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QUESTION OF THE FALKLAND ISLANDS (MALVINAS)

SECURITY COUNCIL
Forty-fifth year

Letter dated 21 February 1990 from the Permanent Representatives of Argentina and the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General

We have the honour to convey to Your Excellency the text of the joint statement and its attachment (see annex) issued at the conclusion of a meeting between representatives of the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland, held in Madrid on 14 and 15 February 1990.

We request that the present note and its annex be circulated as an official document of the General Assembly, under item 37 of the preliminary list, and of the Security Council.

(Signed) Crispin TICKELL

(Signed) Jorge VAZQUEZ

* A/45/50.

ANNEX

Joint statement by the British and Argentine delegations

(Madrid - 15 February 1990)

1. Delegations of the British and Argentine Governments, as agreed at their meeting in Madrid in October 1989, met again in Madrid on 14 and 15 February 1990. The British delegation was led by Sir Crispin Tickell, Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations, and the Argentine delegation by Ambassador Lucio García del Solar, Special Representative of the Government of Argentina.
2. Both delegations reaffirmed that the formula on sovereignty over the Falkland Islands (Islas Malvinas), South Georgia and the South Sandwich Islands and the surrounding maritime areas, recorded in paragraph 2 of the joint statement of 19 October 1989, applied to this meeting and its consequences.
3. Both Governments, wishing to develop further friendship and co-operation between their two peoples, agreed to re-establish diplomatic relations following notification of the Protecting Powers. Embassies will be reopened shortly and Ambassadors appointed in accordance with international practice.
4. The British delegation announced the decision of the British Government to lift the Protection Zone established around the Falkland Islands (Islas Malvinas).
5. Both Governments approved with satisfaction the final report of the "British-Argentine Working Group about measures to build confidence and avoid incidents in the military sphere" and decided, under the terms of the formula on sovereignty referred to in paragraph 2 of the present joint statement, the following:
 - (a) To establish an "Interim reciprocal information and consultation system" for movements of units of their armed forces in areas of the south-west Atlantic. The aims of this system are to increase confidence between the United Kingdom and Argentina and to contribute to achieving a more normal situation in the region without unnecessary delay (the text of this agreement is included as appendix I to the present joint statement);
 - (b) To establish a direct communication link between the Falkland Islands (Islas Malvinas) and the mainland in order to reduce the possibility of incidents, to limit their consequences in the case of occurrence, and to increase common knowledge of military activities in the south-west Atlantic (see appendix I);
 - (c) To agree on a set of rules of reciprocal behaviour for naval and air units of their armed forces when operating in proximity (see appendix II);
 - (d) To agree on a mechanism for emergencies aimed at facilitating air and maritime search and rescue operations in the south-west Atlantic (see appendix III);

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(e) To establish a system of exchange of information on the safety and control of air and maritime navigation (see appendix IV);

(f) To continue bilateral consideration of these matters and to review the measures agreed upon within one year from their coming into force.

6. The agreements described in paragraph 5 above will enter into force on 31 March 1990. On the same day, the decision mentioned in paragraph 4 above will be implemented.

7. Both delegations expressed the satisfaction of their Governments with the report of the Working Group on Fisheries, which met in Paris on 18 and 19 December 1989. It was agreed that both Governments should proceed - through their respective Foreign Ministries - to exchange available information on the operations of the fishing fleets, appropriate catch and effort statistics and analyses of the status of the stocks of the most significant offshore species in the maritime area of the Atlantic Ocean between latitude 45 degrees S and latitude 60 degrees S. They also agreed to assess jointly such information, and to explore bilaterally the possibilities for co-operation and conservation.

8. Both Governments decided to set up a Working Group on South Atlantic Affairs with the mandate to continue consideration of the issues entrusted to the two working groups mentioned in paragraphs 5 and 7 of the present joint statement. The Working Group will meet as frequently as the parties consider necessary; its first meeting will be held within one year of the date of this joint statement.

9. Both delegations considered the situation regarding contacts between the Falkland Islands (Islas Malvinas) and the mainland and agreed to continue considering this matter. The British delegation recognized the Argentine readiness to facilitate communications and trading opportunities between the Islands and the mainland.

10. Both delegations expressed their agreement to a visit to the cemetery on the Falkland Islands (Islas Malvinas) by close relatives of Argentine nationals buried there. The visit - based on humanitarian considerations - will take place under the auspices of the International Committee of the Red Cross (ICRC). Both Governments will seek the good offices of the ICRC and agree, through diplomatic channels, on the arrangements for and timing of the visit.

11. Both delegations agreed that the feasibility and desirability of a general co-operation agreement should be examined through diplomatic channels.

