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## Falkland Islands

*Motion made, and Question proposed, That this House do now adjourn.—[Mr. Goodland.]*

### **The Prime Minister (Mrs. Margaret Thatcher)**

From the onset of the Falklands crisis, my right hon. Friends and I have undertaken to keep the House as closely informed as possible about the situation.

Although my last report to hon. Members was only two days ago, such is the seriousness of this matter that my right hon. Friends and I were glad to agree to the suggestion of the right hon. Gentleman Michael Foot the Leader of the Opposition that time should be found for a debate today—the fourth since the Argentine invasion of the Falkland Islands four weeks ago tomorrow.

During that period, the Government have taken every possible step that had a reasonable prospect of helping us to achieve our objectives—the withdrawal of the Argentine forces and the end of their illegal occupation of the islands, the restoration of British administration, and a long-term solution which is acceptable not only to the House but to the inhabitants of the Falkland Islands.

It is the Government's most earnest hope that we can achieve those objectives by a negotiated settlement. We have done everything that we can to encourage Mr. Haig's attempts to find a solution by diplomatic means. I shall have something more to say about that in a moment.

As the House knows, the Government have also taken military measures to strengthen our diplomatic efforts. Mr. Haig's initiative would never have got under way if the British Government had not sent the naval task force to the South Atlantic within four days of Argentina's aggression against the Falkland Islands.

What incentive would there have been for the Argentine junta to give Mr. Haig's ideas more than the most cursory glance if Britain had not under-pinned its search for a diplomatic settlement with the dispatch of the task force? Gentle persuasion will not make the Argentine Government give up what they have seized by force.

Our military response to the situation has been measured and controlled. On 12 April we declared a maritime exclusion zone. It has been enforced against Argentine warships and naval auxiliaries. It has been completely successful, and the Argentine forces on the Falkland Islands have been isolated by sea.

Eleven days later we warned the Argentine authorities that any approach by their warships or military aircraft which could amount to a threat to interfere with the mission of the British forces in the South Atlantic would encounter the appropriate response.

On 25 April, as I reported to the House on Monday, British forces recaptured South Georgia. The operation was conducted in exercise of our right of self-defence under article 51 of the United Nations charter. The minimum of force was used, consistent with achieving our objective, and no lives—Argentine or British—were lost in the operation, although, as was announced yesterday, we deeply regret that an Argentine prisoner lost his life in an incident on 26 April. That incident is now being urgently investigated by a board of inquiry in accordance with the terms of the relevant Geneva convention.

The latest of our military measures is the imposition of the total exclusion zone round the Falkland Islands of which we gave 48 hours notice yesterday. The new zone has the same geographical boundaries as the maritime exclusion zone which took effect on 12 April. It will apply from noon London time tomorrow to all ships and aircraft, whether military or civil, operating in support of the illegal occupation of the Falkland Islands. A complete blockade will be placed on all traffic supporting the occupation forces of Argentina. Maritime and aviation authorities have been informed of the imposition of the zone, in accordance with our international obligations.

We shall enforce the total exclusion zone as completely as we have done the maritime exclusion zone. The Argentine occupying forces will then be totally isolated—cut off by sea and air.

I turn now to the point that the right hon. Member for Roxburgh, Selkirk and Peebles (Mr. Steel) raised during Question Time. I am grateful to him for leaving me to deal with the matter in my speech. On the diplomatic side, Mr. Haig has put formal American proposals to the Argentine Government and requested an early response. I stress the status of those proposals. They are official American proposals. Mr. Haig judged it right to ask Argentina to give its decision first, as the country to which Security Council resolution 502 is principally addressed.

He saw Mr. Costa Mendez last night, but no conclusion was reached. Mr. Haig has also communicated to us the text of his proposals. It is difficult both for the House and for the Government that we are not able to say more about them publicly, especially as in our democratic system we need the interplay of opinions and ideas. But they are Mr. Haig's proposals, and we understand from him that it is his present intention to publish them in full. But he of course must judge the appropriate time.

The proposals are complex and difficult and inevitably bear all the hallmarks of compromise in both their substance and language. But they must be measured against the principles and objectives expressed so strongly in our debates in the House. My right hon. Friend Francis Pym the Secretary of State for Foreign and Commonwealth Affairs remains in close touch with Mr. Haig. I very much regret that I am not in a position to say more today, but I stress that they are Mr. Haig's proposals and he has put them first to the Argentine Government. It was the Argentine invasion which started this crisis, and it is Argentine withdrawal that must put an end to it.

The world community will not condone Argentina's invasion. To do so would be to encourage further aggression. As the Commonwealth Secretary-General said on 27 April—a point that was alluded to during Question Time today—  
“In making a firm and unambiguous response to Argentine aggression, Britain is rendering a service to the international community as a whole”.

