this time, and Manilla itself was considered to be worth rather less than the *Ransom*.

82 *The Gentleman's Magazine* Vol 42 1772

83 Pernetty 1771 p.240

84 Robson 2005. Pernetty 1771

85 *A Voyage Round the World In his Majesty's Ship the Dolphin Commanded by the Honourable Commadore Byron...* By an Officer on Board the said ship London Printed for J. Newbery 1767

June 9th, the *Dolphin*, refurbished, sails to Long Reach where she receives her guns and meets up with the *Tamar* before moving on to the Downs.

June 17th, Commodore John Byron, who had been a midshipman in Anson's fleet, joins *HMS Dolphin* and receives his final Orders from King 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 enterprise 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.*" ⁸⁶

These instructions are not conveyed to the officers or crew of the two ships. ⁸⁷

".. *The British Government, jealous of the enterprises of France, as well as of its own rights of prior discovery in these distant regions,.. sent out Captain Byron, to explore and occupy the most westerly island.* .." ⁸⁸

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 3rd, Byron in the *Dolphin*, accompanied by the frigate *Tamar* (Capt. Patrick Mouat), sails from Plymouth. He is to be followed by the storeship *Florida*.

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

August 1st, King Louis XV provides Bougainville with a commission authorising his settlement. ⁸⁹

August 13th, a notice of the expedition appears in the *Gazette de Hollande*.⁹⁰ "*.. It was many months after Captain Byron's expedition was planned and seven weeks after he had sailed that the first suspicion was entertained in England of any design on the part of France to attempt this island.*" ⁹¹

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

In **October**, following a long simmering dispute concerning the ejection of British settlers from the Bay of Honduras; Spanish Foreign Minister Grimaldi writes; "*The English are an enterprising nation, and have views of commerce that cannot be borne.*" ⁹²

⁸⁶ *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. "*The claim to the possession of the islands thus set forth, could only have rested on their supposed first discovery by Davis or Hawkins, and the visit made to them in 1690 by Strong ..*" Greenhow 1842

⁸⁷ It is generally suggested that the secrecy was to avoid problems with the Spanish, however Cawkell (1983) states that the reason for the secrecy was to keep the venture from the British Government and that the expedition was formulated by the Admiralty with the King's connivance.

⁸⁸ Coxe 1813

⁸⁹ Cawkell 2001 p.31

⁹⁰ Spain complained that they had only heard of Bougainville's expedition from the *Journals*, and not from their allies.

⁹¹ *Lord Egmont to the Duke of Grafion* July 20th 1765 quoted in *The Falklands/Malvinas Case: Breaking the Deadlock in the Anglo-Argentine Sovereignty Dispute* Roberto C Laver 2001

⁹² *Rochford to Halifax* Oct. 27th 1764 quoted in Coxe 1813

October 6th, Bougainville and the *Aigle* sets out for the Falklands again with 53 colonists.

October 20th, having departed from Rio de Janeiro, the officers of *Dolphin* and *Tamar* receive new Orders from Commander Byron; “.. we were now relieved from our suspense; for a signal being made for the Commander of the *Tamar* frigate to come on board, he and our own company were informed, that the Commodore's orders were to go on discoveries into the South Sea: a circumstance which, from the manner in which it was received furnishes the greatest reason to believe, that no one on board had before the least notion of the voyage in which they were now engaged.

*But to prevent the appearance of discontent, they were instantly acquainted with the intention of the government to allow them double pay, for their encouragement in the prosecution of the voyage...”*⁹³

December 4th, Byron sets out from Port Desire; “.. and directed our course to the southward of Pepy's Island, laid down in our charts in the latitude of 48 degrees south, and in the longitude of 64 degrees from the Meridian of London, bearing east by Cape Blanco... after many unsuccessful attempts to discover this island, .. we had the mortification to find, that all our endeavours were ineffectual..”

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 12th, Byron sights the Falkland Islands; “.. about four o'clock I recovered sight of the land ahead which had the appearance of three islands: I imagined they might be the islands of Sebald de Wert..”

January 13th, Byron writes; “.. 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,..”⁹⁴

January 22nd, Byron formally claims the Falkland Islands for King George III; “.. tho' they had been before taken Possession of by Sir Richard Hawkins in the Year 1593.”⁹⁵

*“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.”*⁹⁶

*“.. there is, I think, little reason to doubt that they are the same land to which Cowley gave the name of Pepy's Island.”*⁹⁷

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.

He sails east around the archipelago naming various features as he sees them. Still unaware of the French settlement, Byron names the mouth of the estuary leading to Port Louis, Berkeley Sound as he sails past.

February 5th, Byron meets up with his storeship Florida near Port Desire and learns the news of Bougainville's settlement; *“This vessel, ... was dispatched by the lords of the Admiralty, with as much secrecy as the Dolphin, with respect to the ignorance of the men on board as to their place of destination.*

93 *A Voyage Round the World In his Majesty's Ship the Dolphin Commanded by the Honourable Commadore Byron....* 1767

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

95 *Byron's Journal of his Circumnavigation 1764-1766* R. E. Gallagher 1964 p.60

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

97 Byron quoted in Hawksworth 1773

When she first sailed from Deptford she was fitted out for Florida, not did the master know, till he arrived at the southward of the line ..

At four in the afternoon, the master of the storeship came on board the Dolphin, bringing a packet from the lords of the Admiralty.”⁹⁸

February 18th, near the Strait of Magellan, Byron sees a French ship which he suspects has come from the settlement on East Falkland; *“After my return to England, I learnt that this vessel was the Eagle, commanded by M. Bougainville, and that her business in the Streught was, as I conjectured, to cut wood for the French settlement in Falkland's Islands.”⁹⁹*

February 24th, Byron writes to Lord Egmont; *“Mr. Stephens informs me the French have been lately at the Isles Malouins so Falkland Islands are call'd in some Charts; if your Lordship will please to look over Frézier's Voyage You will see that the French themselves acknowledge Our Countryman Sir Richard Hawkins to be the first Discoverer of the Falkland Islands.”¹⁰⁰*

February 26th, Byron sends the storeship *Florida* back to England from Port Famine; *“.. the Commodore sent home the draughts of all the places he had caused to be taken, .. with express orders, that is they were in danger of being boarded and examined by any foreign ships or vessels, their first care should be to throw the plans and pacquets into the sea.”*

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

In **June**, the *Florida* arrives back in England with news of Byron's claim at Port Egmont.

July 20th, the Earl of Egmont writes to the Duke of Grafton claiming that a settlement in the Falkland Islands would be; *“.. the Key to the whole Pacifick Ocean. This island must command the Ports & Trade of Chile, Peru, Panama, Acapulco, & in one word all the Spanish Territory upon that sea.*

It will render all our Expeditions to those parts most lucrative to ourselves, most fatal to Spain & no longer formidable tedious, or uncertain in a future War”¹⁰¹

“... 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. And the attempt of France to settle there seems to confirm this argument against all that can be urged hereafter by either of those Powers to that effect.

With respect to France the first and second discoveries of this island were both by the subjects and authority of the Crown of Great Britain in the reigns of Queen Elizabeth and Charles the Second, and the French never saw them until the reign of Queen Anne.”¹⁰²

On the same day, 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

98 *A Voyage Round the World In his Majesty's Ship the Dolphin Commanded by the Honourable Commadore Byron....*1767

99 Hawkesworth 1773.

100Gallagher 1964 p.156

101*Memorandum from Egmont to Grafton 20 July 1765 PRO SP 94/253, fol. 238*

102*PRO SP 94/253 State Papers, Spain Supp 253*

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."

August, back in Paris, Bougainville is told that the Spanish Government has demanded that France relinquish all claim to the islands; removes the 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. ¹⁰³

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. ¹⁰⁴

"The Duc de Choiseul, on the part of France, was at first determined not to yield to this requirement, and an angry correspondence ensued between the two Ministers, who at length began to make preparations for war. Louis XV, the King of France, however, became aware of what was going on, and, being anxious to pass the remainder of his life in quietness, he forbade his Minister from proceeding further in the dispute, and wrote himself to his cousin Charles III of Spain, declaring his readiness to withdraw his subjects from Port Louis, provided they should receive indemnification for their expenses from Spain." ¹⁰⁵

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

The Admiralty orders John MacBride to establish a permanent settlement at Port Egmont. He is to use his own frigate, *Jason*, together with the sloop *Carcass* and the storeship *Experiment*.

October 15th, MacBride sails from England with a prefabricated wooden blockhouse in his hold. ¹⁰⁶

In **November**, the *Aigle* and *Etoile* sail for the south Atlantic.

1766 – January 8th, Captain John MacBride arrives at Port Egmont, His garrison consist of 100 settlers 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. The fort is named *Fort George* while Macbride names the settlement Jason's Town. ¹⁰⁷

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 although he does not believe that the Spanish will pay. ¹⁰⁸

January 25th, Macbride sets out to survey the archipelago for a new map. ¹⁰⁹

March 17th, the Admiralty receive information of the location of the French settlement, which is forwarded to MacBride. ¹¹⁰

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

104 Robson 2005.

105 Bernhardt 1911

106 *An Archaeological Survey of Port Egmont, Falkland Islands* Robert A Philpott 1992

107 *MacBride to Egmont* April 6th 1766

108 Rice 1980

109 See 1770

110 *Stephens to MacBride* March 17th 1766 quoted in Brown 1922

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. The first cargo of seal products is delivered by the *St. Malo Company* to France.

April 6th, the storeship *Experiment* sails from Port Egmont with letters for the Admiralty.¹¹¹

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 ..*"¹¹²

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

June 19th, MacBride's letters arrive in London. MacBride's report is less complimentary than that Byron had sent, and refers to; "*the dreary prospect of a range of craggy barren mountains heightened by almost constant gales of wind.*" *Of particular interest to the Admiralty was the line; " .. we have seen no appearance of any settlement or where any had ever been attempted."*

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.¹¹³

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.

August 25th, in Madrid, Miguel de Muzquiz suggests that two war vessels be sent to expel the British while Prince Masserano writes to Minister Grimaldi, urging an attack on the British settlement.¹¹⁴

"*.. there should be no waiting or negotiation but that steps should be taken to destroy the colony before the English fleet could reach the Falklands.*"¹¹⁵

Spanish Ministers, the Marques de San Juan and the Conde de Aranda favour the use of force, while Juan Gregoria Muniain and Julian de Arriaga do not believe that Spain is in any condition to provoke a war.

September, the oft-delayed English reinforcements are finally ready to depart. France ratifies the agreement with Madrid over Port Louis,¹¹⁶ and Spain repeats that its acquisition from the French is; "*in consequence of the Treaty of Utrecht...*"¹¹⁷

111 Brown 1922

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

113 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.

114 *Masserano to Grimaldi 11 August, Archivo General de Simancas, Inglaterra, Legajo 6961*. Also Goebel 1927, Rice 1980 and Laver 2001

115 Prince Masserano quoted in Laver 2001

116 *De Visme to Shelburne September 15th*

117 The contentious section in the *Treaty* 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. However, England had never recognised Spain's ownership of territory under either the *Papal Bull* or the *Treaty of Tordesillas*.

Masserano again seeks clarification of the British position.

September 14th, the Duc de Choiseul speaks to Lord George Lennox; “.. he told me there were two subjects he wished to speak to me about ... The first, he said, related to *Les Islas Malouines* which Spain had claimed and obtained from France, in consequence of the Treaty of Utrecht as by it all but Spaniards are excluded from sailing in that part of the World, and England's having already observed the article of the treaty in laying aside, (as it is alleged) a project of Lord Anson's in the year 1751 [sic] for those seas on the representation of Mr. Wall, then minister from Spain in England, was given as a proof of the propriety of their demand...”¹¹⁸

September 25th, Masserano is referred to maps and books kept in the British Museum which show the Falkland Islands as English discoveries.¹¹⁹

Lord Shelburne also reminds the Ambassador that the *Manila Ransom* remains unpaid.

October 2nd, Choiseul, concerned that Britain may be preparing for war, writes to Grimaldi urging calm. He argues that reliance upon *Article 8* of the *Treaty of Utrecht* requires evidence of Spanish occupation in the previous century.

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

"I, Monsieur Louis de Bougainville, Colonel of the Army of his most Christian Majesty, 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 expeditions sent out to found establishments in the Malouine 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 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, in consequence of his 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.”*¹²⁰

118Lennox to Shelburne September 17th 1766 quoted in *The Falkland Islands* Vera Lee Brown in *The Hispanic American Historical Review* vol.5 no.3 (Aug., 1922). This article was Chapter 3 of *Anglo-Spanish Relations in America in the Closing Years of the Colonial Era*.

119Affaires Étrangères: Angleterre, C.P. 470-471 Archivo General de Simancas, Spain Estado. Legajo 6961, no. 817 quoted in Cronin 2011 p.12.

120PRO FO 6 499 There are a number of slightly different translations.

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.¹²¹

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.¹²²

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 Hertford, 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 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 Malouines, 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."

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 suggests that the matter could be resolved quickly if Hertford conveys the message to London.¹²³

October 27th, Masserano, in London, receives instructions from Minister Grimaldi to present a protest on behalf of Carlos III, based on *Article 8* of the *Treaty of Utrecht* under which Spain believes it was granted the exclusive possession of the America's and adjacent islands.¹²⁴

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*.

¹²¹*Report of the Political, and Military Commandant of the Malvinas* Luis Vernet, 10th August, 1832

¹²²*William Pitt: Earl of Chatham* Albert Von Ruville 1907 p.205

¹²³Rice 1980. Goebel (1927) appears to know little, if anything, of Hertford's involvement and blamed Rochford for the misunderstandings that followed. Lord Hertford was an ex-Ambassador, but held no official position at that time.

¹²⁴Laver 2001

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.¹²⁵

Hertford, back in London, reports his conversations with Choiseul to Lord Shelburne, but fails to mention the prospect of French mediation and indicates only the basic exchange 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 to avoid any French involvement.

Rochford is instructed to reinforce to 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*."¹²⁶

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.

On the same day, one of Macbride's surveying parties discovers evidence that the French had visited West Falkland; "*On the 25th November, the boats, having finished the survey of the west side, returned through Carlisle Sound and having landed on the east side of it, upon Mount B., the highest on the island, officers found a bottle containing enclosed papers which had been left by some French officers and others who had been on that part of the island in the beginning of 1765.*"¹²⁷

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.*"¹²⁸

December 2nd, Capt, Macbride anchors in Pembroke Sound before sending an officer to high ground overlooking Berkeley Sound. The officer sights the French settlement.¹²⁹

December 4th, MacBride arrives in Berkeley Sound.

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

126 Shelburn to Rochford Nov 17th quoted in Rice 1980.

127 Macbride to Stephens (undated) in Brown 1922

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

129 Cawkell 2001

*"I sent an officer ashore with a letter to the commanding officer demanding by what authority he had erected a settlement there, who, not understanding English, sent an officer on board with a letter to me, desiring to be informed of my intentions which when I had told him he said they would not permit me to enter the port or suffer any person to come on shore. I replied that I was determined to enter the port."*¹³⁰

December 6th, MacBride sends a second demand. After a short standoff, the French allow MacBride to inspect the settlement which is found to consist of 1 stone house plus 16 others built of turf. There are 130 inhabitants and 3 schooners.

In compliance with his orders, Macbride then gives the French 6 months to evacuate the islands. Bougainville-Nerville responds with a similar demand.¹³¹

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."*¹³²

January 4th, Captain John Raynor in the sloop, *Swift*, arrives at Port Egmont to take over from Macbride.

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 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.¹³³

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

In **February**, the storeship *Prince Frederick* under the command of Lt. James Brine arrives at Port Egmont with, *inter alia*, a prefabricated fort, 50,000 bricks, 10 barrels of rum, 10 barrels of brandy, 120 barrels of beer, 120 barrels of madeira, 400 casks of salt beef, 200 casks of pork, 25 marines, 9 women and 11 children.¹³⁴

February 28th, Bougainville, accompanied by the Spanish ships, *Esmeralda* and *Liebre*, sails for the Falklands.

A child is born to Georges Joseph Charpentier and his wife at Port Louis.¹³⁵

130 *Macbride to Stephens March 21st 1767* in Brown 1922

131 The story has it that, formalities satisfied, the two groups settled down to a convivial evening. Official reports however, portray a more formal encounter.

132 Fitzmaurice 1912

133 The *Ransom* was never paid.

134 *The Quest and Occupation of Tahiti by Emissaries of Spain During the Years 1772-1776, Told in Despatches and Other Contemporary Documents, Translated Into English and Compiled, with Notes and an Introduction* Bolton Glanvill Corney (ed.) 1913

135 *RootsWeb World Connect Project*

March 20th, Capt. MacBride arrives back in England. ¹³⁶

March 24th, the three Spanish vessels anchor near Port Louis.

In **April**, Capt. Raynor builds a bakery at Port Egmont.

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. *“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, ...”* ¹³⁷

April 27th, the new Spanish Governor sails away, leaving behind a small garrison. Bougainville remains to await his storeship.

Puente reports to Bucarelli; *“If His Excellency is good enough, as I hope, to send us frequent stores we might be able to live. If not, I think when we have consumed what we brought with us we shall soon find an end to our labours by departing this world. We hope through God and Your excellency not to perish.”*

June 2nd, Bougainville finally leaves the islands. ¹³⁸ Besides the settlement he also leaves behind 50 cows and 6 horses. ¹³⁹

Commandante Puente returns and Port Louis is renamed Puerto Soledad (Port Solitude). ¹⁴⁰

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.”* ¹⁴¹

In **November**, Spanish spies in England gain some information about Port Egmont; *“There were two batteries of six 24-pounders on the right and left of the port, which is triangular in outline. There were 12 batteries at the inlet below the spur of the hill, where the Governor's quarters are built. They are going to construct eight other flank batteries on either side of the inlet. There are 200 men working constantly, throwing up ramparts within which the ground is levelled over with coarse earth and gravel; but the piles and stakes were beginning to get scarce when he left. The New Experiment was to bring more.”* ¹⁴²

1768 – February 4th, the storeship, *HMS Florida*, arrives at Port Egmont.

February 11th, *HMS Tamar*, under the command of Lieut. Anthony Hunt arrives at Egmont.

136 An undated and unsigned Spanish intelligence report quoted in Corney 1913 gives a date of April 11th for MacBride's departure from Egmont.

137 *A Voyage Round the World* Bougainville 1772 cited in Goebel 1927 p.230. Robson (2005) believes all left.

138 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.

139 By 1782 these had multiplied to 624 cows and 50 horses and by 1788 to 2180 cows and 116 horses.

140 Ruiz Puenet remained at the settlement for 5 years. *cf.* Cawkell 2001

141 Fitzmaurice 1st Ed. 1875

142 Corney 1913

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; “*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, ...*”¹⁴³

The Orders include a warning however; that is the British have superior forces then Bucarelli should make the usual protests and seek further instructions from the Spanish crown.

March 9th, *HMS Carcass* arrives in Port Egmont harbour as *HMS Florida* leaves.

July 29th, further intelligence is passed to Minister Grimaldi in Madrid; “*Description of Port Egmond (sic) given by seven seamen who came from there in the sloop Cracaza, arrived at Spithead on the 11th of June, and shortly afterwards paid off at Deptford. The Harbour of Egmond is large and convenient. It is situated at Falkland Island, .. The Harbour has three passages into it: one on the south-west, another on the north-east, and the third at the south-east. This last is the only one that can be used with safety; the other two are dangerous, being full of obstructions.*

There is a battery of four 24-pounder guns erected inside, which defends the entrance on the S.E. Side, which is the only one practicable. No fortifications have been built for the defence of the Harbour. There are no more than three houses built: to wit, one for a dwelling-house for the officers of the ships stationed there, another to serve as a magazine for stores, and the other for the officers' and ships' crews' kitchens.

When the Carcaza sailed from Egmond Harbour, she left the King's frigate the Tamar and the sloop the Fly there, whose marines were occupied with doing sentry duty at the battery. There was nothing to show, at the time the Carcaza left that any further fortification of the place or additional buildings were in contemplation; and it is supposed that the several vessels that England has sent out to this Harbour are intended to serve as scouts.

The seven seamen who made this statement are unanimous in what they declare, and they all say that there is no depot or stock of arms, nor of artillery, at Port Egmond.”¹⁴⁴

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.¹⁴⁵

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

December 12th, *HMS Florida* returns to Port Egmont.

December 30th, Francisco Bucarelli in Buenos Aires issues another *General Order* to; “*... dislodge the English or upbraid them if you find them being superior forces, ..*”¹⁴⁶



143 *Ordenanza real del 25 de febrero de 1768 (de Arriaga a Bucareli)*. This instruction appears to be a general one, in that it also applied to the coasts of Patagonia and Tierra del Fuego.

144 Corney 1913

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

146 *AGN/VII 2.3.3. and IX.*

1769 - 1774



1769 – January 6th, the storeship *HMS Florida* leaves Port Egmont for the return voyage to England.

February 1st, William Maltby arrives at Port Egmont in *HM Sloop Favourite*. The log states, “*Two HM Sloops are stationed here one alternatively relieved every year and a Storeship brings out Stores and Provisions .. Here is no fortifications but four 12 pounders left on shore by Jason in 1766 .. a Small Blockhouse which was sent over in 1766 but is wholly (sic) taken up with stowing dry provisions &c.*”

February 7th, Capt. Raynor departs for England.

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*'.¹⁴⁷

November 28th, Captain Hunt requires a Spanish schooner, *San Felipe*, 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; ..*”¹⁴⁸

November 30th, the schooner arrives at Port Egmont, having sailed via Port Soledad where letters from Don Philip Ruiz Puente were collected for the British commander; “*.. 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.*”

Puente's first letter states; “*The master of the schooner, 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.*”

The second letter demands that the British garrison withdraw.

Mario Plata adds his own 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.*”¹⁴⁹

Captain Hunt's response is to require the Spanish force to retire from the islands as they belong to Britain by right of first discovery.

Letters continue to be exchanged.

147 Robson 2005

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

149 Johnson 1771

December 10th, in a further letter to Puente, Hunt states; “*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 12th, the Spanish Governor responds; “*... 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 violating the sacredness of the present treaties..*”

December 16th, Hunt again repeats his requirement that the Spanish quit the Islands.

December 29th, reporting back to Puente, Don Mario Plata describes Port Egmont; “*The said colony consists of seven houses, inhabited by some members of two frigates Tamer (sic) and Favorita.. They have a type of fort made from turves without a moat with three gun holes and one cannon.*”¹⁵⁰

1770 – January, Capt. John Macbride's map, *A draught of Falkland Islands in the latitude of 51° 22' South, longitude 64° 30' West*, is published.¹⁵¹

February 1st, HMS Florida arrives with supplies for Port Egmont. The log notes; “*.. 4 Guns left on the Shoar by the Jason which are mounted on a Sodd wall thrown up between them and the Sea.*”

February 20th, two Spanish frigates, *Santa Cathalina* and *Andaluz*, arrive at Port Egmont from Buenos Aires with instruction to expel the English garrison. The Spanish commander, Don Fernando de Rubalcava, on board the *St. Cathalina*, is surprised to find four English frigates moored near the settlement; the *Tamar*, *Swift*, *Favourite* and *Florida*.¹⁵²

Clearly outnumbered, Rubalcava, 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.*”¹⁵³

February 22nd, responding, Capt. Hunt requires the Spanish ships to depart, after taking on water.

“*As far as I was able to find out, the wooden tower has some small campaign cannons and embrasures to direct them where necessary, and the same for rifles, it commands the Battery and Watering-place, where it is possible to disembark; although this pigeon-loft can be demolished with a few cannon shots.*”¹⁵⁴

March 2nd, the two Spanish vessels leave, having made sketches of the fortifications

150 Rubalcava to Madariaga quoted in *La cuestion de las Malvinas contribucion al estudio de la relaciones hispano-inglesas en el siglo XVIII* M. Hidalgo Nieto 1947. Also Philpott 1992.

151 London : Printed for Carington Bowles No. 69 in St. Pauls Church Yard, 1st Jan. 1770.

152 Cawkell 2001 has *Asuncion* and *Santa Clara* arriving on the 17th of January.

153 *Annual Register* 1771.

154 Nieto 1947 p.653

In accordance with their *General Orders* to report any encounters, Capt. Hunt sails for England to inform the Admiralty of the threat to the garrison at Port Egmont.¹⁵⁵ Captain Farmer of the frigate *Swift*, and Captain Maltby of the *Favourite*, remain at the settlement.

March 4th, Marine Lieut. Thomas Coleman bemoans his situation in a letter; “*I have a sergeant drummer and ten; my brother officer a corporal and eight, with which we are to defend a blockhouse that has not a gun in it, or a loophole cut, but from top to bottom is filled as full as it can hold with naval stores.*”

March 7th, *HMS Florida* leaves for England.

March 13th, the *Swift* is wrecked off Port Desire while fetching wood. The crew survive and return to Port Egmont in a cutter.

March 27th, Don Fernando de Rubalcava arrives back in Buenos Aires to inform Bucareli of events. The Governor orders 5 vessels to be prepared for a return to Port Egmont.

May 2nd, Governor Bucareli sends a message detailing his actions to the Spanish Court aboard the *Concepcion*.

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

June 3rd, Capt. Hunt arrives in Plymouth¹⁵⁶ 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.¹⁵⁷

June 7th, the *Industria* is joined by the other 4 ships, the 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 small English garrison and its single remaining frigate.¹⁵⁸

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.*”¹⁵⁹

June 8th, Capt. Madariaga writes to Maltby; “*Finding myself with incomparable and superior forces to the frigate you command, and attending to the good harmony that reigns between our respective Sovereigns, and considering the Humanity that should be used to people that are defenceless, as you are, I intimate to you a first, a second and a third time, to quit this port. Your acting contrary, will oblige me to proceed to hostilities against you, in which action you will be rendered incapable of proceeding on your voyage.*”

155 These dated from the orders given Macbride who was told that the Government in London would deal with any disputes directly with the country concerned.

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

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

158 British forces had only a wooden blockhouse and a small battery of 12-pound cannon.

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

*If you do not take this timely notice, you will oblige me to treat you in a different manner although in my esteem you will always be the same..."*¹⁶⁰

Madriaga's letter to Capt. Farmer outlines his greater force; *"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..."*¹⁶¹

June 9th, the Spanish commander again writes to the British Captains; *"Nobody ought to make an establishment, and much less to fortify themselves, in these islands, ports and coasts of Magellan, without the permission of His Catholic Majesty .. and as you have not that permission, you ought to abandon and quit this bay, batteries on shore, and the settlement which you have begun.*

If you will give me authentic proof that you will quickly and with good will do this, I will put with peace and quietness my troops on shore, and yours will be treated with all the consideration and attention that corresponds to the good harmony that subsists between our Sovereigns; and I will permit that you may carry with you all that you have got on shore, and belongs to you lawfully; and what you cannot carry, or won't carry, I will give you a receipt...

But if, 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 ..

... if you not in fifteen minutes after this letter shall have been delivered into your hands, by my officer, give a categorical and favourable answer to my intent, I will begin the operations.."

Maltby and Farmer are not intimidated however; *".. 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."*¹⁶²

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*

160 Scots Magazine 1771

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

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

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." ¹⁶³

Articles of Capitulation are drawn up setting out the terms of the surrender which include that the Union Jack is to continue to fly until the garrison departs. Madriaga has the *Favourite's* rudder removed to prevent her departure.¹⁶⁴

In **July**, Adrien-Louis de Bonnières, comte de Guines is appointed French Ambassador to the English Court.

July 14th, 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. The British settlement is now replaced by a Spanish one commanded by infantry Lieut. Juan Serrato. He has one sergeant, two corporals and 17 men under his command. Also a chaplain, doctor, baker and 6 convicts; *"to tend the large vegetable gardens.."* ¹⁶⁵

The Court in Madrid, having heard rumours that the English also have a settlement on the island of Chiloe, off the Chilean coast, order the Viceroy at Lima to drive out any Englishmen found there. ¹⁶⁶

August 10th, Madrid receives notice of the intended action from Buenos Aires via the *Concepcion*. ¹⁶⁷

August 14th, Captain Braithwaite on *HMS Liverpool*, at anchor in Cadiz Bay, also hears the news that a Spanish squadron was moving out of the Rio de la Plata towards Port Egmont and immediately writes to the Admiralty. ¹⁶⁸

August 20th, Spanish Minister Grimaldi writes to inform his Ambassador in Paris that the Court in Madrid intend to get the news of what has happened to London in the hope of avoiding a violent reaction from the English. Grimaldi also informs Prince Masserano in London urging him to avoid another war. ¹⁶⁹

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."* ¹⁷⁰

August 28th, French Minister Choiseul promises the Spanish Court, French support; *"I have said a word to the king in the evening and I can assure you is that the Catholic king can count on all occasions and in any event on the king's cousin."* ¹⁷¹

163 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.

164 The reason given was to prevent the vessels departure before an inventory could be completed. It is more likely that the action was taken to delay the British departure while word was sent to Madrid of what had occurred. The removal of the rudder was subsequently viewed as an insult by the Admiralty.

165 Philpott 1992

166 Parish 1834.

167 *James Duff (Cadiz) to Weymouth Aug 14th 1770*. This was received by Lord Weymouth on Sept. 8th.

168 *Braithwaite to Stephens August 14th 1770* in Brown 1922. This report was forwarded to Lord Weymouth on Sept. 7th.

169 *Grimaldi to Fuentes Aug 20th 1770* in Brown 1922

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

171 *Choiseul to D'Oddun Aug 28th 1770* in Brown 1922

September 6th, the *St. Catherine* arrives in the Bay of Cadiz carrying news of the English expulsion from Port Egmont. ¹⁷²

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

In Paris, the Austrian Ambassador Count Mercy-Argenteau reports meeting with both the Spanish Ambassador, and Choiseul, to counsel moderation; *"I don't doubt that the duc de Choiseul had believed that a war would strengthen his position and make his ministry indispensable."* ¹⁷³

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

Minister Grimaldi writes to Paris; *"The way in which the English were expelled from Port Egmont leaves me little or no expectancy to arrange this matter without a war, because it is not the honor of the Crown, or its interests to restore the English in Port Egmont. A thing which we will never agree."* ¹⁷⁴

Carlos III of Spain declares that he does not fear a war with England. ¹⁷⁵

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." ¹⁷⁶

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

Secretary Harris writes to Weymouth; *"On the sixth of this month about noon arrived in the Bay of Cadiz the St. Catherine, one of the frigates which is supposed to have been on the expedition to Port Egmont, and the tenth this news was brought here express. As no one has been suffered to go on board or even remain alongside her, it is difficult to know from which of the two places she last came; it is however most probable from the latter, and that she brings the news of the good success of the expedition..."* ¹⁷⁷

September 19th, press warrants from the Admiralty are dispatched to Portsmouth, for the manning of the fleet.

172 Harris to Weymouth Sept. 13th 1770

173 *Fighting for the Falklands in 1770* Peter Burley *History Today* vol.32 issue.6 1982

174 Grimaldi to Fuentes Sept. 10th 1770

175 Brown 1922

176 *The Scots Magazine* February 1771

177 Harris to Weymouth Sept. 13th 1770

22 more ships are ordered. On hearing the news, the *Stock Market* falls.¹⁷⁸

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.¹⁷⁹

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.

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

September 24th, Lord Weymouth's instructions arrive in Madrid and Secretary Harris immediately requests an interview with Minister Grimaldi.

September 26th, Choiseul writes to the French Ambassador in Madrid urging the Spanish to accede to English demands in order to gain time and allow France to get 8,000 sailors back from Newfoundland; “... *we have eight thousand sailors fishing in Newfoundland who return that at the end of October ... and it takes at least three months to prepare food for our monk fish for the troops we to send in America and Asia, as well as the supply of colonists thus, ... we must acquiesce I think, in the English proposals, but after, if you want the war in Spain, to get into the discussion of the right to sovereignty over the Falkland Islands, then ... I can assure the king of Spain we will be ready and his orders in a satisfactory manner.*”¹⁸⁰

September 28th, Mr. Harris writes to Lord Weymouth; “.. *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...*”¹⁸¹

On the same day, messages are sent out to the English colonies in North America and the West Indies informing the Governors and military commanders of the attack on Port Egmont and the need to guard against further attacks by Spanish forces.¹⁸²

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

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

179 This is a moot point. As with the British Court, there were two factions vying for power. Choiseul almost without doubt wanted a war which he thought would bolster his own position and, in these early days of the crisis, had Grimaldi's support. With this Choiseul went to the King's *Council* with a request for 8 million livres for the navy. While the *Council* agreed, the money was never forthcoming. *cf. The Duc de Choiseul: The Lothian Essay* Roger H. Soltau 1908

180 *Choiseul to D'Ossin Sept. 26th 1770* in Brown 1922

181 *Diaries and Correspondence of James Harris, First Earl of Malmesbury* James Harris 1844. This letter included a survey of the Spanish fleet; judged as still in a '*deplorable*' condition.

182 Brown 1922

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..*”¹⁸³

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 ...*”¹⁸⁴

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...*”¹⁸⁵

October 11th, Harris writes to Lord Weymouth; “*Having good reason to believe that the ministry here were about to send orders to the several ports to arm such ships as they could, I yesterday waited on M. Grimaldi and easily perceived from his conversation that my conjectures were not ill-founded. He told me His Catholic Majesty was brought to this extremity by our armaments still being continued and that although he would avoid war and was ready to sacrifice anything but his honour to preserve peace, yet his Kingdom was not so reduced as to suffer himself to be menaced.*”

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, Lord Weymouth writes to the *chargé d'affaires* in Paris, and Secretary Harris in Madrid, 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.¹⁸⁶

“*... when the King's moderation condescended to demand of the Court of Madrid to disavow the proceedings of the Governor of Buenos Ayres and to restore things precisely to that situation in which they stood before the rash and unwarrantable undertaking of the Governor as the smallest reparation for the injury received that he could possibly accept, His Majesty thought there was nothing left for discussion except the mode of carrying that disavowal and that restitution into execution. ...*

His Majesty adheres invariably to his first, demand and that without entering into the insurmountable objection to the matter of this proposed convention the manner alone is totally inadmissible, for His Majesty cannot accept under a convention that satisfaction to which he has so just a title without entering into any engagements in order to procure it, that the idea of his becoming a contracting party upon this occasion is entirely foreign to the case, for having received an injury and demanded the most moderate reparation of that injury, his honor will permit him to accept, that reparation loses its value if it is to be conditional and to be obtained by any stipulation whatsoever on the part of His Majesty.”¹⁸⁷

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

184 James Harris 1844 p.57

185 *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; deferring the issue of sovereignty to another day.

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

187 *Weymouth to Harris* October 17th 1770

October 18th, Harris receives intelligence that Spanish troops were collecting in Murcia, Andalusia and Galicia; *“General O'Reilly who is in the highest favour seems to direct all these military operations.”*¹⁸⁸

October 25th, Weymouth's despatch arrives at Madrid.

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 (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.”*¹⁸⁹

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.....”*¹⁹⁰

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

Harris reports to Weymouth that the Spanish Court have issued orders for the fitting out of 32 vessels to be divided into 3 squadrons.

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;...”*

November 22nd, in the Lords, William Pitt, 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. ...*

There are some questions which, sooner or later, must be answered.

188 Brown 1922

189 James Harris 1844

190 Harris to Weymouth November 7th.

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 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.”¹⁹¹

Lord Gower responds; “.. by his own acknowledgment, 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.”

191 Politics have not changed much in 200 years. In Parliament there were those in Government and those not, the latter comprising various factions, and all seeking to gain political capital out of any given situation. The Government in 1770 was being attacked for being 'wet', particularly by Lord Chatham who had been Prime Minister between 1766 and 1768. Chatham's comments from this period need to be viewed in this light; particularly those regarding the alleged 'secret promise' – an assertion that he was fond of promoting while not actually having been privy to the official negotiations.

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 ...”*¹⁹²

King George III writes to Lord North; *“I saw Lord Weymouth on his coming from the Spanish Ambassador; the projet produced 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 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.”*¹⁹³

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 26th, Harris informs Weymouth; *“The little share the Court of France takes in this present dispute and the imperious manner in which it has treated this nation has rendered its alliance more odious than ever to the Spaniards. They use no bounds in decrying the French and the friendship of the French,..”*

November 27th, Lord Harcourt in Paris notes; *“The duc de Choiseul's very existence as a Minister depends on this affair.”*

November 28th, (7.35p)m knowing that the French *chargé d'affaires*, Bertrand de Frances, has an appointment, 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.”*¹⁹⁴

192 *The London Magazine Vol. 40*

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

194 Official negotiations involved Weymouth and Rochford talking to Masserano and Grimaldi – talks that were a matter of record. However, knowledge that other negotiations were taking place led Chatham to allege that Britain had two Cabinets. The problem was French involvement. If Parliament had discovered that the French were mediating it would have reacted badly. So badly that the Government could have been in danger. Hence Lord North's conversations could never be 'official.' A fact he repeatedly emphasised. That, of course, does not mean that his views would not be considered; particularly as he had the King's favour - and ear.

Bertrand de Frances alleges that during the interview, Lord North says that; *“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.”*¹⁹⁵

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. Masserano 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.¹⁹⁶

After the Prince leaves, Bertrand de Frances arrives for his own meeting with Rochford.¹⁹⁷

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.”*

*“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.”*¹⁹⁸

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 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 ?”*¹⁹⁹

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 repeats that the Falklands did not suit England and that they were not interested in keeping them because of the expense.²⁰⁰

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, Weymouth seeks the King's permission to recall Mr. Harris from Madrid.

195 Goebel 1927 p.308. Francis is the only source as Lord North denied making any promise of evacuation. It has also been suggested that any verbal assurance by the relatively inexperienced Lord North would have been promptly dismissed by the King. *cf* "British Foreign Policy and the Falkland Islands Crisis 1770-71" G.Rice, 2010.

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

197 Goebel states that Rochford provided Frances with a similar message concerning evacuation as that given by Lord North and that, therefore, the proposed evacuation had Government approval. Even Goebel recognises that this does not fit well with the conversation that had just taken place with Masserano however. Goebel describes the discrepancy as 'strange'. His source appears to be a letter from *Masserano to Grimaldi* dated December 3rd. *cf*. Goebel 1927 p 310. To date, I have been unable to find a copy of this letter.

198 Goebel 1927 p.310. I can find no evidence of this.

199 James Harris 1844 p.60

200 Goebel does not cite a source for this conversation. *cf* Goebel 1927 p.311. It is true, however, that North was concerned with the state of the Treasury and, throughout his term in office, sought to reduce Britain's debts.

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.²⁰¹

Grimaldi also asks what help Spain could expect from France in the event of war.²⁰²

In Paris, Choiseul is informed by the King's *Council* that there is no money available for the Navy.

December 7th, at a *Cabinet* meeting, Rochford reminds the King about the unpaid *Manilla Ransom* while Weymouth places his proposal to sever diplomatic relations before the assembled Lords. The proposal is rejected.

December 8th, the British Ambassador to Court of the Holy Roman Emperor, Joseph II, writes to Lord Rochford; "*Prince Kaunitz, and afterwards the Emperor himself, expressed to me their uneasiness lest the disputes between England and Spain should kindle a general flame.*"

December 10th, Choiseul writes to Grimaldi apologising for his temerity in putting a proposal directly to the Spanish Ambassador in London, but pointing out that while the Malouines may belong to Spain, war would belong to both Spain and France.

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 English Court.²⁰³

Masserano refuses to accept it without explicit instructions.²⁰⁴

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.²⁰⁵

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, ... I should rather imagine Lord Weymouth will decline [to] be one at the conference.*"²⁰⁶

"*On the fifteenth of December, H. M. Secretary of State (Weymouth) did not think that he could safely remain in office conducting that negotiation unless it was brought to some point precise and determinate. He therefore on that day made four propositions to the cabinet..These propositions were rejected and on the eighteenth he found it necessary to resign office .*"²⁰⁷

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

202 Brown 1922

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

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

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

206 Donne 1867

207 *Parliamentary History* vol. 16, pp. 1371, 1372 in Brown 1922

December 16th, Lord North again meets with the Frances, who suggests Choiseul's proposal comprising a mixture of 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. ²⁰⁸

Harris writes to Weymouth; *“Grimaldi, I am convinced, will strain every nerve to accommodate affairs not either from conviction or from a pacific disposition but because France wishes it and because he receives repeated instances from M. de Choiseul to effect it. Nevertheless I fear the restless and ambitious temper of M. D'Aranda who has on the one hand represented to the king that the honour of the Spanish nation would be exposed by acceding to our propositions and on the other has painted the state of both its army and finances in the most flattering (and I may venture to add) false colours and at the same time has artfully insinuated that we are by no means in a similar condition. I fear these arguments will have more weight than they ought and will greatly obstruct if not totally prevent an amiable conclusion.”*

December 18th, Lord Weymouth resigns his Office. ²⁰⁹

December 19th, the *Cabinet* meets again and rejects the Spanish proposals. Lord Weymouth's resignation is made public, and Lord Rochford adds Weymouth's Southern Department to his own. ²¹⁰

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 sovereignty issue later. 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. ²¹¹

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. ²¹²

D'Ossun, the French Ambassador, informs Choiseul that he believes that the Spanish King is inclined to make war for all his outward protestations of a desire for peace. ²¹³

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, to whom His Catholic Majesty thought fit to commit his answer to the King's demands, which answer was found totally inadmissible, and it being inconsistent with His Majesty's honour to make any further proposal to the Court of Spain, I am to signify to you the King's pleasure that your longer stay at Madrid appearing entirely unnecessary, you prepare to return home with all convenient speed.”*

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

209 Sir Horace Walpole put the date as the 16th, while Governor Pownell said it was the 18th when he spoke in the Commons. cf. Brown 1922. In his Memorandum of 1910 for the Foreign Office, Gaston de Bernhardt puts the date as the 21st.

210 In essence becoming Foreign Secretary.

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

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

213 D'Ossun to Choiseul Dec 20th 1770 in Brown 1922

December 22nd, Carlos III writes to Louis XV pointing out that he knew that it was the French King's desire to maintain peace and that, in order to accommodate his cousin's wishes, he had overlooked an infinity of injustices and taken the greatest care to prevent quarrels from occurring, but that this approach seemed to have made the English ministry more difficult. The English would only be satisfied when Spain and France were humiliated. Carlos asks whether France would be prepared to reconsider and accelerate preparations for war.²¹⁴

December 23rd, King Louis has an meeting with Minister Choiseul. When told that war with England appears unavoidable, the King exclaims; *"I had told you I did not want war."*

December 24th, Choiseul is dismissed.

Louis immediately sends a letter to his Spanish cousin declaring his resolution to maintain pacific relations with England.²¹⁵

*"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."*²¹⁶

December 25th, a letter from Frances, dated the 22nd, arrives in Paris addressed to Choiseul.

*"Frances declared that English feeling was strong against the war, that North was bent on peace as his only chance of keeping in office, and that Weymouth had been forced to resign because of his attitude of hostility to Spain."*²¹⁷

December 26th, King George to Lord North; *"I cannot refrain from communicating to you a [intercepted?] letter which I have received from the Duke de Choiseul to the French Charges des Affaires at Hamburg, 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."*²¹⁸

December 27th, not yet in receipt of the French King's letter, Carlos calls together a *Council* of his Ministers. It is decided that Ambassador Masserano should repeat the offer already made to the Court of St. James and, if this is rejected, war should immediately be declared.²¹⁹

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,"*²²⁰

When the letter written by King Louis finally arrives at the Spanish Court, Carlos responds with a letter of his own to Louis; *"entreating him to take the whole matter into his own hands, and to act as if it were his own case, "... remembering only that he had the honour of the Spanish Monarch in his charge."*²²¹

214 Brown 1922

215 Bernhardt 1911, also Donne 1867.

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

217 Soltau 1908

218 Donne 1867

219 Bernhardt 1911 p.8

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

221 Bernhardt 1911

1771 – January, 26 ships are moored off Spithead, commanded by Rear-Admiral Matthew Buckle.²²²

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..”*²²³

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.*”²²⁴

January 11th, recruiting parties are sent to Leinster, Munster and Connaught to find men for the forces.²²⁵

January 13th, Harris informs the Spanish Minister of his recall orders. He also informs London of the attitude of the Spanish; “*People here are more disgusted than ever with the French alliance and in their conversation put no bounds to their manner of decrying it.*”²²⁶

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.²²⁷

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

January 22nd, the Spanish Ambassador presents a *Declaration* to Lord Rochford. In Spanish the document includes the sentence; “.. *shall not prejudice the anterior rights of His Catholic Majesty to the islands..”*

222 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.

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

224 Goebel 1927 p.353. Frances was Choiseul's agent in London, and the man speaking to Lord North. Ambassador de Guines, out of favour with Choiseul's administration, seems to have played little, if any, part.

225 *History of the British Army* John Fortescue 1902 iii 41

226 Brown 1922

227 Gaston de Bernhardt (1911) refers to “*secret negotiations*” taking part between the French and Mr. Stuart Mackenzie on the English side but admits to having failed to find any correspondence between Frances (Francois) and Mackenzie either in the custody of the Master of the Rolls or at the British Museum, cf. Bernhardt 1911 p.11

Rochford insists that this is changed to; “.. cannot nor ought any wise to affect the question of the prior right of sovereignty of the Malouine islands, otherwise called Falkland Islands.”

The Declaration is changed.

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.”²²⁸

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, cannot nor ought any wise to affect the question of the prior right of sovereignty of the Malouine islands, otherwise called Falkland Islands.”²²⁹

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.”

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

²²⁸ It is important to note that the situation was to be returned to the precise state as had existed prior to June 10th, 1771. In other words, with both nations claiming the whole archipelago and the matter of sovereignty undecided. The Earl of Chatham would claim that; “.. the right was not secured, and that even the restitution was incomplete, as Port Egmont alone was restored, and not the Falkland Islands.” cf. Bernhardt 1911

²²⁹ “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 to Manuel Vicente de Maza, July 10th, 1832. This reservation has caused much debate but should merely be seen as the Spanish King asserting that the issue of sovereignty remained unresolved. This is confirmed by the subsequent conversations between Masserano and Rochford in which the Spanish Ambassador entreated Rochford to deal with the issue of sovereignty, while Rochford declined to enter into such a discussion before restitution was complete. In fact the matter was never debated.

Lord Rochford, after consulting King George, agrees with an *Acceptance*.

ACCEPTANCE ²³⁰

“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.” ²³¹

“... it had been agreed between Frances and North that the document of settlement should take the form of a Declaration from Spain to which Britain would reply There was also a vital alteration in the phrasing obtained by Britain in the discussions with Masserano prior to signing. What, in the original Spanish version, was 'shall not prejudice anterior rights of His Catholic Majesty to the islands,' became in the final version, 'cannot nor ought in any wise to affect the question of the question of the prior right of sovereignty of the islands.’” ²³²

230 Palmerston, in 1834, entitles this the '*Counter Declaration*', a title repeated in Argentina's 1887 protest to the USA and in Bernhardt's *Memorandum* published in 1911.

231 Written in French; this 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. It is noteworthy that Masserano and Rochford did not sit down together and sign. The Spanish sent their signed *Declaration*, and only on its receipt did Rochford pen his *Acceptance*. This was not a *Treaty*.

232 Cawkell 1983

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

*“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.”*²³³

*“About an hour before the meeting of Parliament on the 22nd January, 1771, a Declaration was signed by the Spanish Ambassador under French orders, and a French indemnification, for the restitution of Falkland's Islands to His Britannic Majesty; but the important condition upon which this Declaration was obtained was not mentioned in the Declaration. This condition was: that the British forces should evacuate the Falkland Islands as soon as convenient after they had been put in possession of Port and Fort Egmont; and the British Ministry engaged, as a pledge of their sincerity to keep that promise that they should be the first to disarm.”*²³⁴

January 23rd, the Duke of Richmond informs Chatham; *“.. 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.”*²³⁵

January 25th, the agreement is laid before Parliament by Lord North, and the debates start.²³⁶

Edmund Burke describes the agreement as as being as; *“worthless as a Birmingham button.”*

*“Colonel Barre ... called the Spanish Declaration scandalous and infamous; dishonorable to the Crown, and disgraceful to the nation.”*²³⁷

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 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.

233 *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.

234 *Anecdotes of the Life of Lord Chatham* Chapt. XXXIX quoted in Bernhardt 1911. As Chatham had not been party to any of the negotiations, being in Opposition, and his source for the information is not cited; this allegation remains unreliable flying, as it does, in the face of the evidence.

235 *Duke of Richmond to Earl Chatham* Jan 23rd 1771. “By order of the King” is probably not just the usual matter of form in this case.

236 The political fallout was immense. Society was polarised and the Government had to resort to a media campaign to convince the public that it had taken the right action. The value of the islands to the country was played down, while the attainment of peace was heavily promoted. Those politicians not in Government had a field day – particularly Chatham.

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

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." ²³⁸

"Our ministers, triumphing in having avoided a war, set forth an exultation written by Dr. Samuel Johnson, and very abusive on the opposition, the Bill of Rights, Lord Chatham, Junius, and the Lord Mayor, with most of their names at length, - the very kind of grievance of which the court complained." ²³⁹

February 4th, Lord North lays the papers relative to the crisis before Parliament. In the House of Lords two questions are moved by Earl Chatham, 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 ?"*²⁴⁰

Lord Mansfield refuses to refer the questions to the judges, asserting that the answers are, "self-evident".²⁴¹

February 5th, Lord Camden writes to 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." ²⁴²

February 7th, Madrid sends out orders for the restitution; *"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 soon as the one and the other shall be*

238 Johnson 1771

239 *Memoirs of the Reign of King George the Third* Horace Walpole 1845 vol.4 p.297

240 Only the result appears to have been recorded - the motion was lost 69:22

241 This 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.

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

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."

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.²⁴³

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

During the debate, MP William Dowdeswell asks when the *Manila Ransom* will be paid.

February 14th, however, the issue meets further 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." ²⁴⁴

On the same day, 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."* ²⁴⁵

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.

243 James Harris 1844 p.64

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

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

North speaks extensively about the latter point but seems confused as to the suggested evacuation.

*“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.”*²⁴⁶

February 22nd, Mr. Harris is promoted temporarily to Minister Plenipotentiary to the Court of Spain, until Lord Grantham can arrive and take over the embassy.²⁴⁷

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.²⁴⁸

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.²⁴⁹

“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.

*The speculations of the English bankers at these periods, were not founded on the true objects of these two political questions; but solely, on the assurance Tort gave them in my name, that France and Spain would not disarm first; and as these bankers were at the same time of opinion, that England would not set the example of disarming, they concluded, that from hence disagreeable consequences and difficulties would arise, which would bring on a war, or at least, a considerable fall of the stocks... ”*²⁵⁰

246 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.

247 Grantham was the leader of the largest opposition faction in Parliament and had accused Lord North, in Parliament, of compromising the honour of the country by making the rumoured secret promise. James Harris 1844 p.67

248 Goebel 1927 p.383

249 It was alleged that the French Ambassador's Secretaries had been playing the stock exchange! The Comte de Guines' secretary, Barthélemy 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. However Guines was found *'not guilty'* albeit by a small margin. *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 in the *'alley'* during this period.

250 *Memorial of the Count de Guines*, printed London 1777. p.44.

March 4th, the French and Spanish Ambassadors go to see 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.”²⁵¹

March 5th, Lord Rochford meets with Masserano. Rochford declares that he is ready to treat on the matter of right; but 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.”²⁵²

In the House of Commons a question is tabled; “That in the late negotiation with the Court of Spain, concerning Falkland's Island, His Majesty's ministers having neglected to demand an explanation of the oath of office taken by the Spanish Governors in America, their general orders, and the established laws of America under which those Governors pretend to act, and under which the Court of Spain doth pretend to justify them in commencing hostilities, his Majesty's rights and possessions in America remain thereby exposed, and liable to be disturbed by the said Governors, under pretence of such oaths of office, their general orders and the established laws of America?”²⁵³

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, both the French and the Spanish Ambassadors go to Rochford; “.. and not only made the same demand as before, but added, that they were further instructed to demand, that a day should be fixed for restoring Falkland's island agreeable to promise.

Lord Rochford peremptorily refused to enter into any negotiation upon the subject.”

March 14th, Rochford and Masserano meet again to discuss the issue of ownership.

251 Taylor (ed.) 1838 – 1850. Also *Scots Magazine* April 1771

252 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.

253 *The Scots Magazine* April 1771

A heated discussion takes place during which Rochford questions the 'impertinence' of Spain and 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." ²⁵⁴

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 17th, the Admiralty's agent-victualler at Portsmouth is instructed to; " .. buy an assortment of live cattle, such as cows, pigs, sheep, &c., to be put on board the *Juno* frigate, which are to be landed at Falkland's island, in order, if possible, to obtain a breed of those species at that place." ²⁵⁵

March 19th, Lord North receives a dispatch from Lord Harcourt, Britain's Ambassador to Paris; " .. with an account, that the King of France had written a letter to the King of Spain, wherein he assured the catholic King, that "he was ashamed of the conduct of the court of London; that he was ready and willing to co-operate with the King of Spain, in whatever future measures should be judged expedient; that he put himself entirely under the direction and wisdom of the Catholic King; and only begged, that, in their future operations, that monarch would have an eye to the present situation of France."

The *Scots Magazine* reports; "On the 8th or 10th of April the courier is expected to arrive from Madrid. He is to take Versailles in his way to London; so that on his arrival here, the great event will be determined, and we shall then know whether peace or war with France and Spain is to take place or not this year."

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.

April 1st, " ... there is not the most distant probability of any rupture at present between the courts of Great Britain and Madrid, Prince Masserano having signed all the necessary documents for the surrender of Falkland's Island to the crown of Great Britain, the day before Capt. Stott's, and the other two King's ships, sailed for that island." ²⁵⁶

April 2nd, Capt. Stott and the *Juno* sail from England. ²⁵⁷

April 8th, de Guines receives news from Madrid; " .. the dispatch of the 4th of April, which arrived at London on the 7th or 8th, as positively announced to me, that Spain was determined to rely on his Britannic Majesty and his ministry, for the evacuation of Falkland Islands." ²⁵⁸

254 Goebel 1927 p.398

255 *Scots Magazine* vol.xxxiii April 1771. A strange instruction if there existed some secret promise to abandon the Falklands.

256 *Ibid*. The *Scots Magazine* dates this information as April 11th, and does not identify the 'correspondent.'

257 *Edward Pellew* by C. Northcote Parkinson 1934

258 *The London Magazine* vol.44 April 1775

April 12th, Masserano writes to Grimaldi, warning that the British insist that they have made no such 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, Joseph Banks aboard the *Endeavour* records an encounter in his *Journal*; “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.” ²⁵⁹

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

September 14th, the storeship, *HMS Florida* arrives at Port Egmont.

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

“The terms of the declaration to which Spain was forced to agree in 1771 ostensibly left the question of sovereignty in the same position in which it that matter had existed before M. Bucareli's expedition, but in the nature of things the ceremonial restoration of the British colony to Port Egmont strengthened the de facto position of the British in the Islands.” ²⁶⁰

October 10th, Ambassador Grimaldi informs the Spanish Court that the English are also interested in the Pacific island of 'Otaheite.'

October 27th, the goods and materials removed from Port Egmont by the Spanish in 1770 are returned to the settlement. ²⁶¹

November 4th, the Governor at Soledad, Don Xavier Antonio Muñoz, writes to his Viceroy in Lima concerning the preparations being made by the British for the defence of Port Egmont. ²⁶²

November 14th, *HMS Florida* leaves for Ascension Island.

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,

259 *Journal of Joseph Banks, Endeavour, 25 August 1768 - 12 July 1771*

260 *The Falkland Islands* Vera Lee Brown in *The Hispanic American Historical Review* vol.5 No.3 Aug 1922

261 *PRO ADM 1/1496*

262 *The Voyage of Captain Don Felipe Gonzalez in the ship of the line San Lorenzo, with the frigate Santa Rosalia in company, to Easter Island in 1770-1* B.G. Corney 1908 p.74. I have no information as to exactly when Muñoz took over from Puente. Buenos Aires fell under the jurisdiction of the Viceroyalty of Peru at this time but Munoz is not mentioned in any other list of Governors.

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." ²⁶³

1772 – January 2nd, Grantham, now in Madrid, 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 announces; "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 ..." ²⁶⁴

Plans for the future defence of Port Egmont are drawn up. ²⁶⁵

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." ²⁶⁶

February 26th, the Admiralty write to Lord Rochford about plans to maintain Port Egmont; "We are at a loss to suggest any plan by which the possession of the port and fort of Port Egmont and the islands of Falkland may be constantly and effectually kept up even at any expense; but we are of opinion that a smaller number of

263 *The London Gazette*, No. 11204.

264 *The London Gazette*, No. 11215

265 *British Imperialism in the Eighteenth Century* Gerald Berkeley 1908 p.141

266 *The London Gazette*, No. 11222

men than those now employed will equally maintain a mark of possession and that the present number would be no security to the place in case of a rupture with a foreign power.”

An estimate of £3,552 per annum for the garrison's maintenance is enclosed with the letter.

February 28th, Lieut. Clayton arrives in *HM Bark Endeavour* to take over command of the garrison from Capt. Burr.²⁶⁷

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."*²⁶⁸

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 Muñoz, 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."*²⁶⁹

May 4th, *HM Bark Endeavour* leaves Port Egmont en-route to England.

May 31st, Spain's Viceroy in Peru, Manuel de Amat, writes to Don Julian de Arriaga, Secretary of State for the Indies in Madrid; *".. if, as I have .. before mentioned, England should accomplish this project, that nation would infallibly make herself mistress of the whole body of islands in the South Sea, and of the only port of call at present known for entering or leaving it by in the Falklands or Malvinas; where apart from questions of illicit commerce, they would furthermore close the Port to other vessels, and access would remain wholly at the mercy of that nation's will. .."*²⁷⁰

September 4th, *HMS Juno* arrives at Port Egmont and remains until the 29th.

1773 – January 23rd, Domingo Chauri is appointed Governor at Puerto Soledad.

267 Capt. Cooks old ship, the *Endeavour* spent three years running supplies to Port Egmont between 1771 and 1774.

268 *".. 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.

269 Corney 1908 p.74. Munoz is not mentioned in any other list of Governors. Amat was dealing with the information that the British had discovered an island named Georges Island but called by its inhabitants, Otaheite. The Spanish were keen to discover its whereabouts and the Spanish Court had issued instructions for a search in October 1771.

270 Corney 1908. This letter was concerned with the colonisation of Easter island and the British presence in Tahiti.

February 28th, *HMS Endeavour*, with the shallop *Penguin*, arrive at Port Egmont with supplies.

November, the supply ship *Nuestra Señora de la Asunción* arrives at 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.*”

In **February**, the whalers *Montague* and *Thomas* arrive at Port Egmont.

Captain Greenwood in the whaler *King George*, out of Rhode Island, hunts at the Falklands. ²⁷¹

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

... 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...

I hope they will not suspect, or suffer themselves to be made to believe that this was done at the request, or to gratify the most distant wish of the French Court, for the real truth is neither more or less than that Lord North is desirous to lessen a small part of an uneconomical naval regulation.” ²⁷²

April 9th, an *Order* is sent from the Spanish Court, to the Governor at Buenos Aires and the Commander 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.” ²⁷³

271 *Chronological List of Antarctic Expeditions and Related Historical Events* Robert Headland 1989

272 *CO 78/1 Rochford to Grantham Feb 11th 1774*

273 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.*

April 23rd, *HMS Endeavour* returns to Port Egmont with the order to evacuate the settlement and fort.

*“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.”*²⁷⁴

May 20th, the *King George*, moors at Port Egmont, followed shortly after by an English vessel in poor condition.

“At present, if ships are under the necessity of keeping the sea, they are frequently obliged to cut up the fish along-side; this was the case of a North American vessel, which arrived just before the evacuation of these islands by the British troops.

*The evening before they sailed, another fishing vessel arrived, and, as she had suffered much by bad weather, her crew resolved to stay where they were all wintering as tenants to the dwellings and gardens of their English brethren.”*²⁷⁵

“May twentieth everything being ready for our departure we took a formal leave of the islands the seamen being ranged in order, and the marines drawn up under arms, while the following inscription, engraved on a piece of lead, was affixed to the door of the blockhouse: ‘Be it known to all nations that the Falkland Islands, with this fort, the storehouses, wharfs, harbors, bays and creeks thereunto belonging are the sole right and property of His Most Sacred Majesty George the Third, King of Great Britain, France, and Ireland, Defender of the Faith, etc. In witness thereof this plate is set up, and His Britannic Majesty’s colors left flying as a mark of possession by S. W. Clayton, commanding officer at Falkland Islands, A. D. 1774.’

“The Union Jack being then hoisted, the people gave three cheers, and we immediately embarked with the utmost order and satisfaction, waiting only for a fair wind to proceed on our voyage.

*We took our departure without the least regret.”*²⁷⁶

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

*Be it known to all the Nations, That Falkland’s Island with this fort, the storehouses, wharfs harbours, bays and creeks thereunto belonging, are the sole right and property of His most Sacred Majesty George III, King of Great Britain, France and Ireland, Defender of the Faith, etc. In witness whereof this plate is set up and his British Majesty’s colours left flying as a mark of possession by S. W. Clayton, commanding officer at Falkland’s Island. 1774 A.D.’*²⁷⁷

Two Union Jacks are left flying; one over the fort, the other on the highest hill overlooking the north entrance to the harbour.²⁷⁸

²⁷⁴ *The Reign of George III, 1760 -1815* J.S. Watson 1963. To other commentators it seems that Lord North finally gave that which he is alleged to have offered at his unofficial meetings with Frances during 1770/71.

²⁷⁵ From a review of *An Account of the last Expedition to Port Egmont in Falkland’s Islands, in the Year 1772. Together with the Transactions of the Company of the Penguin Shallop during their Stay there.* Bernard Penrose 1775 in *The Critical Review, Or, Annals of Literature* vol. 39 1775 p.217

²⁷⁶ Penrose 1775 quoted in Brown 1922

²⁷⁷ *CO 78/1* The British Crown only dropped its ancient claim to the throne of France in 1800.

²⁷⁸ *PRO ADM 1/1610/19*

“.. 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.”²⁷⁹

“.. the British Government withdrew its garrison from the Falklands in a manner which carefully preserved its right to reoccupy the whole islands whenever it might so desire. Spain made no protest against this ..”²⁸⁰

Ten whaling vessels hunt around the Falkland Islands, including the *Montague* from Boston, and the *Thomas* out of Cape Cod.²⁸¹

October 15th, in pursuance of the *Order* from Madrid, pilot Simon Fernandez Pellon visits Port Egmont. While there he sketches the layout of the settlement.²⁸²

“The reports made by officers employed at Port Egmont were of such a discouraging tendency, that no person at that time entertained the least wish to have any further concern with the islands—and for years they were unnoticed—though not forgotten by England. Spain, however, jealous of interference with her colonial possessions, and regarding the Falklands as a vantage-ground, from which those in the south might be suddenly or secretly invaded, maintained a small garrison at the eastern extremity of the Archipelago, where her ships occasionally touched, and from time to time reconnoitered the adjacent ports, in order to ascertain whether any visitors were there.”²⁸³



279 Vernet 1832

280 Berkeley 1908

281 *The Blackheath Connection: A Website Book* Dan Byrnes 2000. Also in Philpott 1992 quoting *Carterets Voyage Round the World, 1766-1769* Helen Wallis 1965. Also *An Account of Falkland Islands by William Clayton, Esq. Of His Majesty's Navy* W. Clayton 1776

282 *AGI Buenos Aires 103* in Philpott 1992. It would be surprising if he had not taken note of the plaque, and reported back to Buenos Aires.

283 Fitzroy 1839

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."

"South Georgia, besides being uninhabitable, does not appear to contain any single article, for which it might be visited occasionally by European ships. Seals and sea-lions, of which the blubber is accounted an article of commerce, are much more numerous on the desert coasts of South America, the Falklands, and the New Year's Islands, where they may likewise be obtained at a much smaller risk. If the norther ocean should ever be cleared of whales, by our annual fisheries, we might then visit the other hemisphere, where these animals are known to be numerous...." ²⁸⁴

Cook also discovers the South Sandwich Islands, who names them after the First Lord of the Admiralty.

August 23rd, King George III proclaims that the American colonies are in a state of 'rebellion.'

A Falkland Islands whaling and sealing fleet is established by four New England oil merchants, Francis Rotch, Richard Smith, Aaron Lopez and Leonard Jarvis. Sixteen vessels are outfitted at Martha's Vineyard and instructed to rendezvous at Port Egmont, to over-winter and take seals. ²⁸⁵

September 4th, Capt. John Locke in *Minerva*, receives instructions to go whaling on the Brazil Banks before joining Rotch at Port Egmont. ²⁸⁶

September 8th, Rotch sails to England in the *Francis* to arrange British protection for the Loyalist vessels which are to sell their oil in England. Five New England vessels previously captured by the Royal Navy, and their crews, are released for the purpose. ²⁸⁷

13,000 seal skins from the Falklands are sold in Canton, China for \$5 each, by American vessels. ²⁸⁸

Two vessels, captained by William and Jonathon Mooers of London, take a cargo of Elephant Seal oil from the Falklands to Dunkerque. ²⁸⁹

"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, ..." ²⁹⁰

²⁸⁴ *Journal* of George Forster, German Naturalist, on board the '*Resolution*'.

²⁸⁵ Headland 1989. The Rotch family were the owners of the *Dartmouth* when its cargo of tea was thrown overboard in Boston in 1773; the *Boston Tea Party*.

²⁸⁶ Byrnes 2000

²⁸⁷ *Falkland, Enterprise, Abigail, Minerva and Diana*. Rotch also agreed to purchase £10,000 of stores in London. *cf.* Byrnes 2000

²⁸⁸ *The War against the Seals: A History of the North American Seal Fishery* Briton Cooper Busch 1985

²⁸⁹ Headland 1989

²⁹⁰ *A History of the Whale Fisheries* James Travis Jenkins 1921

*“The Southern Whale Fishery had been initiated in 1775 by British firms including Samuel Enderby and Sons, John St Barbe and Alexander Champion.”*²⁹¹

1776 – January 1st, William Clayton, the last Military Administrator at Port Egmont, describes the archipelago in a reading to the *Royal Society* in London; “.. *Saunders Island, on which the English settlement was made, a blockhouse erected, several spots enclosed for gardens and three storehouses, and five dwelling-houses or huts, built at different times by the ships crews who were stationed there.*”²⁹²

January 24th, the Spanish vessel *San Francisco de Paula*, commanded by Capt. Juan Pascual Callejas, arrives at Port Egmont. He removes the plate left by Lieut. Clayton in 1774.

*“In the beginning of 1776, Captain Juan P. Callejas formally reconnoitered Port Egmont and the adjacent bays; he found the roads covered with grass, the doors of the Houses and Stores open, the roofs almost entirely fallen in and some effects scattered on the shore.”*²⁹³

*“... I find that towards the end of 1775 (sic) a Spanish Officer named Callegas in pursuance of these orders visits the remains of our settlement at Port Egmont and discovered there the Inscription left by Captain Clayton upon his quitting the place the year before. This Inscription fully set forth His Majesty’s rights and was on a leaden plate, and was sent by Callegas to Buenos Ayres, where I am told it was carefully preserved until General Beresford took possession of the city, and sent it to England.”*²⁹⁴

February 7th, Ambassador Masserano, 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.*”²⁹⁵

*“The British Minister again assured him of the abandonment, adding that he had reason to suspect that Vessels belonging to the revolted Colonies of North America often went to the Islands to fish for Whales; on which account the Court of London had in its contemplation to send 1 or 2 Frigates to expel them.”*²⁹⁶

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

March 25th, the Spanish pilot José de la Peña reports sighting a English ship moored at Port Egmont.

April 1st, a suggestion is made in the House of Commons, that convicts should be sent to the Falkland Islands.²⁹⁷

Nuestra Señora de la Gloria is wrecked near the entrance to Port Egmont.

The *Whale Fishery, etc. Act 1776* extends the bounty system to the Southern Whale Fishery.²⁹⁸

In **August**, King Carlos III of Spain creates the *Vice-Royalty of the Rio de la Plata*. The Falkland Islands are not included within the new Viceroyalty.

291 Byrnes 2000

292 Clayton 1776

293 Vernet 1832

294 *Woodbine Parish to Earl Aberdeen 20th November 1830. PRO FO 6 499.* The orders referred to are those of April 1774.

295 Vernet 1832

296 Vernet 1832. It is not explained why the English Court would feel the need to expel American ships from what, according to Vernet, they had already recognised as Spanish property. In his *Report*, Vernet was defending his actions following American accusations of piracy, and his comments need to be viewed in that light.

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

298 *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 had increased to £2 by 1749. The bounty system was finally terminated in 1821.

*“The Viceroyalty of Buenos-Ayres was located from 15° and 37° latitude South”*²⁹⁹

*“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.”*³⁰⁰

*“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.”*³⁰¹

August 9th, Spain designates Montevideo as its primary naval base with responsibility for the south Atlantic, including the island of Soledad. Two frigates are initially posted to the base; *“... the Commander of the frigates responsible for communications with the Falklands were available as necessary in order to assume the Government of the Islands”*³⁰²

September 26th, the patrolling vessels receive *Orders* to warn off any American ships they should find fishing near the Islands.³⁰³

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

January 4th, Spanish Governor, Francisco Gil de Taboada y Lemos, leaves Puerto Soledad and is replaced by a navy lieutenant; Don Ramón de Carassa y Souza.

*“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.”*³⁰⁴

The Spanish vessel *Santo Cristo del Buen Fín* reconnoiters Port Egmont.

Francis Rotch returns to London from the Falkland Islands.

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.”*³⁰⁵

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*.

299 *Revolucion Hispano-Americaux* Mariano Torrente 1829 p.11

300 Greenhow 1842. Bland was one of three *Commissioners* sent out by the USA in 1817 to assess the state of the United Provinces.

301 *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 1925 vol.1 pp.382 & 389

302 The quote seems to place responsibility for the Falklands with the Spanish navy, further excluding the Islands from the control of Buenos Aires or the Viceroyalty. The Montevideo base evolved over time to include an arsenal, stores, and a hospital. By 1810 there were 12 ships permanently stationed at Montevideo.

303 Vernet 1832

304 Greenhow 1842

305 Vernet 1832

1778 – large numbers of 'maruading' sealers, American and British, are noted by the Spanish at Soledad. 40,000 seal skins and 28,000 tons of elephant seal oil valued at £40,000 are taken to London.

*“Thus began the English South Whale Fishery. ... The entire operation, of course, was ultimately managed from the City of London, which had originally developed the 1773 tea deal the Americans found so objectionable.”*³⁰⁶

Juan de la Piedra is sent out to explore and found settlements along the coast of Patagonia south of latitude 41°. 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 ..”*³⁰⁷

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.³⁰⁸

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

1780 – Viceroy Vértiz; *“.. received Orders to make every sacrifice for sustaining the Malvinas, in order that England may never claim them, pro derelicto.”*³⁰⁹

His orders include an instruction to; *“.. entirely demolish the Establishment of Port Egmont, and not to leave a vestige of it remaining.”*³¹⁰

March 22nd, Port Egmont is sketched by Juan Pasqual Calleja.³¹¹

A Spanish fort (*presidio*) is established on East Falkland island.³¹²

May 17th, the wooden fort at Port Egmont is burnt down by Spanish troops from the *Nuestra Señora del Rosario*.

*“Of the old Settlement we could discover foundations of what appeared to be a row of barracks and houses built with some regularity of plan, but the Spanish Authorities had endeavoured to destroy all trace of habitations and had not left even the remnant of a wall standing.”*³¹³

306 Byrne 2000

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

308 The revolting colonies setting a bad example to her own. *cf* Coxe 1813

309 Vernet 1832

310 *Las Islas Malvinas* R. R.Caillet-Bois 1952 p.169, also Nieto 1947 p.291. An act of war; West Falkland being the closest British territory to the Viceroyalty. Vernet (1832) gives a date of June 30th 1777 given for this *Order*, without any explanation as to why it took 3 years to carry out. With a permanent garrison at Soledad this would seem unlikely.

311 Philpott 1992

312 Various described as a 'penal colony', 'fort' or 'garrison', little is known about this settlement on East Falkland. The Spanish had a history of putting outposts around their claims in the Americas and staffing them with a mixture of military men and prisoners sentenced to hard labour. 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, annually. All the Commanders of the garrison, invariably called 'Governors' by Argentina, were junior naval officers.

313 Captain Grey's *Journal* of 1836 quoted in *Extracts from the diary of Admiral the Honourable George Grey* Thompson W H. (ed.) 1969

1781 – February 8th, the Spanish Court; “.. acknowledged the receipt of the Despatch acquainting it with the fulfillment of its Instructions.”³¹⁴

“.. The ruins of part of the town still remain, ...”³¹⁵

February 26th, frigate Lieutenant, Don Jacinto Mariano del Carmen Altolaquirre 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. Buildings are recorded as – 1 house for the Commander, 1 for the Port Captain, 4 for the officers plus sailors quarters, barracks for the troops and convicts, 5 small rooms, a hospital, chapel, blacksmith's workshop and stores. Three batteries with a total of 11 cannon are also listed.

September 30th, José Morel reconnoiters Port Egmont on the instructions of Lieut. Altolaquirre.

1783 – Spain's new settlements along the Patagonian coast are abandoned on the orders of Viceroy Vértiz.³¹⁶

“.. after three or four years , in which upwards of a million of hard dollars was spent upon them, orders were sent out to abandon them all, except the settlement upon the Rio Negro, after setting up at San Joseph's, Port Desire, and San Julian's, signals of possession, as the English had done at Port Egmont, for evidence in case of need, of his Catholic Majesty's rights.”³¹⁷

April 1st, the supply vessel from Montevideo arrives at East Falkland. Altolaquirre hands over command of the *presidio* to Navy Captain, Don Fulgencio D. Montemayor.

In **May**, 2nd Lt. Vicente Villa checks on Port Egmont.

Captain Frost in the *General Knox*, hunts seals at the Falklands.³¹⁸

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

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

In **September**, Lieut. Thomas Edgar applies for leave from the Royal Navy and is appointed Master of the whaling ship *Hope*.

November 4th, the *Hope* sails for West Falkland.

The English sealing ship *United States*, commanded by Capt. Huffey, spends the austral winter at Swan Island.³¹⁹

314 Vernet 1832.

315 *A voyage towards the south pole, performed in the years 1822-24* James Weddell 1825. The author visited Port Egmont when he over-wintered in 1823. He may, however, be referring to buildings erected later as there is evidence of sealers building structures in 1787 and 1817.

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

317 Parish 1839. A further example of the acceptance of the practice of leaving marks and signs in the form of plates and flags to retain sovereignty.

318 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.

319 *A voyage round the world, but more particularly to the north-west coast of America: performed in 1785, 1786, 1787, and 1788, in the King George and Queen Charlotte, Captains Portlock and Dixon; dedicated, by permission, to Sir Joseph Banks, Bart.* Capt. George Dixon 1789. The *United States* had been captured by the Royal Navy in 1777 when she was called *Delaware* and subsequently sold to Mrs Mary Hayley, a loyalist living in London. After her husband George died in 1781, their long-term house guest, whaler Francis Rotch, remained.

1786 – in **January**, merchants in London approach the British Government; “*The whalers sought pelagic sperm whale, which was either being fished out of some areas or becoming more successful at avoiding whalers. In January 1786, leading fishery firms approached the Treasury for financial assistance, bounties, and the right to sail into the Indian and Pacific Oceans.*”³²⁰

Hope arrives in the Falklands and Thomas Edgar commences a survey of West Falkland.³²¹

January 5th, the English ships *King George* and *Queen Charlotte* arrive at Port Egmont where Captains Portlock and Dixon survey the port; “*Tis most probable that this was near the place where Captain Macbride lay in the year 1766, when he wintered here, as we found on the adjacent shore the ruins of several houses, said to be built by him, but destroyed since by the Spaniards...*”³²²

January 15th, the sloop from British sealer *United States*, arrives at Port Egmont; while an American ship also moors up at Swan Island.³²³

January 23rd, the *King George* and *Queen Charlotte* sail for Cape Horn.

February 4th, the Privy Council's *Committee for Trade and Plantations* begins its examination of the question of the South Whale Fishery.

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

In **June**, the Privy Council's recommendations result in *An Act for the Encouragement of the Southern Whale Fishery*, under which bounties become payable to vessels fishing the Southern Fishery below 35° S latitude.³²⁴

“*Act 26 Geo III c.50 gave whalers Cape Horn to 50 degrees west of cape and up to Equator, Cape of Good Hope, 15 degrees east of cape and up to 30 degrees south. Some 29 ships brought home sperm oil, whale oil and seal skins valued at £53,350.*”³²⁵

Thomas Delano in the *Lord Hawksworth* sails from England for the Falklands.³²⁶

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

February 7th, the American schooner *Pilgrim*, commanded by Cap. John Palmer out of Boston, arrives at the Falklands.

Rumours of a new settlement at Port Egmont reach Buenos Aires.³²⁷

In **March**, the Marquis of Loreta, Don Pedro Meza, reconnoiters. On his return Meza reports that he found no evidence of foreign vessels.

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

320 Byrnes 2000

321 Port Edgar is named in honour of his work in 1786 and 1787.

322 Dixon 1789. Also *Voyages round the World* Edmund Fanning 1833

323 Name unknown.

324 26 *GEO III c50 955-75*

325 Byrnes 2000

326 Headland 1992

327 *AGN VII 1.3.34 and AGN B.Nat. Leg. 196*. Around this time, party of sealers had been dropped off at Staten Island by the *Prince of Wales* on its journey to the north-west coast of America - also reported to Buenos Aires. One of this party was Master J. Leard RN. *In the Wake of Cook: Exploration, Science and Empire 1780-1801* David Mackay 1985.

*“In 2 cruizes made by Don Ramón 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.”*³²⁸

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

Viceroy Juan Jose de Vertiz writes to the Spanish Court proposing that the *presidio* on Soledad be abandoned to save money.³²⁹

In **November**, Lieut. Thomas Edgar and the *Hope* arrive back in England.

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 Kearns.

