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LETTER DATED 4 MAY 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

I have the honour with reference to the letters dated 30 April 1982 (S/15021) and 1 May 1982 (S/15022) from the Permanent Representative of Argentina to state the following.

South Georgia

At the outset, I wish to reiterate that South Georgia has long been under British sovereignty and that the British root of title is separate from that to the Falkland Islands. (Fuller information was contained in my letter of 26 April 1982. (S/15002).) For very many years, there has been a British government station on South Georgia: but it does not have a permanent population, as do the Falkland Islands, and has been administered from Port Stanley purely as a matter of convenience.

The argument that the United Kingdom was not entitled to exercise its right of self-defence in order to recover control of South Georgia because three weeks had elapsed after the Argentine invasion is totally without foundation for the simple reason that throughout those three weeks Argentina continued to use armed force in order to occupy the islands. In other words, during that period the island was under illegal military occupation: in this regard, it is sufficient to refer to a passage from the Friendly Relations Declaration (which was adopted in 1970 by way of consensus), as follows:

"The territory of a state shall not be the object of military occupation resulting from the use of force in contravention of the provisions of the Charter. The territory of a state shall not be the object of acquisition by another state resulting from the threat or use of force. No territorial acquisition resulting from the threat or use of force shall be recognized as legal."

Argentina's use of force to invade South Georgia contravened article 2 (3) and (4) of the Charter - the fundamental principles of peaceful settlement of disputes and non-use of force.

Turning to the argument in the letter of 30 April that the United Kingdom was not entitled to exercise self-defence because South Georgia is 8,000 miles away from Great Britain, this assertion overlooks the facts that South Georgia has long been British territory and that international law does not prohibit a state from exercising sovereignty over more than one island, however distant the one from the other and irrespective of their constitutional or other status, including dependencies. A glance at any map of the world is enough to confirm the foregoing.

Finally, the weakness of the Argentine claim could not be better illustrated than:

(a) by Argentina's refusal to accept the jurisdiction of the International Court of Justice in the 1940s and 1950s in response to the United Kingdom's submission of the case to the Hague, and

(b) by Argentina's resort to armed force in April 1982.

Instead of the peaceful settlement of disputes, Argentina has sought the military settlement of disputes - something which the very first purpose of the United Nations was to prevent (art. 1, para. 1 of the Charter).

Security Council resolution 502 (1982)

It cannot be stressed too often that it was Argentina which first used armed force on 2 April 1982, contrary to article 2 (3) and (4) of the Charter of the United Nations and in defiance of the call by the Security Council on 1 April 1982 to refrain from the use of force (S/14944), by invading the Falkland Islands and thereafter South Georgia. The preamble to resolution 502 (1982) noted the "invasion on 2 April 1982 by armed forces of Argentina" and went on to determine that "there exists a breach of the peace in the region of the Falkland Islands", thus making it clear that it was Argentina which was solely responsible for causing the breach of the peace (contrary to the assertion in the letter of 1 May 1982). Argentina continues in the unlawful use of force through its military occupation of the Falkland Islands.

The United Kingdom still awaits some practical demonstration of Argentina's stated intention (in the letter of 30 April 1982) to comply with resolution 502 (1982). In this connexion, it is recalled that operative paragraph 2 demanded the "immediate withdrawal of all Argentine forces from the Falkland Islands" (emphasis added). It is however a matter of common knowledge and serious concern that Argentina, far from having withdrawn immediately, has not even begun to withdraw and on the contrary has greatly increased the number of its armed forces on the islands. This means that Argentina is continuing to use armed force to occupy British territory and to coerce the local population, most of whom have British nationality. This means in turn that resolution 502 (1982) has not yet proved effective in securing the "immediate withdrawal of all Argentine forces from the Falkland Islands", the ending of the illegal use of force by Argentina through its military occupation and the restoration of peace in the region.

In this situation, the United Kingdom is not claiming "a police power" (as asserted in the letter of 30 April 1982), but rather is exercising its inherent right of self-defence. It is true that Article 24 of the Charter has conferred upon the Security Council the primary responsibility for the maintenance of international peace and security; but Article 24 has to be read together with 51 of the Charter which provides that "nothing in the present Charter shall impair the inherent right of ... self-defence ..." (emphasis added). It is therefore a complete misreading of the Charter to assert (as does the letter dated 1 May 1982) that the United Kingdom is not entitled to exercise its right of self-defence by reason of the terms of Article 24 when Argentina persists in its refusal to carry out the demands of resolution 502 (1982).

In the light of the foregoing, it will be apparent that in accordance with the terms of the Charter and the principles of international law the United Kingdom is fully entitled to take action in exercise of its inherent right of self-defence. It is Argentina, by its first use of force and continuing illegal military occupation, which is committing "an open and brazen act of aggression", to follow the words of the letter of 1 May 1982.

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

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