



General Assembly

Distr.
GENERAL

A/37/531
11 October 1982

ORIGINAL: ENGLISH

Thirty-seventh session
Agenda items 18 and 135

IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF
INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

QUESTION OF THE FALKLAND ISLANDS (MALVINAS)

Letter dated 7 October 1982 from the Permanent Representative of
Denmark to the United Nations addressed to the Secretary-General

I have the honour of drawing your attention to the annexed letter on the subject of the Falkland Islands of 23 August 1982 from the President of the Commission of the European Communities. This letter was sent in reply to a note of protest that the Government of Argentina addressed to the President of the Commission on 20 July 1982. This note was circulated as an official document of the General Assembly on 27 July 1982 (A/37/362).

Since Denmark currently exercises the Presidency of the Council of the European Communities I request you, Sir, to have the text of this letter circulated as a document of the General Assembly under agenda items 18 and 135.

(Signed) Wilh. ULRICHSEN
Ambassador
Permanent Representative of Denmark
to the United Nations

ANNEX

Letter dated 23 August 1982 from the President of the Commission of the European Communities to the Chargé d'Affaires a.i. of the Mission of Argentina to the European Communities

With reference to your letter of 20 July 1982 concerning the grant of 300,000 EUA of emergency aid to the Falkland Islands (A/37/362), I have the honour to state the position of the Commission of the European Communities as follows.

Since the accession of the United Kingdom to the European Communities on 1 January 1973, the Falkland Islands and dependencies have been associated with the European Economic Community under part four of the Treaty establishing the EEC on the same basis as, for instance, the Netherlands Antilles, French Polynesia and Saint Helena. In the terms of article 131 of the EEC Treaty, such "association shall serve primarily to further the interests and prosperity of the inhabitants of these countries and territories in order to lead them to the economic, social and cultural development to which they aspire".

In the furtherance of this purpose, it has been the policy of the European Economic Community, under article 136 of the EEC Treaty, to extend to these associated countries and territories broadly the same treatment as was agreed upon with numerous independent countries of Africa, the Caribbean and the Pacific at Lomé in 1975 and 1979. It is in this context that the Council decision of 16 December 1980 on the association of the overseas countries and territories with the European Economic Community (No. 80/1186/EEC) mentioned in your letter should be viewed. The list of countries and territories attached to this Council decision makes clear that "this list does not prejudge the status of these countries and territories now or in the future". In fact, several countries and territories mentioned in a similar list attached to a previous decision of this kind have changed their political status.

On the basis of the 1980 Council decision and the decision preceding it, these associated territories and countries, including the Falklands and dependencies, have been entitled to various types of aid, including emergency aid. Such aids could and can be granted at any time; they have been granted in the past, also to the Falklands, and therefore do not constitute a change of any kind in the situation.

Since the relationship of the Falkland Islands and dependencies to the European Communities is directly based on one of the constituent instruments of the Communities, the Commission of the European Communities cannot accept any interference by third States in this relationship. Community aids have been part and parcel of this relationship from the beginning. The Commission, therefore, regards any criticism by third States of the legality of these aids, or any suggestion that these aids constitute a unilateral change in the situation of the Falklands in the sense of General Assembly resolution 31/49, as inadmissible.

For these reasons, the Commission of the European Communities rejects the protests of the Argentine Government against the granting of 300,000 EUA of emergency aid to the Falkland Islands.

(Signed) Gaston E. THORN
