



Security Council

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30 April 1982
ENGLISH
ORIGINAL: SPANISHLETTER 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

UNITED
NATIONS



Security Council

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S/15026
1 May 1982
ENGLISH
ORIGINAL: SPANISH

LETTER DATED 1 MAY 1982 FROM THE PERMANENT REPRESENTATIVE OF ARGENTINA TO
THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

In accordance with the provisions of Article 51 of the Charter, I have the honour to inform you, as a follow-up to my note of today, that the successive attacks by the British Air Force against Puerto Argentino in the Malvinas Islands were repulsed by my country in exercise of its right of self-defence. In the anti-aircraft action, two Harrier aircraft were shot down; a third was hit, but its fate is unknown because radar contact was lost.

In perpetrating this bloody aggression against my country, the United Kingdom is persisting in violating Security Council resolution 502 (1982). In the light of these facts, not even the most distorted interpretation of that resolution (which was adopted in the interest of peace) can be used by the United Kingdom in an attempt to legitimise its irresponsible conduct.

The increasing aggression by the United Kingdom against my country is today threatening to unleash an armed conflict of unknown dimensions and unforeseeable implications for international peace and security; the United Kingdom Government will be solely responsible for the breach of such peace and security.

Through these actions, the United Kingdom is seeking to arrogate to itself powers which, under Article 24 of the Charter, were granted by the States Members of the United Nations to the Security Council for the discharge of its primary responsibility for the maintenance of international peace and security. The United Kingdom is thus thwarting effective implementation of a Council resolution sponsored by the United Kingdom itself. It is now declaring the resolution to be ineffective and is cynically invoking the right of self-defence in seeking to justify an open and brazen act of aggression.

I request that this note be urgently circulated as a Security Council document.

(Signed) Eduardo A. ROCA
Ambassador
Permanent Representative

3 - MAY 1982

Facsimile Transmission Leader.

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FROM D H Anderson Esq, UKMis New York

TO Emergency Unit, FCO

P J Roberts Esq, UND, FCO

F D Berman Esq, Legal Advisers, FCO

1. Herewith two Argentine letters dated 30 April (S/15021 and 1 May (S.15026).
2. Draft reply will be telegraphed.

DH Anderson
3/4

South Georgia Rept. *return to No 10 plc.*
under Mr P. to UN

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 brought to an end 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 since 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

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 logistic station supporting the British Antarctic Survey, i.e. peaceful scientific research.