



General Assembly

Distr.
GENERALA/37/389
16 August 1982

ORIGINAL: ENGLISH

Thirty-seventh session
Item 133 of the provisional agenda*

REVIEW AND IMPLEMENTATION OF THE CONCLUDING DOCUMENT OF THE
TWELFTH SPECIAL SESSION OF THE GENERAL ASSEMBLY

Letter dated 13 August 1982 from the Chargé d'Affaires a.i.
of the Permanent Mission of the United Kingdom of Great
Britain and Northern Ireland to the United Nations addressed
to the Secretary-General

I have the honour to refer to the letter of 23 July 1982 from the Chargé d'Affaires a.i. of the Permanent Mission of Argentina concerning the Falkland Islands (A/37/353). Many of the points made in the Argentine representative's letter have already been answered in earlier correspondence, and it is unnecessary for me to rehearse my Government's position in full. However, the letter asserts that the situation of the Falkland Islands is a special one "which differs from the typical case of colonialism". It goes on to claim that 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 assertion that the case of the Falkland Islands differs from the typical case of colonialism may be intended as an oblique acknowledgement of the fact that the Falkland Islanders have consistently, and democratically, expressed their clear wish to remain British. This fact, which lies at the very heart of the matter, must not be lost sight of and is of crucial importance for evaluating the situation in terms of the Charter of the United Nations. The United Kingdom is justifiably proud of its record in responding to the freely expressed wishes of the peoples of non-self-governing territories by bringing the territories in question to independence or such other status as may be freely chosen by the people concerned. This policy corresponds directly to the purposes and principles

* A/37/150.

enunciated in the Charter, and the United Kingdom has no intention of varying in that policy now.

The claim to set aside the right of self-determination in the case of the Falkland Islanders, on the grounds given in the Argentine letter, is therefore tendentious in the extreme and cannot be allowed to pass unchallenged.

A full statement of the history of settlement on the Falkland Islands is given in the letter of 28 April 1982 from Sir Anthony Parsons to the President of the Security Council (S/15007). Sir Anthony Parsons' letter also contains a detailed account of the right of self-determination and its place in the contemporary international system. It is noteworthy that the Argentine letter under reply not only fails to address the sovereignty question, but makes no reference at all to the Charter of the United Nations, or to documents adopted by the General Assembly by consensus, notably the Declaration on Principles of International Law Concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations (resolution 2625 (XXV)), which contains an important section entitled "The principle of equal rights and self-determination of peoples". Nor does the Argentine letter acknowledge contemporary documents in the field of human rights, which give a leading place to the right of self-determination. Instead, it contents itself with selective quotations from General Assembly resolutions 1514 (XV) and 1654 (XVI). Although the United Kingdom did not vote in favour of either resolution, its sympathy with their general objectives was made clear at the time of their adoption; moreover, so far as the specific issue of the Falkland Islands is concerned, the United Kingdom's position was made clear as far back as 1964, when the United Kingdom representative drew the attention of the Committee of 24 to the fact that resolution 1514 (XV) stated specifically that "all peoples have the right to self-determination", and that no fair-minded observer could construe its paragraph 6 as imposing a limitation on the universal application of the principle of self-determination, which was guaranteed under the Charter itself (A/AC.109/SC.4/SR.24).

The Argentine letter strives to create the impression that British settlement in the Falkland Islands in 1833 and thereafter took place against the will of a settled population who were forcibly displaced. In so doing it seeks to suggest that any rights of the present inhabitants stand in opposition to the rights of a dispossessed Argentine population. However, no evidence of any kind has been produced by the Government of Argentina to justify this. On the contrary, the historical evidence marshalled in Sir Anthony Parsons' letter (S/15007) shows that such occupation as there may have been of the Falkland Islands before 1833 was scattered, impermanent, almost entirely of non-Buenos-Airean origin, and did not in any sense constitute a settled population. There is no basis for seeking arbitrarily to set aside the rights of the present population of the Falkland Islands who (as was noted in Sir Anthony Parsons' letter of 30 June 1982 (A/S-12/31)) have been settled in the Islands in many cases to the seventh generation and have been conducting a peaceful and orderly existence under British authority for the past 150 years, that is to say, since well before the vast majority of contemporary international boundaries were established.

In conclusion, may I once again draw attention to the International Covenants on Economic and Social Rights and on Civil and Political Rights. Both of these Covenants have been ratified by the United Kingdom and this ratification extends also to the Falkland Islands. The common article 1 of the two Covenants declares that all peoples have the right of self-determination, and that by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development. The last paragraph of article 1 requires all States Parties, not merely those responsible for the administration of non-self-governing territories, to promote the realization of the right of self-determination, and to respect that right, in conformity with the provisions of the Charter of the United Nations. The Government of the United Kingdom looks forward to a similar endorsement by the Government of Argentina of those widely recognized principles, rather than an attempt to insinuate, as in the letter under reply, that the General Assembly has endorsed the idea of setting aside the wishes of the inhabitants of the Falkland Islands in favour of an externally-imposed interpretation of their interests. The specious argumentation about colonialism in the Argentine letter seeks to obscure Argentina's disregard of the right of self-determination, not to mention Argentina's wanton resort to the use of force in blatant disregard of the Charter, in defiance of a direct appeal by the Security Council, and in contempt of the principles to which the overwhelming majority of Member States have dedicated themselves in the conduct of their international relations.

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) Hamilton WHYTE
Deputy Permanent Representative