As the situation has developed, and as the British Government have made every effort to find a solution, the House has broadly supported both the Government's objectives and their actions. But in the past few days it has been argued in some parts of the House, first, that we should not have resorted to the use of force and, secondly, that we should seek greater involvement by the United Nations.

With regard to the first argument, when the House debated the Falkland Islands on 14 April the Leader of the Opposition supported the dispatch of the task force. He said:  
“I support the dispatch of the task force. I support it because I believe that it can have strong diplomatic results.” —[*Official Report*, 14 April 1982; Vol. 21, c. 1152.]

We agreed on that.

But it would be totally inconsistent to support the dispatch of the task force and yet to be opposed to its use. What is more, it would be highly dangerous to bluff in that way. British Service men and ships would be exposed to hostile action. Argentina would doubt our determination and sense of purpose. The diplomatic pressure would be undermined. Is it really suggested that to use our task force in self-defence for the recapture of British territory is not a proper use of force?

As long as the Argentines refuse to comply with the Security Council resolution, we must continue to intensify the pressure on them. And we must not abandon our efforts to re-establish our authority over our own territory and to free our own people from the invader.

Let me turn now to the question of greater United Nations involvement. All our action has been based on a resolution of the United Nations. The Argentine invasion was carried out in defiance of an appeal issued by the President of the Security Council at our urgent request on 1 April. That solemn appeal was endorsed by the whole of the Security Council, but it was ignored.

Immediately after the invasion we asked for another meeting of the Security Council. That meeting passed resolution 502. Since then our efforts and those of Mr. Haig and a large part of the international community have been directed to implementing that mandatory resolution.

That resolution calls for Argentine withdrawal and a negotiated solution to the dispute. Without Argentine withdrawal, we have no choice but to exercise our unquestionable right to self-defence under article 51 of the charter. Of course, if Argentina withdrew we should immediately cease hostilities and be ready to hold negotiations with a view to solving the underlying dispute. After all, we were negotiating only a few weeks before the invasion.

It is quite wrong to suggest that because the invader is not prepared to implement the resolution the principles of the United Nations require that we, the aggrieved party, should forfeit the right of self-defence. Such an argument has no validity in international law. It would be to condone and encourage aggression and to abandon our people.

The question that we must answer is, what could further recourse to the United Nations achieve at the present stage? We certainly need mediation, but we already have the most powerful and the most suitable mediator available, Mr. Haig, backed by all the authority and all the influence of the United States, working to implement a mandatory resolution of the Security Council. If anyone can succeed in mediation, it is Mr. Haig.

Of course, we support the United Nations and we believe that respect for the United Nations should form the basis of international conduct. But, alas, the United Nations does not have the power to enforce compliance with its resolutions, as a number of aggressors well know.

Those simple facts are perfectly well understood in the international community. Let me quote the Swedish Foreign Minister, because Sweden is a country second to none in its opposition to the use of force and its respect for the United Nations. The Swedish Foreign Minister said of the South Georgia operation:

“We have no objection to Britain retaking British territory. Time and again one is forced to observe that the United Nations is weak and lacks the authority required to mediate.”

That may not be desirable, but it is a fact of life and we must make our dispositions and judgments accordingly.

The recapture of South Georgia has not diminished international support. No country that was previously with us has turned against us. On Tuesday, my right hon. Friend was able to satisfy himself that the support of the European Community remained robust. The world has shown no inclination to condemn Britain's exercise of the right to self-defence.

In the Organisation of American States itself, Argentina was criticised for her use of force. Despite the claims of traditional Latin American solidarity, the only resolution passed clearly referred to Security Council resolution 502, and called on Argentina not to exacerbate the situation.

The truth is that we have been involved in constant activity at the United Nations. Our representative in New York has been in daily touch with the Secretary-General since the crisis began. He has discussed with him repeatedly and at length all possible ways in which the United Nations could play a constructive role in assisting Mr. Haig's mission and, Mr. Haig fails, in securing implementation of resolution 502.

Sir Anthony Parsons has also discussed with Mr. Perez de Cuellar contingency planning about the part that the United Nations might be able to play in the longer term in negotiating and implementing a diplomatic settlement.

In the light of those discussions, our representative has advised us that, first, the Secretary-General is very conscious of the complexity of the problem and of the need for careful preparation of any initiative that he might take. Secondly, as the Security Council is already seized of the problem, it would be inappropriate for the Secretary-General to act under article 99 of the charter. Thirdly, the Secretary-General would not wish to take any initiative which he had not established in advance would be acceptable to both the parties. Fourthly, the Secretary-General would also require a clear mandate from the Security Council before taking any action.

