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S/15006 28 Abril 1982

LETTER DATED 28 APRIL 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

Se refiere a: Establecimiento de la TEZ (zona de exclusión total) a partir del 30ABR82

S/15007 28 Abril 1982

LETTER DATED 28 APRIL 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

Se refiere a: Nota presentada por Cuba el 26ABR82

S/15008 28 Abril 1982

LETTER DATED 28 APRIL 1982
FROM THE PRESIDENT OF THE TWENTIETH MEETING OF CONSULTATION
OF MINISTERS OF FOREIGN AFFAIRS OF THE **ORGANIZATION OF AMERICAN STATES**
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Se refiere a: Nota de la 20ª reunión de la OEA

S/15009 28 Abril 1982

LETTER DATED 28 APRIL 1982
FROM THE PERMANENT REPRESENTATIVE OF **ARGENTINA** TO THE UNITED NATIONS
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Se refiere a: El establecimiento de la TEZ

S/15010 29 Abril 1982

LETTER DATED 29 APRIL 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

Se refiere a: La nota de la OEA S/15008 del 28ABR82

S/15014 30 Abril 1982

LETTER DATED 29 APRIL 1982
FROM THE PERMANENT REPRESENTATIVE OF **ARGENTINA** TO THE UNITED NATIONS
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Se refiere a: Nota de Gran Bretaña en la que ésta se reserva el derecho de actuar en autodefensa según el artículo 51

S/15016 30 Abril 1982

LETTER DATED 30 APRIL 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

Se refiere a: Nota que envió a Argentina en la que se reserva el derecho de actuar en autodefensa según el artículo 51

S/15017 30 Abril 1982

LETTER DATED 30 APRIL 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

Se refiere a: Respuesta a la nota de Argentina S/15014 del 29ABR82

S/15018 30 Abril 1982

LETTER DATED 30 APRIL 1982

FROM THE PERMANENT REPRESENTATIVE OF **ARGENTINA** TO THE UNITED NATIONS
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Se refiere a: Que cualquier buque o avión británico dentro de las 200NM de Malvinas, Georgias o Sandwich será considerado hostil

S/15021 30 Abril 1982

LETTER DATED 30 APRIL 1982

FROM THE PERMANENT REPRESENTATIVE OF **ARGENTINA** TO THE UNITED NATIONS
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Se refiere a: Gran Bretaña no tiene bases legales para invocar el derecho de autodefensa del artículo 51





Security Council

Distr.
GENERAL

S/15006
28 April 1982

ORIGINAL: ENGLISH

LETTER DATED 28 APRIL 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

Further to Mr. Whyte's letter dated 9 April 1982 (S/14963) and my letter of 24 April 1982 (S/14997), I have the honour, on instructions from my Government, to inform you that the following announcement was made by the Government of the United Kingdom on 28 April 1982:

"From 1100 Greenwich mean time on 30 April 1982, a total exclusion zone will be established around the Falkland Islands. The outer limit of the zone is the same as for the maritime exclusion zone established on Monday 12 April 1982, namely, a circle of 200 nautical miles radius from latitude 51° 40' south, 59° 30' west. From the time indicated, the exclusion zone will apply not only to Argentine warships and Argentine naval auxiliaries but also to any other ship, whether naval or merchant vessel, which is operating in support of the illegal occupation of the Falkland Islands by Argentine forces. The exclusion zone will also apply to any aircraft, whether military or civil, which is operating in support of the illegal occupation. Any ship and any aircraft, whether military or civil, which is found within this zone without due authority from the Ministry of Defence in London will be regarded as operating in support of the illegal occupation and will therefore be regarded as hostile and will be liable to be attacked by the British forces.

"Also from the time indicated, Port Stanley Airport will be closed; and any aircraft on the ground in the Falkland Islands will be regarded as present in support of the illegal occupation and, accordingly, is liable to attack.

"These measures are without prejudice to the right of the United Kingdom to take whatever additional measures may be needed in exercise of its right of self-defence, under article 51 of the United Nations Charter."

This extension to the maritime exclusion zone (which formed the subject of Mr. Whyte's letter dated 9 April 1982 (S/14963)), has been necessitated by the refusal of Argentina to comply with paragraph 2 of Security Council resolution 502 (1982). In these circumstances, the United Kingdom retains the right to take

82-11901 0203n (E)

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measures in exercise of its inherent right of self-defence recognized by article 51 of the Charter of the United Nations.

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

(Signed) A. D. PARSONS



Security Council

Distr.
GENERAL

S/15007
28 April 1982

ORIGINAL: ENGLISH

LETTER DATED 28 APRIL 1982 FROM THE PERMANENT REPRESENTATIVE
OF THE 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, with reference to the letter from the Permanent Representative of Cuba dated 26 April 1982 to which was attached a communique by the Coordinating Bureau of the Movement of Non-Aligned countries, to state the following.

The United Kingdom shares the concern of the Coordinating Bureau over developments in the region of the Falkland Islands. As resolution 502(1982) adopted by the Security Council on 3 April 1982 makes clear, the Argentine invasion of the Falkland Islands in defiance of the Security Council's call on 1 April that force should not be used, caused the current breach of the peace in the region. This breach of the peace will not be brought to an end before Argentina can be seen to have complied with operative paragraph 2 of that resolution by withdrawing all its forces from the Falkland Islands. Argentina's use of force was not only contrary to the principles of the Movement of Non-Aligned countries, as the communique notes, but also to paragraphs 3 and 4 of article 2 of the Charter of the United Nations - the fundamental principles of peaceful settlement of disputes and non-use of force.