12. Both Governments, recognizing that the promotion and reciprocal protection of investments should encourage private initiative and increase prosperity in both States, agreed to begin, through diplomatic channels, the negotiation of an Investment Promotion and Protection Agreement.

13. Both delegations agreed that it would be appropriate to abolish the requirement for visas for nationals of each country wishing to visit the other.

This measure would become effective once negotiations had been concluded through diplomatic channels.

14. Both Governments, conscious of the need to increase efforts to protect the environment, will work to ensure bilateral consultation and co-operation, including within the international institutions.

15. Both Governments, recognizing the threat that illicit drugs and drug abuse have created for all countries, agreed to explore ways of collaborating in this field, including exchanges of information, control of trafficking and an agreement to trace, freeze and confiscate the proceeds of drug trafficking. The Argentine delegation announced that its Government would be represented at the world conference on "Demand Reduction and the Cocaine Threat" to be held in London in April 1990.

16. Both delegations, noting the importance of current international trends towards greater political and economic interdependence and integration, agreed to consult through diplomatic channels on these trends, particularly those concerning the European Community and Latin America.

17. It was agreed that both Governments would jointly send the text of the present statement and its appendices to the Secretary-General of the United Nations for distribution as an official document of the General Assembly, under agenda item 37, and of the Security Council. The United Kingdom will transmit the present joint statement to the Presidency and Commission of the European Community, and the Government of Argentina will do likewise to the Organization of American States.

18. In conclusion, both delegations expressed their thanks to the Spanish Government for its generous hospitality and support.

APPENDIX I

Interim reciprocal information and consultation system

Both parties agree to establish an Interim Reciprocal Information and Consultation System for movements of units of their armed forces in areas of the south-west Atlantic. The aims of this system are to increase confidence between the United Kingdom of Great Britain and Northern Ireland and Argentina and to contribute to achieving a more normal situation in the region without unnecessary delay. The system consists of the following provisions:

I. DIRECT COMMUNICATION LINK

A. A direct communication link will be established between the respective military authorities - under the supervision of both Foreign Ministries, in order to:

(a) Reduce the possibility of incidents and limit their consequences if they should occur;

(b) Increase common knowledge of military activities in the south-west Atlantic.

B. The respective military authorities will be:

(a) Argentine Naval Authority: Comandante del Area Naval Austral (Ushuaia);

(b) Argentine Air Authority: Jefe de la Novena Brigada Aerea (Comodoro Rivadavia);

(c) British Authority: Commander British Forces Falkland Islands (Malvinas).

C. It is agreed to establish a direct radio link between the respective authorities, which will include voice and/or telex transmissions. The link will be manned on a 24-hour basis and will be tested at least once a week. Technical information relating to equipment, frequencies and modalities of use will be exchanged through diplomatic channels.

D. It is agreed to establish a communications plan for radio links between units and stations of the parties. Technical information will be exchanged through diplomatic channels.

II. DEFINITION OF UNITS

A. Ship

Any ship belonging to the naval forces of the parties bearing the external marks distinguishing warships of its nationality, under the command of an officer duly commissioned by the Government and whose name appears in the naval list, and manned by a crew who are under regular naval discipline, and British Fleet Auxiliaries.

B. Aircraft

Any aircraft belonging to the armed forces of the parties, manned by a military crew who are under regular armed forces discipline.

C. Combatant units

Any ship or aircraft equipped with weapons systems or means of offensive power or offensive projection capabilities (naval examples: aircraft carriers, cruisers, destroyers, frigates, corvettes, submarines, fast patrol boats, amphibious ships or ships carrying troops; aircraft examples: strike aircraft, fighters, bombers, missile or troop-carrying aircraft).

III. RECIPROCAL INFORMATION ABOUT MILITARY MOVEMENTS

1. Reciprocal written information will be provided through diplomatic channels, not less than 25 days in advance, about:

- (a) Movements of naval forces involving four or more ships;
- (b) Movements of aerial forces involving four or more aircraft;
- (c) Exercises involving more than 1,000 men or more than 20 sorties by aircraft;
- (d) Amphibious or airborne exercises involving more than 500 men or more than 20 sorties by aircraft.

The areas of application of this measure are:

For Argentine Forces: within rhumb lines joining the following geographical co-ordinates in the specified order: 46S 63W, 50S 63W, 50S 64W, 53S 64W, 53S 63W, 60S 63W, 60S 20W, 46S 20W, 46S 63W.

For British Forces: the area south of parallel 40°S and west of meridian 20°W and north of 60°S.

