

C

SECRET

THIS DOCUMENT IS THE PROPERTY OF HER BRITANNIC MAJESTY'S GOVERNMENT

OD(SA)(82) 28

COPY NO

16

27 April 1982

CABINET

DEFENCE AND OVERSEA POLICY COMMITTEE

SUB-COMMITTEE ON THE SOUTH ATLANTIC AND
FALKLAND ISLANDS

DRAFT PROTOCOL ON SPECIAL INTERIM AUTHORITY

Note by the Secretaries

1. OD(SA)(82) 14 reported on the second United States draft of a protocol constituting the Special Commission proposed by Mr Haig when in London on 12 April. Two subsequent drafts have been received from the Americans, the latest of which is attached for the information of the Sub-Committee. This has been tailored to fit the current Haig proposals (OD(SA)(82) 25), and therefore uses the title Special Interim Authority. It is now called a Protocol and is designed for signature by the United States as well as Argentina and Britain.
2. The only point of major importance in this document remains its provision that the Authority should take decisions by majority vote when unable to achieve consensus. Neither Britain nor Argentina would therefore have a veto on their own.
3. The flag-flying provision has changed since the earlier draft. The flags of each Party are now to "be flown at the Principal Office in accordance with procedures to be determined by the Authority".

Signed ROBERT ARMSTRONG
 R L WADE-GERY
 R L L FACER

Cabinet Office

27 April 1982

SECRET

PROTOCOL CONSTITUTING THE SPECIAL INTERIM AUTHORITY
PURSUANT TO THE MEMORANDUM OF AGREEMENT

1. IN ORDER TO CARRY OUT THE RESPONSIBILITIES ASSIGNED TO IT PURSUANT TO THE MEMORANDUM OF AGREEMENT BETWEEN THE UNITED KINGDOM AND ARGENTINA OF (DATE), (HEREINAFTER QUOTE AGREEMENT UNQUOTE) AND SUCH OTHER RESPONSIBILITIES AS MAY BE CONFERRED UPON IT BY THE PARTIES TO THIS PROTOCOL (HEREINAFTER QUOTE PARTIES UNQUOTE), A SPECIAL INTERIM AUTHORITY (HEREINAFTER QUOTE AUTHORITY UNQUOTE) IS HEREBY ESTABLISHED BY THE PARTIES. THE AUTHORITY SHALL COMMENCE FUNCTIONING UPON ENTRY INTO FORCE OF THIS PROTOCOL.
2. THE AUTHORITY SHALL BE COMPOSED OF THREE COMMISSIONERS, ONE APPOINTED BY EACH PARTY UPON THE ENTRY INTO FORCE OF THIS PROTOCOL. EACH PARTY SHALL ALSO APPOINT AN ALTERNATE COMMISSIONER WHO SHALL ACT FOR THE COMMISSIONER WHENEVER THE LATTER IS ABSENT OR OTHERWISE UNABLE TO PERFORM AUTHORITY BUSINESS, OR SUCH POSITION IS VACANT.
- 3 THE AUTHORITY SHALL HAVE ITS PRINCIPAL OFFICE ON THE ISLANDS. THE FLAGS OF EACH PARTY SHALL BE FLOWN AT THE PRINCIPAL OFFICE IN ACCORDANCE WITH PROCEDURES TO BE DETERMINED BY THE AUTHORITY.
4. EACH COMMISSIONER MAY BE ASSISTED BY A STAFF PROVIDED BY THAT COMMISSIONER'S APPOINTING GOVERNMENT, OF NOT MORE THAN TEN PERSONS ON THE ISLANDS. (THIS LIMITATION DOES NOT APPLY TO UNITED STATES PERSONNEL PERFORMING VERIFICATION FUNCTIONS PURSUANT TO PARAGRAPH 2.3 OF THE AGREEMENT.)
5. THE AUTHORITY IS AUTHORIZED TO ENGAGE NECESSARY STAFF, TO CONTRACT, TO ESTABLISH INTERNAL PROCEDURES, AND TO TAKE THOSE OTHER ACTIONS NECESSARY AND PROPER TO DISCHARGE ITS RESPONSIBILITIES. THE AUTHORITY SHALL ENDEAVOUR TO HIRE NATIONALS OF THE PARTIES ON AN EQUITABLE BASIS.
- 6. EACH PARTY SHALL BE RESPONSIBLE FOR THE EXPENSES AND SALARY OF THE COMMISSIONER APPOINTED BY IT AND HIS RESPECTIVE STAFF. EXPENSES APPROVED BY THE AUTHORITY SHALL BE BORNE EQUALLY BY THE PARTIES. EACH PARTY SHALL MAKE IMMEDIATELY AVAILABLE TO THE AUTHORITY A SUM OF DOLLARS 250,000. TO MEET THE AUTHORITY'S EXPENSES UNTIL THE AUTHORITY DETERMINES ITS BUDGETARY PROCEDURES. THE PARTIES MAY ESTABLISH A CEILING ON EXPENSES APPROVED BY THE AUTHORITY.
7. THE AUTHORITY SHALL ESTABLISH APPROPRIATE LIAISON AND PROCEDURES

WITH THE LOCAL ADMINISTRATION TO DISCHARGE ITS RESPONSIBILITIES ACCORDANCE WITH THE AGREEMENT.

8. THE AUTHORITY SHALL REPORT TO THE PARTIES AT LEAST MONTHLY AFTER THIS PROTOCOL ENTERS INTO FORCE IN THE FORM OF AN AGREED MINUTE. SUCH REPORTS SHALL INCLUDE A FULL ACCOUNTING OF COSTS. ANY DISSENTING VIEW MAY BE APPENDED TO THE AGREED MINUTE. THE AUTHORITY SHALL MAKE PUBLIC INFORMATION CONCERNING ITS ACTIVITIES AS IT DEEMS APPROPRIATE.