With regard to the question of self-determination, I wish to draw Your Excellency's attention to the following points. Self-determination is usually referred to these days in the United Nations not as a principle, but rather as an "inalienable right": in other words, it is a right which cannot be taken away. This right derives principally from the Charter and the Covenants on Human Rights. Article 1(2) of the Charter refers to self-determination of "peoples" and article 73 recognises "that the interests of the inhabitants" of territories such as the Falkland Islands are paramount. Article 1 of the two International Covenants on Human Rights contains the following provision:

"1. All peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development." (emphasis added)

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Paragraph 3 of the same article establishes that the duty to promote the realisation of this right is imposed upon all states parties and not only upon those administering territories.

The Falkland Islanders are a people. The United Kingdom ratified both the Human Rights Covenants on their behalf. They are a permanent population. Over half of the people can trace back their roots on the Island to 1850. They have no other home. They have as is well known expressed their wishes regarding their political status in free and fair elections, the last having been held as recently as October 1981. The consistent practice of the United Nations shows that there is no minimum figure for a population to qualify for the right to self-determination: it suffices to cite the case of St Helena, another South Atlantic island with about 4000 people whose right to self-determination has been consistently upheld. The United Kingdom cannot accept that the right of self-determination as enshrined in the Charter and the Human Rights Covenants is subject to a special exception in the case of the Falkland Islands. This conclusion is confirmed by the Friendly Relations Declaration, adopted by consensus in 1970.

Turning to the question of sovereignty, the United Kingdom, whilst fully maintaining its position, acknowledges that its sovereignty has been disputed by Argentina on the basis of certain events in 1833. Attached to this letter is a memorandum setting out the history of settlement of the Falkland Islands. This shows that France has maintained a colony for about 3 years, Spain for at most about 41 years, the United Kingdom 158 years and Buenos Aires about at most 6 years. In particular, the present population of the Falkland Islands has been there, generation after generation, for the last 149 years, maintaining a viable pastoral economy and distinctive way of life. And whereas the French, Spanish and Buenos Ayrean colonies were very small (under 100 people), the only significant permanent population has been that from the mid-19th century to the present day, averaging just under 2000 persons.

Whilst no doubt much time and energy could be spent in reviewing the history of the Falkland Islands between the first settlement in 1764 and 1833, and whilst the United Kingdom is confident about the strength of its legal case over that period, these factors cannot be allowed to override the right of self-determination. In 1833, the age of the railway was just opening in Europe and it hardly seems appropriate to decide issues involving the welfare of people alive in the latter part of the 20th century on the basis of (disputed) events in the early part of the 19th century or even the 18th century. If the international community were to discount 149 years of history, there would hardly be an international boundary which did not immediately become subject to dispute.

I should be grateful if you would arrange for this letter and the enclosure to be circulated as documents of the Security Council.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest considerations.

(Signed) A D PARSONS

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Annex

History of the settlement of the Falkland Islands

- 14 August 1592** The English ship *Desire*, captained by John Davis, was driven off course in a storm to "certaine isles never before discovered lying 50 leagues or better from the ashore east and northerly from the (Magellan) Straits".
- 27 January 1690** Captain John Strong of the British ship *Welfare*, made the first recorded landing on the island. He gave the name "Falkland" to the sound between the two main islands in the group, after Viscount Falkland who was the treasurer of the British Royal Navy. The islands were uninhabited.
- 1700 - 1710** The Falkland Islands were visited by French seal hunters, from St Malo (hence the French name of Les Isles Malouines). No settlements were established.
- 31 January 1764** A Frenchman (Louis Bougainville) established a settlement at the west end of Berkely Sound (northwest of modern Stanley). The settlement was called Port Louis.
- June 1764** A British expedition left to found a settlement.
- August 1764** Formal possession of the islands was announced in the name of King Louis XV of France.
- January 1765** The British expedition surveyed West Falkland and established a post at Port Egmont. Commodore Byron took formal possession of all the Islands for King George III.
- June 1765** Commodore Byron reported that he had "coasted the islands for 70 leagues and saw no evidence of anyone being there".
- January 1766** A second British expedition, led by Captain Macbride completed the settlement at Port Egmont and erected a block house for the defence of the settlement. In December 1766, he discovered the existence of the Bougainville settlement and gave the settlers formal notice to leave British territory.

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- April 1767 France relinquished its claim to the islands to Spain in return for a financial indemnity. Spain re-named Port Louis as Puerto de la Soledad.
- November 1769 The Captain of a British frigate ordered a Spanish ship to move away from Port Egmont. The Governor of the Spanish colony called on the British settlers to leave and the British captain warned the Spaniards to leave within 6 months.
- 4 June 1770 A Spanish frigate entered Port Egmont and was joined two days later by 4 Spanish ships to expel the British settlers.
- 10 June 1770 The British settlers capitulated and set sail for the United Kingdom. The United Kingdom protested to the Government of Spain.
- 22 January 1771 Spain issued a declaration in response to the British protest, agreeing to restore to the United Kingdom the possession of Port Egmont. The Spanish declaration stated that the restoration of Port Egmont to British possession "cannot nor ought in any wise to affect the question of the prior right of sovereignty to the Malouines Islands, otherwise called Falkland's Islands". The British accepted this declaration, together with full performance of the Spanish undertakings, as satisfaction for the injury done to the United Kingdom on 10 June 1770.
- September 1771 Port Egmont was formally restored to the United Kingdom.
- May 1774 The British establishment at Port Egmont was closed for reasons of economy. The British commanding officer left the British flag flying and a plaque declaring the Falkland Islands "to be the sole right and property" of King George III.
- 1777 The buildings at Port Egmont were destroyed by the Spanish.
- 1784 Spanish colony had 82 inhabitants (including 28 convicts).
- June 1806 The Spanish settlement at Soledad was abandoned. Islands uninhabited.