In early **February**, American Captain John Kendrick arrives at Saunders Island with the *Columbia Redivia* and *Lady Washington*. They remain for nearly a month. Third Mate, Robert Haswell, visits Port Egmont; *“We arrived at the place the Garrison stood early in the afternoon. Here are standing a number of the sides of turf houses and two or three built of stone but have no roofs. There is a small stone pier or dock built for the reception of boats.”*³³⁰

April 4th, the sealer, *United States*, arrives at Dover with 25,000 gallons of oil from the Falkland Islands.³³¹

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, Master John Leard RN writes to Charles Jenkinson, Lord Hawkesbury, the President of the *Council for Trade and Foreign Plantations*. Leard refers to the great numbers of seals on the coasts of Patagonia, Tierra del Fuego, Staten Island the Falkland Islands and South Georgia. He proposes that sealing be regulated and limits applied on the numbers that can be taken; based upon the age, sex and species of the seals. He also seeks information on the attitude of the Spanish Government towards British activity off the coast of South America.³³²

1789 – January 17th, Samuel Enderby writes to George Chalmers, Chief Clerk to the Privy Council, concerning the Southern Whale Fishery, and refers to Lord Hawkesworth, and the Government's bounty; *“I think it must give his Lordship pleasure to see the Fishery he has patronised succeed so well under his Direction. His Lordship first took the Fishery under his Protection in 1785, the year prior to which sixteen Sail of Vessels had been employed in the South Whale Fishery, the value of the oil, etc. they brought have amounted to between 27 and £28,000 for which Govt. paid 18% although the premiums were but £1500 per annum. The number of vessels which returned from that fishery last year were 45 sail; the value of the oil, etc., amounted to £90,599 for which Govt. have and will pay £6,300 which is not 7% on the whole amount of the cargoes of oil, etc.”*

328 Vernet 1982. *Audaz* translates as *Bold*.

329 Cawkell 2001

330 *Log of the First Voyage of the Columbia* J.Haswell in *Voyages of the Columbia to the North West Coast 1787- 1790 and 1790-1793* F.W Howay (ed.) 1941

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

332 Mackay 1985

May 16th, Captain Don Ramón de Clairac y Villalonga returns for his third posting on East Falkland Island.

October 20th, following a petition from London whaling interests, the *Board of Trade* seeks legal advice on the pretensions of the Spanish authorities to fishing in the open seas of the south Atlantic.

The Board responds; “*The best and latest Writers on the Law of Nations, are of the opinion that if there are any Seas, which can be considered in any respects as the Objects of Domain, or exclusive Rights, they can be either such Parts only, as are near the Land, so that from their proximity to it Dominion can be properly maintained over them, by the Sovereigns of the adjoining Shores, or that are such as are in Part surrounded by the Land being either Roads, Bays, Ports or Harbours.*”³³³

December 13th, the *Malaspina Expedition* visits Port Egmont which it describes as; “*ruined and spoilt.*” Malaspina reports finding 7 British, and 2 French, whalers at, or near, the old British settlement.

1790 – William Raven, in the *Jackall*, moors at South Georgia. Americans Roswell Woodward and Daniel F. Greene set out on a sealing voyage to the Falkland Islands from Connecticut.³³⁴

February 7th, an American Schooner, *Peregrine*, is ordered away from the Falklands by the Spanish.³³⁵

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

October 28th, Britain and Spain sign the *Nootka Sound Convention No.1*³³⁶;

*'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 connected with their fishery and of erecting thereon huts and other temporary structures serving only those objects.'*³³⁷

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.”³³⁸

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*

333 *Ibid.*

334 *Notes on the Southern Fur Seal* W. N. Bonner 1958

335 *Ibid* p 415. The date of the 7th is provided by Vernet 1832

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

337 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.

338 Spain did not complain under the terms of *Article 7* in 1833; and while it has been argued that the *secret clause* authorised the British action that year the reality is that *Nootka* was long dead by 1833. *cf.* 1795

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.”

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.” ³³⁹

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

January 8th, the America sealer *Hope* arrives off the Spanish garrison on East Falkland en-route to the Pacific Ocean.

January 11th, sufficiently concerned by news reports of a British establishment in the Falklands archipelago, the Viceroy orders two vessels to reconnoiter West Falkland and Staten Island; “ *On the 11th of this month ships of the Falklands expedition, the Paguevot St. Eulalia and Brig Rosario departed from Montevideo to make a reconnaissance of Staten Island and New Island according to the news in which there is supposed to be an English establishment.* ” ³⁴⁰

March 1st, Captain Don Pedro Pablo Sanguineto takes command of the garrison on Soledad. He reports that there are 38 buildings of which 14 are made from stone; the batteries have a total of 12 cannon but that the bread oven is now useless.

November 22nd, the Spanish Commander at Soledad is ordered to reconnoiter 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 Bay of San Julian, and other places in which we may have had occupation or settlements, ... ” ³⁴¹

Lieut. Don Juan Latre is sent out to make a reconnaissance of the Islands.³⁴²

³³⁹ *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

³⁴⁰ Dated January 21st and signed by Nicolas Mezadondo. Frézier's 1713 map called the Falklands - *Les Isles Nouvelles*, and this name was still in occasional use in 1791. The name *Nuevo Irlanda* (New Ireland) appeared in some official papers during this period but it's location is vague. It could be a corruption of Frézier's 'New Islands'; it may refer to just one of the islands in the Falklands group or to an island near Staten Island. The Spanish at that time do not seem to have been very sure. The term '*paquebot*' refers to a mail ship.

³⁴¹ Vernet 1832.

³⁴² *Memorias de Juan Latre* Felix G. Gil 2013

Captain Eckstein in the whaler, *Sydenham*, hunts near the Falklands.³⁴³

1792 – Thomas Pittman, in the *Ann*, takes 3,000 barrels of Elephant Seal oil and 50,000 Fur Seal pelts from South Georgia, while 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 Soledad to command the garrison.

Relations between France and Britain break down.³⁴⁴

September, the American brig *Betsey* arrives at the Falklands hunting for seals.³⁴⁵

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

The Admiralty make *HMS Rattler* available to the whaling firm of Enderby & Sons. Commanded by Capt. James Colnett, the vessel's *Orders* are to examine islands and harbours in the South Atlantic and Pacific Oceans in order to identify those suitable for refitting and victualling stations for the; “... *purpose of extending the spermaceti whale fishery.*”³⁴⁶

April 8th, *HMS Rattler* arrives off the Falkland Islands.

July 29th, at Soledad; “*the Governor Sangineto learned that, in the Islands, and the neighborhood of them, were various foreign fishing Vessels; he called a Council of his Officers, in which it was resolved that Lieut. Don Juan Latre, in the Brig Galvez, should go in quest of these Vessels, and expel them.*”³⁴⁷

In September, Latre, patrolling East Falkland 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.*”³⁴⁸

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.³⁴⁹

1794 – January 2nd, the *Malaspina Expedition* returns to Port Egmont.³⁵⁰

343 Headland 1989

344 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.

345 *Voyages and Discoveries in the South Seas 1792-1832* Captain Edmund Fanning 1924

346 Gough 1992. Capt. Colnett subsequently suggested Cape St. John, Staten Island or the Falkland islands.

347 Vernet 1832

348 Vernet 1832

349 Headland 1989

350 “*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*

On the expedition's arrival the American sealers *Nancy* under Capt. John Bernard, and the *Hero*, commanded by Capt. Enoch Basnard, are anchored near the old British settlement. The American Brig *Mercury*, Capt. William Barnet, is also nearby, at the western point.³⁵¹

*"From the moment we tacked into the harbour we noticed two unrigged brigs anchored in the bay further to the south. Both acknowledged our ensign with the American flag. Their respective captains came on board that afternoon and informed me, as born out by their manifests, that they had left New York fifteen or sixteen months earlier, making directly for these islands for the sole purpose of obtaining seal furs and oil. Various other vessels from the same nation were anchored in a number of nearby harbours for the same purpose, with their seamen spread out throughout the surrounding islands; their launches keeping up communication with the ships. .. the cargo of a single vessel often came to 20,000 seal skins and great numbers of barrels of oil. .. we could see no exaggerations to presume that within a few years all the moneys that the Spanish monarchy was expending in the Malvinas, however generously, would flow back into the hands of foreign traders. I suspended taking any action pending the accumulation of detailed information about the true spirit of our latest treaties. Rather, I offered them anything that might be useful to them..."*³⁵²

January 9th, Alejandro Malaspina, after considering the matter for a week, and consulting the first Nootka Sound Convention, notes; *".. there had been several incidents involving the American ships anchored either in the same harbour or nearby. Almost daily their large launches went around the outer islands. On the 9th a small schooner of the same nation belonging to a ship anchored near the western point of the islands, had anchored in the harbour, unable to sail because of her very bad condition. They all needed ship's biscuits and the schooner needed various provisions that she had requested but that had not yet reached our establishment at Soledad.*

As the time spent lengthened, the slaughter of seals increased to such an extent that it seemed likely that soon they would all be destroyed, as the Americans themselves admitted. These undertakings, in my opinion, of a less equivocal interpretation of Article 6 of the most recent Escorial Treaty,³⁵³ eventually persuaded me not to remain an indifferent onlooker of such damage to our national interests, or negligently to allow the hunting to continue even longer while they waited for the stores they had requested. Both these duties, however, had to be discharged without breaking the established laws of hospitality or disturbing the peace. In particular we had to take care not to bring dishonour to our flag by making statements which could easily be evaded without the least punishment.

*Thus having summoned the captains of the two ships anchored in the harbour as well as Captain White from the small schooner, I explained the titles under which everything included in the name *Islas Malvinas* must be considered a Spanish possession. I pointed out how harmful the fishing and hunting in which they were involved were to our national interests, how reprehensible it would be if I allowed myself to be an indifferent witness of such abuses, and how easy it would be, nevertheless, for them to move to other harbours in the vicinity during my brief stay in these parts, which would certainly be of no more than twelve days, and that this final consideration would oblige me to expel them at once, unless they could plead some reason for staying on, a justification that I would be willing to accept as I had no desire to inconvenience them while at anchor,*

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.

351 Malaspina noted that the *Mercury* had been there for 14 months and had grown; *" .. an above average quantity of excellent vegetables and had bred some pigs and rabbits on a nearby island."*

352 Alejandro Malaspina quoted in *The Malaspina Expedition 1789-1794 The Journal of the Voyage by Alejandro Malaspina Volume III Manila to Cadiz* published by the Hakluyt Society, series III vol.13 2004

353 *First Nootka Convention* cf. 1790

nor fail to help them as far as possible. Such reasons could not fail to bring pressure to bear on them.

The next day the captains of the two brigs at anchor in the harbour presented documents which confirmed their intention to leave as soon as they had finished taking water.

In their requests for assistance all understood the necessity of leaving these islands immediately...”

Capt. Bernard promises to leave after a further 10 days; while Capt. Basnard agrees to go in 6 or 7 days time.

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

January 14th, the Spanish Corvette *Atrevida* leaves Port Soledad in search of the Aurora Islands.³⁵⁴

January 16th, Commander Malaspina takes on as crew, six English sailors who had stayed behind to seal on their own behalf when their vessel left some six months before. This sealing crew had sold their stock to an American vessel bound for China.

January 17th, Malaspina records in his *Journal*; “The American ships had now set sail and the others had been assisted in doing the same.”

January 20th, the *Malaspina* expedition sails from Port Egmont.

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, 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.”³⁵⁵

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

1795 – June 15th, Captain D. Pedro Pablo Sanguineto returns yet again to take command of the *presidio* on Soledad.

1796 – English sealers *Sally* and *Young William* visit South Georgia. The *Sally*, a brig of 170 tons owned by Thomas Guillame & Co of London, is wrecked. All the crew are rescued by Capt. Mackay in the *Young William*.³⁵⁶

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.

354 Weddell 1825

355 *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.*

356 *Wrecks, Hulks and Other Vessel Remains at South Georgia, Falkland Islands Dependencies* R.K. Headland, Scott Polar Research Institute, University of Cambridge 1984

October 5th, Spain forms an alliance with France and declares war against Britain.³⁵⁷

*“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.”*³⁵⁸

*“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. .. 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 had never been concluded.”*³⁵⁹

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

Lieut. Edgar's chart of West Falkland is published in London.³⁶⁰ *“I cannot omit this opportunity of bearing my strongest testimony to the accuracy with which Lieutenant Edgar has delineated the coast of the western main island, and the small ones of this group... On the northern coast of the western island there are many entrances; the principle one is that leading to Port Egmont, and which may be seen from some distance from the sea...”*³⁶¹

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

August 22nd, American sealer *Neptune* moors at Port Egmont. She is joined by *Juno* (Capt. Paul Bunker).³⁶²

October 19th, the American sealer *Betsey* also arrives at Port Egmont. Captain Paddock of the whaler *Olive Branch* moors to take on water.³⁶³

December 8th, *Betsey* and *Olive Branch* depart together for Cape Horn.

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

English sealers *Prince Edward* and *Sybil* visit South Georgia.

1799 – **April 1st**, Captain Don Luis Medina y Torres returns to East Falkland to take command.

June 18th, sealers *Aurora* and *Lively* sail from England for South Georgia.

The American ship, *Regulator*, is wrecked at Right Whale Bay, South Georgia. Her crew get ashore safely, together with their seal pelts and build shelters.

English sealers *Earl Spencer* and *Hercules* fish at South Georgia.³⁶⁴

357 *Treaty of Idefonso*. This became known as the *Anglo-Spanish War 1796 - 1808*

358 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

359 Greenhow 1842

360 *A Chart of West Falkland Island from an Actual Survey by Lieu. Tho. Edgar of the Royal Navy in the Years 1786 & 1787* Published by A. Arrowsmith London 1797.

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

362 *The sea-hunters: the New England whalers during two centuries, 1635-1835* Edouard A. Stackpole 1953

363 Fanning 1924. The date of the *Olive Branch's* arrival isn't given.

364 *Voyages to South Georgia 1795-1820* A.G.E. Jones. 1971

The *Regulator's* cargo of 14,000 seal pelts are sold to the British ship, *Morse*.

1800 – the British sealers *Duke of Kent* and *Eliza* hunt at South Georgia.

January 26th, the American ship *Perseverance* of Boston anchors; “.. in North West Harbour, in one of the Falkland Islands where we found the *Diana* of London, commanded by captain John Locke.”³⁶⁵

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

In **September**, the American sealer *Aspasia*, Capt. Edmund Fanning, arrives at South Georgia looking for the *Regulator*. Fanning notes the presence of 16 other British and American vessels around the island.³⁶⁶

American sealer *Sally*, commanded by Nathaniel Storer, stops at the Falklands and South Georgia. British sealer *Canada*, Capt. Lewis Llewellyn, founders there.

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

The *Favourite* from Nantucket hunts at the Falklands while the English *Duke of Kent* takes seals from South Georgia.

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 during the *Peace of Amiens*.³⁶⁷

“30,000 Frenchmen, established on these islands would ensure to the Metropole (Paris) a vast trade in the two oceans, and this settlement would also serve to form the training school indispensable for sailors of a navy such as the French Navy should be. No time is more suitable than now for Spain to renounce in our favour her imaginary right to these islands and for England to consent to this concession.”³⁶⁸

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

May 25th, the *Earl Spencer* again sails for South Georgia under Capt. Beacon.³⁶⁹

1802 – in **January**, 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, including the *Washington*.³⁷⁰

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 Lieut. Villegas that he was advised to do so by the Spanish Consul in the USA. Villegas writes to the Viceroy for advice.³⁷¹

Captain Isaac Pendleton in the American sealer, *Union*, maps South Georgia.³⁷²

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

365 *Narrative of voyages and travels in the northern and southern hemisphere* Amasa Delano 1817

366 Whilst there, Fanning took 57,000 fur seal skins; a record never again equaled.

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

368 Quoted in Cawkell 2001 p.27

369 Where she was subsequently wrecked.

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

371 Vernet 1832

372 Not published until 1906.

A British *Act of Parliament* continues the bounty system for the *Southern Whale Fishery* and encourages foreign settlers in Milford Haven to pursue the oil business.³⁷³

May 4th, the Viceroy responds to Lt. Villegas' request for advice, telling him to obey his orders and instruct foreign vessels to leave.³⁷⁴

British sealers *Earl Spencer*, *Duke of Kent*, *Sprightly* and *Dragon* hunt at South Georgia.

1803 – the cost of the penal colony on East Falkland is put at 24,564 pesos.³⁷⁵

In **January**, the *Eleonora*, commanded by Captain Edmund Cole, from Rhode Island, stops off at Egmont.³⁷⁶

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

1804 – **March 21st**, Captain Don Bernardo de Bonavía takes command on East Falkland.

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

June 27th, Popham and General William Carr Beresford, leading some 1,600 troops and marines, attacks and occupies Buenos Aires. Beresford discovers the plaque taken from Port Egmont and seizes it. The plate is despatched back to England.³⁷⁷

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.*”³⁷⁸

December 13th, an Order from the Spanish treasury, 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.*”³⁷⁹

373 42 *Geo. III cc.18, 77 and 114*

374 Vernet 1832.

375 Torrente 1829. This cost is listed in the expenses of Buenos Aires, although Torrente does not include the Falklands within the Viceroyalty and the expenses were a part of the Naval budget.

376 *cf* 1810

377 *Woodbine Parish to Earl Aberdeen 20th November 1830. PRO FO 6 499*

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

379 *Malvinas: towards an integrating conception* Marcelo Luis Vernet in *The Question of Malvinas Islands and the*

1807 – further attacks on Montevideo by British forces interrupt the annual supply ship to the *presidio* at Port Soledad, reducing the garrison to near starvation.³⁸⁰

1808 – British ships, *Otter* and *Swan*, visit South Georgia while the American sealer *Triumph* hunts at the Falklands. On its return voyage the *Swan* passes Beauchêne Island and determines its latitude.

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

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

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.

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 Soledad.

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 in accordance with the Spanish treasury instruction of December, 1807.

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

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

Bicentennial Argentina 2011
380 Cawkell 2001 p.41

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.*”³⁸¹

Buenos Aires Province forms its own, '*Primera Junta*',³⁸² 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*. Saavedra countersigns the request, and also asks for the *Treasury Order* of December 13th, 1807 to be sent to the Navy Minister in Montevideo.³⁸³

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...*”³⁸⁴

June 28th, the USA appoints Joel R. Poinsett to be its “*agent for seamen and commerce*” at Buenos Aires, with one of his objects being to inquire into; “*.. the state, the characteristics, and the proportions, as to numbers, intelligence, and wealth, of the several parties, the amount of population, the extent and organization of the military force, and the pecuniary resources of the country.*”³⁸⁵

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

September 24th, the new *Cortes* meets in Cádiz.³⁸⁶

December 7th, Alexander Ross arrives at Port Egmont aboard the *Tonquin*, where Captain Jonathon Thorn intends to take on water; “*.. Mr. McKay, myself and some others, went up the bay a little to repair two old graves which we had discovered in a dilapidated state the day before. On one of these graves was the following rudely-cut inscription on a board: - 'William Stevens, aged 22 years, killed by a fall from a rock, on 21st of September 1794;'* on the other, '*Benjamin Peak died of the smallpox on the 5th of January 1803 ship Eleonora,*

381 *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*.

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

383 Marcelo Vernet 2011. This matter was about who should pay for work completed before January 1810 and it was quite clearly being passed back to the loyal Spanish Navy in Montevideo. That was as it should be because the debt was one for the navy budget in line with the 1807 *Order*. It seems clear that Buenos Aires was not prepared to take responsibility and confirms that the Falklands were not within the jurisdiction of Buenos Aires or the Viceroy; but rather the responsibility of the Navy.

384 Manning vol. I 1925 p.428

385 *Early Diplomatic Missions from Buenos Aires to the United States 1811-1824* Samuel Flag Bemis 1939

386 There were three representatives from the Rio de la Plata.

Captain Edmund Cole, Providence, Rhode Islands."³⁸⁷

1811 – in **January**, acting-Viceroy Gaspar de Vigodet in Montevideo, suffering increasing losses in attacks by revolutionary forces, recalls the loyalist garrison from East Falkland; "*the Cortes at Cadiz expressed their intention of reoccupying them when the situation was more propitious.*"³⁸⁸

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 Oriental³⁸⁹ rebel and besiege Montevideo, threatening the Viceroy's position.

February 7th, Pilot Don Paul Guillén Martínez, evacuates the garrison from Puerto Soledad, leaving a plate in the bell tower containing the inscription³⁹⁰ -

" 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 13th, the last of the Spanish garrison leave Soledad.

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

July 5th, a *Junta* in Caracas (Venezuela) also declares full independence.³⁹¹

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. Vigodet is appointed Captain-General of the River Plate with instructions to continue the defence of Montevideo.

1812 – In **January**, back in Spain, Francisco Javier de Elio formally 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 rebellion against the Spanish Crown.

March 19th, the *Cortes* in Cádiz promulgates a written *Constitution*. *Article 1: "The Spanish nation is the collectivity of the Spaniards of both hemispheres."*³⁹²

387 *Adventures of the First Settlers on the Oregon or Columbia River: being a narrative of the expedition fitted out by John Jacob Astor to establish the Pacific Fur Company* Alexander Ross 1849

388 *Falklands or Malvinas? The Background to the Dispute*. J. Metford *International Affairs* 44 July 1968 pp.463-481, reprinted as the introduction to Goebel, 2nd Ed. 1982

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

390 "*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.*" The leaving of plates as part of the "*marks and signs*" appears well established as a recognisable and accepted '*norm*' when maintaining a sovereignty claim, with this reminiscent of the lead plaque left by the British in 1774.

391 The contrast with Argentina's loyalty to the Crown of Spain is surprising.

392 Although declaring the legitimacy of Ferdinand VII, the *Constitution* effectively reduced the power of absolute

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.

March 14th, the Canadian ship *Columbia* arrives at Berkeley Sound.

April 5th, the American sealer *Nania* finds the marooned British seamen who are unaware that the US and Britain are at war. When they discover this 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 to prepare for the voyage around Cape Horn.³⁹³

The Provinces of the old *Viceroyalty de la Rio Plata* descend into a series of civil and internecine wars.³⁹⁴

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.

A British ship arrives at Port Soledad and inspects the remains of the Spanish *presidio*; “ .. *this place appears to have been settled by the Spaniards. By a paper I found in the Governor's house it appears they left it in April 1811. the houses were in good condition, and consisted of about twenty built of wood, and a small Church. In the vicinity of the harbour, on the first day of our arrival, I saw about fifty head of fine Oxen, and as many horses, likewise as many Pigs, and the tame Geese were so numerous that one man shot in one day as many as were sufficient for the Brig for the week. We likewise found a Bakehouse with every utensil in good order..*”³⁹⁵

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

June, Buenos Airean forces under General Carlos Alvear, finally capture Montevideo from the Royalist forces led by General Vigodet.

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.*

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

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.

393 *The Maritime Activities of the North West Company 1813 to 1821* Marion O'Neil in *The Washington Historical Quarterly* vol 21. No.4 1930. The Falklands appear to have been a regular stopping place for the Company between 1813 and 1821.

394 These will last until, with varying periods on intensity, until 1876.

395 The author was Lieut. John Moore who wrote the description in 1824. He does not name the ship.

his subjects from furnishing arms, ammunition, or any other warlike article to the revolted in America.”³⁹⁶

“But this article (Art. 1) could have related only to the treaties of commerce between the European dominions of the parties; 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.”³⁹⁷

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.³⁹⁸

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

HMS Nancy, a gun-brig, is also sailing near the archipelago hunting for the survivors of the *Isabella*.³⁹⁹

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.”⁴⁰⁰

Two French sealers out of Le Havre, the *Elephant de Mer* and the *Zenaide*, moor at the Falklands.

1815 – the British sealer *Norfolk*, visits South Georgia. Edmund Fanning, in the Stonington sealing ship, *Volunteer*, leaves a gang at Port Louis with orders to hunt in the area until his return in 1817.⁴⁰¹

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.

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

397 Greenhow 1842.

398 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 matters had reached such a depth that true independence was not considered realistic without a major sponsor. *Pan-Americanism: its beginnings* Joseph Byrne Lockey 1970

399 Headland 1989

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

401 Headland 1989. The 'gang' consisted of an officer and 8 men.

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.⁴⁰²

In **September**, the American sealer *Volunteer*, arrives at Port Soledad for a three month stay.⁴⁰³

September 1st, US President Madison formally proclaims the United States '*neutrality*' in the war between Spain and her revolted colonies.

British sealers *Admiral Colpoys* and *Diana* hunt at South Georgia.

1816 – July 9th, the United Provinces of South America formally declares independence from Spain at the *Congress of Tucumán*. Delegates argue that any union between Spain and its Dominions was broken on Ferdinand's abdication in 1808; they also point to the Spanish King's refusal to accept the *Constitution* of 1812.⁴⁰⁴

Ferdinand's reaction is to prepare an expeditionary force of 12,000 men, for an invasion of Buenos Aires.⁴⁰⁵

*“According to predominant nineteenth-century doctrine there were no rules determining what were 'States' for the purposes on international law; the matter was within the discretion of existing recognized States.”*⁴⁰⁶

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. ... ”*⁴⁰⁷

British sealer *Grand Sachem* hunts at South Georgia.

In **September**, Thomas Jefferson writes, in a letter to Madam Stael, that King Ferdinand, realising that both Buenos Aires and Montevideo are *“irrecoverable,”* is prepared to barter them; *“with the Court of Brazil for Portugal.”*⁴⁰⁸

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

403 Fanning 1924

404 Effectively '*backdating*' independence.

405 1816 also saw a threat of an invasion of the Banda Oriental by Portuguese forces in Brazil. Ferdinand's expeditionary force had to be diverted to threaten Portugal's border with Spain. Britain's opposition prevented a war between Spain and Portugal while the momentum to retake Buenos Aires had been lost; further doomed by a lack of hard cash.

406 *The Creation of States in International Law* James Crawford 2007 p.5

407 General Martin was apparently neither aware that the penal colony on East Falkland had stayed loyal to Spain, nor that it had abandoned the Falklands 5 years before.

408 Quoted in *Spain's Reaction to Portugal's Invasion of the Banda Oriental in 1816* Enoch Resnik in *Revista de Historia de America* No. 73/74 1972

1817 – in **January**, the *Volunteer* returns to the Falklands to complete its cargo before sailing for New York.⁴⁰⁹

American Captain Samuel B. Edes in the sealer *Pickering*, out of Boston, visits the Falkland Islands en-route to South Georgia and the Antarctic.

*“After reconnoitering about the Falkland Islands, without finding seal enough to warrant us in leaving a gang there, we ran over to Staten Land, and Tierra del Fuego ...”*⁴¹⁰

*“The English again formed a small settlement in Port Egmont in 1817, principally as a place of refreshment for the Whalers.”*⁴¹¹

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.”*⁴¹²

On the same day, a *privateer*, David Jewett⁴¹³, acting under a 'commission' of Buenos Aires attacks and seizes the *General Gates*. Two bags of cochineal are seized as is a folder of official letters from Havana to the Spanish Consul in Philadelphia. Jewett's ship is called *Invincible*.⁴¹⁴

*“... littoral states strong and weak alike—relied on private vessels for maritime support. Those private vessels, known as privateers, were invested with power to act on behalf of a state through letters of marque and reprisal. Instead of oceans policed by national navies, private vessels and their captains sailed their vessels on behalf of states.”*⁴¹⁵

In **May**, the *Admiral Colpoys* sails from London for South Georgia.

May 15th, an ordinance to regulate the actions of corsairs employed by the Buenos Airean Government is signed into law by the Supreme Director Juan Martin de Pueyrredon and Matias de Yrigoyen, the Minister for War and the Navy.

409 Fanning 1924

410 *Fore and Aft: or, Leaves from the Life of an Old Sailor* William Dane Phelps 1871

411 *Army and Navy Chronicle (New Issue)* vol.6 January 1 to June 30 1838 p.165-166. In *The Pictorial History of England* G.L. Craik 1841, the reference had changed; *“In 1817 some private individuals formed a settlement there ...”* although both appear to have originated with the entry in *The Penny Cyclopaedia of the Society for the Diffusion of Useful Knowledge* 1837 which is most accurately reflected in the *Chronicle*.

412 Manning 1925 vol.III

413 There are two common spellings of David Jewett's name. *Jewitt* is the spelling used by Fitzroy, Weddell and Greenhow and appears to accord with the signature on a letter to the Supreme Director of Buenos Aires in 1821. It was also the way that his father spelt the surname although other members of the same family used two 'e's. I have gone with '*Jewett*' purely because it has become the most commonly used and allows for easy checking of my references.

414 *Letters of Marque/Commissions* were issued to *privateers* (both the ships and the commanders) to separate them from *pirates*. It allowed the *privateer* some immunity by affording them the protection of the rules, such as they were, of war; whereas *pirates* would just be hanged. This authorisation to act on the part of a government would be very specific in its terms and in other examples of such letters issued by Buenos Aires, it was attacks upon Spanish vessels only that were authorised.

415 *The Full Story of United States v. Smith, America's Most Important Piracy Case* Joel H. Samuels 2012

The ordinance is entitled – *Reglamento Provisional de Corso* and contains 46 articles detailing legal and unlawful actions.

*“These crimes are all distinctly to be traced to the articles in that Code ... namely, to the article which gives the privileges of a Buenos-Ayrean, and a right to their flag, to every foreigner, who has never been in the country..”*⁴¹⁶

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 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.”

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 Pueyrredon, styling Aguirre Commissary-General of War, and constituting him agent of the Government near that of the United States.*”⁴¹⁷

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*.

November 28th, the sealer *Admiral Colpoys*, commanded by James Todrig, is wrecked at South Georgia. The crew save much of the cargo which is transferred to another ship.⁴¹⁸ The *Sea Fox* under Capt. Fanning arrives off East Falkland seeking seal oil and skins.

The *Bordelais*, a French ship under the command of Camille de Roquefeuil passes the Falklands.

*“I wished that it (France) would again occupy those islands, which, it is true, would not furnish any rich produce but ... would be useful to our fisheries, it might serve also as a place of deportation, and would afford a vent to our super-abundant population. Spain, which is on the point of being excluded from South America, could have no interests in preventing us: and even the power which embraces the world with its colonies and squadrons, could hardly look with a jealous eye on the occupation of this desolate coast.”*⁴¹⁹

December 4th, the United States sends out three commissioners, Rodney, Bland and Graham, to ascertain the condition and prospects of the La Plata provinces.

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.

416 *John Quincy Adams to John B. Prevost July 10th, 1820* This appears to refer to Art.3 of the *Reglamento Provisional de Corso*

417 Adams 1874 vol. IV p.14

418 Jones 1971 and Headland 1984

419 *A Voyage Round the World 1816-1819* Camille de Roquefeuil 1823

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.”*⁴²⁰

1818 – 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.

March 29th, Aguirre receives a letter from Buenos Aires for transmission to President Monroe asking for the formal recognition of the United Provinces. Explaining why this had not been requested before, the author, Pueyrredón, says; “*As long as the United Provinces of Rio de la Plata considered the issue of the contest in which, obedience to honour and justice, they had engaged with the Mother Country, as doubtful, they cautiously abstained from requiring of other nations to compromise their interests by a formal acknowledgment of their Independence.*”⁴²¹

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.⁴²² Spanish General Vigodet suggests the use of Soledad as a staging post for an invasion of the United Provinces.⁴²³

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.

420 Adams 1874 vol. IV p.30

421 Juan Pueyrredón, *Supreme Director of the United Provinces of South America to James Monroe, President of the United States* January 14, 1818.

422 Lockey 1970 p.92

423 Cawkell 1983 p.31. Clear evidence that Spain still considered the archipelago as its own dominion? The expeditions never left Spain as it mutinied before embarkation.

November 7th, John Quincy Adams, following consultation with 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.”*⁴²⁴

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 ..*”⁴²⁵

December 14th, an American, Mr. De Forrest, presents papers to the US Government asking for 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.*”

1819 – January 14th, Spain announces penalties for any subject of a foreign state who joins the standard of their rebellious 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.*”⁴²⁶

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.*”⁴²⁷

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 refuses.

British whalers and sealers, *Arab, Anne, Echo, Grand Sachem, King George, Dove, Norfolk, Recovery* and *Mary Ann*, hunt off South Georgia.⁴²⁸

February 3rd, the British sealer *Indispensable* is reported off South Georgia with 120 tons of oil.⁴²⁹

424 Adams 1874 vol.IV p.167

425 *Liverpool to Castlereagh Nov. 9th, 1818*

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

427 Lockey (1970) suggests that the Minister was empowered to negotiate the establishment of an *Orleanist* monarchy.

428 It is difficult to identify the route these vessels would have taken from England. However there is some evidence that both British and American vessels would first sail to the Cape Verde Islands to take on salt for the preservation of the seal furs, and then head for the Falklands to get fresh water and prepare for the harsher conditions further south. Many of the vessels would also over-winter at the Islands.

429 Jones 1971

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;*”

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

April 28th, the *Echo* arrives back in England from South Georgia with 280 casks of oil and 850 seal skins valued at £1,400.

May 6th, *Arab* arrives back with 300 casks of oil and 5,000 seal skins worth £3,700.

May 22nd, *Grand Sachem* reaches Gravesend with 150 casks of oil and 180 seal skins.

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.”*⁴³⁰

June 8th, the *Mary Ann* arrives at Limehouse with 690 casks of oil and 900 salted seal skins.

Joseph Herring, with the backing of British merchants, fits out the *Esperito Santo* at Buenos Aires for a seal hunting voyage to the South Shetland Islands. The vessel, flying the British flag and with a British crew, stops off at the Falklands where it meets the American sealer *Hersilia*. When the *Hersilia* leaves to search for the Aurora Islands, it leaves behind 2nd Mate Nathaniel Palmer to obtain supplies of fresh beef from the wild cattle on East Falkland.

The French sealer *Victor* sails for the archipelago.

Buenos Airean *armador*, Patricio Lynch, acquires a French frigate called *Braque* and refits the vessel as a *privateer*.⁴³¹

September 9th, Lynch writes to the Minister of the Navy about the refitted vessel, for which he needs cannon; *“I wish to assemble a corsair frigate of 475 tons and 30 to 34 guns at this port... I lack the armament and ammunition that I cannot find for sale in private hands and I must disturb his excellency to apply for the arsenal, .. under the conditions of article 5 of the Corsair Ordinance. If His Excellency wishes to grant it, I hope he will issue the orders to the respective commands of Marina and gun room, and grant a corsair licence for the vessel which will be called ‘Thomas Guido,’ and their Commander is Don David Jewett. I beg His Excellency to accede to this request...”*

In **October**, Smith and the *Williams*, return and lands on King George Island; claiming the South Shetland Islands for Britain.

The *Hersilia* returns to West Falkland to re-provision having failed to find the mythical Aurora Islands, and, on hearing of Smith's claim, sails south in search of new sealing grounds.

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

431 Patricio Lynch, of Irish stock, was a noted '*armadore*' who invested in, and acted as agent for, *privateers*. He was also the great-great-Grandfather of Che Guevara.

In *December*, the Russian expedition led by Fabian Gottlieb Thaddeus von Bellingshausen arrives at South Georgia in *Vostok* and *Mirny* where they map the south coast. In one of the fjords, Bellingshausen meets two English three-masted sealers which had been hunting seals there for four months.⁴³²

Bellingshausen sails on to the South Sandwich Islands; finding more of them than Cook had observed and confirming that they were all islands rather than being any part of a mainland.

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.

A French vessel arrives at Port Egmont; “.. *It is proper thus to mention what the Islands are capable of affording now, for the reports of several years ago do not apply to the present time. An instance of this occurred in the case of a French ship which arrived at Port Egmont in the year 1820, for a cargo of seal skins and oil. The captain was a lieutenant in the French navy, and his ship was elegantly and expensively fitted out. It appeared that the voyage was projected upon the foundation of his father having, forty-two years before, been at this port, and at that time found the beaches lined with sea elephants and seals. The son expected the same to be still the case; but as none were to be found, he abandoned the voyage, with great loss, no doubt, to his employers.*”⁴³³

January 7th, Patricio Lynch writes again to the Minister of War, Matias de Irigoyen; “*With my corsair frigate Heroína receiving its provisions, recruiting its crew and preparing to set sail within 15 days, I take the liberty of writing to you ... The name of the ship shall be as above mentioned, unless you decide otherwise; its letters of marque or commission shall be those of a warship of the state set to sail for a year;.. its captain Don David Jewett, that of Colonel ... as was promised to him and as he deserves, having served on the Bark Invincible with the rank of Lieutenant-Colonel with honour ... I'm thinking of giving him six lieutenants but I have yet to decide which, among the various applicants should be the first and which the second, and for this reason I request that you grant me commissions in the following manner: that of first lieutenant with the rank of captain, and the other lieutenants, 2nd, 3rd, 4th, 5th and 6th, with their ranks, all according to proper procedure and that of second lieutenant in favour of Don Luciano Castelli. .. I also request that you send me general and specific instructions that your Excellency may wish to communicate to the commander of the ship.*”⁴³⁴

The ship is now in an admirable condition and I trust that it will honour the country to which it belongs. It grieves me considerably that it should take to the sea without your having been at its side: it is the best we have had so far. A son of Acevedo who has worked in the English navy goes as midshipman. In the same class goes a nephew of Goyena who has been a midshipman in Spain, and then there are a number of young adventurers also going...”⁴³⁵

January 15th, Lynch is granted a 'corsair' license signed by Supreme Director, Jose Rondeau, under the corsair regulations of 1817; permitting his *privateer* to pursue and capture Spanish ships.⁴³⁶ David Jewett, is commissioned *Colonel* in the National Marine Service.⁴³⁷

432 *The Status of Sealing in the Sub-Antarctic Atlantic* Robert Cushman Murphy in *The Scientific Monthly* vol.7. 1918

433 Weddell 1825. Weddell did not provide a name for the vessel, but the *Victor* commanded by Jean-Baptiste Jardin is known to have visited the Falkland Islands around this time.

434 No instructions have been found, and there is no evidence that any were sent.

435 *AGN X 512 Lynch to Yrigoyen January 7th, 1820*

436 Rondeau was forced from office shortly after issuing the licence to Lynch.

437 *Revista del Archivo Nacional de Historia, Sección del Azuay, Issue 5, pp. 120-121.* This was actually a *privateer* Commission, many of which were provided as blanks to the *armadors* by the Government, for issue to the commanders of their ships – there being no Argentine navy to speak of. There is evidence that Jewitt may also have held one from

*“The documents of f. 9 and f. 12, the sole titles that the Captain of Heroína provided as proof of ownership, and authorisation to capture enemy ships on behalf of the Supreme Director of the United Provinces of South America, written the first in French and the second in Spanish, and given to the first Captain of Heroína David Jewitt on the 15th January 1820 who has endorsed and transferred to current Captain Masson on the 22nd April 1821, expressly declaring that the Heroína was a Buenos Ayres War Sloop and was aimed to fight against the Spanish flag, imposing the Captain to avoid all sort of abuse and disorder that could be committed with Buenos Ayres flagships, indentifying in its route all commercial ships, which were armed for war had such flag, checking if the patents were valid and if they were correctly used, reprimanding and punishing all excesses committed against friendly or neutral flagships.”*⁴³⁸

*“As privateering developed in Britain in the 16-18th centuries, the privateer 'commission' and 'letter of marque' were two different entities. The former was issued against specific non-state targets, whereas letters of marque were issued against citizens of enemy sovereign states. However, by the 19th century, at least in the sources I've used, the two terms seem to have become synonymous and were used interchangeably .. So, if Jewett received a 'commission', I would assume it was granted specifically to take command of a privateer, just as if he'd been issued with a letter of marque - the difference in this context being merely one of terminology...”*⁴³⁹

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

February 14th, on its entry to Berkeley Sound, the French corvette, *Uranie*, founders.

*“Commodore Freycenet had performed a voyage of science almost round the world, and after having spent nearly three years, was returning home when this distressing accident happened. .. the crew got safe to land. .. They were at length relieved from their distressed situation by an American sloop, which, in passing, saw them, and went to their assistance. ...”*⁴⁴⁰

February 18th, Manuel de Sarratea takes over as Governor in Buenos Aires.

March 6th, Sarratea is replaced by Juan Balcarce.

March 11th, Juan Balcarce is replaced as Governor by Manuel de Sarratea.⁴⁴¹

March 21st, Colonel David Jewett, the privateer *Heroína* and its crew of 200 sail from Buenos Aires.⁴⁴²

*“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 by people of every other nation; for, to find among them a native or even a genuine citizen of Buenos Ayres, is almost without example”*⁴⁴³

Artigas (Banda Oriental) from 1819. If so, this second commission would have been illegal under the laws of Buenos Aires; rendering Jewitt a *pirate*. The US Agent in Buenos Aires, John M. Forbes accused him of this.

438 From the Portuguese court record of 1822.

439 In correspondence with Dr. Matthew McCarthy of the *Maritime Historical Studies Centre*, University of Hull 26.9.13

440 Weddell 1825

441 Who lasted until May 2nd. This was typical of the chaos in 1820.

442 An American citizen, Jewitt was acting in defiance of the USA's *Neutrality Act 1818*, although the 'Commission' may have been a way of avoiding this. American *Privateers* taking Buenos Airean citizenship was another oft used method to get around the law.

443 *John Quincy Adams to John B. Prevost July 10th, 1820*. The *Niles' Weekly Register* of January 8th, 1820 estimated that there were between 15 and 20,000 American seamen engaged in *privateering* activities.

*“The necessity for having an effective crew, and the impossibility of getting men of good characters, had induced him to take some out of the common prison.”*⁴⁴⁴

*“Privateers were privately owned vessels authorised by governments in times of war to prey upon enemy trade and shipping. They were required to carry commissions (letters of marque), act in accordance with specific instructions and transmit prizes to ports to be legally adjudicated in courts of maritime jurisdiction.”*⁴⁴⁵

James Weddell's ships *Jane* and *Beaufoy* are moored at Port Egmont while the *General Knox* is at West Point harbour. Other vessels include the *Mercury* and a whaler, *Sir Andrew Hammond*, both at Port Soledad.⁴⁴⁶

Near the end of **April**, Commodore Freycenet, his crew and passengers, from the *Uranie*, sail for the River Plate aboard the *Mercury*.⁴⁴⁷

In **May**, on the banks of the Rio de la Plata; *“... as news of the Falklands riches reached Montevideo, Don Pacheco, whose cattle business had run into financial difficulties, approached Louis Vernet, a successful man of affairs in Buenos Aires, for help. In return, he promised him half of a large sum of money owed him by the government, ..”*⁴⁴⁸

May 21st, the *Hersilia* arrives back at Stonington with 8868 seal skins valued at over \$22,000.

Edmund Fanning fits out five ships, *Frederick*, *Hero*, *Free Gift*, *Express* and *Essex* which sail south in August. *Hersilia* follows.

July 5th, John Murray Forbes is appointed to be the USA's *Agent for Commerce and Seamen in the Province of Buenos Ayres*.⁴⁴⁹ Secretary of State, John Quincy Adams, provides Forbes' instruction and emphasises the issue of privateering; *“In the progress of their revolution, Buenos Ayres and Chili have, to the extent of their powers, and, indeed, far beyond their natural means, combined maritime operations with those of their war by land. Having no ships or seamen of their own, they have countenanced and encouraged foreigners to enter their service, without always considering how far it might affect either the right or the duties of the nations to which those foreigners belonged. The privateers which, with the commissions and under the flag of Buenos Ayres, have committed so many and such atrocious acts of piracy, were all either fitted out, manned, and officered by foreigners, at Buenos Ayres, or even in foreign countries, not excepting our own, to which blank commissions, both for the ships and officers, have been sent...”*⁴⁵⁰

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.”*⁴⁵¹

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.”

444 Weddell 1825

445 *Privateering and Piracy in the Spanish American Revolutions* Matthew McCarthy 2012

446 Weddell 1825 p98

447 Described by Weddell as a 'patriot' ship. He later referred to the government of Buenos Aires as a 'patriot government.'

448 Cawkell 1983

449 Or Chile – the final decision had not been made.

450 *John Quincy Adams to John Murray Forbes July 5th 1820*

451 Manning 1925 vol.III

July 27th, *Heroína* attacks a Portuguese ship, the *Carlota*, which is en-route to Lisbon; “ .. we got sight of a heavy ship of war or strong armed ship at 10 o'clock in the morning and immediately made all sail in chase, which from the near equality of sailing, we were unable to come up with, until after midnight.... On coming up with the chase, the weather being clear moon-light, we being to windward and within half musket shot, she from appearances confirmed the first opinion that she was a ship of war. -

At this moment and before hailing, she fired a shot, which passed between the foremast and bowsprit end. Then hailed her several times, to which at length received an indistinct answer, by some understood “Portuguese.” -

I ordered him to send an officer and boat on board, which being repeated several times, and as often refused, I found it necessary to enforce the demand and assured him both in Spanish and English, that unless he complied I should fire into him, and being again refused, I ordered Lieut. Edwards to fire from the Fore Castle of the upper deck one gun across his fore-foot elevating the same, which was accordingly done, and as soon as fired, was returned from the ship with a full broadside of round grape and musketry and repeated with a brisk fire, being then within a short pistol-shot distance – I ordered the batteries to be opened upon her which was continued for the term of fifteen minutes close action, when she was silenced for the space of two or three minutes – hearing cries and groans on board of her, I immediately ordered a cessation of firing, supposing her to have struck, when she directly resumed the action, then at half pistol-shot distance which I as soon returned with two broadsides, when they cried for quarter, stating that they had struck on which I despatched Lieut. Edwards and the necessary officers and men to take charge for the night; she proved to be, as you will perceive by the documents herewith presented, the ship *Carlotta* of 22 heavy guns besides small arms with a crew of 62 men and 14 passengers from *La Bahia*.. “ 452

“The privateer ship *Curiaso* (sic), commanded by capt. Jewett, was lately spoken off *Fayal*, in company with the Portuguese government ship *Charlotte*, of 20 guns, which she had captured, after a fight of 1 ¾ hours. The *Charlotte* was from the Brazils for Lisbon, with a large quantity of specie on board.” 453

August 19th, some members of the *Heroína*'s crew conspire to mutiny, but the plan is overheard by Jewett and the conspirators arrested. Following a swift court-martial, Jewett executes two officers and four sailors for their involvement in the conspiracy.⁴⁵⁴

October 16th, Stonington sealers *Hero* and *Express* arrive at the Falklands followed by the *Frederick*.

October 23rd, approaching the Falkland Islands, the *Heroína* and *Carlotta* run into a storm; “ .. we encountered a very violent Gale from N.W. To W. during which we entertained much apprehension for the safety of both vessels, and in the height of the gale lost sight of the Prize, since which I have no intelligence of her...” 455

October 24th, the US agent, John Murray Forbes, arrives at Buenos Aires.

452 *Jewett to the Supreme Director February 1st, 1821*. Buenos Aires was not at war with Portugal so this appears to be an act of piracy. There is some evidence however, that Jewett was also carrying another *Commission* or *Letter of Marque* from José Artigas of the Banda Oriental (modern Uruguay), which was at war with Portugal. The carrying of two such authorities may have been technically illegal, but was not unusual.

453 *Niles' Register October 21st, 1820* p.128. Faial Island is in the Azores.

454 Weddell 1825 p.110

455 *Jewett to Supreme Director of the United Provinces of South America February 1st, 1821* AGN Sala X5 1-2

October 27th, the *Heroína* enters Berkeley Sound after losing 50 men on the *Carlota*. Jewett's remaining crew are in a poor condition; suffering from scurvy; *“The state of the Heroína on entering this port cannot be adequately described and scarcely imagined. Only ten effective seamen calculated to do the duty ... , to attend the sick, the dying, and to bury the dead – without the most distant hope of relief, but from the salutary effects of the fresh earth, and a partial cessation from the heavy duty of working the ship through a series of tempestuous weather and severe cold, the fatigue of which, helped on by despondency, from witnessing the rapidity of the hand of death, encreased by terrors, and sufferings from the the violence of the weather – left me all but abandoned – in this situation I entered the Bay of this port on the 27th (civil) day of October, 1820, at the close of the same. Finding myself in a situation to bring the ship to an anchor, and unable to reach the port, I ordered it to be done, being then about ten miles distant from the ancient town of Soledad.”*⁴⁵⁶

*“When Captain Jewitt arrived at the Falklands, he found more than thirty sail of vessels engaged there in the seal fishery, besides others which were recruiting the health of their crews after whaling or sealing voyages in the antarctic regions. By the crews of these ships numbers of cattle and pigs were killed, as well as horses, the wild descendants of those taken there by Bougainville and his successors.”*⁴⁵⁷

October 28th, Jewett appraises his situation; *“On the following day I proceeded in my boat to explore what resources might be afforded by this place, as the only dependence for saving from an immediate dissolution (I may say) the survivors of misfortunes; who from the bad quality of our provisions, the short allowance, and total want of vegetables, and fresh stock, were reduced to the verge of despair. - Under the dilapidated state in which I found the remains of this once hospitable place, I was compelled to form tents with the shattered sails of my ship, to shelter the sick which was done as easily and early as possible.*

I was enabled to reach a safe anchorage for my ship, when on landing the sick and affected, the sudden change of air, and effect of the earth, gave an equally immediate termination to the existence of many, and relief to others. The limited resources for vegetable supplies, and the laborious exercise of the chase gave but a partial refreshment to the sick and those able to do duty.”

October 31st, the American schooner *Huntress*, commanded by Captain Burdick, moors up at Bense Harbour in the Falkland Islands. The three Stonington sealers sail for the South Shetland Islands.

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.⁴⁵⁸

British explorer and seal hunter, James Weddell, on the brig *Jane*, receives a copy of the letter. *“While lying in this port in 1820, I had a letter brought me from the commander of a patriot national frigate of 30 guns, then at anchor in Port Louis; and to convey an idea of the kind of claim made by the South Americans to these islands, I shall subjoin his letter..”*

“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.

456 Jewett to Supreme Director of the United Provinces of South America February 1st, 1821 AGN Sala X5 1-2

457 Fitzroy 1839

458 No *Order* has been found in the Argentine archives and it is not clear that he was acting in any official capacity. The Argentine author José María Rosa asserts that Jewett was ordered to claim the Falkland Islands by Governor Manuel de Sarratea, but as Sarratea was only in office for one week commencing February 18th, 1820, this appears unlikely.

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 ..." ⁴⁵⁹

Weddell 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 ... "

Weddell guides the *Heroína* to anchor near Bougainville's old settlement of Fort Louis, where the scurvy ridden sick are taken on shore and billeted in an old oven.

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.*

On this occasion the officers were all in full uniform, being exactly that of our navy, which but ill accorded with the dilapidated state of the ship; but he was wise enough to calculate the effect of such parade, upon the minds of the masters of ships who were in the islands; and as he had laid claim to the wreck of the French ship before mentioned to the entire exclusion of several vessels which had arrived, bound to New Shetland, he was aware that an authoritative appearance was necessary.

In fact he struck such a terror on the minds of some ship-masters, lest they should be captured or robbed, that one of them proposed taking up arms against him..." ⁴⁶⁰

"Captain Weddell ... ridicules the whole proceeding; insinuating his belief, that Jewitt had merely put into the harbour in order to obtain refreshments for his crew, and that the assumption of possession was chiefly intended for the purpose of securing an exclusive claim to the wreck of the French ship Uranie..." ⁴⁶¹

"Weddell was in no doubt that Jewitt's principle business in putting into the islands was to refresh his crew and that taking possession was subsidiary. ... The un-United Provinces were in a state of unrest. There was no Supreme Government. There were in the year 1820 at least twenty-four governments. Described by Argentina's historians as 'the terrible year,' it was the most anarchic.

459 Weddell 1825

460 Weddell 1825

461 Greenhow 1842.

*There was no Supreme Government in Argentina's early history. It is highly unlikely that one of these governments, during its brief reign, would have had time to think of the islands let alone task Jewitt to take possession.”*⁴⁶²

November 9th, Capt. William B. Orne of the *General Knox* receives a copy of Jewitt'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.

November 11th, Captain Burdick moves the *Huntress* to Hope Harbour where he encounters the *Huron*; “.. *I found two Ships and their Shallops, one from New Haven, Bound to the East'd, and the other from Salem had been lying here two years past and with a part of a load of oil and a few skins.*

*The former left New Haven last March, was the Huron, Capt. Davis.”*⁴⁶³

Six British ships, the '*Eliza*', '*George*', '*Hetty*', '*Indian*', '*Jane*', '*Beaufoy*' and '*Sprightly*' are moored around the Islands, together with 9 US ships, including the *Physicienne*, *Charity*, *General Knox* and the *Sir Andrew Hammond*.⁴⁶⁴

*“The number of vessels of various nations then on the coasts of the islands were not less than fifty, the majority of which were from the United States.”*⁴⁶⁵

November 20th, James Weddell sails, leaving Col. Jewitt repairing his ship. He carries letters from the *George* which has 9000 seal skins in its hold.

December 12th, Jewett deems his crew to have recovered sufficiently to be taken back on board.

1821 – January 20th, the *Heroína's* Captain of the Troops, Capitán Laureano Anzoátegui makes a '*Public Protest*' to Col. Jewett, demanding that the ship should return to Buenos Aires regardless of its poor condition. Jewett relieves Anzoátegui from his post and awaits the arrival of any Spanish prey.⁴⁶⁶

Jewett seizes the US schooner, *Rampart*, claiming that the vessel has a cargo bound for Spain.

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 does ask for a relief; “*Should the disposition of Government place this ship again in Commission it will be found necessary to give her the requisite repairs, and advisable to change most of the Officers, and a great part of the crew.*

*Persuaded that my misfortunes will be sufficient to induce the Supreme Government to provide for my immediate relief, from my present painful and distressed situation, by sending as Commander of their confidence to supercede me – I rest assured that my supplication will be granted as early as possible.”*⁴⁶⁷

The *Rampart* has a prize crew put aboard and is sent to Buenos Aires, together with Jewitt's *Report* and papers.

462 Cawkell 1983

463 *The Voyage of the Huron and the Huntress: American Sealers and the discovery of the continent of Antarctica* E.A. Stackpole 1905

464 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.

465 Greenhow 1842

466 Jewitt's sole purpose was to gain some prize for the investors and in that regard his voyage had been a complete disaster. It is quite apparent that he remained for as long as it took for some prey to arrive at the Islands.

467 *Jewitt to Supreme Director of the United Provinces of South America February 1st, 1821 AGN Sala X5 1-2*

February 16th, the *Rampart* arrives at Buenos Aires; “.. *the American Schooner Rampart, Capn. Farrin, was brought in here, a Prize to the Heroína, Capn. Jewett, Captured at anchor at the Falkland Islands. In this case every possible irregularity has been committed. The Crew has never been examined, the Hatches have never been sealed, the Cargo has been discharged without notification to the Captain and to cap the Climax, we know and hope to prove that the Captor was cruising under two Commissions, but such is the arbitrary military despotism which reigns here and such is still the more arbitrary despotism of poverty and want of means, that I have very great doubt if the best arguments and the strongest Proofs will avail anything against them.*”⁴⁶⁸

February 24th, Agent Forbes complains to the Governor by letter, but is told by the Minister for War that he has no “*official Character,*” in a response that the American delegation consider “*highly offensive.*”⁴⁶⁹

March 1st, Forbes demands the return of his passport; an unexpected response that causes consternation within the Buenos Airean Foreign Ministry.

March 9th, Agent Forbes attends a conference with Snr. Luca, Secretary to the Government and Treasury.

Forbes complains of the; “.. *total disregard which had been shewn to my representations in the case of the American Schooner Rampart lately brought in here as a Prize; I then, producing the Prize Regulation of 1817 in Spanish and English, went through several articles, the observance of which had been wholly neglected in that Case. Mr. Luca confessed his incompetence to speak on that matter, as it belonged to the Department of War.... He said that he would lay the subject before the Governor and take his orders on it. ...*”⁴⁷⁰

Capt. Guillermo Mason takes over as commander of the *Heroína*. Jewett returns to the mainland.

April 9th, the *Huron* arrives back at New Island for the austral winter. Also at the Falklands are *Charity, Henry, Aurora, Nancy* and several other British and American vessels.⁴⁷¹

April 21st, Capt. Mason and the *Heroína* sail away from the Falkland Islands leaving nothing behind.⁴⁷²

June 6th, the *General Knox* arrives back in Salem, Massachusetts, with a copy of Jewitt'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...*”

468 John M. Forbes to John Quincy Adams March 10th, 1821

469 Forbes was told that he no authority to make any complaint, despite the fact that he's been received by the Governor and had his papers accepted. In later correspondence, Forbes informed John Quincy Adams that he's been told that his treatment was a reaction by some officials to the USA's reluctance to recognise the United Provinces as an independent country.

470 It would be 6 months before the matter came up for discussion. A reflection perhaps of the chaos within Buenos Aires in 1820 when Governments changed hands every few weeks. There was never any suggestion that the ship had been seized upon any other pretext than the *Privateer Commission* given to Jewitt. There is some evidence that the *Rampart's* cargo was seized by the adjudicating court on a technicality over a paperwork defect, but that the vessel was released following its captain, and Patricio Lynch, the owner of the *Heroína*, coming to some arrangement. I am, as yet, unable to confirm this.

471 Stackpole 1905

472 Some texts claim that Jewitt 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.

June 16th, in *Niles' Register*; “.. *D. Jewitt, colonel of the marine of the united provinces of South America and commander of the frigate Heroína*” has taken formal possession of the Falkland Islands, “in the name of the supreme government” of the provinces aforesaid.”

August 3rd, Jewett's letter appears in the *Times* newspaper in London, and is then picked up by the press in both Gibraltar and Spain (*Redactor de Cadiz*).

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.”

In **September**, James Weddell sets out from England again in the *Jane*. He is accompanied by the *Beaufoy* commanded by Capt. Michael McLeod. The voyage is to take in the Cape Verde Islands for a cargo of salt and then to the Falklands.

Bernardo Rivadavia, Minister of Government and Foreign Relations, invites Forbes to see him.

September 1st, US Agent Forbes meets with Rivadavia; “I ... again received an apology for his delay in the long promised Conference.... I then stated, that by late advices from the West Indies the horrors of Piracy which had so justly excited universal indignation, were daily increasing, as well by the numbers of the Vessels as by their strength of Armament, and the boldness of their nefarious Enterprizes. ...

*That all these Vessels were notoriously furnished with several different Commissions & according to the Privateering Regulations of this Province, they were deemed to be pirates.... That I was instructed by my government to make the strongest remonstrance on this subject. To all these observations Mr. Rivadavia replies that this evil would no longer exist, that there would soon be given an order recalling all privateers; ...*⁴⁷³

September 14th, Forbes writes to Bernardo Rivadavia on the subject of the privateers; “.. *By the privateering regulations of Buenos Ayres, a privateer owned here, or commissioned by this Government, who shall be furnished with a commission from any other prince or republic, even if allied with this, “shall be adjudged a good prize, and her captain or commander punished as pirates.”*

It is therefore under the sanction of its own laws that I presume to call the early and efficacious intervention of this Government to vindicate those violated laws.”

September 17th, Rivadavia assures Forbes that his Government intends to recall all privateer commissions.

On their arrival at the Falkland Islands the *Jane* and *Beaufoy* meet up with American sealer *Charity* and all three sail for the sealing grounds at the South Shetlands.

October 6th, all *Privateer Commissions* issued by Buenos Aires are annulled in a *Decree* signed by the Minister of War and Marine, Martin Rodriguez, and Francisco de la Cruz.⁴⁷⁴

October 21st, the Government in Buenos Aires issues a *Decree* regulating the fishery on the Patagonian coast, and subjecting all foreign vessels to heavy duties for fishing there; “.. *but no allusion is made to the Falkland Islands...*”⁴⁷⁵

473 *John M. Forbes to John Quincy Adams Sept 2nd 1821*

474 *British & Foreign State Papers 1821 – 1822 p 386. cf. British & Foreign State Papers 1828 – 1829 p.1198*

475 Greenhow 1842

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.⁴⁷⁶

November 10th, the Salem news report reaches the United Provinces, and is reproduced in the *Buenos Aires Argos*.⁴⁷⁷

*“Whatever may have been Jewett's motives, or the value of the declaration of right made by him, his act was not for some time officially adopted as its own by the Government of Buenos Ayres.”*⁴⁷⁸

“After reading this short statement of facts, one may pause to consider what nation is at this moment the legitimate owner of the Falklands. Do the discovery, prior occupation, and settlement of new and uninhabited countries give a right to possession?

If so, Great Britain is the legal owner of those islands. Davis first discovered them; Hawkins first named them; Strong first landed on them; and (excepting the French), Byron first took formal possession of them; and (again excepting the French), Macbride first colonized them. Respecting the French claim, depending only upon first settlement, not discovering, naming, or landing; whatever validity any one may be disposed to allow it, that value must be destroyed, when it is remembered that Spain asserted her superior claim, and that France actually admitted it, resigning for ever her pretensions to those islands.

*Whatever France might have been induced to do for political reasons, of which the most apparent now is the continuance of the trade she then carried on with Chile and Peru, England never admitted that the Spanish claim was valid: and France having withdrawn, the question is solely between Spain and Great Britain. Spaniards neither discovered, landed upon, nor settled in the Falklands before Englishmen; and their only claim rests upon the unstable foundation of a papal bull, by virtue of which Spain might just as well claim Otaheite, the Sandwich Islands, or New Zealand.”*⁴⁷⁹

*“... in 1820 Britain had not yet recognised the independence of the South American republics from Spain. It was unnecessary, then, for her to protest against Jewett's actions because any actions in the name of an independent Argentina were not considered legitimate.”*⁴⁸⁰

December, the South Orkney Islands are discovered and claimed in the name of King George IV for Britain by Captain George Powell.

British sealers *Enchantress, Hetty, John, Pomona, Sprightly, Jane, Beaufoy, Jane Maria, Wasp, Livonia, Robert* and *Grace* lie at the Falklands.

1822 – in **March**, Weddell and McLeod set sail for England.

476 *David Jewett: Una Biografía para la historia de las Malvinas* Jose Antonio da Fonseca Figueira 1985

477 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.

478 Greenhow 1842

479 Fitzroy 1839

480 *Reflexions on 'The Case of Antonio Rivero and Sovereignty over the Falkland Islands.'* John Muffty in *The Historical Journal*, 29.2 1986 pp 427-432

March 9th, Joaquin de Anduaga, Spanish Minister to the USA, writes 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 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.”*⁴⁸¹

March 20th, the *Heroína* is challenged by the Portuguese frigate *Pérola* off Gibraltar. Mason surrenders.

April 22nd, the British brig *Romeo* arrives in the Rio de la Plata from the *Islas Nuevas*.⁴⁸²

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; ..*”⁴⁸³

May 6th, Mason stands trial at the Admiralty Court in Lisbon where he is found guilty and sentenced to imprisonment in Portugal.⁴⁸⁴

*“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 ...”*⁴⁸⁵

June 7th, London's *Morning Chronicle* reports; “*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.

481 Manning 1925 vol.III p.2009

482 *AGN Sala X 42-3-10* A name for the Falklands, translated from the French name given them by Frézier (1716) or a reference to New Islands which is one of the most westerly of the Falklands' group. *cf.* Pascoe & Pepper 2008 p.5

483 Manning 1925 vol.III

484 Mason served 2 years.

485 Love 1825

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." 486

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....

486 *Morning Chronicle Friday, June 7, 1822*

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 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...”*⁴⁸⁷

In **July**, Weddell and McLeod arrive back in England.

August 3rd, the *Adeona*, under the command of Capt William Lowe, sails from the River Plate for the Falklands.

September 17th, James Weddell departs England in the brig, *Jane*, bound once again for the south seas. The *Jane* is again accompanied by the *Beaufoy*, now commanded by Matthew Brisbane.⁴⁸⁸

In **October** the American schooner *Wasp*, commanded Benjamin Morrell, meets up with its sister ship *Henry* at New Island in the Falklands.

Also in **October**, in preparation for the *Congress of Verona*, Lord Londonberry asks the Foreign Office for information on South America. All the information available is collected together by a clerk, Woodbine Parish.

November 2nd, Morrell searches for the mythical Aurora Islands before sailing to South Georgia which he reaches on the 20th.



487 Manning 1925 vol.III p.2017
488 James Weddell 1825

1823 - 1832



1823 – in April, the *Jane* and *Beaufoy* hunt for seals at South Georgia.

May 11th, James Weddell and Matthew Brisbane arrive back in the Falklands for the austral winter. They anchor at New Island to the west of West Falkland.

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.”⁴⁸⁹

“Buenos Ayres has implicitly withdrawn from the struggle Buenos Ayres pacts with the Spanish to the detriment of the American cause.”⁴⁹⁰

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.⁴⁹¹

“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 ...”⁴⁹²

In **August**, Luis Vernet⁴⁹³, a French Huguenot with a cattle business to the south of Buenos Aires, and Jorge Pacheco, a distinguished member of the army, approach the Government for permission to hunt wild cattle on East Falkland. They believe the island to have been “abandoned.”

“.. 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...”⁴⁹⁴

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.

489 *Parish to Canning* Letter 3 April 12th, 1824. Ratified on the 23rd.

490 *Memorias de general O'Leary* Daniel Florencio O'Leary 1883

491 There were so many conditions that this measure had no hope of success. *cf.* Manning vol.III 1925 p.1499

492 Love 1825

493 For consistency I shall use the Spanish name most often employed. The alternatives are Louis or Lewis.

494 *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*. In their initial application they indicated that the islands were 'abandoned' and did not mention any 'right' held by Buenos Aires.

*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, ..*⁴⁹⁵

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 East Falkland. Pacheco is given a grant of land on Soledad; “.. in discharge of a bona fide debt of £20,000 due to him from that Government... .”⁴⁹⁶

An English merchant, Robert Schofield from Montevideo, applies to Vernet for a grant under the usufruct given by Buenos Aires. He is willing to provide 2 vessels for the venture. Pacheco and Vernet make the grant and leave the organisation of the expedition to Schofield.⁴⁹⁷

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.*”⁴⁹⁸

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 ... ?”⁴⁹⁹

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.*”⁵⁰⁰ 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.

October 7th, Weddell and Brisbane sail from the Falklands towards the South Shetlands Islands.

Schofield supplies two ships as part of his agreement with Vernet; the sealer *Raphael* and the brig *Fenwick*.

495 Manning 1925 vol.III

496 *CO 78/43 Monsieur Vernet's Case 1852*. Cawkell (2001) believes that the Government debt was owed to Pacheco, who in turn owed the sum to Vernet.

497 Schofield was an alcoholic who lack of organisational ability doomed the venture from the beginning.

498 *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.)

499 Kay-Shuttleworth, 1910 p.267 Parish's instruction suggest that doubts existed about the United Provinces' independence from Spain.

500 Rivadavia received two, and the third went to General Las Heras.

Neither are in a good condition and the *Raphael* is subject to demands by creditors as it hasn't been paid for. Vernet pays off the debts.⁵⁰¹

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 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.”*⁵⁰²

December 18th, just as the expedition is about to leave, Vernet recognises that it could benefit from some official title for the leader;⁵⁰³

“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.

501 Cawkell 2001 p.47

502 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.

503 *PRO FO 6 499*. Schofield was not accompanying the expedition.

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.”

No mention of any title however, is made in the short response from Captain-General Don Martin Rodrigues, Governor of the Province of Buenos Aires; “... [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. ...”⁵⁰⁴

A citizen of Buenos Aires notes; “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.”⁵⁰⁵

“Vernet said later that when he embarked on the enterprise he was unaware of any British claim to the islands ...”⁵⁰⁶

December 21st, Woodbine Parish leaves Britain on *HMS Cambridge*.

December 26th, the Conde de Oñate, Spanish Minister for Foreign Affairs, writes to Sir William a' Court, 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.”⁵⁰⁷

1824 – in **January**, Weddell and Brisbane separate. Brisbane in the *Beaufoy* remaining at Tierra del Fuego while Weddell in the *Jane* sails along the Patagonian coast and then to the Falklands.

January 24th, Ferdinand VII of Spain decrees that his Government has no authority to negotiate the recognition of any revolted Spanish-American colonies.⁵⁰⁸

January 30th, the British Government informs the US Minister in London that it will not attend the Paris conference proposed by Spain.

504 cf. Pascoe & Pepper 2008.

505 Love 1825

506 Cawkell 1983 p.32

507 Manning 1925 vol.III

508 “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.

February 2nd, Pablo Areguati, with 25 gauchos, arrives on East Falkland. Only 5 horses have survived the journey and they are in no condition to hunt the aggressive wild cattle.

February 12th, Areguati writes a letter to go back to Buenos Aires on the *Raphael*, “*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.*”⁵⁰⁹

Schofield's provisional contract with Vernet and Pacheco is confirmed two days before the arrival of Areguati's letter on the *Raphael*. Another brig, *Antelope*, is purchased to replace the leaking *Raphael*.

In **March**, the *Antelope* delivers 60 more horses to East Falkland for the use of the expedition. Schofield and Vernet's brother-in-law are on board.⁵¹⁰

March 2nd, Weddell, arrives back at the Falklands in *Jane*.

March 19th, the *Jane* sails for England.

March 31st, Woodbine Parish, after a delay in Brazil, finally arrives at Montevideo aboard *HMS Cambridge*. An English packet finishes the journey to Buenos Aires.

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 Lowe, of the British ship *Adeona*, threatens to denounce Areguati's party as 'pirates'.⁵¹¹

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 22nd, George W. Slacum is appointed as US Consul at Buenos Aires.

May 26th, Parish attends a banquet to celebrate the anniversary of the revolution. Toasts are drunk to the '*State of Buenos Aires*'.

Rivadavia negotiates a one million pound loan, through the sale of provincial bonds, with Barings Bank, on behalf of Buenos Aires.

509 *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 à causa de no poder salir à carnear por qe no hay caballos. Con decirle à V qe estamos pereciendo, he concluido.*”

510 Cawkell 2001. Cawkell says that Vernet's brother-in-law was going to perform a ceremony to grant Areguati a title. This suggests that Buenos Aires had finally agreed to meet Vernet's request although no documents have been found to confirm this. However the ceremony never took place, apparently as a result of Schofield's interference.

511 *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

June 7th, Areguati abandons East Falkland and returns to Buenos Aires in the expedition's ship *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."⁵¹²

July 1st, Lieut. John Moore of *HMS Rinaldo*, writes a description of Berkeley Sound which he visited in 1814.⁵¹³

July 2nd, Areguati arrives back at Buenos Aires.

July 23rd, Canning urges his 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.⁵¹⁴

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.⁵¹⁵

In **August**, Matthew Brisbane sets out from the Thames towards Patagonia, Tierra del Fuego and the Falklands in the *Beaufoy*.

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.*"

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."⁵¹⁶

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.*"⁵¹⁷

December 30th, Foreign Secretary Canning informs the US Minister that the British Government has decided to recognise the existence of three new American States – Mexico, Colombia and Buenos Ayres.⁵¹⁸

December 31st, Britain's decision becomes known to Spain.

512 Parish 1839. The early part of this work was prepared for Lord Londonderry in 1822. *cf.* Kay-Shuttleworth 1910 p.232/285

513 *Remark Book, HMS Rinaldo 1st July to 30th November 1824 Misc. Papers vol.50 (AD.2)*

514 Kay-Shuttleworth 1920 p.261

515 AGN Sala VII legajo 127 Doc 33

516 *Decree Relative to the Publication of the Acts of Government* in Nuñez 1825

517 Love 1825

518 Manning 1925 vol.III p.1527

1825 – January 1st, Spain's Minister Bermudez writes to George Canning in London; *“The King will never consent to recognise the new states of Spanish America and will not cease to employ the force of arms against his rebellious subjects in that part of the world.”*⁵¹⁹

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 diplomatick 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.’*⁵²⁰

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.⁵²¹

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,..”*⁵²²

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.”*⁵²³

519 Quoted in *Establecimiento de relaciones diplomaticas entre Espana y Argentina, Paraguay y Uruguay* Juan Carlos Pereira 2004

520 *Francisco de Zea Bermudez, Minister of Foreign Affairs, to His Britannic Majesty's Charge d'Affaires, Madrid.* Manning 1925 vol.III

521 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.

522 Kay-Shuttleworth 1910 p.296

523 Recognition almost by default, as this *Treaty* is about commerce and the rights that each sides' commercial interests

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.⁵²⁴ Congress then appoints Don Bernardino Rivadavia, as Minister Plenipotentiary to the Court of England. Senor Don Ignacio Nuñez, is appointed Secretary of the Legation.

Vice-Consul Griffiths takes the *Treaty* to London.

Two Royal Navy vessels, *HMS Adventure* and *HMS Beagle* are ordered to the south Atlantic by the Lords Commissioners of the Admiralty to undertake survey work around the southern coasts of South America and the Falkland Islands.

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.*"⁵²⁵

April, American diplomats attempt to persuade the Spanish Court to recognise the independence of their revolting colonies, without success.⁵²⁶

April 14th, Matthew Brisbane arrives back in England aboard the *Beaufoy*.

In London, Nuñez, publishes a book about his country. 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. Nuñez makes no mention of the Falkland Islands in his book.⁵²⁷

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.*"⁵²⁸

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.

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; ..*"⁵²⁹

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.

524 *Parish to Planta Feb 18th 1825*

525 Love 1825

526 *American State Papers, Foreign Relations, V.794*

527 *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

528 *The Papers of Henry Clay Volume 4: Secretary of State 1825* Hopkins (ed.) 1982

529 *British & Foreign State papers 1825-1826 p 432*

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 Canning says; “*I called the New World into existence to redress the balance of the Old.*”

Luis Vernet forms a company with family and friends to pursue his grant, and recover his losses.⁵³⁰

1826 – January 3rd, now aware of Britain's claim to the archipelago, Vernet seeks the permission of Vice-Consul Poussett of the British Legation. Poussett counter-signs the usufruct given by Buenos Aires before Vernet departs for Port Soledad in his new ship, *Alert*.⁵³¹

Unable to access the horses he has purchased for the expedition due to a blockade by Brazil, Vernet sails to Bahia Blanca and employs Indians to drive his horses overland.

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; ...*”⁵³²

February 28th, Lord John Brabazon Ponsonby is appointed *Minister Plenipotentiary and Envoy Extraordinary* to the River Plate Provinces.

April 7th, the Government in Buenos Aires is informed of American attempts to gain recognition for them.⁵³³

In **June**, Vernet's expedition finally arrives at Berkeley Sound. His gauchos, seeing snow on the ground for the first time, have to be persuaded to leave the ship.⁵³⁴

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.⁵³⁵

Consul Walter Cope is attached to the British Legation at Buenos Aires.

530 Cawkell 2001. Pacheco appears to have lost interest.

531 Cawkell 2001 p.48. There is some debate about what this '*counter-signature*' could have meant. The Argentine lawyer, Marcelo Kohén argues that it was a normal practice for such grants to be '*legalised*' by the signature of a foreign Consul. This appears unlikely however as it would suggest that a foreign State had some power over the grants of another sovereign State. More likely Vernet was seeking the tacit approval of the British to ensure that he didn't get caught on the wrong side of any dispute. It also allowed him to deal with any challenges from British Captains operating around the islands. Parish's grand-daughter, in her 1910 autobiography, referred to this counter-signature as '*permission*.'

532 *British and Foreign State Papers 1828-1829*

533 *John M. Forbes to Henry Clay June 17th 1826*

534 The venture did not start well. Vernet lost 4 ships which were transporting horses, 3 of his own and one that he's chartered. The horses, when they did arrive, were in need of retraining due to the different conditions on the islands to those found on the pampas, their natural home. It was also the austral winter when he finally arrived.

535 Chile and the United Provinces did not attend. Britain had '*observer*' status.

In *September*, the sealer *Sprightly* hunts at the Falkland Islands.⁵³⁶

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.*”⁵³⁷

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.*”⁵³⁸

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. Civil war amongst the Provinces returns.

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.*”⁵³⁹

March 23rd, Lt. William Langdon, in his own ship, the *Hugh Crawford*, sails from Hobart, Tasmania en-route to England via Cape Horn.⁵⁴⁰

Rivadavia, now President of the United Provinces, denounces the Provincial chiefs as rebels and anarchists.

Langdon, arrives at the Falkland Islands; “*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. ..*”⁵⁴¹

June 27th, President Rivadavia is forced to resign and central authority largely collapses. Manuel Dorrego assumes the title of Governor of Buenos Aires. The United Provinces are now known as the Confederation of the River Plate; or the Argentine Confederation.

536 Headland 1989

537 *Messrs. Huskisson and Addington to Gallatin* quoted in Greenhow 1842

538 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.

539 Kay-Shuttleworth, 1910 p.332

540 Lieut. 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*, then the *Wanstead* and finally the *Thomas Laurie*.

541 *The Museum of Foreign Literature, Science and Art* vol.22 1833.

In **September**, a Royal Navy vessel engaged in the search for pirates and privateers in the region of the River Plate and south Atlantic, calls in to Berkeley Sound. The commander notes that there is a settlement in possession of a “German” who is operating on behalf of a group of merchant investors in Buenos Aires. ⁵⁴²

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.*” ⁵⁴³

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.*” ⁵⁴⁴

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. ⁵⁴⁵

These islands being found abandoned would belong to the first that occupied them particularly as they belong to the 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 extention 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

542 Cawkell 2001 p.57

543 Kay-Shuttleworth, 1910 p.338

544 AGN, Sala VII, Legajo 129, doc. 59 in Pascoe & Pepper 2008. My emphasis.

545 This paragraph clearly demonstrates Vernet's belief that Buenos Aires should lay claim to the archipelago; which makes his almost immediate submission of the grant to the British Legation for their permission difficult to reconcile. Also his flying of the Union Jack later in the year. The impression, when informed by Vernet's submissions in pursuit of compensation in 1852, is of a man either unsure of what he wants, or cynically playing both sides against the middle.

*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”*⁵⁴⁶

General Don Juan Ramón Balcarce, Minister of War, issues a Decree that same day;

“The Government, taking into consideration the great benefit the Country will derive by populating the Islands, 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, and furnish the Privateers safe Harbour to convey their prizes to; that for the settling and extensions of Territory on the Southern Coasts, the settlements on these Islands is a great step; and lastly, that the great expenditure required to put in undertaking 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 deed would be lost, and even the right of Sovereignty over them; doth in conformity to the spirit of the Law of 22 October 1821, cede to Mr Lewis Vernet, Resident and Merchant of this place, the Islands of Staten Land and all the lands of the Island of Soledad, excepting those that were ceded to Snr. George Pacheco by Decree dated 13 December 1823 and which was ratified by a Decree of this day and excepting moreover an extent of 10 square leagues in the bay of San Carlos, which Government reserves for itself; with the object and under the express condition, that within three years of the date thereof, a Colony shall be established, and that at that end of this 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 of every description of contribution, excepting what may be necessary for the maintenance of the local Authorities, that may be established free of excise, tolls, and export duties, as also free of import duties, on such merchandise 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 will be at liberty to carry on the Fishery, free of duties at the two Islands whose property is ceded, in all the Islands of Malvinas, and on the Coast of the Continent south of Rio Negro of Patagonia.”

