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Item 133 of the provisional agenda*REVIEW AND IMPLEMENTATION OF THE CONCLUDING DOCUMENT OF THE
TWELFTH SPECIAL SESSION OF THE GENERAL ASSEMBLYLetter dated 23 July 1982 from the Chargé d'Affaires a.i. of the
Permanent Mission of Argentina to the United Nations addressed
to the President of the General Assembly

Further to my letter dated 10 July, concerning the letter of the Representative of the United Kingdom of Great Britain and Northern Ireland (A/S-12/31) I have the honour to inform you of the following.

My Government considers it necessary to reiterate once again its position concerning my country's irrefutable rights of sovereignty over the Malvinas, South Georgia and the South Sandwich Islands, the integral interpretation of Security Council resolution 502 (1982) and the use of the right of self-defence (Article 51 of the Charter), exercised by the Argentine Republic in the face of aggression by the United Kingdom, views which my country has consistently maintained in the various forums of the United Nations system.

The situation of the Malvinas is a special one, which differs from the typical case of colonialism. The principle of self-determination is not applicable for the benefit of the occupants of a territory that is part of an independent State, from which it has been separated, against the will of its inhabitants, through an act of force by the occupying colonial Power.

The correct interpretation of that principle should be based on General Assembly resolution 1514 (XV), entitled "Declaration on the Granting of

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Independence to Colonial Countries and Peoples", whose main purpose is to put an end to colonialism in all its forms. Paragraph 6 of the Declaration states: "Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations". Similarly, General Assembly resolution 1654 (XVI), establishing the Committee of 24, emphasizes this idea in its preamble, which states that the General Assembly is deeply concerned "that, contrary to the provisions of paragraph 6 of the Declaration, acts aimed at the partial or total disruption of national unity and territorial integrity are still being carried out in certain countries in the process of decolonization".

It should be noted, however, that the United Kingdom has shown itself to be systematically opposed to this interpretation by the United Nations, since it opposed the adoption of the resolutions adopted by the General Assembly on the question of self-determination. In 1960, Great Britain did not vote in favour of resolution 1514 (XV) on the granting of independence to colonial countries and peoples. Great Britain voted against resolution 2621 (XXV), which declared that colonialism is a crime which constitutes a violation of the Charter of the United Nations.

During the General Assembly debate on the second preambular paragraph of resolution 1514 (XV), concerning precisely the right to self-determination, the British representative expressed doubts about including the paragraph in the resolution, since he considered that it dealt merely with a principle and not with a right, and felt that even that limited version was inappropriate.

The British argument which makes any solution to the conflict dependent upon the will of the current occupants has consequently been rejected by the United Nations, which accepted not the idea of respecting their "wishes", but simply the need to take their "interests" into account.

The non-aligned countries have taken a similar stand, maintaining that in this particular special case the principle of self-determination cannot be applied for the benefit of the occupants of the territory.

It is necessary to bear in mind the characteristics of the occupying population, which was established there to replace the ejected inhabitants and is maintained in a state of artificial isolation by means of restrictive legislation; it consists in many cases of transitory inhabitants who work as employees of the Government or the Falkland Islands Company, the monopoly enterprise which manipulates the economy of the Malvinas but whose board of directors is domiciled in Great Britain.

Although the Argentine Republic considers that the principle of self-determination is not applicable to the current occupants of the islands, it has always stated that it will not disregard the requirements of the islanders with regard to the preservation of their way of life.

The international community should not allow the principle of self-determination to be perverted by applying it so as to consolidate colonial

situations to the detriment of Argentina's legitimate rights of sovereignty over the islands. The future of the islands, separated from the Argentine Republic, is totally illogical and unrealistic.

I should be grateful if you would arrange for this letter to be circulated as a document of the General Assembly under item 133 of the provisional agenda.

(Signed) Arnaldo M. LISTRE
Ambassador