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- 9 November 1820 Col. Jewett paid a brief visit and took formal possession of the Falkland Islands on behalf of the newly independent government in Buenos Aires, without establishing a settlement. He found many vessels engaged in sealing including several British and US vessels.
- 1823 An attempt by Don Jorge Pacheco of Buenos Aires to establish a settlement failed.
- 5 January 1828 The government in Buenos Aires issued a decree establishing a colony at Soledad. Mr Vernet, a Hamburg merchant of French descent, and naturalised citizen of Buenos Aires was given three years to establish a colony and provision was made in case the population should extend to other islands.
- 10 June 1829 A decree was issued by the government of Buenos Aires asserting sovereignty, as successor to Spain, over the Falkland Islands.
- 30 August 1829 Mr Vernet established the colony, with only 20 men in whom he had confidence, according to his own account.
- 19 November 1829 The British Charge d'Affaires at Buenos Aires delivered a formal protest against the above decree on the grounds that "an authority has been assumed, incompatible with His Britannic Majesty's rights of sovereignty over the Falkland Islands. These rights founded upon the original discovery and subsequent occupation of the said islands, acquired an additional sanction from the restoration by (Spain) of the British settlement in the year 1771"
- 25 November 1829 The Minister of Foreign Relations of Buenos Aires acknowledged receipt of the protest.
- 1831 Vernet's colony numbered about 100 persons.
- July 1831 Three US sealing vessels were seized by Mr Vernet, who subsequently took one of them, the schooner "Harriet" to Buenos Aires where it was declared a prize by the government.
- November 1831 The US consul denied that Mr Vernet had any right to capture and detain US vessels engaged in the fisheries at the Falkland Islands and remonstrating against all measures, including the decree of 10 June 1829, asserting a claim to the

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Falkland Islands. A formal protest was made in respect of the "Harriet" and two other vessels, the "Superior" and the "Breakwater".

December 1831

The Minister at Buenos Aires replied that an enquiry was being undertaken, but that the protest could not be admitted because the US consul did not appear to have been specially authorised.

June 1832

The US ship "Lexington" under Captain Silas Duncan arrived at the Falkland Islands and destroyed the colony set up by Buenos Aires. The colonists fled. Some were captured and taken by the "Lexington" to Montevideo. Duncan declared the islands free of all government.

20 June 1832

The US Charge d'Affaires in Buenos Aires addressed a Note to the Minister responsible for foreign affairs about the seizure of the three US vessels. On instructions, the Charge denied "the existence of any right in this Republic to interrupt, molest, detain or capture any vessels belonging to citizens of the United States" The US government demanded restitution of all captured property and an indemnity, pointing out "that the citizens of the United States have enjoyed the rights of free fishery in these regions unmolested"

September 1832

Governor appointed ad interim by Buenos Ayrean government.

December 1832-3 January 1833

Captain Onslow of HMS Clio occupied Port Egmont. On reaching Soledad, Captain Onslow found a detachment of 25 Buenos Ayrean soldiers and their schooner "Sarandi". A mutiny had previously occurred at Port Louis while the "Sarandi" was at sea and the mutineers had killed the Governor. The Commander of the Argentine schooner had placed the mutineers in irons aboard a British schooner and they were, at his request, taken to Buenos Aires. Most people elected to be repatriated: 18 were persuaded to stay behind. Not a shot was fired on either side. Captain Onslow re-asserted British sovereignty, by raising the flag.

22 January 1833

The Minister at Buenos Aires protested to the British Charge d'Affaires.

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- May 1833 The United Kingdom rejected the protest and affirmed that the Falkland Islands belonged to the Crown.
- 1833 Buenos Aires presented a claim to the US government in respect of USS Lexington's action. Diplomatic correspondence continued until at least 1886 but the US government rejected the claim for compensation on the grounds that it depended on the question of sovereignty.
- 1841 British Lieutenant Governor appointed and civil administration organised in Port Louis.
- 1841-2 Further protests about British settlement rejected.
- 1844 Capital moved to Stanley.
- 1845 Governor appointed. Legislative Council and Executive Council set up.
- 1851 Population estimated at 287 (see below).
- 1884-88 Further Argentine protests made and rejected.
- 1949 Elections to the Legislative Council instituted on the basis of universal adult suffrage.
- 1977 Voting age lowered to 18.
- September/October 1981 General elections held for the Legislative Council.