*“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, 1821⁵⁴⁷, 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.”*⁵⁴⁸

546 PRO FO 6/499

547 This legislation was concerned with fisheries off the coasts of Patagonia. It made no mention of the Falkland Islands.

548 Vernet 1832

This is not published in the official *Gazette*, nor circulated amongst the diplomatic community.⁵⁴⁹

*“It is said that officers in the Buenos Ayrean army, relations of Mrs. Vernet, had claims upon their Government, which they agreed should be liquidated by receiving certain sums of money from Mr. Vernet; in consideration of which the Government made over to him their pretended right of property in the Falklands and Staten Land.”*⁵⁵⁰

The 1823 land grant to George Pacheco is ratified in a separate *Decree* also signed into law on the 5th.

Also on **January 5th**, the British sealer *Hope*, commanded by Matthew Brisbane, sails from the Port of London for the South Seas.

January 30th, Luis Vernet also submits this second grant from the Government in Buenos Aires to the British Vice-Consul requesting approval. As with that in 1826, this grant is also counter-signed but on this occasion, Vernet is interviewed by Woodbine Parish. Vernet tells Parish that he would hope that his settlement would fall under the protection of the British if they returned to the archipelago and he is asked to prepare a full report on the islands for the British Government.⁵⁵¹

*“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.”*⁵⁵²

April 23rd, a ship, *Hope*, is wrecked off South Georgia. The crew get to shore and build temporary shelters.⁵⁵³

Buenos Aires defaults on the Barings Bank loan.

May 5th, the Spanish Government protests the acknowledgment, by some European Governments, of the independence of the Spanish-American colonies.⁵⁵⁴

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.”*⁵⁵⁵

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*.⁵⁵⁶

In **July**, Vernet purchases 31 negro slaves at Patagones, on the Rio Negro, for shipment to East Falkland.

July 31st, With the Argentine Confederation at war with itself, Lord Ponsonby transfers to Brazil, leaving Woodbine Parish as the principal British representative. Stephen Henry Fox is appointed to replace Ponsomby at Buenos Aires.

549 The USA would subsequently claim that this secrecy was deliberate. cf. 1832

550 Fitzroy 1839

551 Cawkell 2001 p.50. Consul Griffiths is believed to have been the one to append his signature on this, the second, occasion. Parish certainly viewed Vernet's settlement as operating with British permission, probably under *Art. 3* of the 1825 *Treaty*, and was not concerned about what was obviously a commercial venture. It would be another year before the commercial nature took on a political hue; then causing Parish concern over the pretensions of Buenos Aires.

552 Kay-Shuttleworth 1910 p.359

553 *British Packet and Argentine News*, May 2nd 1829.

554 William Robertson 1918

555 Marcelo Vernet 2011. The flying of the Union Jack would seem to a recognition of Vernet's hopes following his conversation with Woodbine Parish.

556 Commanded by Captain Phillip Parker King RN. Captain Low of the *Adeona* had died of scurvy around May 14th.

August 14th, William Beach Lawrence, US *charge d'affaires* in London, complains to Secretary Henry Clay of the attitude towards the representatives of the new states at the English Court; *“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.”*⁵⁵⁷

August 27th, a peace treaty, the *Treaty of Montevideo*, is signed by Brazil and Argentina. Both agree to recognise the independence of the Republica Oriental del Uruguay, following mediation by Lord Ponsonby.

“The interests and the security of British commerce will be greatly promoted in a state in which the governors cultivate a friendship with England. The Eastern Strip contains the key to La Plata and to South America; we must perpetuate a geographical division of states that benefits England. For a long time the easterners will not have a port and will not have the opportunity to impede English trade.”

*“.. Uruguay joined Paraguay as the third independent state to arise from the ashes of the former Viceroyalty of the River Plate.”*⁵⁵⁸

September 4th, Emilio Vernet records, in his diary, the arrival at Soledad of his brother's slaves on the *Luisa*.⁵⁵⁹

December 1st, General Juan Lavalle stages a coup, shoots Governor Dorrego 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.⁵⁶⁰

1829 – March 7th, Matthew Brisbane, marooned on South Georgia since April, 1828, sails for Montevideo in a shallop discovered partially built some 60 miles from the wreck site of the *Hope*, and finished with materials salvaged from his ship. Ten of the crew remain behind on South Georgia.

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 Extrangero*'. 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.”*⁵⁶¹

Vernet suggests to Woodbine Parish that he should invest in his Falklands business.

557 William R. Manning vol. III 1925 p.1590. The King was unwilling to show too much recognition as he sympathised with the Spanish King's continued claims.

558 Rock 1987 p. 103. In early 2013 two Uruguayan authors produced a book claiming that Uruguay's claim to the Falkland islands was better than Argentina's leading to consideration of a claim by some Members of Uruguay's *Congress* later that year. Any claim that the new states arising from the Spanish Viceroyalty inherited territory - including the Falklands - has to be considered in the light that three new States arose, rather than one. Indeed Chile, another old Spanish colony, could be a contender on the basis of '*inheritance*.'

559 AGN Sala VII Legajo 141

560 Kay-Shuttleworth, 1910 p.350

561 *Report* Vernet 1832

March 13th, *HMS Tribune*, hunting for pirates in the south Atlantic, arrives at Berkeley Sound where the commander, Capt. John Wilson notes that the settlement contains some 50 men, women and children. In a *Report to Rear-Admiral Robert Otway* he expresses his concerns; “Remember they are virtually ours, being ceded to us by Spain... The people of Buenos Ayres can have no pretensions to them.”⁵⁶²

Buenos Aires newspapers reports the intended establishment of a penal colony in the Falkland Islands.

March 15th, Parish writes to Lord Aberdeen; “In a sentence lately passed upon some Convicts, and signed by the acting Government of Buenos Ayres it was expressed 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 ancient 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.

A recent publication by Mr Weddell, a Master in his Navy, who passed two winters in those Islands gives much information respecting them. He has lately been here, and I learnt from him that he found them to be by no means so inhospitable and uninhabitable a Region as they have hitherto been generally supposed.

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.

... 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.”⁵⁶³

“... it would be well to note that what prompted Britain's charge d'affaires in Buenos Ayres to draw Lord Aberdeen's attention to the islands was the apparent intention of the Buenos Ayrean government to establish a penal colony there. Such an establishment would have constituted an undeniably formal Argentine presence in the Falklands, and it was this possibility, together with other formal assertions of sovereignty, against which the British Government reacted. Britain might not object to the presence of individuals on the Falklands, but any formal foreign activity in a 'British' possession constituted a challenge to her sovereignty which could not be allowed to pass without protest.”⁵⁶⁴

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 also protest and there is an outburst of anti-British sentiment in the Province; whipped up by Rivadavia.

On the same day, *HMS Tribune* leaves Berkeley Sound.

⁵⁶² *Otway to John William Croker 2 April 1829 no.28 Adm. 1/31, Qa76* quoted in Gough 1992. Otway was the Rear-Admiral commanding at Rio de Janeiro. Luis Vernet was in Buenos Aires but the visit is noted in Emilio Vernet's diary as a search for pirates.

⁵⁶³ *PRO FO 6 499 Dispatch No.17*

⁵⁶⁴ Muffly 1986

March 21st, George Whittington talks to Labouchere at the Colonial Office about settling the Falklands.⁵⁶⁵

April 2nd, Rear-Admiral Otway reports Capt. Wilson's concerns regarding Vernet's settlement to London.⁵⁶⁶

April 9th, Matthew Brisbane arrives in the town of Rio Negro where he reports the loss of the *Hope* to three merchants.

April 12th, Lieutenant William Langdon, now in England, writes to the Member of Parliament, 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.”⁵⁶⁷

Potter MacQueen is reported to “entreat” on Langdon's behalf, claiming that; *“while England slept a foreigner was stealing a march on her.”⁵⁶⁸*

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 in all, a brother and brother-in-law of Mr. Vernet.'*

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.”⁵⁶⁹*

April 23rd, Matthew Brisbane sails from Rio Negro in the *Triunfo*.

565 *Launceston Advertiser* August 29th, 1839

566 *Adm. 1/31, Qa76* quoted in Gough 1992

567 Caillet-Bois 1952 p.418

568 Cawkell 2001 p.57

569 In line with Parish's request of 1828, it seems that Vernet provided a series of reports on the development of the settlement which were forwarded on to the Foreign Office.

April 25th, after speaking to Vernet, Woodbine Parish informs London; *“With reference to my despatch no.17 of the 15th Ultimo upon the subject of the Falkland Islands, 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, whereby your Lordship will observe the terms upon which a Mr. Charles (sic) Vernet has undertaken to form Settlements in those places.*

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. 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...

*He would, I believe, be very happy if His Majesty's Government would take his Settlement under their protection. He sails for the Falklands with his Family in about a month, and intends to pass, he says, some years there in promoting the objects of his Colony.”*⁵⁷⁰

May 2nd, Capt. Matthew Brisbane finally arrives in Buenos Aires.

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.⁵⁷¹

“L Vernet charters with Mathew Brisbane the Brig "Betsy" Captn Keating for the sum of one thousand Spanish Milled Dollars for every calendar month that she may be at his disposal the charter to begin from the day the Brig is placed at the disposal of Captn Brisbane and to cease from the day she is returned to safe moorings at Port Louis of Falkland Island the brig now lying in the Port of Buenos Ayres is destined to touch at Port Louis Island of Soledad, to land at Staten Land some men and sundry necessary articles for their use after which said Brig shall be held to the disposal of Captn Brisbane.

The only object of this Charter is to enable Captn Brisbane to deliver his Seamen that were wrecked upon the Island of New South Georgia in the Schooner "Hope" of London and are presumed still to exist upon said Island to the attainment of which object Vernet engages that every possible reasonable assistance shall be rendered by the Captn and Crew of the Brig "Betsy". Captn Brisbane shall accompany the Brig to shew the place where his men were left by him and will take out sufficiency of provisions for the maintenance of those men.

The success of the undertaking shall however not influence the effect of the Charter that is to say the Freight will be due whether the object be attained or not. Therefore on the Brig's return to Port Louis Captn Brisbane engages to give to Vernet or to Captn Keating a Certificate per Triplicate stating the day in which the Brig was placed at his (Brisbane's) disposal and the day on which she is returned by him at Port Louis which Certificate being presented Mr F. G. Vermuelen of this City, his heir executor or assigns will be a sufficient Document to receive from the British Consulate the amount of freight or its equivalent in a Bill on England calculated at the rate of one thousand Spanish Milled Dollars for every month elapsed between the two days specified in said Certificate and lastly Vernet engages to give to Captn Brisbane and his men a free passage in the Brig when she returns from the Falklands Islands to the River Plate.”

The Charter is agreed at the British Consulate in Buenos Aires and witnessed by Consul Charles Griffiths.

570 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

571 cf FO 466/3. This was the start of a long relationship between the two men, ending in Brisbane's murder in 1833.

May 20th, Brisbane officially reports the loss of the *Hope* to the British Vice-Consul. The *Public Instrument of Declaration and Protest* is signed by Brisbane, Isaac Henzell (Mate) and John Daniels (Seaman).

June 5th, in receipt of Woodbine Parish's information the Foreign Office in London asserts that Britain's rights have not lapsed.⁵⁷²

June 10th, the Lavalle Government announces the -

'Political and Military Command of the Malvinas'⁵⁷³

*"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."*⁵⁷⁴

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 Commander⁵⁷⁵, appointed immediately by the Government of the Republic.

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."

"... in the ordinary course of events and assuming that once a concrete issue has arisen between two countries, they decide to settle it by international adjudication, the critical date would in principle be the date which they agreed to submit the dispute to a tribunal. However, there may be cases where the critical date should

572 John Backhouse to Hay 5 June 1829 CO 78/1 in Gough 1992

573 *British & Foreign State Papers 1831-1832 p 314*

574 The wording here clearly indicates recognition by Buenos Aires that the Falkland Islands were not a part of the Vice-Royalty.

575 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'.

*nevertheless be some other date... one object of the critical date is to prevent one of the parties from laterally improving its position by means of some step taken after the issue has been definitely joined, ...”*⁵⁷⁶

*“In the context of a territorial dispute, the critical date upon which the dispute crystallized is of particular importance... the Court cannot take into consideration acts having taken place after the critical date.”*⁵⁷⁷

*“Generally, the “critical date” is the point at which a formal challenge to sovereignty arose, not necessarily when the parties applied to the Court for Arbitration.”*⁵⁷⁸

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 commenced 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 ..”*⁵⁷⁹

Vernet 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.⁵⁸⁰

⁵⁷⁶ Sir Gerald Fitzmaurice in the *Minquiers and Ecrehos Case* before the ICJ 1953. Foreign Minister Costa Mendez, speaking to the Security Council on 3rd April, 1982 suggested that January 3rd, 1833 would mark the ‘critical date’. Other authors see the date as being that at which the parties recognised that they were in competition. *cf.* May 23rd 2008

⁵⁷⁷ *Passage of Sovereignty: the Malaysia/Singapore Territorial Dispute before the ICJ* Yoshifumi Tanaka 2008

⁵⁷⁸ *Fear and Loathing in the South Pole: the need to resolve the Antarctic Sovereignty Issue and a framework for doing it* Kevin Tray

⁵⁷⁹ Vernet 1832. Vernet subsequently informed Parish that he only took the title because he feared that if he declined, some creole officer would be appointed to the detriment of his business interests on East Falkland. *cf.* Cawkell 2001 p.51

⁵⁸⁰ *Archivo General de la Nación Argentina. Fondo Luis Vernet. Sala VII 2-4-6*

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.⁵⁸¹

On the same day, the British Foreign Office sends a copy of Woodbine Parish's letter of March 15th, to Sir George Murray for his information and consideration.

June 24th, the civil war started by Lavalle's take-over of Buenos Aires comes to an end.

A peace *Treaty* is agreed between Spain and Argentina following the 'preliminary' accord signed in 1823.

*"(This) did not mean, however, the beginning of official bilateral relations as internal problems in both countries later caused a long estrangement."*⁵⁸²

June 26th, Woodbine Parish informs London of the *Decree*; *"Since my despatches No.17 and No.24 to your Lordship upon the subject of the Falklands, the Provisional Government of Buenos Ayres has copied a decree of which I forward a copy for your Lordships information, formerly asserting the Rights of the Republic to those Islands.*

*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."*⁵⁸³

On the same day, General Juan Lavalle is forced to resign by General Juan Manuel de Rosas and the legislature of 1828 is returned to office. Lavalle's administration is declared *"intrusive"* and its proceedings disavowed.⁵⁸⁴

June 29th, the Foreign Office forwards Parish's April 25th letter to Sir George Murray.

July 2nd, Sir John Barrow, Permanent Secretary to the Admiralty argues for an immediate return to the archipelago in a letter to Robert Hay; *".. (under) the law of nations priority of discovery must give way to priority of occupancy."*

July 9th, Lord Aberdeen requests a legal opinion on the British title from Sir Herbert Jenner, the King's Advocate-General.⁵⁸⁵

July 10th, the Colonial Office circulates a *memorandum* setting out the advantages of *"resuming possession"* and expressing surprise regarding Buenos Aires; *".. assuming to themselves the right to dispose of the Islands and the projects which they have in regard to them."*⁵⁸⁶

July 11th, a supporter of Western Australia settlement, Mr. Beckington, also writes to the British Government in support of the need for a base; *".. either in the Falkland Islands , in the south part of the continent, or even in*

581 *The British Packet and Argentine News.*

582 Pereira 2004

583 *PRO FO 6 499*

584 Greenhow 1842

585 It is doubtful that Parish's letter of the 26th would have reached London by July 9th. It is unlikely therefore that Lord Aberdeen was reacting to news of the *Decree* unless he had other sources of information. It is far more probable that Aberdeen was acting in consideration of Otway's report of April 2nd and Parish's despatch of April 25th, whereas the Colonial Office's *memorandum* was likely a product of some consideration of Langdon's letter of April 12th.

586 Unsigned but believed to be on the initiative of Sir George Murray. *10 July 1829, Colonial Office Papers PRO CO 78.2 FO. 160v* in Ware 1984

Tierra del Fuego itself."⁵⁸⁷

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...*".⁵⁸⁸

Around the same time, Capt. Davison in command of the American sealer *Harriet*, arrives in San Salvador Bay where he is presented with a copy of Vernet's sealing restrictions by Matthew Brisbane.⁵⁸⁹

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."*⁵⁹⁰

July 28th, Sir Herbert Jenner's legal opinion is given, "*I am humbly of the opinion that the right which this country acquired by the original discovery and subsequent occupation of the Falkland Islands cannot be considered as in any manner affected by the transactions, which occurred previously to the year 1774.*

587 *Beckington to Sir Robert Peel 11 July 1829 FO 6/499*

588 *Report Vernet 1832 p.420*

589 *Cawkell 2001 p.52*

590 *Correspondence and Memoranda of the Duke of Wellington vol.6 p.41 1877*

So far from those rights having been abandoned they have always been strenuously asserted and maintained, particularly in the memorable discussions with Spain referred to in your Lordship's letter, which terminated in the restoration of the English Settlement and Fort which had been taken by the Spanish Forces.

The claim, therefore, to these Islands, now advanced by Buenos Aires, cannot be admitted upon any supposed acknowledgement or recognition of the right of Spain by this Country; if it is capable of being maintained on any ground, it must be upon the supposition, that the withdrawing of the British Troops in 1774, and the non-occupation of these islands since that time, amounted to a virtual abandonment of the right originally acquired, and that, being unoccupied, the Islands in question reverted to their original state, and liable to become the property of the person who might take possession of them. But I apprehend that no such effect is to be attributed to either or both of these circumstances.

The symbols of property and possession which were left upon the Islands sufficiently denote the Intention of the British Government to retain these rights which they had previously acquired over them, and to reassume the occupation of them when a convenient opportunity should occur.”⁵⁹¹

Despite the pressure to re-occupy the Falklands, Wellington's final decision is that a warning should suffice and that Britain's right be protected by the implicit threat of action should the warning prove insufficient.

30,000 British troops are already garrisoned around the world and a further commitment is not deemed necessary at this time.⁵⁹²

August 8th, Lord Aberdeen sends instructions to Parish; *"The information contained in your dispatch of the 15th of March and 25th of April respecting the measures which have recently been adopted by the Government of Buenos Aires has engaged the attention of His Majesty's Government. It appears that the Republik, attempting to execute the full rights of sovereignty over these Islands, has made grants of land, and has conferred exclusive privileges upon certain individuals to a term of years.*

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. Those Rights, founded upon the original discovery and subsequent occupation of the 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.

It cannot be entertained that the abandonment of this Facility in the Year 1774 by the British Government is in any degree to be considered as ... to invalidate His Majesty's just pretensions.

The Naval Force was withdrawn, and the settlement relinquished, in pursuance of a system of economical retrenchments adopted at that time, ... the symbols of possession and property were left upon the Islands. When the Governor took his departure 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. The change in political condition of South America, and the nature of our relations with the various States ... with the great extension of commerce in the Pacifik Ocean, will render mighty desirable the possession of some secure points from where our

591 Jenner to Aberdeen 28 July 1829 no.40 FO 83/2227, pp. 104-105

592 Gough 1992

shipping may be supplied and if necessary, refitted. In the event of our being engaged in War in the Western Hemisphere, such a station would be almost indispensable to its successful prosecution.

It is not in my power at the present moment, to inform you of the final determination of His Majesty's Government with respect to those Islands; and whether it shall be thought proper to resume possession of a settlement which had been extinguished for a time, although never abandoned. The question is one of much delicacy, there being important consequences, and demanding therefore, the most mature deliberation. ... 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 existence of His Majesty's pretensions in their full force.

You may also give it to be understood that His Majesty will not view with indifference, nor can he recognise any cession of territory by the Govt. 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 heretofore been exercised by the crown of Great Britain."⁵⁹³

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."*⁵⁹⁴

The; *".. Governorship and the Commandancy of the Island was reinstalled, under salutes of artillery."*⁵⁹⁵

*"... 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!"*⁵⁹⁶

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.

September, Woodbine Parish assists General Rosas in devising a scheme for the appointment of a permanent Government.⁵⁹⁷

September 3rd, Parish's despatch regarding the Buenos Airean Decree arrives in London.⁵⁹⁸

September 17th, Lord Aberdeen writes to Parish; *"Having in my despatch No. 5 of the 8th August 1829 fully explained to you the opinion of His Majesty's 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*

593 *PRO FO 6 499* News of the Decree had not yet reached London and the instructions were based on the Buenos Airean proposal to establish a penal colony. cf. Muffty 1986

594 *AGN Fondo Luis Vernet. Sala VII 2-4-6*. This appears to be recognition that whatever had happened before did not constitute 'formal dominion.'

595 Vernet 1832. Interestingly he only refers to 'Island' (singular).

596 Marcelo Vernet 2011

597 Kay-Shuttleworth 1910 p.358

598 Muffty 1986

*these just rights of Sovereignty over the Falkland Islands which His Majesty has never relinquished.*⁵⁹⁹

A draft of the *Protest* is enclosed.

October 2nd, US Secretary of State, Martin Van Buren, writes to the newly appointed 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...*”

In **November**, the option of re-possessing the Falkland Islands is considered by both the Foreign Office and the Colonial Office which refer to the suggestions and recommendation of James Colnett arising from his voyage of 1793.⁶⁰⁰

November 18th, Woodbine Parish receives Lord Aberdeen's instruction and draft *Protest*.

November 19th, Parish presents an *Official Note* to the Foreign Minister, General Guido; “*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, 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, Tomas Guido acknowledges receipt of the British *Protest*; “*The undersigned Minister for Foreign Affairs has received and laid before His Excellency the Governor the communication which HM Gov*

599 *PRO FO 6 499 (draft)*

600 Colnett had been ordered to survey the area around Cape Horn in order that sites for a military base could be identified.

Charge de Affaires Mr Woodbine Parish has been pleased to address to him under date of the 19th November, protesting against the Decree issued on the 10th of June last, appointing a Political and Military Commandant for the Falkland Islands.

*The Government will give their particular consideration to this said note from Mr Parish, and the undersigned will have the satisfaction of communicating to him their resolution upon it, as soon as he receives orders to do so.*⁶⁰¹

*“ .. no answer was made to it, and it was kept entirely secret by the Government.”*⁶⁰²

December 5th, Parish informs London of his action; *“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.

1830 – February 5th, a daughter is born to Luis Vernet and his wife at Port Louis.

March 13th, the new Rosas Government in Buenos Aires issues a Decree -

“Every person who might be considered as author, or accomplice, in the affair of December 1st, 1828, or of any of the outrages committed against the laws, by the intrusive Government, and who had not given unequivocal proofs that he held those proceedings in abomination, should be punished as guilty of rebellion.”

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.⁶⁰³

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.*

601 *PRO FO 6 499* 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.

602 Greenhow 1842

603 Kay-Shuttleworth 1910 p.363

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."

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, ..."

On reading the article, Woodbine Parish summons Matthew Brisbane to the British Legation. Parish reminds Brisbane of the 1829 *Protest Note* and warns against any interference with British vessels.

November, Henry John Temple, Viscount Palmerston, takes over as Foreign Secretary in London.

A British expedition to find new sealing grounds in the Antarctic arrives at the Falkland Islands. John Biscoe is in command of *Tula* and *Lively*.

November 20th, Woodbine Parish writes to London; *"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.*⁶⁰⁴

November 24th, the *Harriet* arrives back at the Falkland Islands. Luis Vernet warns Davison not to take seals from any part of his jurisdiction which includes the Falklands and the coasts of Patagonia.⁶⁰⁵

1831 – January, the *Argentine Confederation* is proclaimed incorporating the Provinces of Buenos Aires, Entre Rios and Santa Fe.

An American sealer, *Superior*, arrives off Port Louis. Its captain is provided with Vernet's sealing regulations.

February 10th, dealing with a complaint to the US House of Representatives, Secretary Van Burren writes to John M. Forbes, the US *chargé d'affaires* in Buenos Aires, on the subject of Vernet's warning and the 1829 Decree;⁶⁰⁶ “... *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.”

February 26th, the *Superior* resumes sealing around the western islands of the archipelago, as does *Harriet*.⁶⁰⁷

604 *PRO FO 6 499* This despatch included copies of documents obtained by Parish from, “*the old archives of the Government of His Catholic Majesty's in those coasts.*” These include a copy of Bougainville's receipt from the Spanish; the order of 1774 and a reference to the removal of the British plaque from Port Egmont and its subsequent retrieval by Beresford in 1806.

605 Gilbert R. Davison *Public Instrument of Protest*, Nov. 23, 1831 *Records of the Foreign Service Posts of the Department of State, Buenos Aires* quoted in *United States Involvement in the Falkland Islands Crisis of 1831-1833* Craig Evan Klafter: *Journal of the Early Republic* Vol. 4, No. 4 (Winter, 1984), pp. 395-420

606 *F. Trumbull to Noyes Barber*. The Trumbull family were from Stonington and involved with the sealing industry there.

607 Klafter 1984. A deserter from the vessel informed Vernet of the sealing activities. *cf.* Cawkell 2001

May 7th, the American sealer, *Breakwater*, puts in at Port Louis to effect repairs. Its captain is given a copy of the local sealing regulations. After completing the repairs, the *Breakwater* sails on to the San Carlos, White Rock and Port Howard areas to hunt seals.

June 14th, American *chargé d'affaires* John Forbes dies in post; without completing his instructions from Secretary Van Burren.

George Slacum, the American Consul, without any specific instruction or authorisation to do so, takes over the care of US interests whilst awaiting a replacement for Forbes.⁶⁰⁸

July 15th, the ship *Elbe*, chartered by Luis Vernet, arrives in the Falklands with Joaquín Acuña, a Brazilian, and Mateo Gonzalez from Uruguay, together with their wives.

July 30th, Vernet seizes the *Harriet*, and imprisons its Captain, Gilbert Davison, and his crew, on a charge of illegal sealing; “.. met and surrounded by several Englishmen, armed with Muskets and Pistols and headed by an officer by the name of Brisbane, who told the Declarant that he had been sent by Mr. Vernet to fetch him to Port Louis, where the said Vernet resided, and in consequence of said Vernet's having been informed that Declarant had been sealing on the Falkland Islands, Staten Land and Islands in the Pacific near Cape Horn; ...”⁶⁰⁹

“.. 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.”⁶¹⁰

August 15th, Brisbane completes an inventory of the *Harriet's* cargo which Capt. Davison is asked to sign.

“That the Articles taken out at this time were as follows - Seven Barrels of flour, Eleven d^o of Pork, two d^o of Beans, four d^o of molasses, three d^o of Bread, Seven hogsheads of Bread four kegs of Powder, four bags of Shot, fifty four Seal Skins, Seventy eight hair d^o all the boards belonging to the Schooner, Say seven hundred and fifty feet, some Oars, and all the boat timbers, keels, Stems .and Sterns, that belonged to the Schooner- That said Articles were conveyed into a Store belonging to the said Vernet, and sold out by retail by him at the following prices, to wit, Pork twenty five Cents per lb., Molasses, at Seventy five Cents per quart, Bread twenty five Cents per lb.”

August 17th, Capt. Don Carew and the *Breakwater* are seized on similar charges.⁶¹¹

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*, ..”⁶¹²

608 This action became contentious but it can hardly be seen as surprising for the only US representative in Buenos Aires to take on a role in protection of his countrymen until such time as a more senior diplomat arrived. Criticised by Buenos Aires, Slacum was never censured by his own country for his actions.

609 Davison 1831

610 Vernet 1832. Klafter 1984 puts the date as July 13th.

611 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 Stonington. 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.

612 Vernet also cites previous offences committed and warnings given. *cf. Report Vernet 1832*

*“.. about Nine hundred Fur Skins were taken out of the Superior by said Vernet and brought on shore .”*⁶¹³

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.⁶¹⁴

Vernet selects the *Superior* and Capt. Congar to go sealing.⁶¹⁵

In **October**, Stephen Henry Fox finally arrives in Buenos Aires as the new Minister Plenipotentiary.

October 22nd, the *Thomas Lawrie*, commanded by William Langdon, arrives at Berkley Sound.

October 23rd, one of Langdon's passengers writes; *“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.

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.

... 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.

613 Davison 1831

614 *cf. British and Foreign State Papers 1831-1832.* The captains subsequently claimed coercion, while Vernet claimed that the men entered into the contract freely and it was a means whereby he could control a large group of potentially dangerous sealers.

615 Vernet 1832

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. .. One gauchos 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. ... 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."⁶¹⁶*

Before he leaves, Langdon purchases land from Luis Vernet.⁶¹⁷

"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 regarding Vernet's warning notice, a US Secretary of State responds; *"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."*⁶¹⁸

October 31st, the *USS Lexington*, under the command of Captain Silas Duncan, is instructed by Master-Commander Benjamin Cooper to sail from Rio de Janeiro to Montevideo.⁶¹⁹

In early **November**, the *Breakwater* arrives back at Stonington with the news of Vernet's seizure of American ships.

616 *Visit to the Falkland Islands* published in *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

617 *Colonial Office Memo* dated February 25 1832 referred to in Bernhardt 1911

618 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 D, Connecticut 1835 case No. 3661*

619 Occurring before news of Vernet's seizures arrived back in the USA, this may indicate that either the *Breakwater* had stopped off at Rio, or had told their story to some other vessel that passed on the news.

The *Stonington Phoenix* carries an article entitled “*Shameful Outrage*,” while an editorial suggests that the US Government establish a settlement on the Falklands to ensure a friendly port for American ships.

November 7th, Vernet leaves the Islands aboard the *Harriet*; accompanied by his household.⁶²⁰

“.. *the only vessel at the Island (the schooner Harriet) was, after a detention of three or four months, taken by Vernet to Buenos Ayres to suit his own purpose, and to transport his family and most of his effects.*”⁶²¹

He takes Capt. Davison, as a representative of the two sealers, intent on prosecuting the Americans for their ‘illegal’ acts. Matthew Brisbane remains in charge of the settlement, authorized by Vernet to act as his private agent and to look after his remaining property on East Falkland.⁶²²

“*Such was the state of Vernet's settlement a few months before the Lexington's visit; and there was then every reason for the settlers to anticipate success, as they, poor deluded people, never dreamed of having no business there without having obtained the permission of the British Government. They thought, naturally enough, that the Buenos Ayrean Government could not have sold the islands to Mr. Vernet, unless the state of La Plata had a right to them; they believed that the purchase-money had been paid; but they were not aware that the British Government had protested formally against the pretended claim of Buenos Ayres, so quiet was that fact kept by the Argentine Government, although the solemn protest was made by Mr. Parish, the British consul-general, in November 1829.*”⁶²³

November 20th, the *Harriet* arrives in Buenos Aires.⁶²⁴ Twelve crew members are listed - with Davison recorded as 'Captain.' Davison and 5 others are immediately *discharged* from the roster – Swinbank, Brasier, Previn, Robinson, Silvera.⁶²⁵

Davison eludes his guards and goes to the home of the American Consul, George Slacum.

November 21st, the US Consul writes to the Foreign Ministry 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.”

November 23rd, Slacum also writes to the American Minister at Rio de Janeiro, and his Government in Washington enclosing a statement recounting events supplied by Gilbert Davison.

620 Emilio Vernet appears to have left prior to the arrival of the *Thomas Lawrie* whose mysterious passenger noted 15 domestic slaves in 1831. 31 slaves had arrived in 1828 and 30 were reported as there in 1829. Only 17 seem to have been there when the *USS Lexington* arrived in December, 1831 and its Commander removed 15. These figures do not include children. 13 slaves are therefore unaccounted for unless they left with Vernet on the *Harriet*, close to the number of domestic servants mentioned in 1831. Racist attitudes may have precluded any specific mention of them however the evidence seems to suggest that Luis Vernet was relocating back to Buenos Aires and taking his household with him.

621 Manning ‘*Argentina*’ 1932 p.94. In his *Report* of 1832, Vernet claims to have brought only “.. *4 men of my confidence,*” with him on the *Harriet*.

622 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. *cf.* Fitzroy 1839

623 Fitzroy 1839

624 Reported in *La Gaceta Mercantil*, November 22nd.

625 And a week later, on the 28th a man called Wehingar (Antonio Vehingar) *cf.* 1833. The 5 immediately discharged may have been Vernet's own men taken to ensure that he arrived safely.

November 26th, following an uninformative response from Minister Tomas Manuel de Anchorena, Consul 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...*".

November 29th, the *Lexington* arrives at the Rio de la Plata. Capt. Duncan obtains a copy of Davison's affidavit from Slacum, and is informed that; "*.. several American vessels had been Captured at Falkland Islands by one Lewis Vernet, styling himself Governor and proprietor and assuming to be acting under the authority of the government of Buenos Ayres...*"⁶²⁶

On the same day, US Secretary of the Navy, Levi Woodbury, orders Commander George W. Rodgers to sail for Brazil in the *USS Enterprise* where he is to take command of the *Brazil Squadron*. He is also instructed to make; "*.. a visit to the Falkland Islands, and the fishing grounds in their neighborhood, for the protection of American citizens engaged in the fisheries and in lawful commerce in that quarter. ... Should they be molested in their usual pursuits, and trade, you will afford them complete protection.*"⁶²⁷

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, ...*"⁶²⁸

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 to Slacum's *Protest*, questioning his authority 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 response, Consul Slacum informs the Minister for Foreign Affairs of Captain Duncan's intention to sail to the Islands in the *Lexington* although Slacum persuades Capt. Duncan to delay his departure until the 9th.

December 6th, President 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.

626 Duncan to Levi Woodbury, Secretary of the Navy December 7th, 1831

627 Woodbury to Rodgers Nov. 29 1831. Letters sent by the Secretary of Navy to Commandants and Navy Agents.

628 Cawkell (2001 p.55) suggests that this was taken by Vernet to mean that Duncan intended to warn other sealers of the prohibitions, and only became aware of the Commander's true intention on the 7th.

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, Commander Silas Duncan demands that Luis 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.*" ⁶²⁹

Capt. Davison joins Duncan's crew; "... *I have now on board the Lexington, as a Pilot, the Master of the prize schooner Harriet who can identify the individuals by whom he has been plundered, and I shall not only disarm these miscreants but remove them from the Island, as the only effectual mode of preventing a recurrence of such outrages.*" ⁶³⁰

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 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 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. ... 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, after much unexplained delay, Minister Fox finally presents his credentials to General Rosas, and those of the *charge d'affaires* he has brought out to replace Parish. ⁶³¹

December 14th, relieved of his duties, Woodbine Parish sends his last official letter to London; "*Mr Fox will doubtfully inform your Lordship fully of the circumstances attending the late seizure of three North American*

629 *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.*

630 *Duncan to Woodbury Dec. 7 1831*

631 Philip Yorke Gore was also *Secretary* of the Legation.

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 .. 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. ⁶³²

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. ⁶³³

Minister Fox informs the Government in London of the seizure of American vessels, adding that; "Mr. Slacum is fully aware of the state of His Majesty's claims to his Sovereignty of the Falkland Islands."

In **December 15th**, Slacum responds to Anchorena, " ... *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 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

632 The *Warren* was a part of the USA's 'Brazil Squadron.'

633 *PRO FO 6 499*. Woodbine Parish read Vernet's description of the Falklands to the Royal Geographical Society in 1833. Regardless of events, Parish and Vernet maintained a friendly relationship that lasted long after Parish returned to England.

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."

".. the Decrees, in virtue of which Vernet pretended to act, had emanated from an intrusive and illegal authority, and had never been acknowledged by the constitutional powers of the State, but had, on the contrary, been annulled long before the aggressions forming the subject of the complaint had been committed; .." ⁶³⁴

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." ⁶³⁵

December 28th, Silas Duncan in the USS Lexington arrives in Berkeley Sound. ⁶³⁶

1832 – January 1st, after sitting out bad weather, Duncan moves to Port Louis; "... and came to anchor at 11.30am. Just prior to anchoring, he sent a landing party of two officers and fifteen men, (presumably Marines), ashore in the commandeered schooner to confer with the authorities, and, at 11.45, another party, well armed, in two boats, to augment the first.." ⁶³⁷

'Capataz,' Jean Simon, and his gauchos, flee into the countryside while Duncan 'arrests' seven of Vernet's employees - Matthew Brisbane, Sylvester Nunes, Jacinto Correa, Juan Braceido, Domingo Pacheco, Manuel Gonzales and Dionisia Henedia. ⁶³⁸

634 Greenhow 1842

635 *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.

636 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.

637 *One Hundred and Eighty Landings of United States Marines 1800-1934* Captain Harry Ellsworth 1934. A number of sources state that the Lexington was flying French colours.

638 Testimony of Gilbert R. Davison 1832 in Manning 1932 p. 97. Juan Brasido was a gaucho in Vernet's employ.

January 3rd, Francis Baylies is appointed American *chargé d'affaires* to Buenos Aires, and ordered to depart on the *Peacock*, from Boston. His instructions from Secretary Livingston are very detailed and leave little room for manoeuvre. ⁶³⁹

January 10th, a French sealer, *Nouvelle Betzy*, is wrecked at the Falkland Islands.

January 11th, Livingston, requests US Ambassador Van Ness, to make inquiries with the Spanish Court; “*Some difficulties having arisen between us and the Government of Buenos Aires, it becomes important to know precisely the extent of that Government, when under the dominion of Spain, particularly whether it comprehended Patagonia, Terra del Fuego, and the adjacent islands, including the Falkland Islands. It is supposed that when Spain agreed to restore the establishment at Port Egmont, on the West Falkland, to the English, in the year 1770, there was a secret convention, or some understanding that it should be relinquished again to Spain. You are requested to get all the information that you can on this subject, and transmit it, with copies of all the documents you can procure concerning it, to this Department.*” ⁶⁴⁰

The French sealer, *Magellan*, visits the Falkland Islands.

January 20th, William Langdon writes to Under-Secretary of State R.W. Hay at the Colonial Office seeking official recognition of the grants of land that he has purchased from Luis Vernet. Speaking of East Falkland he says; “*... ..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 ..*”⁶⁴¹

January 22nd, before the *Lexington* sails, Vernet's storehouse is opened and the seal skins taken aboard.

“*.. capt. Duncan had told Davison to go into the store-house and take away any thing he thought was his property – he accordingly took a few oars, a boat keel, some loose pieces of boat, 3 bags of shot, some powder, a little sheet lead, a whale boat and oars, and muskets; neither the boat nor muskets belonged to him. Davison posted on the door of Mr. Vernet's dwelling-house, a proclamation in writing, signed by captain Duncan, declaring the capture of the vessels to be piracy, &c. announcing at the same time the freedom of fishery. During the stay of the Lexington, the Buenos Ayreans, who had fled into the interior, returned, and capt. Duncan gave their head man a document, stating that he was a peaceable person, &c. Captain Duncan and Davison, it is stated, spread a variety of reports, in order to alarm the settlers, such as, that they would never be safe from the resentment of the American whalers – that Mr. Vernet would not again return to the islands, that the Government of Buenos Ayres disapproved of the capture of vessels, &c. &c. and capt. Duncan offered a free passage to those who wished to leave the colony – the consequence was that all the female residents, as well as Mr. Vernet's slaves and various individuals went on board the Lexington....*” ⁶⁴²

Apart from his prisoners, Duncan takes some 40 other people from the settlement; including 15 of Vernet's indentured slaves taken aboard by Henry Metcalf. ⁶⁴³

Duncan transfers Capt. Davison to a schooner found being outfitted as Vernet's fisheries protection vessel, which he names *Dash*, and orders Davison to sail to Staten Land in order to relieve the men left there.

639 Baylies was a lawyer, politician, journalist and author. Described as a '*political henchman*' of the US President, he had little diplomatic experience hence the detailed instructions.

640 *Public Documents printed by order of The Senate of the United States: First Session of the Twenty-Fourth Congress, begun and held at the City of Washington Dec 7 1835. Livingston to Van Ness No.29 January 11th 1832.*

641 Caillet-Bois 1952 p.316 also *PRO FO 6/ 499*

642 *Niles' Weekly Register May 12th 1832*

643 Klafter 1984 asserts that the *Lexington* took; “*20 men, 8 women 10 children and 7 prisoners.*”

*“After the departure of the Lexington, we returned to our houses from the interior, but were in continual alarm at the appearance of every vessel, fearing a new attack, and not having the means to distinguish friend from foe.”*⁶⁴⁴

“However unjustifiably Mr. Vernet may, in fact, have behaved towards vessels belonging to the United States of North America, it must be remembered that he had a commission from the Buenos Ayrean Government, empowering him to act as civil and military governor of the Falklands; that he believed the Buenos Ayrean authority valid; and had no doubt in his own mind that he was doing right. Mr. Vernet, therefore, was no robber—no pirate—as he was termed by Captain Duncan, because he tried to uphold his situation, and prevent his settlement being robbed by people who had no claim whatever upon any of the islands.

However wrong Vernet's actions may have been, he was responsible to his Government for them; and those who acted under his order, he having a legal commission, certainly did not deserve to be seized as pirates, put into irons, and so carried to the Plata!

*Neither was it just (setting mercy quite aside) to destroy the infant colony, break open or tear down doors and windows, search houses, drawers, and chests, trample over gardens, break through fences, and ill-use the helpless, unarmed settlers to such a degree, that for many months afterwards whenever a man-of-war was seen approaching, the frightened inhabitants at once fled to the interior, not knowing how they might be treated. Poor Brisbane (of whom frequent mention has already been made, and of whom I have yet to speak), was taken, with others, in irons to Monte Video,...”*⁶⁴⁵

US Consul George Slacum travels to Montevideo to meet up with Silas Duncan.

February 2nd, en-route back to England, Woodbine Parish arrives in Montevideo in time to see the *USS Lexington's* come to anchor outside the town.

He asks 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...”*⁶⁴⁶

February 3rd, Commander Duncan writes to US Navy Secretary, Levi Woodbury; *“ ... I arrived here yesterday from the Falkland Islands ... in Relation to the Capture of some of our fishing Vessels at and about those Islands... I proceeded to Berkeley Sound, East Falklands, in order to ascertain the facts ... and for the purposes of affording the proper protection to our Citizens and Commerce, and particularly to protect the American Fisheries in the Southern Ocean.*

644 Letter signed by 5 gauchos, dated January 30th, 1833 and published in the *Gazeta Mercantil* of February 1st, 1833

645 Fitzroy 1839. The USA became aware of Fitzroy's views and were sufficiently incensed to comment upon them.

646 *Woodbine Parish to Viscount Palmerston February 3rd, 1832 PRO FO 6/ 499*

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.

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, ... 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,

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.... 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. ⁶⁴⁷

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.

⁶⁴⁷ *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

The political weekly refers to the archipelago as the, 'Falkland Islands'.

Commander Duncan tells the US Consul that he is prepared to release the prisoners from Port Louis on an assurance that they had acted under the authority of the Government of Buenos Aires.

February 14th, Manuel Garcia, the new Minister of Foreign Relations, withdraws Consul Slacum's *Exequatur*; “*... 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; ..*”⁶⁴⁸

The Government in Buenos Aires publishes an official response to Duncan's action.

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."*⁶⁴⁹

On the same day, Edward Livingston sends further instructions to Francis Baylies regarding the approach that he should adopt on his arrival at Buenos Aires; “*... the United States' sloop of war Lexington, Captain Duncan, put*

648 A legal document issued by a sovereign authority to a foreign Consul recognising that that person represents the interests of another State and guaranteeing the Consul's rights and privileges of office.

649 Signed by Juan Ramon Balcarce and Manuel J. Garcia

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 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 renegadoes 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.⁶⁵⁰

The *Gaceta Mercantil* reports that notices have been sent to the other provinces notifying them that the *Lexington* had; “.. invaded on the 31st December last, the port of La Soledad, went on shore with armed men, destroyed the artillery, burned the powder; disposed of the public and private property, and keeps under arrest on board said corvette, the director of the fisheries of the colony, and in irons six citizens of the Republic.”

February 15th, Minister Fox informs London of the action taken by the *Lexington*; “I understand there is a British subject of the name of Brisbane. This person had been appointed by Mr. Vernet to act during his absence as delegate Governor of the Colony. He had proceeded under Mr. Vernet's authority to arm and fit out as a Privateer, one of the American Schooners that had been illegally detained; and he is charged with being found .. in this Schooner against other American vessels engaged in fishery about the coasts of the Falkland Islands. .. Mr. Vernet, who is still at Buenos Ayres, declares on the other hand, that he had authority from the Buenos Ayrean Government, as their officer, for all the acts committed by himself and his agents... “⁶⁵¹

Consul Slacum notifies the Foreign Ministry of Commander Duncan's offer adding that the *Lexington* is due to sail for Rio de Janeiro on the 16th.

On receipt of the offer, Minister Manuel Garcia immediately responds to Slacum; “*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.*”⁶⁵²

650 cf. *Diplomatic Correspondence of the United States Latin American Affairs 1831 – 1860* W. R. Manning vol.1 1932

651 PRO FO 6/ 499

652 Greenhow in 1842 describes this as “ambiguous.” In his article, Greenhow defended the actions of Silas Duncan and

However, the *USS Lexington* 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 Livingston of the withdrawal of his *Exequatur*; “*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.

*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.”*⁶⁵³

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.*”⁶⁵⁴

February 25th, Consul Slacum writes 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 London, the Colonial Office, considering Langdon's letter asking for his title to the land purchased from Luis Vernet to be recognised, points out to Viscount Gooderich that the purchase dated from October 1831, a considerable time after Parish's *Protest* of 1829; “*.. and as it appeared that no notice had been taken by that Government of the protest and that the act exercised by Vernet was derogatory to His Majesty's rights, they suggested that Lord Palmerston should direct His Majesty's Charge d'Affaires at Buenos Aires to demand the immediate revocation of any commission or authority which might have been granted by the Republic to M. Vernet to exercise the powers of Government in the Falkland Islands; ..*”⁶⁵⁵

February 29th, Secretary Hay responds to William Langdon's letter of January 20th, declining to recognise his title to any land purchased from Luis Vernet; “*His Majesty's Govt. neither recognises the official character of*

questioned the right of both Britain and Buenos Aires to sovereignty over the Falklands. He argued that the *Decree* of 1829 was not only “*illegal*” but that during the debate over the *Lexington Raid*, the Government in Buenos Aires carefully avoided suggesting that it was.

653 *British & Foreign State Papers 1831 – 1832* p.330

654 Tomas Giudici 2011

655 Bernhardt 1911 p.17

Don Louis Vernet, nor the right of the Government of Buenos Ayres to exercise, or to delegate to any person to exercise, the powers of Government, or any authority whatsoever in the Falkland Islands ..."⁶⁵⁶

In **March** the *Harriet* remains in Buenos Aires harbour under the guns of a schooner-of-war.⁶⁵⁷

At the Falklands, *Dash* returns to Berkeley sound having rescued the French crew of the *Nouveau Betsy*, but not having found the men abandoned at Staten island. The British schooner *Exquisite* and the American schooner *Antarctic* also anchor long enough to replenish their supplies with the cattle, sheep and hogs they find, despite the entreaties of the remaining settlers.

March 5th, at Rio de Janeiro, Silas Duncan requests permission to return to the USA to settle the affairs of his late father.

March 15th, Commodore George Rodgers arrives at Rio de Janeiro.

March 16th, Rear-Admiral Baker reports on the *Lexington's* attack to the Admiralty. In the report he also warns that US warships can regularly be found near the Falklands archipelago and that he believes the French still have hopes of re-occupying the islands.⁶⁵⁸

March 22nd, Lord Palmerston writes to Minister Fox in Buenos Aires; "... *that notwithstanding the formal Protest made in 1829 by the British Charge d'Affairs at Buenos Ayres in the name of His Majesty by which His Majesty's Right of Sovereignty to the Falkland Islands was distinctly made known and declared to the Government of Buenos Ayres, and notwithstanding that the Government of Buenos Ayres has not, in reply, attempted to deny that Right, nor alleged any claim of Right on its own part, yet nevertheless that Government has made a grant of these Islands to Mr. Lewis Vernet, thereby assuming the exercise of a Right which does not belong to it, and infringing upon, and violating the just Right of His Majesty.*

The grounds upon which H.M. Rights of Sovereignty rest, have been already sufficiently set forth in Mr. Parish's Protest of November 19. 1820, and it is not necessary for you on this occasion to repeat them, but you are now instructed, with reference to that Protest, to demand from the Government of Buenos Ayres, the formal and immediate Revocation of any Authority or Commission which it may have granted to Mr. L. Vernet, or to any other persons, to exercise any Powers of Government in the Falkland Islands."⁶⁵⁹

March 25th, mindful of the allegations being made in Buenos Aires regarding his actions, Silas Duncan requests an official inquiry to review his conduct at Port Louis.⁶⁶⁰

During **April**, Secretary Livingston's despatch to Ambassador Van Ness arrives in Madrid; "... *the contents of which will be duly attended to.*"⁶⁶¹

656 PRO FO 6 / 499

657 Slacum to Livingston No.10 March 20th

658 Cawkell 2001 p.59

659 CO 78/1 193. Fox subsequently informed Palmerston that the immediate execution of these instructions had been interrupted by the arrival in Buenos Aires of the American Minister, Baylies, and that the circumstances had changed. *cf.* Bernhardt 1911. In his protest of September 28th, Minister Fox referred to the dispute between the USA and Buenos Aires; stated that he had; "*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.*"

660 There are vague hints in the US archives of criticism also coming from Washington.

661 *Van Ness to Livingston Dispatch No. 34 1832.* 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.* Other than determining that Van Ness consulted a 'Spanish historian' however, I am unable to discover any answer given to the US inquiry.

April 3rd, Livingston also sends further instructions to Baylies; *“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...*

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.”⁶⁶²

April 4th, US Secretary of the Navy Woodbury writes to Commander Duncan declining to hold an inquiry; *“Under the circumstances detailed in your letter, the President of the United States approves the course which you pursued, and is much gratified at the promptness, firmness and the efficiency of your measures.”*

April 15th, the USS Warren, with the schooner USS Enterprize, arrive at the Rio de la Plata with the prisoners taken by Duncan from Port Louis.

“The arrival of the sloop-of-war Warren, and the schooner Enterprize, in the harbor of Buenos Ayres, in the middle of April, produced a sensation in this city, and was the prevailing topic of conversation. Some irritation prevailed on account of the summary arrest of the persons acting under Vernet; and as the Falkland Islands had been virtually abandoned for many years, it was not known what tone the Government of the United States might assume, in relation to the subject of the difficulties. ... the discussion soon assumed an amicable form ...”⁶⁶³

Britain's Ambassador in Washington reports that the Americans are not in any mood to permit an interruption of their fishing rights in the south Atlantic.

Coincidentally, Van Ness' Secretary had been 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 in *Astoria*, published in 1835. Irving is not believed to be the historian consulted by Van Ness however.

⁶⁶² *Diplomatic Correspondence of the United States, Inter-American Affairs: vol.1 Argentina 1831 – 1860* (1932)

⁶⁶³ *British Packet* quoted in the *New York Spectator* July 21st, 1832

Meanwhile, the British Consul in Montevideo informs London that he believes that the Americans are likely to question the ownership of the Falklands; he also talks of rumours that merchants in the USA are attempting to buy out Vernet's partners. ⁶⁶⁴

April 24th, Commodore Rodgers, an able diplomat, returns Brisbane and the other prisoners to Buenos Aires.

“The undersigned, Commander of the Naval forces of the United States, upon this station, has the honour to salute his Ex. The Minister of Foreign Affairs of the State of Buenos Ayres, and inform him that, on his arrival at Rio de Janeiro, to assume the command, the undersigned found in that port, the ship of war Lexington, with the individuals which Captain Duncan had arrested in the Falkland Islands, charged with having taken part in the illegal capture of some American vessels engaged in the seal fishery in the neighborhood of those islands, and for various other unauthorized acts.

It appears that Capt. Duncan, previous to his departure from Buenos Ayres, wished to ascertain whether the persons alluded to acted under the authority of this Government, but not being able to obtain any official declaration upon the subject, he believed that circumstances justified him in considering them as acting without legal authority. He in consequence felt it his duty to proceed to the Falkland Islands, in order to give protection and aid to his fellow citizens, in the exercise of a right which they had hitherto before enjoyed without interruption or dispute; and to treat as pirates the persons who had been guilty of the outrages in question. And Capt. Duncan was strongly induced to the adoption of this measure, from his certain knowledge of the fact, that the aggressions complained of, were committed exclusively upon the commerce and citizens of the United States of America.

After this event, the Government of Buenos Ayres has officially declared that the establishment at the Falkland Islands was under its special protection, and that the individual in charge of it acted upon its special authority, therefore this Government is responsible for the improper conduct of its agents.

The undersigned considers that after this declaration, the persons arrested by Captain Duncan are no longer responsible, (except to their own government,) for their proceedings in the above mentioned outrages. He will therefore set them at liberty, and will put them on shore at Buenos Ayres, at the disposal of this government, as soon as he is informed to whom he is to deliver them.

The undersigned on adopting this measure, proceeds without instruction from his government, but believes it will be perfectly in accordance with the sentiments which animate it towards the government of Buenos Ayres, and hopes that the minister will consider this act as a proof of his desire to maintain a good understanding between both nations.

It is not the wish or intention of the undersigned to discuss the question pending between the two governments; this he leaves to the agent duly authorized to treat upon that and all other matter of negotiation, and whom it is to be expected will shortly arrive at Buenos Ayres.

In the mean time, the undersigned would extremely regret that any event in the Falkland Islands should render it necessary to send a force to those seas, in order to protect the commerce of the United States...” ⁶⁶⁵

Foreign Minister Vicente Lopez responds; “ ... This Government, penetrated with the justness of its cause, ardently desires the speedy coming of the agent, whose approaching arrival is announced by the Commander, and is persuaded that the question pending between the two countries, will be terminated in a pacific mode,

664 Cawkell 2001 p.59

665 Rodgers to Lopez 24 April 1832 in the New York Spectator July 21st, 1832

and conformable to the principles of justice, which distinguish the Government of the United States..."⁶⁶⁶

April 25th, Brisbane and the others held by the Americans are released into the custody of the Adjutant of the Port of Buenos Aires.

Once ashore, declarations are taken from both Brisbane and Dickson regarding the circumstances of their arrest and detention.⁶⁶⁷

April 28th, in the *British Packet*; *"Nothing can be more pleasing than the good understanding which exists between the Government and the Commodore of the American Squadron on this station. On Tuesday Captain Cooper, of the sloop-of-war Warren, came on shore with despatches from Commodore Rodgers, and on Wednesday the Adjutant of the Port, D. Pedro Jimens, went on board the Warren, in the Government felluca, to receive the liberated prisoners, taken from the Falklands by the sloop-of-war Lexington (consisting of Mathew Brisbane and six others,) and at 12 o'clock on the same day the Warren fired a salute of 21 guns, with the flag of the Republic at the fore, which compliment was immediately returned from the Fort, by an equal number of guns. The reason that these proceedings were so long delayed after the arrival of the American vessels at this port, is understood to have been on account of the religious solemnities and holidays which have occurred. Commodore Rodgers came on shore on Thursday, and was presented to the Governor."*⁶⁶⁸

In **May**, the *Tula* and *Lively* arrive at Berkeley Sound, as does the *Susannah Ann*.

May 7th; Rear-Admiral Baker's report on the *Lexington's* action is discussed at a meeting of the Lords Commissioners of the Admiralty.

The meeting minutes; *"Send copy to the Foreign Office and express their Lordship's anxiety to know whether the parties now in possession are under any existing treaties with Spain lawfully entitled to the Falkland Islands."*⁶⁶⁹

May 11th, the 10th Legislature of the Province of Buenos Ayres opens its session and receives a message from General Rosas; *".. Although the Government has endeavored to maintain a good understanding with the governments of friendly states, an unfortunate event has occurred at the Isla de la Soledad, in the Malvinas, which excited the indignation of the government and of the inhabitants of this Republic. The Commander of the US ship of war, Lexington, violating the most sacred principles of the rights of nations, and in the midst of the most profound peace, destroyed our establishment by force of arms. Although the Government has sustained, and is still resolved to sustain, with firmness, its rights, being convinced that that of Washington is incapable of approving so scandalous an act, ..."*

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.⁶⁷⁰

May 16th, Baylies writes from Rio de Janeiro; *"I have dined out almost every day with the merchants – one day with Mr. Brown, our Charge and one day with Mr. Aston, the British Charge. At the Englishman's we had the whole diplomatic corps, the French, Austrian, Spanish, etc. In the dispute with Buenos Aires they profess to*

666 *Lopez to Rodgers 24 April 1832*. Commander Rodgers was taken ill and died on May 23rd. He was interred in the Protestant cemetery with full military honours with the Minister of War, General Balcarce, representing Buenos Aires.

The interment was attended by Minister Fox, Secretary Gore, Consul Griffiths, Lt. Col. Pinedo and Lewis Vernet.

667 *Documentos Oficiales publicados sobre el asunto de Malvinas 1832*

668 Quoted in the *New York Spectator* July 21st, 1832

669 *Adm. 1/38* quoted in Gough 1992

670 *ADM 101/69/7*

be on our side and seem to view the dispute between BA and the US as involving the rights of all maritime nations... The news from Buenos Ayres is unfavourable, the people since the affair of Cap. Duncan at the Falkland Islands are in a state of high excitement. And if they were like any other people and would abide their declarations we should have war – but they bluster too much..”⁶⁷¹

May 18th, Francis Baylies, writes again to Secretary Livingston; “My course is a plain one and Capt. Duncan has saved me, as I apprehend, some trouble. Without departing from the most rigid rule of national courtesy I shall not abandon one tittle of our maritime right.

*I understand from Mr. Aston, the British Charge here that the claim of Great Britain to the Falkland Islands has never been abandoned, and that it has been formally asserted recently.”*⁶⁷²

May 31st, Minister Fox informs London of the removal of Consul Slacum's recognition and the imminent arrival of the new American *charge d'affaires* adding; “.. Mr. Vernet's Government and Colony at the Falkland Islands has in fact ceased to exist...”⁶⁷³

Fox responds regarding Lord Palmerston's instruction to seek the immediate revocation of Vernet's commission from the Buenos Aires Government; “He pointed out, however, that the proceedings of the United States in the Falkland Islands, .. had greatly altered the state of the question, and considered that it would be more prudent to delay carrying out his instructions until he should be able to observe what course the negotiations might take between the Government of Buenos Ayres and that of the United States.

*He observed that M. Vernet's Government and Colony had in fact ceased to exist, and that there was not the least chance that either he or anyone belonging to him would ever return thither. He believed that a demand addressed at that moment to the Buenos Ayrean Government to renounce their pretensions to the Falkland Islands would be laid hold of by them as a means of shielding themselves from the claims of the Americans, and might thus possibly have the effect of engaging His Majesty's Government in a premature and unnecessary discussion with the Government of the United States on the question of the fisheries.”*⁶⁷⁴

June 5th, Francis Baylies finally arrives in Buenos Aires.

June 12th, Baylies presents his papers to the Foreign Minister, Don Vicente Lopez; who promptly resigns.⁶⁷⁵

On the same day, Britain's Ambassador in Washington presents Secretary Livingston with a copy of the 1829 *Protest Note* submitted to Buenos Aires by Woodbine Parish.⁶⁷⁶

June 15th, *La Gazeta Mercantil* reports that Baylies is recognised by the Government, following the presentation of his credentials to Don Manuel Vicente 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 Balcarse, attends upon Minister Baylies at his lodgings and expresses his Government's desire to maintain friendly relations with the USA.

671 Baylies to J.E. Wool 16 May 1832 quoted in *An American Diplomat Writes About Latin America in 1832* Samuel Reznick in *The Americas* vol. 28, No. 2 (Oct., 1971), pp. 206-211

672 Manning (*Argentina*) 1832 p.99

673 PRO FO 6 / 499

674 Bernhardt 1911 p.18

675 Baylies to Livingston June 20th

676 CO 78/1

June 20th, Baylies sends a long letter of *Protest* to Minister 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.⁶⁷⁷

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. 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.⁶⁷⁸

June 26th, unimpressed, 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.”

In **July**, the *Samuel Enderby & Sons* sealing ships *Tula*, commanded by John Biscoe, and *Lively*, commanded by George Avery, arrive off the Falklands. *Lively* is wrecked. *Exquisite*, a sealer out of London, and the US schooner *Transport* are also at the Falklands; as is *Unicorn* commanded by Capt. Couzins, out of Montevideo.

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

677 *British and Foreign State Papers 1832 – 1833 p. 330 also Diplomatic Correspondence of the United State, Inter-American Affairs: vol.1 Argentina 1831-1860 (1932)*

678 *Report Vernet 1832*

acquaint you, officially, with His Britannick 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 Britannick Majesty, was presented by the British Charge d'Affaires to the Government of this Republic 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. 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."⁶⁷⁹

July 6th, *La Gazeta Mercantil* reports on an article in an American newspaper, the *Courier & Enquirer of New York*, which argues in favour of 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* responds that such is, 'unthinkable, insolent and absurd'.

Its 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 honor 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 ...*"

Referring to the events of 1771, he adds; "*The act of dispossession was disavowed by Spain, and the territory was restored by Solemn convention. She, however, reserved her prior rights. 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.*

The restoration of Port Egmont, and the disavowal of the act by which she was temporarily dispossessed, after discussion, negotiation, and solemn agreement, gave to the title of Great Britain more stability and strength; for it was a virtual acknowledgment, on the part of Spain, of its validity.

Great Britain might then have occupied and settled all the islands, and fortified every harbor, without giving to Spain any just cause of umbrage. With her rights again acknowledged, the emblems of sovereignty again reared, and possession resumed by a military and naval force, 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?

679 Manning 1932 vol.1 *Argentina*

Has Spain ever, by any acknowledgment 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; ... ”*⁶⁸⁰

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.⁶⁸¹

At the Rio Station, Rear-Admiral Baker issues orders for French ships of war to be watched in case they attempt to use the American-Argentine dispute as an excuse to re-establish themselves on the archipelago.⁶⁸²

July 24th, Baylies, empowered to negotiate a commercial *Treaty* with Buenos Aires, writes to Livingston opposing the idea; “... 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.”*

July 25th, Baylies writes to his brother-in-law, General Wool, Inspector-General of the US Army; “*Be assured that this office of mine has been no sinecure. I have but little expectation, and never had much, of bringing my negotiations to a favorable issue. There is such a total destruction of all sense of public justice – such childishness – and infirmity of purpose amongst these people that even the Brazilian minister told me this day that the people and Government were no better than Barbarians! However, the interests of the United States have not suffered in my hands as you will see, if ever the correspondence is placed before the world.*

With the English Minister, a nephew of Charles James Fox, and his Secretary of Legation, Mr. Gore, the nephew of and heir apparent of the Earl of Arran, we are on terms of intimacy. ...

Neither are we on bad terms with the Dictator and his family, but on the contrary, they have professed great personal friendship. Nevertheless, I think the government are determined to persist in their mad career, and can be sobered by nothing but the cannon of our navy.

I sleep with four loaded pistols and one musquet in my room, as well as a sword, but I feel little apprehension at present of personal violence .. but it is best amongst these wild people to rely somewhat on my own aim. I think that you may expect to see me in the United States in all October, November and December. It is consonant neither to the interests or the dignity of the United States to be trifled with, and these people entertain a notion that the character and temper of the people and the government of the US are so eminently pacific that they will submit to everything short of direct insults to preserve peace. They have already had one lesson and ere long they will have another.

680 *British and Foreign State Papers 1831 - 1832* p.348. Also Greenhow 1842.

681 Giudici 2011. I am unable to find any evidence of this map and no *Treaty* recognising the Argentine Republic had, at that time, been negotiated although Baylies had been authorised to open talks regarding a commercial agreement.

682 Gough 1992

I told the President that I supposed the object in sending me was to have the justification of their quarrel placed on strong grounds and therefore they selected me as one who was trained in proper quarrels. I have done my duty in that respect and have nothing to reproach myself with.

And let the consequences come, I fear them not ... The whole power of the Government is in the hands of one man. He can shut up the Courts of Justice – suspend all judicial processes, and put the press in fetters, - call for contributions to any amount and select any persons to pay them, imprison – torture, banish and kill every person within the limits of the Province of Buenos-Ayres, and there is no security for person or property only in the moderation and prudence and justice of the Dictator.

He lately caused sixteen offenders to be shot in one day without even the form of a trial or a specification of their offences. It is true most of them were great scoundrels and deserved death, yet this summary proceeding would have been abhorrent to every American.

There is here neither law or liberty – no sense of national honour or national justice or national dignity – a kind of schoolboy government with all the mischief and non of the ingenuity of schoolboys. A Republic with a dictator – a nation with a population of 140,000 – pretending to own colonies at the distance of 1000 miles with one vessel of war mounting 6 Guns and four merchant schooners – a burlesque upon everything that is connected with national greatness or national dignity. ..”⁶⁸³

August 4th, the Colonial Office are informed that the Admiralty intend to send a ship to visit Port Egmont.

August 6th, Francis Baylies again demands more than an acknowledgment to his letter of June 20th.

August 7th, the Admiralty send a draft of its orders to the British Foreign Office for approval.⁶⁸⁴

August 8th, in response to the US *charge d'affaires*, the Foreign Ministry in Buenos Aires writes reviewing 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?

683 Baylies to Wool 25 July 1832 in Rezneck 1971

684 Eliot to Sir George Shee 7 Aug 1832 in Gough 1992

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. “⁶⁸⁵

However, the note does not attempt to 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.⁶⁸⁶

August 9th, Baylies writes to Secretary Livingston suggesting that the USA should declare war on Buenos Aires as the only effective way of dealing with its Government.

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.⁶⁸⁷

Within the *Report*, Vernet considers the issue of America's claim that she inherited rights of fishing from her time as a British colony; “.. *it is a political absurdity to pretend that a colony which emancipates itself, inherits the other territories which the metropolis may possess. If that singular doctrine were to be found in the code of nations, the Low Countries, for example, on their independence being acknowledged, in 1648, would have succeeded to Spain in her rights to America; and in the same manner, the United States would have appropriated to themselves the British possessions in the East-Indies.*

Inheritance, indeed! the United States did not inherit the rights of England in Newfoundland, notwithstanding its contiguity; and are they to inherit those which she may have to the Malvinas, at the southern extremity of the continent, and in the opposite hemisphere.”

*“The writer ..., in his haste to attack the United States of America for an assertion made by one of their journalists, to the effect that the United States inherited from Great Britain a claim to fish around the Falklands, must have overlooked the simple fact, that his arguments were even more applicable to Buenos Ayres than they were to the United States of North America.”*⁶⁸⁸

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 ...*

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. ...

685 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: vol.1 Argentina 1831-1860* (1932) and that in *British & Foreign State Papers 1831-1832*.

686 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: vol.1 Argentina 1831 – 1860* (1932)

687 *Report* Vernet 1832. Too long even for this work, cf *British & Foreign State Papers 1831-1832*.

688 Fitzroy 1839

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... ”⁶⁸⁹

Capt. Hamilton of the *David*, lying off Montevideo, sends a report to Admiral Baker in Rio de Janeiro informing him that the Americans are intending to station a schooner of war off the Falkland islands.⁶⁹⁰

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.*”⁶⁹¹

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 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.*”⁶⁹²

“*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.*”⁶⁹³

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.

689 *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*.

690 *PRO FO 6 / 499*

691 Later correspondence between Baylies and Livingston revealed that the *Report* had been returned unread.

692 *New York Evening Post*, October 22nd

693 *The Sydney Herald* April 4th, 1833

August 30th, the British King approves the proposed action by the Admiralty and Lord Palmerston informs them; " .. *I am to signify to your Lordships the King's pleasure, that one of His Majesty's ships be ordered to proceed to Port Egmont .. for the purpose of exercising the right of sovereignty there ...*"⁶⁹⁴

August 31st, the Admiralty issue orders to Rear-Admiral Baker at Rio de Janeiro; "*Whereas Viscount Palmerston ... 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.*"⁶⁹⁵

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.⁶⁹⁶

Luis Vernet resigns his position of *Governor* and declines to return to Port Louis.⁶⁹⁷

September 10th, Governor Rosas publishes a new *Decree*;

"The Political and Military Commandant 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, Rosas Government lays all the papers covering its discussions with the US, before its *Legislature*.⁶⁹⁸

September 23rd, a garrison of soldiers under the command of Sgt. Major Mestivier sets sail from Buenos Aires in the *Sarandi*; commanded by Lieutenant-Colonel José María Pinedo.

694 *PRO FO 6 / 499*. Also Bernhardt 1911.

695 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.

696 This act '*astonished*' the Buenos Aires authorities, and is surely a calculated insult.

697 *CO 78/43* This is noted as a part of his submission to the British Government for compensation in 1852. Vernet stated that he declined to return because of Britain's claim "*at this time.*" It is tempting to conclude that Vernet had information regarding the imminent return of the British to the archipelago, although other authors believe that Vernet feared an American attempt to capture him. The official reason given for his non-return was "*illness.*"

698 *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*

Also on board are Luis Vernet's employees and managers, William Dickson, acting as Vernet's agent, Ventura Pasos, Henry Metcalf, Antonio Vehingar, William Drake and Charles Brazier.⁶⁹⁹

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.*"⁷⁰⁰

September 26th, Francis Baylies leaves Buenos Aires, taking George Slacum with him; thereby severing diplomatic relations.⁷⁰¹ " ... *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 ..*"⁷⁰²

Baylies writes to Secretary Livingston from the USS 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..."*⁷⁰³

September 28th, British Minister, Henry Fox, presents a *Diplomatic Protest Note* to the Foreign Minister in 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*

699 Drake and Brazier had been part of the *Harriet's* crew.

700 *Cuando un Pinedo entregó las Islas Malvinas a un marino inglés de 23 años* Roberto Bardini 2010

701 Formal diplomatic relations were not re-established until 1844.

702 Adams 1874 vol.IX, pp.446-447.

703 *Diplomatic Correspondence of the United States, Inter-American Affairs: vol.1 Argentina 1831 – 1860* (1932)

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 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."

October 1st, in response, Minister de Maya writes; *"The Supreme Government ... has given to it the due consideration to which it is entitled and will be prepared to reply to the same, whenever it may become expedient to make known the Rights of the Argentine Republic over that Territory."*

Minister Plenipotentiary Fox moves to Brazil while Philip Yorke Gore, the Legation Secretary, takes over as British *chargé d'affaires* in Buenos Aires.

October 4th, Silus Duncan arrives back at New York.

October 7th, the *Sarandi* arrives at Puerto Louis.

October 10th, Sgt. Major Mestivier takes control of Puerto Louis in a formal ceremony.

October 13th, Rear-Admiral Baker writes from Rio de Janeiro informing London; *".. that the Buenos Ayrean Government have sent a Schooner of War with a new Governor, and a number of other Persons, to resume Possession of the Falkland Islands, notwithstanding a Protest which, it is said, has been made by Mr. Fox, against their doing so."*

October 15th, Minister Fox reports on his *Protest Note* to Lord Palmerston. He also outlines events since Baylies' arrival and states; *"I found that the American Charge d'Affaires and his Government were already fully aware of, and prepared to acknowledge the Sovereign Rights of His Majesty... 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..."*⁷⁰⁴

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."⁷⁰⁵

In **November**, General Rosas retires from office.

Sgt. Major Mestivier hands over two gauchos, Manuel Ruiz and Mariano Lopez, to Pinedo for removal from the Islands as being '*undesirable*.' They are immediately '*pressed*' into the crew of the *Sarandi*.

November 21st, the *Sarandi* sets out to patrol the Island.

November 29th, *HMS Clio* and *HMS Tyne* are dispatched from Rio de Janeiro headquarters; "*.. with all expedition.*" Commander John James Onslow's instructions are to rebuild the garrison blockhouse at Port Egmont and to ascertain the identities and nationalities of anyone he finds there.

Rear-Admiral Baker's orders include the leeway to use force if necessary for the exercise of sovereignty. Any foreign forces must be obliged to leave, but, in relation to the settlers; "*you are not to disturb them in their agricultural or other inoffensive employments.*"⁷⁰⁶

No evasive delay or compromise are to be permitted and if Onslow meets with a greater force then he is to issue a warning as to the consequences of their violation of the law of nations; "*.. and especially of the dignity and sacred rights of Great Britain.*"⁷⁰⁷

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, *Jean Jaques*, and some of Vernet's gauchos. Seven of the prisoners are detained on the *Rapid*, which is chartered to take them to Buenos Aires.

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 ..*"⁷⁰⁸

December 7th, Lt. Col. Pinedo orders Capt. T.P.Trott of the American schooner, *Sun*, away from the Islands; "*.. after firing on her and treating her officers and crew with great insolence.*"⁷⁰⁹

December 20th, Commander Onslow in the *Clio*, arrives off Port Egmont; "*I found the ruins of our settlement on Saunders Island.the town stood on the south side of a mountain less than 600' high. The settlers had extended their gardens to the westward of this mountain, the remains of which are still perceptible...*"

December 21st, in Washington a *Resolution* is passed by the House of Representatives calling for the correspondence relative to the discussions in Buenos Aires to be published. President Jackson defers, arguing that negotiations are not yet complete.

705 *The New York Evening Post* Tuesday April 16th, 1833.

706 *HMS Tyne* was about to depart to Peru with the new British Ambassador on board when ordered to journey via the Falkland Islands.

707 *PRO ADM 1/2276*. Also Gough 1992.

708 *Diplomatic Correspondence of the United States, Inter-American Affairs: vol.1 Argentina 1831 – 1860* (1932)

709 Greenhow 1842

December 23rd, Onslow erects a signal post and; “ .. repaired what appeared to me to have been Fort George. Whilst in port the Union was hoisted daily at the fort and I left the following inscription ... ;”⁷¹⁰

“These Islands have been visited by His Britannic Majesty's ship Clio, for the purpose of exercising the rights of sovereignty. 23rd December, 1832”

“During our stay at Port Egmont the boats were employed to examine into Brett's Harbour, Byron's Sound, Kepple's sound and as far westward as Point Bay, 60 miles from our anchorage, to search for inhabitants but found none.

I am therefore led to believe ... I should find them in Berkeley Sound, to the eastward. ... I left a sealed bottle at the fort to acquaint Captain Hope that I had sailed for Berkeley Sound... “

December 29th, on his return from patrol, Lt. Col. Pinedo restores order amongst the remaining garrison, arresting, amongst others, First-Lieutenant José Antonio Gomila, who is accused of inaction.



⁷¹⁰ *History of the British Colonies* Robert Montgomery Martin vol.2 1835. Kay-Shuttleworth 1910 p.360; Cawkell 2001 p.60

1833 - 1849



1833 – January 1st, 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.*

*Jewitt, 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.”*⁷¹¹

January 2nd, the *Clio* arrives at Puerto Louis. Capt. Charles Hope in *HMS Tyne* arrives at Port Egmont.

“.. I arrived on 2nd January 1833, and found a settlement under a BA flag, with 25 soldiers and also a national schooner of war under the same flag. I waited upon the commander of the schooner. He informed me he commanded both afloat and ashore. I acquainted him civilly with the object of my mission and requested him to embark his force and haul down his flag on shore, he being in a possession belonging to the Crown of Great Britain. At first he acquiesced provided I would put the same in writing, which I did.”

The note says simply; *“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.”*

Lieut. Colonel Pinedo, after considering Onslow's note, protests against the; *“gross outrage,”* by a *“.. friendly and powerful nation which has always boasted of its fidelity and moderation, and has lost no opportunity of manifesting the cordiality of its feelings towards the Argentine Republic.”*⁷¹²

January 3rd, Pinedo goes to see Commander Onslow; *“.. at 5am he visited me to request me to allow the BA flag to be kept flying on shore till Saturday, the 5th, when he would finally sail taking with him the force and such settlers as expressed a desire to leave the island.*

*I told him his request was inadmissible and that he must consider he was in a port belonging to Great Britain. Finding he wavered and was reluctant to strike the flag I immediately landed, hoisted the Union and caused it to be lowered, sending it with a civil message to the schooner.”*⁷¹³

Argentina's 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.”*

711 *Diplomatic Correspondence of the United States, Inter-American Affairs: vol.1 Argentina 1831 – 1860* (1932)

712 Quoted in Gough 1992

713 CO 78/1

Lieut. Colonel Pinedo, with a numerically superior force - some of which are under arrest and many of the others of British nationality - offers no further resistance.⁷¹⁴

January 5th, the *Sarandi* evacuates the garrison, while the *Rapid* transports most of the prisoners, together with Ventura Pasos and Henry Metcalf, two of Vernet's managers.⁷¹⁵

Before his departure, Pinedo provides a written order to one of Vernet's settlers, Jean Simon, 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."*⁷¹⁶

*"... 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 yielded at last to the argument of force..."*⁷¹⁷

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."*⁷¹⁸

The remaining settlers number twenty-two; 12 gauchos and 6 other men together with 3 women and one child; *"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."*⁷¹⁹

Temporary residents, mainly sealers, include 9 men from the *Unicorn*.

Onslow appoints William Dickson, the settlement's storeman and one of Luis Vernet's agents, 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; *".. and to acquaint the Commanders of His Majesty's vessels of war, who might touch at Port Louis, with all acts of insubordination in the Colony."*

*"Considering that this was an acknowledgment of his individual right of property in the Lands and Cattle Mr. Vernet sent out another agent, named Brisbane with additional supplies..."*⁷²⁰

January 10th, HMS *Clio* sails away taking William Drake, deemed 'undesirable' and Charles Brazier, considered 'distressed.'

January 12th, a French whaler, *Le Magellan*, is wrecked.

January 14th, the *Tyne* arrives at Port Louis. Belford Hinton Wilson, the new Ambassador en-route to Peru, speaks to the gauchos who complain about the wages Vernet pays them; *"These Gauchos would cheerfully*

714 British seamen were favoured over others and made up much of the fledgling Argentine navy.

715 Pasos was linked to Vernet's family by marriage and it is probable that he was taking the news of the British return to Vernet.

716 *Jean Simon to Luis Vernet* April 2nd dictated to Ventura Pasos AGN VII 130 doc. 62 folio 1 recto

717 The *Journal of Commerce* quoted in *The New York Evening Post* Tuesday April 16th, 1833.

718 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

719 PRO FO 6 / 500. Other reports suggest that Carmelita had 2 children at this time.

720 CO 78/43. Later correspondence clearly shows that Vernet took Onslow's entreaties for the gauchos to stay as a sign that his claims to land and cattle would be recognised by the British Government.

remain on the Island under any Englishman whom the Government may please to appoint.” He also hears that they were promised silver but only received promissory notes.⁷²¹

In London, a description of East Falkland Island, prepared by Luis Vernet, is read by Woodbine Parish to the *Royal Geographical Society*.