Our representative has also reported that the Secretary-General has several times stated in public that he was not prepared to take action while Mr. Haig's mission was continuing.

On Tuesday, the Leader of the Opposition suggested that my right hon. Friend Francis Pym the Foreign Secretary should go to New York to discuss the crisis with the Secretary-General of the United Nations. I have explained to the House already that our own permanent representative has been in communication daily with Mr. Perez de Cuellar. But if, at any time, either the Secretary-General or my right hon. Friend thought that a meeting between the two of them would be likely to assist in achieving an acceptable solution, then I say to the House that my right hon. Friend would of course go to New York straight away.

Although we have no doubt about our sovereignty over the Falkland Islands, South Georgia, South Sandwich or British Antarctic Territory, some of my right hon. and hon. Friends have suggested that we refer the matter to the International Court of Justice. Since Argentina does not accept the compulsory jurisdiction of the court, the issue cannot be referred for a binding decision without her agreement.

We have never sought a ruling on the Falkland Islands themselves from that court, but we have raised the question of the dependencies on three separate occasions—in 1947, 1949 and 1951. Each time Argentina refused to go to the court.

In 1955, the British Government applied unilaterally to the International Court of Justice against encroachments on British sovereignty in the dependencies by Argentina. Again, the court advised that it could not pursue the matter since it could act only if there was agreement between the parties recognising the court's jurisdiction.

In 1977, Argentina, having accepted the jurisdiction of an international court of arbitration on the Beagle Channel dispute with Chile, then refused to accept its results. It is difficult to believe in Argentina's good faith with that very recent example in mind.

There is no reason, given the history of this question, for Britain, which has sovereignty and is claiming nothing more, to make the first move. It is Argentina that is making a claim. If Argentina wanted to refer it to the International Court, we would consider the possibility very seriously. But in the light of past events it would be hard to have confidence that Argentina would respect a judgment that it did not like.

May I briefly recall the events that immediately preceded the Argentine invasion of the Falkland Islands.

#### **Sir Derek Walker-Smith (Hertfordshire, East)**

My right hon. Friend has observed that going to the International Court could be done only with the consent of the Argentine. Has she taken into account the provisions of article 53 of the statute of the court, and article 96 with regard to the Security Council asking for an advisory opinion?

#### **The Prime Minister**

Yes, Mr. Speaker; but my right hon. and learned Friend has just made the point—that is only an advisory opinion. Hitherto Argentina has not even respected the judgment of a court whose jurisdiction it accepted. We do not doubt our own sovereignty. There seems to be little point, therefore, in our taking the question to court.

**Mr. Michael English (Nottingham, West)**

I am sure that the right hon. Lady agrees that an arbitration is not quite the same thing as a decision of the International Court of Justice. In this case, an advisory opinion has a rather technical meaning. It has been requested in times past by the organs of the League of Nations and the United Nations in matters of great seriousness, and has never been refused by the International Court or the former Permanent Court of International Justice. The problem that we all face is why Britain is so reluctant to ask the Security Council to ask for such an opinion.

**The Prime Minister**

I have indicated that with regard to the dependencies—not the Falkland Islands themselves—we have on four occasions tried to go to the court. On each occasion we have been flouted because the Argentine withheld its consent. If we were to ask through the Security Council, the matter would have to go through either the General Assembly or the Security Council and they would have to agree to do it. In the end, the opinion would be only advisory. That is in accordance with article 96, which I have before me at the moment. The decision is only advisory. I took the precaution of being reasonably well prepared.

I shall return to the events that immediately preceded the Argentine invasion of the Falkland Islands. Until the end of February, we were conducting negotiations with the Argentine Government. Our delegation was accompanied by representatives from the Islands councils. The negotiations took place in a constructive atmosphere, and produced an agreed communiqué, though the Argentine Government chose not to publish it.

On 20 March, the South Georgia incident began with the illegal landing of Argentine civilians. We sought to solve that problem by diplomatic means, and proposed that an emissary should travel to Buenos Aires to pursue negotiations over the problem as a matter of urgency.

It was Costa Mendez himself who on 1 April told us that the diplomatic channel was now closed. That same day, President Reagan's appeal was rebuffed by the President of Argentina. On Friday 2 April the Argentines invaded and the Falklands were occupied.

The following day the Security Council called for Argentine withdrawal. Since that mandatory instruction, the Government of Argentina have made no move to comply. On the contrary, they have poured in additional troops and equipment. There can be no doubt where the intransigence lies in this matter.

The key to peace is in the hands of the Argentine Government. The responsibility is theirs.