Since the first census in 1851, the population has increased substantially, reaching a peak in the mid-1930s of some 2,400 inhabitants. Censuses have been taken every ten years and full details are in the annex to this account. The community thus established has set up its own social, economic and cultural structures within a framework which evolved in accordance with the wishes of the islanders themselves. They have freedom of expression and all of the basic rights guaranteed to them under the United Nations Charter. The United Kingdom, as administering authority, has submitted comprehensive information on the territory annually under Article 73(e) of the Charter and an up to date account based on this information is readily available in the Committee of 24's most recent working paper on the islands (document A/AC109/670 of 5 August 1981).

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ANNEX

The population in the Census years 1851-1980

Year	Population
1851	287
1861	541
1871	811
1881	1,510
1891	1,789
1901	2,043
1911	2,272
1921	2,094
1931	2,392
1946	2,239
1953	2,230
1962	2,172
1972	1,957
1980	1,813



Security Council

Distr.
GENERAL

S/15008
28 April 1982
ENGLISH
ORIGINAL: ENGLISH/SPANISH

LETTER DATED 28 APRIL 1982 FROM THE PRESIDENT OF THE TWENTIETH
MEETING OF CONSULTATION OF MINISTERS OF FOREIGN AFFAIRS OF THE
ORGANIZATION OF AMERICAN STATES ADDRESSED TO THE PRESIDENT OF
THE SECURITY COUNCIL

I have the honour to transmit to you herewith the text of Resolution I entitled "Serious situation in the South Atlantic", adopted at the second plenary session, held on 28 April 1982, of the Twentieth Meeting of Consultation of Ministers of Foreign Affairs, convened in accordance with the provisions of the Inter-American Treaty of Reciprocal Assistance.

In paragraph 8 of that resolution, I am instructed, as President of the Twentieth Meeting of Consultation, immediately to present this resolution formally to the President of the United Nations Security Council, so that he may bring it to the attention of the members of the Council, which I am doing by means of this letter.

(Signed) Estanislao Valdés OTERO
President of the
Twentieth Meeting of Consultation
of Ministers of Foreign Affairs

Annex

XX MEETING OF CONSULTATION OF
MINISTERS OF FOREIGN AFFAIRS
April 26, 1982
Washington, D.C.

OEA/Ser.F/II.20
Doc.28/82 rev. 3
28 April 1982
Original: Spanish

RESOLUTION I

SERIOUS SITUATION IN THE SOUTH ATLANTIC
(Resolution adopted at the Second Plenary session held on
April 28, 1982)

THE TWENTIETH MEETING OF CONSULTATION OF MINISTERS OF FOREIGN AFFAIRS,

CONSIDERING:

The principles of inter-American solidarity and cooperation and the need to find a peaceful solution to any situation that endangers the peace of the Americas;

That a dangerous confrontation has arisen between the United Kingdom of Great Britain and Northern Ireland and the Argentine Republic, which was aggravated today by the events that have arisen from the presence of the British navy in the South Atlantic, within the security region referred to in Article 4 of the Rio Treaty;

That the primary purpose of the Inter-American Treaty of Reciprocal Assistance is the maintenance of the peace and security of the hemisphere, which, in the case that has arisen, requires ensuring the peaceful settlement of the dispute;

That to facilitate peaceful settlement of the dispute, it is urgent that hostilities cease, since they disturb the peace of the hemisphere and may reach unforeseeable proportions;

That it is an unchanging principle of the inter-American system that peace be preserved and that all the American states unanimously reject the intervention of extra-continental or continental armed forces in any of the nations of the hemisphere;

That Argentina's rights of sovereignty over the Malvinas (Falkland) Islands, as stated in some important resolutions passed by various international forums, including the Declaration of the Inter-American Juridical Committee on January 16, 1976, which states: "That the Republic of Argentina has an undeniable right of sovereignty over the Malvinas Islands," must be borne in mind, and

That the peace efforts being made with the consent of the parties must be emphasized, and that inter-American solidarity contributes to that objective, and

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HAVING SEEN:

Resolution 502 (1982) of the United Nations Security Council, all of whose terms must be fulfilled; Resolution 359 of April 13, 1982, adopted by the Permanent Council of the Organization of American States, and the Declaration adopted unanimously by the Ministers of Foreign Affairs at the opening session of the Twentieth Meeting of Consultation (Doc.14/82), and in conformity with the Inter-American Treaty of Reciprocal Assistance,

RESOLVES:

1. To urge the Government of the United Kingdom of Great Britain and Northern Ireland immediately to cease the hostilities it is carrying on within the security region defined by Article 4 of the Inter-American Treaty of Reciprocal Assistance, and also to refrain from any act that may affect inter-American peace and security.
2. To urge the Government of the Republic of Argentina likewise to refrain from taking any action that may exacerbate the situation.
3. To urge those governments immediately to call a truce that will make it possible to resume and proceed normally with the negotiation aimed at a peaceful settlement of the conflict, taking into account the rights of sovereignty of the Republic of Argentina over the Malvinas (Falkland) Islands and the interests of the islanders.
4. To express the willingness of the Organ of Consultation to lend support, through whatever means it considers advisable, to the new initiatives being advanced at the regional or world level, with the consent of the Parties, which are directed toward the just and peaceful settlement of the problem.
5. To take note of the information received about the important negotiations of the Secretary of State of the United States of America and to express its wishes that they will be an effective contribution to the peaceful settlement of the conflict.
6. To deplore the adoption by members of the European Economic Community and other states of coercive measures of an economic and political nature, which are prejudicial to the Argentine nation and to urge them to lift those measures, indicating that they constitute a serious precedent, inasmuch as they are not covered by Resolution 502 (1982) of the United Nations Security Council and are incompatible with the Charters of the United Nations and of the OAS and the General Agreement on Tariffs and Trade (GATT).
7. To instruct the President of the Twentieth Meeting of Consultation to take immediate steps to transmit the appeal contained in operative paragraphs 1, 2 and 3 of this resolution to the governments of the United Kingdom of Great Britain and Northern Ireland and of the Republic of Argentina, and also to inform them, on behalf of the foreign ministers of the Americas, that he is fully confident that this appeal will be received for the sake of peace in the region and in the world.