*“The claims of Great Britain to the Falkland islands having been lately renewed, the following account of the Eastern Island may not be uninteresting. It was drawn up for me during my late residence in South America by Mr. Vernet, who formed a settlement and resided there for several years under an authority from the Government of Buenos Aires. It will be recollected that the British settlement, which was forcibly broken up by the Spaniards in 1770, and subsequently restored, was at Port Egmont, on the Western Island.”*⁷²²

Parish also informs the *Society* that 89 British, American and French vessels visited the Islands for the whale and seal fisheries, between 1826 and 1831.⁷²³

January 15th, the *Sarandi* and the *Rapid* arrive at Buenos Aires.

The *Sun* arrives at Montevideo where she finds the *USS Lexington* moored in the River Plate. The *Lexington's* new commander, Capt. Isaac McKeever, is told that the *Sarandi* forced the vessel to leave the Falklands. McKeever immediately writes to Levi Woodbury in Washington informing him 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.⁷²⁴

On the same day, Lt. Col. José Pinedo records the names of those brought back from Port Louis.⁷²⁵

Capitan: D. Juan Antonio Gomila

Batallion de Artilleria

Cabo 1º: Miguel Hernandez y su mujer Maria Romero

Soldados: José Barrera

José Gómez

Manuel Francisco Fernández

Toribio Montesuma

Batallion de Rio de la Plata

Sargento: Santiago Almandos

Soldados: José Soto

José Rodríguez

721 *PRO CO78/1, 212-213*

722 *Account of East Falkland Island* Woodbine parish *Journal of the Royal Geographical Society of London* vol.3 (1833) pp.94-99

723 *The Journal of the Royal Geographical Society of London, Vol. 3 1834* cf. End-note V

724 *US Archives Naval Record Group 45*, microfilm 18, Doc. 20. Quoted in Pascoe & Pepper 2008

725 *La agresión norteamericana a las Islas Malvinas* Ernesto J. Fitte, 1966. *Mujer* is wife, and *hijo/s* refers to children. *Preso* is prisoner while *extranjeros* are foreigners.

Patricios de Buenos Aires

*Soldados: Juan Castro y su mujer Manuela Navarro
Antonio García*

Guardia Argentina

Cabo: Daniel Molina

*Soldados: Juan J. Rivas y su mujer Maria I. Beldaño
Dionisio Godoy
Hipólito Villarreal y su mujer Lucia Correa y dos hijos
Gregory Durán y su mujer Carmen Manzanares, con dos hijos
Benito Vidal y su mujer Maria Saisa*

Individuos de la Isla ⁷²⁶

*Joaquín Acuña, su mujer Juana
Matthew González, su mujer Marica*

*Extranjeros: José Viel
Juan Quedy
Francisco Ferreyra*

Y el preso: Maximo Vbarnes (Warnes), que fue destinado

*Mujeres pertenecientes a los militares que vienen presos en la goleta inglesa “Rapid”,
y que vienen en dicha “Sarandi”* ⁷²⁷

*María Rodríguez, con tres hijos
Anastasia Romero
Encarnación Álvarez
Carmen Benitez
Tránsito González, con un hijo*

Militares que vienen presos en la goleta “Rapid”

Batallón de Artillería

Soldado: José Antonio Díaz

⁷²⁶ Contrary to subsequent claims, these were the only settlers to leave. Acuña was Brazillian, González from the Banda Oriental. *AGN Sala VII, legajo 136*

⁷²⁷ Wives of the prisoners on the *Rapid*, who returned on the *Sarandi*.

Rio de la Plata

*Soldados: Manuel Delgado
Mariano Gadea
Manuel Suares*

Patricios de Buenos Aires

*Cabo 1º: Francisco Ramírez
Soldados: Bernardino Cáceres
Manuel Saenz Valiente ⁷²⁸
Antonio Moncada*

Guardia Argentina

Sargento 2º: José Maria Díaz

Pinedo hands over the gauchos Manuel Ruiz and Mariano Lopez to the Port Captain, Fransisco Lynch. ⁷²⁹

On receipt of the news, Argentina's Foreign Minister, Manuel Vicente de Maza, immediately writes to the British *charge d'affaires*, Philip Gore; *“the Undersigned etc., addresses himself to HBM Charge d’Affaires ad interim in this City, to inform him that the Govt. has just learnt that the Commander of HBM’s Schooner of war, the Clio, has, in the Falkland Islands, taken possession of the Isle of Soledad, & hoisted the english flag where that of the Argentine Republic heretofore waved. This unexpected event has caused a very great surprise to the Govt. of Buenos Ayres; and though HE cannot discover any pretext which could furnish an excuse for it, yet, taking it for granted that the Charge d’Affaires whom the Undersigned addresses must be in possession of instructions concerning a step which manifestly compromises the dignity and the rights of the Argentine Republic, he has directed the Undersigned to apply to the Charge d’Affaires of HBM for the competent explanation.”* ⁷³⁰

January 17th, Gore responds that he; *“.. has the honor to inform HE that he has received no instructions from his Court to make any communication to the Govt. Of Buenos Ayres upon the subject of which HE's note refers...”*

January 18th, *HMS Tyne* departs; leaving Dickson as the only British authority in the Falklands.

On the same day, Philip Gore is asked to attend the Ministry of Foreign Affairs in Buenos Aires for a '*conference*.'

“HE began by stating that his Govt. Had been placed in a situation of great embarrassment by the unexpected news which had just reached Buenos Ayres of the proceedings of Capt. Onslow of HMS Clio at the Falkland Islands; that the Council of Ministers had held several, and very prolonged, sittings upon the subject; that, as yet, the Ministers had not resolved what course should be pursued to meet the circumstances of the case, but that he was desirous of having a personal interview with me, previous to their coming to any final determination. that he could have understood, had HM's Govt. made the question of the Falkland Islands a matter of amicable negotiation with that of Buenos Ayres through the medium of the Minister whom HM had recently named to this Republic, but that, in the late transaction, his Government considered that an act had

728 Mestivier's assassin.

729 Son of the *armador* Patricio Lynch. *AGN Sala III Legajo 33*

730 *CO 78/I 235*

been committed against the Argentine Republic, infringing upon her rights and derogatory to her dignity as an independent nation....”

During the course of the interview, de Maza refers to the Republic as consisting of a, “*powerless and infant people;*” Maza also calls Pinedo a “*coward.*”

Gore tells the Foreign Minister that; “*.. the occupation of the Falkland Islands by Great Britain could be matter of no surprise to HE... since, in 1829, formal intimation had been given to the Buenos Ayrean Govt. Of HM's rights of Sovereignty over those Islands.*

The present measure was a natural and necessary consequence of that intimation, then so explicitly made, and lately, in 1832, as categorically repeated.”

January 19th, *HMS Clio* arrives at Montevideo from where a message is relayed to Philip Gore regarding the events of the 2nd and 3rd. Onslow informs his superiors; “*We understand that the government has determined to institute legal proceedings against Lieut. Col. Jose Maria Pinedo relative to his conduct.*”

January 22nd, the Minister of Foreign Affairs addresses a note to Gore; “*..formally protesting on the part of the Republic against the pretensions of Great Britain to the Falkland Islands and her occupation of them, against the insult offered to the flag of the Republic, and declaring the firm determination of the Republic to support her rights, and that at the same time she was desirous of maintaining the relations of amity subsisting between the two countries.*” ⁷³¹

Gore acknowledges receipt but does not respond.

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.” ⁷³²

January 29th, a further protest is sent to Philip Gore; “*The undersigned, Minister of Grace and Justice, charged provisionally with the department of foreign relations of the Argentine Republic, is directed by his government to address the charge d'affaires ad interim of H.B.M. In this city, and inform him that on the 2d inst. H.B.M.'s sloop of war Clio anchored in the port of San Luis, in the island of La Soledad, one of the Malvinas, for the purpose of taking possession of them as belonging to H.B.M.; Capt. Onslow, of the said vessel, stating that he had positive orders to hoist the British flag on shore within twenty-four hours. He had already done so in other ports of the islands, and finally, did the same in that of La Soledad, in defiance of the protests of the commander of the schooner of war sarandi, who was there in fulfilment of orders from his government, which, through a fatality of unforeseen circumstances, he could not strictly perform, by forcibly*

731 Bernhardt 1911

732 Quoted in *The New York Evening Post* Tuesday April 16th, 1833.

resisting the occupation of the islands. The undersigned abstains, for the present, from expatiating on the inconsistency of such a violent and rude proceeding, in a time of profound peace, when the close and friendly relations between the two governments on the one hand, and on the other the moderation, cordiality and purity of intentions of which England has made ostentation, gave no reason to expect that the confidence in which the Argentine Republic reposed would be so unceremoniously violated. Nevertheless, in fulfillment of the orders of his government and in its name, in consideration of what we owe to our dignity, to posterity and to the deposit which the United provinces has entrusted to the government of Buenos Ayres, and, in short, to the whole world whose eyes are fixed upon us, the undersigned protests in the most formal manner against the pretensions of the government of Great Britain to the Malvina Islands, and its occupation of them, as likewise against the insult offered to the flag of the Republic, and against the damages which the latter has received and may receive in consequence of the aforesaid proceedings, and whatever may hereafter take place on the part of the British Government in this respect. The charge d'affaires, whom the undersigned addresses, will please transmit this protest to his government, and manifest the decided resolution of this republic to sustain its rights, at the same time that it desires to maintain inviolate the friendly relations which it has hitherto cultivated with Great Britain, and that peace may prosper and be perpetual between both states.”⁷³³

February 1st, the *Gaceta Mercantil* newspaper publishes a letter from Ventura Pasos complaining of the raid by the *Lexington* over a year before. Also published are the accounts from some of the illiterate gauchos who were there when Silas Duncan's ship arrived. No mention is made of the *Clio*'s action by Pasos, however.⁷³⁴

February 5th, newspapers report that; “*The Council of War for the trial of the authors and accomplices of the military mutiny at the Falkland Islands, decided ...*

That Adjutant José Antonio Gomita, on account of his timidity and want of energy in 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 Díaz, first corporal Francisco Ramírez, and privates Bernardino Cáceres, Jose Antonio Díaz, Jose Marta Suares, Antonio Moncada and Maunel Saenx Valiente, BE SHOT, and hung four hours on the gallows; and that the right hand of Maunel Saenx Valiente be 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.”*⁷³⁵

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.*”⁷³⁶

733 *Niles' Register April 27th 1833* p.136

734 The letter is dated 30th January, 1833

735 *Ibid.*

736 The reference to the involvement of “*leading men*” may refer to the grant of land by Buenos Aires being in repayment

March 1st, Charles Darwin and Capt. Fitzroy arrive in *HMS Beagle*; “*The Beagle anchored at the south side of Berkeley Sound ..., and remained there till I had ascertained the state of affairs on shore: for seeing a French flag flying near some tents behind Johnson Cove or harbour, and knowing that, in 1831, the flag of Buenos Ayres was hoisted at a settlement in the sound, it was evident a change of some kind had occurred.*

Directly our anchor had dropped, a whale-boat belonging to the wrecked whale-ship, 'Le Magellan,' came alongside; and from her chief mate, we learned that his ship had parted from her anchors during a tremendous squall on the night of the 12th of January, and was totally wrecked. He then informed me that the British colours had been hoisted on these islands by H.M.S. Clio; and that H.M.S. Tyne had since visited the port and saluted the flag;..

I met Mr. Chaffers, who had been to Port Louis, and heard that there was no constituted authority whatever resident on the islands, but that the British flag had been left by Captain Onslow in charge of an Irishman, who had been Mr. Vernet's storekeeper. This man at first declined answering Mr. Chaffers's questions, because his uniform buttons were (as he thought) different from those of the Tyne's officers; however, being a simple character, he soon became more loquacious than was wished.

He told Mr. Chaffers that he was ordered to 'hoist the flag up and down' when vessels arrived, and every Sunday: .. ⁷³⁷

March 2nd, Matthew Brisbane and Don Ventura Pasos arrive back at Port Louis, aboard the *Rapid*, with a new Secretary for Vernet's business - Thomas Helsby. ⁷³⁸

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.*”

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.*”⁷³⁹

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; “I thought Mr. Vernet's colony was a thriving and happy settlement. Where are the inhabitants? the place seems deserted as well as ruined.”*

“Indeed Sir, it was flourishing,” said he, “ but the Lexington ruined it Captain Duncan's men did such harm to the houses and gardens. I was myself treated as a pirate—rowed stern foremost on board the Lexington—abused on her quarter-deck most violently by Captain Duncan—treated by him more like a wild beast than a human being—and from that time guarded as a felon, until I was released by order of Commodore Rogers.”

“But,” I said, “where are the rest of the settlers? I see but half a dozen, of whom two are old black women; where are the gauchos who kill the cattle?”

of the debt owed Pacheco. There were also rumours of Vernet having Buenos Airean investors who wished to profit from the sealing prospects around the Falkland Islands.

737 Fitzroy 1839

738 Fitzroy describes Brisbane as Luis Vernet's agent and 'partner.'

739 Fitzroy 1839

"Sir, they are all in the country. They have been so much alarmed by what has occurred, and they dread the appearance of a ship of war so much, that they keep out of the way till they know what she is going to do.

*I afterwards interrogated an old German, while Brisbane was out of sight, and after him a young native of Buenos Ayres, who both corroborated Brisbane's account."*⁷⁴⁰

March 9th, Lt. Col. José María Pinedo is suspended for 4 months without pay as a punishment for failing to defend Port Louis against the British force.

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 22nd, Capt. Lowe and the *Unicorn* return to Port Louis to retrieve the sealing crew left there; *".. although considered to be the most enterprising and intelligent sealer on those shores, perhaps anywhere, the weather had been so much against him that he returned from his six months' cruise a ruined man, with an empty ship... Passengers with him were the master and crew of a North American sealing schooner, the Transport, which had been wrecked on the south-west coast of Tierra del Fuego, in Hope Harbour; and he told me of two other wrecks, all occasioned by the gale of January 12-13th."*

March 24th, Darwin writes; *"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 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; ... In their manners habits &c I should think these men strikingly resembled the old Buccaneers. "

Captain Lowe sells the *Unicorn* to Fitzroy for £1,300. Lowe and some of his crew remain behind to take seals and await another vessel; *".. Some of his crew being 'upon the lay,' that is, having agreed to be paid for their work by a small proportion of the cargo obtained, preferred remaining at the Falklands to seek for employment in other vessels, others procured a passage in the Rapid, and a few were engaged by me to serve in their own vessel which, to keep up old associations, I named 'Adventure.' ..*

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 in the Falklands, they were at liberty to do what they pleased with Mr. Vernet's private property, as well as with the wild cattle and horses. The gauchos wished to leave the place, and return to the Plata, but as they were the only useful labourers on the islands, in fact, the only people on whom any dependence could be placed for a regular supply of fresh beef, I interested myself as much as possible to induce them to remain, and with partial success, for seven staid out of twelve....

Besides these gauchos, we saw five Indians, who had been taken by the Buenos Ayrean troops, or their allies, and allowed to leave prison on condition of going with Mr. Vernet to the Falklands. Including the crews of

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some thirty whale-ships, hovering about or at anchor among the islands; the men of several American vessels, all armed with rifles; the English sealers with their clubs, if not also provided with rifles; these cut-throat looking gauchos; the discontented, downcast Indian prisoners, and the crews of several French whalers—who could not or would not see why they had not as good a right to the islands as Englishmen—there was no lack of the 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...”

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 it. 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 ... "

April 4th, Darwin sails for the Rio Negro in the *Adventure*.

April 5th, Brisbane sends the *Rapid* back to Buenos Aires with a cargo of hides and skins for Luis Vernet.⁷⁴¹

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 they 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.”⁷⁴²

April 14th, news arrives in England, on the *Packet* from Brazil, of the ejection of the Buenos Airean troops from Soledad and is immediately picked up by the *London Journals*.

April 15th, the 790 prime fur seal skins, together with 401 pup skins, liberated by Silas Duncan from Vernet's storehouse, and subsequently handed over to Capt. Davison, arrive at Stonington in the United States.

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

741 *PRO Adm 1/42 No.s 1 & 2*

742 Fitzroy 1839

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!"*⁷⁴³

April 24th, Minister Plenipotentiary to the Court of St James, Manuel Moreno, writes to the Foreign Secretary, Lord Palmerston, via Sir George Shee; “ .. almost all the London Journals published the intelligence that the garrison and colonists of the United Provinces in Malouine Islands, as well as the Schooner of War, the “Sarandi,” which was stationed in that dominion of the Republic had been compelled to retire, owing to the intimation of Captain Onslow of HM's Schooner of War “Clio,” and that that officer, on expelling by force the said Garrison and Colonists of the United Provinces, had declared that he was going to take, and that he did take, possession of the Islands in HBM's name, notwithstanding that the discussion respecting them was pending.

It is the duty of the Undersigned to request, in the name of his Govt. to be informed whether HBM's Govt. has ordered the expulsion of the garrison of Buenos Ayres from the Malouine Islands, which expulsion is reported to have been effected by the Captain of HM's Schooner of War the “Clio,” and whether it has authorized or recognized the declaration likewise reported to have been made by that officer respecting the dominion of those possessions.”

May 5th, Lord Palmerston writes to Philip Gore instructing him to; “ .. state to the Buenos Ayrean Govt that the British Govt, upon this occasion, has only exercised its full and undoubted right. The rights of HM to the Falkland Islands are of ancient standing and have never been relinquished, but have, on the contrary, been recently announced to the Buenos Ayrean Govt. by Mr. Parish's Note of Nov. 1829.

*The British Govt. at one time, thought it inexpedient to maintain any garrison in those Islands; it has, however, ... deemed it proper to establish a Post there. But HM is not accountable to any foreign Power for the reasons which may guide them in making such arrangements with respect to territories belonging to the British Crown.”*⁷⁴⁴

May 8th, Manuel Moreno receives a reply from Lord Palmerston saying that he; “ .. has the honour to state to Mr. Moreno in reply that the proceedings of the Commander of the “Clio” took place in consequence of instructions given by HM's Government to Admiral Baker...

Admiral Baker was ordered to send a ship-of-war to the Falkland Islands, to exercise there HM's ancient and undoubted rights of Sovereignty and to act there as in a possession belonging to the Crown of Great Britain; and, of course, if there should be found in those Islands any foreign persons or military force not acknowledging the Sovereignty of HM, the Commander of the ship of war was to request such persons or such military force to withdraw, and he was to assist them with the means of doing so.”

On the same day, Palmerston instructs Philip Gore in Buenos Aires to; “ .. inform the Argentine Government that the rights of His Majesty to the Falkland Islands were of ancient standing, and had never been

743 *Diplomatic Correspondence of the United States, Inter-American Affairs: vol.1 Argentina 1831 – 1860 (1932)*

744 CO 78/1 239

*relinquished, but had, on the contrary, been announced to the Argentine Government by Mr. Parish in November 1829; that the British Government had at one time thought it inexpedient to maintain any garrison in these islands, but that they had altered their views, and had deemed it proper to establish a post there. Mr. Gore was at the same time to point out that His majesty was not accountable to any foreign Power for the reasons which might guide him in making such arrangements with respect to territories belonging to the British Crown.”*⁷⁴⁵

May 31st, Governor Balcarce delivers a message to the 11th Legislature of the Province of Buenos Aires; *“The Minister sent by the Government of Washington, whose expected arrival was announced to you in the preceeding year, and whom it was resolved to await in order to come to an explanation relative to the destruction by main force of the colony in the Island de la Soledad, by the captain of the United States corvette Lexington, did in effect arrive, and was received in the character of charge d'affaires; you are Messrs. Representatives, already acquainted with the state of this negotiation. The government, in order to follow it up, has appointed a minister, and has notified this appointment to that of Washington; and he will shortly be despatched with the competent instructions to obtain satisfaction and reparation for so great an injury.*

*The re-settlement of the Falkland Islands was immediately resolved on, in the mode that the other attentions of the province allowed; but soon an event occurred as unexpected as disagreeable. The Government has informed you that the captain of His Britannic Majesty's sloop of war Clio, sustained by a superior force, took possession of the islands in the name of his sovereign. Then it likewise satted to you what would be its conduct. It has therefore directed its Minister at London, that, energetically remonstrating against the violation of the most sacred principles of law of nations, he demand the restitution, and seek such satisfaction as becomes the justice and honour of both egovernments, by those means which probity, good faith, and sound reason dictate.”*⁷⁴⁶

In **June**, Vernet sends six more employees to join the settlers on the islands. Brisbane, short of silver, resumes paying the gauchos in promissory notes.

June 17th, Minister Moreno submits an official *Protest* to the British Government, complaining of the eviction of the Buenos Airean garrison. In explanation of his country's right to the islands, Moreno cites initial discovery, which he gives to Spanish explorers; the purchase of French rights in 1767; a secret agreement between England and Spain in 1771 and England's abandonment in 1774.

He also claims that Argentina succeeded to the archipelago when the Spanish left; *“It is well known to all the world that, by the Revolution which took place on the 25th of May, 1810 and the solemn Declaration of Independence on the 9th of July, 1816, a political community was constituted, in the jurisdiction of Buenos Aires, under the name, style and title of, “United Provinces of the Rio de la Plata,” which has been recognised by Great Britain and other principle nations. This political community could not exist without territory, as, where there is no independence of territory, there can be no Sovereign State, and thus, as the community acquired the right of Treaties, and that of competency to negotiate with foreign Powers, it also acquired the right of State property (jus in patrimonium reipublicae.)*

The United Provinces consequently succeeded Spain in the rights which that nation, from whom they separated had possessed in that jurisdiction. The Malvinas had always been a part of that country, or of that district, and, as such, they formed part of the dominion, or public property of the new state (patrimonium reipublicae publicum); and were claimed, inhabited and garrisoned by its subjects.

745 Bernhardt 1911

746 Niles' Weekly Register August 10th 1833

The sovereignty of the islands, which ceased in the Spanish Government, on the Independence of America, could not pass in succession to England, nor revive a question and claims that were extinct.”

In an undiplomatic move, Moreno has an edited version of his protest 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.”*ⁱ

July 2nd, in Buenos Aires, Minister de Maza again requests some explanation from Philip Gore.

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.”*⁷⁴⁷

July 24th, the Buenos Aires Government meets to make decisions on how to proceed over the Falklands.

August, the settlers remaining 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.)”*⁷⁴⁸

August 8th, Philip Gore passes Lord Palmerston's response of May 6th to Foreign Minister Vicente de Maza.

August 25th, some of Vernet's gauchos purchase ammunition from a group of sailors at Port Louis.

August 26th, Antonio Rivero, a 26 year-old gaucho employed by Luis Vernet, leads a pre-planned riot against Vernet's agents.⁷⁴⁹

William Dickson, Matthew Brisbane, Antonio Wagner, Jean Simon and Ventura Pasos are murdered.

“ .. 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, Capitaz Juan Simon and had left Don Ventura for dead, he having been wounded by a musket ball in his throat, his head cut open,

747 *Caledonian Mercury* Oct 5th 1833

748 *The Nautical Magazine* 1834

749 *“.. the gauchos who, having roamed at will on Vernet's horses, killing cattle as they pleased and selling the beef to the numerous sealing vessels, did not take kindly to being regimented again. It was this, not the alleged payment by Brisbane to them in paper money instead of silver ... that sparked off the gaucho eruption.”* Cawkell 1983

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.“ⁱⁱ

“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. .. Don Ventura and my other agents were murdered in Aug 1833 by some Indians .. and some runaway sailors. Don Ventura was one of the principal settlers at Port Louis.”⁷⁵⁰

The survivors; “ .. thirteen men, three women and two children..,” take refuge on Hog Island in Berkeley Sound.⁷⁵¹

September, the *Harriet*, seized by Vernet, is auctioned off in Buenos Aires.

September 2nd, the refugees on Hog Island move to the more defend-able Turf Island.

September 8th, with no sign of Rivero's gang, some of the survivors visit Port Louis; “ .. but finding it entirely devastated returned to their island.”⁷⁵²

September 13th, Capt. Lowe returns to Berkeley Sound. On his advice, the remaining settlers divide into two groups and occupy both Hog Island and Turf Island.

September 29th, King Ferdinand VII of Spain, who has fiercely maintained his claims to all his foreign dominions, dies. His heir is his 3 year daughter, the *Infanta Isabella*.⁷⁵³

October 23rd, the settlers hiding on the islands in Berkeley Sound are relieved by the British ship *Hopeful*.

Lieut. Rea RN, a passenger on the vessel, hoists the Union Jack at Port Louis. He also writes an urgent letter to Rio de Janeiro; “ .. I feel convinced that if an English ship of war does not arrive here soon, more murders will take place.”⁷⁵⁴

Hopeful sails on and the massacre's survivors are again left alone on their small islands. Two sealers, *Rose* and *Susannah Anne* also see the survivors but offer little material assistance. Capt. Lowe and his men leave with the sealers.

750 Luis Vernet, *AGN Sala VII, Legajo 130, Documento 54 Page 2*. This clearly puts the lie to any suggestion that Rivero's attack was some sort of uprising against British authority.

751 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.

752 CO 78/1 99

753 The child's mother, Maria Cristina, becomes *Regent*.

754 Lieut. Rea had been attached to the *Hopeful* by the Admiralty as the expedition's purpose was to penetrate as far south as the Weddell Sea. The *Hopeful* was accompanied by the *Rose*. cf. Hunter-Christie 1951. The letter was 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.

October 30th, Sir Herbert Jenner is provided with a copy of Manuel Moreno's protest by Sir George Shee, together with the proposed response by Lord Palmerston; and asked to provide a legal opinion.

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.*" ⁷⁵⁵

November 30th, Sir Herbert Jenner gives his opinion; "*.. I have perused and considered the note of M. Moreno and the answer which your Lordship proposes to return to him, and am humbly of opinion that the extracts from the correspondence which passed in the years 1771 and 1774, as stated in your Lordship's letter, are so far from warranting the suggestion of M. Moreno that there was any secret understanding that the British Govt. would evacuate the Falkland Islands after the restitution of Port Egmont, that they demonstrate that no such expectation could have been entertained by the Govt. of Spain, for the Spanish Minister, having asked the Earl of Rochford to give him some hopes of the British Govt. agreeing to the mutual abandonment of those islands, he was answered "that it was impossible to enter into that subject with him as the restitution must precede every discourse relative to them."*

And the instructions given to the officer who was sent to receive the repossession of Port Egmont from the Spanish authorities, not to salute Fort Soledad, as a Spanish Garrison, if the restitution was not made by a certain period, but to protest against that settlement of His Catholic Majesty's subjects, in an Island belonging to His Majesty, are strongly confirmatory of the absence of all idea of compromise, in the assertion and maintenance of HM right to the Sovereignty over those Islands.

Under these circumstances, I am very humbly of opinion that a wise direction has been exercised in declining to enter into any discussion as to the title to be derived from the first occupation or possession of these islands, as it is impossible not to foresee, that a discussion of that nature must necessarily lead to a protracted correspondence, which would probably not end in any satisfactory result." ⁷⁵⁶

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 8th, the British Foreign Secretary, Viscount Palmerston, sends a formal response in answer to the Manuel Moreno protest of the previous year; "*...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

755 Gore had previously been Secretary to the Legation during the *Lexington* affair.

756 CO 78/1 285. The last paragraph has occasionally been taken out of context by other authors.

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.

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-Ayrean 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.⁷⁵⁷

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 questionⁱⁱⁱ

(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

⁷⁵⁷ Bernhardt (1911) states that Palmerston only referred to the '*official correspondence*' and made no mention of the correspondence between the French agent Francois (Frances) and Stuart Mackenzie. Bernhardt himself was unable to find any such correspondence during a search through the public record in 1910 and appears to have based his belief that it existed on Lord Chatham's '*Anecdotes*.'

*right of sovereignty which has been exercised by his Majesty, as undoubtedly belonging to the Crown of Great Britain.”*⁷⁵⁸

January 9th, Lieut. Henry Smith, together with 4 seamen volunteers, arrives at Port Louis aboard *HMS Challenger* commanded by Capt. Seymour.

Smith takes command as the “*Resident Naval Officer*” responsible for the administration of the Falkland Islands; acknowledged by a 20 gun salute from the ship.⁷⁵⁹

“Captain Seymour, .. 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. He then pointed them out, sitting under a wall, with their horses behind the remains of the Government House, ready saddled for a start on our nearer approach. They had two gauchos, prisoners, who had not been concerned in the murders, and whom they threatened to kill, if he, Channon, did not return. He also stated that one of them was willing to turn King's evidence, and would bring back all the horses, if possible, provided Captain Seymour would ensure his pardon.

The whole of them, nine in number, retreated into the interior as soon as they found out it was a ship-of-war, taking all the tame horses, between fifty and sixty. As his party were not armed, Captain Seymour thought it right to return on board; but after dark, Lieutenant Smith was sent with a party of marines, and two boats, to try and take them, if they should be still about the houses, and to leave with Channon a bottle containing a crucifix, as a signal for Luna. On their landing, Lieutenant Smith took all necessary precautions, left six men in charge of the boats, and proceeded cautiously with the rest. He carefully searched every building in the place, without seeing even a trace of them.

All was desolation; yet he learned afterwards from the two innocent gauchos, that Antonio Rivero and another, suspecting who the party were, had watched them closely; that at one time Lieut. Smith was near treading on them ...

*Mr. Smith left with Channon Luna's pardon, who, on the fourth day, brought in two horses – not having been able to obtain more, as the murderers were very watchful and fearful of each other, so much so, that one of them had fallen a sacrifice to suspicion; and Luna's desertion reduced their number to six. ...”*⁷⁶⁰

Apart from the gauchos, the settlers now remaining at Port Louis are; Thomas Helsby, Charles Kusserley, Tanstin Martinez, Santiago Lopez, Pascual Diaz, Manuel Coronel, Antonina Roxa, Gregoria Madrid, Carmelita and her two children.

January 15th, Lieut. Smith, four midshipmen and twelve marines head into the interior in search of Rivero.

758 CO 78/1

759 Smith had been First-Lieutenant on *HMS Tyne*. News of the massacre having reached Rio de Janeiro, a volunteer was sought to go to the archipelago to bring some order. His new position gained him an increase in salary of 7 shillings a day although his duties had not been defined in any way and no money was made available for the running of a settlement.

760 Fitzroy 1839. It is not clear which of the offending gauchos had been slain, but neither Juan Brasido nor Felipe Salazar reached London. Juan Brasido was the likely victim as Thomas Helby's account states that Brasido and Luna were at odds with the others.

January 20th, *HMS Challenger* leaves the Falklands; “.. *Captain Seymour, finding that capturing the Indians would be a tedious and uncertain task, made one of the ruined houses habitable, and leaving six marines as an additional protection to Lieut. Smith and his boat's crew, proceeded as ordered.*”

Thomas Helsby leaves with *Challenger*, as does one of the remaining gauchos.

Settlers Charles Kusserley, Antonina Roxa, Gregoria Madrid, Carmelita, two children and three gauchos, including Manuel Coronel, remain in Port Louis. ⁷⁶¹

January 22nd, the schooner *Adventure* is directed to survey the Falkland Islands.

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. ⁷⁶²

February 1st, Reverend Coan encounters 3 gauchos and negotiates for a supply of beef.

February 3rd, the gauchos, together with 4 other men, deliver beef to the *Antarctic*.

February 5th, Lieut. Smith, with a party of 6 marines, comes across the *Antarctic* and hears of the gauchos.

February 6th, Captain Lowe meets up with the *Adventure* and is taken on as pilot; “.. *trusting that the Admiralty would approve of my so engaging a person who, in pilotage and general information about the Falklands, Tierra del Fuego, Patagonia, and the Galapagos Islands, could afford us more information than any other individual, without exception.*”

February 12th, the American Minister in Madrid, Cornelius Van Ness, presses the new *Regent* for recognition of the independence of the Spanish-American colonies. ⁷⁶³

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 as strenuously resisted as were those of the Argentine Republic – indeed more strenuously ...” ⁷⁶⁴

March 6th, Lieut. Smith finds 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.*” ⁷⁶⁵

761 *The Falkland Islands: 1833 to 1876* S.A. Royle in *The Geographical Journal* vol. 151 No. 2 July 1985 pp. 204-214

762 *Adventures in Patagonia: A Missionary's Exploring Trip* Titus Coan 1880

763 *British & Foreign State Papers*, XXV. 1026 quoted in Robertson 1918

764 *Voyage of the United States Frigate, Potomac* J.N. Reynolds 1835 p.515

765 *PRO Adm 1/42 doc 12* Letter to Rear-Admiral Sir Michael Seymour dated June 30th, 1834

Smith arrests Rivero and eleven others; five of whom are the English sailors who sold ammunition to the gauchos the day before the massacre. These are released shortly after without being charged with any offence.

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 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 is Mr Smith, with such a set of villains, he appears to be getting on with all his schemes admirably well.”*⁷⁶⁶

*“We found a state of affairs somewhat different from that of March 1833; but though more settled, in consequence of the presence of an established authority, resident at Port Louis (a lieutenant in the navy), my worst forebodings had not equaled the sad reality.”*⁷⁶⁷

Antonio Rivero is placed aboard the *Beagle* in chains while a cutter is hired to take him and the remaining prisoners to the flag-ship at Rio de Janeiro.

Charles Darwin writes to John Henslow; *“... this little seat of discord has lately been embroiled by a dreadful scene of murder, and at present there are more prisoners than inhabitants. If a merchant vessel is chartered to take them to Rio, I will send some specimens.”*

Capt. Trott from the American vessel, *Sun*, encounters Capt. Fitzroy who informs him; *“.. that the claim of Vernet to the possession of the soil of the East Falkland had been allowed by Great Britain; and that the rights of this person to the fisheries, cattle, and other privileges and property in and about the islands would be protected; in exemplification of which Captain Trott was required to desist from picking up wreck-wood on the beach for fuel, until he should have obtained permission from Vernet's agent.”*⁷⁶⁸

March 12th, in a letter to the *Colonial Office* in London, George Whittington claims that he has been granted a “portion of lands” by Luis Vernet.⁷⁶⁹

March 13th, the *Adventure* arrives at Port Louis; *“..she had almost completed her examination of the west, south, and south-east outer coasts, in a very satisfactory manner, having been greatly forwarded and helped by Mr. Low's minute acquaintance with every port, and almost every danger...*

When I visited the settlement it looked more melancholy than ever; and at two hundred yards distance from the house in which he had lived, I found, to my horror, the feet of poor Brisbane protruding above the ground. So shallow was his grave that dogs had disturbed his mortal remains, and had fed upon the corpse. This was the fate of an honest, industrious, and most faithful man: of a man who feared no danger, and despised hardships.

766 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.

767 Fitzroy 1839

768 Greenhow 1842.

769 *CO 78/43 4927 Monsieur Vernet's Case*. Whittington also claimed that Vernet's horses and boats had been, “signed over to him.” Whittington would make many claims, even that Vernet was 'dead.'

*He was murdered by villains, because he defended the property of his friend; he was mangled by them to satisfy their hellish spite; dragged by a lasso, at a horses heels, away from the house, and left to be eaten by dogs.”*⁷⁷⁰

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**, Lieut. Smith arranges for Antonina Roxa to tame cows caught by the gauchos in exchange for; *".. every other calf of every cow she tamed."*

April 6th, seamen from *HMS Beagle* discover the body of Lieut. Clive, from *HMS Challenger* who had been lost when a small boat overturned but whose body could not be found at that time.

Charles Darwin writes to his sister; *"... this little miserable seat of discord.— We found that the Gauchos under pretence of a revolution had murdered & plundered all the Englishmen whom they could catch & some of their own country men. ... Here we, dog-in the manger fashion seize an island & leave to protect it a Union Jack; the possessor has been of course murdered: we now send a Lieutenant, with four sailors, without authority or instructions. A man of war however ventured to leave a party of marines, & by their assistance & the treachery of some of the party, the murderers have all been taken.—their being now as many prisoners as inhabitants.— This island must some day become a very important halting place in the most turbulent sea in the world.—it is mid way between Australia & South sea to England. it is a wretched place: .."*⁷⁷¹

April 7th, the *Beagle* sails.⁷⁷²

April 30th, the *Gaceta Mercantil*, reports on the "vile" murders of Vernet's employees on East Falkland.

May 8th, Edward Lumb, in Montevideo, writes to Darwin about the murders; *"Accounts rec'd from a settler called Helsby who left the Falklands in the Challenger are all the particulars we have received; This affair is classed here in its true light and is not considered of any political tendency.."*

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."

770 Fitzroy 1839

771 Charles Darwin to Catherine Darwin April 6th 1834

772 Fitzroy 1839.

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; "That the intention is to recognise unconditionally the independence of the new states, is understood here as entirely settled, notwithstanding the cautious use of language which appears to be adopted when speaking or writing on the subject." ⁷⁷³

July 2nd, Luis Vernet writes to the Commander-in Chief at the British base in Rio de Janeiro regarding his property still on the Falklands; "In case the property and papers taken by Captain Low should be recovered or any other books or papers belonging to my establishment be saved from the effects of the massacre and be sent by Lieut Smith to Rio de Janeiro, I shall consider it a particular favour if you would order such property to be delivered to my account to Messr Richards Rostron Brothers of said place, and to send me such books and papers per first man of war that may happen to come this way. But any private papers belonging to the unfortunate victims I would prefer to be kept back and to be held at the disposal of their nearest relatives, or to be sent to such.

My late agent Capt. Matthew Brisbane left an aged mother and some sisters and brothers, one of which is William Brisbane whose address is Porth, North Britain (No 61 High Street) – Mr William Dickson has left a mother living in Dublin, Mrs Ellen Dickson and a stepfather Mr Thomas Dickson, Barrister at law in Dublin, No 10 Cuff Street, also a sister and a number of step brothers. Mr Ventura Paso clerk of my late agency, and brother in law of mine, native of this place, both his parents are living in this city, the father is Don Yldefonso Paso. Any papers or things belonging to his late son, I would thank you to send to me, because the fatal event has not been made known to the family and will not be as long as can be helped. Of the other two unfortunate men the former a Frenchman, the latter a German I know of no relatives, neither do I know how to trace them." ⁷⁷⁴

August 5th, 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. This is a measure, however, which should be avoided, if possible, and .. the Admiral may be enabled to devise some other means for disposing of the Prisoners in the event of their apprehension." ⁷⁷⁵

Commodore Francis Mason, aboard *HMS Blonde*, visits Port Louis. He notes in his *Remark Book*; "As things stand at present it is doubtful to whom the country belongs. England long since has claimed it and has armed herself to assert that claim, the Spanish government disputed the right and does still hold itself the lawful proprietor; and the Buenos Ayrean government, highly indignant at the British assumption, claim the whole as naturally appertaining to their Republic. It is true that the English flag is now flying here, and an Officer established as Resident remains there with four seamen attached to him, but this party is at times (by being necessarily detached) so completely in the power of the Buenos Ayreans [and] other strangers settled here, so inefficient to the protection of the cattle and other property, and so inadequate to curb the insolence and rapacity of the whalers and other rabble that occasionally congregate here, that it is in reality unsafe for the parties themselves, and by no means creditable to the country that its flag should be displayed over a territory where there is no power to maintain its respectability..." ⁷⁷⁶

773 Van Ness to McLane August 6th, 1834

774 Archivo General de la Nacion, Sala VII, Legajo 132, Documento 198

775 CO 78/1. This draft letter is heavily amended.

776 Quoted in Gough 1992

In early **November**, the charts of the Falklands prepared by the *Beagle* and *Adventure* are shipped to England.

December 5th, Sir Graham Hammond arrives at Rio Station to take over after the death of Admiral Seymour.

December 29th, in London, Ambassador Moreno protests again. In apparent recognition of Britain's claim to Port Egmont, he now only requests that Port Louis and East Falkland be restored to the United Provinces.

“Senor Moreno replied that Lord Palmerston's note still left undecided the question of right, the only one which was essential relatively to this subject, turning on the fact as to who had been, and never had ceased to be, the sovereign and legitimate possessor of the Falkland Islands. He contended that the Argentine Government has proved by unexceptionable documents that their titles to the Falkland Islands, or at least to Port Soledad or Port Louis ... were lawful purchase from France, priority of occupation, and formal cultivation and inhabitation; and finally notorious and tranquil possession for more than half a century, up to the moment they were dislodged by force .. He maintained that a nation could not produce any better right to the spot it had on the surface of the globe than “that it was the first to possess itself of that spot; that it had created the wealth distributed in its district; and that it had recommended that spot by its labour to the subsistence and fortunes of its prosperity.” It would be difficult,” Senor Moreno added, “to meet with a title more ancient than this, more venerable, and more universally admitted.” .. Senor Moreno therefore pointed out that Great Britain deduced her right to the islands from priority of discovery, and the Argentine Government derived theirs from priority of occupation...

If the expedition of the “Clio” had been confined to West Falkland (Port Egmont) Senor Moreno pointed out that it might be said that His Majesty's Government had reinstated themselves in the status quo stipulated in the Agreement of the 22nd January, 1771; but the “Clio” had gone to East Falkland Island (Port Soledad or Port Louis), which had never been English, and had transferred to the British flag “a territory, never before trodden by an English foot,” with buildings, stock, &c., which were the products of a nation of the American continent, which had succeeded to the territorial rights of Spain.

*The Argentine Government therefore, having reconsidered the question in all its bearings, declared that it could not acquiesce in the conclusions which Lord Palmerston had drawn from their protest which they repeated and confirmed, and requested that East Falkland Island might be restored to them.”*⁷⁷⁷

1835 – February 2nd, a copy of Moreno's note is sent to the Colonial Office for their consideration.

March, HM brig-sloop *Snake* transports the surviving prisoners Antonio Rivero, Manuel Gonzales, Luciano Flores, Pascual Latorre and Manuel Godoy, together with Jose Luna, who is prepared to testify against the others, to London.

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.”*⁷⁷⁸

777 Bernhardt 1911

778 *Davison v Seal-Skins*, Case No. 3661, Circuit Court, D. Connecticut. 1835

March 7th, Juan Manuel Rosas returns to power in Buenos Aires as Governor.

March 23rd, Luis Vernet writes to Parish and shortly afterwards Admiral Hammond orders Lieut. Smith to protect Vernet's property and to recognise any agent that Vernet sends to the Islands.⁷⁷⁹

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”

In **May**, Lord Glenelg, Secretary of State for the Colonies, aware of Commodore Mason's concerns, proposes that Lieut. Smith and the other seamen be removed and the islands' security returned to an occasional visit by the Royal Navy. Lord Palmerston, again Foreign Secretary, opposes the suggestion, asking Glenelg; “.. whether in the present state of our discussion with Buenos Ayres respecting the Sovereignty of the Falkland Islands, the entire withdrawal of the occupying detachment might not wear the appearance of an abandonment of our claims.”⁷⁸⁰

June 2nd, in Britain, the Home Office seeks legal advice on the prosecution of Rivero and his followers, asking the Law Officers - Sir John Dodson (Advocate-General), Sir John Campbell (Attorney-General) and Sir Robert Rolf (Solicitor-General) - whether a) the prisoners were liable to prosecution under the provisions of the *Offences against the Person Act 1828*⁷⁸¹ or by any other means for the murder of all or any of the deceased; and b) whether the evidence was sufficient to lead to their conviction.⁷⁸²

“It is alleged that they were all harshly treated by Brisbane and Dickson who refused to pay them according to agreement for a pen which they had erected for the retention of the Wild Cattle in the catching and slaying of which they were chiefly employed. ... It should be observed that three of the Prisoners ... appear to be of the lowest cast of South American Indians nearly approaching to savages.

The fourth, Antonio Rivero, appears to be of a somewhat higher order of being tho' probably he was in his origin a Wild Spanish South American. None of them understand the English Language but speak a species of base Spanish.”⁷⁸³

The Law Officers' opinion is that the prisoners can be prosecuted but while the evidence appears sufficient; “.. 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.”⁷⁸⁴

⁷⁷⁹ Smith seems to have assumed the role of *Agent* for himself. When criticised by the Admiralty for this action, he passed the role to his son who had accompanied him; only to be criticised again. The Admiralty was not happy that an officer in their service was also acting as a merchant and enriching himself through his official position. Vernet was not given a choice in the matter and does not seem to have received any benefit. It is likely that Vernet's letter also suggested that he be provided with an 'advance' of £2000 on monies accrued by his business interests remaining on East Falkland.

⁷⁸⁰ Gough 1992 p.115

⁷⁸¹ 9 Geo 4 c.31 s.7.

⁷⁸² PRO TS 25/2047/27

⁷⁸³ Home Office memorandum 2 June 1835 H.O. 48/30 case 5, p.22 in Muffty 1986. The Colonial Office appear to have been very reluctant that the murders should be prosecuted.

⁷⁸⁴ 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'. Cawkell (1983) believes that the difficulty was a political one and lay in recognising that the offenders, all Vernet's employees, were residents on Soledad which would have constituted recognition of some right invested in Vernet being there. Muffet (1986) however suggests that the problem was more fundamental with sympathy

June 16th, the Admiralty is asked to repatriate Rivero and the 3 other remaining prisoners.⁷⁸⁵

July 1st, Sir Woodbine Parish writes to Viscount Palmerston promoting the potential of the Falklands to further British interests in that region.⁷⁸⁶

July 10th, Sir Graham Hammond values the property on East Falkland that still belongs to Luis Vernet at less than £1,000; “*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.*”⁷⁸⁷

July 28th, the Colonial Office, having considered Ambassador Moreno's note of December, 1834, respond that it would be “*inexpedient*” to enter into any further discussion with the Argentine Government touching upon the rights of the British Crown to the Falkland Islands.

“*They were inclined to think that unless the ancient pretensions of Spain – never admitted by this country – to the exclusive possession of the Magellanic regions, had become invested in the Argentine Republic by the fact of its transformation from a Dependency of the Spanish Monarchy into an independent State, it might be with the Court of Madrid alone that Her Majesty's Government could properly consent to discuss the question of the sovereignty of the Falkland Islands. A draft appears to have been written on the Colonial Office letter which might (according to the Minute of that letter) “be considered as the ultimatum of Her Majesty's Government respecting the Falkland Islands question,” but it was never sent off, for Lord Palmerston wrote on it: “Perhaps it may be best to let the matter drop.” Senor Moreno's protest of the 29th December, 1834, was, therefore, never answered.*”⁷⁸⁸

In **August**, instructions are given to the Admiralty for the maintenance of Lieut. Smith and his small garrison in order to; “*.. prevent the settlement of foreign intruders.*”

September 3rd, Rear-Admiral Sir Graham Hammond notes in his journal the arrival of Antonio Rivero and the remaining murderers at Rio de Janeiro; “*It is a very slovenly way of doing business, thus throwing the onus of letting these rascals escape upon my shoulders, if I choose to let them go.*”⁷⁸⁹

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.

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*

being afforded the offenders due to their lowly 'savage' status and the suggestion that Vernet's managers had brought it upon themselves.

785 Felipe Salazar had died at Rio de Janeiro, while two others died while awaiting trial in Britain. I am unable to ascertain which two they were.

786 CO 78/2 The contents of Luis Vernet's March letter to Parish are not currently known, but the short gap between the correspondence is unlikely to be a coincidence.

787 Hammond to the Admiralty 10.7.1835 PRO FO 6 501, p.139. Hides and meat were still being produced from the wild cattle which Vernet continued to believe were his. The gaucho's horses were still his property and it appears that Lieut. Smith was making free use of Vernet's own mount.

788 Bernhardt 1911

789 HAM/125 pp.195-196 NMM quoted in Gough 1992

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.

In **November**, Captain George Grey in *HMS Cleopatra* arrives to survey East Falkland. At Port Louis he records in his journal, a naval party of six plus a gaucho, a Frenchman, a German, three women and two children plus three English deserters from merchant vessels.

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.⁷⁹⁰

Nine members of the legislature form a *Committee* to consider the problem.

November 23rd, Captain Grey visits Port Egmont; “*I had no difficulty in find the little cove above which stood the English settlement, destroyed in 1777 [sic], and before eleven o'clock the ship was moored in ten fathoms of water and short half mile from the shore. It is impossible to imagine a finer harbour than this, land locked on every side, easy of approach and capable of holding the whole English Navy. I landed at the head of the creek where there is a most convenient watering place to examine what remained of the old English Settlement. It was, for what reason I cannot conceive fixed on this spot at East end of Saunder's Island, separated from the mainland of West Falkland by the large sound called Port Egmont. Saunder's Island is 18 miles long, in no place more than four miles wide, it rises steep from both shores and present hardly any flat surface, while in a latitude where you have so little sun, a site should have been fixed on with a southern aspect, sheltered from the north (South of England) by a steep hill rising directly behind the spot where the first English settlers established themselves.*

Above the watering place I found two ruined cottages which had been built much subsequently to the destruction of the Colony by a party of American Sealers.

Of the old Settlement we could discover foundations of what appeared to be a row of barracks and houses built with some regularity of plan, but the Spanish Authorities had endeavoured to destroy all trace of habitations and had not left even the remnant of a wall standing. On a mound covered with a heap of large stones where a small English fort is supposed to have stood, I caused a flag-staff to be raised and a Union Jack to be hoisted with a salute of twenty-one guns which must have astonished the seals and penguins, these being the principal inhabitants.”⁷⁹¹

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

790 *Diario de las Sesiones de Cortes, estamento de ilustres proceres, legislatura de 1835 a 1836* Robertson 1918

791 Thompson 1969

*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.*⁷⁹²

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.⁷⁹³

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 16th, a Spanish Decree authorises; “*.. the Government of Her Majesty, via items X, CLXXII and CLXXIII of the political Constitution of the monarchy, promulgated in Cadiz in the year 1812, to conclude treaties of peace and friendship with the new states of Spanish America on the basis of recognition of independence, and the resignation of all territorial or sovereignty right ..*”⁷⁹⁴

December 17th, Captain Grey arrives at Port Edgar where his dog attacks a warrah; “*I landed in the creek and had hardly put a foot on shore, when one of the foxes of the country was chased by Pilot. I ran up as they were fighting and came to the poor dog's assistance who had nearly met his match, and a rifle ball soon settled the business, but the Pilot had received a terrible bite in the leg.*”

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.⁷⁹⁵

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.⁷⁹⁶

May 20th, Vernet refuses to sign the contract when it is presented, believing the terms to have been changed.⁷⁹⁷

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,*

792 *Diario de las Sesiones de Cortes, 1836 a 1837, I. Apendice al Numero 40, 1, 2.* Robertson 1918

793 Spain still hoped to exchange recognition for favorable trade agreements.

794 Pereira 2004

795 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* and Burrows had received the value of the skins in 1835. *Army & Navy Chronicle* vol.4 p.325

796 CO 78 43

797 He would later claim that Lafone “*usurped*” his rights.

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.”⁷⁹⁸

Luis Vernet provides the General with a report of the events of 1831.⁷⁹⁹

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.⁸⁰⁰

Lieut. Robert Lowcay is placed in charge of the islands as *Military Administrator*. During his initial survey of the Islands in *HMS Sparrow* he finds the US sealing vessels *Richard*, *General Williams*, *Hesper*; and the French sealers, *Elisa*, *Perseverance* and *John Cockerill*. Lowcay imposes the rule of law and announces that fishing rights extend to 3 miles from the British shore; “*.. which belongs to it de jure and which it occupies de facto.*”⁸⁰¹

He also states that the cattle, horses and wild animals are protected and that any trespassers will be; “*... proceeded against ...*”.

January 24th, *Perseverance* is wrecked at New Island.

April 15th, the American sealer *Derby* is wrecked at the Falklands.

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.*”⁸⁰²

798 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.

799 *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.*

800 10 years after Argentina defaulted on the loan, it was worth, with interest, rather more than the Islands were.

801 *Lowcay to Hamond 19 February 1838* in Gough 1992

802 Attributed to *The Morning Herald*, the report is quoted in *The Colonist (Sydney)* July 21st

July 9th, the *Arrow* sails from Falmouth Harbour. The ship has seeds, agricultural implements and 2 bloodhounds on board.⁸⁰³

Lieut. B.J.Sullivan in *HMS Sparrow*, conducts a hydrographic survey of the Islands. He reports a population in Port Louis of 43; of which 14 are associated with two sealing vessels.

Andrez Petaluga, aged 16, from Gibraltar arrives as a settler.⁸⁰⁴

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.*”⁸⁰⁵

October 24th, Commodore Sullivan tells Luis Vernet that he will not be offered compensation for any losses arising from the settlement at Port Louis and that he will not be permitted to reside in the Falkland Islands. Vernet is advised to remove his remaining property and that the British Government will not be held responsible for any deterioration in the condition of his horses or boats if he fails to recover them.⁸⁰⁶

November 25th, the British barque *Wave*, anchors in Berkeley Sound.

1839 – In **January**, the case of *Charles L. Williams v The Suffolk Insurance Company*, concerning the loss of the *Harriet* following its seizure by Vernet in 1831, reaches the US Supreme Court on Appeal. The insurance company contends 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.

In its decision 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.

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

803 *Some Account of the Falkland Islands, from a six month residence 1838* Laughlan Bellingham Mackinnon 1839. Also national Archive ADM53

804 His descendants still live on the islands.

805 Mackinnon 1839, p.17

806 *CO 78/43*. While Vernet appears to have had the support of Parish, Fitzroy and other influential figures his continued association with the Government of General Rosas and his perceived complicity in the attempt by Buenos Aires to seize the archipelago worked against him within the Foreign and Colonial Offices.

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,..⁸⁰⁷

Lt. Lowcay releases cattle on 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....”⁸⁰⁸

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. ...”⁸⁰⁹

September 18th, Lieut. 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.”⁸¹⁰

807 38 US 13 Pet. 415 415 (1839)

808 Reprinted in the *Sydney Gazette and New South Wales Advertiser*, July 27th, 1839

809 The letter is dated 28th March 1839. Whittington's address is given as – 13, Sise Lane, City

810 *Sessional Papers Printed by Order of the House of Lords 1841*

September 19th, Commander William Smith of *HMS 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...*⁸¹¹

Lowcay leaves the settlement in the charge of Lieut. Robinson, until his successor can arrive. During his short tenure, Robinson reports that the American vessel, *Benjamin de Wolf*, is taking cattle.

December 23rd, Lieut. John Tyssen takes over as Military Administrator.

1840 – January 14th, in a merger, the *Colonial Land and Emigration Commission* is created with 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 Lieut. John Tyssen to George Melville for the rookery off Volunteer Point; with the condition that no hunting should take place every second year to allow the seals to recover.

February 29th, Tyssen reports the presence of 25 settlers on the Islands.

March 7th, Commander Onslow writes to George Whittington about his proposals; “*I am astonished the Government do not colonise them, and make them a great naval depot. My despatches clearly pointed out their importance and advantage as a station and place of refuge.*”⁸¹²

August 22nd, having been asked to consider the case for the colonisation of the Falklands, *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.”⁸¹³

Without informing the Government, George Whittington sends 2 vessels to the Islands, under the direction of his brother, John Bull Whittington, with settlers, stores and a few sheep. His “*clerk and foreman*” is J. Markham Dean. James and Mary Watson are amongst the settlers.⁸¹⁴

811 *The Sessional Papers of the House of Lords: Session 4 & 5 Victoriae 1841*

812 Gough 1992

813 *Sessional Papers of the House of Lords 1841*

814 Their descendants can still be found there today. Pascoe & Pepper 2010

August 27th, Whitington writes to the Colonial Office claiming that Luis Vernet made over the horses and boats to him in 1831.⁸¹⁵

December 15th, the *Susan* arrives in Berkeley Sound with Whitington's party of settlers. As they have no authority to be there, Lieut. Tyssen reports the matter to the Admiralty.⁸¹⁶ “.. *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. ... Mr. Whitington intended employing his vessel in whaling, sealing, and bringing sheep from the River Plate. Amongst his people was a party of Scotchmen ..*”⁸¹⁷

Lieut. Tyssen adds; “*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.⁸¹⁸

1841 – January 16th, John Whitington, now in Port Louis, presents Lieut. Tyssen with a claim for 10 square miles of land which he says is the property of his brother, George Whitington; “*I beg to inform you, that I am duly authorized by George Thomas Whitington, 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 Whitington.*”

January 18th, Lieut. 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.*”⁸¹⁹

George Whiting publishes a booklet extolling the virtues of a colony on the Falklands.⁸²⁰

March 3rd, the British Minister in Buenos Aires is informed of the intention of the British Government to take measures for the colonisation of the Falklands.

March 5th, Capt. John Onslow, in London, suggests relocating distressed “*Scotch Islanders*” to the Falklands.

The last of Vernet's gauchos on East Falkland, Manuel Coronel, dies in an accident.

March 22nd, complaints are received at the Admiralty, from George Whitington, concerning the activities of American vessels fishing 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*

815 CO 78/43

816 *Accounts & Papers: Thirty Two Volumes* 1843

817 *Southern Australian* Adelaide September 14th 1841

818 *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.

819 *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 Whitington seem to have had a partnership aimed at investing in the Islands, however as Langdon's title had not been recognised by the British Government, nor was Whitington's.

820 *Southern Australian* Adelaide April 29th, 1841

was not authorised by the Government, the Government would have nothing to do with it."⁸²¹

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 town on the Islands. Port William is proposed. 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.*”⁸²²

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, Lieut. 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....”⁸²³

October 9th, Lieut. Moody, with a detachment of Royal Sappers and Miners and their families, 26 in all, sail 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.*”

October 30th, the Great Storehouse at the Tower of London is lost in a fire. Lieut. Clayton's lead plaque of 1774, returned to England by Beresford, is destroyed with the building.⁸²⁴

821 *Geelong Advertiser* Victoria April 25th 1842

822 *Sessional Papers of the House of Lords* 1841

823 *Accounts & Papers: Thirty Two Volumes* 2 February – 24 August 1843 Vol.XXXIII

824 Philpott 1992

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 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.”*⁸²⁵

December 18th, Ambassador Manuel Moreno submits a further protest 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;

*Two 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.*⁸²⁶

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

825 Secretary of State Daniel Webster to General Alvear. No reply was received.

826 “ .. 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

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." ⁸²⁷

December 24th, Ambassador Moreno's note is referred to the Colonial Office.

December 27th, Felipe Arana and Manuel Insiarte, on behalf of the Government on the opening of the *Legislatura*, reaffirm the Argentine Confederation's 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 6th, the Colonial Office respond to Ambassador Moreno's note, replying that; "… Lord Stanley fully concurred in the course which had hitherto been pursued by the Foreign Office in asserting and maintaining the rights of this country to the sovereignty of those islands, and that in view of the measures recently adopted by the Colonial Office for establishing a regular system of colonisation, he considered it absolutely necessary to insist most positively on the validity of those claims. His Lordship, therefore, suggested that such an answer should be returned to Senor Moreno as might point out to him the intention of Her Majesty's Government to continue to exercise the rights controverted by the Argentine Government.

Senor Moreno was thereupon informed that Her Majesty's Government had attentively considered the various documents which had emanated from the Governments of Great Britain and Buenos Ayres upon the subject of the Falkland Islands, and it appeared to Her Majesty's Government that the most important of those documents were:

1. The Decree of the Buenos Ayres Government of the 10th June, 1829, in which the Argentine Republic claimed possession of the Falkland Islands, upon the ground that the Republic in consequence of the Argentine provinces having been separated in 1810 from the dominion of the mother country, had succeeded to every right which Spain had previously exercised over those islands.
2. The protest against the above-mentioned Decree by the British Charge d'Affaires at Buenos Ayres to the Argentine Government on the 19th November, 1829, informing that Government that Great Britain considered the claim asserted in the said Decree to be incompatible with the sovereign rights of Great Britain over the Falkland Islands, which rights had been confirmed by Spain in the arrangement of 1771.
3. The note of Senor Moreno to Lord Palmerston of the 17th June, 1833, in which Senor Moreno protested against the exercise of sovereignty over the Falkland Islands by Great Britain and asserted that the arrangement of 1771, between Great Britain and Spain was accompanied by a secret Understanding between the two Governments, that the islands should at a subsequent period be restored to His Catholic Majesty.
4. The reply of Lord Palmerston to Senor Moreno of the 8th January, 1834, in which it was distinctly declared

827 *British & Foreign State Papers* 1843 vol.22 p.1366 - 1381

and substantiated that no such Secret Understanding took place at the period referred to, and that consequently the right to the possession of the Falkland Islands which was confirmed by Spain to Great Britain in the Arrangement of 1771, remained unimpaired.

Senor Moreno was further told that Her Majesty's Government had also had under their consideration the note addressed by Senor Moreno to the Duke of Wellington on the 29th December, 1834, together with the note of 18th November, 1841, to which Lord Aberdeen, in reply, stated that Her Majesty's Government saw nothing to alter in the determination upon this subject, which they had already communicated to the Government of the Republic.

His lordship went on to say that Her Majesty's Government could not recognise in the Argentine Government any pretension to disturb a formal arrangement between Great Britain and Spain, an arrangement which had been concluded forty years before the period from which Buenos Ayres dated its separation from the mother country; and an arrangement which Great Britain had ever since regarded as definitive, upon the question of her right to exercise sovereignty over the Falkland Islands, which right Spain herself had never evinced a disposition to disturb or call into question; and Her Majesty, having in the exercise of Her sovereign rights, directed a permanent system of British colonisation to be established in those islands.

Lord Aberdeen had "the honour to communicate this measure to M. Moreno, and at the same time to state to him the determination of Her Majesty's Government not to permit any infringement of the undoubted rights of Great Britain over the Falkland Islands."⁸²⁸

January 15th, Lieut. Richard Moody arrives in the Falklands. Amongst his party is a James Biggs.⁸²⁹

January 22nd, Lieut. Moody formally takes command and addresses the population of 62;⁸³⁰ " ... 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; 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, ..."

February 15th, the American whaling vessel, *Frances*, is wrecked on New Island. All hands are saved.⁸³¹

On the same day, Lord Aberdeen informs the Argentine Ambassador of the Colonial Office's response.

February 19th, Moreno, in turn, complains; "... that he could not conceal his sorrow at the conclusions which Her Majesty's Government seemed to deduce from the incontestable proofs on which the Argentine Republic had founded their right to the Falkland Islands. He said that in his note of the 29th December, 1834, he had stated in the most explicit manner that the arrangement between Great Britain and Spain of the 22nd January, 1771, demonstrated that the dispute did not turn on the sovereignty of East Falkland nor on the sovereignty of the whole group of the Falkland Islands, but solely on the possession of West Falkland Island or Port Egmont, whose garrison had been expelled by an expedition from Buenos Ayres on the 10th June, 1770.

That arrangement, he pointed out, left Spain in permanent dominion of East Falkland Island, which she had occupied for many years after the French, and to Great Britain it bestowed, for the sake of peace, the de facto possession of West Falkland Island or Port Egmont which she shortly after abandoned.

828 Bernhardt 1911

829 Whose descendants remain there to this day.

830 Only 10 of which had been present for the 1838 census. *c.f.* Royle 1985

831 *Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum*

He further urged that that arrangement also contained an express reservation of the sovereignty of the Falkland Islands on the part of Spain, to which reservation Great Britain had never replied, and which was distinctly made so that the special stipulations as to Port Egmont should not prejudice Spain's absolute rights to possession of those islands.

Senor Moreno considered, therefore, that it was a mistake to appeal to the Arrangement of the 22nd January, 1771, in order to deduce from it the proof of the British sovereignty over the islands, as that document clearly impugned and destroyed it. It was the spoliation and capture of the Eastern Island by Great Britain in 1833, he maintained, that overturned the arrangement of 1771.

With regard to the alleged Secret Agreement of 1771 concerning the total evacuation of the islands by Great Britain, which had been quoted by the Argentine Government in their protest of 1833 on the strength of an official despatch of the Spanish Minister Arriaga and of several English historical works, Senor Moreno expressed his willingness "to retract that quotation from motives of respect for Her Majesty's Government, seeing that after examining the British archives it was said that the allegation was doubtful."

But the non-existence of this Secret Understanding, Senor Moreno contended, by no means affected the question of sovereignty, which rested on other titles and bases, nor the question of spoliation and plunder, of which his Government complained.

On what grounds, Senor Moreno asked, did Great Britain found her pretensions to the sovereignty of the Falkland Islands? Assuredly, he went on to say, not on the right of conquest, which had never taken place, nor on Treaties with, or on acquisition from, other nations, which had no existence, nor on original occupation which was in favour of France and Spain, nor yet on priority of discovery, which remained ambiguous, and which would be of no moment if it could be proved, as of itself alone and without being accompanied by occupation it constituted no right.

As for the Argentine Republic, Senor Moreno urged that she had promulgated her titles to the sovereignty and dominion of those islands, especially to that of East Falkland Island or Soledad, and that these titles were: first, occupation, the purchase of that settlement from France in virtue of a public and authentic contract; and lastly, the creation of properties which were in existence at the period of the invasion and spoliation committed by His Majesty's ship "Clio."

*Senor Moreno therefore stated that his Government could not consent to the decision of her Majesty's Government communicated to him in Lord Aberdeen's note of the 15th February, 1842, that they considered it contrary to the right to the Falkland Islands with which they deemed themselves invested, and to the right of being indemnified for the occupation of Eastern Falkland; that they maintained the protests put forth in this respect, and that they trusted that Her Majesty's Government would reconsider and revise that decision."*⁸³²

March 5th, Lord Aberdeen reminds Moreno of the 1829 protest submitted by Woodbine Parish to the Government in Buenos Aires; ".. and His Lordship observed that the Argentine Government had full knowledge of that protest when they authorised M. Vernet to form the settlement at Port Soledad (or Port Louis), which was removed in 1833 by His Majesty's ship "Clio."

Her Majesty's Government were therefore of the opinion that the Government of Buenos Aires was not justified in claiming indemnity from Great Britain for the removal of that settlement. Lord Aberdeen further informed Senor Moreno that Her Majesty's Government must consider as final the Declaration with which he concluded his note to Senor Moreno of the 15th February, 1842, respecting the determination of Her Majesty's Government

832 Bernhardt 1911

*not to permit any infringement of the undoubted rights of Great Britain over the Falkland Islands.”*⁸³³

March 10th, Ambassador Moreno responds to Lord Aberdeen claiming that; “.. *their possession of east Falkland Island did not begin with the establishment of M. Vernet in 1828, but dated from the preceding sixty years of formal Spanish occupation and possession, which could not possibly be invalidated by the unfounded protest of the 19th November, 1829, put forth by Mr. Parish in consequence of an administrative Decree.*

Senor Moreno, therefore, declared that lest the silence of the Argentine Government should be construed into implicit acquiescence they could not, either then or thereafter, concur in the resolution of Her Majesty's Government of the 5th March, 1842, which they considered unjust and opposed to their manifest rights, and reiterated the former protests of the Argentine Government against the sovereignty assumed by Great Britain in the Falkland Islands, and against the spoliation and ejection of the establishment of the Republic at Port Soledad, also called Port Louis, by His Majesty's ship “Clio,” with the reparation to be demanded for the injuries inflicted, no less than for every act consequent upon that proceeding.”

March 31st, Minister Mandeville, in Buenos Aires, is sent a copy of Moreno's correspondence and told that the British Government does not intend answering further.⁸³⁴

April 6th, the Discovery ships, *Terror* and *Erebus*, commanded by Capt. James Clark Ross, arrive at the Falklands for the winter.⁸³⁵ “.. *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.*”⁸³⁶

April 14th, Lieut. 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.*”⁸³⁷

Capt. Ross and his naturalist, Joseph Hooker, assist Lieut. 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, 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, 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*

833 Bernhardt 1911

834 *Ibid*

835 *The Sydney Gazette and New South Wales Advertiser* October 6th 1842

836 *Australasian Chronicle* March 9th, 1843

837 *Accounts & Papers: Thirty Two Volumes* 1843

*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...."*⁸³⁸

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 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 the Antarctic.⁸³⁹

"Before setting out, however, the crews of both vessels were able to pay a tribute to a previous explorer of the Antarctic. After a graveyard surrounded by a wall seven feet high and as many thick had been constructed, the bones of Matthew Brisbane, Weddell's companion, were disinterred from the pile of stones where his murderers had left them and placed beneath a suitable monument in the new cemetery..."⁸⁴⁰

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 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 Lieut. 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.⁸⁴¹

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'.⁸⁴²

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.⁸⁴³ The appointment of a *Legislative Council* is reserved for the *Privy Council* in London.

June 2nd, having failed to receive any support from the Government, George T. Whittington goes bankrupt.

838 *Geelong Advertiser* Victoria Oct 26th 1843

839 With a supply of beef provided by Governor Moody.

840 Hunter-Christie 1951 p.139

841 *Parl. Paper 1843 No.160* in *General Report of the Colonial Land and Emigration Commissioners* 2 April 1844

842 *The London Gazette*, No. 20213

843 *The London Gazette*, No. 20236

June 23rd, Royal Letters Patent provide; “..for the government of the "Settlements in the Falkland Islands and their Dependencies”

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.⁸⁴⁴

December 27th, General Rosas again lays out Buenos Aires' claim to the Falkland Islands in his speech at the opening of Congress.

December 30th, Governor Moody reports an estimated 300 million cubic feet of peat on the Islands.⁸⁴⁵

1844 – January 8th, William Fishbourne is appointed Magistrate.⁸⁴⁶

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.”⁸⁴⁷

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.

Sir William Gore Ousley goes to Buenos Aires to be the British Minister there.⁸⁴⁸

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.”

844 *The London Gazette*, No. 20256

845 *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

846 *The London Gazette*, No. 20303

847 Reported in the *South Australian Register* Adelaide July 24th 1844

848 Ousley would subsequently take over the Chairmanship of the Falkland Islands Company.

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*.

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.*”⁸⁴⁹

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*”⁸⁵⁰

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.⁸⁵¹

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 currency 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”⁸⁵²

December 27th, General Rosas repeats his claim to the Falkland Islands at the opening of Congress.

1845 – January, Gore Ouseley attempts 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.

849 *The Australian*, Sydney December 26th 1844

850 Facsimile printed in the *Sydney Morning Herald* May 20th 1845

851 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.

852 *The Sydney Morning Herald* September 26th, 1845

Spain attempts to open negotiations for the recognition of the Argentine Confederation, and the establishment of diplomatic relations, without success.

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.

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.⁸⁵³

September 19th, *HMS Herald* and *HMS Pandora* visit the Falklands during their circumnavigation.

September 23rd, the Reverend James Moody is gazetted as Her Majesty's Colonial Chaplain at Stanley.⁸⁵⁴

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 spring, 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....

853 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.*

854 *The London Gazette, No. 20511*

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....⁸⁵⁵

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.

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."⁸⁵⁶

In **May**, another negotiator, Mr. Hood, is sent to try and resolve the problems at the Rio de la Plata.⁸⁵⁷

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 on board the *Paloma*.⁸⁵⁸

December 27th, General Rosas, at the opening of Congress, calls for the return of the Falklands.

1847 – Government House opens as an administrative center and Governor Moody introduces a grazing scheme to encourage small-scale farming.

The *Napoleon* and *Vigilante* set out from Montevideo with more gauchos employed by Samuel Lafone.

855 Reported in *The Sydney Morning Herald*, New South Wales November 12th 1847

856 Lafone only ever made an initial payment and then repeatedly broke the terms of the contract; for example by 1852 he had only managed to gather in 6000 cattle. *CO 78/43* Lafone was also the first of the absentee landowners on the islands; never visiting them.

857 Hood was unsuccessful, although the basis of his proposals would be adopted in 1849.

858 Shipping records quoted in Pascoe & Pepper 2012 p.6. Lafone promised to return the gauchos to the mainland at the end of their contract but rarely did so.

On *Napoleon* are 12 Argentine gauchos together with 4 wives and a child; on the *Vigilante* are 14 gauchos plus 4 boys. Families from Spain and Uruguay are also on board.

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.⁸⁵⁹

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.⁸⁶⁰

“ .. 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, ...”

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.⁸⁶¹

60 houses are now in use at Port Stanley. John Bull 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.⁸⁶²

December 27th, General Rosas repeats his annual claim to the Falkland Islands, to Congress.

1848 – January 29th, reported in Perth; *“ 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.”*⁸⁶³

January 31st, Arthur Bailey is appointed *Surveyor-General* in the Falkland Islands.

859 The proposed *Treaty* included recognition of an independent Uruguay. General Rosas rejected the deal.

860 *Comercio del Plata* July 19th. The French did not immediately follow suit.

861 Gazetted November 27th. cf *The London Gazette*, No. 20801

862 Royle 1985

863 *The Perth Gazette and Independent Journal of Politics and News*

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.*”⁸⁶⁴

Article 7 of the final agreement adopts a political arrangement to define the borders between the conferring States⁸⁶⁵; “*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.*”⁸⁶⁶

“*.. the Uti possidetis principle, .. is essentially an accord on boundaries between successor states of the same (Spanish) empire, not an assertion of sovereignty against outsiders.*”⁸⁶⁷

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 acknowledge the claim of Buenos Ayres to the Falkland Islands.”⁸⁶⁸

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.⁸⁶⁹

In **October**, Henry Southern, arrives in Buenos Aires with instructions to negotiate with General Rosas.

864 President Calvin Coolidge in his address to the *Pan-American Conference on Arbitration and Conciliation* 1928

865 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*’.

866 “*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

867 *Falkland Title Deeds* Malcolm Deas 1982

868 Obviously Molesworth's proposal was not taken up - either in 1848, or indeed, when he eventually became Secretary of state for the Colonies. 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. As well as being an MP, Molesworth was also the owner of the *London Review*.

869 *The Maitland Mercury & Hunter River General Advertiser*, New South Wales April 25th, 1849

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.”*⁸⁷⁰

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.*”⁸⁷¹

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 **March**, General Rosas submits the terms under which he is prepared to resume diplomatic relations with Britain; to Henry Southern.

“*.. H. E. Henry Southern Esq., by a note of date the 6th March last, ... had signified his conformity in transmitting to the Government of H.B.M. the confidential draft of Convention, which that of this Republic presented to him.*”⁸⁷²

“*Rosas (sought) to buy with the Falkland Islands, which were already in the hands of England, the abstention of the Englishmen in the matter of the Rio de la Plata.*”⁸⁷³

In **April**, Governor Rennie, incensed at Lafone's breaches of his contract terms, shuts down all of Lafone's operations.

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?

870 Reported in *The Sydney Morning Herald* April 5th, 1849

871 *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

872 *Felipe Arana to H.E. The Minister of Foreign Relations of the Oriental State of the Uruguay, Dr. Don Carlos G. Villademoros* April 7th, 1849. President Oribe's agreement was necessary as an ally of Buenos Aires.

873 *Rosas y Thiers: La diplomacia europea en el Río de la Plata (1838-1850)* Carlos Pereyra, Madrid 1919, p.202. Republished in Buenos Aires in 1944, this statement appears on p.217.

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?"

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; “⁸⁷⁴

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.⁸⁷⁵

May 17th, the *Colonial Land and Emigration Commission* estimate, in its annual report, that 14 more settlers had departed for the Falkland Islands during 1848.⁸⁷⁶

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.

874 *HL Deb 23 April 1849 vol. 104 cc602-17*

875 *General Report of the Colonial Land and Emigration Commissioners 1850 Appendix 54*

876 *The Perth Gazette and Independent Journal of Politics and News*

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.⁸⁷⁷

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, 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...”

July 27th, Lord Palmerston answers a question by Mr. Baille MP, which is reported 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 inadvisable to revive a correspondence which had ceased by the acquiescence of one party and the maintenance of the other.*”⁸⁷⁸

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...”*

*“Senor Moreno also stated that in their messages to the Legislative Body the Argentine Government had ever since, and year after year, entered a formal record of the question and supported their claims.”*⁸⁷⁹

877 *HC Deb 01 June 1849 vol 105 cc1039-78*

878 The 'acquiescence' referred to appears to be that of General Rosas; who had on two previous occasions demonstrated his willingness to abandon his country's claim to the Falklands in exchange for a political advantage. Those previous occasions involved a cancelling of Argentina's debt to Barings bank, which the British Government would not agree to. At the time of Palmerston's reply to Moreno, he had the draft of the *Convention* on his desk and knew that Argentina's claim was to be given up in exchange for Britain's renewal of diplomatic relations. Ambassador Moreno however, appears to have been unaware of the progress of negotiations.

879 Bernhardt 1911

August 8th, Palmerston responds in a letter to Moreno; “... *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.”*⁸⁸⁰

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. Wooden cottages are shipped over with them and each is given 10 acres of land.⁸⁸¹

October 20th, *The Times* newspaper report of July 27th is reproduced in Buenos Aires in the *British Packet and Argentine News*.⁸⁸²

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;^{iv}

“*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.*”

Under the terms of this peace *Treaty* the occupied island of Martin Garcia is returned to Argentina but no specific mention is made of the Falkland archipelago, which remains in English hands.

“*8º: (No escrita). Inglaterra se quedaba con las islas Malvinas*”⁸⁸³

“*.. a concession to Britain or a culpable oversight?*”⁸⁸⁴

“*Rosas signed the treaty of friendship with Queen Victoria. There it says: “Under this convention perfect friendship between Her Britannic Majesty’s Government and the Government of the Confederation, is restored”. In no article or detail of the document is there any proviso for the restitution of the islands iniquitously usurped.*”⁸⁸⁵

“*The treaty was not imposed on Argentina by Britain; the Argentine leader General Juan Manuel Rosas humiliated Britain by prolonging negotiations for nine months (October 1848 to July 1849) until he got everything he saw as important, including recognition of Argentina as a sovereign power in which European powers were no longer to intervene at will, and sovereignty over the River Paraná, which he particularly wanted in order to isolate separatist rebels in Paraguay and Corrientes. Argentine historians generally regard the Convention of Settlement as a triumph of Argentine diplomacy, though some have criticised it for omitting Argentina’s claim to the Falklands.*”

880 Palmerston appears to be being coy. The peace treaty had yet to be signed and the situation remained fluid until it was.

Moreno wrote to Felipe Arana however, informing the minister that he had ‘*defended*’ Argentina’s title to the Falklands.
881 Royle 1985

882 It is noteworthy that Rosas made no comment nor took the opportunity to exclude the archipelago in a specific article in the *Convention*.

