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QUESTION OF THE FALKLAND ISLANDS (MALVINAS)

SECURITY COUNCIL
Thirty-eighth year

Letter dated 18 May 1983 from the Permanent Representative of the
United Kingdom of Great Britain and Northern Ireland to the
United Nations addressed to the Secretary-General

I have the honour to refer to the letter dated 30 March 1983 from the Permanent Representative of Argentina (A/38/130-S/15668) and to state the following in reply.

The Argentine letter is an attempt to divert attention from the true responsibility for the continuing tension in the South Atlantic region. It will be evident that the source of this tension is not (as the Argentine letter alleges) the necessary and legitimate measures taken by the United Kingdom for the defence of the Falkland Islands and their inhabitants against continuing threats, but the refusal of Argentina to declare a definitive cessation of hostilities and to renounce the use of force as a means of resolving the matters in dispute between the two countries. This refusal cannot but carry the implication that it may be the intention of Argentina to resume active hostilities. In this and other respects, it is Argentina, not the United Kingdom, which continues to block moves towards a normalization of relations between the two countries.

In line with this attitude, it is not surprising that the Argentine letter gives a highly misleading account of the report produced by a Committee of Privy Councillors under the chairmanship of Lord Franks, of which the full text has been published. It ignores altogether the main conclusion of the report, namely, that the responsibility for the "act of unprovoked aggression in the invasion of the Falkland Islands on 2 April 1982" rests squarely with the Argentine Government of the day. While the Franks report demonstrates the difficulty of finding a solution

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to the Falkland Islands problem which would be acceptable to the parties involved, it also sets out in detail the seriousness and persistence of British efforts to obtain an acceptable negotiated solution. The process of negotiation was deliberately terminated by Argentina's resort to force in April 1982, hard on the heels of a round of negotiations which both sides had described in the agreed communiqué as having taken place in a "cordial and positive spirit". The report further demonstrates in the clearest fashion the consistent adherence of successive British Governments to the principle of self-determination and respect for the freely expressed wishes of the Falkland Islanders. This is indeed a fundamental aspect of the dispute, but one which has been consistently evaded by the Argentine authorities.

The Argentine letter refers to Security Council resolution 505 (1982), but makes no mention at all of resolution 502 (1982): these resolutions of the Security Council were rendered nugatory by Argentina's own refusal to comply with the basic principles of resolution 502 (1982). There is no indication in this or in the rest of the letter that the Argentine Government has abandoned its attitude that, for it, negotiations about the Falkland Islands can have only one outcome - the transfer of sovereignty to Argentina, irrespective of the wishes of the Falkland Islanders. Nor is there any indication that Argentina has abandoned its attitude of rejecting the application of the universal principle of self-determination which is enshrined in the Charter of the United Nations, in United Nations declarations and resolutions and in the consistent practice of the Organization in relation to Dependent Territories. In short, there is no sign of the fundamental change of heart by Argentina which is necessary for the settlement of United Kingdom/Argentine differences.

Finally, a further word must be said about the Argentine letter's terminology. The use of the circumlocution "the sovereignty of the territories covered by the 'Question of the Malvinas'" is no doubt intended to blur the distinction between the Falkland Islands on the one hand, and South Georgia and the South Sandwich Islands on the other. The United Kingdom rejects this. South Georgia and the South Sandwich Islands were not the subject of last year's General Assembly debate. They are geographically, legally and historically distinct from the Falkland Islands, and the arguments on which Argentina bases her claim to sovereignty over the Falkland Islands have no application to them.

I request that this letter be given the same distribution as the Argentine letter under reference.

(Signed) J. A. THOMSON