Each party will accept the presence of an observer ship from the other party in the vicinity of naval forces involving four or more ships engaged in manoeuvres within the relevant area of application.

2. Reciprocal notification of identity, intended track and purpose will be given, not less than 48 hours in advance, of a ship or an aircraft that intends to approach closer to coasts than 50 nautical miles by sea or 70 nautical miles by air.

When specific movements of the kind described in this paragraph are intended to be carried out by combatant units and might cause political or military difficulty to the Argentine Government or to the British Government, the notifying party will be informed immediately and mutual agreement will be necessary to proceed.

IV. VERIFICATION

Verification of compliance with the reciprocal information arrangements in provision III above will be by national means, by observer ships (as provided for in III.1), and by consultations through the direct communication link. If disagreement should arise, the parties would have recourse to the diplomatic channel.

V. RECIPROCAL VISITS

Reciprocal visits to military bases and naval units may be agreed through the diplomatic channel on a case-by-case basis.

VI. APPLICABILITY OF INTERNATIONAL PRACTICE

In situations not specifically covered in this system, it is understood that normal international practice will be applied on a reciprocal basis.

VII. DURATION

This system, including the reciprocal information measures, will be reviewed at regular diplomatic-technical meetings. The first of these meetings will take place within one year after the entry into force of the system and will be convened at a date to be agreed through the diplomatic channel.

APPENDIX II

Safety measures for naval and air units
when operating in proximity

When operating in proximity, naval and air units of the parties will comply with the following general regulations and rules:

- (a) Naval and air units of the parties shall avoid any movement or action that might be interpreted as a hostile act or an act carried out with hostile intent;
- (b) Naval units of the parties shall manoeuvre in a manner that clearly shows their intentions and shall strictly observe the letter and spirit of the international regulations for preventing collisions at sea of 1972;
- (c) Air units shall use the greatest caution and prudence when manoeuvring in proximity to units of the other party, in order to contribute to safety and avoid mutual interference;
- (d) Naval and air units of the parties shall not simulate attacks nor aim guns, missile launchers, torpedo tubes, other weapons or fire control radars in the direction of units of the other party;
- (e) Naval and air units of the parties shall not launch any object in the direction of passing ships or aircraft of the other party, nor use searchlights or other powerful illumination devices to illuminate their navigation bridges;
- (f) Naval and air units of the parties operating in proximity shall avoid the darkening of lights and, in this respect, shall comply with the International Regulations for Preventing Collisions at Sea of 1972 and the provisions of annex VI of the Convention on International Civil Aviation of 1944;
- (g) On no account shall the communication and detection systems of units of the other party be interfered with or disrupted;
- (h) A prompt exchange of information shall be conducted in the event of any occurrence that might cause concern to the other party.

APPENDIX III

Maritime and air search and rescue

When communication or co-ordination is required in relation to maritime and air search and rescue (SAR), the following procedures will apply:

(a) The headquarters of the British Forces in the Falkland Islands (Islas Malvinas) shall inform the regional SAR co-ordination centres of the South-West Atlantic Area:

Maritime SAR: Ushuaia Maritime SAR Co-ordination Centre

Air SAR: Comodoro Rivadavia Air SAR Co-ordination Centre

(b) Maritime SAR operations shall be conducted in accordance with the SAR manual of the International Maritime Organization and the SAR manual for merchant ships. Air SAR operations shall be conducted in accordance with the provisions of annex XII to the Convention on International Civil Aviation and its amendments;

(c) In the event that joint participation in a SAR incident becomes necessary, the headquarters of the British Forces in the Falkland Islands (Islas Malvinas) and the appropriate Argentine SAR Co-ordination Centre will co-ordinate their activities.

APPENDIX IV

Safety of navigation

1. The parties will exchange all relevant information so that Argentina, the Regional Co-ordinator of Navarea VI, as defined by the International Maritime Organization, may issue the appropriate notices to mariners for that area.

2. In order to enhance flight safety, the parties agreed:

(a) To facilitate the operation of Argentine Flight Information Centres by supplying the information necessary for Argentina to provide the Air Traffic Control, Warning, Search and Rescue, Communication and Meteorological Services within the Argentine Flight Information Regions (FIR);

(b) To exchange information between the Falkland Islands (Islas Malvinas) and Comodoro Rivadavia (CRV) Flight Information Centre for identification of aircraft in flight in the FIRs, in particular on flights in the vicinity of coastal areas;

(c) To respond positively in an emergency to requests to provide alternative landing facilities at their airfields for each other's aircraft and aircraft of third parties; and

(d) To exchange aeronautical information about the airfields of both parties (navigation, approach and surface facilities).
