

C O N F I D E N T I A L



CWG031 11/1345 101B1304

FOR CWG

IMMEDIATE 111200Z APR 82

FROM COMMCEN FCO LONDON
TO MODUK
CINCFLEET

C O N F I D E N T I A L

SIC A3A/A2N/19F

DESKEY 111500Z

FM FCO 111200Z APR 82

TO IMMEDIATE NEW YORK

TELEGRAM NUMBER 244 OF 11 APRIL

AND TO PRIORITY BERNE

YOUR TELS 439 AND 440: LETTER TO THE PRESIDENT OF THE
SECURITY COUNCIL

1. AS YOU KNOW WE ARE ANXIOUS TO MAINTAIN THE DISTINCTION
BETWEEN THE ARGUMENT ABOUT THE RIGHTS AND WRONGS OF THE
ARGENTINE ACTION AND THE UNDERLYING SOVEREIGNTY DISPUTE.
THE QUOTATION OF ARTICLE 3(A) OF THE DEFINITION OF AGGRESSION
IN YOUR FIRST PARAGRAPH SEEMS TO LEAD
STRAIGHT INTO THIS AND DIMINISH THE PARAGRAPH'S IMPACT. SOME

RE-ASSERTION OF OUR SOVEREIGNTY WILL HOWEVER BE NECESSARY
IN RESPECT OF THE ARGENTINE QUOTATION OF ARTICLE 3(C). THE
RISK INHERENT IN THIS RE-ASSERTION MIGHT BE REDUCED BY INVERTING
THE ORDER OF THE PARAGRAPHS.

2. IT MUST BE PRIMARILY FOR YOU TO DECIDE ON THE TACTICAL
USEFULNESS TO THE REFERENCES OF THE ISLANDERS AND TO
ARTICLE 73 OF THE CHARTER AT THE END OF PARAGRAPH 2 OF YOUR
DRAFT. WE WOULD SEE A CASE FOR RESERVING THESE POINTS FOR
DEPLOYMENT IN A DIFFERENT CONTEXT. WE MUST IN ANY CASE AVOID
ANY IMPLICATION THAT OUR ACTION WOULD HAVE BEEN LESS JUSTIFIED
IN RESPECT OF UNINHABITED (UNDERLINED) BRITISH TERRITORY.

3. WE SUGGEST THE FOLLOWING REDRAFT OF YOUR LETTER
(YOU WILL SEE THAT IT INCORPORATES OTHER SMALL CHANGES):
BEGINS. THE DECLARATION OF THE MARITIME EXCLUSIVE ZONE (WHICH
WAS THE SUBJECT OF MY LETTER TO YE OF 9 APRIL 1982) FALLS SHORT
OF THE CONCEPT OF BLOCKADE AS UNDERSTOOD IN
INTERNATIONAL LAW. AT THE SAME TIME, AS THE TEXT OF THE
DECLARATION ITSELF MAKES CLEAR, THIS MEASURE IS WITHOUT
PREJUDICE TO THE RIGHT OF THE UNITED KINGDOM TO TAKE WHATEVER
ADDITIONAL MEASURES MAY BE NEEDED IN EXERCISE OF ITS INHERENT
RIGHT OF SELF-DEFENCE UNDER ARTICLE 51 OF THE UNITED NATIONS
CHARTER. THE REFERENCES IN ARTICLE 3(C) OF THE DEFINITION
OF AGGRESSION TO QUOTE THE BLOCKADE OF THE COASTS OF A
STATE BY THE ARMED FORCES OF ANOTHER STATE UNQUOTE IS, IN ANY
CASE, IRRELEVANT AS THE ZONE WILL SURROUND BRITISH TERRITORY.
MORE RELEVANT IS ARTICLE 2 OF THE DEFINITION WHICH STATES THAT

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THE FIRST USE OF ARMED FORCE BY A STATE IN CONTRAVENTION OF THE CHARTER SHOULD CONSTITUTE PRIMA FACIE EVIDENCE OF AN ACT OF AGGRESSION ... UNQUOTE. IT IS ARGENTINA THAT FIRST USED ARMED FORCE. 4. RESOLUTION 502 (1982) ADOPTED BY THE SECURITY COUNCIL ON 3 APRIL 1982, WITH ITS REFERENCE TO AN INVASION BY ARMED FORCES OF ARGENTINA, ITS DETERMINATION THAT A BREACH OF THE PEACE EXISTED AND ITS CALL UPON ARGENTINA TO WITHDRAW ITS FORCES IMMEDIATELY LEAVES NO DOUBT THAT IT IS ARGENTINA WHICH BEARS RESPONSIBILITY FOR THE CURRENT BREACH OF THE PEACE IN THE REGION. ENDS.

FYM
ET

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