



Security Council

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LETTER DATED 8 OCTOBER 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 to state the following in reply to the letter dated 20 September 1982 from the Permanent Representative of Argentina (S/15409). It is regrettable that the Permanent Representative finds my letter of 20 August 1982 (S/15369) to be "in pejorative terms which are insulting and unacceptable to [his] country", since my letter did no more than state some plain truths about recent events. These truths cannot be evaded. However unpalatable they may be to the Government of Argentina, they form the essential background to any present consideration of the Falkland Islands question.

First among them is that Argentina deliberately resorted to the use of force in order to vindicate its claims in relation to the Falkland Islands, in defiance of an appeal by the Security Council. In consequence, the Security Council adopted resolution 502 (1982) on 3 April 1982, following the Argentine invasion, which it characterized as "deeply disturbing" and a breach of the peace. Resolution 502 (1982), far from being, as is suggested in the Argentine letter, a mere "recommendation", constituted a mandatory decision of the Security Council under Chapter VII of the Charter, binding on all Member States. It is a matter of record that Argentina persistently refused to comply with the Security Council's demands in paragraphs 1 and 2 of that resolution for a cessation of hostilities and the withdrawal of all Argentine forces from the Falkland Islands. It is also a matter of record that for this reason, despite the intensive efforts of the United Kingdom, the negotiations foreseen in its paragraph 3 never took place. There is no room for doubt that Argentina itself bears sole responsibility for the failure of resolution 502 (1982) to bring about a peaceful resolution of the situation created by Argentine aggression. The references in the Argentine letter to the United Kingdom's vote on 4 June 1982 against a subsequent draft resolution which would have left Argentine forces in illegal occupation of parts of the Falkland Islands are intended to obfuscate the situation. They do nothing to remove Argentina's responsibility for defying both the Security Council's appeal and its resolution 502 (1982) which had demanded the immediate withdrawal of all Argentine forces two months previously.

It is evident that the above facts and the traumatic experience suffered by the Falkland Islanders as a result of the Argentine military occupation, the effects of which remain with the Islanders today and will do so for the foreseeable future, cannot be ignored either by the United Kingdom, as the Administering Power under Article 73 of the Charter of the United Nations, or by the United Nations as a whole. The protestations in the Argentine letter about Argentina's efforts to promote the well-being of the population are both cynical and unconvincing, in view of Argentina's brutal imposition of an alien military occupation on the Falkland Islanders in manifest defiance of their wishes. The effects of the Argentine occupation cannot simply be expunged by a brief reference in a United Nations document to alleged Argentine willingness to "take the interests of the population into account" in evolving a solution. The United Kingdom stands firmly by its obligations towards the population accepted "as a sacred trust" under Article 73 of the Charter of the United Nations and by the right of self-determination, endorsed in the Charter itself, in General Assembly resolution 1514 (XV), in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in Accordance with the Charter of the United Nations, as well as in the International Covenants on Civil and Political Rights and on Economic and Social Rights, to which the United Kingdom is a party and which have been extended to the Falkland Islands. Until Argentina, too, is prepared to give an unequivocal commitment to the applicable provisions of the Charter, including the right of self-determination, the United Kingdom rejects any Argentine pretension to speak about the interests of the Falkland Islanders.

The Argentine letter also claims that the United Kingdom "declined to respond" to the proposal put forward by the Argentine delegation at the talks held in New York on 26 and 27 February 1982. This is untrue: the British delegation at that meeting agreed to consult its Government about the proposal and respond as soon as possible. A communiqué was agreed by both sides which referred to their resolve to find a solution to the dispute. It was the Argentine Foreign Ministry which, two days later, on 1 March 1982, issued a statement unilaterally reserving the right "to choose freely the procedure which best accords with Argentina's interests" if an early solution of the dispute were not forthcoming. It was the Argentine Government which, by deliberately pursuing a policy of confrontation which led to its unlawful invasion of the Falkland Islands a mere month later, prevented the delivery of a response to its proposal. I am at a loss to explain the further reference in the letter to a British "threat to dispatch naval forces and nuclear submarines". It is well known that at the time of the Argentine invasion of the Falkland Islands, carried out by a substantial naval armada, the only Royal Naval presence in the South Atlantic was a single vessel, HMS Endurance, a lightly armed patrol ship performing her normal duties of patrolling the area.

However, the burden of the Argentine letter under reply is to criticize the maintenance in force by the United Kingdom of the protection zone notified to the Security Council in Mr. Whyte's letter of 22 July 1982 (S/15307). In doing so, the

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Argentine letter seeks to imply that the United Kingdom has maintained in force restrictions on the movement of shipping at large. This is false: as was clearly indicated in Mr. Whyte's letter and in subsequent communications to the Council, the present measures of protection relate solely to Argentine military and civil ships and aircraft. All restrictions affecting the movement of ships and aircraft of other nationalities have been lifted, and I am happy now to notify the Security Council that, following clearance work undertaken by British forces, the harbour at Port Stanley and the territorial sea around the Falkland Islands, which had been closed for safety reasons, have now been opened to commercial shipping. If Argentina wishes an equivalent measure of liberalization to be applied to Argentine shipping and aircraft, the remedy lies in its own hands. As was pointed out in my letter of 20 August 1982, Argentina was not merely the aggressor against the Falkland Islands but still persists in her refusal to declare hostilities definitely at an end and to renounce the possibility of the further unlawful use of force. It is known that Argentine civilian vessels have been used as cover for naval personnel or equipment or both and for intelligence purposes. In the circumstances, as I indicated on 20 August 1982, the protection zone remains necessary to ensure the defence of the Islands. It nevertheless remains open to Argentine civilian shipping and aircraft which have legitimate reason to enter the protection zone to seek British agreement in advance. To date no such agreement has been sought.

In a further letter dated 23 September 1982 (S/15427), the Permanent Representative of Argentina refers to 19 encounters alleged to have taken place between Argentine fishing boats and aircraft of the British forces in the period from 24 August to 15 September 1982. Eighteen of these alleged incidents seem, by the Permanent Representative's account, to have been no more than overflights for the purpose of identification and no further comment is called for. The incident concerning the Lapataia on 6 September 1982 is alleged to have involved a request to the boat in question to leave the protection zone. On this, I can only repeat once more the request contained in Mr. Whyte's letter of 22 July 1982 and my letter of 20 August 1982 that Argentine civil aircraft and shipping should not enter the protection zone unless by prior agreement with the British Government, and urge yet again that, in order to minimize the risk of misunderstandings or inadvertent clashes, this request should be strictly observed.

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

(Signed) J. A. THOMSON