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8. To instruct the President of the Twentieth Meeting of Consultation immediately to present this resolution formally to the Chairman of the United Nations Security Council, so that he may bring it to the attention of the members of the Council.

9. To keep the Twentieth Meeting of Consultation open, especially to oversee faithful compliance with this resolution, and to take such additional measures as are deemed necessary to restore and preserve peace and settle the conflict by peaceful means.



Security Council

Distr.
GENERAL

S/15009

28 April 1982

ENGLISH

ORIGINAL: ENGLISH/SPANISH

LETTER DATED 28 APRIL 1982 FROM THE PERMANENT REPRESENTATIVE OF ARGENTINA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On the express instructions of my Government, I have the honour to draw the attention of the Security Council to the fact that, on 28 April 1982, the Swiss Embassy in Buenos Aires delivered to the Argentine Government the following communication from the British Government:

"HMG will announce at 11.00 GMT today that a total exclusion zone is to be declared around the Falkland Islands. The text of the announcement, is as follows:

'From 11.00 GMT on 30 April 1982, a total exclusion zone will be established around the Falkland Islands. The outer limit of the zone is the same as for the maritime exclusion zone established on Monday 12 April 1982, namely a circle of 200 nautical miles radius from latitude 51 degrees 40 minutes south, 59 degrees 30 minutes west. From the time indicated, the exclusion zone will apply not only to argentine warships and argentine naval auxiliaries but also to any other ship, whether neval or merchant vessel, which is operating in support of the illegal occupation of the Falkland Islands by Argentine forces.

'The exclusion zone will also apply to any aircraft, whether military or civil, which is operating in support of the illegal occupation. Any ship and any aircraft whether military or civil which is found within this zone without due authority from the Ministry of Defense in London will be regarded as operating in support of the illegal occupation and will therefore be regarded as hostile and will be liable to be attacked by the british forces.

'Also from the time indicated, Port Stanley Airport will be closed: and any aircraft on the ground in the Falkland Islands will be regarded as present in support of the illegal occupation and accordingly is liable to attack.

'These measures are without prejudice to the right of the United Kingdom to take whatever additional measures may be needed in exercise of its right of self-defence, under Article 51 of the United Nations Charter.'

This new act of aggression on the part of the United Kingdom is in open violation of the provisions of Article 2, paragraphs 3 and 4, of the United Nations Charter and of Security Council resolution 502 (1982).

It involves a clear, illegitimate use of force, in violation of the express rules of international law and of General Assembly resolution 3314 (XXIX) entitled "Definition of Aggression".

The United Kingdom cannot invoke the right of self-defence, under Article 51 of the Charter, since that provision may be applied only in order to avert an imminent and serious danger, and the measures taken to that end must be reasonable, limited to the need for protection and proportional to that imminent danger. Consequently, it is impossible to invoke the right of self-defence in islands situated 8,000 miles from British territory.

These acts of armed force on the part of the United Kingdom constitute purely and simply unjustified and illicit acts of reprisal, the aim being to restore a colonial occupation of a territory which legally and historically belongs to the Argentine Republic. The United Kingdom can in no way claim that its own territory is involved. Hitherto it has never done so and the United Nations itself has recognized these territories to be colonial dependencies.

The repossession of the territories of the Malvinas Islands, the South Georgias and the South Sandwich Islands began on 2 April 1982 and concluded without any British blood having been shed. The United Kingdom's response to these bloodless acts was the dispatch of a large battle fleet to the zone, the establishment of a naval and air blockade of the islands, its decision to attack warships, merchant vessels and aircraft, whether civil or military (letter dated 24 April 1982 addressed to the President of the Security Council), and its bloody act of aggression against the South Georgia Islands.

These actions by the Government of the United Kingdom merely reflect the statements by the highest authorities of that country, as already mentioned in my letter of 24 April (S/14998), to the effect that they would use force as an instrument of their political and military action against the legitimate rights which the Argentine Republic possesses over its territories of the Malvinas Islands, the South Georgias and the South Sandwich Islands in accordance with the principle of territorial integrity recognized by General Assembly resolution 1514 (XV).

I request that this letter be distributed urgently as a document of the Security Council.

(Signed) Eduardo A. ROCA
Ambassador
Permanent Representative



Security Council

Distr.
GENERAL

S/15010
29 April 1982

ORIGINAL: ENGLISH

LETTER DATED 29 APRIL 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, on instructions from my Government and with reference to the letter from the President of the Twentieth Meeting of Consultation of Ministers of Foreign Affairs of the Organization of American States dated 28 April 1982 (S/15008), to which was appended the text of a resolution adopted by that meeting, to state the following.