883 Carlos Pereyra 1919 p.206 (p.222 of the 1944 edition)

884 Deputy Absalon Rojas, speaking in the Argentine Congress on July 19th, 1950 quoted in *Cuando Rosas quiso ser inglés*
Alfredo R. Burnet-Merlin 1974

885 “*Historia de las Islas Malvinas*” Juan José Cresto 2011, President of Argentina’s *Academy of History*

*In fact Rosas had long regarded Argentina's claim as something that could be traded away in exchange for more direct advantages.*⁸⁸⁶

December 27th, in his annual *Message to Congress*, General Rosas, in a departure from his previous speeches, outlines the British attitude of not conceding to Buenos Aires what Britain would not give to Spain.⁸⁸⁷

All the correspondence relating to the agreement is laid before the *Chamber of Representatives* by Governor Rosas; *"The Government in discharge of its duty has the honour of presenting to your enlightened examination and sovereign decision the following state documents ... The confidential correspondence held with HE the Minister Plenipotentiary of H.B.M appointed to reside in this Capital Henry Southern Esqre. respecting the settlement of the differences between the Argentine Confederation and Great Britain originated from the armed intervention of England and France in the Plate. The correspondence exchanged upon the same subject between the Argentine Government and its ally HE the President of the Oriental State of the Uruguay Brigadier Don Manuel Oribe. The absolute and unlimited Credential under the Great Seal which Her Majesty the Queen of the United Kingdom of Great Britain and Ireland granted to HE the Honourable Henry Southern Esqre. to sign and conclude the Convention of Peace."*⁸⁸⁸

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,⁸⁸⁹ 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."*⁸⁹⁰

During the course of the year, 12 English vessels stop off at the Falkland Islands.⁸⁹¹



886 Pascoe & Pepper 2012 p.7

887 This was the last mention of the Falkland Islands in the annual *Message to Congress* for 91 years.

888 *Juan de Rosas to the Honourable Chamber of Representatives December 27th, 1849* in *Archivo American y Espiritu de la Prensa del Mundo No. 21 Buenos Aires 1850* p.100

889 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 the (self-declared) American Consul by 1857. Something of a rogue *cf.* Cawkell 2001 p.83

890 *Diplomatic Correspondence of the United States, Inter-American Affairs: vol.1 Argentina 1831 – 1860* (1932)

891 *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, ...*”⁸⁹²

Lafone resumes his operations in the Falklands, but also proposes the formation of a new company in 'Some Account of the Falkland Islands to which is added A Preliminary Sketch for the Formation of a Company to be called The Royal Falkland Land, Cattle, Seal and Whale Fishery Company.'

January 24th, the Chamber of Representatives in Buenos Aires authorises Governor Rosas to ratify the “Convention of Peace, between the Argentine Confederation and the United Kingdom of Great Britain” when Britain's ratification is presented; “ .. *the confidential draft arranged with H.E. the said Honourable Mr. Southern, and referred to the Government of H. B. M., has its decided adhesion and most cordial approbation; which, having been accepted without any alteration by said Government, and elevated to a Convention of Peace, signed by the Argentine and British Plenipotentiaries, after the exchange of their respective powers, ...*”⁸⁹³

May 15th, ratifications of the Treaty are exchanged in Buenos Aires.

"The treaty of peace leaves every thing in the state in which it found it, unless there be some express stipulation to the contrary. The existing state of possession is maintained, except so far as altered by the terms of the treaty. If nothing be said about the conquered country or places, they remain with the conqueror, and his title cannot afterwards be called in question." ⁸⁹⁴

*"The Convention of Settlement was an international agreement between Britain and Argentina. It was a peace treaty, so by ratifying it in 1850, Argentina accepted that the Falklands were legitimately British and no longer regarded them as Argentine territory."*⁸⁹⁵

Algernon Sidney Montagu, is appointed resident Magistrate and Coroner to the Falkland Islands.⁸⁹⁶

⁸⁹² *General Report of the Colonial Land and Emigration Commissioners* 1850 Appendix 53

⁸⁹³ Signed by Miguel Garcia for the Chamber of Representatives.

⁸⁹⁴ *Elements of International Law: with a sketch of the history of the science* Henry Wheaton 1836. *cf. Elements of International Law and Laws of War* H. W. Halleck 1866 p.353

⁸⁹⁵ Pascoe & Pepper 2012 p.8

⁸⁹⁶ *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.

July 9th, the survey vessel, *HMS Rattlesnake*, now commanded by Lieut. Charles Yule following the death of Capt. Owen Stanley, anchors at Port Stanley during her return from the Pacific. Due to bad weather the ship remains until the 25th.

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.⁸⁹⁷

1851 – January, Lafone and his creditors establish the *Royal Falkland Land, Cattle, Seal and Whale Fishery Company* under a *Royal Charter*.⁸⁹⁸

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; ...*”

Parliament votes £5,000 for the islands' expenses.⁸⁹⁹

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.

February 3rd, Juan Manuel Rosas is defeated at the battle of Caseros and flees the country.

April 28th, Plymouth newspapers report the arrival of ex-General Rosas in England as a political refugee.⁹⁰⁰

897 *Hansard: Supply – Civil Service* 14th July 1851 at 671

898 *The London Gazette*, No. 21169.

899 *Hansard: Supply – Civil Service* 14th July 1851 at 672

900 *HL Deb* 29.4.1852 vol.120 cc1278-83 *Hansard*. There is some evidence that the British Minister, Gore, facilitated Rosas' escape from Buenos Aires, following his defeat by the forces of General Urquiza in February, 1852.

May 7th, Luis Vernet, now in London, submits a claim to the British Government; “..for the restitution of his private property taken possession of on East Falkland Island or such compensation as may be deemed reasonable and just ..”

In his initial submission Vernet states that he has been unable to pursue the claim until this date due to his constrained circumstances suffered as a result of the loss of the settlement at Port Louis. He states a case for £14,295 to cover lost horses, loss of domesticated cattle, the use (by the British) of horses, boats, stone houses and beef left at the settlement. Adding interest Vernet puts the value of his losses at £28,000.⁹⁰¹

June 2nd, Vernet's submission is referred to the Secretary of State for the Colonies; “I am directed by the Lord of Malmesbury to transmit to you, in original, a Memorial and its enclosures, from Mr. Lewis Vernet, whom the records in the Colonial Department will show to be the individual by whose means the Government of the Argentine Confederation attempted to obtain a footing and to establish a settlement in the Falkland Islands some years ago...”⁹⁰²

Cattle loss in the Falklands, 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.”⁹⁰³

September 6th, Luis Vernet again writes to the Principal Secretary of State for the Colonies submitting further documents in support of his claim and alleging that Samuel Lafone “*usurped*” his interests. He also criticises Lafone's efforts on the islands accusing him of being an “*obstacle*” to the speedy colonisation of the Falkland Islands; and complains that he was not invited to return and employ his experience.

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 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

901 CO 78 43

902 This link between Vernet and Buenos Aires would continue to work against him throughout the consideration of his claim even though some influential individuals remained sympathetic to his cause.

903 *Atlantic and transatlantic: sketches afloat and ashore* L.B. Mackinnon. 1852

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.”⁹⁰⁴

January 27th, a Canadian barque, *Actaeon*, puts into Stanley. After being declared unfit, she is scuttled.⁹⁰⁵

William Smyly, now married and settled at Port Stanley, declares himself the *Commercial Agent* for the US Government.⁹⁰⁶

February, the Governor announces the discovery of large quantities of guano on the Islands.⁹⁰⁷

At the urging of Governor Rennie, the Government in London writes to the US Government complaining of; “*the depredations being caused at the islands by persons landing from vessels of the United States.*” The Americans are informed that Britain intends to send a force to the Falklands in order to prevent further attacks.⁹⁰⁸

Norberto Riestra travels from Buenos Aires to London to pay off 24 years of arrears to Barings Bank.⁹⁰⁹

May 26th, the Department of State in Washington publicly announces; “*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.*”⁹¹⁰

US Secretary Marcy acknowledges the complaint and advises the British Government that he has issued a warning note to the captains of US whalers and sealers informing them that they may incur penalties.

904 Quoted in *Brazil, the river Plate, and the Falkland Islands, with the Cape Horn Route* William Hadfield 1854

905 *Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum.*

906 The US Government decided to recognise Smyly as Consul some 10 years later.

907 *The New York Times* Feb. 10th

908 Cawkell 2001 p.83

909 *The English in South America ...* M.G. Mulhall 1878

910 *The New York Times* May 28th, 1853

Governor Rennie copies the official complaint to William Smyly who responds that 9 out of 10 US citizens are unaware that the Falklands were occupied.

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.*⁹¹¹

The population on the Falkland Islands reaches 500.

1854 – January 9th, deserters from the US whaler *Hudson*, and her tender, *Washington*, arrive in Stanley.

They make statements to the effect that in addition to hunting whales, the captains of the two vessels had authorised the killing of a large number of pigs, the property of the *Falkland Islands Company*; on which they'd lived for some eight months.⁹¹²

The *Hudson's* commander, Hiram Clift has a previous conviction for taking cattle belonging to Lafone and had been fined in 1849. Arrest Warrants are issued for Clift and the *Washington's* Capt. Eldridge.

Governor Rennie sends a message to the Rio Station requesting a vessel to enforce the warrants, while US Agent Smyly notifies the Commodore of the US squadron. Smyly claims that it is Rennie's intention to oppose American fishing rights in the south Atlantic.

January 24th, Hilario Cordoba murders Jean Cousteau, a 19 year old Basque labourer.

In **March**, the *Argentine Confederation* elects Justo Jose de Urquiza as its President while the Province of Buenos Aires declares its independence.⁹¹³

March 2nd, *HMS Express*, commanded by Capt. Boys, arrives from Brazil and takes the Port Stanley Constable aboard before sailing on to New Island.

After *HMS Express* has left Port Stanley, the *USS Germantown* arrives, commanded by Capt. Lynch with orders to protect American interests. On arrival the frigate; “beat to quarters and shotted its guns,” causing alarm in the town.

Lynch and Smyly call on Governor Rennie and the conversation quickly deteriorates into a row - Lynch employing threats and bluster. Unperturbed, Rennie shows Lynch a copy of the warning note issued by the US Secretary of State the previous year. Wrong-footed, Lynch attempts to ignore the notice claiming that the pigs and livestock had been put on the islands by US sealers and that the British Government had never paid for them. Governor Rennie acknowledges the superior fire-power of the *Germantown* but makes it clear that he will not have his authority challenged and is quite prepared to fight.⁹¹⁴

Lynch refuses to acknowledge British sovereignty and asserts that his countrymen have the right to fish off uninhabited islands around the archipelago. Lynch claims that the Warrants are “illegal.” He does however, accept an invitation to dinner.

911 *Three Years Cruise in the Australasian Colonies* by R. E. Malone 1854

912 Hiram Clift was aware of the legal situation as he had previously been fined for taking cattle belonging to Lafone.

913 Rock 1987 p.121. The *Confederation* won recognition from Britain, while Buenos Aires operated as a separate country.

914 The cattle were descendants of those left originally by Bougainville.

At New Island, the *Hudson* and *Washington* are detained and taken to Port William. Capt. Clift is placed in custody to the fury of Lynch who insists that all future communication must be in writing.

*“.. 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. ..”*⁹¹⁵

March 3rd, Governor Rennie and Capt. Boys call on Lynch aboard the *Germantown*. They are met with full honours and a 21 gun salute. Once they have left, Capt. Lynch repositions his vessel to threaten *HMS Express* with its guns.

Lynch again complains to the Governor about the arrest and detention of the two US sealers to which Rennie responds by sending another copy of the US Secretary of State's warning.

March 6th, the *USS Germantown* anchors opposite the local Magistrates Court; on which its guns are trained.

March 7th, at his trial, Capt. Clift, who has taken responsibility for the *Washington's* captain, admits to killing 22 pigs. 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.

Clift is found guilty and fined a 'mitigated' £1 for each animal plus costs of £5 16/-.⁹¹⁶

March 14th, the *Hudson* and *Washington* leave the Falklands; refusing to carry on sealing despite Lynch's assurances that he will protect them.⁹¹⁷

Incensed at the result, Capt. Lynch writes to other American vessels in the area; *“I have enjoined upon the officers of these vessels and desired them to pass the word round their associates that, if they have but one charge of powder or ball on board and any naval officer of any nation but their own, at sea or in port, attempt, without leave obtained, to plant his foot upon the deck of a vessel protected by the American flag, to shoot him without a moment's hesitation.”*

Capt. Lynch declines further invitations to meet with Governor Rennie, *“unceremoniously.”* He only writes to question British sovereignty; *“The US have not thought proper to take possession of this group of islands, but have used them for longer period and more extensively than all other nations combined.*

*The group of islands with their harbors, bays and straits embrace an area of nearly 9000 square miles, and for a governor of a very small settlement in the remotest eastern point of the entire group to assume absolute sovereignty over the whole reminds me, Your Excellency will pardon me, of the fly which, looking down from the dome of St. Peters, fancied that the immense structure was raised expressly for its accommodation.”*⁹¹⁸

In the same letter, Lynch declines further correspondence or communication.

915 *Empire*, Sydney September 15th, 1854. Forcing the ships to stop work and sail to another port was highly unusual. Capt. Boys explained his action by saying he thought that there was a real danger the vessels would sail away.

916 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. Capt. Lynch reported the fine as being £50. See also 1871 & 1872

917 Cawkell (2001) believes that the haste was so that the owners could get disposition in order to submit a compensation claim.

918 Quoted in Cawkell 2001 p.86

March 18th, Hilario Cordoba, convicted of murder, is hung in the dockyard.

March 20th, the *USS Germantown* finally leaves Falkland waters.

April 1st, the *Courier* is wrecked on Bull Point.

April 4th, in a parting shot, Capt. Lynch writes an article in the *Comercio del Plata* claiming that it had been his presence that caused the fines levied on Clift to be mitigated; “.. *instead of about £100 Sterling, as had been anticipated, there was imposed on the captain a fine of £50 which we paid.*”

Lynch sends a copy of the newspaper to Governor Rennie.

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 are; “.. *under consideration, and that it would be inconvenient at present to produce the correspondence.*”⁹¹⁹

As a result of the threats by the Americans, a volunteer defence force is established for the Islands.⁹²⁰

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 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.*”

The US Government registers an official protest based on the seizure of the vessels rather than the prosecution and fine; and demands compensation for the owners.⁹²¹

August 15th, reported in the *Geelong Advertiser & Intelligencer* of Victoria; “*The fracas at Falkland Islands is likely to be settled in the one proper way, viz. 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 to the American protest, 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*

919 *The Sydney Morning Herald* August 22nd, 1854

920 This unit was unnamed, but sometimes referred to locally as the *Stanley Volunteers*.

921 *A Digest of International Law...* John Basset Moore vol.1 1906. The total claim for the 2 owners and crews came to a huge \$39,000. See also 1871

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."*⁹²²

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.⁹²³

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.”*⁹²⁴

October 17th, the *Glaucus* is wrecked at Governor Island.

November 26th, the *George Butz* is wrecked on Grand Jason.⁹²⁵

1855 – February 5th, a missionary station is built on Keppel Island, by the *South American Missionary Society*.⁹²⁶

*“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.”*⁹²⁷

April 25th, the New York barque *Ortona*, carrying timber, is lost to a fire in Port William.⁹²⁸

June 7th, Thomas Warwick Brooke is appointed Stipendiary Magistrate on the Falkland Islands.⁹²⁹

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.

922 Moore 1906

923 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

924 *Commentaries upon International Law*, London, 1879

925 *Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum*

926 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.

927 *A Two Years Cruise off Tierra Del Fuego, The Falkland Islands and in The River Plate* W. Parker Snow 1857 p.133

928 *Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum*

929 *The London Gazette*, No. 21726. According to Snow, the magistrate had actually arrived that March.

December 1st, Cape Pembroke light tower commences operation.⁹³⁰

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.”*⁹³¹

May 10th, Vernet⁹³² 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 six 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.”*⁹³³

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.

930 *The New York Times* Nov. 24th

931 *AGN, Buenos Aires, Sala VII, F.131, doc. 46* quoted in Pascoe & Pepper 2008

932 Whilst in London he appears to have reverted to using the English form of his first name, ie. Lewis.

933 Snow 1857 p.225. Also *Hunt's Merchant Magazine* 1859 p.141

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.”⁹³⁴

In **August**, the Rev. Mr. Despard, missionary for the *South American Missionary Society*, arrives at Stanley.

1857 – February 9th, Luis Vernet is offered compensation of £2,400 by the British Government, for his losses, reduced to £1,850 because of outstanding promissory notes. He is also required to sign an agreement waving any further claims.⁹³⁵

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.

Catholic residents on the Islands write to Cardinal Wiseman, archbishop of Westminster, asking for a priest to be sent to attend their spiritual needs.

⁹³⁴ *The Courier* (Hobart, Tasmania) Thursday 15th January 1857

⁹³⁵ *'Monsieur Vernet's Case 1852 – 1860'* National Archives CO 78/43. Vernet returned to Buenos Aires in 1858 leaving lawyers to pursue an appeal. There was no court case or tribunal as such, as the claim was dealt with solely by the Colonial Office – with much bad grace and unnecessary delay. Vernet would later claim that the action had cost him some £5,000. The outstanding promissory notes were mostly owed to the estate of his murdered Capitaz, Juan Simon.

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.*⁹³⁶

September 17th, Christopher Murray is convicted of murdering his wife and sentenced to 14 years transportation.

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.⁹³⁷

November 23rd, the *Antoinette* is wrecked on Sea Lion Island. The crew are saved in two boats.

1858 – February 1st, Vernet, writing from Paris, reluctantly accepts the compensation offered by the British Government but asks that the sum of £550 for “counter-claims” is not deducted; “*.. for the reason that they arise from the acquisition of property to which H.M. Government does not recognise me any right.*”

He also makes a further appeal; “*Moreover I urgently implore and trust that you will be pleased to grant me, as a matter of equity, something more than the £2400 in consideration of my so very unfortunate case, of having lost my whole fortune and many years of toil in the establishment of a Colony on the East Falkland Island, of the lands and cattle of which I considered myself to be the proprietor, having enjoyed their possession from 1823 to 1833, with the full consent of the Government under whose flag those islands then were, and with the tacit consent of the British Government, whose representatives in that quarter were well acquainted with my undertaking...*”⁹³⁸

April 12th, the *Leopold* is wrecked on Grand Jason.

May 26th, local merchant, John Markham Dean is gazetted Consul in the Falkland Islands for Denmark.⁹³⁹

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.

The British Government sends out 35 married marines as garrison and potential settlers.⁹⁴⁰

1859 – July 9th, a 'Treaty of Recognition, Peace and Friendship' is signed in Madrid between Spain and the Argentine Confederation.⁹⁴¹

936 *The London Gazette*, No. 22029

937 *The New York Times* April 8th, 1858

938 CO 78/43

939 *The London Gazette*, No. 22145

940 Cawkell 2001

941 “*.. 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*

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.⁹⁴²

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.⁹⁴³

1860 – Lafone's contract is terminated and 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.

April 20th, Captain William Surtees Cook is appointed Commanding Officer of the Detachment of Troops.⁹⁴⁴

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.⁹⁴⁵

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* are exchanged 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 Mengear Point, Port William. All the crew are saved.⁹⁴⁶

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.

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

942 Robertson 1918

943 “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

944 *The London Gazette*, No.22378

945 *The London Gazette*, No.22382

946 *Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum*

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.⁹⁴⁷

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.

August 1st, James Robert Longden is appointed Postmaster.

1862 – A French map shows Patagonia as *terra nullius*.

March 31st, Edward Macartney is appointed Colonial Secretary on the Islands.

September 10th, Capt. James George Mackenzie takes over as Governor.⁹⁴⁸

In **November**, Vice-Admiral Luiz Hernández de Pinzón leads a diplomatic mission to Buenos Aires where he discusses with President Mitre the formulation of a new *Treaty* with Spain that will include the Province. Modifications to the *Treaty* of 1859 are accepted by both sides and Buenos Aires agrees to send a representative to Madrid.⁹⁴⁹

1863 – February 27th, the Falkland Islands receive the Pinzón mission. Admiral Pinzón arrives in the *Resolucion* and fires a salute to the British ensign before inviting the Governor on board his flag-ship. Diplomatic gifts are exchanged.

February 28th, the Spanish vessel, *Nuestra Senora del Triunfo*, arrives at Stanley to join Pinzón.

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*”.⁹⁵⁰

947 Now part of the *Red Ensign* Group.

948 *The London Gazette*, No.22662

949 The mission is also believed to have had a covert purpose to reinforce the financial and legal claims of Spanish citizens living in South America.

950 *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,

October 4th, the *Adeline*, a Prussian barque loaded with sugar, is wrecked off East Falkland.

1864 – October 17th, John Rodgers Rudd, camp manager for the Falkland Islands Company, is murdered by a gaucho.

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.

A Government mail steamer, *Foam*, is employed to carry mail between Stanley and Montevideo.

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.*”⁹⁵¹

During the course of the year 15 vessels arrive seeking repair, 24 wanting provisions and 31 looking to trade.⁹⁵²

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.”⁹⁵³

USS *Kansas* makes an official visit to the Falkland Islands.⁹⁵⁴

May 19th, William Cleaver Francis Robinson becomes Governor.⁹⁵⁵

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.⁹⁵⁶

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. Governor Robinson imposes a system of licensing on penguin oil whereby on Crown Lands a tax of £10 is payable on each 8000 gallons of oil obtained.⁹⁵⁷

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.⁹⁵⁸

1811

951 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

952 Royle 1985

953 My emphasis. *British and Foreign State Papers 1866-1867* 1871, p.1009; original in Mabragaña, 1910, vol.III, p.238

954 *The New York Times*, June 30th

955 *The London Gazette*, No.23118

956 Sold for use as a storage hulk, and used as a warehouse, before becoming a part of the Jetty Head. No trace remains.

957 It was estimated that 8 penguins were required for 1 gallon, which then fetched 8p.

958 *Dusicyon australis* also known as the Warrah.

*"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."*⁹⁵⁹

April 19th, Italian barque *Peru*, is wrecked in Albemarle Waters.⁹⁶⁰

1869 – May 1st, in his 'Message to Congress', Argentina's President Domingo Sarmiento announces;

*"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.."*⁹⁶¹

Antonina Roxa, one of Vernet's original settlers, dies on her farm in the Falklands.⁹⁶²

June 14th, Frederico Cobb is appointed Italian Consul in Stanley.⁹⁶³

Argentina's first national census discovers that 4/5th of the population are illiterate and living in mud and straw dwellings.

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."*⁹⁶⁴

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.

1870 – February 24th, William Colonel George Abbas Kooli D'Arcy is gazetted Governor.⁹⁶⁵

March 31st, Don Jose Sanchez Bazan becomes the Consul for Chile in Port Stanley.⁹⁶⁶

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.

959 Charles Darwin, who encountered the animal in 1833.

960 *Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum*

961 Heraclio Mabragaña 1910, vol.III, p.286. *".. El estado de nuestras relaciones exteriores responde á las aspiraciones del país. Nada nos reclaman las otras naciones: nada tenemos que pedir de ellas.."* Transcribed by Albert Nielsen 2013

962 *Register of Deaths and Register of Burials*, in JCNA, Stanley. Quoted in Pascoe & Pepper 2012

963 *The London Gazette*, No.233507

964 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,"*

965 *The London Gazette*, No.23590

966 *The London Gazette*, No.23603

1871 – January 7th, Luis Vernet dies, aged 79, in San Isidro, Argentina. Around the same time, one of the black slaves he took to Port Louis, Gregoria Madrid, also dies - at her home in the Falklands.

February 24th, Prince Alfred, Duke of Edinburgh, visits the Falklands in *HMS Galatea*.

March 3rd, Prince Alfred sails away.

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.⁹⁶⁷

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 ... 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.*”⁹⁶⁸

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 which they were accompanied.*”⁹⁶⁹

A Buenos Aires merchant applies to the Governor for a lease covering Beauchene Island for the purpose of collecting guano.⁹⁷⁰

September 8th, the British ship, *City of Amoy*, is wrecked at Mengeary Point after its cargo shifts.

967 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.

968 *The Papers of Ulysses S. Grant: 1871 – 1872: Jun.1 – Jan.31 LS, DNA, RG 46, Presidential Messages*

969 *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*

970 Headland 1992

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.⁹⁷¹

April 18th, the *Anne Brookes* is wrecked in Fox Bay.⁹⁷²

April 30th, a 33 year old gaucho, James Millet, is murdered by Robert Gonzales who hangs himself the following day.

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.⁹⁷³

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 – **January 22nd**, *HMS Challenger* arrives in Port Stanley on the final stage of her hydrographic survey circumnavigation. The ship also visits Port Louis to make magnetic and tidal observations. The crew host dinner parties and dances for the colonists.⁹⁷⁴

January 31st, Able Seaman Thomas Bush, falls overboard in Stanley Harbour; from *HMS Challenger*.

February 6th, *HMS Challenger* sails for Montevideo.

April 28th, *Supplemental Letters Patent* are issued; “*making further provision for the government of the Settlements in the Falkland Islands and their Dependencies.*”

May 13th, the *Fortunate* is wrecked in Uranie Bay.

May 18th, Jeremiah Callaghan becomes Governor.⁹⁷⁵

971 *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.

972 *Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum*

973 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.

974 *The Cruise of Her Majesty's Ship 'Challenger'* W.J.J.Spry 1877

975 *The London Gazette*, No. 24327

June 20th, Lieut. Alfred Carpenter is awarded the Albert Medal for his attempt to save Able Seaman Bush.⁹⁷⁶

The Falkland Islands Wolf is declared extinct.

1877 – March 14th, Juan Manuel de Rosas dies and is buried at Southampton Old Cemetery. The Government in Buenos Aires forbids any commemoration.⁹⁷⁷

April 1st, the Falkland Islands take up membership of the General Postal Union.

June 12th, George Dean is appointed Consul for the King of Sweden/Norway, in Stanley.⁹⁷⁸

Lowther Brandon, a Church of Ireland clergyman, takes up the position of Chaplain.⁹⁷⁹

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 – April 1st, Argentina joins the *General Postal Union*.⁹⁸⁰

April 9th, during a debate on Russia, MP Henry Richard, says; *“How have we been occupied during the same 100 or 120 years? I will tell the House. During that time, from the French we have taken Canada, the Mauritius, Nova Scotia, Dominica, Tobago, St. Vincent, Granada, and St. Lucia. From the Spaniards we have taken Gibraltar, Jamaica, Trinidad, Honduras, and the Falkland Islands. From the Dutch we have taken the Cape, Ceylon, Essequibo, Demerara, Berbice, and St. Helena.”*

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.

November 30th, the peat bogs on the heights above Stanley give way and an avalanche of mud engulfs part of the town.

1879 – the *General Postal Union* is renamed the *Universal Postal Union*.

1880 – September 13th, Thomas Kerr is gazetted Governor.⁹⁸¹

The population of the islands is now put at 1,497.

976 *The London Gazette*, No. 24339

977 Rosas' body was repatriated to Argentina in 1989.

978 *The London Gazette*, No. 24473

979 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.

980 Argentina registered no objection to the membership of the Falkland Islands on its accession.

981 *The London Gazette*, No. 24882

November 15th, the *G. F. Haendal* carrying coal and general goods is lost to a fire in Port William.

1881 – the islands sealing activities are regulated under the *Falkland Islands Government Ordinance No.4*.

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.⁹⁸²

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.*”⁹⁸³

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.*”⁹⁸⁴

A penal colony is established at Ushuaia in Tierra del Fuego leading to its development as a town.

October 16th, the US sealer *Wanderer* is wrecked at the Falklands.

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.⁹⁸⁵

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.

A meteorological observatory is opened at Stanley by the *German International Polar Year Expedition*.

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*

982 *The New York Times* July 3rd

983 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

984 cf May 19th 2010

985 *The New York Times* March 14th

*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.”*⁹⁸⁶

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, Fransisco 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 US 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.⁹⁸⁷

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.⁹⁸⁸

May 30th, Fransisco Ortiz, in a conversation with British Ambassador, Edmund John Monson, suggests that, “*now the country was consolidated and rounding off its territory,*” they intend to revive their claims to the Falkland Islands.⁹⁸⁹

*“He thought it a question which might fairly be settled by arbitration. Great Britain having already set so good an example to the world in accepting the principle of arbitration, the Argentine Government felt convinced beforehand that they might safely appeal to her Majesty's Government to give this proposition their most equitable consideration. Mr. Monson replied that, if the Argentine Government contemplated so serious a step, the better and more regular plan would be to cause a communication on the subject to be made to Her Majesty's Government by the Argentine Minister in London; but that, if Dr. Ortiz would not do so, he would agree to become the channel of his communication to Her Majesty's Government.”*⁹⁹⁰

June 6th, 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.*”

Monson also acquaints the Governor at Port Stanley of the 'project' entertained by the Argentine Government.

July 28th, London instructs Ambassador Monson; “*.. to remind Dr. Ortiz that the Argentine Government had repeatedly been informed that Her Majesty's Government could not permit any infringement of Her Majesty's rights of sovereignty over the Falkland Islands, and that, in their opinion, no good could possibly arise from an attempt to reopen the question.*”

986 *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*

987 *Hispanic-American relations with the United States* W. Spence Robertson 1923 ch.5

988 Any consideration by the British Government was subsequently denied. *HC Deb 16.3.1893 vol 10 c223* Hansard

989 *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.

990 Bernhart 1911

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.⁹⁹¹

On being informed of the British Government's response to his informal suggestion of arbitration; *“Dr. Ortiz received Mr. Monson's communication very imperturbably. He regretted that Her Majesty's Government had such a decided view, because his Government had an equally decided view in an opposite sense. It was not a question, he said, that could ever be a pretext for violent measures, but that the Republic could not but regard the Falkland Islands as both naturally and legally hers; naturally by reason of their geographical position, and legally as part of her inheritance from the mother country.*

*Dr. Ortiz reverted to the Secret Understanding between Great Britain and Spain of 1771, and Mr. Monson expressed his surprise at his so doing, because, unless he had made some fresh and improbable documentary discovery, there was absolutely no pretext for any such argument. He, however, made it with all seriousness and gravity; and Mr. Monson answered him that Her Majesty's Government had clearly established during the former controversy that no such Secret Understanding had ever been entered into.”*⁹⁹²

September 16th, a British barque, *C.A.Belyea*, is wrecked on Volunteer Point.⁹⁹³

October 18th, the last battle in Argentina's *Conquest of the Desert*, against the tribes of Patagonia, takes place.

October 30th, reflecting on his recent exchange with Dr. Ortiz, Monson reports; *“.. that the only reason which presented itself to his mind as the motive for this extraordinary policy was the effect which the action of the Government might have upon the next presidential election.”*

November 13th, a coal carrying vessel, the *Menai Straits*, burns in Salvador Waters.

December 8th, the *Argentine Geographical Institute*, announces in *EL Nacional*, the preparation of an atlas of the Argentine Republic to include the Falkland Islands on a map of Argentine territory.

December 16th, Monson sends a private note to the Foreign Minister, protesting.

Ortiz responds; *“Dr. Ortiz at first professed his inability to give a categorical answer, either as to the official character or the scope of the map ... but afterwards he gave Mr. Monson a verbal assurance that the Argentine Government did not consider the map official, and were in no way responsible for its contents.”*

December 26th, disbelieving Dr. Ortiz, the Ambassador submits a formal *Protest* note to the Argentine Government.

1885 – January 2nd, the Argentine Government respond to Monson's *Protest*; *“In his reply, Dr. Ortiz characterised the protest as “inconsequent” both in form and substance, and said that the map could not be considered official until the Government sanctioned it as such.”*⁹⁹⁴

*“Your Excellency should bear in mind that a map neither gives nor takes away rights, and that those of England or the Argentine Republic in this case are not to be settled by tinting the islands blue or red on the map.”*⁹⁹⁵

991 No response was received. Frelinghuysen resigned in March 1825 and was replaced by Bayard.

992 Bernhardt 1911 pp 42-43

993 *Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum*

994 Bernhardt 1911

995 *The Falkland Islands* George C. Hurlbut *Journal of the American Geographical Society of New York* vol.19 1887.

Dr. Ortiz attaches a *Memorandum* to his response containing an abstract of the grounds upon which the Argentine Government claims sovereignty over the islands. These claims include an assertion that Buenos Aires had posted a Governor to the Falklands in 1820 and, for the first time, that the British action of 1833 was forbidden by the *Nootka Sound Convention* of 1790.⁹⁹⁶

He claims that Palmerston, and more recently Ambassador Monson, had admitted that the sovereignty dispute was still “*pending*,” and, in a reference to arbitration, expresses; “.. *the hope that means might be found for settling the question in the way adopted by civilised nations for the solution of similar difficulties.*”

In his response to Ortiz's letter, Ambassador Monson repudiates the suggestion that the question of sovereignty is a “*pending question*,” and refers the Minister to Lord Aberdeen's note of March 5th, 1842; “*He reminded Dr. Ortiz that he had ignored the British protest of the 19th November, 1829, and told him that what he had called “an aggressive occupation” was the logical and justifiable consequence of that protest.*”⁹⁹⁷

April 8th, Lord Granville instructs Ambassador Monson not to respond to Dr. Ortiz's *Memorandum* nor carry on any further discussion on the matter; verbally or in writing.

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.⁹⁹⁸

May 5th, in a short letter Ambassador Monson informs Dr. Ortiz that Britain accepts that the map complained of is not 'official.'

May 6th, Ortiz responds expressing his satisfaction with the British acceptance of his assertion.

July 20th, in the USA, 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.*”

Ambassador Quesada responds, 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.*”⁹⁹⁹

On the same day, the *Commissioner* appointed to report on the sanitary condition of Port Stanley presents his findings; “*According to the census of 1881, the town had a population of 508, and has a death rate averaging 17.2 per 1000 per annum for the ten years 1876 to 1885 inclusive ..*

996 Col. David Jewett was not named in the *Memorandum* although the suggestion of a 'Governor' clearly relates to his claim on behalf of the United Provinces of South America in 1820.

997 Bernhardt 1911

998 *Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum*

999 Robinson 1823

The inhabitants are well fed and clothed, destitution being almost unknown..."

1886 – January 16th, Arthur Cecil Stuart Barkly takes over as the new Lieutenant-Governor of the Islands and Dependencies.¹⁰⁰⁰

The building of Stanley Cathedral commences.

February 10th, the Argentine Government presses for a response to the *Memorandum* presented by Dr. Ortiz.

*"A despatch was therefore addressed to Her Majesty's Charge d'Affaires at Buenos Ayres, instructing him to remind the Argentine Minister for Foreign Affairs verbally of the notes to Senor Moreno of the 8th January, 1834, and the 15th February, 1843, and especially to Lord Aberdeen's note of the 5th March, 1842, in which he was informed that the discussion was closed so far as Her Majesty's Government were concerned; and to inform him that they could not consent to reopen the matter."*¹⁰⁰¹

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."*¹⁰⁰²

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.

July, a cargo of Falklands mutton arrives at the Port of London where it sells for 5d a pound.¹⁰⁰³

The *Falkland Islands Meat Company* contracts to deliver 60,000 sheep carcasses a month to Australia.¹⁰⁰⁴

1000 *The London Gazette*, No.25550

1001 Bernhardt 1911

1002 Moore 1906

1003 *Australian Town and Country Journal* July 24th

1004 *The Queenslander* Sept. 18th 1886. This journal estimates there to be 600,000 mature sheep in the Islands.

September 28th, the *Sidney Dacres* sinks at Billy Rock.

1887 – a post office opens in Stanley.

March 11th, Buenos Aires instructs its Ambassador in London to repeat its request for an answer to Ortiz's *Memorandum*.

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.*”¹⁰⁰⁵

*“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.”*¹⁰⁰⁶

The US Government does not reply.

June 27th, the British barque, *Star of Scotia* is wrecked at Bull Point.¹⁰⁰⁷

Captain R.D. Inglis RN (retired) applies for a sheep farming lease on South Georgia. The Governor informs him that the island is covered in snow and the matter is not pursued.¹⁰⁰⁸

November 3rd, Argentina's Ambassador, M. Dominguez, writes to Lord Salisbury reminding him that no response has as yet been received to Dr. Ortiz's *Memorandum* of January 2nd, 1885. He tells Salisbury that the matter had been raised verbally with Lord Roseberry in 1886.

November 9th, Britain's Ambassador to Argentina, Francis Pakenham, writes to Foreign Minister Quirno Costa.

November 14th, Ambassador Dominguez is asked to refer to the previous communications on the matter in a letter written by the Sir Thomas Villiers Lister, Assistant Under-Secretary of State.

The *Colonial Office Year Book* specifies that South Georgia is one of the '*Dependencies*.'¹⁰⁰⁹

1888 – January 20th, Foreign Minister Norberto Quirno Costa again protests against Britain's possession of the Falkland Islands in a letter addressed to Pakenham.

1005 Vicente De Quesada to Thomas .F. Bayard 4 May 1887

1006 Robinson 1923

1007 Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum

1008 Headland 1992

1009 “ ... numerous laws passed by the Falkland Islands Government during the period 1843-July, 1908. were made for *“the Falkland Islands and their Dependencies”* The particular territories comprised in the *“Dependencies of the Falkland Islands”* were not named in the various *Letters Patent*,” in *The Agent for the Government of the United Kingdom to the Registrar of the International Court of Justice at the Hague, May, 1955*

Minister Costa cites the events of 1771 and 1774 and suggests that the *Treaty* of 1790 between Spain and Britain; “.. was tantamount to acknowledging the right of occupation of the Falkland Islands by that Crown at that date.”¹⁰¹⁰

*"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."*¹⁰¹¹

April 13th, the British Government responds in a letter stating; “.. that Her Majesty's Government declined to enter into any discussion of the right of Her Majesty to the Falkland Islands which, in their judgment, was not open to doubt or question.”

On the same day, the Argentine Ambassador in London writes to Lord Salisbury; “.. expressing the hope that Her Majesty's Government would reopen the discussion on the Falkland Islands.”

April 19th, the Catholics on the Islands are administered to by the Salesian Fathers.

April 21st, the Argentine Ambassador is given the same reply as that sent to his Foreign Ministry.

June 12th, Minister Costa responds to the British letter in a conversation with Ambassador Jenner; “.. the Government of the Republic does not consider that its sovereignty is compromised by that statement, let alone by the silence that the British Government keeps with regard to the proposals to submit the matter to arbitration made by the Argentine Government, a Government that maintains and will always maintain its sovereign rights over the Malvinas islands, from which it was forcibly deprived in a state of absolute peace.”

June 18th, the Colonial Office is informed that Lord Salisbury does not propose to take any notice of this fresh protest from the Argentine Government.

1889 – March, Queen Victoria donates £30 towards Bishop Stirling's church fund.¹⁰¹²

September 23rd, Mr. Charles Dean is appointed Consul in Stanley, by the King of Denmark.¹⁰¹³

October 2nd, the first *Pan-American Conference* meets in Washington. Argentina demands that the US protests Britain's occupation of the Falkland Islands.¹⁰¹⁴

1890 – the foundation stone of Christ Church Cathedral laid by Bishop Stirling and Governor Kerr.

February 13th, in the House of Commons, the MP for Donegal, John MacNeill; “.. I would urge upon the Colonial Office the desirability of extending the principle of self government still further amongst the colonies. Going from a Crown to a self-governing colony, one is struck by the 287 enormous change which is wrought by the spirit of independence.

1010 Bernhardt 1911

1011 *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.

1012 *The Queenslander* March 30th

1013 *The London Gazette*, No.25977

1014 *The Sydney Morning Herald* Nov. 16th. The Conference lasted until April, 1890. Compulsory arbitration to resolve regional conflicts was one of the main topics; but the result was weakened by Argentina's opposition.

There are groups of colonies which are eminently suited for self government. In the Colony of the Falkland Islands self government would be a blessing to it, and a benefit to ourselves.

The colonies under Responsible Government comprise 8½ millions, and the colonies governed by the Colonial Office comprise 7½ millions of population. The colonies under Responsible Government are of temperate climate, and the European population predominate—the great majority being English and Irish; and, of course, some Germans. The Crown Colonies comprise 7 millions, 175,000, or 2½ per cent., being Europeans. The Falkland Islands are well worthy the attention of the House. The colony now comprises 1,583 villagers. I have received from some of the colonists piteous complaints of the petty despotism from which they are suffering. They have no power of helping themselves, no representative Government, and the Council of the Governor can simply do anything they choose. This state of things should not exist in an ordinary Crown Colony, much less in a colony composed of our own kith and kin, who leave this country as freemen.”

August 10th, the *St. Mary* is wrecked between Burnt Island and Elephant island. The Captain commits suicide.

Argentina defaults on its loans precipitating what becomes known as the *Baring Crisis*.¹⁰¹⁵

1891 – February 3rd, Sir Roger Tuckfield Goldsworthy takes over as Governor.¹⁰¹⁶

A population census identifies 1,789 people present on the Islands.

1892 – February 25th, *Letters Patent* are issued by the British Government regarding the; "*Settlements in the Falkland Islands and their Dependencies*," designating them a Crown Colony.¹⁰¹⁷

March 2nd, in the *London Gazette*; “*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.*”¹⁰¹⁸

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.¹⁰¹⁹

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.¹⁰²⁰

April 20th, Andrew Edward Luis Baillion is appointed Italian Consul.¹⁰²¹

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.

1015 Argentina entered recession and a series of political upheavals during which the Falklands seem to have been forgotten.

1016 *The London Gazette*, No.26131

1017 *The Agent for the Government of the United Kingdom to the Registrar of the International Court of Justice at the Hague*, May, 1955

1018 *The London Gazette*, No.26264

1019 Headland 1992

1020 *The London Gazette*, No.26284

1021 *The London Gazette*, No.26281

Christchurch Cathedral is consecrated by Bishop Stirling.

September 22nd, Mr. Baillon is additionally appointed Swedish and Norwegian Consul at Port Stanley.¹⁰²²

1893 – January 23rd, Mr. Baillon adds the Consulate of Germany to his list of appointments.¹⁰²³

A teacher is appointed for Lafonia.

June 17th, the *Argyllshire*, a British barque, is wrecked on Flat Jason.¹⁰²⁴

In **December**, Carl Anton Larsen, in the *Jason*, deposits a cargo of seal oil at the Falkland Islands.¹⁰²⁵

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.

March 13th, Larsen and the *Jason* return to the Falklands before sailing on to South Georgia to meet up with *Castor* and *Hertha*.

July 27th, John Miller is gazetted Consul for the USA at Port Stanley.¹⁰²⁶

August 23rd, Baillon is also appointed as Consul for Chile.¹⁰²⁷

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.¹⁰²⁸

1022 *The London Gazette*, No.26328

1023 *The London Gazette*, No.26367

1024 *Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum*

1025 *Exploring Polar Frontiers: A Historical Encyclopedia* vol.1 William J. Mills 2003

1026 *The London Gazette*, No.26537

1027 *The London Gazette*, No.26547

1028 *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.

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.¹⁰²⁹

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'.¹⁰³⁰

May 14th, the *City of Philadelphia* is wrecked on Billy Rock. Attempts to rescue the crew and passengers fails due to heavy seas.¹⁰³¹

September, 281 bales of wool arrive in London from the Falkland Islands.¹⁰³²

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.¹⁰³³

March 4th, Sir William Grey-Wilson is appointed Governor of the Falkland Islands.¹⁰³⁴

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.*”¹⁰³⁵

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.¹⁰³⁶

The Government of Argentina offers a reward for the discovery of coal on South Georgia.¹⁰³⁷

1899 – June 25th, the *John R. Kelly* is wrecked at Port William.

Seal Fishery Ordinance No.1 is enacted to control sealing in the Dependencies.

July 29th, a *Permanent Court of Arbitration* is established by the '*Convention for the Pacific Settlement of International Disputes*', following the first *Hague Peace Conference*.

1029 Headland 1992 at 1244

1030 *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

1031 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*, to cope with the problems of rescue in heavy seas. *Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum*

1032 *The New York Times* Sept. 6th

1033 *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.

1034 *The London Gazette*, No.26829

1035 *Dispatch No. 22, 27 March 1897; Outward Letters Book B24; Falkland Islands Government Archive; 1897.*

1036 *The London Gazette*, No.26966

1037 Headland 1992 p.62

Signed by a diverse range of countries including most of Europe, the UK, USA, Russia, China, India, Japan, Persia, and even Siam, the signatories; “*Resolved to promote by their best efforts the friendly settlement of international disputes.*”¹⁰³⁸

Falkland Islands banknotes are introduced, pegged to sterling.



¹⁰³⁸ The USA and Mexico are the only American nations which signed the *Convention*. The agreement came into force on September 4th, 1900. Argentina did sign up to the 2nd *Convention* in 1907.

1900 - 1944



1900 – William Harding is appointed Consul for both Chile and Italy.¹⁰³⁹

April 10th, in the *Falkland Islands Magazine*;

*I was born in a British colony
The Falklands are my home;
Our nickname it is Kelpers,
But we're British to the back;
And if anyone insults us,
We with honour pay them back.*

July 29th, Charles McLeod is shot dead by Joseph Jenkins in a dispute over racial taunts.

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.¹⁰⁴⁰

The *Stanley Comet* newspaper is established.

1902 – the *Swedish South Polar Expedition* travel to Antarctica in the ship, *Antarctic*, commanded by Carl Anton Larsen.

March 27th, Larsen arrives in the Falkland Islands.

Having moved on to South Georgia, the *Expedition* identifies a port at the Island and names it *Grytviken*.

May 28th, Chile and Argentina sign the *Pacto de Mayo* requesting Britain's monarch to act as arbiter in their boundary disputes.¹⁰⁴¹

1903 – **January 6th**, the *Scottish National Antarctic Expedition*, led by Dr. William Spiers Bruce, arrives off the Falkland Islands in the *Scotia*.

January 26th, the *Scotia* sails from Port Stanley.

1039 *The London Gazette*, No.27155 & No.27205

1040 *The London Gazette*, No.27304

1041 There were three pacts: 1. Resolution of territorial controversies; 2. An arms control treaty; 3. Agreement to ask King Edward VII of the UK to head the arbitration panel. This last agreement would lead to the 1977 *Beagle Channel Arbitration* case.

March 26th, Bruce arrives on Laurie Island in the South Orkney Islands.

Richard Lion, a British resident of Punta Arenas in Chile, applies for a pastoral lease for a sheep and cattle farm on South Georgia.¹⁰⁴²

April 1st, the *Scottish National Antarctic Expedition* open a meteorological base on Laurie Island.

The *Antarctic* is crushed by sea ice; Carl Larsen and the expedition are rescued. Larsen then goes to Argentina to seek funding for a whaling venture.

December 2nd, the *Scottish Expedition* returns to Port Stanley.

December 8th, Dr. Bruce leaves for Buenos Aires aboard the *Orissa*.

December 25th, the *Clarence S. Bement*, with its cargo of coal on fire, is wrecked off Fox Bay.¹⁰⁴³

December 29th, the British Minister in Buenos Aires, Mr. W. H. Haggard, is asked by Bruce to negotiate with Argentina for the upkeep of the Laurie Island meteorological station.

“The plans Mr. Bruce had cherished of making at Ormond House, South Orkneys, a permanent meteorological station were now happily fulfilled. The Argentine Government, through its Meteorological Office, agreed to undertake the upkeep of the station for the following year if we would give a passage to the men and stores...

*Mr. W. H. Haggard, C.B., the British Minister, .. gave all his weighty influence to the furtherance of the project.”*¹⁰⁴⁴

*“The object of these conversations, in which Dr. Bruce took the initiative, was to arrange for the establishment of a permanent meteorological observatory on Laurie Island. As a result of the enthusiastic support of Mr. Walter G. Davis, the head of the Argentine Meteorological Service, it was agreed that the Argentine Government should take over the maintenance and staffing of the observatory, and that the Scottish Expedition would be responsible for transporting the observers and training them..”*¹⁰⁴⁵

*“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.”*¹⁰⁴⁶

1904 – January 2nd, Argentine Decree No. 3073 authorises the *Oficina Meteorologica Argentina* to maintain the station on Laurie Island.

January 21st, three Argentine scientists sail to the Falkland Islands en-route to the *Ormond House* meteorological station in the South Orkney Islands – L. H. Valette, H. Acuna and E. Szmula.

February 22nd, 'Ormond House' is handed over to the Argentine scientists although a Scot, Robert Cockburn Mossman, remains at the base to supervise their work. They are supported by one of the *Scotia's* crew, William Smith, who acts as cook and general assistant.

1042 The lease was granted, but not used until 1905.

1043 *Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum*

1044 *The Voyage of the Scotia: being the Record of a Voyage of Exploration in antarctic Seas by Three of the Staff R.N.* Rudmore Brown, R.C.Mossman & J.H. Harvey Pirie 1906 p.193

1045 Hunter-Christie 1951 p.178

1046 *Antarctica Cases: United Kingdom v. Argentine; United Kingdom v Chile* International Court of Justice 1956 p.25

“Often, among the various topics brought forward in the cabin in the long winter evenings, arose the question of the ownership of the South Orkneys. And after many long discussions we arrived at the pleasing conclusion that even in this age of imperialism the South Orkneys has escaped the grasp of any country, and that we enjoyed the privilege of living in No-man's Land. But I fear it is no longer so. Not that we claimed them for Britain, - for even if we had been seized with desire to widen the confines of our empire, we could not lay claim to new territory in our country's name without having a Government mandate, - and as for claiming them for Scotland, I fear that still less would have been recognised, though in Mossman they certainly had a Scotsman for their first governor.

However, when the *Scotia* returned to the island in February 1904, with an Argentine staff to take over the meteorological observatory at Ormond House under the auspices of the Argentine Government, the Argentine naval flag was hoisted on the cairn where formerly the Scottish Lion flew; and I presume the South Orkneys are looked upon as a possession of that power; - the nucleus of an empire, perhaps, they may even seem to ambitious Argentine expansionists.”¹⁰⁴⁷

February 29th, a whaling company, the *Compañía Argentina de Pesca*, is registered in Buenos Aires.¹⁰⁴⁸ Carl Larsen takes the job of manager.

March 16th, William Harding is further gazetted as German Consul.¹⁰⁴⁹

May 28th, Sir William Lamond Allardyce is appointed Governor of the Falklands.¹⁰⁵⁰

June 13th, the Falkland islands Government introduce a customs duty of 10 shillings on seal skins.

November 16th, Larsen arrives at Grytviken, South Georgia with 3 ships, *Louise*, *Rolf* and *Fortuna*, and enough material to build a factory.¹⁰⁵¹

December 25th, the Grytviken whaling station produces its first oil.

December 31st, an Argentine gunboat, *Uruguay*, reaches the base on Laurie Island to relieve the staff there.

1905 – January, Carl Larsen founds a meteorological station on South Georgia, with equipment provided by *Servicio Meteorological Nacional* of Argentina.

In **February**, the last member of the *Scottish National Antarctic Expedition*, Robert Mossman, leaves Laurie Island.

Argentina publishes a map of its military regions. The Falkland Islands are not shown.¹⁰⁵²

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; taxed by Argentine Customs officers as an *import*.

1047 Brown, Mossman & Pirie 1906

1048 By P. Christopherson, the Norwegian Consul, E. Tornquist, a banker, and H.H.Schlieper, a businessman.

1049 *The London Gazette*, No.27660

1050 *The London Gazette*, No.27681

1051 Larsen had asked about a lease from the British Government in 1898, so he was fully aware of the need. He appears to have come to the belief 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

1052 *Mapa de la Division del Territorio de la Republica en Regiones Militares* 1905

In **July**, Ernest Swinhoe, manager of the *South Georgia Exploration Company*, arrives at Port Stanley in the *Consort*. He negotiates with the Governor for a lease for South Georgia at £1 per year - stating that the objects of the company are farming, seal hunting and mineral exploration.¹⁰⁵³

July 27th, a Danish barque, the *Sixtus*, is wrecked at Volunteer Rocks.¹⁰⁵⁴

August 9th, Ernest Swinhoe anchors at South Georgia before setting out to explore the Island.

He also lands 24 sheep and 4 horses at King Edward Cove.

August 14th, Swinhoe discovers Carl Larsen's trespassing whaling factory at Grytviken. He challenges the acting-manager in charge with regard to the lack of authorisation, and leaves behind a written statement outlining the lease held by the *South Georgia Exploration Company*. This is sent to Buenos Aires.

September 19th, the *Kirkhill* is wrecked on Wolf Rock.

September 28th, Swinhoe sends Larsen a written complaint regarding the unlicensed whaling operation.¹⁰⁵⁵

In **October**, Ernest Swinhoe abandons South Georgia having found no seals, and after concluding that there is little prospect of profitable sheep farming. The animals taken to the island are abandoned there. Swinhoe returns to Port Stanley to inform the Governor of his conclusions and of the existence of the whaling station at Grytviken.¹⁰⁵⁶

November 2nd, in Buenos Aires, Pedro Christophersen, President of the *Compañía Argentina de Pesca*, and Guillermo Núñez, a principle shareholder, visit the British Legation.¹⁰⁵⁷

*"They produced the letter from Swinhoe and claimed to be unaware of British sovereignty over South Georgia. They also raised the matter of Compañía Argentina de Pesca applying for a lease for the site of the whaling station, through the British Legation. A report was despatched to the Governor of the Falkland Islands, Mr. W. L. Allardyce. This he received shortly before Consort reached the Falkland Islands from South Georgia."*¹⁰⁵⁸

On receipt of the information from the British Legation, together with Swinhoe's report, Governor Allardyce requests *HMS Sappho* to investigate the unlicensed whaling operation at South Georgia. He also reports the matter to the Colonial Office in London.

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.

HMS Sappho sails from Montevideo.

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*.¹⁰⁵⁹

1053 Headland 1992. The *South Georgia Exploration Company* was founded in Punta Arenas in Chile but its connection, if any, to the sheep farmer Richard Lion is unclear.

1054 *Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum*

1055 *The History of Modern Whaling* Johan N. Tonnessen 1982

1056 There are reports that Richard Lion notified the Governor at this time that his venture had failed, suggesting that Lion and Swinhoe were connected to the same company.

1057 Captain Guillermo Núñez, was, at the same time, *Director of Armaments* for the Argentine Navy.

1058 Headland 1992 p.67

1059 *Falkland Islands Government Archive; Confidential Despatch Book B30; 28 March 1906; Enclosure 1*. This may have been 'back-dated.'

*“The lease of South Georgia held by the South Georgia Exploration Company was renewed, with somewhat different terms, in 1906.”*¹⁰⁶⁰

January 31st, HMS *Sappho* arrives at Grytviken.

February 1st, Captain Hodges RN inspects the whaling station, escorted by Carl Larsen.

“Discussion certainly took place between Captain Hodges and Larsen concerning the licensing of Compañía Argentina de Pesca's whaling station, which was then being arranged through the British Legation in Buenos Aires and the Government at Stanley. Some conflicting accounts describe this as difficult. These suggest that there was either a Norwegian or Argentine flag flying over Grytviken to which Hodges objected, that Hodges gave Larsen a time (said to be either 15 or 30 minutes) to remove the flag before Sappho's guns, trained on the flag pole, would open fire to the same effect, and that Larsen lowered the offending flag. Neither the official account prepared by Captain Hodges nor the Norwegian histories refer to this and no supporting contemporary reports include it. ...

*All other accounts indicate that relations between Captains Hodges and Larsen were amicable and cooperative.*¹⁰⁶¹

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 £20.¹⁰⁶²

August 22nd, the British Ambassador is instructed to affirm sovereignty over the South Orkney Islands.¹⁰⁶³

*“In 1906 .. when the Argentine Government, who had taken over charge of the Meteorological Station on the South Orkneys, with the express sanction of His Majesty's Government, were disposed to base on this permissive occupation a claim of sovereignty, it was found necessary to instruct His Majesty's Minister at Buenos Ayres to inform them categorically that the group in question was British Territory.”*¹⁰⁶⁴

November 10th, the Norwegian whaler, *Fridtjof Nansen*, is wrecked off South Georgia; as is the *Lyn* belonging to the *Compañía Argentina de Pesca*.

A series of Royal Navy Hydrographic charts for South Georgia are published. *Ordinance 3*, places restrictions on whaling around the Falkland Islands' Dependencies and subjecting whalers to the requirements of a licence issued by the Governor at Port Stanley. Licences costs £25 and a royalty is payable on each beast killed.

1907 – a meteorological station is founded at King Edward Point, South Georgia.

In **January**, a formal diplomatic *Note* is presented to Argentina's Foreign Ministry in Buenos Aires; “.. *in order to remove any possible misconception as to the legal basis on which operation of the meteorological station on Laurie Island in the South Orkneys had been transferred to the Argentine Meteorological Office , addressed a note to the Argentine Government emphasising that the islands were a British possession.*”¹⁰⁶⁵

1060 It was later sold to *Bryde & Dahl* of Norway for whaling.

1061 Headland 1992 pp.67-68

1062 *Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum*

1063 *To Mr. Haggard, No.4 Telegraphic, August 22, 1906*

1064 Bernhardt 1911

1065 *The Agent for the Government of the United Kingdom to the Registrar of the International Court of Justice at the Hague, May, 1955*

The 2nd *Haig Peace Conference* agrees to extend the powers of the *Permanent Court of Arbitration*; “*With a view to obviating as far as possible recourse to force in the relations between States, the Contracting Powers agree to use their best efforts to ensure the pacific settlement of international differences.*”

Proposals promoted by Uruguay to create a compulsory arbitration service are defeated, while the options available in voluntary cases are expanded. Both Chile and Argentina are signatories; as is the UK.

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's Foreign Minister, Estanislao Zeballos, responds; “*Chile ought to know that England claimed all these lands.*”¹⁰⁶⁶

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.¹⁰⁶⁷

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.¹⁰⁶⁸

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.”

The Italian Minister in Buenos Aires, in a communication regarding the *Rome Postal Union Convention*, includes the Falkland Islands among the British Colonies which had adhered to that *Convention* in respect to registered letters. The Argentine Minister for Foreign Affairs protests.¹⁰⁶⁹

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.*”¹⁰⁷⁰

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.*”

1066 ICJ 1956. *Pleadings. Antarctica Cases, UK v. Argentina, UK v. Chile*, 63

1067 *Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum*

1068 *The Wilds of Patagonia* Carl Skottsberg 1911

1069 *Townley Telegraphic No.4 February 25, 1908* 6787/08

1070 *HC Deb 24.2.1908 vol 184 c 1356* Hansard

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.”*¹⁰⁷¹

April 1st, the *Helene Blum* is wrecked on Seal Rock, Cape Pembroke.¹⁰⁷²

July 21st, the United Kingdom issue *Letters Patent* on the constitutional arrangements of 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.”

*“In the period between their discovery and the issue of Letters Patent in 1908, no foreign national put forward a claim on behalf of his country to any part of the Falkland Islands Dependencies. Although numerous foreign expeditions, scientific, commercial and naval, visited the area during this period, none of them thought fit to challenge British sovereignty in any way whatsoever. It may therefore be fairly assumed that British sovereignty received tacit recognition from all the important maritime powers during the nineteenth century.”*¹⁰⁷³

September 1st, the *Letters Patent* are published in the *Falkland Islands Gazette*. Argentina requests information.

A *South Orkneys Whaling Licence* is issued to the *Newfoundland Steam Whaling Company* by the Governor.

The 1906 *Whaling Ordinance* is repealed and replaced with a new set of laws; *“ This principal whaling Ordinance of 1908, as amended by later Ordinances, together with the Regulations made under it, established a detailed and comprehensive code of whaling law for the Dependencies,...”*

1909 – February 20th, the text of the *Letters Patent*, as published officially in the *Falkland Islands Gazette*, is forwarded to Argentina's Foreign Ministry.

*“No objection was put forward by any other power to the terms of the Letters Patent of 1908, and the Colonial Office therefore set about the task of providing for the effective administration of the dependencies.”*¹⁰⁷⁴

March 18th, Argentina's Foreign Minister, Victorino de la Plaza, 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.’”*¹⁰⁷⁵

1071 *HC Deb 26.2.1908 vol 184 c1747 Hansard*

1072 *Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum*

1073 *Hunter-Christie 1951 p.240*

1074 *Ibid.*

1075 No objection or protest was made and Argentine vessels arriving at the Dependencies complied fully with all harbour, import/export and immigration procedures.

Seal hunting is licensed under a new *Ordinance* issued by the Governor.

The British Minister in Buenos Aires informs London that the; "*Argentine Government do not dispute the rights of Great Britain over the South Orkneys.*"

"*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.*"¹⁰⁷⁶

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*.

December 4th, South Georgia's post office opens.

December 31st, a census records 720 people as living on South Georgia.¹⁰⁷⁷

1910 – January 1st, a book, *Les îles Malouines: nouvel exposé d'un vieux litige* is published in French by Paul Groussac.¹⁰⁷⁸

January 16th, Carl Anton Larsen applies for British citizenship.

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.¹⁰⁷⁹ *Compañía Argentina de Pesca* also take out a licence to take seals on the South Sandwich Islands.

A magistrate is sent to Deception Island for the summer season.¹⁰⁸⁰

May 9th, the *Malvina* carrying a cargo of wool, is wrecked on Saunders Island.¹⁰⁸¹

The Falkland Islands Government employ a Government Naturalist and a Seal Fishery Officer.

May 25th, Argentina celebrates the centennial of the *Primera Junta* 1810.

1076 *Antarctica Cases: United Kingdom v. Argentine; United Kingdom v Chile* International Court of Justice 1956 p.23

1077 93% of them being Scandinavian.

1078 Groussac was born in France but moved to Argentina when he was 18; in 1866. This book would raise doubts about the British case for sovereignty over the Falkland Islands, notably in the Foreign Office, for two decades after its publication. In many ways far more influential than Geobell's 1927 work, it invigorated the Argentine political classes, and the Argentine population, after a version of it was made compulsory reading in Argentine schools.

1079 *Antarctica Cases: United Kingdom v. Argentine; United Kingdom v Chile* International Court of Justice 1956

1080 *Ibid p. 19* magistrate would be sent to the island every summer until 1930.

1081 *Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum*

In **September**, the American Department of the Foreign Office requests a detailed historical study of the Falklands' dispute. Gaston de Bernhardt, an assistant librarian at the Foreign Office, is tasked with the research.¹⁰⁸²

October 5th, Walter Townley, British Ambassador to Buenos Aires, writes to the Foreign Office on the subject of the South Orkneys; *"I would respectfully venture to submit that the disputed ownership of the barren rocks may possibly some day lead to an unpleasant incident. ..."*

*The possession of the Falkland Islands is always dragged in as to what Argentina will do when she has a large fleet and one hundred and fifty million inhabitants, but reasonable people have given up hope that Great Britain will ever consent to a discussion of this question."*¹⁰⁸³

December 7th, Gaston de Bernhardt, submits his study, which he has based upon an exploration of the files at the Foreign Office and the British Museum, but not those at the Royal Archives in Windsor.¹⁰⁸⁴

December 12th, Gerald Spicer, a Clerk at the Foreign Office, *minutes* that the issue remains unresolved; *"For more than 60 years we have refused to discuss the question with the Argentine Gov., but from a perusal of this memo, it is difficult to avoid the conclusion that the Argentine Govt.'s attitude is not altogether unjustified and that our action has been somewhat high-handed. If the alleged secret understanding between the Spaniards and ourselves could be traced our claims would probably be found to be weaker than they are. ... whatever we may have said at different time, the Argentine Govt. do not regard this question as closed."*¹⁰⁸⁵

1911 – Reindeer are introduced to South Georgia by Carl Larsen to provide a food source for the whalers.

March 30th, in a written answer in Parliament regarding the negotiation of arbitration agreements with other nations, Foreign Secretary Edward Grey states; *"There are thirteen which have been concluded for a period of five years, most of which have been renewed for a further period of five years. In addition to the above, treaties have been signed with the Argentine Republic and Brazil which have not as yet been ratified by the King. All these treaties and agreements apply to the whole of the British Dominions and Possessions."*¹⁰⁸⁶

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.

June 6th, the *Bayard* is wrecked in Ocean Harbour, South Georgia.

1082 *The Anglo-Argentine Dispute Over Title to the Falkland Islands: Changing British Perceptions on Sovereignty since 1910* Peter J. Beck 1983.

1083 Townley to Sir Edward Grey 5 October 1910 in Gough 1992

1084 *Memorandum Respecting the Falkland Islands FO 881/9755* This document has been difficult to find and one persistent theory has been that it was marked as 'Secret' under the 30 year rule following the 1982 Falklands War. *cf. When the English doubted their rights* Juan A. Lanus 2010. Bernhardt's *Memorandum* was published for internal use by the Foreign Office in 1911.

1085 Quoted in Gough 1992

1086 These arbitration treaties between nations were a result of the 2nd *Hague Convention* of 1907. More than 70 had been registered at the Hague by 1911. It is interesting that such a treaty between Britain and Argentina had got through the negotiation process but then appears to have stalled at ratification.

In **July**, Robert Campbell, an Assistant-Secretary at the Foreign Office, pens a memo; “*The only question is: Who did have the best claim when we finally annexed the islands ... I think undoubtedly the United Provinces of Buenos Aires . We cannot easily make out a good claim and we have wisely done everything to avoid discussing the subject.*”¹⁰⁸⁷

The *Camana* is scuttled at Husvik Harbour on South Georgia.¹⁰⁸⁸

August 3rd, Great Britain and the USA sign an *Arbitration Treaty* in a ceremony at the White House.

September 27th, the Foreign Office writes to the Colonial Office; “*I am directed by Secretary Sir E. Grey to state that he observes that Mr. Harcourt's objections to any offer to cede the South Orkneys to the Argentine Government are based mainly upon the assumption that such a step might fail to secure recognition of the British title to the Falkland Islands, and would weaken the British case if His Majesty's Government were compelled to submit the matter to arbitration under a general treaty.*”

... *Sir E. Grey does not propose to proceed with general arbitration treaties with any country pending the conclusion of the treaty recently under negotiation with the United States, nor does he propose the conclusion of a treaty with the Argentine Government until the British title to the Falkland Islands has been recognised.*”¹⁰⁸⁹

October 21st, Germany's *Antarctic (Filchner) Expedition* in the *Deutschland* arrives at Grytviken

December 10th, Germany's *Expedition* leaves South Georgia.

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.¹⁰⁹⁰

Argentina offers land in Buenos Aires for a new British Embassy and, in a recognition of British sovereignty, requests the South Orkney Islands in exchange.¹⁰⁹¹

Governor Allardyce opposes the idea but negotiations commence.

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.

An American sealer, the brig *Daisy*, arrives off South Georgia; “*.. and, to her captain's indignation, he was*

1087 *Notas sobre documentos del Foreign Office referentes al conflicto Malvinas* Enrique Ferre Vieyra quoted in *La política internacional, el derecho y el territorio nacional* 1999

1088 Headland 1984

1089 *FO 371/1288*. Signed, F.A. Campbell, this note is part of a longer discussion about the status and future of the South Orkney Islands.

1090 *The Agent for the Government of the United Kingdom to the Registrar of the International Court of Justice at the Hague, May, 1955*

1091 *Ibid*

*forced to take out a licence to hunt sea-elephants.”*¹⁰⁹²

November 12th, *Oravia* is wrecked on Billy Rock. Crew and cargo are saved. Postcards of the wreck are sold.

1913 – March 14th, the crippled iron barque, *Lady Elizabeth*, limps into Port Stanley, where she is condemned and turned into a coal hulk.¹⁰⁹³

March 22nd, workers at Grytviken and Leith go on strike.

A Customs officer is sent to the South Orkney Islands to supervise observance of the whaling laws.¹⁰⁹⁴

December 25th, a Lutheran church is consecrated at Grytviken, for the Norwegian sealers working there.

A *Sealing Licence* is issued for a vessel operating at the South Orkney Islands.¹⁰⁹⁵

1914 – January, despite the opposition of the Governor at Port Stanley, the final text of a draft *Treaty* to cede the South Orkney Islands, in exchange for a parcel of land in Buenos Aires, is completed; “.. *but, on a change of Government in Argentina, the new Government declined on financial grounds to complete the transaction.*”

*“The terms of this draft treaty provide further evidence of Argentina's recognition of the British title to the South Orkneys at this time, notwithstanding the presence of the Argentine meteorological station on Laurie Island.”*¹⁰⁹⁶

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.’*¹⁰⁹⁷ Ocean win 9 / 2.

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*.

November 5th, Ernest Shackleton's *British Imperial Trans-Antarctic Expedition* arrives at South Georgia.

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.¹⁰⁹⁸

Ernest Shackleton's expedition leaves South Georgia.

1092 Hunter-Christie 1951

1093 The vessel was damaged at Cape Horn, and again on her approach to Port Stanley.

1094 *Antarctica Cases: United Kingdom v. Argentine; United Kingdom v Chile* International Court of Justice 1956. He remained for two months.

1095 *The Agent for the Government of the United Kingdom to the Registrar of the International Court of Justice at the Hague, May, 1955*

1096 Ibid.

1097 *Dag Ingemar Borresen, Sandefjordmuseene in "Sophus"*, Larvik Museum historical publication, April 2004

1098 Quite why is not very clear. The German force had a success at Coronel on November 1st and 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.

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.”*¹⁰⁹⁹

Ernest Shackleton's expedition arrives at the South Sandwich Islands.

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 1888.¹¹⁰⁰

December 30th, Sir William Douglas Young is gazetted Governor.¹¹⁰¹

Four Norwegian whaling companies are issued with *South Orkney Whaling Licences* by the Governor.¹¹⁰²

1915 – May 28th, Captain Newnham is appointed Commandant, *Falkland Islands Volunteer Force*.¹¹⁰³

The *Government Whaling Officer* spends 3 months on the South Orkney Islands, inspecting whaling activities and applying British law.¹¹⁰⁴

1916 – New Island's whaling station moves to South Georgia.

March 11th, the floating whaling factory *Horatio*, catches fire at South Georgia with 1820 tonnes of whale oil aboard. With the fire out of control, the vessel is towed out to sea and left to burn.

HMS Kent, visits the Falkland Islands.

May 10th, Ernest Shackleton and five of his crew, having lost their ship to pack ice, arrive in a small boat at King Haakon Bay, South Georgia.

May 14th, Carl Larsen's original whale catcher, *Fortuna*, sinks off Hope Point, South Georgia.

May 20th, Shackleton reaches Stromness whaling station where a whaling vessel, the *Southern Sky*, is fitted out for an attempt to rescue other members of the expedition.

May 23rd, the *Southern Sky* sails from South Georgia.

1099 First Lord of the Admiralty, Winston Churchill speaking in the Commons. *HC deb 15.2.1915 vol 69* Hansard

1100 *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.

1101 *The London Gazette, No.29026*

1102 *The Agent for the Government of the United Kingdom to the Registrar of the International Court of Justice at the Hague, May, 1955*

1103 *The London Gazette, No.29174*

1104 *The Agent for the Government of the United Kingdom to the Registrar of the International Court of Justice at the Hague, May, 1955*

May 31st, Ernest Shackleton, unable to get close to the marooned members of his expedition, returns to Port Stanley.

June 16th, the Uruguayan fisheries vessel, *Instituto Pesca*, arrives at Port Stanley to pick up Shackleton for a further attempt to rescue his men from Elephant Island.¹¹⁰⁵

August 4th, the steel schooner *Montebello* sinks in Ocean Harbour, South Georgia.

August 11th, the Antarctic relief ship *Discovery*, sails from Portsmouth heading to the Falkland Islands.¹¹⁰⁶

August 30th, Shackleton succeeds in rescuing his expedition members in the Chilean ship *Yelcho*.

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.¹¹⁰⁷

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*.¹¹⁰⁸

".. explicitly all islands and territories situated between longitudes 20° and 50° West, and south of latitude 50° South ; and all islands and territories situated between longitudes 50° and 80° West, and south of latitude 58° South."¹¹⁰⁹

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 – March 7th, Foreign Minister Pueyrredon complains to Interior Minister Ramon Gomez about the issue of an identity card to Ines Willes de Boe which gives her place of birth as, "*Islas Malvinas. Nacion: Ingleterra.*"¹¹¹⁰

November 14th, Argentina's Ministry of Marine Affairs instructs all radiotelegraph stations in the maritime area not to accept messages from the Falkland Islands.

1105 *Return of Shackleton from Weddell Sea* in the *Geographical Review* vol.2 no.1 July 1916 pp.55-57. This attempt also failed.

1106 *The New York Times* Aug 12th.

1107 At this time, the glycerine in whale oil was needed for the armaments industry.

1108 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.

1109 *The Agent for the Government of the United Kingdom to the Registrar of the International Court of Justice at the Hague, May, 1955*

1110 *Protestas Por Malvinas (1833-1946)* Alfredo Becerra 1998

1920 – January, 50 whalers go on strike at Grytviken, and then riot.¹¹¹¹

January 17th, *HMS Dartmouth* arrives at South Georgia to assist the magistrate in restoring order.

In an experiment, *Conifer*, *Sycamore*, *Alder* and *Mountain Ash* tree seedlings are planted at Mt. Low on East Falkland.¹¹¹²

September 19th, Sir John Middleton becomes Governor.¹¹¹³

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 by 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, by *A/S Tonsberg Hvalfangeri*, under a lease for 500 acres from the Governor and a *South Orkneys Whaling Licence*. The export duty on whale oil is now 5 shillings a barrel.

1921 – in January, *HMS Weymouth* visits South Georgia.

The *Governoren*, 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.¹¹¹⁴

September 17th, Ernest Shackleton sails from London in the *Quest*, en-route to South Georgia and the Antarctic.

December 18th, the *British Imperial Expedition* to Graham Land is relieved by the Falkland Islands' Dependencies Magistrate, A. G. Bennett on the factory ship *Svend Foyn I*.

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 moored off South Georgia.¹¹¹⁵

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.¹¹¹⁶

1111 The strikers were mostly dock workers recruited in Buenos Aires. They were arrested and returned to the mainland. *cf.* Headland 1992. 36 were elsewhere reported to be Russian Bolsheviks. *cf.* Tonnessen 1982

1112 *Bulletin of Miscellaneous Information* No.1 1927 Royal Botanical Gardens, Kew. None survived more than 3 years.

1113 *The London Gazette*, No.32047

1114 *Final report on geological investigations in the Falkland Islands, 1920-1922* A. Baker 1924

1115 His embalmed body was taken to Montevideo, but subsequently returned to South Georgia at his wife's request.

1116 *Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum*.

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.¹¹¹⁷

Construction of laboratories at King Edwards point, South Georgia, begins.

A postal service is inaugurated between South Georgia, the Falkland Islands and Uruguay.¹¹¹⁸

1925 – March 7th, *Swona* sinks off South Georgia.

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 that it will act in accord with the *Conventions*.

*“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 ... to the sovereignty of certain Antarctic and sub-Antarctic territories which belonging to the United Kingdom under prior, long-standing, and well-established legal titles, dating from, at latest, the period 1775-1843.”*¹¹¹⁹

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.¹¹²⁰

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.”*¹¹²¹

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.

October 1st, the whaling vessel, *Granat*, sinks at Ice Fjord, South Georgia. The crew make it to the beach and are rescued by the whale catcher *Semla*.

1926 – a monument is erected to commemorate the Battle of the Falklands, 1914.

1117 *The London Gazette*, No.32905, No.32892 & No.32999

1118 *The Island of South Georgia* Robert Headland 1992

1119 *The Agent for the Government of the United Kingdom to the Registrar of the International Court of Justice at the Hague*, May, 1955

1120 *The London Gazette*, No.33041 In force June 26th.

1121 *HC Deb 29.7.1925 vol 187 c533* Hansard

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.¹¹²²

April 26th, the *RSS Discovery* arrives at Stanley.¹¹²³

August 14th, Monsieur Beaudrier is appointed Vice-Consul of Belgium for the Falkland Islands.

December 22nd, Arnold Wienholt Hodson is gazetted as Governor.¹¹²⁴

1927 – January 17th, Leith Harbour and Stromness Bay are surveyed.¹¹²⁵ The *Tonsberg Company* take out a sealing licence from the Falkland Islands Government for the South Sandwich Islands.

Britain attends a meeting of the *Whaling Committee* of the *International Council for the Exploration of the Sea* to discuss whaling regulations in all waters. Argentina does not attend.

*“Not, in 1927, although she was a member of the League of Nations and had recently formulated pretensions to the South Orkneys and South Georgia, did Argentina take any part in the Whaling Conference convened at Geneva in that year, under the auspices of the League, which, if she had had sovereignty over these territories, she might be expected to have done. Nor did she voice any objection to the fact that the United Kingdom took a leading part in that conference in its capacity as the State responsible for the regulation of whaling in the Falkland Island Dependencies.”*¹¹²⁶

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*.¹¹²⁷

September 8th, Britain presents a formal diplomatic protest *Note* to Buenos Aires regarding the Laurie Island wireless station's application for a licence from the *International Telegraph Bureau*.

In **October**, the *Universal Postal Union* circulates comments supplied by Government postal departments describing the extent of the territories over which they claimed jurisdiction. Observations by Argentina's *Postal Administration* clearly include the Falkland islands and the Dependencies within its postal area.

*“As the Argentine authorities had gone out of their way to assert ... a formal claim to these islands, it was felt that this further provocative action on their part could not be overlooked.”*¹¹²⁸

1122 *Antarctica Cases: United Kingdom v. Argentine; United Kingdom v Chile* International Court of Justice 1956 p.25

1123 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.

1124 *The London Gazette*, No.33241

1125 Headland 1992

1126 *The Agent for the Government of the United Kingdom to the Registrar of the International Court of Justice at the Hague*, May, 1955

1127 This was the first visit by a Governor to the Dependencies. Headland 1992

1128 *Memorandum by J. Field 29 February 1928 FO 371/18634* quoted in *Research Problems in Studying Britain's Latin American Past: The Case of the Falklands Dispute 1920-1950* Peter J. Beck 1983

October 5th, Sir Malcolm Robertson, the British Ambassador in Buenos Aires, writes to Governor Hodson; “.. most unfortunately, and to my mind, most foolishly the feeling of the Argentines on the subject of the Falkland islands is very strong, though they have not even a little toe on which to stand they maintain their claim.”

A *South Sandwich Islands Whaling Licence* is issued to the *Tonsberg Company* of Norway, by the Governor. ¹¹²⁹

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.”¹¹³⁰

December 14th, Ambassador Robertson is telegraphed an instruction from the Foreign Office to demand that Buenos Aires withdraws its letter from the *Postal Union*.

December 15th, displaying a dramatic reversal of opinion; Robertson writes again; “.. if you read with care the Foreign Office memorandum of 7 December 1910, you must surely have realised that the Argentine attitude is neither 'ridiculous' nor 'childish', as you describe it and I myself had thought it to be. I confess that, until I received that memorandum myself a few weeks ago, I had no idea of the strength of the Argentine case nor of the weakness of ours ...

