

TYPISTS

ADVANCE COPIES: FALKLAND ISLANDS

(29)

FLASH

PS No. 10 DOWNING ST.

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MR WRIGHT
MR ADAMS
MR URE
MR GILLMORE

PS/CHANCELLOR
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MR HAWTIN
MR PERETZ
MR ILETT
MR McINTYRE

H.M.TSY

Miss DICKSON (EIP DIV) D/EN

HD/SAMD (FCO DIST + A/D F/I)
HD/DEF D
HD/NEWS D
HD/UND
HD/PLANNING STAFF
HD/INSD

DIO CABINET OFFICE
MR WADE-GERY CABINET OFFICE
MR FULLER SAPU CABINET OFFICE
SIR M PALLISER, CABINET OFFICE

SIR R ARMSTRONG, DIO. CAB. OFFICE

~~RESIDENT CLERK~~

(Copies passed to Emergency Staff, MOD Sitten and CinC Fleet)

ZZ FCO

GR 580

CONFIDENTIAL

FM UKMIS NEW YORK 261445Z APR 82

TO F L A S H FCO

TELEGRAM NUMBER 565 OF 26 APRIL.

INFO IMMEDIATE WASHINGTON.

YOUR TELNO 301

SOUTH GEORGIA: NOTIFICATION TO SECURITY COUNCIL

1. I AM MOST ANXIOUS TO SUBMIT MY LETTER IN TIME FOR IT TO BE CIRCULATED BEFORE THE RESULTS ARE KNOWN OF TODAY'S MEETINGS OF THE OAS AND THE NON-ALIGNED IN WASHINGTON AND NEW YORK RESPECTIVELY. I PROPOSE TO REPLY TO ROCA'S LETTERS OF 24 APRIL (MY TELNO 562) AND 25 APRIL (TEXT IN MIFT).
2. FOLLOWING IS MY DRAFT REPLY:

BEGINS.

I HAVE THE HONOUR WITH REFERENCE TO THE LETTERS DATED 24 AND 25

~~**FLASH**~~
~~ADVANCE COPY~~

Prime Minister

A good statement on South

Georgia

WOL 26/4

BEGINS

I HAVE THE HONOUR, WITH REFERENCE TO THE LETTERS DATED 24 AND 25 APRIL FROM THE PERMANENT REPRESENTATIVE OF ARGENTINA (S/14998 AND S/14999) TO STATE THE FOLLOWING.

ON 3 APRIL 1982, NOTWITHSTANDING CURRENT ACTION IN THE SECURITY COUNCIL AND THE ADOPTION OF SCR 502, ARGENTINA CARRIED OUT AN ARMED INVASION OF THE ISLAND OF SOUTH GEORGIA. THE SMALL BRITISH GARRISON RESISTED BUT WAS EVENTUALLY CAPTURED. ON 25 APRIL, IN EXERCISE OF THE INHERENT RIGHT OF SELF-DEFENCE RECOGNISED BY ARTICLE 51 OF THE CHARTER OF THE UNITED NATIONS, BRITISH FORCES RE-ESTABLISHED BRITISH AUTHORITY ON SOUTH GEORGIA. THE COMMANDER OF THE ARGENTINE FORCES WHICH HAD BEEN THERE FOR JUST OVER THREE WEEKS SURRENDERED. THE ONLY CASUALTY SO FAR AS MY GOVERNMENT IS AWARE WAS AN ARGENTINE SEAMAN WHO SUFFERED LEG INJURIES.

THERE IS THUS NO QUESTION OF THE UNITED KINGDOM GOVERNMENT HAVING ACTED AGGRESSIVELY, HAVING IN ANY WAY BREACHED THE TERMS OF SCR 502 (IMPLEMENTATION OF PARA 2 OF WHICH BY ARGENTINA IS STILL AWAITED BY THE INTERNATIONAL COMMUNITY) OR OF HAVING CAUSED A BREACH OF INTERNATIONAL PEACE AND SECURITY. THE ORIGINAL BREACH OF THE PEACE DETERMINED BY THE SECURITY COUNCIL IN THE THIRD PREAMBULAR PARAGRAPH OF SCR 502 WILL NOT BE ^{BRINGING TO AN END} HEALED BEFORE ARGENTINA CAN BE SEEN TO HAVE COMPLIED WITH OPERATIVE PARA 2 OF THAT RESOLUTION. NO AMOUNT OF SELECTIVE QUOTATION FROM STATEMENTS BY BRITISH MINISTERS CAN OBSCURE THE FACT THAT IT WAS ARGENTINA WHICH FIRST USED ARMED FORCE IN DEFIANCE OF THE SECURITY COUNCIL'S URGENT CALL ON 1 APRIL (S/14944).

SOUTH GEORGIA IS A REMOTE MOUNTAINOUS ISLAND IN THE SOUTH ATLANTIC (800 MILES FROM THE FALKLAND ISLANDS AND 1600 MILES SOUTH EAST OF BUENOS AIRES). IT WAS DISCOVERED BY A BRITISH NATIONAL AND HAS BEEN UNDER BRITISH SOVEREIGNTY UNINTERRUPTEDLY SINCE 1775-1908 BEFORE WHICH IT WAS TERRA NULLIUS. THE UNITED KINGDOM HAS OCCUPIED AND ADMINISTERED THE ISLAND OPENLY CONTINUOUSLY AND PEACEFULLY. FOR MANY YEARS ARGENTINA ACCEPTED BRITISH SOVEREIGNTY. ARGENTINA APPEARS TO HAVE FIRST MADE CLAIM TO SOUTH GEORGIA IN 1927.

IN THE 1940S AND 1950S THE UNITED KINGDOM OFFERED TO REFER THE SOVEREIGNTY DISPUTE OVER SOUTH GEORGIA TO THE INTERNATIONAL COURT OF JUSTICE. IN MAY 1955, THE UNITED KINGDOM SUBMITTED THIS DISPUTE TO THE COURT BY DELIVERING AN APPLICATION TO THE REGISTRAR (FULL TEXT IN "ICJ PLEADINGS, ANTARCTICA CASES (UK V ARGENTINA)"). HAVING SEEN THE STRENGTH OF THE BRITISH TITLE TO SOUTH GEORGIA, ARGENTINA DECLINED TO ACCEPT THE COURT'S JURISDICTION. IN RECENT YEARS, THE MAIN USE OF THE ISLAND HAS BEEN AS A LOGISITIC

ARGENTINA DECLINED TO ACCEPT THE COURT'S JURISDICTION. IN RECENT YEARS, THE MAIN USE OF THE ISLAND HAS BEEN AS A LOGISITIC STATION SUPPORTING THE BRITISH ANTARCTIC SURVEY, I.E. PEACEFUL SCIENTIFIC RESEARCH.

ENDS

3. THE HISTORY HAS BEEN TAKEN FROM THE ICJ APPLICATION.

4. GRATEFUL FOR INSTRUCTIONS BY 1700Z.

PARSONS

NNNN