The United Kingdom notes with surprise that the resolution fails to indicate that it was Argentina which used armed force to invade the Falkland Islands and South Georgia on 2 and 3 April 1982, in defiance of the call by the Security Council on 1 April 1982 (S/14944) in the exercise of its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security. These uses of force would appear to the United Kingdom to have been contrary to article 1 of the Rio Treaty, by which the High Contracting Parties:

"Undertake in their international relations not to resort to the ... use of force in any manner inconsistent with the provisions of the Charter of the United Nations".

What is indisputable is that Argentina's uses of force on 2 and 3 April were contrary to those fundamental provisions of the Charter of the United Nations which oblige Members to settle their disputes by peaceful means and to refrain from the use of force (Article 2, paras. 3 and 4).

The United Kingdom is pleased that the resolution notes that the terms of the Security Council resolution 502 (1982) must be fulfilled, it being a mandatory resolution. In this connexion, it is a matter of serious concern that Argentina has not begun to withdraw its armed forces from the Falkland Islands, despite the Security Council's demand for the immediate withdrawal of all Argentine forces contained in paragraph 2 of resolution 502 (1982).

The United Kingdom can only reject as unfounded the assertion that the adoption of legitimate counter-measures in the political and economic fields is in some unspecified way incompatible with the Charters of the United Nations and the Organization of American States and with the General Agreement on Tariffs and Trade.

As regards the question of sovereignty, we refute the assertion in the resolution that Argentina enjoys sovereignty over the Falkland Islands. The United Kingdom continues to have sovereignty over the Falkland Islands, despite the current illegal military occupation by Argentina. Proof of the British title to South Georgia was set out in my letter of 26 April 1982 (S/15002).

The United Kingdom has noted the reference in the resolution to the interests of the islanders. As was demonstrated in my letter of 28 April concerning the history of settlement on the Falkland Islands (S/15007), the present inhabitants are a permanent population whose roots on the Islands, in many cases, go back seven generations to about 1850. They are a people with a right to self-determination, just as much as other peoples now inhabiting countries such as Argentina and its neighbours. In free and fair elections, the Falkland islanders have decided upon their own interests. Their decision was to maintain their present culture and way of life.

Finally, the United Kingdom reiterates its desire for a peaceful solution to the present situation and fully shares the wish expressed in the Organization of American States' resolution that the negotiations of the Secretary of State of the United States will be an effective contribution to a peaceful solution. While the British Government will continue to work to that end, it will be apparent from the foregoing that the resolution of the Organization of American States hardly matches the needs of the present situation. What is needed at the present time is concerted international pressure on Argentina to withdraw its armed forces from the Falkland Islands. This, the resolution signally failed to do, notwithstanding the terms of the Security Council resolution 502 (1982). In the present circumstances the United Kingdom will continue to reserve its right to take measures in exercise of its inherent right of self-defence recognized by Article 51 of the Charter of the United Nations.

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

(Signed) A. D. PARSONS



Security Council

Distr.
GENERAL

S/15014*
30 April 1982
ENGLISH
ORIGINAL: ENGLISH/SPANISH

LETTER DATED 29 APRIL 1982 FROM THE PERMANENT REPRESENTATIVE OF
ARGENTINA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF
THE SECURITY COUNCIL

On the express instructions of my Government, I have the honour to refer to my communication of yesterday's date concerning the situation in the Malvinas Islands, the South Georgias and the South Sandwich Islands, in which you were informed of a new unlawful act by the Government of the United Kingdom and which extended the scope of the note submitted on 8 April, the text of which was communicated at the time to the Security Council, with the additional factor that vessels flying any flag and aircraft of any nationality are now included.

However, British pretensions have reached new heights in the form of the following message received from the Swiss Embassy in Buenos Aires, which extends the zone of unrestricted aggression to the entire South Atlantic and includes all Argentine vessels, even merchant and fishing vessels:

"In announcing the establishment of a total exclusion zone around the Falklands HMG made it clear that this measure was without prejudice to the right of the United Kingdom to take whatever additional measures may be needed in exercise of its rights to self-defence under Article 51 of the United Nations Charter.

In this connection HMG now wishes to make clear that all Argentine vessels, including merchant vessels or fishing vessels, apparently engaging in surveillance of or intelligence gathering activities against British forces in the South Atlantic will be regarded as hostile and are liable to be dealt with accordingly."

These illicit actions by the United Kingdom are claimed to be justified by a so-called right of self-defence. Among other reasons, that right cannot be invoked when the Security Council has adopted measures for the maintenance of international peace and security, the first provision of which demands precisely the immediate cessation of hostilities. It is obvious that the British aggression has not only

* Reissued for technical reasons.

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not ceased but, through these acts, is aimed at unleashing a new colonialist war which, given the times in which the international community is now living, represents an anachronism. Article 51 of the United Nations Charter invoked by the British aggressors, moreover, does not authorize them to try to assume the task of executing a non-existent mandate from the Security Council.

I request that this letter be distributed urgently as a document of the Security Council.