I freely admit that my attitude has changed since I wrote to you on 5th October. This has been caused by the Foreign Office memorandum. I had assumed that our right to the Falkland Islands was unassailable. This is very far from being the case.”¹¹³¹

On the same day, Argentina writes again to the *Postal Union*; “Argentina's territorial jurisdiction extends, in law and in fact, the land surface, the territorial sea, the islands situated on the sea coast, to a part of *Tierra del Fuego* and the archipelagos of *Estados, Ano Nuevo, South Georgia, South Orkney* and the polar lands.

Of right, indeed can not exercise because of the occupation held by Britain, also corresponds to the Falklands archipelago.”

December 19th, Britain protests Argentina's pretensions of sovereignty in a diplomatic *aide-memoire*.

“Acting upon instructions ... His Majesty's Ambassador called upon the Acting Minister for Foreign Affairs .. (who) stated that (Argentina) felt that she had a good claim to the islands. His Majesty's Ambassador replied that we were fully aware of that, and that the Argentina Government were constantly maintaining that claim to us in writing. This was, however, a wholly different matter from allowing their Postal Administration to go out of its way to assert the claim to an international body. The Argentine Government must surely realise that His Majesty's Government had not the smallest intention of evacuating the islands.” ¹¹³²

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.”

1129 *The Agent for the Government of the United Kingdom to the Registrar of the International Court of Justice at the Hague, May, 1955*

1130 *A 7526/381/2* in *Foreign Office Confidential Print* quoted in Pascoe & Pepper 2008, at para.35

1131 *FO 371/12735* Quoted in Beck 1983. This is a reference to the Bernhardt research.

1132 J. Field quoted in Beck 1983 (2)

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.”¹¹³³

February 2nd, Governor Hodson sails from the Falklands on *SS Flearus* to check on the Dependencies.

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.*”¹¹³⁴

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*¹¹³⁵ 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 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....”*¹¹³⁶

1133 *Antarctica Cases: United Kingdom v. Argentine; United Kingdom v Chile* International Court of Justice 1956 p.25

1134 The money for this was raised by public subscription.

1135 *US v. Netherlands 2R. Int'l Arb. Awards 829 (1928)*

1136 “*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*

The Argentine socialist 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”.*¹¹³⁷

November 21st, Monsieur Maylin is appointed Vice-Consul for Belgium.¹¹³⁸

1929 – June 10th, the far-right *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. 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”*¹¹³⁹

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.

1137 *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.

1138 *The London Gazette*, No.33681

1139 *La Prensa* quoted in the *The New York Times*, Aug 25th 1929

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.¹¹⁴⁰

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.”¹¹⁴¹

1932 – Alfred Nelson Jones and Vera Riches are married in the first such ceremony on South Georgia. Jones, a Welshman, is a postal clerk on the island. He first met Riches in Port Stanley.

1933 – 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.”*

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 20th, the Governor seeks advice from the Foreign Office as to the policy to be taken in dealing with the issue of Argentine pretensions.

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*.

February 17th, a cruise ship, *Reina del Pacifico*, arrives at Port Stanley.

In **March**, the British Ambassador reports that the Argentine press consider the commemorative stamps to be, 'provocative'.

1140 *Western Mail (Perth) June 18th*. This appointment did not appear in *The London Gazette*. O'Grady died in post.

1141 *“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. Argentina; United Kingdom v Chile International Court of Justice 1956 p.34*

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.¹¹⁴²

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"*¹¹⁴³

Governor O'Grady marks Matthew Brisbane's grave with a marble slab.

November 13th, the Foreign Office respond to the Governor's January request for directions; *".. It was thought unnecessary to discuss in any detail the question of the validity of His Majesty's title to the Falkland Islands. The matter had formed the subject of discussion and correspondence for many years past. His Majesty's Government were advised that that title, while unquestionably strong, is based mainly upon the right of prescription, and that the British thesis could not be considered as necessarily bound to succeed if the question were submitted to international arbitration. ..."*

*His Majesty's Government thought it important, on general grounds of policy, to maintain an attitude of such scrupulous correctness that no excuse would be offered for a revival of agitation over the Argentine claim ..."*¹¹⁴⁴

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, ..."*¹¹⁴⁵

A grant of £10,000 is made towards the expenses of an expedition to Graham Land from the *Falkland Islands Dependencies Research Development Fund*.

In **June**, Dr. Palacios, urges Argentina's Congress to pass a law requiring all Secondary schools to be supplied with a history of the Falklands based on *Les Isles Malouines*, the 1910 book by the Argentine historian Paul Groussac; *"It being necessary that all inhabitants of the Republic should know that the Falkland Islands are Argentine and that Great Britain, without any title of sovereignty, took possession of them by force."*¹¹⁴⁶

1142 *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

1143 *"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 Alfonsín* David Rock 1987

1144 *Memorandum by H. Godwin 3 February 1936* quoted in Beck 1983 (2)

1145 *PRO FO 371/20508*

1146 *The New York Times June 23rd*, also Pascoe & Pepper 2008. Groussac was born in France in 1848 but moved to Argentina in 1866, where he became head of the *Biblioteca Nacional*. His 1910 work was written in French but translated into Spanish for the 1934 compendium. Palacios also authored his own book about the Falklands in 1934 –

September 26th, the new law, 11.904, comes into force. The school book is entitled - '*Las Malvinas: Compendio de la obra de Paul Groussac para los institutos de enseñanza de la Nación*'

December 29th, Herbert Henniker-Heaton becomes Governor of the Falkland Islands.

1935 – January 23rd, a *minute* by J. Vyvyan of the Foreign Office's *American Department* notes; “*It is our settled policy to avoid any discussion of the Falkland Islands question.*” ¹¹⁴⁷

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.

July 25th, in the House of Commons; “*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.”¹¹⁴⁸

Argentina issues a set of 10 stamps one of which purports to show the country's borders. Chile, Peru and Britain all make official protests. The stamp is reprinted but still shows the Falkland Islands as Argentine territory.

1936 – February 6th, a Foreign Office legal adviser, Gerald Fitzmaurice, states in a *minute* that he believes the British case to have; “*.. certain weaknesses.*” ¹¹⁴⁹

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 and beaches in Whale Bone Cove.¹¹⁵⁰

Las Islas Malvinas: Archipiélago Argentino

1147 FO 371/18834

1148 HC Deb 25.7.1935 vol 304 cc2013 – 4, Hansard

1149 FO 371/19763 quoted in Beck 1982 (2). This assessment appears to have been based on the 1910 research.

1150 During the Falklands war of 1982, an SAS reconnaissance team managed to hide inside the vessel and spy on Argentine forces around Stanley.

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"*.¹¹⁵¹

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.¹¹⁵²

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..."*¹¹⁵³

*".. 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."*¹¹⁵⁴

Whale catcher *Septa* sinks in Stromness Bay.

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."*¹¹⁵⁵

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."*¹¹⁵⁶

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.

May 24th, the *International Conference for the Regulation of Whaling* opens.

*"It was only in 1937 that Argentina first participated in an international whaling conference and contested the United Kingdom's right to represent the whaling interests of the Dependencies."*¹¹⁵⁷

1151 *Miniature Messages: the semiotics and politics of Latin American postage stamps* Jack Child 2008

1152 In 1937 Henderson was transferred to Germany where he became known as; *"Our Nazi Ambassador in Berlin."*

1153 *PRO FO 373/7* quoted in *Pink Ice: Britain and the South Atlantic Empire* Klaus Dodds 2002. This appears to be a reference to the doubts that assailed the Foreign Office in the wake of Groussac and Bernhardt's work.

1154 *Anthony Eden to Ambassador Henderson August 28th* *PRO FO 371/10763*

1155 *PRO FO 371/20508*

1156 *HC Deb 10 March 1937 vol 321 cc1150-51*

1157 *The Agent for the Government of the United Kingdom to the Registrar of the International Court of Justice at the*

June 1st, the Argentine Ambassador in London protests about a statement made by the British Minister of Agriculture and Fisheries during a session of the *Whaling Conference*; that the Dependencies were under the jurisdiction of the Falkland Islands Government.

“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.” ¹¹⁵⁸

“Notwithstanding the United Kingdom's open assumption, and long-standing and peaceful exercise of sovereignty over the territories concerned, and the clear and precise delimitation of the Falkland Islands Dependencies in the above-mentioned Letters Patent, the Government of the Republic of Argentina formulated pretensions in ... or about 1937 to all the territories of the Falkland Islands Dependencies....

The acts of the Parties after 1925 in the case of the South Orkneys, and after 1937 in the case of the South Shetlands and Graham Land, are of limited juridical relevance ... the dispute crystallised when Argentina first asserted her claims ... and according to well-established principles of law, it is at the date of crystallisation that the rights of the parties are to be adjudged. The subsequent acts of the Argentine Government were clearly undertaken, not as a genuine manifestation of an existing title, but with a view to trying to create one, and in order to improve Argentina's legal position.” ¹¹⁵⁹

June 26th, Ambassador Charles Dodd writes to Anthony Eden from Buenos Aires; *“For Argentina the question involves her national pride ... in 200 years, when the Argentine nation had become the greatest nation in the world, the question of the Falkland Islands would find its solution.”* ¹¹⁶⁰

Governor Miles Clifford tours the Dependencies in *HMS Ajax*.

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 Falklands are to be considered as Argentine citizens. An Islander, Mr. J.F. Langdon is granted an Argentine passport. ¹¹⁶¹

Aerial surveys of South Georgia are made from *HMS Exeter* using *Walrus* aircraft. ¹¹⁶²

September 22nd, at the *Cairo Postal Convention*, Argentina expands its reservations concerning the Falkland Islands to include the Dependencies.

1939 – June 27th, J.V. Perowne of the *American Department*, notes; *“.. our consistent policy has been to avoid a clash with the Argentine government over this question and we have consistently shown great forbearance in dealing with various provocative actions ...”* ¹¹⁶³

In **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.

Hague, May, 1955. This is a reference to the 'critical date' employed in the determination of sovereignty disputes.
1158 *Antarctica Cases: United Kingdom v. Argentine; United Kingdom v Chile* International Court of Justice 1956 p.26
1159 *The Agent for the Government of the United Kingdom to the Registrar of the International Court of Justice at the Hague, May, 1955*

1160 *FO 371/20597* quoted in Beck 1983

1161 *Evening Standard* newspaper. *PRO A 916/916/2*

1162 *Headland* 1992

1163 *FO 371/22714*

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.¹¹⁶⁴

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." ¹¹⁶⁵

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**, Perowne notes; "Now we are at war their hopes of acquiring our possessions in the South Atlantic are probably a good deal higher."¹¹⁶⁶

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."¹¹⁶⁷

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*'.¹¹⁶⁸

A member of the *Junta*, Carlos Obligado, writes the lyrics of a patriotic song asserting Argentine sovereignty over the Falklands; put to music by Jose Tieri. The song is entitled, '*Marcha de las Malvinas*'.

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.¹¹⁶⁹

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

1164 *Education, political culture, and foreign policy: the case of Argentina* Carlos Escude 1992 cf. 1940, 1946 & 1947

1165 TNA CO 78/211/9. British diplomats at the time suspected some German influence.

1166 TNA, FO 371/22714

1167 PRO A 7425

1168 Pascoe & Pepper 2008

1169 *The New York Times* December 28th

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*”.¹¹⁷⁰

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.¹¹⁷¹

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.”*¹¹⁷²

December 11th, Dr. Pueyrredon, Mayor of Buenos Aires, in a conversation with Lord Willingdon, suggest that in exchange for the UK recognising Argentine sovereignty, Argentina would be prepared to 'lease-back' the Falklands archipelago to Britain for a *pepper-corn* rent of between one and five pesos per annum for 100 years.¹¹⁷³

1941 – Sir Allan Wolsey Cardinall becomes Governor.¹¹⁷⁴

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.

February 25th, Britain rejects the claim made by Chile the previous November.

1170 *Foreign relations of the United States diplomatic papers, 1940. The American Republics*

1171 *Foreign relations of the United States diplomatic papers, 1940. General and Europe*

1172 *US Ambassador in Buenos Aires to Secretary of State No. 1543 November 15th 1940*

1173 Beck 1983 (2). Lord Willingdon was head of the *British Economic Mission* in Buenos Aires.

1174 Not gazetted. However, the award of a Knighthood in 1943 refers to him as Governor. *The London Gazette, No.35841*

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.¹¹⁷⁵

In **March**, representatives from Chile and Argentina meet to discuss their mutual interests in Antarctica. The two countries agree to a combined title, whilst still maintaining their individual claims.¹¹⁷⁶

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*, holders of a British lease. Gun batteries are established on South Georgia.

*"This measure, which was taken to deny the use of the oil tanks and fuel stocks to Axis raiders, constituted a most significant display and exercise of British sovereignty over the South Shetlands."*¹¹⁷⁷

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 1849.¹¹⁷⁸

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."*¹¹⁷⁹

December 7th, Japanese forces attack the US fleet at Pearl Harbour.

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. 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."*¹¹⁸⁰

The *Primero de Mayo*, sails from Buenos Aires with orders to visit Deception Island and Graham Land to reinforce Argentine claims by the flying of flags and the placing of inscribed bronze plates.¹¹⁸¹

In **August**, 2,000 men from the 11th Battalion, West Yorkshire Regiment, arrive to garrison the Falklands.

1175 *Antarctica Cases: United Kingdom v. Argentine; United Kingdom v Chile* International Court of Justice 1956 p.30

1176 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."*

1177 *The Agent for the Government of the United Kingdom to the Registrar of the International Court of Justice at the Hague, May, 1955*

1178 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.

1179 In fact this was envisaged differently by the American and British signatories. Churchill told Parliament on September 9th, that it did not apply to colonial peoples, but was aimed at those territories under the *"Nazi yoke."*

1180 *ADM 116/5104*

1181 On its arrival the colours of the Argentina flag were painted onto the walls of the *Hektor Whaling Company's* factory.

October, Britain's Ambassador, David Kelly, instructed to protest the Argentine expedition, refuses; “ .. *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).*”¹¹⁸²

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 reports of purported acts of sovereignty at Deception Island by the Argentine naval transport Primero de Mayo.*”¹¹⁸³

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 Primero de Mayo. and also removed the Argentine notice of claim.*”¹¹⁸⁴

... *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.*”¹¹⁸⁵

February 8th, sailors from *Carnarvon Castle* erect flagstaffs carrying the Union Jack at Signy Island.

February 9th, *HMS Carnarvon Castle* visits the Argentine operated meteorological station on Laurie Island. No flag was seen to be flying over the base.

February 11th, Argentina is informed of the British 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.*”

The bronze plate recovered from Deception Island is returned by the British Ambassador to the Foreign Ministry. Argentina's Foreign Minister responds 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.

“(Argentina) ... *in a Note addressed to the United Kingdom Government on February 15, 1943, defined her pretensions in the area south of latitude 60' South as covering all Antarctic lands and dependencies between longitudes 25° and 68° 34' West. It also purported to “protest” against jurisdictional acts carried out by British officials.*”¹¹⁸⁶

“ .. *it was the first occasion on which a formal claim to sovereignty over territory in the Antarctic had been put forward by any Argentine Government.*”¹¹⁸⁷

The *Primero de Mayo* returns to Deception Island to replace the bronze plate and flag.

1182 ADM 116/4670

1183 *Antarctica Cases: United Kingdom v. Argentine; United Kingdom v Chile* International Court of Justice 1956 p.28

1184 A bronze cylinder claimed all lands lying between 25° and 68° 34' West and south of latitude 60° South.

1185 *The Agent for the Government of the United Kingdom to the Registrar of the International Court of Justice at the Hague, May, 1955*

1186 *The Agent for the Government of the United Kingdom to the Registrar of the International Court of Justice at the Hague, May, 1955*

1187 Hunter-Christie 1951 p.269

February 18th, in a note sent to the *International Postal Union* 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.¹¹⁸⁸

April 7th, the United Kingdom sends a *memorandum* to Argentina reasserting its British titles.

Primero de Mayo arrives back at Deception Island and repaints Argentine colours on the walls of the old whaling factory there.

1944 – January 26th, Argentina severs diplomatic ties with Germany and Japan.

A small military force, code-named *Operation Tabarin*, arrives at Port Stanley with instructions to establish British bases on Deception Island and in Graham Land.¹¹⁸⁹

January 29th, *HMS William Scoresby* and *SS Fitzroy* sail from the Falklands with the *Operation Tabarin* troops.

February 3rd, a British base is erected on Deception Island together with Post and Telegraph offices.

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.¹¹⁹⁰

April 17th, the Town Hall in Stanley, which houses the Museum and Post Office, is destroyed by a fire.¹¹⁹¹

August 21st, a secret conference commences at Dumbarton Oaks in Washington DC. Delegates from China, the UK, the USA and the USSR consider proposals for an international body to preserve peace and security.



1188 *The Toponymy of the Falkland Islands as Recorded on Maps and in Gazetteers* Permanent Committee on Geographical Names 2006

1189 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.

1190 *Antarctica Cases: United Kingdom v. Argentina; United Kingdom v Chile* International Court of Justice 1956 p.29

1191 Rebuilt in 1950.

1945 - 1965



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*. A *Charter* is drawn up - included within its articles, at the insistence of the USSR, is the concept of *self-determination*.¹¹⁹²

*"The Committee responsible for the drafting of the relevant provision agreed on four points. First, 'this principle corresponded closely to the will and desires of peoples everywhere and should be clearly enunciated in the Chapter [of the UN Charter].' second, 'the principle conformed to the purposes of the Charter only insofar as it implied the right of self-government of peoples and not the right of secession.' Third, it was agreed that the principle of self-determination 'as one whole extends as a general basic conception to a possible amalgamation of nationalities if they so freely choose.' Fourth, it was agreed that 'an essential element of the principle [of self-determination] is free and genuine expression of the will of the people, ..."*¹¹⁹³

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.¹¹⁹⁴

June 26th, the *United Nations Charter*, the foundation document of the UN, is signed in San Francisco.¹¹⁹⁵

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 peoples¹¹⁹⁶, and to take other appropriate measures to strengthen universal peace;

1192 Both the Americans and the Russians had developed ideas on the application of self-determination during WWI but their views had not ended up in the founding documents of the League of Nations. The Russians saw self-determination as the revolutionary means by which subjugated peoples could be decolonized; the Americans as the basic form of self-government. Neither one considered that it could be applied to their own peoples.

1193 *Self-Determination of Peoples: A Legal Reappraisal* Antonio Cassese 1998

1194 *Footnote to A/RES/66(1)*

1195 The *Charter* is a multilateral *Treaty* in international law.

1196 " .. a free and general expression of the will of the people." quoted in *Self-determination and the Falklands* Denzil

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;*
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."¹¹⁹⁷

Article 103 deals with the paramouncy 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.

Dunnet 1983

1197 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.

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.¹¹⁹⁸

Operation Tabarin is reorganised and becomes the *Falkland Islands Dependencies Survey* with the purpose of administering the British bases in the Falklands Dependencies, and the Antarctic Territory.

Whaling recommences at South Georgia with shore stations at Grytviken, Husvik and Leith.¹¹⁹⁹

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.*”¹²⁰⁰

1946 – Sir Geoffrey Miles Clifford takes over as Governor.¹²⁰¹

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(I)* regarding *Non-Self Governing Peoples* bringing into immediate effect *Articles 73* and *74* concerning the provision of information to the UN by the *Administering Powers*.

A population census identifies 2,239 people present on the Islands.

In **May**, the Argentine Embassy in London informs Buenos Aires of the issue of a new set of stamps by the Falkland Islands. One series is surcharged '*South Orkneys Dependency of the Falkland Islands*,' while others show South Georgia, the South Shetlands and Graham Land.

June 3rd, Argentina informs the British Ambassador, Sir Reginald Leeper, that it will not recognise Falkland Islands stamps as valid. A similar message is sent to the *International Postal Union*.

The British Red Cross open an overseas station in Stanley.

September 2nd, an Argentine *Decree* extends the westerly limit of her Antarctic claim to longitude 74° west.

Law 8.944 prohibits the publication of school maps that do not include Argentina's Antarctic claims.

October 14th, the Victory bar opens in Stanley.

October 21st, Britain includes the Falkland Islands in a list of '*non-self governing territories*' submitted for the purposes of *Article 73*.^v

In **November**, the *Instituto Geografico Militar* publishes a map which includes the Falkland Islands and South Georgia as Argentine territory. It also shows an Argentine Antarctic sector lying between the meridians 25° and 74° West, and bounded in the north by the 60° parallel. The South Sandwich Islands are outside the area shown.

1198 *The New York Times* July 9th & July 22nd

1199 In the summer of 1945/46, 9 factory ships and 93 whale catchers process 13,387 whales.

1200 Dodds. 2002 p119

1201 Not *Gazetted*, but he is referred to as Governor when given his Knighthood in 1949. cf. *The London Gazette*, No.38628

December 14th, the UN *Resolution 66(I)* notes 74 territories as 'non-self-governing.'

1947 – January 3rd, based on newspaper reports of a forthcoming expedition, 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.¹²⁰²

*"In 1947, some three years after the renewal of the British programme of bases, the Argentine Government began a course of systematic encroachment on the British territories of the South Shetlands and Graham Land."*¹²⁰³

January 24th, an Argentine naval force of 7 ships sails from Ushuaia en-route to Deception Island with an architect and 24 labourers for the construction of a permanent base. The force is commanded by Capitan de Fragata, Luis Miguel Garcia.

January 29th, Garcia arrives at Deception Island to find 2 vessels from the *Falkland Islands Dependencies Survey* already there. After making a protest, his force retires.¹²⁰⁴

Argentina extends its claim to include the South Sandwich Islands.

In **February**, *HMS Sheffield* makes an official visit to the Falkland Islands.

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 posts on Laurie Island and Gamma Island; and to the Chilean commander of the base on Greenwich Island.

May 16th, the Chilean Government rejects the protests made against it.

June 24th, President Juan Perón issues *Decree No. 14 062*, which 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.¹²⁰⁵

July 27th, Argentina and Chile sign a *Joint Declaration*; "... it is their desire to arrive as soon as possible at the conclusion of a Treaty between Argentina and Chile, regarding the demarcation of boundaries in the South American Antarctic."

1202 *HC Deb 12 March 1947 vol 434 cc211-2W*

1203 *The Agent for the Government of the United Kingdom to the Registrar of the International Court of Justice at the Hague, May, 1955*

1204 Hunter-Christie 1951 p.272. Garcia went on to build other bases within the Antarctic Sector claimed by Britain.

1205 "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*

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.¹²⁰⁶

December 12th, five vessels of the Argentine Navy anchor at Deception Island with sufficient stores and material to set up a permanent base next to the British building.

Uruguay and Britain sign an agreement for flights between the Falkland Islands and Montevideo.¹²⁰⁷

December 17th; in an exchange of protest *Notes*, the UK invites Argentina and Chile to challenge its titles to sovereignty by referring the matter to the ICJ; whose decision the UK was prepared to bind itself to accept in advance; *"If .. the Argentine Government are unwilling to admit the validity of His Majesty's Government's title to Gamma Island or any other region included in the Falkland Islands Dependencies and consider that their own title is a good one, it is suggested that their correct course is not to maintain without the consent of His Majesty's Government an occupied post in a territory to which His Majesty's Government's claim of title is universally known and which His Majesty's Government have for long actively administered; but, to invoke the jurisdiction of the International Court of Justice at The Hague. ..."*

*"Late in December of 1947 it became apparent that a crisis was impending in British relations with Argentina and Chile over the Antarctic question. Mr. Miles Clifford, the Governor of the Falkland Islands, was therefore instructed to visit all the British posts, and for this purpose HMS Snipe, a 2,000 ton frigate of the American and West Indian squadron, was placed at his disposal."*¹²⁰⁸

1948 – January 28th, Argentina responds to the suggestion that the dispute be taken to the ICJ in a letter to the British Embassy; *"... Your Excellency, in the name of your Government, proposes that the Argentine republic should present its claim of sovereignty over the Antarctic to the International Court of Justice.*

*.... Were Argentina, which exercises sovereignty de jure and de facto over its Antarctic sector, to petition the International Court, she could appear in the position of a state requesting something which belonged to her but over which she did not exercise effective possession. And the situation is otherwise, as is shown by the permanent installations which consolidate our rights."*¹²⁰⁹

Argentina again proposes that a solution be found by way of an *International Conference* to be held in Buenos Aires.

January 31st, Chile responds in a similar vein; *"While we have always maintained the principle that controversies of a juridical nature which may arise between states should be subject to international jurisdiction and we have in this respect a tradition of which we may well be proud, I cannot in this case share the point of view of Your Excellency's Government since, in the first place, there would be no logical justification in Chile having to approach the International Court of Justice, before effecting acts of sovereignty, within a territory over which she holds irrefutable juridical, political, historical, geographic, diplomatic and administrative titles;.."*¹²¹⁰

1206 Argentina considered this something of a diplomatic *coup*.

1207 *The New York Times* Oct. 29th 1952

1208 Hunter-Christie 1951 p.258

1209 Copy in Hunter-Christie 1951 Appendix C. Also *Antarctica Cases: United Kingdom v. Argentina; United Kingdom v Chile* International Court of Justice 1956 p.35

1210 *Don German Vergara to John Hurlston Leche* 31st January 1948

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.” ¹²¹¹

February 14th, HMS *Nigeria* is deployed from Cape Town to the Falklands with orders to patrol the Dependencies, and to investigate reports of Argentine landings.

February 16th, in the Commons, Lieut. Colonel Granville Sharp asks the Foreign Secretary whether the Argentine Government have now ceased their acts of trespass in the Dependencies. Mr. McNeil responds; “ No, Sir. Argentine and Chilean naval forces are at present operating in British waters in the Falkland Island Dependencies, with the declared object of enforcing claims to sovereignty in this area. They have also landed parties, and purport to have set up military commands in British Territory. His Majesty's Government consider the British title to the Falkland Islands Dependencies to be well founded, and have been willing that it should stand the test of international arbitration. In the protests which we made to the Argentine and Chilean Governments in December last, we made it plain that we would accept the decision of the International Court. This offer has been rejected by both Governments, and we can only regard this as evidence that they have no confidence in their ability to dispute our legal title.

The Argentine Government have suggested instead, that there should be some form of international conference. We are considering this proposal. His Majesty's Government are always ready to seek means of settlement by discussion in disputes which arise with friendly Governments, and have never closed the door to discussion of the Antarctic question with the interested parties. That is one thing, but it is quite another when, despite our declared willingness to see this question settled legally, ostentatious naval and other demonstrations are made in the areas which we administer, and which everybody knows we consider to be British territory. It should not be supposed that we shall overlook the challenge to our authority.”

February 17th, Gabriel González Videla, the President of Chile, visits his country'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, Australia's Prime Minister, Ben Chifley, states that, if asked, he would consider sending a cruiser in support of British sovereignty over the Falklands. ¹²¹²

February 20th, Marshall of the Royal Air Force, Lord Tedder, speaking in Glasgow, refers to jackals which, if the lion appeared to be weakening, would come; “ *yapping and snapping round his flanks.*”

The Chilean President takes the remarks personally. ¹²¹³

February 21st, HMS *Nigeria* arrives in the South Atlantic ready to confront an Argentine task force consisting of 2 cruisers, the *Almirante Brown* and the *Veinticinco de Mayo*, accompanied by 6 destroyers and other small craft which are reported to be on 'manoeuvres' near Deception Island.

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*

1211 No agreement between Chile and Argentina on their boundaries within Antarctica has ever been achieved.

1212 *HC Deb 23 February 1948 vol 447 cc1600-1*

1213 Hunter-Christie 1951 p.260

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....¹²¹⁴

'There was laughter in the House when Mr. Bevin referred to the presence of five admirals with the Argentine fleet.'¹²¹⁵

March 3rd, the song, 'Marcha de las Malvinas', is premiered by the Argentine National Symphony Orchestra.

March 4th, an Argentine mine-sweeper, *Parker*, warns a Norwegian fishing vessel, *Brategg*, that she requires Argentine permission to anchor at Deception Island. The warning, written into the ship's 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.¹²¹⁶

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."¹²¹⁷

1214 *HC Deb 25 February 1948 vol 447 cc1931-3*

1215 *The New York Times* Feb 26th

1216 *The New York Times* March 5th

1217 *HC Deb 23 March 1949 vol 463 cc342-3*

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." ¹²¹⁸

May 2nd, at the conclusion of the *Conference of American States* in Bogota, *Resolution XXXIII* declares that it is the aspiration of the American Republics that colonialism and the occupation of American territories by “extra-continental countries” should be ended. These are stated to be Belize, the Falkland Islands, the South Sandwich Islands, South Georgia and what is described as the “*American zone of Antarctica.*”

Resolution XCVII states that; “.. perhaps for the first time, that the principle of the absolute and unconditional exercise of self-determination might in certain cases yield to another not less important principle, the principle of territorial integrity.” ¹²¹⁹

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 years.”¹²²⁰

June 4th, a petition is sent to London, from the Islands, 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.*”¹²²¹

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.

1218 *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*

1219 *UN Doc A/5800/Rev.1*

1220 *PRO ADM 1/21126* Quoted in Dodds 2002

1221 Signed by 740 residents, the petition was addressed to the Secretary of State for the Colonies. It was no made public. cf. Dodds 2002 p118

*“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.”*¹²²²

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.”*¹²²³

July 3rd, 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.¹²²⁴

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.”*¹²²⁵

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.”*¹²²⁶

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 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!”*¹²²⁷

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.*

1222 *'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

1223 PRO CO 78 24/1

1224 Dodds 2002 p.121

1225 TNA CO 537/4023

1226 *The New York Times* Oct. 7th

1227 *Falkland Islands Weekly News* 5/47

*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.*¹²²⁸

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 – *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.¹²²⁹

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.*”

1228 *HL Deb 1.12.48 vol 159 c707 Hansard*

1229 *HC Deb 11.4.1949 vol 463 cc2453 – 4 Hansard*

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."¹²³⁰

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.*"¹²³¹

December 2nd, UN General Assembly *Resolution 334 (IV)* announces that the Assembly consider that it is within its own responsibility to express an opinion on the principles which have guided, or which may in the future guide, the members concerned in enumerating the territories for which the obligation exist to transmit information under *Article 73e* of the *Charter*.

The Assembly invites any special committee appointed by itself to examine the factors which should be taken into account in deciding whether any territory is, or is not, a territory whose people have not yet attained a full measure of self-government. ¹²³²

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. ¹²³³

October 16th, the *Ernesto Tornquist* sinks in the bay that now bears her name, South Georgia.

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.*"¹²³⁴

November 11th, the *Don Samuel* is wrecked outside Queen Maude Bay.

In **December**, six Argentine ships arrive at Hope Bay and construct a base.

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.

1230 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.

1231 *The New York Times* June 20th

1232 This Resolution started the UN's consideration of which factors it should use to decide which territories should be on the decolonisation list. *cf.* 1952

1233 *Diario de Sesiones de la Cámara de Diputados, Año del Libertador General San Martín, 1950, Tomo II, Periodo Ordinario, 6 de julio-10 y 11 de agosto*, Buenos Aires 1951 pp. 1095-1096

1234 *The New York Times* May 2nd

1952 – January 18th, UN *Resolution 567 (VI)* outlines a list of factors to be taken into consideration in deciding whether a territory is, or is not, *self-governing*.

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.¹²³⁵

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.¹²³⁶ 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.¹²³⁷

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 complement 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.¹²³⁸

December 16th, United Nations *Resolution 637 (VII) A* states *inter alia*;^{vi}

“*... Whereas every Member of the United Nations, in conformity with the Charter, should respect the maintenance of the right of self-determination in other States, ...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;...*”¹²³⁹

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.¹²⁴⁰

1235 Destroyed in a fire in 1948. The Argentine base was constructed nearby, shortly after the fire.

1236 *HC Deb 20.2.1952 vol 496 c21W* Hansard

1237 Freedman 2005.

1238 *The New York Times December 11th* also *HC Deb 10.12.1952 vol 509 cc450-1* Hansard

1239 *Yearbook of the United Nations 1952*

1240 *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'.

The whale catcher, *Southern Wave*, owned by *Christian Salvesen*, is scuttled off Stromness Bay.

February 16th, Her Majesty's Ambassadors in 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.

The UK again invites both nations to take their claims to the ICJ.

February 20th, both Chile and Argentina *Protest* and assert their conflicting 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 deploys a Royal Marines detachment to Deception Island for 3 months.

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."¹²⁴¹

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.¹²⁴²

August 20th, Sir Oswald Raynor Arthur is gazetted Governor.¹²⁴³

1241 HL Deb 23 February 1953 vol 180 cc609-11609

1242 Subject to the 30 year rule, this information was published in the Spanish Newspaper, *El Pais*, on 30/1/1984

1243 *The London Gazette*, No.40090

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.”

Britain re-offers to take the dispute over the Falklands Dependencies to the ICJ. Both Argentina and Chile refuse.

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.

The whale catcher, *Southern Shore*, owned by *Christian Salvesen*, is scuttled off Stromness Bay.

April 28th, 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.¹²⁴⁴

In **December**, Britain reoccupies six bases on the Antarctic Peninsula.

December 15th, Argentina reasserts its claim to the Falklands; *“.. neither directly nor indirectly can British occupation of the Malvinas be considered lawful because it derived from an act of force.”*¹²⁴⁵

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.”*¹²⁴⁶

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 ...*¹²⁴⁷

“The Government of the United Kingdom, in submitting this application to the Court, accordingly contends :-

1244 *HL Deb 20 July 1955 vol 193 cc909-10*

1245 *The New York Times December 16th*

1246 *Antarctica Cases: United Kingdom v. Argentine; United Kingdom v Chile* International Court of Justice 1956 p.36

1247 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*

(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 former 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;

(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.¹²⁴⁸

The whale catcher *Busen 6*, owned by *Tonsbergs Hvalfangeri*, is scuttled off Stromness Bay.

May 11th, Argentina and Chile reject Britain's submission to the *International Court*.¹²⁴⁹

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 Aires 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.*

1248 *Antarctica Cases: United Kingdom v. Argentine; United Kingdom v Chile* International Court of Justice 1956 p.37

1249 *The New York Times* May 12th

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.¹²⁵⁰

Hunting Aerosurveys are employed to delineate the boundaries between farms on the Islands.

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.

November 28th, a US Deputy Under Secretary of State, speaking of *self-determination* says; "*(it) may be simply stated as follows: Peoples and nations should have an opportunity freely to choose their own national destiny without restraints, coercion or intimidation. Perhaps the essence of the concept lies in "freedom of choice."*¹²⁵¹

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.¹²⁵²

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 1833.¹²⁵³

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.

The whale catcher, *Busen 8*, owned by *Tonsbergs Hvalfangeri*, is scuttled off Stromness Bay.

1957 – Sir Edwin Porter Arrowsmith becomes Governor.¹²⁵⁴

India proposes to the UN 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 *Compañia Argentina de Pesca*, in a sale to the British based *Albion Star*, are vehemently opposed by Argentina.¹²⁵⁵

June 10th, the *Convention on the Continental Shelf* is agreed in Geneva.

1250 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.

1251 Quoted in Cassese 1998 p.47

1252 *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.

1253 Pascoe & Pepper 2012 p.6

1254 Appointment not *Gazetted*, but Arrowsmith is referred to as Governor on receipt of his Knighthood. cf. *The London Gazette, No.41727*

1255 FO371/131892; *Colonial Office Records; Public Record Office*, October 17th 1958

*“The Argentine representative had referred to the Convention on the Continental Shelf of 1958. ... Far from justifying any claim to sovereignty over islands on the continental shelf by coastal States, the Convention made special mention of the fact that islands had their own continental shelf and indicated that coastal States had sovereign rights over the shelf only for the limited purpose of exploring it or exploiting its natural resources. The United Kingdom Government fully reserved its rights over the continental shelf adjacent to the Falkland Islands, and it would, of course, be willing to determine appropriate boundaries on the shelf between Argentina and the Islands, in accordance with the provisions of the Convention.”*¹²⁵⁶

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.¹²⁵⁷

The whale catcher, *Busen 10*, owned by *Tonsbergs Hvalfangeri*, is scuttled off Stromness Bay.

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 -

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."*¹²⁵⁸

Compañía Argentina de Pesca closes down after selling the Grytviken whaling station to *Albion Star (South Georgia) Ltd*.

¹²⁵⁶ *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 People 1964 UN Doc A/5800/Rev.1 p.448*

¹²⁵⁷ Dodds 2002 p.88

¹²⁵⁸ 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.

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.

November 28th, discussions on the USSR proposals start within the UN's *First Committee* with 70 delegations taking part. At this time, the UK has 29 *non-self governing territories* (NSGT's) under its administration - of which 14 have populations of less than 100,000 people.

Cambodia, supported by 43 African and Asian nations, introduces an amendment to the USSR's proposals.

December 14th, the resulting UN *Resolution 1514* – entitled the *Declaration of the Granting of Independence to Colonial Countries and Peoples*, is passed. It states, *inter alia*:¹²⁵⁹

“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.*
- 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.*
- 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.”^{vii}*

¹²⁵⁹ The final text was adopted from a 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 'decolonized' 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

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.*¹²⁶⁰

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.

Southern Spray and *Southern Chief*, both redundant whale catchers are scuttled off Stromness Bay.

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 *Resolution 1514*, and to report to the *General Assembly*.¹²⁶¹

The first *Committee* is made up of Australia, Cambodia, Ethiopia, India, Italy, Madagascar, Mali, Poland, Syria, Tanganyika, the USSR, the UK, the USA, Uruguay, Venezuela and Yugoslavia.

1962 – March 3rd, the British area now within that covered by the *Antarctic Treaty* is renamed the *British Antarctic Territory*, an individual overseas territory, separate from the Falklands, and administered by a *High Commissioner*.¹²⁶²

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), 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

¹²⁶⁰ cf *Resolution 2625 1970* which adds a further circumstance.

¹²⁶¹ 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.

¹²⁶² 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.

between self-determination and its goal of decolonisation, and a postulated new international law-based right of freedom also in economic self-determination."¹²⁶³

1963 – in **January**, whale catchers, *Stora* and *Southern Star* are scuttled off Cape Saunders.

December 16th, during discussions on *UN Resolution 1966 (XVIII)*, the UK submits reservations concerning the principle of *self-determination*; “.. which at least had the virtue of recognizing that, in exceptional cases, the principle of self-determination might have to be considered in the light of other principles, such as that of the territorial integrity of States..”¹²⁶⁴

1964 – **April 2nd**, the *Legislative Council* of the Falkland Islands' Government approves a message to the British Government declaring their pride in being a British colony and expressing their desire to retain and strengthen their links to the UK.

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.*”¹²⁶⁵

Three whale catchers sink at their moorings due to the weight of snow that has fallen on them in Leith Harbour; together with four service boats. No attempt is made to raise them.¹²⁶⁶ *Southern Foster* is wrecked on Jason Island.

August 19th, Sir Cosmo Dugal Patrick Thomas Haskard is gazetted Governor.¹²⁶⁷

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. Prior to the aircraft's arrival, the Buenos Aires radio station, *Radio el Mundo*, broadcast a message to the islanders telling them to; “.. *keep calm during an imminent occupation by the Argentine Navy.*”¹²⁶⁸

The Argentine Government publicly dissociate themselves from this incident.

September 9th, at the UN, *Sub-Committee III* meets to consider the Falkland Islands. The United Kingdom is a member of the *Sub- Committee*; while Argentina is invited to participate.

“In the opinion of the United Kingdom's delegation, the request by the Argentine representative to participate in the work of the Sub-Committee constituted an intervention in the affairs of the Territory, in which Argentina was not properly concerned.

1263 Edward McWhinney 1960.

1264 *Argentine Representative to the Special Committee on Decolonization* November 1964

1265 *Malvinas as an educational policy* Alberto Sileoni 2010

1266 Headland 1984

1267 *The London Gazette, No.43424*

1268 *UN Doc A/5800/Rev.1*

The claim advanced by the Argentine Government to sovereignty over the Falklands Islands was, in effect, a bid to annex those islands in defiance of the clearly expressed wishes and interests of the people of the Territory....

In the view of his Government, the Special Committee and therefore the Sub-Committee were not competent to discuss territorial claims....

It might be suggested, as it had been suggested in the past, that paragraph 6 of the Declaration in resolution 1514 (XV) constituted a mandate for the Committee to consider questions of sovereignty. But, in his delegation's view, that interpretation was not borne out either by the wording of the paragraph itself, which clearly referred to possible attempts at disruption in the future and not to issues of sovereignty dating back to distant history, or by the remainder of the Declaration, which stated specifically that "all peoples have the right to self-determination. No fairminded observer could therefore construe paragraph 6 as imposing a limitation on the universal application of the principle of self-determination, which was guaranteed under the Charter itself."¹²⁶⁹

In response, Argentina's UN representative, Dr. José María Ruda, tells *Sub-Committee III* -

- that Spain discovered the archipelago
- that England had admitted that it had no right in 1848
- that it was clear from the 1771 document that England had accepted the sovereignty of Spain
- that when the British left in 1774, the lead plate only claimed one Island
- 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 the rights held by Spain had been succeeded to the Argentine Republic in 1810
- that David Jewett applied Argentine fishing regulations to the Islands
- that Buenos Aires appointed Don Pablo Areguati Governor in 1823
- that the 1825 treaty had contained no reservation concerning the islands
- that Vernet's first expedition was '*partially successful*'
- that the Lexington attacked Puerto Louis under a French flag
- that Britain and America conspired together
- that Britain expelled '*almost all*' the Argentine settlers in 1833
- that Argentina has protested continually since 1833
- that Britain had taken South Georgia and the South Sandwich Islands by force
- that the Islanders' are only a temporary population
- that Britain's possession violates Argentina's '*territorial integrity*'

1269 UN Doc A/5800/Rev.1 p.440

Dr. Ruda also asserts that Britain, having 'abandoned' the Islands in 1774, thereafter acknowledged both Spain's and then, via inheritance, Argentina's, sovereignty.¹²⁷⁰

On the subject of self-determination, Ruda says; “We consider that the principle of self-determination should not be implemented in situations in which part of the territory of an independent state has been separated against its inhabitants’ will, by force, by a third state, as was the case of Malvinas. No subsequent international agreement ratified this *de facto* situation; on the contrary, the offended state has constantly complained about this circumstance. These considerations are specially aggravated when the original population has been forcefully evacuated and replaced by floating groups of citizens from the occupying power. Besides, the indiscriminate implementation of the principle of self-determination to territories so scarcely populated by citizens of the colonialist power would leave the fate of such territory in the hands of a power which has settled there by force, violating the most basic rules of law and the international morals. The fundamental principle of self-determination must not be used to transform an illegitimate possession into a full sovereignty, under the protection of the United Nations.”¹²⁷¹

Argentina's Representative finishes; “In conclusion, he stated that the Attitude of the Argentine Government could be summed up as follows: (1) the Argentine Republic claimed the restoration of territorial integrity through the restitution of the Malvinas, South Georgia and the South Sandwich Islands, which had been taken by Great Britain by force – such restitution being the sole solution dictated by justice. Argentina would take account of the welfare and material interests of the present settlers. (2) The Argentine Republic would not agree to the principle of self-determination being distorted and applied to consolidate situations arising from a colonial anachronism, to the detriment of its lawful rights of sovereignty over the Islands.”

In reply, the British Representative states that; “The Argentine representative had suggested that the status of the Falkland Islands as a British colony was an anachronism; the Sub-Committee might consider whether it was the United Kingdom Government's clearly stated policy of allowing the Falkland Islanders to choose their constitutional future or the Argentine Government's desire to annex a small Territory against the wishes of its inhabitants that was more in keeping with modern thought. ... The people of the Islands were not temporary settlers; 8% of the resident population in 1962 had been born in the Islands, and many of them could trace their roots there for more than a century. .. his delegation found nothing in the Charter or in the Declaration on the granting of independence to colonial countries or peoples to suggest that the principle of self determination should not be applied to communities of British descent...

The reason for the lack of direct communications with Argentina was that ships wishing to enter Argentine ports could not do so if their last port of call had been in the Falkland Islands... Falkland Islanders could not visit Argentina, because if they did so they were treated as Argentine nationals liable to Argentine taxes and national service. Thus the barriers to closer relations between the Falkland Islands and Argentina were due to Argentine Government policy....

Argentina had not continually protested since 1833, as stated by its representative, but had remained silent for periods of up to thirty-five years.”¹²⁷²

1270 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

1271 Quoted in *Malvinas and the Self-Determination of the Nations* Luciano Oscar Fino & Luciano Pezzana 2013

1272 *UN Doc A/5800/Rev.1* p.442

September 12th, demonstrator's stone the British Embassy Residency in Buenos Aires.

September 18th, *Sub-Committee III* of the *Special Committee*, considering the Falkland Islands, confirms that the provisions of the *Declaration on the Granting of Independence to Colonial Countries and Peoples* are applicable to the Falkland Islands.

The British Representative tells the *Sub-Committee* that his Government cannot contemplate discussions with the Argentine on the question of sovereignty.¹²⁷³

US delegate, Adlai Stevenson, states that the issue of 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.

November 13th, at its 311th meeting, the *Special Committee on Decolonization* hears from the United Kingdom's Representative, who says that; “.. *His Government considered that the Special Committee was not empowered by its terms of reference to consider territorial claims or disputes over sovereignty, and it would therefore not consider itself as bound by any recommendations of the Committee on those subjects.*

The United Kingdom had no doubts about its sovereignty over the Falkland Islands.

Where the future of the islands was concerned, his Government would be guided by what it regarded as the interests of the Falkland Islanders themselves, as required by Article 73 of the Charter. It was always ready to consider any proposals for constitutional change which the Islanders might advance, but it was clear from the petitions submitted to the Committee that they wished to retain and strengthen their link with the United Kingdom and that any constitutional association with a foreign Power would be repugnant to them.

His delegation had made it clear in Sub-Committee III that, while the United Kingdom could not agree to participate on discussions of sovereignty over the Falkland Islands, it was always willing to discuss with the Argentine Government ways in which the two Governments and the Islanders could avoid damage to the good relations between them as a result of the unfortunate dispute. He wished to make a formal reservation concerning the use of the phrase “otherwise known as the Malvinas Islands” ..., which his Government interpreted as indicating purely the Spanish translation of the name of a Territory, and thus as having no implications with regard to the question of sovereignty over the Territory...”

*“The Special Committee confirms that the provisions of the Declaration on the Granting of Independence to Colonial Countries and Peoples apply to the Territory of the Falkland Islands (Malvinas).”*¹²⁷⁴

In **December**, Grytviken whaling station finally closes.¹²⁷⁵

1965 – January 1st, a Royal Marine detachment consisting of 30 men, remain at Stanley when *HMS Protector* leaves to patrol the area.¹²⁷⁶ The Governor is again on board when the ship visits Deception and Laurie Islands. Laurie Island is found to be deserted.¹²⁷⁷

1273 *HC Deb 24 November 1969 vol 792 cc36-40*

1274 *UN Doc A/5800/Rev.1*

1275 A caretaker, Ragnor Thorsen, remained until 1971.

1276 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.

1277 *HMS Protector 1964-1965* private publication, undated. Foreword Captain M. S. Ollivant

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.*”¹²⁷⁸

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, at the UN, 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.¹²⁷⁹

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*.¹²⁸⁰

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.¹²⁸¹

“The representative of Argentina said that the Malvinas, which had formed a natural part of the Spanish colonial establishments, had come under the dominion of Argentina in 1810 but had been occupied by the United Kingdom in 1833. The Malvinas should be decolonized, in accordance with the Assembly's resolution 1514(XV) of 14 December 1960 (containing the Declaration on the granting of independence). The only course of action, he stated, was to return them to Argentina, in compliance with the provisions of that resolution which affirmed the right of all peoples to the integrity of their national territory. In 1964, he added, the Special Committee had recommended negotiations with a view to finding a solution. Accordingly, on 21 September 1965, the Government of Argentina had invited the United Kingdom Government to enter into negotiations. If the United Kingdom agreed to discuss the problem with a sincere desire to find a solution, there could be no difficulty in finding a formula which would guarantee the rights and aspirations of the inhabitants of the territory.”

The UK's *Representative* responds, saying that Britain; “... *did not accept the arguments of the representative of Argentina, and stated that his government had no doubts as to its sovereignty over the territory. The question of disrupting Argentina's territorial integrity therefore did not arise. The important issue was the interests and wishes of the inhabitants, who were genuine, permanent inhabitants having no other home but the islands, and who did not wish to sever their connections with the United Kingdom. No provision of the Assembly's resolution 1514 (XV) of 14 December 1960 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.*

He informed the Fourth Committee that his Government had replied to the Argentine Government, declaring its willingness to enter into discussions with the Argentine Government, and asking that topics for such discussions should be suggested, bearing in mind the United Kingdom's reservations concerning its

1278 *British Broadcasting Service Monitoring Report V/1751/I*

1279 *UN Yearbook 1965*

1280 Military operations are banned under the *Antarctic Treaty*. Unannounced; the expedition only came to light later.

1281 *PREM 19-0625 6 May 1982*

sovereignty over the Falkland Islands and the need to take into account the wishes and interests of the people of the islands.”

December 16th, UN General Assembly Resolution 2065 (XX)^{viii} “notes” the existence of a dispute between the Governments of Argentina and the United Kingdom concerning sovereignty over the Falkland Islands.

The Resolution ¹²⁸² then 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);..*” ¹²⁸³

Resolution 2065 makes no reference to South Georgia, the South Sandwich Islands or any of the other British territories in the south Atlantic.

“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 factual 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 ...” ¹²⁸⁴

On the same day, Resolution 2070 invites the Governments of the UK and Spain to negotiate the decolonization of Gibraltar.¹²⁸⁵

December 20th, UN General Assembly Resolution 2105 (XX) states; “ *Recalling the Declaration on the Granting of Independence to Colonial Countries and peoples, contained in its resolution 1514 (XV) of 14 December 1960 and its resolution 1654 (XVI) of 27 November 1961, 1810 (XVII) of 17 December 1962 and 1956 (XVIII) of 11 December 1963,*

Recalling also its resolutions 1805 (XVII) of 14 December 1962 and 1899 (XVIII) of 13 November 1963 by which it assigned to the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples tasks relating to South West Africa, and its resolution 1970 (XVIII) of 16 December 1963 by which it entrusted to the Special Committee additional functions relating to information transmitted under Article 73e of the Charter of the United Nations,

1282 United Nations General Assembly Resolutions are not mandatory, only advisory. 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.

1283 The use of the term 'population' has caused some commentators to suggest that this is recognition that the Falkland Islanders are not considered a 'people' by the UN. However, other UN resolutions, particularly those calling for action by the Special Committee, have associated the word 'population' with the phrase 'self-determination,' as is the case with Resolution 2105 article 8. Any reference to both the Charter and Resolution 1514 appears to reaffirm the applicability of the right to 'self-determination.'

1284 PREM 19-0625 6 May 1982

1285 There are many links between the two cases and a suggestion that the Gibraltar situation had an effect on British thinking with regard to self-determination which changed its view of the right of the peoples in the remaining British colonies.

Having considered the reports prepared by the Special Committee for the years 1964 and 1965,

Noting with deep regret that five years after the adoption of the Declaration many Territories are still under colonial domination,

7. Approves the programme of work envisaged by the Special Committee during 1966, including the possibility of holding a series of meetings in Africa and the sending of visiting groups to Territories, particularly in the Atlantic, Indian and Pacific Ocean areas;

8. Requests the Special Committee to pay particular attention to the small Territories and to recommend to the General Assembly the most appropriate ways, as well as the steps to be taken, to enable the populations of those Territories to exercise fully their right to self-determination and independence;

9. Requests the Special Committee, whenever it considers it appropriate, to recommend a deadline for the accession to independence of each Territory in accordance with the wishes of the people;

10. Recognises the legitimacy of the struggle by the peoples under colonial rule to exercise their right to self-determination and independence and invites all States to provide material and moral assistance to the national liberation movements in colonial Territories ... “



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....when one was confronted with a community whose wishes were clear and undoubted, one had to produce very powerful arguments to override them.."* ¹²⁸⁶

"When Stewart visited Buenos Aires, he agreed with President Illia's Foreign Minister, Zavala Ortiz, to start the negotiations called for by the UN. This, in itself, represented an important change for a power that since 1833 had denied that there was anything to discuss at all." ¹²⁸⁷

Also in **January**, Argentina's Government founds the *Instituto y Museo Nacional de las Malvinas y Adyacencias* to; *"stimulate the national conscience."* ¹²⁸⁸

In **April**, a number of Argentine historians, intellectuals and leading military officers call for for a monument to commemorate the gaucho Antonio Rivero as a revolutionary hero. Ricardo Caillet-Bois and Humberto Berzio sign an open letter criticising the call; stating that the documentary record did not support a project founded - *"... with more good faith and patriotic enthusiasm that historical truth."*

Six Royal Marines, the only regular troops on the Islands, are deployed to train the *Local Defence Force*.

May 18th, the Spanish Government propose the cancellation of the *Treaty of Utrecht* and the return of Gibraltar to Spain. This is immediately rejected by the UK.

June 28th, there is a military coup in Argentina, led by General Juan Carlos Onganía.

In **July**, the Falklanders express outrage on hearing a BBC broadcast; *".. which openly acknowledged that Anglo-Argentine relations were more important for Britain than the islands."* ¹²⁸⁹

July 19th, at a preliminary meeting in London, the Argentine Ambassador submits a diplomatic *Note* formally demanding the *"restitution"* of the Falkland Islands. The British rejects the implication that Britain's occupation of the Islands is illegal, but agreement is reached that there should be some detailed examination of ways to decrease friction, and how to limit the scale of the dispute.

".. what the Foreign Office had in mind for the July round was not what Buenos Aires interpreted. Argentine negotiators brought with them a list of guarantees to protect the islanders' interests..."

1286 *The Times* Jan. 14th

1287 *Missed Opportunity? The Anglo-Argentine Negotiations over the Sovereignty of the Falkland Islands, 1966 – 1968*
Martin Abel González 2009

1288 Metford 1968

1289 Quoted in González 2009

Henry Hohler, an under-secretary responsible for Latin American affairs, strove to convince his guests that the Falklanders' needed to be in a position to fully appreciate the benefits of Argentine citizenship in order to change their mind.

For this to occur, Buenos Aires had to remove the restrictions of movement between the islands and the mainland." ¹²⁹⁰

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 9th, Ambassador Creswell writes to Henry Hohler; *"... the chances that Argentina will be prepared to make some advance towards the removal of obstacles to freedom of movement between the islands and the mainland are slight, unless we are willing to talk seriously about sovereignty."*

"While Creswell was convinced that Britain should pick up and exploit Argentina's own proposal, agreeing to concede sovereignty immediately in exchange for an extended list of guarantees for the islanders, there were voices, such as that of John Bennett - head of the Gibraltar and South Atlantic Department - which raised the opposite alternative of putting a brake on Buenos Aires' diplomatic offensive at the UN by submitting the dispute to the International Court of Justice. The ambassador was thinking in terms of the islanders' interests; the Colonial official was fixated on their wishes." ¹²⁹¹

September 22nd, these differing opinions within the FCO are discussed; *"The Governor firmly expressed his view that Creswell's proposal would generate a political storm in the islands, and that at a minimum what was needed was a long period of time for the older generation to pass away under British rule and for the younger islanders to plan ahead their future in a changed situation. Bennett added that disregarding the islanders' wishes would weaken Britain's Gibraltar policy vis-à-vis Franco's Spain; hence his preference was for the submission of the controversy to the International Court as a time and face-saving move. Robin Edmonds, the head of the American Department, reminded Bennett that even if Britain were to win the case in The Hague, "Argentina would refuse to accept the referee's decision and we would still have the dispute on our hands".* ¹²⁹²

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 as hostages.

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. ¹²⁹³

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 where Prince Philip, the Duke of Edinburgh is staying during an official visit. The Argentine Government disassociates itself from both incidents.

1290 FO 371/1851 39 Meeting Hohler-Lastra 20.7.66

1291 González 2009

1292 PRO: FO 371/185140 Minute by R. Edmonds, 22.9.66

1293 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"*.

September 31st, the hijackers are repatriated on an Argentine transport plane.

October 5th, in Spain, the Franco regime issue a *Decree* closing the border between Spain and Gibraltar.

*“... the mounting domestic and international tension over Gibraltar was tying Britain more and more to the principle of respecting the wishes of the populations of its remaining colonies.”*¹²⁹⁴

Following a review, the Royal Marines detachment on the Falkland Islands is restored to platoon strength.

October 23rd, an executive of *Baring Brothers Bank* advises the Foreign and Commonwealth Office to let Argentina “infiltrate” the Falklands by selling them the *Falkland Islands Company*.¹²⁹⁵

November 29th, talks commence between British and Argentine officials. The UK puts forward its proposals; *“Firstly, Argentina and Britain would agree to a 40-year freeze of their legal position in respect to the islands. Secondly, during that time Britain would continue administering the territory, but since nothing done by either side would prejudice their claims, the parties would not be inhibited from taking measures that would contribute to solve the problem in the long-term: in particular, the restoration of normal freedom of movement in all fields and the realization of studies on the possibility of promoting economic cooperation between the Argentine mainland and the Falklands. Finally, at the end of the period the islanders would be free to choose between Argentine and British sovereignty.”*¹²⁹⁶

In Ushuaia, the September hijackers are charged with carrying arms and depriving citizens of their freedom, but not *air-piracy* as the British Government had demanded.¹²⁹⁷

December 9th, the Argentine Government rejects the British proposals.

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”*¹²⁹⁸

1967 – an internal FCO memo considers the prospects for a deal with Argentina.

“The American Department took advantage of both the perceived Argentine openings and its firmer hold on Falklands policy to recommend, for the first time, that Britain should make a statement manifesting its readiness in principle to cede sovereignty over the islands, though only if cession could be shown to be in accordance with the wishes of the inhabitants. These would be determined by means of a referendum to be held

1294 González 2009

1295 FCO 7/132 Meeting Gore-Phillimore 23.10.67

1296 González 2009

1297 Cawkell 1983. The leaders were sentenced to 3 years imprisonment; the others to 2 years.

1298 Only coming into effect on March 23rd, 1976.

before 1991, because the Antarctic Treaty would come up for review from that year onwards and if the Falklands question was still alive, the continuity of international cooperation in the white continent - of far greater importance for British interests- could be threatened.”¹²⁹⁹

March, the British Government informs Argentina that they are prepared to consider a cessation of sovereignty under certain conditions and provided that the wishes of the Islanders are respected.

*“From the Argentine point of view, the proposal obviously represented a great leap forward: a transfer of sovereignty ... was now on the agenda. However, Creswell immediately warned from Buenos Aires that the Foreign Office should not hold false hopes. Argentina seemed even more willing than before to consider the interests of the islanders and would be glad if they actually stayed on. Costa Méndez was also prepared to concede a somewhat longer period of transition if that was required by the change. But the islanders’ rights over the fate of any agreement could still pose problems.”*¹³⁰⁰

A satellite tracking station is built near Stanley for the *European Space Research Organisation*.

In **April**, a further meeting between Argentine and British officials takes place. The Argentine Ambassador complains that the potential veto by the Islanders; “.. *“could be interpreted as the equivalent of a referendum.”*

In **June**, the British Government announce the holding of a referendum in Gibraltar, to take place in September.

June 13th, Britain's proposals to Argentina include; *“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.”*¹³⁰¹

June 23rd, British Foreign Secretary, George Brown, meets with Costa Méndez and José Ruda in New York.

July 20th, Hohler holds further talks with Ruda, but negotiations stall.

September 1st, invited to the referendum in Gibraltar, the *Special Committee* declares that the planned plebiscite violates UN *Resolutions* and declines to observe.

September 10th, in a referendum the people of Gibraltar overwhelmingly vote to remain British.

Brown and Méndez meet again at the UN.

*“The Argentine foreign minister told Brown that he simply wanted to make sure that Britain would somehow or other give the islands to Argentina. Brown replied that the islanders would have to be able to express a view in one form or another. In order to break the stalemate, and under pressure from Ruda to seize the historical opportunity to recover the islands, Costa Méndez made .. concessions. ..., he agreed that the two delegations should informally explore the modalities to open communications, so that British Ministers could be reassured that all the related procedures would be in place once an agreement on sovereignty had been finalised.”*¹³⁰²

October 2nd, Costa Méndez makes a further concession; *“.. he told Caradon that Argentina was ready to accept the British government’s obligation to consult the islanders, although he emphasised that such a consultation could only be limited to the Argentine guarantees (not to the transfer itself) and that it should be conducted in an informal manner so as not to imply that the Falklanders' had been granted a veto power.”*

1299 González 2009

1300 González 2009

1301 Freedman 2005 p.20

1302 González 2009

November 18th, the US Embassy in Buenos Aires writes to its State Department with information 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 ...”*¹³⁰³

October 21st, Governor Haskard complains about the proposals; *“.. Our links, sentimental and economic, bind us firmly to England. Argentina, seen through Falkland eyes is unknown, foreign, aloof, disdainful, corrupt, feared, ...”*¹³⁰⁴

October 26th, a FCO minute notes; *“.. any process of consultation with the islanders will have to be a genuine one... we will be asked in Parliament to do the same as we have just done in Gibraltar.”*¹³⁰⁵

October 27th, a Defence and Overseas Policy Committee meeting rejects the course that the Foreign Office is taking.¹³⁰⁶

“Prime Minister Harold Wilson .. observed that Britain could not compromise its stand on the principle formulated in the Rhodesian context that “the British Government would need to be satisfied that any basis proposed for independence was acceptable to the people of Rhodesia as a whole”; a Falklands policy even at small variance with this principle could have “awkward implications”.

*Lord Shepherd, the Minister of State for Commonwealth Affairs, backed this view and added that “we had also to bear in mind our policy in the case of Gibraltar and British Honduras.”*¹³⁰⁷

November 30th, Argentina rejects the proviso of what they see as a Falkland Islands veto.

In **December**, negotiations continue but without result.

December 31st, the population of the Islands is put at 2,122.¹³⁰⁸

1968 – in **January**, the British Embassy in Buenos Aires notes; *“However well the Argentine government play their hand .., I do not see any likelihood that the present generation of Falklanders would voluntarily wish to be transferred.”*

February 2nd, in London, Governor Haskard warns the FCO that the Islanders are determined to resist any change to their status; *“noting that they were “completely English.”*¹³⁰⁹

On his return to the Islands, the Governor informs the Council of Foreign Office intentions. Informed that the Islanders plans an 'open letter' to publicise what is happening, the FCO advises Haskard to issue a veiled threat; *“You might well suggest indirectly that the broad sheet by making difficulties for Government in Parliament may not contribute to a solution to the problem or be in their best interests.”*

1303 Dodds 2002 p.129

1304 PRO FO 7/154

1305 FCO 42/47 Minute by A. Galsworthy, 26.10.67

1306 A sub-Committee of the Cabinet.

1307 González 2009

1308 UN Yearbook 1968

1309 González 2009

*“Sir Cosmo did nothing of the kind. Instead he asked for a Minister to visit – to see local reaction for himself. But the FO didn't want this until the MOU was agreed. Islanders wanted the Queen to come on her planned Latin-American tour – but both Argentina and the Falklands were deliberately left out.”*¹³¹⁰

February 27th, Members of the British Parliament receive an open letter:

"To Members of Parliament

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*, a lobby group, is formed to promote the wishes of the Islanders regarding their future; *“Chalfont complained that Barton and Sid Miller communicated by phone with the Falklands Emergency Committee nearly every day.”*¹³¹¹

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.*

1310 *UK Considered Handover to Argentina in 1968* Peter Pepper in *Falkland Islands Newsletter* January 2002 p.20

1311 Pepper 2002. A.G. Barton was described by Lord Chalfont as *“irredeemably reactionary”* in his opposition to Argentina.

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, 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, ...*¹³¹²

Bombarded with adverse comments, Lord Chalfont responds; *“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.”*

Chalfont is subjected to strong criticism in the British press.

*“The Government had entered into the negotiations with Argentina with the implicit assumption that it was the best judge of the interests of the islanders and that they could be brought to share its judgement. They were soon disabused.”*¹³¹³

March 28th, Michael Stewart admits to an almost empty House of Commons, that the British Government was discussing a transfer of sovereignty with Argentina. He adds that; *“.. you had to allow sovereignty on to the agenda to continue good relations with Argentina.”*¹³¹⁴

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 22nd, an editorial in *The Guardian* asks; *“Are the Falklands for sale?”*

“Why have British Ministers taken to being so devious about the Falkland Islands? The Government's policy was laid down quite clearly by Mr Michael Stewart before the negotiations with Argentina began. In January, 1966, he told the Argentine Foreign Minister, Dr Ortiz, that the islands' sovereignty was British and was not negotiable. ... Last year Mr Fred Lee confirmed this on behalf of the Commonwealth Office in a letter to the Falkland Islands Company. Lately the Foreign Office has confirmed it again, to the extent that they agreed that Mr Stewart had made the original remark. Yet in the past four weeks of questioning in Parliament no Minister has ventured to repeat what Mr Stewart said in the beginning. Not even Mr Stewart himself. What is the Government up to?”

... The people who matter are the Falkland Islanders and both Governments have rejected all proposals for a referendum. If they really want a just solution this rejection is incomprehensible. The principle of self-determination should come first The Argentines, who seem to fear that the vote would go against them, will not countenance self-determination either (notwithstanding the fact that they claimed this same right for

1312 *HL Deb 27 March 1968 vol 290 cc990-6990*

1313 *Towards Resolution?: Falklands/Malvinas Dispute* Wayne S. Smith 1991

1314 Cawkell 1983 p.61.

themselves when they threw the Spaniards out). Secret diplomacy is sometimes useful but in the Falklands' case it is doing only harm. The two Governments should explain what they are talking about. Otherwise they will be suspected of doing a deal behind the Falklanders' backs."

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.*"¹³¹⁵

May 1st, Stewart meets the Argentine Ambassador, Eduardo McLoughlin, in London.

"Stewart strove to convince McLoughlin that the British proposal already went a long way to meet Argentine needs, since "it does not say explicitly that the islanders will be consulted in some particular way about sovereignty". However, he admitted that in reality "Her Majesty's Government would have to take into account the islanders' views on both aspects of the question [the guarantees and the transfer] since they are virtually inseparable", even though he hoped that "given time, the emphasis in any consultation with the islanders may naturally move to the Argentine offers."¹³¹⁶

In **July**, the deployment of Marines to the Falklands is up-graded to a year round commitment.¹³¹⁷

July 5th, Minister Costa Méndez offers to talk about improving contacts between the Falklands and the mainland in order to break the deadlock, and negotiations resume.

August 14th, a 'Memorandum of Understanding' is agreed, but not publicised. It 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.*"¹³¹⁸

During **September**, the British press reveal that discussions have taken place and some agreement reached.

September 24th, the Cabinet discuss the merits of making public the position reached in the talks.

"Really the problem of winding up the last outposts of empire is almost ludicrously difficult. I thought to myself that this is a classic example of how on these so-called moral issues one can't win. Which should be our parliamentary priority? To defend to the last ditch the rights of a small group of people to remain Britishers? To do nothing which would increase defence expenditure? Or to observe UN resolutions?"¹³¹⁹

1315 *HL Deb 25 April 1968 vol 291 cc738-9*

1316 González 2009

1317 Freedman 2005 p.48

1318 *Falkland Islands Review* (Franks Report) Lord Oliver Franks 1983 para.23.

1319 *The Castle Diaries 1964-70* Barbara Castle 1984 p.520

*“The biggest stumbling block was Britain's wish that any MOU should say that Islanders must consent to any transfer of sovereignty. Foreign Secretary, Michael Stewart, was adamant about this... This was bitterly opposed by Argentina. Their insistence and British weakness got it removed from the draft memorandum – but not from British policy. So the MOU itself just said that Britain had to be satisfied with the Argentine “safeguards and guarantees” to secure Islander consent. But to put Islander approval back Britain planned to publish a “Unilateral Statement” at the same time as the MOU stating it would not cede sovereignty without Islander consent.”*¹³²⁰

“.. the parties had so little confidence in the common ground they had attained that they “agreed” to complement the Memorandum with unilateral statements that each would make in order to lay out their diametrically different interpretations of the text – namely, the British commitment to the principle of acceptability by the islanders, and the Argentine refusal to grant them a veto power over what it regarded as the restitution of its territorial integrity.

*Not surprisingly, there ensued a futile battle over the content and status of any such statements, with Argentina seeking to ensure that they were legally inferior and did not contradict the concept of the transfer as announced in the main document, and Britain determined to balance the memorandum's failure to include the islanders' wishes by directly annexing her own interpretation and/or by formally communicating it to the UN.”*¹³²¹

September 26th, both Argentina and the UK send letters to the UN's *Fourth Committee* to the effect that; *“.. in accordance with the General Assembly's resolution of 16 December 1965 and its consensuses of 20 December 1966 and 19 December 1967, their Governments had continued negotiations for the purpose of reaching a solution to the problem of the dispute over the Islands. They were proceeding with the talks with a view to reaching a peaceful settlement as soon as possible, and hoped to report on the subject during the course of the twenty-third session of the General Assembly.”*¹³²²

In *November*, Lord Chalfont travels to the archipelago in order to explain what is happening.

In a publicity stunt paid for by the Argentine newspaper *Cronica*, 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.

Returning via Buenos Aires, Chalfont meets with Méndez, who tells him that Argentina will not sign the MOU if Britain is committed to the *proviso* of Islander consent.

After Lord Chalfont has left, the Argentine Foreign Ministry issue a statement; *“An agreement with Britain would only be signed if ... it included recognition of Argentine sovereignty. It could not provide for recognition of sovereignty being made subject to an expression of will of the inhabitants.”*¹³²³

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.”*¹³²⁴

1320 Peter Pepper 2002

1321 González 2009

1322 *UN Yearbook 1968*. Each year the *Fourth Committee* reviews the work of the *Special Committee for Decolonization* and forwards recommendations for *Resolutions* to the *General Assembly*.

1323 Quoted in Pepper 2002

1324 *Report by Lord Chalfont on the visit to the Falkland Islands 23-28 November 1968. PRO FO 42/94*

The Government is informed that Argentina is not prepared to accept any *'Unilateral Statement'*, linked to the *'Memorandum'*, which enshrines the safeguard of Islander consent.

December 11th, the *Cabinet* decides not to continue in its attempt to reach a settlement on the basis of the *'Memorandum of Understanding'*.

Foreign Secretary Stewart makes a statement in Parliament later that same day, announcing a decision to continue negotiations; *"In their talks with the Argentine Government, H.M. Government have been trying to reach an understanding with Argentina with the object of securing a satisfactory relationship between the islands and the nearest continental mainland. Since that time, the talks have continued and the two Governments have reached a measure of understanding although this is not yet complete. There is a basic divergence over H.M. Government's insistence that no transfer of sovereignty could be made against the wishes of the Falkland Islanders."*

He also assures the House that negotiations with Argentina do not include the Dependencies.¹³²⁵

*"The paramountcy of the islanders' wishes as reflected in Parliament had been established, and the question of sovereignty over the Falklands had become an issue of domestic politics rather than foreign policy."*¹³²⁶

*"The Daily Express, which had exposed much of the process, called it "one of the most squalid and discreditable chapters in British history ." The Sunday Times called the Argentine claim ludicrous, but the Argentines had been led to believe that they could get what they wanted."*¹³²⁷

December 12th, Minister Costa Mendez declares; *".. After more than two years of talks, both countries have reached some understanding on substantive issues. Argentine sovereignty over the islands is an essential topic in the dispute. After refusing for a century even to discuss this matter, the United Kingdom has finally accepted to discuss it. This new willingness to hear our reasons is in itself sufficient reason for continuing the negotiations and for believing that they will lead to their logical conclusion: recognition of Argentine sovereignty over the Malvinas, which recognition, moreover, the United Kingdom has not categorically refused to proclaim. .. Major differences still exist, of course. The United Kingdom insists on making recognition of Argentine sovereignty subject to the wishes of the inhabitants, a condition which the Republic cannot possibly accept."*¹³²⁸

He also declares that his Government's position in the negotiations with the UK is based on five fundamental principles. (1) *The United Kingdom Government must recognize as a definite solution Argentine sovereignty over the Islands and return them to the Republic;* (2) *such recognition must not be made subject to the agreement of the present inhabitants of the Islands;* (3) *the Republic will take into account and protect the interests of the inhabitants of the Islands by means of safeguards and guarantees to be agreed upon. The Argentine Government, in keeping with the principles traditionally underlying its policy in this matter, will welcome these inhabitants with open arms. It is prepared to protect their interests satisfactorily and is confident that the ending of their present isolation will constitute a genuine advantage for them and their descendants;* (4) *the conclusion of the comprehensive treaty will naturally result in the development of free communications between the Islands and the rest of the Argentine National Territory and in forging of definite links between them;* (5) *The negotiations and resulting agreements must be consistent with the principles laid down in General Assembly resolution 2065."*

1325 *HC Deb 11 December 1968 vol 775 cc424-34*

1326 Smith 1991

1327 Pepper 2002

1328 *UN Doc A7623/Rev.1 vol. 4 chapter 31*

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.” ¹³²⁹

December 19th, in further letters to the UN, both Argentina and Britain inform the *General Assembly* that negotiations are continuing and that progress is being made 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.

The *General Assembly* decides to defer consideration of the issue for another year. ¹³³⁰

1969 – March 19th, *British Pathé News* films in the Falklands for the 21st anniversary of the inter-island air service.

During a dispute between Uruguay and Argentina over islands in the Rio de la Plata, the delegate from Montevideo reminds his opposite number of Uruguay's own potential claim to the Falklands based on 'inheritance' from Spain, and that; “... if he got on to historical precedents, Uruguay would establish her claim to the Falklands and, when she did, would acknowledge British sovereignty.” ¹³³¹

September 25th, in a speech to the *General Assembly*, Argentina's Representative states; “We repeat what we have said so many times, to the effect that if we frame our controversy strictly within the terms of resolution 2065 (XX), and if the United Kingdom is willing to consider this question without preconceived ideas, making a wide evaluation of the material circumstances surrounding the islands, it will be easy to reach a definite settlement which, at the same time, may satisfy and guarantee the interests of the inhabitants. This Assembly is fully aware that my country has continued the negotiations with the United Kingdom which were started pursuant to resolution 2065 (XX) on the question of the Malvinas Islands, and we hope that, during the present session, we shall be able to report to the Assembly on the course of those negotiations.”

September 26th, in a response addressed to the *Secretary-General*, the UK says; “.. the United Kingdom and the Argentine Governments have been engaged in talks on this subject in accordance with resolution 2065 (xx) of the General Assembly, and hope to report further on them in the course of the present session of the Assembly.

I am, however, obliged to state that the United Kingdom Government does not accept the statement of the distinguished Foreign Minister of the Argentine Republic in so far as it disputes the sovereignty of the United Kingdom Government over the Falkland Islands. The United Kingdom Government has no doubt as to its sovereignty over the Territory of the Falkland Islands, and I wish formally to reserve the rights of the United Kingdom Government on this question.” ¹³³²

In **November**, the British Government approaches Buenos Aires suggesting that talks resume with a view to an agreement on communications. ¹³³³

1329 *United Nations: The Question of Malvinas and the Bicentennial, a pending question* Jorge Argüello 2010

1330 *UN Yearbook 1968*

1331 Cawkell 1983 p.31

1332 *UN Doc A8023/Rev.1 vol.4 chapter 19*

1333 Dodds 2002 p.145

November 21st, a letter addressed to the *Secretary-General* 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 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.”

November 24th, asked during the debate in the House of Commons whether the future discussion mentioned in the letter will only be about communications, Mr. Stewart responds; “*No. Sir. That is not exactly the position. For some time we have been continuing discussions with the Argentine on the whole, including what I call the central issue, but now, within the framework of those negotiations, there will be these special talks which will be concerned solely with the promotion of communications and movement.*”¹³³⁴

November 27th, the *Daily Express* prints a claim that there is oil to be found near the Falkland Islands.

December 11th, the *General Assembly* approves *Resolution 2548 (XXIV)* on the *Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples*.

Art. 13 invites the *Special Committee on Decolonization* to; “*.. continue to pay particular attention to the small Territories and to recommend to the General Assembly the most appropriate methods and also the steps to be taken to enable the populations of those Territories to exercise fully their right to self-determination and independence.*”¹³³⁵

1970 – February 23rd, in Parliament, the Foreign Secretary states; “*We are in continuing touch with the Argentine Government and the Governor of the Falkland Islands. The talks on communications are still in the preparatory stages, and the time and place of a special meeting on this question have not been fixed.*”

At the end of **February**, Britain's Ambassador to Argentina visits the Falklands - “*.. to prepare the way for the talks.*”

May, the hull of the *SS Great Britain* is lifted onto a pontoon and taken to Bristol.

May 11th, a statement is made to the House of Commons; “*.. exchanges have continued between the representatives of my Department and the Argentine Government. The Falkland Islands Government have been kept fully informed throughout. It has been possible in these exchanges to identify some ways in which free communications and movement in both directions might be promoted, and both sides believe that these deserve detailed study. I expect the talks to proceed on a continuing basis. Meetings will be held from time to time with appropriate participation from the Falkland Islands.*”

1334 *HC Deb 24 November 1969 vol 792 cc36-40*

1335 Argentina has long argued that the Falkland Islanders are not a “*people*” entitled to self-determination, but have never suggested that they are not a “*population*.”

June 18th, a *General Election* in the UK sees a change of Government and Edward Heath as Prime Minister.

July 14th, the preplanned talks on the issue of communications start. Falkland Island Councillors Goss and Pitaluga represent the archipelago.

July 23rd, the talks end; *“Several proposals and ideas for the promotion of free communications were considered. The two delegations discussed problems relating to the movement of persons in both directions, to the establishment of sea and air communications, to postal and telecommunication services, to the development of trade and to the promotion of cultural exchanges. Both sides agreed in principle that there appeared to be considerable scope for the promotion of free communications and that every effort should be made to try and reach agreement on practical measures to that end. The talks were conducted throughout in an amicable and co-operative manner. Both sides agreed that they should continue through the customary diplomatic channels, that there should be further meetings, similar to the one just concluded in London, at mutually agreeable times, that the next meeting should take place in Buenos Aires, and that thereafter a meeting should be held at Port Stanley.”*¹³³⁶

September, Governor Haskard retires; *“.. much to the relief of the Latin American Department of the FCO.”*¹³³⁷

September 30th, Argentina's Foreign Minister tells the *General Assembly* that his country had; *“.. agreed to negotiate with the United Kingdom regarding the dispute over the sovereignty of the islands. In so doing, we were interpreting the spirit and the letter of resolution 2065 (XX) and at the same time, we declared our irrevocable decision .. that the Malvinas islands should be restored to our territorial heritage.”*¹³³⁸

October 12th, UN Resolution 2621 (XXV) states, *inter alia*;¹³³⁹ *“(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)*¹³⁴⁰

- *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...*

1336 Communique of July 24th 1970

1337 Dodds 2002 p.146

1338 UN Doc A8423/Rev.1 vol.4 chapter 25

1339 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.”*

1340 Resolution 1541 of 1960 established the first 3 criteria for 'decolonisation'. This later Resolution added a fourth.

