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(Consejo de Seguridad UN)

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**Security Council**

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LETTER DATED 14 1982 APRIL FROM THE PERMANENT REPRESENTATIVE OF PANAMA TO
THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

With reference to the letters addressed to the President of the Security Council on 1 April 1982 by the representative of Argentina (S/14940) and by the representative of the United Kingdom of Great Britain and Northern Ireland (S/14942), concerning the question of the Malvinas Islands, which is the subject of Security Council resolution 502 (1982), I wish to inform you, in accordance with instructions received from my Foreign Ministry, that the Panamanian Government has made the following Declaration for the information of members of the Council and of the international community.

The Government of Panama, in agreement with the Latin American countries which supported the adoption of General Assembly resolution 2065 (XX), reiterates its support for the effective exercise of Argentine territorial sovereignty over the Malvinas Islands, South Georgia and the South Sandwich Islands. It draws attention to the Declaration on the Granting of Independence to Colonial Countries and Peoples (General Assembly resolution 1514 (XV)) which proclaims that "Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations."

The Republic of Panama deplores the loss of life suffered by the Argentine armed forces, and cannot but applaud the bloodless nature of the action taken by Argentina to recover its territory, in that it dislodged the British colonial occupying forces without causing them any casualties or subjecting them to any reprisals.

It is a source of particular satisfaction to the people of Latin America that the Argentine Government has reiterated its promise to respect the interests of the islanders, including both their way of life and traditions and their prospects of participating in and benefiting from the development of the Islands' resources (A/36/412).

The Panamanian Government echoes the deep concern and just indignation which is being expressed throughout the length and breadth of the Latin American continent at the fact that the British Government has decided to open hostilities against the Argentine nation, and that with this aggressive intent a powerful

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British naval combat force is now on the move in the South Atlantic in the direction of Argentine territorial waters.

The scale of the warlike action undertaken by the United Kingdom can be gauged by the fact that the aforementioned naval force is composed of 40 ships, which constitute two thirds of the British Navy, including the aircraft carriers *Invincible* and *Hermes*, the amphibious assault craft *Fearless*, four Superb class nuclear attack submarines and a substantial group of frigates and destroyers which were taking part in the "Spring Train" exercise off the coast of Gibraltar and which have now joined the fleet sailing towards Argentina.

The reports published in the international press make it clear that the Government of Prime Minister Thatcher has mounted a punitive naval expedition not only directed against the dignity and territorial integrity of our brother republic of Argentina, but also with the reprehensible goal of reinstating an anachronistic colonial régime on American soil. Such action is in violation of the United Nations Charter and deserves to be repudiated by the international community. Furthermore, the dispatch of two thirds of the naval fighting force of one of the world's principal naval Powers as part of a warlike move against a Latin American country constitutes an act of military aggression which is out of all proportion to the situation and is made even more serious by the announcement that the British fleet has instructions to open fire indiscriminately and in cold blood upon Argentine vessels sailing in the national or international waters arbitrarily demarcated by the Government of Great Britain.

Panama does not recognize the right which the British Government claims for itself, but which belongs exclusively to the Security Council, to establish an exclusive maritime zone within a radius of 200 nautical miles around the Malvinas Islands, within which any Argentine warships and auxiliary vessels will be treated as hostile and subject to attack by the British forces.

The British action constitutes a patent and open blockade of Argentine territory and as such is a unilateral sanction of a coercive nature which can only be decreed by the Security Council in accordance with Articles 39, 41 and 42 of the United Nations Charter. The naval exclusion zone and the blockade imposed unilaterally by the British Government do not stem from international sanctions and are in the nature of an act of aggression as defined in article 3 (c) and (d) of the Definition of Aggression promulgated on 14 December 1974 in General Assembly resolution 3314 (XXIX).

The unilateral sanctions which the British Government claims the right to impose on Argentina not only violate the United Nations Charter and the Definition of Aggression, but also create a serious conflict for the States members of the Organization of American States. It is obvious that acceptance of the arbitrary British intervention would in practice destroy the system of collective security provided for in article VI of the OAS Charter (article 28) in conjunction with the Inter-American Treaty of Reciprocal Assistance (TIAR) which envisages measures which Member States of OAS may take in the exercise of the inherent right of legitimate individual or collective self-defence within the geographic security zone defined in article 4 of that Treaty, which includes the Malvinas archipelago, as can be seen on the official map attached (OAS Series on Treaties, No. 8).