(Signed) Eduardo A. ROCA
Ambassador
Permanent Representative



Security Council

Distr.
GENERAL

S/15016
30 April 1982

ORIGINAL: ENGLISH

LETTER DATED 30 APRIL 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

Further to my letter of 28 April (S/15006) and on instructions from my Government, I have the honour to inform you that the following communication was delivered by the Government of the United Kingdom to the Government of Argentina on 29 April 1982:

"In announcing the establishment of a total exclusion zone around the Falklands, Her Majesty's Government made it clear that this measure was without prejudice to the right of the United Kingdom to take whatever additional measures may be needed in exercise of its right to self-defence under Article 51 of the Charter of the United Nations. In this connexion, Her Majesty's Government now wishes to make clear that all Argentine vessels, including merchant vessels, apparently engaging in surveillance of, or intelligence-gathering activities against, British forces in the South Atlantic will be regarded as hostile and are liable to be dealt with accordingly."

This communication has been made necessary by the continued refusal of Argentina to comply with paragraph 2 of Security Council resolution 502 (1982). In these circumstances, the United Kingdom retains the right to take measures in exercise of its inherent right of self-defence recognized by Article 51 of the Charter.

In his letter of 28 April (S/15009), the Permanent Representative of Argentina made the astonishing assertion that the right of self-defence does not apply to "colonial dependencies" and that this right is not available to protect territories which are distant from the main metropolitan territory. This claim is a travesty of the basic principles of international law and stands in direct conflict with the terms of Article 73 of the Charter, under which, inter alia, Members of the United Nations which have or assume responsibility for the administration of Non-Self-Governing Territories "accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories".

Article 2, paragraphs 3 and 4, of the Charter lay down that all Member States "shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered" and "shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations". The purposes referred to include the adjustment or settlement of international disputes or situations which might lead to a breach of the peace, and the development of friendly relations among nations "based on respect for the principle of equal rights and self-determination of peoples". Argentina is in flagrant and open violation of these fundamental principles of the Charter of the United Nations by its unprovoked attacks on the Falkland Islands and South Georgia and the continuing illegal military occupation of the Falkland Islands.

These unlawful Argentine acts give the United Kingdom the right to use force in self-defence. This right was exercised in the first instance by the Royal Marines in resisting Argentine attacks and extends to terminating the illegal Argentine occupation. This right is expressly recognized by Article 51 of the Charter, which makes it clear that the right of self-defence is "inherent" and that nothing in the Charter is intended to impair it. In compliance with its obligations under Article 51, Her Majesty's Government has reported all measures of self-defence to the Security Council.

Although Article 51 preserves the inherent right of self-defence "until the Security Council has taken measures necessary to maintain international peace and security", this can only be taken to refer to measures which are actually effective to bring about the stated objective. Clearly, the Security Council's decision in its resolution 502 (1982) has not proved effective. The United Kingdom's inherent right of self-defence is thus unimpaired.

For these reasons, the arguments in the letter dated 28 April from the Permanent Representative of Argentina (S/15009) cannot be accepted. The Falkland Islands are British territory, and the right of self-defence against the Argentine invasion and illegal occupation remains unimpaired. It was Argentina which, by its first use of force in defiance of the call by the Security Council on 1 April (S/14944), committed an act of aggression within the meaning of the Definition of Aggression contained in General Assembly resolution 3314 (XXIX), misleadingly referred to in the Argentine letter. This has already been made clear in Mr. Whyte's letter of 11 April (S/14964). Finally, as regards the allegations by the Permanent Representative of Argentina about the disproportionate use of force and a "bloody act of aggression against South Georgia", I would draw Your Excellency's attention to the facts that South Georgia was restored to British control by a force smaller than the number of Argentine prisoners it took and that only one member of the Argentine forces was injured, and none killed, before the Argentine surrender.

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

(Signed) A. D. PARSONS



Security Council

Distr.
GENERAL

S/15017
30 April 1982

ORIGINAL: ENGLISH

LETTER DATED 30 APRIL 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, with reference to the letter dated 29 April 1982 from the Permanent Representative of Argentina (S/15014), to state the following in reply.

First, the Argentine assertion that the United Kingdom's right of self-defence "cannot be invoked when the Security Council had adopted measures for the maintenance of international peace and security, the first provision of which demands precisely the immediate cessation of hostilities" cannot be accepted. It hardly lies in the mouth of Argentina to invoke the terms of Security Council resolution 502 (1982) when it is Argentina which has persistently refused by word and deed to comply with the terms of that resolution for no less than 27 days. The fact that Argentina has not withdrawn its armed forces from the Falkland Islands, contrary to the demand in paragraph 2 of resolution 502 (1982), is sufficient to indicate that the decision of the Security Council has not, in fact, been effective to restore international peace and security because of Argentina's refusal to comply. Moreover, as regards paragraph 1 of that resolution, the telegram dated 13 April 1982 from the British Foreign and Commonwealth Secretary of State to the Foreign Minister of Peru makes clear that "the armed confrontation was initiated by the Argentine action in seizing the Falkland Islands and that it was to this point that the first paragraph of resolution 502 (1982) ... was directed" (S/14974). For these reasons, the above assertion is totally devoid of merit.

Secondly, the allegation that the United Kingdom is "unleashing a new colonialist war" can only be described as preposterous, coming as it does from Argentina, which has unleashed hostilities by its attack on the Falkland Islands on 2 April 1982 in defiance of the Security Council's appeal of 1 April 1982 (S/14944) and which is now attempting to subjugate the Falkland Islanders - a peaceful and permanent people who have threatened no one. In other words, it is Argentina, by its acts of aggression, which is attempting to subject a people to alien domination, to sweep away their democratically chosen political, social and cultural institutions, to impose a new language and new educational principles and to alter their way of life.