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..." ¹³⁴¹

In **November**, a 3 member delegation from the Falklands visit Atlantic ports in Argentina with the purpose of reviewing trading opportunities.

December 23rd, Sir Ernest Gordon Lewis takes over as Governor. ¹³⁴²

1971 – January 11th, in letters addressed to the *Secretary-General*; “ .. *the Permanent Representatives of the United Kingdom of Great Britain and Northern Ireland and the United States of America stated that their respective Governments had decided to withdraw from the Special Committee.*” ¹³⁴³

“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.” ¹³⁴⁴

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.” ¹³⁴⁵

June 21st, *ad hoc* talks are held in Buenos Aires focusing on communications between the Islands and the mainland. The British delegation includes Falkland Islanders.

On the same day, the advisory opinion of the *International Court of Justice* in the Namibia case includes the statement that; “.. *the subsequent development of international law in regard to non-self-governing territories,*

1341 *Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations.*

1342 *The London Gazette, No. 45280*

1343 *UN Doc A8423/Rev.1 vol.1*

1344 *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; whose wishes were to remain associated with the UK.

1345 *Falkland Islands Gazette Supplement* June 1971

as enshrined in the Charter of the United Nations, made the principle of self-determination applicable to all of them.”¹³⁴⁶

June 22nd, Argentina and Chile sign an *Arbitration Agreement* whereby they agree to submit their dispute over the Beagle Channel to international resolution. It is agreed that Queen Elizabeth II should act as arbitrator.¹³⁴⁷

June 30th, negotiations regarding communications conclude with agreement.

July 1st, these are set out in a *Joint Statement*, establishing air and sea services between the Falkland Islands and Argentina, to be provided by Argentina and the UK respectively. Other matters covered are:-

- 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;¹³⁴⁸
- reciprocal exemptions from duties and taxes;
- exemption for residents of the Islands from any obligation to perform Argentine military service;¹³⁴⁹
- 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.¹³⁵⁰

August 5th, *charge d'affaires* Peters writes to the Argentine Government confirming that the UK is prepared to ratify the agreement of July 1st, provided that that nothing in the *Joint Statement* shall be interpreted as renouncing, or supporting, any rights of sovereignty by either Government.

October 1st, speaking to the *General Assembly*, Argentina's Foreign Minister refers to the results of the negotiations, declaring; “*This does not, however, close the chapter of negotiations. These negotiations should continue until full implementation is achieved of the terms of resolution 2065 and the objectives or decolonization carried out by the United Nations are duly attained. ..., the problem will soon be definitively solved with the restoration of the Malvinas to the national territory of the Argentine Republic.*”¹³⁵¹

November, three Islanders' are forced to accept Argentine ID cards before being allowed into the country, contrary to the agreement concerning ‘*white cards*’.

1972 – January, Argentina's state-owned airline, *LADE*, initiates twice-monthly amphibious flights between Comodoro Rivadavia and the Falkland Islands.¹³⁵²

1346 *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970), Advisory Opinion, I.C.J. Reports 1971, p. 16.*

1347 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.

1348 This arrangement did not extend to the Dependencies.

1349 As Argentina considered the Islanders to be Argentines, they were vulnerable to conscription if they entered the country.

1350 Franks 1983. Also Dodds 2002.

1351 *UN Doc A8723/Rev.1 vol.5 chapter 25*

1352 *Líneas Aéreas del Estado* was operated by the Argentine Air Force.

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.*”¹³⁵³

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 *European Space Research* tracking station on East Falkland ceases operations.

On signing the *Treaty of Rome* the UK joins the European Community. As residents of an *Overseas Territory* of Great Britain, the Islanders become citizens of the European Union.

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*.

September 27th, Argentina tells the *General Assembly*; “*.. the Argentine Government is conducting negotiations with the Government of the United Kingdom of Great Britain and Northern Ireland, within the framework of resolution 2065 (XX) of the General Assembly, in order to find a final solution to the dispute over the sovereignty of the Malvinas Islands. In order to encourage ties between the Islands and the mainland and as a result of instruments approved by both countries, efforts have been made to allow communications, to increase mutual knowledge and to benefit the population of the Malvinas. Despite these practical steps of undisputed importance, there still are differences outstanding between the two Governments regarding the circumstances that should exist for a final solution to be arrived at over the question of sovereignty. Further talks on the matter are to be held and we trust that they will be fruitful. The result can, in any case, be none other than the return of the Malvinas Islands to the Argentine territorial heritage*”

October 23rd, the UK, in a letter addressed to the *Secretary-General*, responds that; “*.. the efforts of our two Governments to solve our differences should, be pursued in a climate of mutual understanding based on the traditional and close ties of friendship which unite us.*”

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.

December 11th, Julian Amery tells the House of Commons that the talks which concluded on the 24th, had been “*friendly and constructive*” and had included participants from the Falkland Islands. He adds that; “*.. there had been no discussion of any change in the sovereignty of the Islands. He also said that the United Kingdom Government's policy remained that "there can be no transfer of sovereignty against the wishes of the islanders.*”

1353 FCO 7/2115 1972 quoted in Palmer 2004

1973 – April, during preparatory discussions regarding further 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.

*“It was the intention of the United Kingdom Government not only to downgrade the negotiations, but also to change their true Character.”*¹³⁵⁴

Britain also insists that Islanders must again be represented at the negotiations. Argentina refuses to accept Islander participation and negotiations stall.¹³⁵⁵

May 14th, in a petition addressed to the *Special Committee*; “.., Mr. Jose Ramon Cornejo maintained that the Argentine claim to the Islands had been based on their proximity to Argentina and the inheritance of title from Spain. He added that the Argentinians did not believe that talks like those recently held between the two Governments could make any progress towards resolving the question of the transfer of the sovereignty of the Territory to Argentina.”

May 25th, following his official swearing-in, the new President of Argentina, Hector J. Campora, says that the one preoccupation of his Government will be the, “*recovery of the Malvinas.*”

August 15th, in a letter addressed to the *Decolonization Committee*, Argentina's *Permanent Representative* says; “.. that his Government regretted to report that the negotiations had been virtually paralysed as a result of the attitude adopted by the United Kingdom, whose position, he said, had changed substantially from that which it had taken since contacts were first established in 1966. When, in April 1973, efforts were made to reactivate the negotiations, postponed since 1968, the United Kingdom took the position that the round of meetings could not be called negotiations on sovereignty since in its opinion they involved only talks or discussions, and it was willing to discuss only the collateral question of communications rather than the basic issue of sovereignty over the territory, he said.

This position, Argentina considered, was not in conformity with the provisions of the Assembly's resolution of 16 December 1965. Argentina called on the United Kingdom Government to take measures to continue the negotiations without further procrastination, within the framework of that resolution and subsequent decisions, so as to bring about the speedy elimination of the territory's colonial situation.”

In response the UK's *Representative* denies; “.. that there had been any change in its consistently upheld position on the scope of the discussions. It reiterated its readiness to renew discussions, bearing in mind that in accordance with the provisions of the United Nations Charter and the principles of the Declaration on the granting of independence, it was essential that any solution should recognize the right of the inhabitants of the Falkland Islands to self-determination and should provide for them to express their wishes in this connection.”

August 5th, the UN's *Special Committee on Decolonization* meets to consider the Falkland Islands.

Argentina's *Representative* tells the *Committee* that; “*The Argentine Government feels compelled to make it clear that failure to settle this dispute within a short and reasonable time will necessitate a thorough reappraisal of the policy it has pursued until now...*”¹³⁵⁶

1354 *Argentina to Secretary-General August 15th 1973 A/9121* quoted in *Official records of the General Assembly, 28th session, supplement No.23 (A/9023/Rev.1) vol.5*

1355 Freedman 2005 p.25

1356 Quoted in *A/9023/Rev.1*

August 21st, the Committee adopts a *draft-Resolution* proposed by Venezuela calling for negotiations to be accelerated.¹³⁵⁷

The UK's *Representative* writes to the *Secretary-General*; "It has been the common purpose of the Governments of Argentina and the United Kingdom since the adoption of General Assembly resolution 2065 (XX) to explore in accordance with that resolution all possible means of finding a peaceful solution to the problem defined in that resolution. The letters addressed to you and your predecessors in successive years, the last being those of 12 August 1971, by the representatives of Argentina and the United Kingdom constitute a record of progress endorsed by both Governments which Her Majesty's Government in the United Kingdom continue to regard as the substantive and correct record of the exchanges between the two Governments up to that date.

In the meetings which have taken place since that date there have been no grounds for supposing that there has been any change in the consistently upheld position of the United Kingdom Government.

At the meeting in London in April 1973,... after a restatement of the views of the United Kingdom Government, the Argentine delegation declined to continue the meeting or specifically to consider the terms in which the progress achieved to that date could be reported to you upon a basis of agreement as in previous years up to 12 August 1971... The United Kingdom Government note the desire of the Argentine Government for an early solution of the problem. For their part the United Kingdom Government reiterate their readiness to renew discussions bearing in mind that in accordance with the provisions of the Charter of the United Nations and the principles of resolution 1514 (XV) of the General Assembly it is essential that any solution should recognize the right of the inhabitants of the Falkland Islands to self-determination and should provide for them to express their wishes in this connection."

October 3rd, Argentina's Foreign Minister speaks to the *General Assembly*; "My country has adhered - and continues to adhere - to the path of negotiation with the occupying Power, but is forced to state that the procedure cannot be indefinitely prolonged, thus serving as a means of retaining the present situation. If the negative stance of the United Kingdom leads us into a stalemate, the Argentine Government will be forced to re-examine the policy which thus far has been based on good-will and on respect for the principles of the Charter and of the resolutions of our Organization. ... "

October 19th, in a letter to the *Secretary-General*, the UK's *Representative* writes that; "... his Government was reluctant to believe that Argentina would wish for any solution of the differences between the two Governments which was contrary to the expressed wishes of the inhabitants of the territory."

November 5th, Argentina responds by quoting the first paragraph of *Resolution 2065* and pointing out that it makes "no reference" to the wishes of the population or the right of self-determination.

The *Representative* adds that he considers; "... this tardy and misplaced concern for respect for the right to self-determination would be praiseworthy and legitimate if the United Kingdom had consulted the original population of the Malvinas Islands about their wishes before displacing them by force and replacing them by British settlers in 1833 as a result of its annexation of that territory."¹³⁵⁸

In **December**, the *Sheepowners' Association* on the Falklands negotiates to sell carcasses to *Corporacion Argentina de Productores de Carnes*.

1357 UN Yearbook 1973

1358 UN Doc A/9623/Rev.1 vol.6 Chapter XXVI p.112

December 5th, the *Fourth Committee* approve the text of the *Special Committee's draft Resolution*.¹³⁵⁹

December 14th, taking up the *Fourth Committee's* recommendation, the *General Assembly* adopt *Resolution 3160* declaring their concern that eight years had elapsed; “.. since the adoption of *Resolution 2065 (XX)* without any substantial progress having been made in the negotiation..,”^{ix}

Argentina announces its preparedness to resume negotiations.

1974 – January 4th, a meeting of the Falklands' *Legislative Council* adopts a motion stating; “*That this House objects strongly to any negotiations or talks being held with the Argentine Government without the prior full knowledge of the Falkland Islands people, which would involve the transfer of sovereignty of this Colony against the wishes of its inhabitants.*”

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.¹³⁶⁰

January 25th, Julian Amery announces in the House of Commons that he expects the contract for a permanent airfield to be awarded “*shortly*” and that the work will be complete within two years. He also confirms, in answer to a question, that there will be no change in the sovereignty of the Falklands without the consent of the Islanders.

The possibility of oil resources in and around the Falklands is investigated by a team led by Professor Donald Griffiths of Birmingham University.

March, the newly elected Labour Government in Britain suggests a ‘*joint-sovereignty*’ arrangement to the Argentines, as a possible answer to the impasse recognised by *Resolution 3160*.

In **June**, *Dundee, Perth and London Securities Ltd* is taken over by *Charington, Gardner and Locket*.

The contract for the building of the new airfield is awarded to *Johnston Construction* for £4.2 million.

June 11th, Ambassador James Hutton in Buenos Aires outlines the British position to Foreign Minister Alberto Vignes; “... *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. 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.

1359 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*.

1360 *HC Deb 18 December 1974 vol 883 cc1565-6*

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.”¹³⁶¹

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.”¹³⁶²*

June 26th, in a statement to Parliament, the FCO announces; *“With the agreement of the Falkland Islands Executive Council, we have been in touch with the Argentine Government about the possible resumption of discussions between our two Governments in connection with United Nations resolution 3160. 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.¹³⁶³

In the UN, the UK 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 the Falkland Islands.

At the end of **July**, 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.

August 22nd, Argentina informs the *Secretary-General* that contacts with the UK have been re-established with regard to resuming negotiations.

1361 The only copy published is Argentina's, and is unsigned.

1362 Ex- Ambassador Ortiz de Rozas in an article for *La Nacion*, March 2012.

1363 Franks 1983 para. 29

September 13th, Argentina and the UK sign an agreement whereby Argentina's state oil company supplies petroleum products to the Falklands.

September 24th, Argentina's Foreign Minister tells the *General Assembly*; “.. that his country still had to bear the occupation of part of its territory by an extra-continental Power, a situation which was not in accordance with the direction and ideals of the world today, and one which Argentina considered inadmissible. He added that although contacts existed for resuming negotiations, a solution had not yet been reached.”

In **October**, the Falklands Governor states that any; “.. case for dialogue with Argentina, has gone by default.”

October 24th, the UK writes to the UN; “*The Foreign Minister of the Argentine Republic and the Argentine Permanent Representative referred to the contacts that have taken place between their Government and mine during the past year. My Government welcomed these contacts and hopes that they can be carried forward in agreement with representatives of the inhabitants of the Falkland Islands.*”

October 30th, Argentina's response is that they; “.. reaffirm on this occasion that the only possible solution is simply the return of the Islands to the Argentine Republic, to whose sovereignty they are subject. In this sense my Government shares the desire expressed by the Government of the United Kingdom to arrive at a just and peaceful settlement of the dispute. However the Government of the United Kingdom insists that the solution must be consonant with the 'wishes' of the inhabitants of the Malvinas... the Argentine Government wishes to reiterate that, under the terms of those resolutions the negotiations must take place exclusively between the Governments of the Argentine Republic and the United Kingdom.

*There can thus be no presumption or claim that the settlers of the Islands should participate in the negotiations ~ with the proviso that during the negotiations the interests of the islanders must be duly taken into account - something that has been and is a concern of the Argentine Government ~ demonstrated at all stages of the process aimed at reaching a peaceful and final solution to the question. Resolution 2065 (XX) makes specific provision for this by inviting the Governments to negotiate and reach a peaceful solution 'bearing in mind... the interests - not the wishes - of the population of the Falkland Islands.’*¹³⁶⁴

In **November**, a proposal is submitted to the Argentine *Congress* calling for the termination of the transport agreement, and the stopping of 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.

December 4th, a *Legislative Council* meeting in Stanley considers the options with regard to the issue of oil exploration licences. The decision is that; “*This Council considers that the Colonial Government should take immediate steps to invite interested parties to apply for licences to examine the possibilities of drilling for oil, both on-shore and within territorial waters.*”

1975 – January 28th, Sir Neville Arthur Irwin French is appointed Governor.¹³⁶⁵

In **February**, a Mr. B. Wilson, representing six oil companies, visits Port Stanley to discuss the issue of exploration licences for an off-shore area known as Burdwood Bank.

1364 *UN Doc A10023/Rev.1 vol 4*

1365 *The London Gazette, No. 46481*

In **March**, Minister Vignes again intimates that Argentina is contemplating an invasion.¹³⁶⁶

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 18th, the British Government confirms that it has received Professor Griffith's report examining the potential for oil exploration around the archipelago; but gives no details.

March 25th, Argentina writes to the UN; *“According to cabled information published in the press, the United Kingdom Foreign Office has received a scientific report, prepared on the instructions of the Government of the United Kingdom of Great Britain and Northern Ireland, concerning the possible existence of petroleum deposits under the Argentine continental shelf near the Malvinas Islands.*

Since the Malvinas Islands and the above-mentioned areas constitute an integral part of the national territory, the Government of Argentina wishes to state that it does not and will not recognize the right of any foreign Government to explore for or extract minerals or hydrocarbons. Consequently, the Argentine Government does not and will not recognize and will deem irrevocably null and void any activity or measure undertaken, or any agreement concluded by the United Kingdom in connection with this question, which the Argentine Government considers to be of the utmost gravity and importance.

Furthermore, the Argentine Government will regard the carrying out of activities of the kind referred to above to be contrary to United Nations resolutions and consensuses on the Malvinas Islands, the clear purpose of which is to find a peaceful solution to the sovereignty dispute between the two countries through bilateral negotiations. The Argentine Government therefore reaffirms once again its inalienable rights of sovereignty over the Malvinas Islands and reiterates that the dispute with the United Kingdom can be settled only by the restoration of the islands to the national heritage of the Argentine Republic.”

April 3rd, an article in the *Financial Times* states that progress towards greater contact between the Falklands and Argentina have been temporarily halted as a result of the situation regarding the possible existence of oil deposits in off-shore areas.

April 7th, the Falklands Government *Select Committee* submits its report concerning 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.”*¹³⁶⁷

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 the natural resources of the continental shelf.

On **May 8th**, the FCO hold a seminar on the subject of the Falkland Islands.

During **July**, Britain proposes further discussions 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.

1366 Freedman 2005 p.33

1367 *HL Deb 10 April 1975 vol 359 cc180-1*

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.

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.”*¹³⁶⁸

Air passengers intending to travel from the Falkland Islands are required to obtain prior clearance from Argentina 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, Snr. 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.”*¹³⁶⁹

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.

September 23rd, Argentina's Foreign Minister, speaking to the UN's *General Assembly*, says; *“We are a people convinced of the merits of negotiation. We apply this to what concerns us most directly. As is well known, my country suffers from the usurpation by a foreign Power of a part of its territory, namely the Malvinas Islands. For that question to be settled, there is no solution other than the return of those islands to the territorial patrimony of the Republic, since their occupation by force was carried out against every law and was never consented to by our country.”*

He adds that he hopes that the UK will finally decide to comply with UN resolutions and negotiate a settlement. The Minister tells the GA that his country has the support of the Non-Aligned Movement and that the application of *self-determination*; *“.. was excluded, in view of the fact that the British occupation constitutes a violation of the principle of territorial integrity specifically laid down in resolution 1514.”*¹³⁷⁰

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.¹³⁷¹

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.”*

On the same day, the *International Court of Justice*, at the Hague, presents its *Advisory Opinion* on two questions concerning Western Sahara, and states; *“The validity of the principle of self-determination, defined*

1368 *HC Deb 14 July 1975 vol 895 cc324-5W*

1369 Freedman 2005 p.38

1370 *UN Doc A3125/Rev.1 vol.4*

1371 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.

as the need to pay regard to the freely expressed will of peoples, is not affected by the fact that in certain cases the General Assembly has dispensed with the requirement of consulting the inhabitants of a given territory. Those instances were based either on the consideration that a certain population did not constitute a 'people' entitled to self-determination or on the conviction that a consultation was totally unnecessary, in view of special circumstances"¹³⁷²

The Court also states; "*The Charter of the United Nations, in Article 1, paragraph 2, indicates, as one of the purposes of the United Nations: "To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples . . ." This purpose is further developed in Articles 55 and 56 of the Charter. Those provisions have direct and particular relevance for non-self-governing territories, which are dealt with in Chapter XI of the Charter. As the Court stated in its Advisory Opinion of 21 June 1971 on The Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970): ". . . the subsequent development of international law in regard to non-self-governing territories, as enshrined in the Charter of the United Nations, made the principle of self-determination applicable to all of them"*"¹³⁷³

Judge Dillard, in his explanation, adds; "*.. it is for the people to determine the destiny of the territory and not the territory the destiny of the people.*"

Argentina's Ambassador to London returns to Buenos Aires.

October 22nd, Argentina issues a press statement; "*In response to the proposal made by the British Government to send a mission to the Islas Malvinas with the object of carrying out an economic and financial survey of the archipelago and the surrounding areas, the Ministry of External Relations and Worship states:*

- 1. It reiterates in full the communique issued by the Foreign Ministry on 19 March 1975.*
- 2. Contrary to a report appearing in a London newspaper, the Argentine Government has on no occasion given its consent to the mission in question.*
- 3. Since the question of the Malvinas Islands is subject to the procedure recommended by the United Nations General Assembly in its resolution 2065 (XX) and 3160 (XXVIII), the parties to the dispute must abstain from any new unilateral action affecting the basic aspects of the question. Any such action will undermine the clear objective of the resolutions in question and will be contrary to the spirit which has prevailed in all the dealings so far between the two countries concerning the archipelago, and also is unacceptable to the Argentine Government.*
- 4. The mission which Great Britain proposes to send would not be welcome because investigations to assess the possibility of the economic exploration of the natural resources of the Malvinas Islands – resources which therefore belong to the Argentine Republic - would violate the principle of not undertaking new action. Consequently, the sending of this mission constitutes an inconsiderate act which the Argentine Foreign Ministry would not wish to interpret as an attitude of provocation because this would imply that Great Britain does not accept the normal continuation of bilateral negotiations, a fact which could have unforeseeable and certainly serious consequences for which Great Britain alone would be responsible.*

¹³⁷² *Western Sahara, Advisory Opinion, ICJ Reports 1975.* The Argentine International Lawyer, Marcelo Kohen, has asserted that this case demonstrates that not all 'peoples' have the right of self-determination as made out in the UN Charter. If this assertions is correct then the circumstances surrounding a previous denial of the right would be important in determining which 'peoples' could be so denied.

¹³⁷³ *Western Sahara, Advisory Opinion, ICJ Reports 1975, para. 54*

5. *The essential factor in the process of reaching a final settlement of the dispute is negotiation between the two Governments and hence the initiation of acts which may prejudice this process will upset relations between the Argentine Republic and Great Britain and will impede the achievement of a peaceful settlement of the Malvinas question.*
6. *Once more, Argentina urges Great Britain to take the view that negotiations to settle the dispute concerning sovereignty over the archipelago is the best procedure and is in conformity with the decisions of the United Nations and the recognized standards of the civilized world.”*

In **November**, the *Joint Intelligence Committee* reports to the British Government that, whilst unlikely, an invasion of the Falklands by Argentina remained a possibility. Ministers approve some minor constitutional changes for the Islands' *Legislative Council* which will make it 100% elected.

Two British MP's, one an oil expert, travelling under the auspices of the *Commonwealth Parliamentary Association*, arrive in Buenos Aires for wide-ranging talks.¹³⁷⁴

November 14th, the British Embassy in Buenos Aires is informed that the research ship, *RSS Shackleton*, will require Argentine permission to carry out any activity within 200 miles of the Argentine coast, and that 'Argentine waters' is being interpreted to include the area around the Falklands Islands.

December 8th, the UK makes a statement to the plenary session of the *General Assembly*; “*Following upon resolution 3160 (XXVIII), exchanges between the United Kingdom Government; and the Argentine Government have continued over the past year with a view to finding a settlement of the differences between us. In seeking a solution. my Government has said repeatedly that we wish to observe the terms of resolution 1514 (XV). It is therefore the wishes of the people of the island which must be paramount. not an arbitrary idea of what their interests might be... ”*

The spokesman also informs the GA that all information regarding the possible oil deposits around the Falklands has been shared with Argentina and that the UK has no intention of acting unilaterally.

He adds; “*My Government has similarly informed the Argentine Government, as a courtesy about its proposal for a survey of the economy of the island, and we regret that this survey is apparently regarded by the Argentine Government as an unacceptable innovation. The mission which consists of economists and technical experts, and is to be led by Lord Shackleton, has been appointed in complete consistency with the spirit of co-operation which we wish to foster between the islanders and their Argentine neighbours.”*

Argentina's Ambassador also speaks; “*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 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 1976.¹³⁷⁵

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.¹³⁷⁶

1374 Cawkell 1983

1375 *UN Yearbook 1975*

1376 There appears to have been a belief that Lord Shackleton's mission and the *RRS Shackleton*, named after his father,

December 16th, *Cronica* sponsors a public subscription to finance an invasion of the Falkland Islands.¹³⁷⁷

December 17th, James Callaghan meets Foreign Minister Arauz Castex in Paris. Callaghan indicates his belief that progress can be made concerning 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.

Prior to his departure, Lord Shackleton declines to accept any Argentine representative as any part of his team. Argentina immediately protests and Shackleton's team are refused permission to land anywhere in Argentina.¹³⁷⁸

1976 – January 2nd, in a press release, Argentina's Government states that it continues to explore ways of overcoming obstacles that stand in the way of negotiations and is insisting that at any future talks, the issue of sovereignty must be discussed.

“It added that the United Kingdom representatives had finally stated that they were not in a position to accept the reopening of negotiations aimed at solving the dispute on sovereignty; they stated, however, that the United Kingdom Government still wished to hold conversations with an open agenda on economic co-operation and that its representatives might be authorized to hear any Argentine proposals on other subjects. In these circumstances, the press release continued, the Ministry of Foreign Affairs of Argentina considered it inappropriate to agree to discuss subjects which were of no substance in relation with the real problem, and therefore non-conducive to its solution.”

The Shackleton inquiry team arrives in the South Atlantic.

*“.. the mission was composed of five experts entrusted with assessing and making recommendations concerning the prospects for development in oil, minerals, fisheries, wool and alginates. The mission was further requested to advise on the need for capital expenditure over the next five years, and to assess the financial and social implications of any recommendations.”*¹³⁷⁹

January 3rd, Shackleton boards *HMS Endurance*. Foreign Minister Castex, describes the timing as “unfriendly and unthoughtful.”¹³⁸⁰

Castex adds that, if the British Government refuses to resume negotiations, then 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.

were connected; which was not the case.

1377 *Argentine approaches to the Falklands/Malvinas: was the resort to violence foreseeable?* G. A. Makin 1983

1378 Dodds 2002 p.151

1379 *UN Doc A3125/Rev.1 vol.4*

1380 It is unlikely that either Lord Shackleton, or the FCO, were unaware of the significance of the date for Argentina.

January 8th, the *Joint Intelligence Committee*, in London, reports that an invasion remains unlikely but that Argentina will increase political pressure; possibly by officially withdrawing its Ambassador.

January 13th, following an exchange of *Notes* between Foreign Secretary Callaghan and Minister Castex, the Argentine Government issues a statement; “.. that the Argentine Government had received a message from the United Kingdom Secretary of State for Foreign and Commonwealth Affairs in which the latter had insisted on discussing economic co-operation but, instead of abandoning the United Kingdom attitude of unilaterally breaking the negotiations, had described the dispute concerning sovereignty over the Territory as "sterile", which was obviously unacceptable to the Government of Argentina.”

Argentina suggests that the British Ambassador to Buenos Aires be withdrawn.

*“In a press interview the Minister for Foreign Affairs of Argentina said that the decision to request the recall of the United Kingdom Ambassador did not mean a break in diplomatic relations with that country.”*¹³⁸¹

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.”*¹³⁸²

In reply to a question regarding the security of the Shackleton mission; *“Mr. Callaghan noted that the HMS Endurance of the Royal Navy was in the vicinity of the archipelago and that two other vessels were ready to proceed there,...”*¹³⁸³

January 16th, at the behest of Argentina, the *Inter-American Committee on the Problem of the Malvinas*, a sub-group of the *Organisation of American States*, confirm that they; “.. fully supported the position of Argentina on the matter. It declared that Argentina had the incontrovertible right of sovereignty over the Malvinas; alleged that the dispatch of the Shackleton mission was in contravention of General Assembly

1381 *UN Doc A3125/Rev.1 vol.4*

1382 *HC Deb 14 January 1976 vol 903 cc391*

1383 *Permanent Representative of Argentina to the Chairman of the Special Committee on Decolonization May 6th 1976*

resolutions; defined the presence of foreign warships in the waters adjacent to Argentina as a threat to peace and security and a violation of international rules on non-intervention; and concluded that these were hostile actions aimed at Argentina.”

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, *Almirante Storni*, attempts to 'arrest' the unarmed *RRS Shackleton* when she is 78 miles south of Port Stanley. The action is observed by helicopters from *HMS Endurance*.

“ .. an instruction was given for the vessel *Shackleton* to be intercepted for the purpose of inspecting the vessel. On 4 February the Argentine naval destroyer *Almirante Storni* approached the *Shackleton* and told it to stop its engines and to permit boarding for inspection, as is customary in these cases. The captain of the United Kingdom ship continued his course, disregarding the instruction and thus endangering the lives of the crew and the safety of the ship. In accordance with existing rules, warning shots were fired from small arms, but, in the knowledge that the United Kingdom vessel was carrying explosives and in order to exercise maximum prudence, the commander of the Argentine vessel was instructed not to use force., as would have been appropriate in the circumstances. The reckless and provocative attitude of the British captain is clearly indicative of the intention to conceal the activities in which the *Shackleton* had been engaged.” ¹³⁸⁴

Britain immediately *Protests* the Argentine action.

February 5th, the incident is reported to Parliament by Edward Rowlands; “ 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 ...” ¹³⁸⁵

Argentina counters the UK's *Protest* with a *Note Verbale*; “The Ministry of Foreign Affairs and Worship presents its compliments to the Embassy of the United Kingdom of Great Britain and Northern Ireland and has the honour to refer to the activities of the British ship *Shackleton* in maritime areas under the jurisdiction of the Argentine Republic. The Argentine Government is aware of the fact that the said ship has been engaged in scientific research activities geophysical and geological surveys - on the Argentine continental shelf, without having complied with the prior requirements of Argentine legislation on the matter, which is in conformity with existing international law.

In view of these activities an Argentine naval vessel told it to stop, with a view to exercising the right to inspect and board. This order was disregarded by the British vessel, which thus incurred another violation of the pertinent law. Despite the attitude of the captain of the Shackleton, the Ministry of Foreign Affairs must stress that the Argentine naval vessel abstained from the extreme exercise of force, in order to prevent the situation from becoming more serious and endangering the lives of the crew of the British ship and the safety of the vessel.

The situation is all the more serious in that the Ministry of Foreign Affairs and Worship had already reminded the Embassy, in its note of 14 November 1975, that if the planned research activities were to be conducted, the

1384 *Permanent Representative of Argentina to the Secretary-General of the United Nations February 23rd 1976*

1385 Following this incident, an extension to the deployment of *HMS Endurance* is agreed with the Ministry of Defence and a support vessel from the Royal Fleet Auxiliary deployed.

requirements of Argentine law must be respected, Which was not done. In view of the foregoing, the Ministry of Foreign Affairs and Worship lodges the most formal and vigorous protest of the Argentine Government and demands, without prejudice to the continued exercise of the rights on which it is relying, that the British Government take measures to punish those responsible and to prevent the recurrence of such acts.”¹³⁸⁶

February 6th, the UK writes a letter to the President of the Security-Council complaining of; “.. an unlawful, and dangerous action by a warship of the Republic of Argentina against the Royal Research Ship Shackleton peacefully in passage on the high seas ... engaged in scientific research connected with the theories of the continental drift and was a British contribution to the International Geodynamics Project.”

The UK's letter calls upon Argentina; “.. to refrain from further harassment on the high seas of peaceful vessels in contravention of recognized international law, and reserved the right to request at a later stage appropriate action by the Security Council on this matter.”

La Nacion reports; “In spite of a request by the Command of Naval Operations, the Navy was not allowed to take more drastic action.”

February 9th, the Shackleton team return to the UK.

February 10th, Argentina also complains to the Security-Council of a; “.. serious violation of the legislation concerning Argentine maritime jurisdiction committed by the United Kingdom vessel Shackleton in consequence of the scientific-geophysical and geological research activities undertaken by that vessel on the Argentine continental shelf which were clearly directed towards geological surveying, with a view to the exploitation of hydrocarbons, if found.”

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, in New York, Rowlands meets the new Argentine Foreign Minister, Snr. 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 although the vessel does sail towards Antarctica.

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.”¹³⁸⁷

March 3rd, in a letter to the Special Committee on Decolonization, the UK's Representative states that; “My Government do not accept that resolutions 2065 and 3160 entail a commitment on their part to transfer sovereignty over the Falkland Islands. They have worked within the spirit of those resolutions to resolve their differences with the Government of Argentina over the future of the Falkland Islands. But they cannot agree to any settlement of those differences which is not in accordance with the wishes of the Islanders...”

The resident population of the Islands is entirely British and has been so for many years. It is the view of the Government of the United Kingdom that respect should be accorded to the wishes of the Islanders, in accordance with the principle of self-determination which is enunciated in the Charter of the United Nations

1386 UN Doc A3125/Rev.1 vol.4 Appendix II
1387 Franks 1983 para.48

and in General Assembly resolution 1514 (XV) of 14 December 1960, and which my Government have consistently applied in their dealings with all their dependent Territories...

It may also be helpful if I comment on the incident in 1833, which is referred to in the Preamble to the Declaration, when British sovereignty was confirmed. In January 1833, a British naval vessel peaceably reasserted British sovereignty, which was first established in 1765. There is no substance in the suggestion that a British corvette "ousted by violence" the Argentine authorities established in the Islands. The only persons sent back to Argentina under duress were the ringleaders of a mutiny that had occurred at the small Buenos Ayrean settlement. The mutineers had killed their commander. The commander of a Buenos Ayrean schooner, which was there at the time, had placed these mutineers in irons aboard a British schooner, and they were, at his request, taken to Buenos Aires. Some of the civilian inhabitants elected to be repatriated and some chose to stay behind. Not a shot was fired on either side.

But the essential point in this matter, in the view of the Government of the United Kingdom, is easily verifiable. It is a demonstrable fact that since 1833, that is to say for nearly a century-and-a-half, a period which, coincides very closely with the period during which the nation States of Latin America have been able to assert their own right to self-determination, the United Kingdom has maintained an open, continuous, effective and peaceful possession of the Falkland Islands. There have been, of course numerous diplomatic exchanges between my Government and that of Argentina during this period, but these have not affected the continued exercise of British sovereignty."

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 on the basis that further study is required.¹³⁸⁸

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'.¹³⁸⁹

In **May**, elections are held for seats on the *Legislative Council*; "Some 1,119 persons voted, representing 13.8 per cent of the electorate. In the final results it was announced that the following had been elected: L. G. Blake (West Falkland), A. B. Monk (East Falkland), W. E. Bowles (Port Stanley) and J. Smith (Port Stanley). Following the elections, the Governor nominated H. L. Bound and A. B. Hadden as members of the *Legislative Council*."

The Shackleton inquiry presents its *Report* which, contrary to the assertions of the FCO, confirms 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.¹³⁹⁰

1388 Freedman 2005 p.41

1389 Dodds 2002 p.161

1390 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.

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.”*¹³⁹¹

June 22nd, Shackleton acknowledges that his *Report* is “not palatable” and comes at an; “awkward moment.”¹³⁹² 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.

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; “.. had explained why it had been cautious in its approach to previous *General Assembly Resolutions*. They did not give weight to the wishes of the inhabitants of the Falkland Islands. Draft resolution V in the report of the *Fourth Committee*, which had been adopted by that Committee on 15 November, had gone further. In fact, it stood in contrast to the other draft resolutions contained in the report of the *Fourth Committee*. It had not mentioned the principle of self-determination.

*The United Kingdom delegation was told that the Falkland Islands was a special case. It did not accept that. Surely that was a dangerous principle to accept in relation to the remaining - the mercifully few remaining - Non-Self-Governing Territories. The United Kingdom delegation regretted that the Fourth Committee should have recommended a resolution which conflicted with the principles which govern United Nations activity on decolonization elsewhere. The people of the Falkland Islands had the right to be consulted and to have their wishes about their own future taken into account. Yet, the draft which was before the General Assembly deliberately set those wishes aside as though the views of the people of the Falkland Islands were of no account.”*¹³⁹³

Argentina's *Representative* replies; “.. that many *General Assembly resolutions* had accepted the fact that colonial cases were individual in nature and that one must not prejudge what principle should be applied to each case. He said that *General Assembly resolution 1514 (XV)* of 14 December 1960 established quite clearly, in paragraph 6, that in certain circumstances - including without any doubt, those deriving from acts of territorial usurpation against a country - the applicable principle was territorial integrity and not self-determination. ...”

He also reacts to the change in stance adopted by some countries on the issue of self-determination; “.. While his delegation respected the right of every delegation to change its position on a particular question when and for whatever reasons it deemed appropriate, he said that his delegation was surprised at the decision of certain countries which, having voted in favour of resolutions 2065 (XX) and 3160 (XXVIII), had, on the current occasion, taken a different position. His delegation was even more surprised to see that that new position was based on opposition to the very principles that those delegations supported barely three years ago.”

1391 *"Falkland Islanders cling to Britain"* in the *Alberta* newspaper. *HL Deb* 20 April 1977 vol 382 cc222-66

1392 Freedman 2005 p.45

1393 *UN Doc A3223/Rev.1 Chapter 28*

Referring to the ICJ's opinion of October 16th, 1975, with regard to Western Sahara, Argentina's *Representative* adds; “.. that the Court, while recognizing the important role of the principle of self-determination, had pointed out that on a number of occasions the General Assembly had given priority to the principle of territorial integrity, particularly when the colonial Territory had been created to the prejudice of the country to which the Territory belonged originally. Furthermore, in paragraph 87 of the opinion, the Court had affirmed quite clearly that in all cases the "special characteristics" of the Territory should borne in mind.¹³⁹⁴

However, the most decisive paragraph on the subject was paragraph 162, from a reading of which it was perfectly clear that in those situations where there was a dispute regarding sovereignty over a colonial Territory, whether or not the principle of self-determination should be applied depended on the nature of the link between the Territory in question and the State in question at the moment of colonization.”¹³⁹⁵

December 1st, the General Assembly adopts Resolution 31/49 (XXXI)^x requesting 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.”¹³⁹⁶

“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 Malvinas, 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.”¹³⁹⁷

1394 *Western Sahara, Advisory Opinion, ICJ Reports 1975 para.87* states - “*Western Sahara (Rio de Oro and Sakiet El Hamra) is a territory having very special characteristics which, at the time of colonization by Spain, largely determined the way of life and social and political organization of the peoples inhabiting it. In consequence, the legal régime of Western Sahara, including its legal relations with neighboring territories, cannot properly be appreciated without reference to these special characteristics. The territory forms part of the great Sahara desert which extends from the Atlantic Coast of Africa to Egypt and the Sudan. At the time of its colonization by Spain, the area of this desert with which the Court is concerned was being exploited, because of its low and spasmodic rainfall, almost exclusively by nomads, pasturing their animals or growing crops as and where conditions were favourable. It may be said that the territory, at the time of its colonization, had a sparse population that, for the most part, consisted of nomadic tribes the members of which traversed the desert on more or less regular routes dictated by the seasons and the wells or water-holes available to them. In general, the Court was informed, the right of pasture was enjoyed in common by these tribes; some areas suitable for cultivation, on the other hand, were subject to a greater degree to separate rights. Perennial water-holes were in principle considered the property of the tribe which put them into commission, though their use also was open to all, subject to certain customs as to priorities and the amount of water taken. Similarly, many tribes were said to have their recognized burial grounds, which constituted a rallying point for themselves and for allied tribes. Another feature of life in the region, according to the information before the Court, was that inter-tribal conflict was not infrequent.*”

1395 *Western Sahara, Advisory Opinion, ICJ Reports 1975 para.162* states - “*The materials and information presented to the Court show the existence, at the time of Spanish colonization, of legal ties of allegiance between the Sultan of Morocco and some of the tribes living in the territory of Western Sahara. They equally show the existence of rights, including some rights relating to the land, which constituted legal ties between the Mauritanian entity, as understood by the Court, and the territory of Western Sahara. On the other hand, the Court's conclusion is that the materials and information presented to it do not establish any tie of territorial sovereignty between the territory of Western Sahara and the Kingdom of Morocco or the Mauritanian entity. Thus the Court has not found legal ties of such a nature as might affect the application of resolution 1514 (XV) in the decolonization of Western Sahara and, in particular, of the principle of self-determination through the free and genuine expression of the will of the peoples of the Territory.*”

1396 The vote was 94 in favour, while 32 countries abstained including the USA and most of Europe.

1397 *Estarategia* No. 43-44 Nov- Dec 1976, Jan-Feb 1977. Article by General Juan E. Gugliamelli

December 16th, Sir James Roland Walter Parker is appointed Governor of the Falkland Islands.¹³⁹⁸

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 the 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 also suggests that the Argentine Navy is preparing contingency plans for an invasion of the Falkland Islands.¹³⁹⁹

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 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.*”¹⁴⁰⁰

February 16th, Edward Rowlands arrives in the Islands to hold talks with the Islanders. The *Legislative Council* agrees to co-operate in working out terms of reference for formal negotiations.

February 17th, the *Council* issues 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*

1398 *The London Gazette*, No. 47113

1399 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*.

1400 *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.

*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."*¹⁴⁰¹

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' while Chile considers the matter "settled."¹⁴⁰²

Reviewing the situation, the FCO 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 to gauge Argentine attitudes.

In **April**, it is reported that two prominent Argentine businessmen are prepared to pay \$US 10 million for the *Falkland Islands Company*. In response to a question in the House of Commons, Rowlands states that; " .. no land can be alienated on Falkland Islands without the permission of the Falkland Islands Government itself; the British Government would not support such a move."

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.*"¹⁴⁰³

April 26th, Foreign 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.*

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. .."*¹⁴⁰⁴

July 13th, delegations from Argentina and the UK meet in Rome for two days of talks.

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.¹⁴⁰⁵

In **September**, Argentine Navy vessels fire on Russian and Bulgarian fishing boats working in Falklands waters.

1401 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.

1402 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.

1403 *HL Deb 20 April 1977 vol 382 cc222-66*

1404 Franks 1983 para.60.

1405 *Cambridge Expedition to the Falkland Islands 1977: Report to the National Maritime Museum*

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.*”¹⁴⁰⁶

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.¹⁴⁰⁷

December 1st, the *Financial Times* reports that “*major international oil companies*” will carry out seismic explorations for oil in the waters around the archipelago.

December 13th, a further two days of talks commence in New York.

*“The two sides recognized that there was a wide range of issues involved which would require detailed study. They accordingly agreed to establish at official level two parallel working groups on political relations, including sovereignty, and on economic co-operation, to pursue these studies in depth and to report back to the heads of delegations. The venue, composition and timing of the meetings of the working groups will be settled through diplomatic channels. A further round of negotiations will be held within the second quarter of 1978.”*¹⁴⁰⁸

December 18th, Edward Rowlands meets the Governor and Island *Councilors* in Rio de Janeiro to update them on the progress of the negotiations while the small British task force quietly retires.

December 28th, the UN's *General Assembly* decide to defer any consideration of the Falklands until its 1978 session.

1978 – the *Falkland Islands Association* opens a London office. Seismic surveys take place around the Falklands continental shelf.¹⁴⁰⁹

February 15th, talks continue in Lima, but little progress is achieved. Argentina refuses to acknowledge that the Islands have any continental shelf.

February 17th, the Lima talks end; “*No joint communique was issued at the close of the meeting, which was characterized as preparatory to plenary round discussions scheduled to be held at a ministerial level during the second quarter of 1978. According to the press, the delegations were headed by Mr. Medina Munoz of the Argentine Ministry of External Relations and Worship, and Mr. George Hall Under-Secretary of State at the United Kingdom Foreign and Commonwealth Office.*”

The Argentine military base on Southern Thule is noticed by passengers aboard the *Bransfield*.

1406 Article by Penelope Tremayne

1407 *Operation Journeyman*. It now seems certain that Argentina remained unaware of the presence of these vessels.

1408 *UN Doc A3323/Rev.1 vol.4*

1409 *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.

In **June**, the Governor makes a speech to the *Legislative Council*; *“The Governor .. said that the people of the Territory would wish negotiations on the question of the Falkland Islands to bear fruit so that they could continue their way of life in peace and mutually beneficial development. He was sure, he said, that “we are sincerely appreciative of the help we are given by Argentina in hospital and medical care” in the much improved external air service, in fuel and other supplies. The Governor pointed out, however that “any extension into a wider co-operation will only be possible on the basis of an acceptance of the principle that the wishes of the Islanders as regards their future must be fully recognized as the main concern, ... Finally he noted with satisfaction that “those sentiments were so fully endorsed, on all sides, in both houses of the United Kingdom Parliament, where our final safeguard lies.”*

June 22nd, Lord Goronwy-Roberts makes a statement to Parliament regarding the Shackleton Report; *“I reviewed our action to implement the Shackleton report in my answer to questions on 25 January. Since then we have made further progress. We are financing the construction of an all-weather road from Darwin to Stanley and of a new school hostel in Stanley. We are also ... carrying forward our urgent discussions with the Falkland Island Government on expanding the internal air service. ...”*

July 5th, Edward Rowlands speaks to the House of Commons regarding the situation on Southern Thule; *“We are not dealing with an illegal occupation of 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.” ¹⁴¹⁰

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 registers no objections.¹⁴¹¹

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 holds 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)*.

1410 *HC Deb 05 July 1978 vol. 953 cc620-30*

1411 Freedman 2005 p.146

In **September**, Foreign Secretary David Owen and Vice-Admiral Oscar Montes, the Argentine Foreign Minister, discuss the possibility of further negotiations.

December 13th, the *General Assembly* defers consideration of the Falkland Islands to its 1979 session.

December 18th, a further round of talks take place in Geneva where agreement is reached over scientific activities on Southern Thule and within the *Dependencies*; *“The Argentines accepted that, under such an agreement, these activities – including their station on Thule, would have no implications for sovereignty.... We rejected the idea that the aim of the negotiations was simply to transfer sovereignty to Argentina.”* ¹⁴¹²

1979 – January 7th, Falkland Island Councillors are informed of the agreements reached at Geneva.

January 8th, Argentina and Chile agree to Papal mediation over the Beagle Channel dispute.

January 13th, the agreements achieved at Geneva are rejected by Islands Councilors.

March 21st, three days of talks start in New York; *“There is no question of any decisions being taken in New York this month; our intention is to pre-empt trouble and continue talking.”* ¹⁴¹³

Argentina issues a stamp set celebrating the 150th anniversary of the *‘Civil and Military Command of the Malvinas’*.

May 1st, a refurbished airport opens at Cape Pembroke with 4,000 ft of paved runway.

May 3rd, in a change of Government in Britain, Margaret Thatcher becomes Prime Minister.

May 10th, John Ure, of the *South American Department*, minutes Nicholas Ridley, the new FCO Minister responsible for the Falkland Islands; *“There is a vociferous and highly organised Falkland islands lobby in this country with the capacity to enlist considerable support in Parliament and the media. Its function, in the name of the Falkland Islanders, is to monitor and oppose any attempt by the British Government to establish closer links between the Falkland Islands and Argentina. The lobby is now beginning to turn its attention also to the Dependencies and to the maritime zones where, because of possible fish and oil resources, it perceives an additional threat by Argentina to a British and Falkland Islander interest....*

The Argentines seek full sovereignty over the Falklands but are prepared to offer residual safeguards for the Islanders’ after transfer of sovereignty.... The Argentine claim enjoys widespread international support....” ¹⁴¹⁴

May 14th, Minister Ridley responds to Ure; *“.. I would hope to preserve the Falklands as British – maybe its not possible – in return for helping Argentina to carve up the Antarctic with us as a partner. I do think its important for me to go a) to the Falklands, b) to Argentina.”*

“Three weeks after she became prime minister in 1979, she invited Lord Carrington and Willie Whitelaw, with their wives, to a lunch at Chequers. Carrington mentioned that one of the problems he faced was what to do about the Falklands. “I think we will soon be in trouble if we go on having meetings about them with the Argentines without saying anything at all, “ Carrington said. “One of the options which seems to me worth exploring is a leaseback arrangement similar to what we have in Hong Kong.” Lady Thatcher “erupted in anger,” Carrington tells Jonathon Aitken ...

1412 ALW 045/325/1 Part A Margaret Thatcher Foundation

1413 ALW 045/325/1 Part A

1414 ALW 045/325/1 Part B

*She spent the next ten minutes denouncing the very idea of exploring a Hong Kong solution. "That's the trouble with your Foreign Office," she said. "Everyone in it is so bloody wet!"*¹⁴¹⁵

HMS Ashanti visits Stanley.

June 4th, Ridley minutes the Foreign Secretary, Lord Carrington, seeking a decision as to the policy to be adopted; *"I have been looking at the various options open to us. These seem to be: (a) thumbing our noses at the Argentines and provisioning and defending the Falkland islands – the "Fortress Falkland" option: (b) selling out the Falkland Islanders: (c) negotiating with Argentina.*

I think that negotiation is the only valid option. The Argentines will not negotiate unless the negotiations include questions of sovereignty so, although I am much more interested in negotiating with them about economic co-operation, we will have to agree to discuss sovereignty. If we are going to do this we must keep the Falkland islanders with us. If we do not they will complain and we will have a blow up in Parliament and in the press.

*I am therefore proposing to go out to the Islands in July. I cannot go to the Islands without also going to Buenos Aires and having a preliminary talk with the Argentines. For this I need to have the backing of the Government for the general lines of a negotiation with the Argentines."*¹⁴¹⁶

June 7th, *La Prensa* reports that a further meeting is due later in the month between Deputy Foreign Minister Carlos Cavandoli and Nicholas Ridley and that the topics for discussion include; *".. an analysis of the state of negotiations on the Falkland Islands, the establishment of the basis for a formal meeting to be held at Buenos Aires in July 1979 following Mr. Ridley's visit to the Territory, and the resumption of bilateral relations at the ambassadorial level."*

June 12th, Minister Comodoro Cavándoli indicates that his Government will require sovereignty to be a central part of any negotiations with the new British Government.

June 14th, the Foreign Secretary responds that the British Government is willing to continue with, *"dialogue."*

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."*¹⁴¹⁷

In **July**, Minister Nicholas Ridley, visits the Falklands. He proposes a 'leaseback' system, but the Islanders are not enthusiastic.

Ridley then travels to Buenos Aires for preliminary talks where an agreement is reached on the reinstatement of Ambassadors, but little else. As he is about to depart, the Argentine Foreign Ministry deliver an *aide-memoire* to Ridley stating that they will find it unacceptable for the Islanders to become 'third parties' to the negotiations and that Argentina "demands" that negotiations move; *"at a more dynamic pace"*.

August 17th, an internal Foreign Office *minute* raises the issue of negotiations; *".. we need to clear our lines with Cabinet on the next moves in our dispute with Argentina on sovereignty over the Falkland Islands. I recommend that the Secretary of State write to the Prime Minister and his OD colleagues seeking their agreement to resume negotiations with Argentina in the autumn, to see whether an overall solution involving a leaseback, or some other special status, is possible. ..."*

1415 *The Telegraph* October 12th, 2013

1416 ALW 045/325/1 Part B

1417 FCO ALA 020/1 Part A Political Relations between UK and Argentina File No. 141/1

*No solution stands any chance of success if we do not take the Islanders with us.”*¹⁴¹⁸

September 19th, Davidoff, signs a contract with *Christian Salvesen Co.*, giving him an option to purchase the whaling 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.¹⁴¹⁹

September 20th, Lord Carrington, the Foreign Secretary, attempts to gain a consensus on Falklands policy with the Prime Minister and other members of the Cabinet's *Defence and Overseas Policy Committee*.

In a *minute* to the Prime Minister, he puts forward three options:

- *‘Fortress Falklands’*;
- protracted negotiations with no concession on sovereignty; and
- substantive negotiations on sovereignty.¹⁴²⁰

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.”*

On the same day, John Hunt also *minutes* Prime Minister Thatcher regarding the proposals; *“Lord Carrington's minute to you of 20 September proposes that in the margin of the UN general Assembly meeting next week he should suggest to his Argentine Foreign Minister that negotiations should start soon between Mr Ridley and his Argentine opposite number over the Future of the Falkland Islands. In these negotiations we should, for the first time, formally put to the Argentine the suggestion that we might concede sovereignty over the Falklands and the Dependencies in return for a leaseback to ensure continued British rule for as long as possible, ie at least 30 years....”*

Margaret Thatcher writes on the top of the *minute*; *“I cannot possibly agree to the proposed course of action.”*¹⁴²¹

September 22nd, David Howell, the British Energy Secretary writes to Thatcher; *“I have seen Peter Carrington's paper to you on the subject of the Falkland Islands ... I am, however, rather uneasy about 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.”*¹⁴²²

1418 *Ure to Hall August 17th, 1979 ALW 045/325/1 Part C.OD* is short for the *Defence and Overseas Policy Committee*.

1419 Letter from Davidoff to Ambassador Williams dated March 25th, 1982 *AW 040/325.12*

1420 *PM/79/81*

1421 *PREM 19/656 fl 14* Margaret Thatcher Foundation

1422 *PREM 19/612*

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.*”¹⁴²³

At the UN, Argentina's Foreign Minister proposes a “*programme of work*” in which Ridley meets with Argentina's Deputy Foreign Minister informally twice a year with an open agenda.

October 12th, the Foreign Secretary seeks a decision from the *Defence and Overseas Policy Committee*; “*I.. invite my colleagues to agree that the FCO should resume talks with the Argentines at Ministerial level. The purpose of the talks in the first instance would be to explore, without commitment, political and economic solutions.... We would seek not to rush matters: so long as the Argentines believe we are negotiating seriously, they will desist from precipitate action. Publicly, we would merely announce that we were continuing a series of talks already in being.*”¹⁴²⁴

October 15th, a confidential letter from Thatcher's secretary to the FCO simply states; “*The Prime Minister has seen the Foreign and Commonwealth Secretary's memorandum of 12 October... She has asked that discussion of the Falkland Islands by OD should be postponed until after the Rhodesia issue has been settled.*”¹⁴²⁵

November 2nd, Argentina's *charge d'affaires* in London invites Minister Ridley to meet with Deputy Foreign Minister Commodore Cavándoli. Ridley turns down the invitation.

1980 – January 9th, Governor Parker gives his response to the proposal of a *lease-back* arrangement; “*... maybe I have been here too long but after even only three years among the Islanders I would instinctively find it as difficult to accept as they would.*”

January 29th, the *Defence and Overseas Policy Committee* meets at Downing Street to discuss the Falkland Islands. During the meeting it is noted that; “*The Argentine's legal claim to sovereignty over the Falkland Islands was very weak. That was why they did not wish to let the matter go to arbitration. Any agreement to discuss sovereignty might damage Britain's strong legal position.*”

Summing up the *Committee's* debate, the Prime Minister says; “*.. that the nub of the problem lay in the danger that any resumption of talks might appear to foreshadow a surrender of sovereignty over the Falkland Islands at some time in the future. There was no legal basis for such a surrender.*”¹⁴²⁶

The meeting 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.

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.*”

1423 *Ibid.* See also Franks 1983 para.73

1424 *CAB 148/183*

1425 *ALW 040/325/14*

1426 *CAB 148/189*

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 talks between Britain and Argentina provided that they remain 'general,' 'exploratory' and 'without commitment.' They also agree to send a representative.

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.*” He makes it clear that sovereignty must be discussed at the next meeting.

A sticking point is reached during the discussion on a final joint *communique*, with the British wishing to refer to the two days of meetings as 'discussions' and the Argentine's wanting to call them, 'negotiations'.

April 30th, the final *communique* 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.'*

June 6th, a piece appears in *The Times* newspaper; “*New moves are taking place between Argentina and Britain over the disputed Falkland Islands colony in the South Atlantic. Yesterday, Dr Jose Alfredo Martinez de Hoz, the Argentine Minister of the Economy, who is on an official visit to Britain had discussions with ministers and officials and called on Mrs Thatcher, the Prime Minister. Dr Martinez de Hoz said he would be discussing the possibility of Anglo-Argentine ventures in offshore oil exploration and the development of fishing off the Falklands. He said in an interview: “For the first time some progress has been made and there is a little light on the horizon . . . and I think the economic side can help. We have two common interests, which could be oil and fishing. So long as some sort of discussions on sovereignty can go on at the same time we might be able to reach some kind of agreement on joint oil exploration or fishing which would be the beginning of a get-together on this issue. ... Dr Martinez de Hoz also talked with, among others, Lord Carrington, the Foreign Secretary, Sir Geoffrey Howe, the Chancellor, Mr Peter Walker, the Minister of Agriculture, Fisheries and Food. and Mr John Nott, Trade Secretary.”*

June 27th, Lord Carrington proposes to the *Defence and Overseas Policy Committee* an arrangement 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. Agreements could then be reached regarding co-operation on fishing and oil exploration.

July 2nd, the *Committee* consider Carrington's proposals; “*In discussion there was general agreement with the practical advantages of the course of action proposed although considerable misgivings were expressed about its domestic political implications. .. Argentina had a very weak legal claim to the Falkland Islands. Unfortunately the United Nations ignored this fact and sided with her over this issue. ...*

The Prime Minister, summing up the discussion, said that although the decision had difficult political implications, the balance of advantage lay in the Minister of State, Foreign and Commonwealth Office being authorised to go ahead on a confidential basis to hold exploratory talks to establish the possibilities for a solution... including a surrender of sovereignty and a simultaneous lease back arrangement.”¹⁴²⁷

Carrington is authorised to initiate 'exploratory' and 'confidential' talks with Argentina.

July 10th, a telegram is sent to Minister Cavándoli via the British Ambassador suggesting that a *lease-back* arrangement be explored.

August 7th, Rex Masterman Hunt takes over as Governor.¹⁴²⁸

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.”*¹⁴²⁹

Minister 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 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 in 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.”*

November 5th, 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 7th, the *Defence and Overseas Policy Committee* suggest that Ridley visits the Falklands in order to assess whether the Islanders will accept some kind of *lease-back* arrangement.

November 18th, an article in *The Times* notes; *“Mr Nicholas Ridley,..., will visit the Falkland Islands from November 22-29, for further discussions with the islanders on how to resolve the dispute between Britain and Argentina over the status of the islands. ... Mr Ridley will pay a courtesy call on the Argentine Deputy Foreign Minister during his forthcoming visit, but no substantive talks would be held, it was stated yesterday. In any case, it is stressed in London that British policy towards the Falklands remains as it has always been, that no solution would be acceptable that was not agreed by both the islanders and the British Parliament.”*

November 21st, Minister Ridley, en-route to the Falklands, stops over in Buenos Aires. The Argentine authorities have not received prior warning of the visit to the Islands and appear irritated.¹⁴³⁰

1428 *The London Gazette*, No. 48277

1429 *FCO 7/3808*

1430 *Falkland Islanders at War* Graham Bound 2002

“Argentine feathers have been ruffled by the remarks of Mr Nicholas Ridley, ..., who passed through Buenos Aires on his way to a week’s visit to the Falkland Islands, over which Argentina claims sovereignty.

*Mr Ridley told reporters, “if the islanders were to accept total change in favour of Argentine sovereignty or economic control we would be very surprised,” Such a statement may seem self-evident to British ears or those of the islanders, but it is like a red rag to a bull for a nation whose educational system is designed to convince itself that it is the best. The local press enjoyed an orgy of indignation, and the Foreign Ministry replied in a communiqué that the British Government had not made one positive move to solve the sovereignty question. Mr Ridley told reporters that he had come to meet the islanders on whose total acceptance depended any solution to the dispute.”*¹⁴³¹

*“He made it clear that the Islanders' wishes would be paramount and that their readiness to contemplate lease-back could not be taken for granted. He also made it clear that the concept was not regarded with any enthusiasm in London and it would not be easy to satisfy Parliament...”*¹⁴³²

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* or the FCO favoured concept of '*lease-back*.'

November 24th, a first meeting between Minister Ridley and Island Councillors is convened in the Town Hall in Stanley; *“Mr. Bennet asked if the question could be taken to the ICJ. Mr. Ridley said that internationally, we were in a minority of one on the issue. The Argentines would not accept ICJ arbitration...”*¹⁴³³

At a public meeting, Minister Ridley puts forward his three proposals which are met with annoyance and anger and he is shouted down. Clearly not expecting this response, Ridley is reported to lose his temper and tell the Islanders' that they would be to blame for the consequences.¹⁴³⁴

November 25th, a further meeting takes place in Stanley between Ridley and the *Legislative Council*.

November 26th, in *The Times* newspaper; *“ Britain is suggesting that the sovereignty of the Falkland Islands be transferred to Argentina, according to a report reaching London last night... This is said to be one of a number of options which are being put to the islanders by Mr Nicholas Ridley, Minister of State in the Foreign Office, responsible for Latin America, who is now in the Falklands.... Air Commodore Frow said that the lease-back solution, which has. been raised before, is the one which is preferred by Whitehall.... A spokesman at the Foreign Office said last night that he could neither confirm nor deny the reports... When asked if Britain intended to cede the sovereignty of the islands to Argentina the spokesman said they were looking for a solution which everyone could live with. ... no solution can be finally agreed without the endorsement of the islanders and Parliament... During his meeting with the Sheep-owners, Mr Ridley said that another option would be to break off talks altogether but he felt that this might antagonize the Argentine Government.”*

November 27th, the issue is raised in Parliament with both MP's and Lords calling for a statement.

“Following an alarmist headline in The Times on 26th November, ... soothing answers were given to questions in Parliament.. These answers made clear that any solution to the dispute over the Islands would have to be endorsed both by the Islanders and by Parliament.”

1431 *The Times* November 23rd 1980

1432 PREM 19/656 f62 Margaret Thatcher Foundation

1433 ALW 0400/352/12

1434 Bound 2002 p.10

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."*¹⁴³⁵

November 29th, Minister Ridley's final meeting with the *Islands Council* fails to result in any 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."*¹⁴³⁶

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 and the attitude of the FCO towards the Islanders comes in for heavy criticism.

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."*¹⁴³⁷

In Buenos Aires, *La Prensa* comments; *"... 15 years of useless negotiation: London's proposals are unacceptable from every point of view."*

December 3rd, *The Times* notes; *"The House of Commons came together in total concord yesterday to voice its deep suspicion of the intentions of the Foreign Office and of Mr Nicholas Ridley, a Minister of State, for the future of the Falkland Islands and their relationship with the Argentine. Seldom can a minister have had such a drubbing from all sides of the House, and Mr Ridley was left in no doubt that whatever Machiavellian intrigues he and the Foreign Office may be up to, they will come to nothing if they involve harming a hair on the heads of the islanders. ... Mr Ridley, who has just returned from a visit to the Falklands, could, not have received a colder welcome.... From the Conservative benches, Mr Julian Amery told the minister that his statement was profoundly disturbing. For years the Foreign Office had wanted to get rid of this commitment, although the islands had an important part to play in the future of the South Atlantic... A few moments later, Mr Ridley floundered into deeper water when he was asked whether the Government would accept the views of the islanders if they opted for the maintenance of the status quo. The minister seemed to many to be dodging the issue..."*

A further meeting of the *Defence and Overseas Policy Committee* takes place at 10, Downing Street.

1435 PREM 19/656 Telegram No. 183 of 27 November

1436 Bound 2002 p.10

1437 Freedman 2005 p.112

“The Prime Minister, summing up the discussion, said that the Committee would wish to resume consideration of the subject when the Islanders' leaders had reported further on local opinion. Unfortunately, Parliamentary hostility to the idea of a settlement was now so strong that, even if the islanders considered view was that one should be sought, this might be regarded as merely the result of pressure from Government. It should therefore be made clear that, if the islanders favoured maintaining the status quo, they would be fully supported. Further thought would need to be given to the way in which the proposed nationality Bill would affect the Islanders...”

December 11th, Ambassador Ortiz, in London, speaks to Minister Ridley urging more talks.

In New York, 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 – 8. '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.'*¹⁴³⁸

December 18th, Britain protests about reported Argentine proposals for oil exploration in Falklands waters.¹⁴³⁹

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 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.”*¹⁴⁴⁰

January 13th, Foreign Secretary Carrington sends a message to Minister Cavándoli in Buenos Aires; *“Ministers will need to give careful consideration to the Islanders' response and to next steps before any decision can be taken on a meeting... we may be unable to present firm proposals before the end of the month.”*

January 27th, Argentina objects to a group of people from St. Helena emigrating to the Falklands.¹⁴⁴¹

They also demand that negotiations on sovereignty are resumed, *“sooner, rather than later.”*

January 29th, a meeting of the *Defence and Overseas Policy Committee* authorises Carrington to arrange talks with Argentina.

February 23rd, 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 no discussion on sovereignty.

“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? ... any progress had to include the question of sovereignty....

1438 *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.

1439 *The New York Times*

1440 *HC Deb 21 January 1981 vol 997 cc248-9*

1441 *PREM 19/656 Telegram No. 27 of 27 January*

The two sides could not go on endlessly meeting in New York. Time for Argentina had now run out; these meetings could not continue year after year simply expressing views.... the freeze proposal was totally unacceptable, since it ignore the central Argentine wish...

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...

Mr. Monk emphasised that he and Mr. Wallace had no mandate to enter into any discussion of the cession of sovereignty.... Mr. Monk pointed out that one of the UN's basic principles was the right to self-determination. Why were the Argentines not prepared to accept the Islanders' rights to determine their own future?

Sr. Ortiz de Rozas said that the relevant UN resolutions referred to the principle of territorial integrity. Argentina's had been harmed.

*Mr. Ridley said that the principle of self-determination was nevertheless overriding; ...*¹⁴⁴²

February 24th, talks continue for a second day.

February 26th, a final *communiqué* is released, but a dramatically shorter version than that agreed following a last minute intervention by the Argentine Embassy determined to restrict the amount of information being released to the public in Argentina.¹⁴⁴³

February 28th, Island representatives Adrian Monk and Stuart Wallace hold a press conference to outline their views of the talks.

"The way in which the Councillors' statements were relayed by the international news agency has upset Comodoro Cavandoli – in that it has made it more difficult for him to try and keep a lid on public debate here... He did not expect their account of New York to be broadcast so widely ..."

March 6th, Argentina's Foreign Ministry issue a statement; *"(a) The Argentine claim for the restitution of sovereignty had not changed and any proposal which did not give priority to this Argentine right of restitution had been completely rejected. (b) The negotiations had intensified since April 1980. (c) The negotiations were being held within the framework established by resolutions of the United Nations and on the basis of confidentiality, as agreed with the British in 1977."*

An editorial in *La Prensa* discusses British motives in proposing a "freeze"; *"The paper concluded that the proposal was a front behind which we were deliberately trying to obstruct and postpone indefinitely a final solution to the dispute. The attempt to put it into hibernation was a natural position for us to take as the party that had to give way but did not wish to do so. The victor in the sterile talks had been Britain, since she had won time."*¹⁴⁴⁴

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*

1442 PREM 19/612

1443 The official final *communiqué* 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 *Communiqué*) and Annex C (Agreed Joint *Communiqué*).

1444 ALW 040/325/2 Part B 76-150

*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.”*¹⁴⁴⁵

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.¹⁴⁴⁶

May 5th, 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.

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'.¹⁴⁴⁷

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.*”

In **June**, Minister Ridley has an informal meeting with Argentina's new Deputy Foreign Minister.¹⁴⁴⁸

June 7th, the base commander at Grytviken, South Georgia reports that an Argentine *C130 Hercules* aircraft, with military markings, has flown over the base; “*It would seem that despite our protests Argentina overflights of Falkland islands and Dependencies are increasing. Such incidents only harden the Islanders' resolve to stand firm against any proposal to have closer links with the Argentines.*”¹⁴⁴⁹

On the same day, John Ure arrives in Buenos Aires where he has talks with Foreign Minister Camilion and Ambassador Enrique Ros; “*In Argentina, I found the Ministers and officials with whom I spoke reasonably relaxed about the progress – or lack of progress – on the Falklands negotiations and well disposed towards the lease-back idea... while they themselves appreciated the constraints on our progress in the Falklands negotiations, their military masters were less patient and might require a more “forward” policy...*”

June 9th, Ure arrives at Port Stanley; “*I formed the impression that opinion was not yet irrevocably hardened against the lease-back proposal and that many of the better informed and more progressive islanders recognised that an accommodation with Argentina was necessary ...*”

1445 Carrington minute to MT March 13th ALW 040/325/2 Part B 76 - 150

1446 *HL Deb 10.11.1981 vol 425*

1447 Possibly the first time the press had been used to advertise a 'diplomatic démarche'. *HL Deb 10.11.1981 vol 425 c170*
Hansard

1448 ALW 040/522/1

1449 ALW 040/325/5

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 Cabinet *Committee* meeting on the issue.¹⁴⁵⁰

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."*¹⁴⁵¹

The Islanders' respond; *"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.¹⁴⁵²

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 protection of the Falkland islands."*¹⁴⁵³

July 20th, Ridley warns Lord Carrington that if Argentina concludes, possibly by early 1982, that the British Government is 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."*

1450 ALW 040/325/2 Part C 151-225

1451 HL Deb 30 June 1981 vol 422 cc166-87

1452 Franks 1983 para.94.

1453 Franks 1983

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.”*¹⁴⁵⁴

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 start planning ‘*Project Alpha*’, in which Argentine marines are to be secreted amongst Davidoff’s workers in order to establish a presence on South Georgia.¹⁴⁵⁵

September 7th, Carrington, asks the FCO to consider the possibility of taking the dispute to the ICJ.¹⁴⁵⁶

September 14th, the Ministry of Defence announces that *HMS Endurance* will be withdrawn from the South Atlantic before the end of March, 1982 while an intelligence report quotes an Argentine diplomatic view that; “.. *the withdrawal of HMS Endurance had been construed .. as a deliberate political gesture.*”¹⁴⁵⁷

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.*”¹⁴⁵⁸

September 22nd, Dr Camilion addresses the *General Assembly of the UN*; “*It is a strange paradox that our country, which was in the vanguard of the struggle for national independence, should still suffer from a breach of its territorial integrity, and anachronistic persistence of colonialism. The Malvinas Islands have not been restored to Argentina in spite of the long time elapsed since this General Assembly adopted Resolution 2065 (XX) in 1965. The Malvinas are still a colony to this day, with a formal status of one, basically exploited by a company built on the pattern of those of the times of the mercantilist states.*

Obviously, Mr. President, the Malvinas cannot remain a colony, nor can Argentina passively accept that part of its territory be one of the last colonies. I would also like to inform this assembly that Argentina has addressed the United Kingdom of Great Britain and Northern Ireland to propose a decisive impetus to the negotiations regarding sovereignty over the Malvinas, South Sandwich and South Georgia islands.

1454 *The Falklands/Malvinas War: A Model for North-South Crisis Prevention* Virginia Gamba-Stonehouse 1987 p.121.

1455 *Painful Choices: A Theory of Foreign Policy Change* David A. Welch 2005 p.78

1456 *ALW 040/325/1 Part B 26*

1457 Franks 1983

1458 *ALW 040/325/2 Part D 226*

The Argentine Republic hope to 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.¹⁴⁵⁹

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.*" Camilion presents this as a "*significant advancement.*"

Camilion is also reported as dismissing the Island elections as being of no importance to Argentina.¹⁴⁶⁰

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.

Lord Carrington receives his department's conclusion regard the suggestion that the dispute go to the ICJ; "*The question of British sovereignty in the area has not been submitted to the ICJ or to any other international tribunal. In 1947 and subsequently HMG offered to submit the dispute over Argentine claims in the Dependencies to the ICJ; and in 1955 HMG applied unilaterally to the Court against encroachments on British sovereignty in the Dependencies by Argentina and Chile. However, the matter could not be pursued since both Argentina and Chile declined to submit to the Court's jurisdiction in the matter.*

In 1966 the question arose as to whether in the course of negotiations with the Argentines, the UK should offer to refer the dispute over the Falkland Islands to the ICJ. ... The question was not, however, pursued further. This was partly because reference to the Court would have had no attraction for Argentina (as Argentina does not accept the compulsory jurisdiction of the ICJ, any reference to the Court could only be made with the agreement of the Argentine Government.)... If for political reasons it seemed advisable to offer international adjudication or arbitration to the Argentines again as a method of resolving the dispute, the Law Officers would first need to be consulted.

1459 FCO ALW 040/522/1 Telegram No. 909

1460 PREM 19/656 Telegram No. 259 of 24 September

Legal Advisers also consider that reference to an ad hoc arbitration tribunal might be preferable to reference to the ICJ since the composition of the former would have to be agreed between us and the Argentines. But given the Argentines repudiation of the award made by an arbitration tribunal in the Beagle Channel case, despite their prior agreement to accept its findings, no reference to international arbitration is likely to help solve the dispute.

*The Argentines would be unlikely to accept a ruling that the Islands were British and it would be politically very difficult for the UK to hand them over to Argentina, if the ruling went the other way. If arbitration went in our favour we might gain some advantage at the UN, but this would be only temporary as the great majority of UN member-states will continue to see the dispute as a colonial problem.”*¹⁴⁶¹

October 30th, the British Nationality Act receives Royal Assent.¹⁴⁶²

The British Antarctic Survey proposes the closure of the 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, 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."**

¹⁴⁶³

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.*”¹⁴⁶⁴

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.

1461 *P.R. Fearn to Nick Ridley October 14th, 1981 ALW 040/325/1 Part B 26*

1462 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.

1463 *HL Deb 10.11.1981 vol 425 Hansard*

1464 *ALW 040/325/2 Part E 301*

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. ¹⁴⁶⁵

December 18th, the *Junta* meet to discuss the Falkland Islands. ¹⁴⁶⁶

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 has left, 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*.



1465 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*
1466 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 approves '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 Government 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.¹⁴⁶⁷

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...”¹⁴⁶⁸

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 ...”¹⁴⁶⁹

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

1468 ALW 040/325/1 Part C 101 Annex B

1469 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 ...*¹⁴⁷⁰

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."*¹⁴⁷¹

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...."*¹⁴⁷²

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."*¹⁴⁷³

1470 ALW 040/325/1 B 51-100

1471 Letter dated 17th February 1982

1472 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.

1473 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.*"¹⁴⁷⁴

The British delegation responds that this; " *creates a more difficult and unhelpful climate for continuing the negotiating process.*"¹⁴⁷⁵

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.*"¹⁴⁷⁶

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."¹⁴⁷⁷

On receiving news of the Argentine press reports, PM Margaret Thatcher minutes; " *we must make contingency plans.*"

1474 ALW 040/325/1 B 51 - 100

1475 Freedman 2005 p.137

1476 *Penguin News*.

1477 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.*”¹⁴⁷⁸

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 ...*”¹⁴⁷⁹

“*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.*”¹⁴⁸⁰

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.¹⁴⁸¹

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.

1478 *Daily Telegraph* 21.2.2013

1479 ALW 040/325/1 Part C 101. *Hickson minute following duty call to the Island dated 19th March 1982*

1480 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.

1481 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..." ¹⁴⁸²

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.'* ¹⁴⁸³

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. ...*

1482 *Memorias Políticas* Oscar Camilion 1999
1483 Freedman 2005 p.149

*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 combined with Davidoff's well-known fecklessness.*¹⁴⁸⁴

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.¹⁴⁸⁵

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.*”¹⁴⁸⁶

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...*”¹⁴⁸⁷

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.*”¹⁴⁸⁸

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.*”¹⁴⁸⁹

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.

1484 PREM 19/613

1485 PREM19/613 f53 Naval Party (NP) 8901. The two combined amounted to a force of 22 Royal Marines aboard the *Endurance*.

1486 PREM 19/657 Telegram No. 85 of 21 March 1982

1487 ALW 040/325/12 Part A 1 – 100 Telegram No. 45 of 22 March Rex Hunt to FCO

1488 Freedman 2005 p.154

1489 PREM 19/657 Telegram No. 82 of 22 March 1982

Mendez threatens that harsh action will precipitate a harsh response, and that perhaps the men should be removed by an Argentine vessel in order to take some heat out of the situation.¹⁴⁹⁰

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.*”¹⁴⁹¹

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 not to lose the vital political climate for our mutual efforts regarding the peaceful resolution of the Falkland dispute through negotiations.”¹⁴⁹²

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.*”¹⁴⁹³

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.*”¹⁴⁹⁴

1490 Franks Report 1983 para. 182

1491 *Diaries: Into Politics* Alan Clark 2000 p.306.

1492 Quoted in Freedman 2005 p.157

1493 *The 1982 Falklands-Malvinas Case Study* Douglas N. Hime 2010

1494 *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.¹⁴⁹⁵ "*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.*"¹⁴⁹⁶

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..."¹⁴⁹⁷

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.

1495 *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.

1496 Interview with Larni Dozo quoted in Welch 2005

1497 *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?”*¹⁴⁹⁸

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.”*¹⁴⁹⁹

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.”*¹⁵⁰⁰

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.

1498 Interview with Admiral Jorge Anaya, quoted in Welch 2005 p.87

1499 Franks 1983 para.207. PREM 19/613 Telegram No. 110 of 27 March 1982 & PREM19/613 f23 Telegram No. 113 of 27 March 1982

1500 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*¹⁵⁰¹

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 at 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. .."*¹⁵⁰²

1501 PREM 19/657 Telegram No. 116 of 28 March 1982

1502 PREM 19/657 Telegram No. 77 of 30 March

In London, the *Defence Operations Executive* ¹⁵⁰³ 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.¹⁵⁰⁴

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, ..*” and 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".* ¹⁵⁰⁵

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.*”¹⁵⁰⁶

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.*”

1503 This group acted as the executive agency for the Chiefs of Staff and for the central direction of military operations. Franks 1983 para.224

1504 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

1505 Thatcher 1993

1506 *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..."¹⁵⁰⁷

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."*¹⁵⁰⁸

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.¹⁵⁰⁹ 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."*

1507 Jane Barder interviewing Sir Anthony Parsons 22 March 1996

1508 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

1509 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. ..”¹⁵¹⁰

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.”¹⁵¹¹

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.”¹⁵¹²

Operation Rosario,¹⁵¹³ 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.

1510 FCO 7/4490 f124 Telegram No. 64 of 1 April 1982

1511 PREM 19/657 Telegram from White House to Cabinet Office, London

1512 FCO 7/4490 f104 Telegram No. 50 of 2 April 1982. A hand written note suggests that this was not received by Hunt.

1513 “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. ¹⁵¹⁴ 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."*¹⁵¹⁵

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. ¹⁵¹⁶

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:"

1514 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.

