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TO IMMEDIATE FOREIGN AND COMMONWEALTH OFFICE

TELEGRAM NO.1785 OF 2 NOVEMBER 1982

INFO PRIORITY BIS BUENOS AIRES AND WASHINGTON.

UNGA 37 :FALKLANDS : ARGENTINE FOREIGN MINISTER'S SPEECH.

1. AGUIRRE LANARI ADDRESSED THE GENERAL ASSEMBLY FOR NEARLY AN HOUR THIS MORNING (2 NOVEMBER).

2. HE SAID THAT THE QUESTION OF THE FALKLANDS ORIGINATED IN THE PERSISTENCE OF ANACHRONISTIC FORMS OF COLONIAL DOMINATION. THE CONFLICT WOULD NOT HAVE ARISEN HAD COLONIALISM BEEN ERADICATED.

THE U N HAD ONCE MORE TO PAY ATTENTION TO ITS MOST FRUITFUL FUNCTION -DECOLONISATION. THIS WAS WHY ARGENTINA AND THE LATIN AMERICANS HAD REQUESTED INSCRIPTION OF THE ITEM AND HAD TABLED A DRAFT RESOLUTION, NOW AMENDED.

3. AGUIRRE LANARI SAID THAT HE WOULD NOT RECITE IN EXTENSO THE HISTORICAL BASIS OF ARGENTINA'S CLAIM, BUT WOULD POSE A FEW HISTORICAL QUESTIONS: WHY

DID AMBASSADOR KEENE IN 1749 REQUEST PERMISSION FOR AN EXPLORATORY TOUR AND THEN NOT UNDERTAKE THE TOUR ON REFUSAL OF PERMISSION BY MINISTER CARVAJAL OF SPAIN? WHY DID THE UK NOT OBJECT WHEN FRANCE CEDED TO SPAIN SOVEREIGNTY OVER BOUGAINVILLE'S SETTLEMENT IN 1764? WHY DID THE UK ADMIT THE RESERVATION MADE BY SPAIN IN 1775 AFFIRMING THE SPANISH RIGHT TO SOVEREIGNTY? WHY, WHEN US CAPTAIN DUNCAN INVADDED THE ISLANDS IN 1831, DID THE UK LEAVE IT TO ARGENTINA TO RESPOND, THUS IMPLICITLY ADMITTING THAT THE UK HAD NO INTEREST? WHY DID BRITISH CONSULS UP TO 1833 RECOGNISE THE JURISDICTION OF BUENOS AIRES GOVERNMENT? THE DOCTRINE OF 'ESTOPPEL' IN ANGLO SAXON LAW PREVENTED STATES FROM ACTING AGAINST THEIR FORMER RECOGNITION OF CERTAIN SITUATIONS.

4. THE QUESTION WAS ONE OF SOVEREIGNTY, AND ARGENTINA'S LEGAL CASE WAS SOLIDLY BASED. THE DISPUTE ORIGINATED WITH BRITAIN'S FORCEFUL OCCUPATION IN 1833. SPAIN'S SOVEREIGNTY WAS INHERITED BY THE NEWLY BORN LATIN AMERICAN STATES, AND ARGENTINA ADMINISTERED THE ISLANDS THROUGH SIX GOVERNORS FROM 1810 AND 1833. THE UK DID NOT CHALLENGE ARGENTINA'S SOVEREIGNTY WHEN RECOGNISING ARGENTINE INDEPENDENCE IN 1825. BRITAIN'S ILLEGAL OCCUPATION BY FORCE HAD ALWAYS BEEN CHALLENGED BY ARGENTINA (RES NULLIUS AND RES DERELICTAE DID NOT APPLY IN THIS CASE).

5. THERE HAD BEEN SEVENTEEN YEARS OF FRUITLESS NEGOTIATION BEFORE THE CONFLICT, BECAUSE THE UK HAD LACKED THE POLITICAL WILL TO DISCUSS SOVEREIGNTY.

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6. THE DISPUTE WAS ABOUT TERRITORIAL INTEGRITY AND NOT ABOUT SELF-DETERMINATION. THE RIGHT TO SELF DETERMINATION WAS A FUNDAMENTAL RIGHT, BUT AT TIMES THE GENERAL ASSEMBLY HAD DECIDED THAT TERRITORIAL INTEGRITY WAS MORE APPROPRIATE IN A SPECIFIC CASE - THE FALKLANDS WAS SUCH A CASE, AS WERE GIBRALTAR, MAYOTTE, THE MALAGASY ISLANDS AND THE ISLANDS OFF NAMIBIA. THIS PRINCIPLE WAS ESTABLISHED IN PARA 6 OF RESOLUTION 1514(XV) AND WAS UPHELD IN THE CASE OF GIBRALTAR BY RESOLUTION 2353(XXII) WHICH STATED THAT COLONIAL SITUATIONS WHICH DESTROY NATIONAL UNITY AND TERRITORIAL INTEGRITY ARE INCOMPATIBLE WITH THE CHARTER. THE GENERAL ASSEMBLY HAD ALSO DECLARED INVALID THE 1967 REFERENDUM IN GIBRALTAR. THE ICJ ADVISORY OPINION (PRESUMABLY THE ONE ON THE WESTERN SAHARA, THOUGH AGUIRRE LANARI DID NOT SAY SO AND CONTRIVED TO GIVE THE IMPRESSION THAT THE COURT HAD PRONOUNCED ON THE FALKLANDS) ALSO UPHELD THIS PRINCIPLE IN PARAS 59 AND 162. THE FALKLANDS INHABITANTS DID NOT HAVE LEGITIMATE TIES WITH THE TERRITORY, AND THEREFORE DID NOT POSSESS THE RIGHT TO SELF-DETERMINATION. THE UK'S INSISTENCE ON THE LATTER WAS A MANOEUVRE DESIGNED TO PERPETUATE THE COLONIAL SITUATION.

