

CONFIDENTIAL

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FROM UKMIS NEW YORK 19214Z APR 82

TO IMMEDIATE F C O

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INDEX	FILE	CLASS	DATE

122 MY TELNO 489:

1. FOLLOWING IS TEXT OF MY DRAFT LETTER TO THE PRESIDENT OF THE SECURITY COUNCIL IN REPLY TO THE ARGENTINE LETTER OF 16 APRIL.

YOUR EXCELLENCY

I HAVE THE HONOUR, WITH REFERENCE TO THE LETTERS DATED 14 APRIL FROM THE PERMANENT REPRESENTATIVES OF PANAMA AND VENEZUELA AND THE LETTER DATED 16 APRIL FROM THE PERMANENT REPRESENTATIVE OF ARGENTINA, TO STATE THE FOLLOWING.

THE POSITION OF THE UNITED KINGDOM HAS BEEN EXPLAINED IN MR WHYTE'S LETTERS OF 9 AND 11 APRIL AND MY LETTER OF 13 APRIL. THE SALIENT FACTS ARE AS FOLLOWS.

1. ARGENTINA USED ARMED FORCE IN AN EFFORT TO SETTLE SEPARATE TERRITORIAL DISPUTES WITH THE UNITED KINGDOM OVER THE FALKLAND ISLANDS, SOUTH GEORGIA AND THE SOUTH SANDWICH ISLANDS DESPITE A CALL FROM THE SECURITY COUNCIL ON 1 APRIL TO REFRAIN FROM THE USE OF FORCE. ARGENTINA'S USE OF ARMED FORCE AGAINST THE FALKLAND ISLANDS ON 2 APRIL AGAINST SOUTH GEORGIA ON 4 APRIL AND AGAINST THE SOUTH SANDWICH ISLANDS VIOLATED 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.
2. THE SECURITY COUNCIL CHARACTERISED ARGENTINA'S ACTION AS AN "INVASION" AND DETERMINED THAT A BREACH OF THE PEACE EXISTED IN THE REGION OF THE FALKLAND ISLANDS. IN THE SAME RESOLUTION 502(1982), THE SECURITY COUNCIL DEMANDED THE IMMEDIATE WITHDRAWAL OF ALL ARGENTINE FORCES FROM THE FALKLAND ISLANDS.
3. ARGENTINA HAS NOT WITHDRAWN ITS ARMED FORCES FROM THE FALKLAND ISLANDS AND ON THE CONTRARY HAS INCREASED THEIR NUMBERS VERY CONSIDERABLY. ARGENTINA HAS ALSO PURPORTED TO INSTALL AN ARGENTINIAN ADMINISTRATION.
4. THE PEOPLE OF THE FALKLAND ISLANDS ARE A PERMANENT POPULATION, THE MAJORITY OF THEM BEING ABLE TO TRACE THEIR ANCESTRY ON THE ISLANDS BACK TO 1850. IN FREE AND FAIR ELECTIONS, THEY HAVE CHOSEN TO MAINTAIN A BRITISH ADMINISTRATION IN WHICH THEY HAVE BEEN ABLE TO TAKE PART THROUGH ELECTED REPRESENTATIVES. THE PEOPLE SPEAK ENGLISH AND HAVE THEIR OWN, BRITISH-STYLE CULTURE. THEY ARE NOT ARGENTINIAN AND HAVE EXPRESSED THE WISH NOT TO BE SUBJECTED TO ALIEN DOMINATION. THE PEOPLE HAVE A RIGHT TO SELF-DETERMINATION AS GUARANTEED BY THE CHARTER OF THE UNITED NATIONS, AS WELL AS BY ARTICLE 1 OF THE CONVENANT ON CIVIL AND POLITICAL RIGHTS WHICH THE UNITED KINGDOM RATIFIED ON BEHALF OF THE FALKLAND ISLANDS.

CONFIDENTIAL

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IN THE LIGHT OF THE FOREGOING, THE UNITED KINGDOM WILL CONTINUE TO TAKE WHATEVER MEASURES MAY BE NEEDED IN EXERCISE OF ITS INHERENT RIGHT OF SELF-DEFENCE IN THE FACE OF ARGENTINA'S UNLAWFUL INVASION OF BRITISH TERRITORY AND SERIOUS VIOLATIONS OF THE RIGHTS OF THE PEOPLE OF THE FALKLAND ISLANDS (WHO ARE PRACTICALLY ALL UNITED KINGDOM NATIONALS).

AS REGARDS THE REFERENCE IN THE LETTER FROM THE PERMANENT REPRESENTATIVE OF ARGENTINA TO THE INTERNATIONAL CIVIL AVIATION ORGANIZATION, I HAVE THE HONOUR TO INFORM YOU THAT THE TRUE POSITION IS AS FOLLOWS. ON THE MORNING OF 2 APRIL, AS THE ARGENTINIAN INVASION OF PORT STANLEY WAS BEGINNING, THE GOVERNOR OF THE FALKLAND ISLANDS DECLARED A STATE OF EMERGENCY. ON 8 APRIL, THE UNITED KINGDOM REPRESENTATIVE ON THE COUNCIL OF THE INTERNATIONAL CIVIL AVIATION ORGANIZATION MADE THE FOLLOWING NOTIFICATION:-

"I AM DIRECTED BY HER MAJESTY'S GOVERNMENT TO NOTIFY THE COUNCIL OF THE INTERNATIONAL CIVIL AVIATION ORGANIZATION IN ACCORDANCE WITH ARTICLE 89 OF THE CONVENTION ON INTERNATIONAL CIVIL AVIATION SIGNED AT CHICAGO ON 7 DECEMBER 1944, THAT ON FRIDAY 2 APRIL 1982 A STATE OF EMERGENCY WAS DECLARED WITH REGARD TO THE FALKLAND ISLANDS."

AS WILL BE APPARENT, THE FORMAL NOTIFICATION TO THE COUNCIL OF ICAO UNDER ARTICLE 89 HAD NOTHING WHATSOEVER TO DO WITH THE NOTIFICATION OF A MARITIME EXCLUSION ZONE, WHICH FORMED THE SUBJECT OF PARAGRAPH 3 OF MR WHYTE'S LETTER OF 9 APRIL.

PARSONS

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S AM D

CABINET OFFICE

ADDITIONAL DISTRIBUTION
FALKLAND ISLANDS

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MR FULLER DIO CABINET OFFICE

MISS DICKSON (EIP DIVN) D/ENERGY

2

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