9. THE AUTHORITY SHALL MAKE ALL REASONABLE EFFORTS TO REACH ITS DECISIONS BY CONSENSUS. IN THE ABSENCE OF CONSENSUS, THE AUTHORITY MAY MAKE DECISIONS BY MAJORITY VOTE.

10. THE PARTIES SHALL COOPERATE WITH THE AUTHORITY IN THE DISCHARGE OF ITS RESPONSIBILITIES AND SHALL FACILITATE THE NECESSARY ACTIVITIES OF THE AUTHORITY WITHIN THEIR RESPECTIVE TERRITORIES.

11. THE PARTIES SHALL ENSURE THAT THE AUTHORITY HAS ^{SUCH} LEGAL STATUS AS MAY BE NECESSARY AND APPROPRIATE FOR THE DISCHARGE OF ITS FUNCTIONS WITHIN THEIR TERRITORIES. IN PARTICULAR, THE AUTHORITY SHALL HAVE IMMUNITY FROM SUIT AND LEGAL PROCESS, AND INVIOABILITY OF ITS PREMISES, PROPERTY (INCLUDING SUPPLIES, VESSELS, AIRCRAFT AND OTHER VEHICLES WHILE PERFORMING AUTHORITY FUNCTIONS) AND ARCHIVES; AND SHALL BE EXEMPT FROM ALL TAXES, DIRECT AND INDIRECT, AND DUTIES OF CUSTOMS AND EXCISE.

12. THE COMMISSIONERS, THEIR STAFF AND THE EMPLOYEES OF THE AUTHORITY, AS WELL AS MEMBERS OF THEIR FAMILIES FORMING PARTY OF THEIR RESPECTIVE HOUSEHOLDS, SHALL BE ACCORDED BY THE PARTIES PRIVILEGES AND IMMUNITIES EQUIVALENT TO THOSE ENJOYED UNDER ARTICLE 37(2) OF THE VIENNA CONVENTION ON DIPLOMATIC RELATIONS BY MEMBERS OF THE ADMINISTRATIVE AND TECHNICAL STAFF OF A DIPLOMATIC MISSION. HOWEVER, IMMUNITY FROM CRIMINAL JURISDICTION SHALL NOT EXTEND TO ACTS PERFORMED OUTSIDE THE COURSE OF OFFICIAL DUTIES AND EXEMPTION FROM CUSTOMS DUTIES, TAXES AND RELATED CHARGES ON ARTICLES FOR PERSONAL USE SHALL NOT BE LIMITED TO ARTICLES IMPORTED AT THE TIME OF FIRST INSTALLATION. LOCALLY ENGAGED EMPLOYEES OF THE AUTHORITY SHALL ONLY HAVE IMMUNITY FROM CIVIL AND CRIMINAL JURISDICTION IN RESPECT OF ACTS PERFORMED DURING THE COURSE OF THEIR DUTIES AND INVIOABILITY FOR THEIR OFFICIAL PAPERS.

13. THE PARTIES, THE COMMISSIONERS AND THEIR STAFFS SHALL NOT ACT IN ANY MANNER INCONSISTENT WITH PURPOSES OF THE AGREEMENT OR OF THIS PROTOCOL

14. THE OFFICIAL LANGUAGES OF THE AUTHORITY SHALL BE ENGLISH AND SPANISH.

15. THIS PROTOCOL SHALL ENTER INTO FORCE UPON THE DATE OF SIGNATURE.

FOR ARGENTINA

.....

FOR THE UNITED KINGDOM

.....

FOR THE UNITED STATES

.....

LETTER ACCEPTING VERIFICATION FUNCTION

THE UNITED STATES HEREBY AGREES TO VERIFY COMPLIANCE WITH THE PROVISIONS OF PARAGRAPH 2 OF THE MEMORANDUM OF AGREEMENT BETWEEN THE UNITED KINGDOM AND ARGENTINA.

IT IS UNDERSTOOD THAT THE GOVERNMENTS OF ARGENTINA AND THE UNITED KINGDOM WILL EXTEND TO THE UNITED STATES AND ITS PERSONNEL ALL NECESSARY ASSISTANCE, INCLUDING FACILITIES, FOR THE FULFILLMENT OF THIS UNDERTAKING AND WILL ENSURE THAT UNITED STATES PERSONNEL AND EQUIPMENT CAN TRANSIT AND MOVE FREELY THROUGHOUT THEIR TERRITORY, AND MOVE FREELY THROUGHOUT THE ZONES DESCRIBED IN PARAGRAPH 2 OF THE MEMORANDUM OF AGREEMENT.

THE GOVERNMENTS OF ARGENTINA AND THE UNITED KINGDOM SHALL EACH REIMBURSE THE UNITED STATES FOR ONE-THIRD OF THE COSTS INCURRED IN THE FULFILLMENT OF THIS UNDERTAKING, IN ACCORDANCE WITH STATEMENTS OF COSTS SUBMITTED BY THE UNITED STATES.

THE GOVERNMENT OF THE UNITED STATES AND ITS PERSONNEL AND EQUIPMENT SHALL BE IMMUNE FROM ALL CIVIL, CRIMINAL, JUDICIAL, TAX AND CUSTOMS JURISDICTION IN THE FULFILLMENT OF ITS RESPONSIBILITIES.

THE UNITED STATES MAY WITHDRAW ITS PERSONNEL IN THE EVENT IT

SECRET

CONCLUDES THAT THEIR SAFETY IS JEOPARDIZED OR THAT CONTINUATION OF
THEIR ROLE IS NO LONGER NECESSARY.

.....
ALEXANDER M. HAIG, JR.