1515 FCO 7/4490 f57

1516 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."¹⁵¹⁷

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 that 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, ...*"¹⁵¹⁸

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.*"¹⁵¹⁹

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.*"¹⁵²⁰

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...*"¹⁵²¹

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 *Washington Post*.¹⁵²²

1517 Thatcher 1993

1518 *Diario Clarin* 3 April 1982

1519 *CIA Situation Report #1 CIA-RDP84B00049R000701780020-2*

1520 *PREM19/614*

1521 Barder 1996

1522 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.¹⁵²³ 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.¹⁵²⁴

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,*

¹⁵²³ 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.

¹⁵²⁴ “ ... 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."¹⁵²⁵

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.¹⁵²⁶ 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."¹⁵²⁷

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."¹⁵²⁸

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."¹⁵²⁹

1525 CIA-RDP84B00049R000701780020-1

1526 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

1527 PREM19/614

1528 Barder 1996

1529 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

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 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."¹⁵³⁰

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.*”¹⁵³¹

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.¹⁵³² 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.¹⁵³³

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.¹⁵³⁴

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.

1530 Adopted by 10 votes for (France, Guyana, Ireland, Japan, Jordan, Togo, Uganda, United Kingdom, United States, Zaire), 1 against (Panama) and 4 abstentions, (Spain, China, Poland, USSR).

1531 Article by Manfred Schonfeld quoted in *Representations of the enemy during Malvinas War. A contribution to the bicentennial* Federico Lorenz 2010

1532 *CIA Situation Report #4 CIA-RDP84B00049R000701780023-9*

1533 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.

1534 *PREM19/615*. The report was passed to the British Government on the 8th.

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.*”¹⁵³⁵

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 ...”*¹⁵³⁶

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.”*¹⁵³⁷

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.*

1535 PREM19/614

1536 PREM19/614 f72

1537 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*

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.

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.”¹⁵³⁸

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.”¹⁵³⁹*

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).”¹⁵⁴⁰*

1538 HC Deb 07 April 1982 vol 21 cc959-1052

1539 Burns 2002

1540 FCO 7/4472 Operation Paraquet

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 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.”*¹⁵⁴¹

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.”*¹⁵⁴²

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'.”*¹⁵⁴³

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.”*¹⁵⁴⁴

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.”*

1541 *AO8091* signed by the Secretary of the Cabinet, Sir Robert Armstrong on 8.4.82

1542 *PREM19/616 f165*

1543 *State 093478*

1544 *PREM19/615*

*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 ..*¹⁵⁴⁵

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.”*¹⁵⁴⁶

Secretary Haig arrives in Buenos Aires.

President Galtieri speaks to a patriotic rally taking place in the Plaza de Mayo; *“The people of Britain have not yet heard a single word of attack or a single word outraging their honour and reputation, until now. I ask as President of the Nation to the English Government and the English people to moderate their expressions and show restraint in their actions. This Argentine Government together with the Argentine people, represented here in this meeting,, will be very angry and will reply with strong emphasis if you continue to offend us.*

You know and the world knows that the Argentine people have a strong will. If they want to come, come and we will offer battle.”

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 ...

1545 Archive – Reagan Library, Los Angeles

1546 Mostly from school children, and obviously dictated, many examples were found after the surrender. Child 2008.

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.”¹⁵⁴⁷

Three members of the Swiss Parliament suggest that the conflict can be resolved by an arbitration panel; along the lines of the *Alabama Claims*.¹⁵⁴⁸

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'*.”¹⁵⁴⁹

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.

1547 *PREM 19/616 Telegram No. 440 of 10 April*

1548 *cf. 1872*

1549 *PREM 19/616*. Secretary Haig came to believe that his attempts at negotiation were being thwarted by Kirkpatrick and others. *cf. Barrett 1984*.

Haig returns to London to negotiate with the British Government.¹⁵⁵⁰ 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.¹⁵⁵¹

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 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.”*¹⁵⁵²

British *Chiefs of Staff* assemble at the Ministry of Defence to discuss the retaking of South Georgia.¹⁵⁵³

1550 cf. PREM19/616 f165, PREM19/617 f221, PREM19/617 f227

1551 PREM19/617 f189

1552 PREM19/617 f189

1553 FCO 7/4473

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.'

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 ..*¹⁵⁵⁴

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.*”

1554 HC 21/1146-50 Hansard

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.¹⁵⁵⁵

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 ...”*¹⁵⁵⁶

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.”*¹⁵⁵⁷

1555 PREM19/617 f76

1556 PREM19/618

1557 PREM19/618 f106 (T73/82)

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.”¹⁵⁵⁸

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. ...*¹⁵⁵⁹

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.

1558 Announced to the public in *La Nacion* on the 23rd.
1559 PREM19/618 f86 (T77/82)

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 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...*”¹⁵⁶⁰

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 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 ...*”¹⁵⁶¹

Junta member, Admiral Anaya, visits the Falklands while *HMS Conqueror* arrives off South Georgia with orders to prevent any Argentine reinforcement of South Georgia.¹⁵⁶²

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.

1560 PREM19/619 Telegram 1343 of 19 April 1982

1561 PREM19/619

1562 A Churchill class submarine.

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...”

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.¹⁵⁶³ 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

1563 *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.*”

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 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 out 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.”*¹⁵⁶⁴

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.”*¹⁵⁶⁵

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 document [Pym] brought back was a complete sell-out . . . a Foreign Secretary of Britain recommended peace at any price. Had it gone through, I could not have stayed.”*¹⁵⁶⁶

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.

1565 *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.

1566 Quoted in *The Daily Mail* April 15th 2013

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 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.”*¹⁵⁶⁷

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. ..*

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.”*¹⁵⁶⁸

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*.¹⁵⁶⁹

1567 Thatcher speaking on the BBC Panorama programme.

1568 PREM19/621 Washington to FCO Telegram No. 1465 of 26 April

1569 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.

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..*¹⁵⁷⁰

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...”

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.¹⁵⁷¹

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.¹⁵⁷²

1570 PREM19/622

1571 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

1572 Margaret Thatcher Organisation Document DEB36AE6296C43398F2285D9D1BB7E8E

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 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.¹⁵⁷³

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.”*¹⁵⁷⁴

1573 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.

1574 PREM19/623 telegram No. 627 1 May 1982

Peruvian airport workers impose 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.*”¹⁵⁷⁵

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 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...”¹⁵⁷⁶

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.

1575 PREM19/622 Prime Minister's Personal Message T91/82

1576 PREM19/622 Telegram 1517 of 29 April

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.*¹⁵⁷⁷

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 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 concensus 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.*¹⁵⁷⁸

1577 HC 22/980-85 Hansard

1578 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

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 to 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.*”¹⁵⁷⁹

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 ..”¹⁵⁸⁰

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.¹⁵⁸¹

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.”

1579 PREM19/623 79 votes for, 1 against (Helms)

1580 AMEMBASSY Buenos Aires to SECSTATE WASHDC FLASH 3485

1581 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.*”

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.*¹⁵⁸²

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 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."

1582 PREM 19/623 Telegram No. 612 of 30 April 1982

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.¹⁵⁸³

*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.*¹⁵⁸⁴

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

1583 D Squad of the *Special Air Services* together with elements of the *Special Boat Service* and Royal Marine *Commandos*.

1584 *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.

*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. ...*¹⁵⁸⁵

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.¹⁵⁸⁶

American newspapers quote an unnamed “*senior administration official*”¹⁵⁸⁷ 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 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.

1585 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.

1586 No food was made available for 48 hours. The civilians included babes in arms and any detention was illegal under the *Geneva Conventions*.

1587 Believed to be Secretary Haig.

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 ¹⁵⁸⁸ ...*

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 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) ...”¹⁵⁸⁹*

1588 No Harrier losses were reported on May 1st.

1589 PREM19/623 f14. This meeting commenced at 12.45pm British time

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*.¹⁵⁹⁰

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.¹⁵⁹¹

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.¹⁵⁹²

1590 Parsons 1983

1591 This is South Atlantic time. In London it was 7.57pm.

1592 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*.

“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 lost⁴⁵⁹³

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 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...”

1593 Extract from Margaret Thatcher 'The Downing Street Years' 1993.

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.”¹⁵⁹⁴

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, 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.”*

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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..."¹⁵⁹⁵

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..."*

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.¹⁵⁹⁶

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 and there has been minor splinter damage to

1595 *PREM19/624 Telegram No. 1575 3 May 1982*

1596 The Peruvian proposal was referred to as having been "virtually dictated" by Alexander Haig to President Belaunde.

one frigate. Contrary to Argentine claims of serious British casualties, only one seaman has been wounded and he is described as, “*safe and comfortable.*”

The Chilean newspaper, *Tercera*, publishes an article on Argentine propaganda; “*Question: What news from Buenos Aires? Answer: The British sent three planes to the islands and the Argentines shot down seven of them.*”

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 ...*”⁵⁹⁷

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*.

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.”

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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.”¹⁵⁹⁸

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:

(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

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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 ...”¹⁵⁹⁹

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)

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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...”¹⁶⁰⁰

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.”*

May 6th – another convoy, the *Argonaut Group*, sails from Ascension. 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*

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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.*"¹⁶⁰¹

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, 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*

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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.¹⁶⁰² 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 – 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 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*

1602 PREM19/625 Telegram No. 366 of 6 May 1982

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..."¹⁶⁰³

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 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."*¹⁶⁰⁴

1603 *PREM19/625 Telegram 672 of 7 May 1982*

1604 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

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.¹⁶⁰⁵

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 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. ...

with a pinch of salt!

1605 PREM19/625 Telegram No. 224 of 7 May 1982

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. .."¹⁶⁰⁶

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..."

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.

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..

1606 PREM19/625 Telegram No. 679 of 8 May 1982

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. ...¹⁶⁰⁷

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...”

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 prejudge 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."¹⁶⁰⁸

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...."¹⁶⁰⁹

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 prejudge the outcome of the 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.

1608 PREM19/626 Telegram No. 371 of 9 May 1982

1609 PREM19/626 Telegram No. 691 of 9 May 1982

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 Cuéllarto 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.*”¹⁶¹⁰

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...

At the end of the meeting de Soto¹⁶¹¹ said that as the Dependencies had been included in our earlier negotiations with the Argentines they could not be excluded from the next round.

1610 PREM19/626 Telegram No. 700 of 10 May 1982

1611 Álvaro de Soto – a Peruvian member of the Secretary-General's team.

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...”¹⁶¹²

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.”¹⁶¹³

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 ..

(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.

1612 PREM19/626 Telegram No. 703 of 10 May 1982
1613 FCO Sitrep 0730 11 May

(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 ..”¹⁶¹⁴

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.

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,

1614 PREM19/627 Telegram No. 383 of 11 May 1982

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...."¹⁶¹⁵

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."¹⁶¹⁶

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.¹⁶¹⁷ 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 operation much more satisfactorily than if they were not available. .. Much the best course is to concentrate on the Falklands only...

1615 PREM19/627 Telegram No. 728 of 11 May 1982

1616 PREM19/628 Telegram No. 1756 of 14 May 1982

1617 Type 42's missiles could deal with enemy aircraft at medium range, whilst the Type 22's were better at close range.

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.”¹⁶¹⁸

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.

1618 PREM19/627 Telegram No. 731 of 12 May 1982

The dominant view here is that the Argentine position is becoming more 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."¹⁶¹⁹

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."*

1619 PREM19/627 Telegram No. 733 of 12 May 1982

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 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.”¹⁶²⁰

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.”¹⁶²¹*

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...

1620 PREM19/627 f125

1621 PREM19/627 Telegram No. 748 of 13 May 1982

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?..”

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 ..”¹⁶²²

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.”¹⁶²³

1622 PREM19/627 Telegram No. 755 of 14 May 1982
1623 PREM19/628 Telegram No. 1773 of 14 May 1982

Secretary Haig sends a message to Henderson with his *“latest thoughts”* including; “ .. (1) *We should do everything possible to ensure that it was not 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. .. “*

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."*¹⁶²⁴

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*^{xi} 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...*¹⁶²⁵

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 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.¹⁶²⁶

A Sea-king helicopter lands near to Punta Arenas in Chile and is destroyed by its British crew.¹⁶²⁷

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.*

1625 PREM19/629 Telegram No. 765 of 17 May 1982

1626 FCO Sitrep 0700 18 May 1982

1627 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.

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.

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..”¹⁶²⁸

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.*

1628 PREM19/629 Telegram No. 786 of 19 May 1982 Sir Anthony Parsons to FCO

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 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.”*¹⁶²⁹

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

1629 PREM19/629 Telegram No. 90 of 20 May.

*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.*¹⁶³⁰

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.”*

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.¹⁶³¹

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.*¹⁶³²

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. ...”

1630 *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.

1631 *PREM19/629 Telegram No. 809 of 20 May.*

1632 *Survey of Article 98: The Secretariat, United Nations Sup.6 Vol. 6 (1979 - 1984)*

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.¹⁶³³ *HMS Antrim*, a *County-class* destroyer, is hit by Argentine bombs, which also fail to explode.

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

1633 The bombs were successfully deactivated.

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.”¹⁶³⁴

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.

1634 PREM19/630 Telegram No. 1856 of 22 May

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 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...”¹⁶³⁵

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.*”¹⁶³⁶

The debate is adjourned until the 23rd.

1635 PREM19/630 Telegram No. 192 of 22 May
1636 FCO Sitrep 0700 23 May 1982

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 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...*”¹⁶³⁷

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.*”¹⁶³⁸

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.*”

1637 *BBC Monitoring Service Report*
1638 *FCO Sitrep 24 May 1982*

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.

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..”¹⁶³⁹

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...”

1639 PREM19/631 Telegram No. 836 of 24 May

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.*”¹⁶⁴⁰

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 outcome to the present crisis...*”¹⁶⁴¹

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.¹⁶⁴²

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.*”

1640 PREM19/631 Telegram No. 839 of 24 May

1641 PREM19/631 Telegram No. 844 of 24 May

1642 PREM19/631 Telegram No. 259 of 25 May

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.¹⁶⁴³ *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.*”¹⁶⁴⁴

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 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 ...”¹⁶⁴⁵

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.*

1643 The 'Cross of Nails' presented to the ship by Coventry Cathedral was recovered by divers after the War.

1644 PREM19/631 Telegram No. 108 of 25 May

1645 PREM19/631 Telegram No. 852 of 25 May

*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...*¹⁶⁴⁶

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 concensus – that is, with the United Kingdom joining in the concensus – the Declaration on Principles of International Law Concerning Friendly Relations and Co-Operation among States in accordance with the Charter of the United Nations. ..

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...*¹⁶⁴⁷

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...*”

1646 PREM19/631 Telegram No. 854 of 25 May

1647 PREM19/631 Telegram No. 480 of 25 May

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 ..*”

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.”¹⁶⁴⁸

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. 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...*”¹⁶⁴⁹

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,

1648 HC Deb 26 May 1982 vol 24 cc921-31

1649 PREM19/631 Telegram No. 441 of 26 May

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."

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..."¹⁶⁵⁰

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.”¹⁶⁵¹

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 Falklands conflict. .. and suggests that the Argentines face great difficulties in meeting their foreign exchange commitments.”¹⁶⁵²

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.”¹⁶⁵³

1651 PREM19/630 Telegram No. 869 of 26 May

1652 PREM19/6304 Telegram No. 122 of 9 June

1653 PREM19/631 Telegram No. 1921 of 27 May. The word “No” is scrawled across the last paragraph.

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.”¹⁶⁵⁴

Foreign Secretary Francis Pym replies to Secretary-General de Cuéllar's question; “*I am glad that you are 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....”¹⁶⁵⁵

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.

1654 PREM19/632 Telegram No. 1941 of 27 May

1655 PREM19/631 Telegram No. 475 of 27 May

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.¹⁶⁵⁶

Colonel H. Jones is killed in a charge on Argentine lines, for which he is awarded the Victoria Cross.^{xii}

“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 make some sharp criticism of our position on sovereignty ... It was not a productive exchange. ...*”¹⁶⁵⁷

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.¹⁶⁵⁸

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....

1656 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.

1657 PREM19/632 Telegram No. 141 of 28 May

1658 PREM19/632 Telegram No. 884 of 28 May

*Now the 1200 or so prisoners are being made to clean up the mess...*¹⁶⁵⁹

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.*¹⁶⁶⁰

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 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...*¹⁶⁶¹

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 ..." ¹⁶⁶²

1659 From Robert Fox, BBC, with 2 Para

1660 PREM19/632 Telegram No. 1957 of 29 May

1661 PREM19/632 Telegram No. 1958 of 29 May

1662 Peace and Change Denis R. Gordon 1987

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.”¹⁶⁶³

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 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...”*

1663 *PREM19/632 Telegram No. 1963 of 29 May.* The word “No” is written against (2), (3) and (4) in the file.

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. ..”¹⁶⁶⁴

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.

1664 PREM19/633 Telegram No. 485 of 31 May

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.”¹⁶⁶⁵

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 ..”*

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*

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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.”*¹⁶⁶⁶

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.

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 know 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*

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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...”¹⁶⁶⁷

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 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. ..

1667 PREM19/633 Telegram 1977 of 1 June 1982

*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.*¹⁶⁶⁸

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.”*¹⁶⁶⁹ The Canadian Ambassador in Buenos 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.”*¹⁶⁷⁰

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.*

1668 PREM19/633 Telegram 916 of 2 June 1982

1669 PREM19/633 Telegram 185 of 3 June 1982

1670 PREM19/633 Telegram 170 of 4 June 1982

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...*"¹⁶⁷¹

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."*

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."¹⁶⁷²

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*

1671 PREM19/633 Telegram 924 of 3 June 1982

1672 PREM19/633 Telegram 927 of 3 June 1982

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."*¹⁶⁷³

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 occupation of parts of the Islands. This is totally unacceptable to my Government."*¹⁶⁷⁴

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 our 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.

1673 9 votes for, was the minimum required for the Resolution to be adopted.

1674 PREM19/633 Telegram 935 of 4 June 1982

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..”*¹⁶⁷⁵

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 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

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*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 ..*¹⁶⁷⁶

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.¹⁶⁷⁷

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 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 .."*¹⁶⁷⁸

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."

1676 PREM19/634 Telegram 945 of 6 June 1982

1677 PREM19/634 Telegram 250 of 5 June 1982

1678 PREM19/634 Telegram 958 of 7 June 1982. Conversation between Anthony Parsons and Amin Doha, (Bangladesh).

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 ..”¹⁶⁷⁹

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 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.¹⁶⁸⁰ 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.

1679 *PREM19/634 Telegram 949 of 6 June 1982*

1680 *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.

After failing to defuse an unexploded bomb, the vessel is scuttled by its crew. The hospital ship, *HMS Hydra*, sails from Montevideo to assist.¹⁶⁸¹

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 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.*”

1681 *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.

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.”* ¹⁶⁸²

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.^{xiii}

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.”*¹⁶⁸³

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 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 Islands¹⁶⁸⁴ 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.

1683 PREM19/635 Situation Report for Prime Minister as at 1200A Sun 13 Jun 82

1684 Menéndez's signature, scribbled over the crossed-out word of "unconditionally"

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, 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."

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."¹⁶⁸⁵ Messages of congratulation for

1685 PREM19/635 Telegram 148 of 15 June 1982. Sri Lanka is a member of the *Non-Aligned Movement*. In 2012, Sri

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.¹⁶⁸⁶

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. ...”*¹⁶⁸⁷

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 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.”*¹⁶⁸⁸

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.*

Lanka was a member of the C24 and a strong supporter of self-determination for the Falkland Islanders.

1686 *Falklands anniversary: Baroness Thatcher's sympathy for Argentine mothers. The Telegraph* 14 June 2012

1687 PREM19/635 *Telegram 119 of 15 June 1982.*

1688 PREM19/635 *Telegram 1001 of 15 June 1982.* ICRC = International Committee of the Red Cross.

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.¹⁶⁸⁹

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 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.

¹⁶⁸⁹ 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.

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 ..”*¹⁶⁹⁰

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.¹⁶⁹¹

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.”*¹⁶⁹²

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” ...”*

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...”*¹⁶⁹³

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.”*

1690 PREM19/635 Telegram 1004 of 15 June 1982.

1691 Many whispered or muttered quietly to Ambassadors on the understanding that they should not be made public.

1692 PREM19/635 Telegram 168 of 16 June 1982. The request had been directed at the International Red Cross by Ambassador Francisco Jose Pulit.

1693 PREM19/636 Telegram 281 of 16 June 1982.

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 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."*¹⁶⁹⁴

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.

*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."*¹⁶⁹⁵

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

1694 PREM19/636 Telegram 177 of 18 June 1982.

1695 PREM19/636 Telegram 1025 of 18 June 1982.

(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.”¹⁶⁹⁶

The ICRC informs the British Government that Argentina has now agreed to the repatriation of POWs through both Montevideo, and Puerto Madryn.¹⁶⁹⁷

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 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*

¹⁶⁹⁶ PREM19/636 Telegram 1024 of 18 June 1982.

¹⁶⁹⁷ PREM19/636 Telegram 341 of 18 June 1982.

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.”¹⁶⁹⁸

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 Nicolaidés. 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)*.”¹⁶⁹⁹

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 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*.¹⁷⁰⁰

1698 *PREM19/637 Telegram 1032 of 19 June 1982.*

1699 *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.

1700 *PREM19/637 Telegram 1045 of 23 June 1982.*

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.¹⁷⁰¹

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.*”

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.*”¹⁷⁰²

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*

1701 PREM19/637 Telegram 184 of 25 June 1982.

1702 560 POW's remained in British hands following the repatriation of the majority of Argentine conscripts.

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.*”¹⁷⁰³

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.

*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.*¹⁷⁰⁴

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.*”¹⁷⁰⁵

July 22nd – the Total Exclusion Zone around the Islands is lifted.

1703 PREM19/654

1704 Hansard 19 July 1982 col 46w

1705 Reagan Library, Oliver North Files (*Falkland Islands Box 103*)

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 17th, asked about the strength of the British title to the Falkland Islands, the Foreign Office responds; “.. it would be misleading to attach any particular significance to what might appear to be shifts in the factors which at any particular time carried most weight in the Government's thinking. Our case is based on all the facts and circumstances both before and after 1833. For example the right of self-determination, which is now an important part of our case, has emerged only relatively recently as a principle of international law.. With a subject as complicated as the history of the Falklands and the conclusions that may be drawn from that history for sovereignty, it is inevitable that there will be differing and, in some cases. Conflicting views.”¹⁷⁰⁶

September 30th – Falkland Islanders compete in the Commonwealth Games for the first time.

October 12th – a victory parade is held in London.

November 2nd – Argentina's new representative to the UN, Juan Aquirre Lanari, outlines Argentina's argument to the *Decolonization Committee*, claiming that:

1706 Foreign Office Minister Cranley Onlow to Peter Beck 1982 Quoted in Beck 1983

- 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.^{xiv}

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.*"¹⁷⁰⁷

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.



1707 "*An Argentine Soldier Only Known by 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 3rd, at the UN, Argentina reaffirms its claim to sovereignty over the archipelago and protests; *"... measures by the United Kingdom, such as a so called protection zone and militarization of the Territory, which, it said, constituted a source of serious tension in the South Atlantic,.. "*

January 8th, Margaret Thatcher arrives in the Falkland Islands and is greeted by Governor Rex Hunt; *"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..."*

January 9th, the Falkland Islands' issue a commemorative five-pound note to celebrate Margaret Thatcher's visit to the Falkland Islands.

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."

January 12th, PM Thatcher returns to the UK.

At the UN, Argentina states that the visit by PM Thatcher has; *".. aggravated tension in the region."*

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.*”¹⁷⁰⁸

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.

1708 *HC Deb 31 January 1983 vol 36 cc29-30W*

June 27th, a new airport for the Falklands is announced in the House of Commons.

July 16th, Argentina declares that the construction of a new airport; “.. combined with the intention of establishing a naval base in the islands capable of accommodating nuclear submarines, showed that the United Kingdom planned to introduce nuclear weapons into the region as part of its global strategic design.”¹⁷⁰⁹

August 10th, at the UN, Argentina claims that; “.. on 1 August two fishing vessels, the *Rivera Vasca* and the *Arcos*, flying the Argentine flag and fishing in what it described as Argentine jurisdictional waters, were forced by British helicopters and a missile frigate to leave the area where the United Kingdom had illegally established a so-called exclusion zone.”

September 14th, the *Special Committee* 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*.¹⁷¹⁰

October 30th, democratic elections are held in Argentina. Raúl Alfonsín is elected President.

In **November**, the Islands' *Legislative Council* recommends 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 3rd, at the UN; “.. Argentina stated that the military base being constructed by the United Kingdom was not only a provocation against Argentina but also a source of growing concern for Latin America, and that its characteristics and cost left no doubt as to the global nature and long-term thrust of the United Kingdom's current policy in the South Atlantic...”

November 13th, Dante Caputo, the new 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. ^{xv}

“Fiji, Qatar and Samoa said they abstained because the resolution failed to provide the population adequate opportunity to express their wishes about the future.”

December 7th, UN *General Assembly Resolution 38/54* on the *Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples* states, *inter alia*, that it; “Affirms once again that the continuation of colonialism in all its forms and manifestations .. is incompatible with the Charter of the United Nations, the Universal Declaration of Human Rights and the Declaration on the Granting of Independence to Colonial Countries and Peoples and poses a serious threat to international peace and security; ..”

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.

1709 UN Yearbook 1983

1710 A reference to *Resolution 2621 (XXV)* of October 1970.

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.¹⁷¹¹

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."*

Minister Caputo says that he finds this, *"incomprehensible"*.¹⁷¹²

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).¹⁷¹³

General Sir Peter de la Billiere is appointed *Commissioner and Commander* of British forces in the Falklands.

July 18th, representatives from Argentina, Britain and Brazil meet in Berne, Switzerland on the understanding that sovereignty over the Falklands is not an issue for discussion.¹⁷¹⁴

July 19th, the Falkland Islands' Government grants an oil exploration licence to *Firstland Oil and Gas PLC*.

July 20th, the Berne talks collapse as a result of Argentina's insistence that any agreement to resume diplomatic relations has to be linked to sovereignty talks; *"I took the greatest possible interest and the greatest possible care in arranging the scene for the talks in Berne ... They broke down because the Argentine representatives took a position that ran directly counter to the basis for the negotiations that had been explicitly agreed by them in advance... the Argentine representatives insisted at Berne, in the face of the clear prior agreement to the contrary, that no progress could be made towards normalisation without the certainty that a mechanism would be established that would in practice lead to a transfer of sovereignty"*¹⁷¹⁵

1711 The founders consisted of George Foulkes MP, Cyril Townsend MP, Christopher Mitchel and Walter Little.

1712 *Park City Daily News Feb 2nd 1984*

1713 *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.

1714 *UN Yearbook 1984*

1715 Sir Geoffrey Howe *HC Deb 14 March 1985 vol 75 cc492-530*. Cawkell (2001) suggests that the talks failed because the Argentine's believed that the British would state that the UK was *"not yet"* prepared to discuss sovereignty and were surprised that the British team would not accept the *"yet"* in any statement.

*“... when, in Berne, we offered talks — having arranged in advance how we should deal with the sovereignty issue — the Argentines went back on the agreement as soon as they got to the table, proving yet again what unreliable interlocutors they continue to be. When the Argentines say that they want to negotiate sovereignty, they mean that they want to fix a date for the handover. Until they realise that that is not on offer, it is pointless talking about lease-back or other modifications.”*¹⁷¹⁶

*“Argentina stated that it had met with the United Kingdom in the presence of representatives of Brazil, and had reaffirmed its right of over the Malvinas, South Georgia and the South Sandwich Islands; according to the letter, the United Kingdom would not enter into negotiations regard to the interests of the population of the on the sovereignty issue.”*¹⁷¹⁷

July 27th, Brazil and Switzerland issue a joint *communiqué* stating that; *“.. Argentina had reaffirmed it was necessary to establish machinery to discuss the sovereignty question, while the United Kingdom was not prepared to discuss the matter but had advanced several proposals which it said might lend themselves to negotiation; Argentina had replied that it was not prepared to go into those points if the sovereignty question could not be examined.”*

September 24th, President Alfonsín, speaking to the *General Assembly*, reiterates Argentina's refusal to discuss the Falklands without the issue of sovereignty being included.

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; *“The historical and legal evidence demonstrates such areas of uncertainty that we are unable to reach a categorical conclusion on the legal validity of the historic claims of either country.”*

The *Committee* notes; *“significant disagreements .. about the Islands' early history, particularly concerning the crucial period between .. 1811 and the British occupation of 1833.”*¹⁷¹⁸

October 19th, in the *New York Times*; *“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.”*¹⁷¹⁹

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.”*^{xvi}

In explanation of its opposition to the *Resolution*, the UK; *“.. said the policy of the current Argentine Government on sovereignty and self-determination did not differ from its predecessors. The text was full of references to negotiations about sovereignty, it said, and, moreover, insinuated that the wishes of the population of the Falkland Islands might be open to negotiation.*

1716 Sir Anthony Kershaw *HC Deb 14 March 1985 vol 75 cc492-530*

1717 *UN Yearbook 1984*

1718 *The Falkland Islands, 5th Report from the Foreign Affairs Committee Session 1983-1984 HC 268 25.10.1984*

1719 *The New York Times Oct. 20th*

However, the principle of self-determination applied in the case of the Falklands just as in other cases; the islanders had a Government that they had chosen and had the right to choose for themselves in the future.”

“Australia, Chad, Norway and Saint Lucia felt that the interests of the islanders were not adequately served by the text. ... Sweden felt it did not explicitly endorse or even refer to the fundamental principle of self-determination.”

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 says that any negotiations with the UK have to be an indivisible package including 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.”¹⁷²⁰

1985 – Gordon Wesley Jewkes is appointed Governor. ¹⁷²¹

January 2nd, Argentina issues a press release to the effect that the British Government has authorised an oil company to explore for oil in the archipelago but that Argentina will not recognise the UK's right to explore for, or exploit, minerals or hydrocarbons in the Islands.

January 24th, in a response; *“ ..the United Kingdom rejected Argentina's claim of sovereignty, asserted that it continued to be guided in its administration of the Islands by the obligations under Article 73 of the United Nations Charter, and that the Falkland Islands Government's granting of a licence on 19 July 1984 to Firstland Oil and Gas PLC exemplified the exercise by the people of the Falkland Islands of the right freely to dispose of their natural resources.”¹⁷²²*

February 18th, Argentina complains to the UN that the United Kingdom is planning to reform the *Constitution* of the Falkland Islands; *“..it added that, since the Islands' inhabitants were not differentiated from the occupying Power, nor were they originally based in the territory, the misapplication of the principle of self-determination would only serve to validate an unlawful occupation.”*

February 21st, Prime Minister Margaret Thatcher, at a press conference at the British Embassy in Washington, is asked whether she has any plans to restart talks with Argentina over the issue of the Falkland Islands. Thatcher responds; *“ No, certainly not! The Falkland Islands are under British sovereignty; their people wish most earnestly to stay British. Their wishes are paramount.*

1720 HC Deb 14 March 1985 vol 75 cc492-530

1721 Not gazetted.

1722 UN Yearbook 1985

That is a right to self-determination enshrined in the United Nations Charter. A nation now like Argentina, which has just come to democracy and has expressed its own self-determination, cannot require self-determination for itself and deny the same right to others.”

South Georgia and the South Sandwich islands are declared a separate British Overseas Territory under the control of a *Commissioner*.¹⁷²³

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 to Argentina's complaint of February 18th, by asserting that the proposed *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.”*¹⁷²⁴

Answering questions after Howe had left the Commons, Sir Anthony Kershaw says; “*I have no doubt that the British claim to sovereignty over the Falklands is sound in law. It must be granted that the various claims made before 1833 and the landings that took place present a somewhat confusing picture. The British occupation in 1833 was a legitimate and legally respectable action, which, having been followed by continuous occupation and administration, enthusiastically supported by the population, makes undeniably good our legal claim to sovereignty. The fact that the Argentines believe the opposite is irrelevant.”*

March 18th, Argentina asserts that the UK is obligated by Art. 33 of the *Charter* to seek a peaceful settlement of the sovereignty dispute.

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 16th, Argentina claims that the opening of a new airport represents an escalation of the “*militarization*” of the Islands.

May 29th, in a response to Argentina's assertions; “*.. the United Kingdom stated ... that the new airport had a dual civil and military role. Its construction was necessary to deter aggression and defend the Islands against attack, and the presence of its forces contributed to peace and security in the region.*

1723 Who was, at that time, invariably the Governor of the Falkland Islands.

1724 *HC Deb 14 March 1985 vol 75 cc492-530*

Further, the United Kingdom denied a number of allegations made by Argentina, among them, that there was any North Atlantic Treaty Organization dimension to its involvement in the area; that it had introduced nuclear weapons into the South Atlantic; that the Falkland Islands was within the application of the Antarctic Treaty or that its activities contravened the Treaty's purposes; or that the Charter obligation to the peaceful settlement of disputes required, irrespective of circumstances, recourse to negotiations."

May 30th, the Organisation of American States adopt a Resolution expressing their concern at the establishment of military facilities in the Falklands. The USA and 9 Caribbean countries abstain.

July 8th, the UK sends a message to the UN; *".. the United Kingdom transmitted a written statement made in its Parliament that day by the Parliamentary Under-Secretary at the Foreign and Commonwealth Office, in which he stated that the Government's policy was as follows: that the sovereignty question was not for discussion; that better relations with Argentina could only realistically be achieved by seeking agreement on practical issues; and that, as a step in that direction, it was lifting, with effect from midnight that day, the ban on imports from Argentina which had been in place since April 1982."*

July 10th, Argentina welcomes the lifting of the import ban, but; *".. declared that the stable political conditions and mutual trust needed for trade relations required dealing with the central issue of sovereignty and eliminating the military threat and the so-called protection zone.."*

Argentina invites the UK; *".. to initiate in the coming 60 days negotiations preceded by preparations either through the Secretary-General's good offices or through friendly Powers representing each nation's respective interests; and expressed Argentina's readiness formally to declare cessation of hostilities when the United Kingdom agreed to negotiate."*

July 12th, the UK's mission to the UN calls Argentina's answer; *"... a disappointing response to the lifting of the ban on Argentine imports, adding that the latter's insistence on the sovereignty issue as a pre-condition for better bilateral relations was neither realistic nor constructive."*

July 29th, at the UN, Argentina accuses the UK of *"blatant provocation"* following an incident on the 25th when two Argentine *Electra* aircraft flying near the Falklands *protection zone*, were inspected by two Royal Air Force *Phantom* aircraft.

"The United Kingdom added that, as Argentina had not declared a formal cessation of hostilities and continued to purchase sophisticated weaponry, forces had to be maintained at the minimum level necessary to defend the Islands from attack."

In **August**, the *Falkland Islands Development Corporation* is established.¹⁷²⁵

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."*

September 12th, Argentina's Foreign Minister, at a press conference, notes; *"... that the 60-day period within which Argentina had offered to resume negotiations had ended the previous day. He asserted that the blatant indifference shown by the United Kingdom demonstrated how little importance that country attached to United Nations decisions, and renewed his Government's invitation to embark on comprehensive negotiations on the question."*

1725 One of Shackleton's recommendations, this is a statutory corporation responsible for economic development.

He reiterated Argentina's pledge to safeguard the interests of the Islands' inhabitants, and added that there was thus no remaining justification for the United Kingdom's conduct other than the attempt to perpetuate an anachronistic and illegal colonial situation."

October 3rd, under its new Constitution, the Falklands becomes a '*parliamentary representative democratic dependency.*' The Governor is the head of the Falkland Islands Government (FIG) as 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.*" ^{xvii}

Prior to the final vote two amendments are proposed by Britain.

"The Assembly rejected, by recorded votes requested by Argentina, two amendments proposed by the United Kingdom. By 60 votes to 38, with 43 abstentions, it rejected a proposal to insert a new second preambular paragraph, by which the Assembly would have reaffirmed the right of all peoples to self-determination and "by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development." Another proposal, to add the phrase "*and the right thereunder of peoples to self-determination*" at the end of paragraph 1, was rejected by 57 votes to 36, with 47 abstentions."

"In explanation of vote, Portugal said that, despite the undeniable merits in the draft, particularly with respect to the opportunities afforded for negotiations, it was wary of any text that could be construed in a way that failed to deal adequately with the global aspects stemming from the principle of self-determination. Solomon Islands felt that the lack of reference to the people of the Falkland Islands weakened the good intent of the draft and it regarded elements of the fourth preambular paragraph as an attempt to impose something on the people of the Islands. Papua New Guinea said that another principal party not included in the negotiation process was the people of the Falkland Islands; it would have supported the text if it had included the principle of self-determination. The Federal Republic of Germany and Ireland, which had voted for the amendments because of the importance of self-determination, had abstained on the resolution to reflect their wish not to take a position on the merits of the dispute. Maldives believed that a question involving the future of a people should accommodate the interests of the people concerned. Belize voted for the amendments to ensure protection of the rights of the people of the Falkland Islands to self-determination.

Also supporting the amendments, Samoa believed that the right of self-determination could have been more explicit in the draft, and Fiji added that the call for negotiations should not be at the cost of the fundamental right of the Falkland Islanders to have a say in their own future. Welcoming the conciliatory nature of the draft resolution, Botswana also supported the amendments, saying that the Falkland Islanders were entitled to the right to self-determination. For Barbados, the phrase "all aspects of the future of the Falkland Islands" in paragraph 1 seemed to leave the door open for a discussion of both sovereignty and self-determination; ...

A number of delegations, considering the draft resolution to be constructive, also felt the adoption of the amendments would have further strengthened the text and voted in favour of both the amendments and the draft resolution. Among them, the Sudan thought the amendments would have increased the effectiveness of the text, even though the principle was already contained therein. ...

*Austria, Barbados, Chile, Italy, Samoa, Somalia and Trinidad and Tobago understood the reference in the draft to the United Nations Charter to include all the principles and rights embodied in that document.*¹⁷²⁶

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 *Special Committee on Decolonization* 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.¹⁷²⁷

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 1982.¹⁷²⁸

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.*”

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 the *protection zone*.

1726 *UN Yearbook 1985*

1727 *Memorandum by the Foreign and Commonwealth Office 2011. cf 2011*

1728 Galtieri received a sentence of 12 years imprisonment, Anaya 14 years and Dozo, 8 years.

The UK denies the allegations, stating that the vessels were within the zone and had been approached in order to confirm their identity.¹⁷²⁹

August 12th, the *Special Committee* considers the Falklands question; *“The United Kingdom, the administering Power concerned, did not participate; it had informed the Committee in January that it would no longer take part in the Committee's work..”*

August 14th, the *Secretary-General* tells the *Special Committee* that the two country's; *“.. positions remained essentially unchanged, he said, with the United Kingdom remaining committed to improving bilateral relations with Argentina over practical matters, setting aside the sovereignty issue, ... and to defending the rights of the Falkland Islands to self-determination.”*

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.¹⁷³⁰

October 29th, the UK submits a letter to the UN complaining that the; *“.. bilateral fisheries agreements which Argentina had signed with Bulgaria and the USSR were intended to prejudice matters in dispute between itself and Argentina, ..”*

A *Falkland Islands Interim Conservation and Management Zone (FICZ)* is introduced by the British Government.

“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 between neighbours.”¹⁷³¹

Britain's Foreign Secretary explains to Parliament the need for new legislation; *“.. the Argentine Government's recent actions show an indifference to conservation needs and a preference for obstruction rather than co-operation.”*

1729 *UN Yearbook 1986*. Letters of complaint were dated the 11th and the 15th. Further letters of complaint were dated October 1st, and November 24th.

1730 Argentina regularly bases its protests to Britain on the provisions of this Resolution.

1731 *Declaration on the Conservation of Fish Stocks and on Maritime Jurisdiction around the Falkland Islands*

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.”

October 30th, Argentina calls the UK's claim to control fishing resources and jurisdiction over the continental shelf; “.. *juridically and politically inadmissible.*”¹⁷³²

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 in Argentina.

November 3rd, Argentina states; “.. *that the United Kingdom's declaration marked a step backwards in the elimination of colonialism and was a violation of General Assembly recommendations ... the pretext of concern for marine resources conservation was a cover for its unilateral move to improve its position in the sovereignty controversy.*”

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 *Secretary-General*, 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*'.¹⁷³³

November 21st, at the UN, the UK; “.. *responding to the 30 October and 3 November letters from Argentina, stated that its 29 October declaration respected the rights that Argentina might legitimately claim under international law; that the declaration was aimed at fish-stock conservation, not at bolstering Britain's sovereignty over the Falkland Islands; that it was Argentina which had sought to use the fisheries issue to advance its sovereignty claim; and that the United Kingdom rejected Argentina's claim to sovereignty over the Falkland Islands, the South Georgia and the South Sandwich Islands. It added that the Interim Conservation and Management Zone, proclaimed by the Governor of the Falkland Islands on 29 October, did not extend beyond the protection zone it had set up as a defensive measure.*”

November 24th, Dr. Caputo 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.*”^{xviii} The UK calls the text, '*pro-Argentine.*'

“In the plenary debate, Argentina declared that the situation had worsened, with the United Kingdom introducing a new and alarming factor as a result of its 29 October declaration which, it charged, sought to expand British domination over the area.

1732 UN Yearbook 1986

1733 Argentina had also insisted that the offer was dependent upon new sovereignty talks.

Stating that the sovereignty dispute with the United Kingdom dated back to 1833, Argentina said that all United Kingdom action was aimed at asserting its purported sovereignty, while everything Argentina was doing was aimed at recovering its sovereignty. The United Kingdom asserted that the sovereignty issue had dogged attempts to make progress in Anglo-Argentine relations, that Argentina continued to reject United Kingdom efforts to reestablish contacts and rebuild mutual confidence, and that the people of the Falkland Islands should be allowed to exercise their right to self-determination. It said the fisheries declaration was made basically for conservation reasons, but also because Argentina claimed a 200-mile zone centred on the Falkland Islands and thus challenged the United Kingdom on the sovereignty question. In its view, the Argentine proposal of 17 November on formal cessation of hostilities was laden with conditions; the United Kingdom remained ready to discuss everything except sovereignty and, while there was a sovereignty dispute, the essential question was that of self-determination.”

*“Oman expressed hope that a balanced text would be produced in the future for approval by consensus. Sri Lanka said the draft should have stressed the right of the peoples to be consulted on their future constitutional status; merely urging the two parties to resolve the conflict was insufficient.”*¹⁷³⁴

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.

December 22nd, the ICJ gives its opinion in the frontier dispute between Burkina Faso and the Republic of Mali.¹⁷³⁵

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. 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.^{xix}

In explaining why it voted against the *Resolution*, the UK 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 for longer than Argentina had been Argentine, and that there had been no indigenous inhabitants of the islands.*”¹⁷³⁶

1734 *UN Yearbook 1986*

1735 Argentine lawyer, Marcelo Kohén, asserts that this case demonstrates that *uti possidetis juris* is a 'general rule' within international law. It must be noted that the parties to this dispute had agreed to the applicability of the principle prior to the commencement of the case and the ICJ recognised *uti possidetis juris* as a 'general rule' only after noting that previous agreement. There has been no instance of the ICJ imposing this principle upon a party to a sovereignty dispute that has not agreed to recognise it or has disputed its applicability.

1736 *UN Yearbook 1987*

1988 – William Hugh Fullerton takes over as Governor of the Falkland Islands.¹⁷³⁷

February 11th, in a press *communiqué* Argentina notes that British forces are planning military exercises in the Falklands area. Argentina tells the *Secretary-General* that these; “.. showed the arbitrary attitude of the United Kingdom, which was particularly striking at a time when initiatives were being undertaken, through friendly countries, to achieve a relaxation of tension in the area.”¹⁷³⁸

February 25th, the UK responds that the exercises are “routine.”

March 11th, Argentina writes to the *Security Council* requesting a discussion about the planned British exercises.

March 17th, the *Security Council* discuss the issue.

“Addressing the Council, Argentina said that since the restoration of democracy in 1983, it had displayed its determination to seek a negotiated solution to its dispute with the United Kingdom over the Malvinas; however, the United Kingdom, by its show of force in the area, at a time when indirect contacts had been under way to improve the situation, was posing a threat to international peace. The United Kingdom had consistently refused to consider the matter of sovereignty.

“In response, the United Kingdom said it was determined to prevent another catastrophe such as the 1982 invasion of the islands by over 10,000 Argentine troops. It chose to meet its obligation to safeguard the security of the people of the islands by maintaining the smallest possible garrison there while establishing the means to reinforce it rapidly. Since 1982 the United Kingdom had made clear that occasional reinforcement exercises would be necessary; the current one involved a small number of aircraft and fewer than 1,000 troops, which could hardly be considered a threat. Its forces in the Falkland Islands were there to defend the islands from attack, and over the past two years the reinforcement capability had allowed the United Kingdom to halve the number of troops it kept there.”

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 within 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.*”¹⁷³⁹

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.^{xx}

1737 Not gazetted.

1738 UN Yearbook 1988

1739 HL Deb 28 July 1988 vol 500 cc380-3

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.

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, at the UN; *“the General Assembly decided to defer consideration of the Falkland Islands question and to include it in the provisional agenda of its forty-fifth (1990) session.”*

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.

An air link is established by a Chilean company, *Aerovias DAP* between Punta Arenas and Mount Pleasant Airport.

February 14th, delegations from Argentina and the UK meet again in Madrid. 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 increase confidence between the two countries.”*¹⁷⁴⁰

“Both Governments further agreed that they should proceed to exchange available information on the operations of fishing fleets, appropriate catch and stocks of the most significant offshore species in the maritime area of the Atlantic Ocean between the latitudes 45 and 60 degrees S. Such information would be assessed jointly and the possibilities for co-operation and conservation explored bilaterally. To continue considering the issues discussed, a Working Group on South Atlantic Affairs was to be set up. Further consideration was given to the situation with regard to contacts between the Falkland Islands (Malvinas) and the mainland, with the United Kingdom recognizing Argentina’s readiness to facilitate communications and

1740 UN Yearbook 1990

trading opportunities. Both countries expressed agreement to a visit to the cemetery on the Falkland Islands (Malvinas), under the auspices of the International Committee of the Red Cross (ICRC), by close relatives of Argentine nationals buried there. Both also agreed that the feasibility and desirability of a general co-operation agreement should be examined and that an investment promotion and protection agreement should be negotiated. Further agreement was reached on abolishing visas for nationals of each country wishing to visit the other, and on exploring ways of collaborating in the fight against illicit drug trafficking.”

March 31st, the agreements come into force and, at the same time, the UK lifts the *protection zone*.

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 indicates that the *Falklands Question* is no longer an important foreign policy issue for many Argentines.¹⁷⁴¹

November 28th, Argentina and Britain adopt a *Joint Statement* resulting in the creation of *The South Atlantic Fisheries Commission*.

December 12th, at the UN, the *General Assembly*; “.. included the item entitled “*Question of the Falkland islands*” in the provisional agenda of its forty-sixth (1991) session.”

December 24th, 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 13th, the *General Assembly* defer the question of the Falkland Islands for another year.

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.¹⁷⁴²

1992 – David Everard Tatham is appointed Governor.¹⁷⁴³

In **January** a team led by Dr. Robert Philpott of Liverpool University, conduct an archaeological survey of Port Egmont.¹⁷⁴⁴

1741 *Prospects for a Settlement of the Falklands/Malvinas Dispute* F. Noguera & P. Willets 1992

1742 *Argentine Malvinas islands, Kelpers Oil ?* Rafael Bielsa 2010

1743 Not gazetted.

1744 Philpott 1992

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 1983.¹⁷⁴⁵

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.*"¹⁷⁴⁶

An Ungentlemanly Act, a BBC film about the early days of the Falklands War, is aired on British television.

November 10th, the *General Assembly* defer the question of the Falkland Islands for another year.

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.

November 16th, the *General Assembly* defer the question of the Falkland Islands for another year.

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*.¹⁷⁴⁷

In **February**, Argentina offers to assist in clearing the land mines laid on the archipelago in 1982.¹⁷⁴⁸

¹⁷⁴⁵ Perhaps appropriately there is no day off.

¹⁷⁴⁶ *HL 1.July 1992 vol 538 cc769-70 Hansard*

¹⁷⁴⁷ *Protocol 1* binds the UK which subsequently ratified the *Treaty*.

¹⁷⁴⁸ *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.*"

"*If we stick to the Constitution, there is no way Argentina and the UK can negotiate a middle-ground position. The constitution imposes to seek the full sovereignty,.. this can't be done whilst respecting their lives: it is a contradiction in terms since the kelpers have a clear political will and do not want to be Argentine.*" ¹⁷⁴⁹

In **July**, Argentina and the UK agree to request the collaboration of the United States of America in removing mines laid by Argentina in 1982.¹⁷⁵⁰

Britain's Foreign Secretary, Douglas Hurd, visits the Falkland Islands.

In **November**, a MORI poll finds that only 4% of the islands' population support a suggestion that there should be negotiations on sovereignty.

November 3rd, the *General Assembly* defer the question of the Falkland Islands for another year.

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. ¹⁷⁵¹

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.¹⁷⁵²

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.*"¹⁷⁵³

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*

1749 Vicente Palermo quoted in '*Las Malvinas son Argentinas*'; *Who Taught You that?* published in *Argentina Independent* April 4th 2012.

1750 *UN Yearbook 1996*

1751 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.

1752 *Independent on Sunday* 18.5.95

1753 *The New York Times* June 8th 1995

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.*' ¹⁷⁵⁴

October 5th, Argentina protests the announcement from the FIG. ¹⁷⁵⁵

October 31st, the *General Assembly* defer the question of the Falkland Islands for another year.

Stanley hosts the regional conference of the *Commonwealth Parliamentary Association*.

1996 – in **January**, an air link is established with Santiago which connects to the British Airways Flight to London; subsidised by the Falkland Islands Development Corporation.

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. ¹⁷⁵⁶

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.

October 25th, the *General Assembly* defer the question of the Falkland Islands for another year.

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. ¹⁷⁵⁷

January 10th, the islanders hear of secret talks between Argentine and British politicians at the official residence of the Foreign Secretary at Chevening in Kent. The British delegation includes the Governor of the Falkland Islands and two Councillors from the Falkland Islands Government.

1754 *The London Gazette*, No. 54174

1755 Bielsa 2010

1756 *UN Yearbook 1996*

1757 *UN Yearbook 1997*

*"It emerged that Councillors had been advised through Governor Ralph that Argentina would propose a solution which would involve dropping their claim to the Islands. The majority of Councillors, deciding that they could not let this opportunity slip, had chosen Councillors Halford and Mike Summers to represent them. As soon as it became obvious at Chevening that the Argentines were not dropping their claim, the two Councillors withdrew with the approval of the Foreign Secretary."*¹⁷⁵⁸

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."*¹⁷⁵⁹

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 10th, the General Assembly defer the question of the Falkland Islands for another year.

1758 Cawkell 2001 p.168

1759 *"Di Tella did not accept the Islanders' right to self-determination, but he was conscious of the fact that if Argentina 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.

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 – in his New Year message to the Falklands, Prime Minister Tony Blair assures the Islanders of his; “.. *Commitment to protect the Territory's right to self-determination and to ensure its security.*”¹⁷⁶⁰

April 27th, an exploratory oil well is drilled in the North Falklands Basin by the *Borgny Dolphin*. Five further exploratory wells are planned by the *International Oil Corporation*.

April 30th, Argentina rejects the UK's “right” to authorise oil drilling in the continental shelf north of the Falklands; “*It reiterated that it neither recognized nor accepted the call for tenders for the exploration and exploitation of resources in the maritime zones over which it had sovereignty. It further reiterated its inalienable rights over the Malvinas, South Georgia and South Sandwich Islands and the surrounding maritime zones.*”

June 10th, on the *Day of Affirmation of Argentine Rights to the Malvinas islands and the Antarctic Sector*, the Argentine Government issue a press release; “.. *reiterating its readiness to resume talks with the United Kingdom on their sovereignty dispute over the Malvinas.*”

August 20th, the Supreme Court of Canada gives its opinion on the legality of succession by Quebec. On the issue of 'peoples,' the court says; “*It is clear that a 'people' may include only a portion of the population of an existing state. The right to self-determination has developed largely as a human right..*”

October 9th, the *Penguin News* reports the cessation of drilling while the company evaluates the results.

October 27th, President Carlos Menem, visits London. On his arrival in London, Menem says; “.. *I think that to a certain extent the wounds have healed, but it is important to deal with this subject which was a cause of confrontation between us for so many years.*”

Island Councillor Jan Cheek, in London for a meeting with Foreign Secretary Cook regarding fishing rights, tells the *Guardian* newspaper; “*He couldn't go back to Argentina if he didn't raise the issue. Our concern is that he's turning what should be a visit to improve bilateral relations and trade into an opportunity for flag-waving over the Falklands.*”

October 28th, Speaking to an audience at Lancaster House, he says; “*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.

November 2nd, the *General Assembly* defer the question of the Falkland Islands for another year.

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.¹⁷⁶¹

1760 *UN Yearbook 1998*

1761 *UN Yearbook 1999*

January 2nd, in a press release, Argentina; “.. expressed its unwavering determination to regain, through diplomatic negotiations, the exercise of sovereignty over the Malvinas Islands, and reiterated its readiness to explore with the United Kingdom ways of consolidating mutual trust and cooperation in the South Atlantic. Argentina reaffirmed its belief that a resumption of negotiations on the substance of the question would contribute to a fair and definitive settlement of the dispute.”

Donald Alexander Lamont becomes Governor.

January 16th, Grytviken church is re-inaugurated by the Bishop of Tunsberg, Magne Storli.

March 9th, Prince Charles visits Argentina before moving on to Port Stanley. In Argentina he makes a speech in which he expresses the hope that Argentina would be able to live with; “*the people of another, rather smaller, democracy.*”

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 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.” ¹⁷⁶²

April 6th, Lan Chile suspends the air link between East Falkland and Punte Arenas in protest at the arrest in the UK of General Pinochet; effective from April 10th.

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*.

May 26th, four Falklands' *Councillors* attend meetings with Argentina's Foreign Minister, di Tella, in London on the subject of air links, fisheries and oil.

July 2nd, a further meeting takes place in New York.

July 11th, the Islanders, who are not being informed of the progress of talks, stage a protest outside Government House in Stanley.

July 14th, a ‘*Joint Statement*’ by Britain and Argentina announces arrangements; “.. regarding travel by Argentine citizens to the Falkland Islands on their own passports; the resumption of civil air services between Chile and the Falkland Islands, including stops in mainland Argentina; and the possibility of flights between

1762 Taken from the 7th Report of the Select Committee on Foreign Affairs.

the Falkland Islands and third countries, with the option from 16 October of making stops in mainland Argentina. They agreed on enhanced cooperation in the maintenance and conservation of fish stocks in the South Atlantic and on confidence-building measures, including landmine clearance in the Falkland Islands.”^{xxi}

Island Councilors involved in the talks issue a statement; “*We recognise as much as anyone else that even limited access by Argentine passport holders is a very difficult pill to swallow ... we believe granting access to Argentine nationals is a necessary step to take in order to retain the support of the British public and Parliament.*”¹⁷⁶³

“In an exchange of letters on 14 July, the United Kingdom informed Argentina that some of its commitments and responsibilities under the joint statement would be discharged by Her Majesty's Government of the Falkland Islands. Argentina responded that, pursuant to their October 1989 joint statement issued in Madrid, any arrangements made by the United Kingdom with a view to their implementation were an internal affair of the United Kingdom and had no bearing on the nature of the controversy over sovereignty of the Falkland Islands (Malvinas), South Georgia and the South Sandwich Islands and surrounding maritime areas.”

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.¹⁷⁶⁴

September 22nd, the UK responds; “*.. that nothing in the July agreement compromised the United Kingdom position in relation to its sovereignty over the Falkland Islands. Representatives of the Territory had asked the Special Committee on decolonization to recognize that they, like other democratic people, were entitled to exercise the right of self-determination and reiterated that the people of the Falkland Islands did not want to be part of Argentina.*”

October 13th, Argentina rejects; “*.. the United Kingdom's claim that the "wishes" of the inhabitants of the Malvinas should be respected. It had repeatedly proved its commitment to protect the interests of the islanders and Argentina's Constitution guaranteed strict respect for the lifestyle of the inhabitants of the islands. Argentina trusted that, in response to the numerous invitations by the international community and within the framework of bilateral relations, negotiations would be renewed.*”

November 4th, the *General Assembly* defer the question of the Falkland Islands for another year.



1763 Cawkell 2001 p. 169
1764 *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.¹⁷⁶⁵

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'.¹⁷⁶⁶

July 27th, at a meeting of the *Southwest Atlantic Hydrocarbon Commission*, the two sides acknowledge; “ .. that there were differing interpretations of the area to which the understanding applied, and agreed that it would be appropriate to reflect on the issue and on the best way to conduct future cooperation.”¹⁷⁶⁷

October 5th, Argentina submits a *Note* complaining the Britain is acting unilaterally by issuing exploration licences.

November 20th, the *General Assembly* defer the question of the Falkland Islands for another year.

November 27th, Argentina complains again.¹⁷⁶⁸

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; ...

1765 The Falklands have operated a ship's Registry since 1861 and are currently part of the *Red Ensign Group*.

1766 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.

1767 UN Yearbook 2007

1768 Bielsa 2010

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.

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.¹⁷⁶⁹

October 23rd, the ICJ deliver its judgement in the case concerning sovereignty between Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia) where the Philippines had applied to intervene.

The separate opinion of Judge Franke includes his view that; "*..historic title, no matter how persuasively claimed on the basis of old legal instruments and exercises of authority, cannot - except in the most extraordinary circumstances - prevail in law over the rights of non-self-governing people to claim independence and establish their sovereignty through the exercise of bona fide self-determination.*"

October 29th, Argentina responds to the British Government's White Paper on Partnership for Peace and Prosperity: Britain and the Overseas Territories; "*It rejected their designation as Overseas Territories of the United Kingdom, as well as any attempt to introduce unilateral changes in that situation while the sovereignty dispute was still unresolved.*"¹⁷⁷⁰

November 10th, President Fernando de Rúa of Argentina, gives a speech to the general Assembly at the UN recalling; "*.. the repeated United Nations requests for Argentina and the United Kingdom to resume negotiations on a just and lasting solution to the sovereignty dispute.*"

Exercising its right of reply, the UK's *Representative* says that Britain; "*.. had a duty to respect the right to self-determination of the people of the Falkland Islands, whose representatives had expressed to the Special Committee on 29 June the wish to exercise that right.*"

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.

November 26th, the *General Assembly* defer the question of the Falkland Islands for another year.

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.¹⁷⁷¹

1769 Although the first visit to Argentina by a serving British Prime Minister, the Falkland Islands were not on the agenda.

1770 *UN Yearbook 2001*

1771 *UN Yearbook 2002*

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, changing 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.*”¹⁷⁷²

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.

November 11th, the *General Assembly* defer the question of the Falkland Islands for another year.

2003 – in **April**, Nestor Carlos Kirchner wins the Presidential election in Argentina.

Argentina's Education Ministry is ordered to consider the question of the Falkland Islands when forming its educational policies.¹⁷⁷³

June 16th, elected representatives from the Falkland Islands; “*.. again asked the Special Committee to recognize that they, like any other people, were entitled to exercise the right of self-determination and reiterated that the people of the Falkland Islands did not wish to change the status of the islands.*”¹⁷⁷⁴

September 25th, President Kirchner addresses the UN's General Assembly and urges the UK to resume bilateral negotiations.

October 20th, in a letter to the Secretary-General; “*.. Argentina reiterated its rejection of the 1999 “White Paper on Partnership for Peace and Prosperity: Britain and the Overseas Territories” and the designation of the Malvinas, South Georgia and the South Sandwich Islands as British Overseas Territories, as well as any unilateral changes in the situation while the sovereignty dispute was unresolved. The letter recalled several Assembly resolutions recognizing the existence of a sovereignty dispute regarding those Territories and recommending that it be resolved through bilateral negotiations. Argentina reaffirmed its sovereignty over the islands and surrounding maritime spaces, which were an integral part of its national territory.*”

1772 Bielsa 2010

1773 *Malvinas in the University – 2012 Essay Contest* published 27.3.13

1774 *UN Yearbook 2003*

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."*¹⁷⁷⁵

November 5th, the General Assembly defer the question of the Falkland Islands for another year.

November 11th, Argentina complains to the UN that the Falkland Islanders' who addressed the Special Committee in June, did so only; *".. as petitioners, without the representative status claimed by the United Kingdom in its statement and rejected by Argentina. With respect to the United Kingdom's reference to self-determination, Argentina reaffirmed the need to apply the principle of territorial integrity to the special and particular colonial situation under the item on the question of the Malvinas Islands; it cited Assembly resolution 2065(XX) which called on both countries to resume bilateral negotiations with a view to finding a just, peaceful and definitive solution to the sovereignty dispute, bearing in mind the interests of the islands' population. Argentina clarified that, in addition to the 1999 joint statement, other provisional understandings with the United Kingdom relating to sovereignty safeguarded Argentina's position in the dispute over the Territories, and that those understandings, in addition to resolving some practical problems in the South Atlantic, were conducive to the renewal of bilateral negotiations on sovereignty."*¹⁷⁷⁶

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.¹⁷⁷⁷

2004 – January 5th, Argentina writes to the UN; *".. recalling its objective to recover full sovereignty over the Malvinas, South Georgia and South Sandwich Islands and surrounding maritime areas through peaceful means. It reiterated the need to comply with UN resolutions and Organization of American States declarations calling for a resumption of bilateral negotiations in order to find a just and lasting solution to the sovereignty dispute; recalled its readiness to resume such negotiations immediately; and exhorted the United Kingdom to do likewise."*

January 13th. The UK responds, stating; *".. that it had no doubt about its sovereignty over the Falkland Islands, South Georgia and South Sandwich Islands, and rejected as unfounded Argentina's claim to sovereignty."*

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.

1775 Parliamentary letter dated 15.1.2004

1776 UN Yearbook 2003

1777 Chicago Tribune

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; “..formally protested the recent upgrading of the British military base in the Malvinas, as a violation of Assembly resolution 31/49, which called on the two parties to refrain from introducing unilateral modifications in the situation while the islands were going through the process recommended in relevant Assembly resolutions. Argentina believed that the expansion of the military occupation in the disputed area was incompatible with the letter and spirit of the provisional understandings under the sovereignty formula regarding practical aspects of the South Atlantic, particularly in relation to measures aimed at building and strengthening mutual confidence.”¹⁷⁷⁸

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.¹⁷⁷⁹

July 5th, the United Kingdom recognises the compulsory jurisdiction of the *International Court of Justice* over all disputes arising after 1st January 1974.¹⁷⁸⁰

July 28th, the UK rejects Argentina's statement of June 8th that; “.. The change in titles to Headquarters British Forces South Atlantic Islands and Commander British Forces South Atlantic Islands reflected changes in administrative structures. There had been no change in the mission or role of the United Kingdom's armed forces providing security for the Falkland Islands, South Georgia and South Sandwich Islands.”

September 21st, President Kirchner tells the UN that Argentina is willing; “..to reach a just, peaceful and lasting solution to the sovereignty dispute and urged the United Kingdom to resume negotiations.”

The UK responds that there; “.. could be no negotiations on sovereignty unless and until the islanders so wished.”

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.”¹⁷⁸¹

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*.¹⁷⁸²

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

1778 *UN Yearbook 2004*

1779 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.

1780 Argentina has still not made any Declaration recognising the compulsory jurisdiction of the ICJ.

1781 Hon. Sarmite Bulte

1782 *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.

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.¹⁷⁸³

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.*"¹⁷⁸⁴

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 states; "*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."

July 6th, Argentina complains that references to the Falklands in the papers emanating from the UN's *Economic and Social Council* do not employ the correct terminology; "*Argentina requested that all references to the Malvinas Islands in the Council's official documentation should conform to the provisions on bilingual terminology contained in the UN Secretariat's 1999 editorial directive, and that special reference be made, in a footnote, to the existence of a sovereignty dispute between Argentina and the United Kingdom over the Malvinas Islands.*"¹⁷⁸⁵

August 26th, the FIG change the fishery licensing system to allow for the issue of licenses lasting 25 years.

September 4th, the Merchant Navy Falklands 1982 Memorial is unveiled by the First Sea Lord, Sir Alan West.

September 14th, addressing the UN's *General Assembly*, Argentina's President urged the UK to resume negotiations.

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.*

1783 *SN/IA/5602 Argentina and the Falklands* Vaughne Miller 2010 House of Commons Library

1784 UN Press Release *GA/COL/3122*

1785 *UN Yearbook 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 issues 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."*

"Argentina said that the South Atlantic Fisheries Commission made no provision for an agreed fisheries administration between the two countries and the United Kingdom's unilateral measure was incompatible with the bilateral arrangements on cooperation for the conservation of fisheries resources. Moreover, the new measure was not compatible with the General Assembly's call in resolution 31/49 that the two parties refrain from taking decisions that would imply the introduction of unilateral modifications in the situation, while negotiations on the sovereignty dispute were ongoing."

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 1st, the UK rejects Argentina's complaint regarding fishing administration and; *".. reiterated that the Falkland Islands Government was entitled to adopt whatever measure it considered necessary to conserve, manage, and exploit fish stocks within its waters. It was disappointed that the matter was affecting the level of Argentina's cooperation on the conservation of fisheries resources under the South Atlantic Fisheries Commission."*

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.

“Argentina stated that the British unilateral measures seriously impaired cooperation in the South Atlantic Fisheries Commission and that it would take legal actions available to it regarding enterprises that exploited fisheries resources in the Argentine exclusive economic zone without appropriate authorization.”

2006 – Alan Huckle is appointed as Governor of the Falkland Islands.

February 20th, Argentina detains the Falklands fishing vessel, *John Cheek*, accusing the crew of illegally fishing in its waters, and flying an unrecognised flag.¹⁷⁸⁶

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 Argentines, 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, MERCOSUR¹⁷⁸⁷ 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.

1786 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.

1787 Also referred to as the *Southern Common Market*; Argentina, Brazil, Paraguay and Uruguay are the only members.

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.

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"*.¹⁷⁸⁸

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.¹⁷⁸⁹

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.¹⁷⁹⁰

1788 *Agencia de noticias oficial de la República Argentina*

1789 Based on a previous census, this argument ignores the fact that some Islanders can trace their families back 9 generations, to the 1840's.

1790 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.

In **December**, Argentina introduces a new *National Law on Education No. 26206*. Article 92 adds the “recovery” of the Falklands to the national curriculum; “and the exercise and construction of the collective memory of the recent history..”

*“These educational policies are part of a national policy which fosters the intellectual exercise of approaching the question of Malvinas in its whole range: understanding the history of the usurpation in 1833; knowing and expanding the legitimate Argentine arguments to demand the sovereignty over the South Atlantic; revising the Military Junta’s misguided decision to prosecute the war; paying homage to those who fought in the islands.”*¹⁷⁹¹

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, recalls; “ .. its objective of recovering the full sovereignty over the Malvinas, South Georgia and the South Sandwich Islands and surrounding maritime areas in accordance with the principles of international law. On the understanding that cooperation on practical aspects of the dispute would help to create a climate favourable to the resumption of negotiations, Argentina had reached practical, bilateral understandings with the United Kingdom. However, Argentina considered the United Kingdom’s refusal to address the sovereignty question incomprehensible, and therefore reiterated its permanent willingness to resume negotiations immediately with a view to settling the dispute in accordance with numerous pronouncements on the matter by the international community.”¹⁷⁹²

January 15th, the UK rejects Argentina's claims.

Argentina announces that any discussions on fisheries or conservation must include negotiations over sovereignty.¹⁷⁹³

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 Cooperation 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.”

“During the eighth meeting of the Southwest Atlantic Hydrocarbon Commission, held on 27 July 2000, the two parties acknowledged that there were differing interpretations of the area to which the understanding applied, and agreed that it would be appropriate to reflect on the issue and on the best way to conduct future cooperation. Before and during the reflection period, the United Kingdom had continued to carry out unilateral actions that ran counter to the 1995 Declaration, demonstrating the persistence of discrepancies in the interpretation of the area.

Therefore, Argentina concluded that it was not possible to apply the 1995 Declaration, and considered the provisional agreement to be terminated”

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

1791 *Malvinas in the University – 2012 Essay Contest* published 27.3.13 p.6

1792 *UN Yearbook 2007*

1793 Miller 2010

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, ...”¹⁷⁹⁴

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, Héctor 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."*¹⁷⁹⁵

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 Decolonization 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'."*¹⁷⁹⁶

September 25th, outgoing President Néstor Kirchner, in his annual speech to the UN's *General Assembly*, says; *" .. that the time had come for the United Kingdom to shoulder its responsibility and put an end to an anachronism: the illegal occupation for clearly colonial purposes of territory belonging to another State. His Government rejected the British claim on the establishment of maritime areas surrounding the archipelagos in question, particularly the United Kingdom's recently divulged intention to make a submission to the Commission on the Limits of the Continental Shelf (see p. 1400) relative to the outer limits of the continental shelf of the Argentine territories."*

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.*

1794 Bielsa 2010

1795 *Clarín* May 2nd 2007

1796 Quoted in *The situation of Malvinas Islands at the beginning of the Bicentennial of the Argentine Independence*
Alfredo Bologna 2010

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.¹⁷⁹⁷

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."*¹⁷⁹⁸

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*

1797 The agreed number of 649 was subsequently reduced to 375 by Argentina.

1798 *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

which relies on them"¹⁷⁹⁹

June, the *Foreign Affairs Committee* publishes its report.¹⁸⁰⁰

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 -- 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."¹⁸⁰¹

*"But the principle was of concern to all the 16 remaining UN listed territories including the Falkland Islands and Gibraltar."*¹⁸⁰²

November 4th, Queen Elizabeth II signs the new *Constitution* for the Falkland Islands.

November 6th, Argentina protests.

1799 *Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia)*, I.C.J. Reports 2002, p. 682, para. 135

1800 *House of Commons Foreign Affairs Committee 7th Report of Session 2007-2008*

1801 *UN GA/SPD/406 - Sixty-third General Assembly.*

1802 MercoPress: South Atlantic News Agency October 23rd 2008

November 28th, the UK is granted a 10 year extension to the deadline under the *Ottawa Convention* for the elimination of anti-personnel mines.

December 5th, the General Assembly of the United Nations approves *Resolution 63/108* which; “.. reaffirms that, in the process of decolonization, there is no alternative to the principle of self-determination, which is also a fundamental human right, as recognized under the relevant human rights conventions.; ..”¹⁸⁰³

On the same day, *Resolution 63/110* is passed. Paragraph 7; “Requests the Special Committee ... “(c) To continue to examine the political, economic and social situation in the Non-Self-Governing Territories, and to recommend, as appropriate, to the General Assembly the most suitable steps to be taken to enable the populations of those Territories to exercise their right to self-determination, including independence, ..”

December 18th, the United Nations General Assembly approves *Resolution 63/163* which; “1. Reaffirms that the universal realization of the right of all peoples, including those under colonial, foreign and alien domination, to self-determination is a fundamental guarantee and observance of human rights and for the preservation and promotion of such rights.”

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

1803 *Resolution 63/108 (2)*. It is notable that while the other paragraphs refer to the 'Territories' subject of this *Resolution*, which did not include the Falkland islands, this paragraph contained no such restriction, giving it a universal application in decolonization cases.

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.¹⁸⁰⁴

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.'*¹⁸⁰⁵

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*

¹⁸⁰⁴ 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.

¹⁸⁰⁵ UN A/64/70

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.*”

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.¹⁸⁰⁶

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.

A Buenos Aires provincial law, 14222, becomes effective; “*.. to promote the teaching of the sovereignty rights over the Antarctic Sector, the Malvinas, Georgias del Sur and Sandwich del Sur.*”¹⁸⁰⁷

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.*”¹⁸⁰⁸

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.

1807 'Las Malvinas son Argentinas': *Who Taught You That?* in *The Argentine Independent* April 4th, 2012
1808 Miller 2010

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.*¹⁸⁰⁹

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...." ^{xxii}

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.*"

1809 *European Union Long Range Identification and tracking Cooperative Data Center.*

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.*"¹⁸¹⁰

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 Timmerman 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*

¹⁸¹⁰ 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.

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."¹⁸¹¹

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.¹⁸¹²

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.¹⁸¹³

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*

1811 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 ..*"

1812 Apparently a British naval vessel was photographed testing a missile for training purposes.

1813 *Maritime Safety Committee* of the *International Maritime Organisation*, 88th Session, MSC 88/26 Add.1

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.”*

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.”^{xxiii}

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*”.¹⁸¹⁴

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.¹⁸¹⁵

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 sovereignty over the Falkland Islands to the United Nations.

1814 *MercoPress Nov 28th*

1815 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.

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 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.”*¹⁸¹⁶

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'.¹⁸¹⁷

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.

1816 UN A/66/677

1817 BBC News: Latin America & Caribbean February 23rd 2012

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.

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 1833.¹⁸¹⁸

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.*”¹⁸¹⁹

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 1985.¹⁸²⁰

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.*”¹⁸²¹

1818 *cf.* August 26th 1833

1819 Ban ki-moon quoted in *MercoPress* 12.11.12

1820 *cf.* November 27th 1985.

1821 Ministerio de Relaciones Exteriores y Culto - *Información para la prensa N° 416/12 Dirección de Prensa de Cancillería: 4819-7375 / 8296 / 7388*

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.

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.¹⁸²²

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.*

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. Timerman 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 Timerman 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."*

April 8th, Margaret Thatcher dies at the age of 87. Left-wing groups in Argentina describe her as a, *"war criminal."* Mike Summers, representing the FIG, says: *"She will be forever remembered in the Islands for her decisiveness in sending a task force to liberate our home following the Argentine invasion in 1982."*



1822 There was a 92% turnout from 1,672 British citizens eligible to vote out of a total population of some 2,900.

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i 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.

These islands have thus been considered an integral part of the Spanish, and subsequently of the Buenos-Ayorean 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-Ayorean islands with the continental territory as their imprescriptible, indefeasible, and inalienable right.

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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-Ayrean 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-Ayrean 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 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

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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.

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

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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.

ii *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

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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 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

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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 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

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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 volleys 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.

iii *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 Maitre, que l'engagement de sa dite Majesté Catholique,

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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 Malouïnes, 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 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 par sa 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

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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 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

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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 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 Puente."

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

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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 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

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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."

iv 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;

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

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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

v **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

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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.
- 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: Gilbert and Ellice Islands Colony. British Solomon Islands Protectorate. Pitcairn Islands.

vi Resolution 637 (VII) (1952) The Right of peoples and Nations to Self-Determination

A

Whereas the right of peoples and nations to self-determination is a prerequisite to the full enjoyment of all fundamental human rights,

Whereas the Charter of the United Nations, under Articles 1 and 55, aims to develop friendly relations among nations based on respect for the equal rights and self-determination of peoples in order to strengthen universal peace,

Whereas the Charter of the United Nations recognizes that certain members of the United Nations are responsible for the administration of Territories whose people have not yet attained a full measure of self-government, and affirms the

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principles which should guide them,

Whereas every Member of the United Nations, in conformity with the Charter, should respect the maintenance of the right of self-determination in other States,

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 this right of self-determination of the peoples of Non-Self-Governing and Trust Territories who are under their administration and shall facilitate the exercise of this right by the peoples of such Territories according to the principles and spirit of the Charter of the United Nations in regard to each Territory and to the freely expressed wishes of the peoples concerned, the wishes of the people being ascertained through plebiscites or other recognised democratic means, preferably under the auspices of the United Nations;
3. The member States of the United Nations responsible for the administration of Non-Self-Governing and trust Territories shall take practical steps, pending the realization of the right of self-determination and in preparation thereof, to ensure the direct participation of the indigenous populations in the legislative and executive organs of government of those Territories, and to prepare them for complete self-government or independence.

B

The General Assembly,

Considering that one of the conditions necessary to facilitate United Nations action to promote respect for the right of self-determination of peoples and nations, in particular with regard to the peoples of Non-Self-Governing Territories, is that the competent organs of the United Nations should be in possession of official information on the government of these Territories,

Recalling its resolution 144 (II) of 3 November 1947 in which it declared that the voluntary transmission of such information was entirely in conformity with the spirit of Article 73 of the Charter, and should therefore be encouraged,

Recalling its resolution 327 (IV) of 2 December 1949 in which it expressed the hope that such of the Members of the United Nations as had not done so might voluntarily include details on the government of Non-Self-Governing Territories in the information transmitted by them under Article 73e of the Charter,

Considering that at the present time such information has not yet been furnished in respect of a large number of Non-Self-Governing Territories,

1. Recommends Member States of the United Nations responsible for the administration of Non-Self-governing Territories voluntarily to include in the information transmitted by them under Article 73e of the Charter details regarding the extent to which the right of peoples and nations to self-determination is exercised by the peoples of those Territories, and in particular regarding their political progress and the measures taken to develop their capacity for self-administration, to satisfy their political aspirations and to promote development of their free political institutions;
2. Decides to place the present resolution on the agenda of the Committee on Information from Non-Self-Governing Territories for its next session in 1953.

C

The General Assembly,

Considering that it is necessary to continue the study of ways and means of ensuring international respect for the right of peoples to self-determination,

Considering that the recommendations it has adopted at its seventh session do not represent the only steps that can be taken to promote respect for such right,

1. Requests the Economic and Social Council to ask the Commission on Human Rights to continue preparing recommendations concerning international respect for the right of peoples to self-determination, and particularly recommendations relating to the steps which might be taken, within the limits of their resources and competence, by the various organs of the United Nations and the specialized agencies to develop international respect for the right of peoples to self-determination;

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2. Requests the Commission on Human Rights to submit through the Economic and Social Council its recommendations to the General Assembly.

vii 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,

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.

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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.”

viii 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,

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.

ix 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

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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);
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.”

x 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);

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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.”

xi 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

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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.

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.

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xii 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.'

xiii 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

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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 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.

xiv UN Resolution 37/9 (1982)

" *The General Assembly,*

Having considered the question of the Falkland Islands (Malvinas),

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;

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4. **Decides** to include in the provisional agenda of its thirty-eighth session the item entitled "Question of the Falkland Islands."

xv 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 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"

xvi 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

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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 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)."

xvii 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)."

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xviii 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 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)."

xix 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;
4. **Decides** to include in the provisional agenda of its forty-third session the item entitled "Question of the Falkland Islands (Malvinas)."

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xx 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)*".

xxi **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 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.

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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.

xxii 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).

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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 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.*'

xxiii **Memorandum by the Foreign and Commonwealth Office**
(submitted in response to a letter from the Chairman of the Foreign Affairs Committee 2011)

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,

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- 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

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

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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.