7. ARGENTINA WOULD NOT ACCEPT THE BRITISH CLAIM. THE UK GOVERNMENT HAD ITSELF SUBORDINATED THE ISLANDERS' WISHES TO THOSE OF THE BRITISH PARLIAMENT IN A STATEMENT ON 3 APRIL. TO ACCEPT THE BRITISH CASE ON SELF-DETERMINATION FOR THE FALKLANDERS WOULD BE TANTAMOUNT TO GRANTING THAT RIGHT TO THE INHABITANTS OF THE ILLEGAL SETTLEMENTS ESTABLISHED IN ARAB AND PALESTINIAN TERRITORY OCCUPIED SINCE 1967. THE BRITISH SUBJECTS IN THE ISLANDS WERE THE MERE INSTRUMENTS OF COLONIAL DOMINATION. THE ONLY PEOPLE WITH THE RIGHT TO EXERCISE SELF DETERMINATION IN RELATION TO THE FALKLANDS WAS THE PEOPLE OF ARGENTINA. THE UK AND ARGENTINE GOVERNMENTS WERE THE SOLE PARTIES TO THE DISPUTE.

8. ARGENTINA HAD REITERATED HER RESERVATIONS AT ALL TIMES AT THE UN FROM 1946 ONWARDS, INCLUDING 1964 WHEN SHE DECIDED TO PARTICIPATE IN THE SPECIAL COMMITTEE ON DECOLONISATION, WHICH HAD UPHELD THE ARGENTINE POSITION THAT THE DISPUTE WAS A COLONIAL ONE BETWEEN THE UK AND ARGENTINA ONLY. THIS POSITION WAS REFLECTED IN REESOLUTION 2065. NEGOTIATIONS BETWEEN THE UK AND ARGENTINA HAD STARTED IN 1966. IN 1968 THE ARGENTINE AND BRITISH NEGOTIATORS HAD AGREED ON A MEMORANDUM RECOGNISING ARGENTINE SOVEREIGNTY AS SOON AS ADEQUATE SAFEGUARDS FOR THE ISLANDERS WERE FORTHCOMING FROM ARGENTINA, BUT THE UK HAD REFUSED TO IMPLEMENT IT. IN 1973 THE GENERAL ASSEMBLY CALLED IN RESOLUTION 3160 FOR NEGOTIATIONS TO BE SPEEDED UP, BUT THE UK STILL REFUSED TO NEGOTIATE ON SOVEREIGNTY. THE SAME HAPPENED IN 1976 (RESOLUTION 31/49).

9. THE NAM HAD CONSISTENTLY SUPPORTED THE ARGENTINE POSITION AT LIMA 1975, COLOMBO 1976, NEW DELHI 1977, HAVANA 1978, BELGRADE 1978, COLOMBO 1979, HAVANA 1979, NEW DELHI 1981, HAVANA 1982 AND NEW YORK 1982. LATIN AMERICAN SOLIDARITY OVER THE ISSUE HAD BEEN SIMILAR.

10. THE RECENT UK AGGRESSION WAS AGGRESSION AGAINST THE WHOLE CONTINENT. LATIN AMERICA WAS STILL REGARDED AS GROUND FOR COLONIALIST AND EXPANSIONIST ADVENTURISM. THE UK HAD RECEIVED THE SUPPORT OF ECONOMIC SANCTIONS AGAINST ARGENTINA AND THE MILITARY SUPPORT OF ONE OF THE MOST POWERFUL ALLIANCES IN THE WORLD TO ESTABLISH A MILITARY BASE WHICH WAS A CONSTANT PROVOCATION TO ARGENTINA AND LATIN AMERICA.

11. THE RESOLUTION HAD BEEN TABLED BECAUSE POLITICAL, STRATEGIC, HISTORIC, ECONOMIC AND GEOGRAPHICAL ASPECTS, AND NOT THE ALLEGED LOGIC OF RECENT EVENTS, HAD TO BE CONSIDERED FOR A JUST AND FINAL SOLUTION. THE TERMS OF THE DISPUTE DETERMINED THAT IT WAS ONE OF SOVEREIGNTY BETWEEN THE UK AND ARGENTINA ALONE. THE UK MIGHT ENJOY THE ADMINISTRATION, CONTROL AND RICHES OF THE TERRITORY, BUT ARGENTINA WOULD NEVER CEDE SOVEREIGNTY. THE END OF THE ROAD HAD BEEN REACHED, AND THE ONLY VALID ALTERNATIVE WAS NEGOTIATION.

THOMSON

(Repetition to BIS BUENOS AIRES
referred for departmental decision.
repeated as requested to other posts.)

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