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None of the States members of OAS and TIAR can remain indifferent to the institutional disruption which the illegal, arbitrary and unreasonable actions of the Government of the United Kingdom of Great Britain and Northern Ireland are causing in the Americas.

How, under the circumstances, can one reconcile the Monroe Doctrine whereby in 1823 the United States proclaimed unilaterally as a principle of its foreign policy that the American continents "are no longer to be considered as a field for colonization by European Powers", with England's attempt in 1833 to restore the colonial occupation of the Malvinas Islands?

The question must be raised whether in the light of the legal instruments which establish the system of collective security of the American continents there could be any possible moral, political or legal justification for the United Kingdom's institution of "a naval exclusion zone" around the Malvinas Islands that conflicts with the geographic security zone demarcated by TIAR.

How can an extra-continental Power be allowed to decree and carry out a naval blockade not authorized by the Security Council in the geographic security zone of the Americas? In view of Inter-American security commitments, how can a naval base of an OAS Member State on Ascension Island be used to supply British warships in an aggressive expedition by an extra-continental Power against another member State of the Inter-American system? Could this whole chain of events mean that the Inter-American Treaty of Reciprocal Assistance is to be subordinated to the overriding interests of the States Parties to the North Atlantic Treaty Organization?

The answers to those questions will make it clear beyond any doubt that the actions taken by Great Britain to prolong an anachronistic colonial situation are openly at odds with the principles and purposes of the United Nations Charter and with the principles of international law on friendship and co-operation among States.

Latin America is striving to adopt a multilateral approach in its economic relations with the developed countries, in giving effect to the principle of the permanent defence of its natural resources and their utilization, and in ensuring free access for its raw materials and manufactured and semi-manufactured goods to the markets of the developed countries. These general criteria have prompted the Latin American countries to undertake common action for the elimination or reduction of barriers set up by all the industrialized countries to access for Latin American products to those markets, as stated in the Panama Declaration adopted on 1 December 1981 by the High-Level Consultative Meeting held by the Member States of the Latin American Economic System (SELA).

In view of this collective Latin American position, the attitude taken by the States members of the European Economic Community, boycotting Argentine products and denying them access to their markets, is unjustified and unfriendly to the countries of the Latin American region.

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In reasserting its sovereignty over the Malvinas archipelago and liberating it from foreign occupation, the Argentine Republic is seeking to establish effective control over its natural resources and economic activities, which have been under foreign control. Consequently, it is obvious that the European Economic Community is seeking to make Argentina the victim of measures aimed at bringing pressure to bear on it in order to obtain from it the subordination of the exercise of its sovereign rights. This attitude is in flagrant contradiction with the principles of the Declaration on the Establishment of a New International Economic Order, which make it the duty of the international community to assist countries which, like Argentina, are seeking to exercise effective sovereignty over their natural resources.

The actions decided upon by the States members of the European Economic Community constitute unprecedented economic aggression and their violational nature is clearly perceivable in the light of article 32 of the Charter of Economic Rights and Duties of States, which provides that "No State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights".

The European Economic Community has also obviously committed a flagrant violation of Articles 39 and 41 of the Charter of the United Nations by adopting sanctions or enforcement measures of an economic character against Argentina, since the Security Council, and the Security Council alone, is the only body competent to impose economic sanctions of this nature.

In the debate in the Security Council on 3 April 1982, the Minister for Foreign Affairs of Panama, Dr. Jorge E. Illueca, said that resolution 502 (1982) "contains elements likely to aggravate the conflict rather than resolve it". Operative paragraph 1 of that resolution, the outcome of the British initiative, "demands an immediate cessation of hostilities". This is obviously nonsensical, since there were no hostilities at the time when the resolution was adopted. Nevertheless, it provides grounds for international condemnation, since the United Kingdom itself, as a permanent member of the Security Council, failed to comply with operative paragraph 1 of its own resolution by engaging in the warlike action that it is preparing to take against Argentina.

There are also grounds for international condemnation in the fact that the United Kingdom, whose influence on world affairs cannot be disregarded, has made a diplomatic solution of its differences with the Argentine Republic impossible by conducting the negotiations in a dilatory manner for more than 15 years and refusing to reach a realistic solution to the dispute based on the recognition of Argentine sovereignty over the Malvinas, South Georgia and the South Sandwich Islands.

