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LETTER DATED 30 APRIL 1982 FROM THE PERMANENT REPRESENTATIVE
OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE
SECURITY COUNCIL

Further to my letter of 28 April (S/15006) and on instructions from my Government, I have the honour to inform you that the following communication was delivered by the Government of the United Kingdom to the Government of Argentina on 29 April 1982:

"In announcing the establishment of a total exclusion zone around the Falklands, 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 exercise of its right to self-defence under Article 51 of the Charter of the United Nations. In this connexion, Her Majesty's Government now wishes to make clear that all Argentine vessels, including merchant vessels, apparently engaging in surveillance of, or intelligence-gathering activities against, British forces in the South Atlantic will be regarded as hostile and are liable to be dealt with accordingly."

This communication has been made necessary by the continued refusal of Argentina to comply with paragraph 2 of Security Council resolution 502 (1982). In these circumstances, the United Kingdom retains the right to take measures in exercise of its inherent right of self-defence recognized by Article 51 of the Charter.

In his letter of 28 April (S/15009), the Permanent Representative of Argentina made the astonishing assertion that the right of self-defence does not apply to "colonial dependencies" and that this right is not available to protect territories which are distant from the main metropolitan territory. This claim is a travesty of the basic principles of international law and stands in direct conflict with the terms of Article 73 of the Charter, under which, inter alia, Members of the United Nations which have or assume responsibility for the administration of Non-Self-Governing Territories "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".

Article 2, paragraphs 3 and 4, of the Charter lay down that all Member States "shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered" and "shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations". The purposes referred to include the adjustment or settlement of international disputes or situations which might lead to a breach of the peace, and the development of friendly relations among nations "based on respect for the principle of equal rights and self-determination of peoples". Argentina is in flagrant and open violation of these fundamental principles of the Charter of the United Nations by its unprovoked attacks on the Falkland Islands and South Georgia and the continuing illegal military occupation of the Falkland Islands.

These unlawful Argentine acts give the United Kingdom the right to use force in self-defence. This right was exercised in the first instance by the Royal Marines in resisting Argentine attacks and extends to terminating the illegal Argentine occupation. This right is expressly recognized by Article 51 of the Charter, which makes it clear that the right of self-defence is "inherent" and that nothing in the Charter is intended to impair it. In compliance with its obligations under Article 51, Her Majesty's Government has reported all measures of self-defence to the Security Council.

Although Article 51 preserves the inherent right of self-defence "until the Security Council has taken measures necessary to maintain international peace and security", this can only be taken to refer to measures which are actually effective to bring about the stated objective. Clearly, the Security Council's decision in its resolution 502 (1982) has not proved effective. The United Kingdom's inherent right of self-defence is thus unimpaired.

For these reasons, the arguments in the letter dated 28 April from the Permanent Representative of Argentina (S/15009) cannot be accepted. The Falkland Islands are British territory, and the right of self-defence against the Argentine invasion and illegal occupation remains unimpaired. It was Argentina which, by its first use of force in defiance of the call by the Security Council on 1 April (S/14944), committed an act of aggression within the meaning of the Definition of Aggression contained in General Assembly resolution 3314 (XXIX), misleadingly referred to in the Argentine letter. This has already been made clear in Mr. Whyte's letter of 11 April (S/14964). Finally, as regards the allegations by the Permanent Representative of Argentina about the disproportionate use of force and a "bloody act of aggression against South Georgia", I would draw Your Excellency's attention to the facts that South Georgia was restored to British control by a force smaller than the number of Argentine prisoners it took and that only one member of the Argentine forces was injured, and none killed, before the Argentine surrender.

I should be grateful if you would arrange for this letter to be circulated as a document of the Security Council.

(Signed) A. D. PARSONS