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Finally, the United Kingdom has never argued that it was assuming "the task of executing" a "mandate from the Security Council". The true position is that, in the face of Argentina's flagrant and open violation of resolution 502 (1982), the United Kingdom is exercising its inherent right of self-defence, for which no mandate from the Security Council is required by the terms of the Charter of the United Nations.

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

(Signed) A. D. PARSONS



Security Council

Distr.
GENERAL

S/15018
30 April 1982
ENGLISH
ORIGINAL: SPANISH

LETTER DATED 30 APRIL 1982 FROM THE PERMANENT REPRESENTATIVE OF
ARGENTINA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF
THE SECURITY COUNCIL

I have the honour, on the express instructions of my Government and with reference to my previous communications concerning the situation in the Malvinas Islands, the South Georgias and the South Sandwich Islands, to inform you of the following:

"The Military Junta states that, having received via the Swiss Embassy the urgent message from the British authorities which reads:

'In announcing the establishment of a maritime exclusion zone around the Falkland Islands, Her Majesty's Government made it clear that this measure was without prejudice to the right of the United Kingdom to take whatever additional measures may be needed in the exercise of its right of self-defence under Article 51 of the United Nations Charter. In this connection, Her Majesty's Government now wishes to make clear that any approach on the part of Argentine warships, including submarines, naval auxiliaries, or military aircraft which could amount to a threat to interfere with the mission of the British forces in the South Atlantic, will encounter the appropriate response. All Argentine aircraft including civil aircraft engaging in surveillance of these British forces will be regarded as hostile and are liable to be dealt with accordingly.'

has resolved:

1. That, from today's date, all British ships, including merchant and fishing vessels, operating within the 200-mile zone of the Argentine sea, of the Malvinas Islands, the South Georgias and the South Sandwich Islands, are considered hostile;
2. That, from today's date, any British aircraft, whether military or civil, which flies through Argentine airspace will be considered hostile and treated accordingly;

3. That all the measures imposed are without prejudice to any additional measure that may be applied in exercise of the right of self-defence under Article 51 of the United Nations Charter."

I request that this letter be distributed urgently as a document of the Security Council.

(Signed) Eduardo A. ROCA
Ambassador
Permanent Representative



Security Council

Distr.
GENERAL

S/15021
30 April 1982
ENGLISH
ORIGINAL: SPANISH

LETTER DATED 30 APRIL 1982 FROM THE PERMANENT REPRESENTATIVE OF
ARGENTINA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT
OF THE SECURITY COUNCIL

I have the honour to refer to the note from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland of 26 April and to inform you of the following:

For the reasons which I already had occasion to state to you in my note dated 28 April 1982 (S/15009), the United Kingdom has no legal grounds whatsoever for invoking the right of self-defence provided for in Article 51 of the Charter in justification of the military aggression it is carrying out in the South Georgia Islands.

The fact that three weeks elapsed between Argentina's recovery of those islands for its national patrimony and the British attack which began on 25 April, and the fact that the islands are 8,000 miles from the territory of the United Kingdom, clearly show how inappropriate it is to invoke Article 51 of the Charter as justification for this manifestly illegitimate use of force.

In contrast to the recovery of the islands by Argentina without any loss of British life, the British aggression of 25 April resulted in Argentine casualties, some of them in circumstances that have not been made clear by the invading Power.

The Argentine forces, on the other hand, certainly exercising the right of self-defence in order to repel a grave and imminent danger, have continued their resistance in the South Georgia Islands, thus giving the lie to the United Kingdom's statements that its authority has been restored in those territories.

With regard to the United Kingdom's allegation that my country has violated Council resolution 502 (1982), I must point out that the Argentine Republic on several occasions reiterated before the Council its intention to comply with that resolution and welcomed the steps taken by third States to avoid armed conflict and arrive at an agreement through negotiation. However, the continuation of the British Government's punitive actions compels my country to exercise its right of self-defence, which, in accordance with the provisions of the Charter, allows it to repel any armed attack endangering its territorial integrity and its existence as a State.

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The United Kingdom's armed invasion confirms what I stated in my note of 16 April concerning the unreasonableness of the United Kingdom's presuming to gain its ends by force, thus placing my country in a completely defenceless position.

There are no grounds whatsoever for such a presumption. Neither international law nor the Charter of the United Nations nor Council resolution 502 (1982) admit of an interpretation that would empower the United Kingdom to arrogate to itself a police power which no one has conferred on it.

With respect to the United Kingdom's comment concerning submission of the question of the South Georgia Islands to the International Court of Justice for settlement, it must be emphasized that the jurisdiction of the International Court of Justice is voluntary, in accordance with Article 36 of its Statute, and that no doubts as to the legitimacy of the rights of my country or of any other State can be inferred from its decision not to accept that jurisdiction.

Argentina preferred to seek a peaceful solution to the question through direct negotiation within the framework of General Assembly resolution 2065 (XX). It must be pointed out in that connexion that it was the United Kingdom itself which included the South Georgia Islands as a colonial administrative dependency of the Malvinas Islands and agreed to their being considered as such by the United Nations.

I would request that this letter should be circulated urgently as a Security Council document.

(Signed) Eduardo A. ROCA
Ambassador
Permanent Representative