Latin American public opinion has witnessed with alarm and amazement the stationing by the United Kingdom, as a nuclear power, of four nuclear-powered attack submarines, in open conflict with the opinion of the international community expressed overwhelmingly at the thirty-sixth session of the General Assembly with the adoption of resolution 36/92 I on non-use of nuclear weapons and prevention of nuclear war, resolution 36/94 on the conclusion of an international convention on

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the strengthening of the security of non-nuclear-weapon States against the use or threat of use of nuclear weapons and resolution 36/95 on the conclusion of effective international arrangement to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.

It is appropriate to point out that the above-mentioned resolution 36/92 I, adopted with the affirmative vote of Argentina and the negative vote of the United Kingdom, declares that the use of nuclear weapons would be a violation of the Charter of the United Nations and a crime against humanity and that the use or threat of use of nuclear weapons should therefore be prohibited, pending nuclear disarmament.

Latin America is mindful of the fact that the United Kingdom has ratified Protocol I to the Treaty of Tlatelolco for the Prohibition of Nuclear Weapons in Latin America, under which the dispatch of British submarines with nuclear capacity to Latin America, the only denuclearized region in the world, is totally unacceptable and merits international condemnation.

The Summit Conferences of Non-Aligned Countries held at Colombo in 1976 and Havana in 1979 included recognition of Argentine sovereignty over the Malvinas Islands in their respective Political Declarations, as an essential issue.

It is, therefore, unrealistic, to say the least, to demand the withdrawal of all Argentine forces from the Malvinas Islands, since a State cannot be required to withdraw its forces from its own sovereign territory.

In this connexion, the definition of aggression contained in General Assembly resolution 3314 (XXIX) does not regard as aggression the exercise of the right to self-determination, freedom and independence, as derived from the Charter, of peoples deprived of that right.

Article 7 of the definition of aggression regards as legitimate the right of those peoples to struggle, as Argentina has done, to that end and to seek and receive assistance, in accordance with the principles of the Charter of the United Nations.

Similarly, on 1 December 1981, the General Assembly adopted resolution 36/68 on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in which it proceeded by an overwhelming majority, with only 3 votes against, 1 of which was that of the United Kingdom, to declare itself strongly against the continuation of colonialism as a threat to international peace and security. That resolution also affirmed once again the Assembly's recognition of the legitimacy of the struggle of the peoples under colonial and alien domination to exercise their right to self-determination and independence by all the necessary means at their disposal.

This is the legal, political and moral background to Argentina's action to re-establish its sovereignty over the archipelago of the Malvinas, South Georgia and South Sandwich.

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The Panamanian Government deems it appropriate to place it on record that Article 51 of the Charter does not authorize the warlike action undertaken against Argentina by the United Kingdom, as the United Kingdom Government alleges. That provision states clearly that the right of individual or collective self-defence is viable only "until the Security Council has taken measures necessary to maintain international peace and security". It is clear, on the one hand, that Argentina is not carrying out any armed attack against the United Kingdom and, on the other, that the Security Council took up the matter on 3 April 1982. In such circumstances, Article 51 of the Charter debars the United Kingdom from embarking on hostilities against Argentina.

Resolution 502 (1982) "in no way authorizes the United Kingdom to resort to force through its naval units or war fleet". This was established at the 2350th meeting of the Council, when the Minister for Foreign Affairs of Panama made this point clear, with no objections forthcoming from any members of the Council, in stating that "It should be made quite clear that the Council has not empowered the United Kingdom to undertake military operations such as the one under way in the Atlantic, in which units are now moving towards the Argentine territory of the Malvinas Islands".

The Amphyctionic Congress held in Panama in 1826 reflected the aspirations of the liberators of the Americas, in rallying the Latin American peoples in support of unity and integration, to protect one another from foreign domination. These ideals pervade Latin American thinking, which upholds the principles of friendship and co-operation among nations and favours a peaceful solution of the conflict, with due respect for Argentine sovereignty over the Malvinas, South Georgia and South Sandwich Islands.

In view of the serious threat to international peace and security posed by the United Kingdom's naval war expedition, and the unilateral coercive measures which have been threatened by the United Kingdom in the military sphere and by the countries of the European Economic Community in the economic field, and which have not been sanctioned by the Council, the Government of Panama considers that the Security Council should take the proper and necessary action to halt the aggression being committed against the Argentine Republic.

I would therefore venture to request, Mr. President, that you kindly consider urgently convening informal consultations among members of the Council, so that suitable measures can be taken with a view to achieving a peaceful solution of the Malvinas crisis.

I request that this communication be circulated as a Security Council document in connexion with the question of the Malvinas Islands.

(Signed) Carlos OZORES TYPALDOS
Ambassador
Permanent Representative

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