



Security Council

Distr.  
GENERAL

S/15409  
21 September 1982  
ENGLISH  
ORIGINAL: SPANISH

---

LETTER DATED 20 SEPTEMBER 1982 FROM THE PERMANENT REPRESENTATIVE  
OF ARGENTINA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF  
THE SECURITY COUNCIL

On instructions from my Government, I have the honour to write to you with reference to the note from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland (S/15369) concerning actions taken by British military vessels and aircraft in waters within the jurisdiction of my country against Argentine fishing vessels within and outside the so-called "protection zone" unilaterally declared by the United Kingdom Government.

The United Kingdom attempts in that note to justify the imposition of the said "zone", the violations of my country's rights which it involves and the actions taken against the Argentine fishing and factory vessels within and outside the said "zone" and subsequently states its position - present and future - with respect to the Malvinas question in pejorative terms which are insulting and unacceptable to my country.

It will be remembered that the so-called "protection zone" declared by the United Kingdom covers a vast area, having its centre at a point situated at latitude 51°40' south and longitude 59°30' west and a radius of 150 nautical miles, within which an effort is being made to prevent the entry of both civil and military Argentine vessels and aircraft. The prior agreement of the United Kingdom Government is required for the entry of civil vessels and aircraft into the "zone". What is more, the note to which I am replying has added that such agreement must be sought when they have "legitimate reason to enter the protection zone".

Compliance with these provisions is being monitored by British military vessels and aircraft which are obstructing all passage and other peaceful activities and which operate even outside the "zone", forcing civil shipping to change course by means of warnings and intimidatory buzzing by aircraft until they achieve their aim.

In this connexion, attention is drawn to Argentina's notes to the Council dated 13 August 1982 (S/15361), 25 August 1982 (S/15375) and 27 August 1982 (S/15377).

Moreover, the United Kingdom has acknowledged that these events have occurred, although it has, of course, offered its own interpretation of them.

In view of this stand and of the allegations made by the United Kingdom in order to justify it, which I reject forthwith, my Government wishes to submit the following considerations:

The "protection zone" arbitrarily imposed by the United Kingdom simply represents a clear attempt to achieve British domination over this area, since we are not told what is the protection to be provided against unarmed civil shipping.

It is clearly unlawful for a colonial Power, which occupied by violence part of the territory of a State in order to establish a colony there, to be trying subsequently to extend its domination to the waters within that State's jurisdiction, to be obstructing free navigation by shipping of that State, access to its natural resources and the other rights which the State enjoys, and to be acting as the self-styled arbiter of the legitimacy of the reasons for the presence in the zone of vessels and aircraft of the State concerned.

This is, moreover, arbitrary action which is not justified either as a measure of protection, since the events which occurred involve civil shipping engaged in peaceful activities, or as an alleged exercise of maritime jurisdiction in the area, because it is discriminatory and violates such elementary and unquestionable rights as, for instance, freedom of navigation.

If this situation is considered in conjunction with the persistent refusal of the United Kingdom to find, together with the Argentine Republic and within the framework of the United Nations, a final solution to the dispute existing between the two countries concerning sovereignty over the Malvinas, South Georgia and South Sandwich Islands, and simultaneously to put an end to the colonial situation prevailing in those territories, it can only be assumed that the British Government's sole desire is to maintain its absolute power over the territories and now to extend it to their adjacent marine areas, thus ignoring the explicit and repeated resolutions of the General Assembly and the concordant resolutions of the Security Council.

With regard to the population of the islands, Argentina reiterates that it is always prepared to take the interests of the population into account in the solution to be evolved, as envisaged in General Assembly resolutions 2065 (XX), 3160 (XXVIII) and 31/49. In resolution 31/49, the Assembly recognized the continuous efforts of Argentina to promote the well-being of the population of the islands.

In the note to which this is a reply, the United Kingdom argues that negotiations were being conducted in good faith when the events of 2 April occurred. Quite the contrary; at that time, the United Kingdom had persistently declined to respond to an Argentine proposal regarding a procedure designed to facilitate the conduct of the negotiations and, at the same time, had threatened to dispatch naval forces and nuclear submarines, thus demonstrating absolutely its unwillingness to negotiate a peaceful and final solution to the dispute over sovereignty.

/...

The United Kingdom also claims that Argentina did not follow the recommendation of the Security Council; on the contrary, Argentina was always prepared to implement that resolution, to the extent that it was applied in its entirety. At the same time, however, the British Government is concealing once again the fact that the United Kingdom veto helped to prevent the adoption of a resolution by the Security Council which would have avoided the continuation of hostilities in the area and would possibly have facilitated the exercise of good offices in which the Secretary-General of the United Nations was involved.

Argentina cannot allow the United Kingdom, by the use of fallacious arguments, to continue the colonial aggression in a part of Argentine territory and now extend it to waters under Argentine jurisdiction or to attempt to perpetuate this situation by declining to seek a concerted and final solution which the organized international community has found to be necessary, thus refusing to honour its commitments under the Charter of the United Nations, and by rejecting the persistent action of the Organization in this matter.

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

(Signed) Carlos Manuel MUÑIZ  
Ambassador  
Permanent Representative

-----