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LETTER DATED 17 JUNE 1982 FROM THE PERMANENT REPRESENTATIVE  
OF PANAMA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT  
OF THE GENERAL ASSEMBLY

In a letter dated 14 June 1982 (A/S-12/29), the Permanent Representative of the United Kingdom to the United Nations referred to the statement made in the General Assembly by the President of Panama, Dr. Aristides Royo (see A/S-12/PV.10), concerning which he made a number of preposterous and inaccurate comments which do not square with the historical facts.

The members of the Assembly are painfully aware that the unlawful British occupation of the Islas Malvinas is the result of an act of force carried out in 1833 over the repeated protests of the Argentine nation. The Assembly is also aware that Argentina has a clear title of sovereignty to the Islas Malvinas and their dependencies, as has been recognized by the Inter-American Juridical Committee, the Meeting of Consultation of the Ministers of Foreign Affairs of the Inter-American Treaty of Reciprocal Assistance, and the summit conferences of the non-aligned countries held at Colombo in 1956 and at Havana in 1979.

As is common knowledge, the Malvinas crisis stems from the United Kingdom's stubborn persistence in maintaining an anachronistic colonial situation in the South American Atlantic, in blatant violation of the Charter of the United Nations and the General Assembly's Declaration on decolonization contained in resolution 1514 (XV). The United Kingdom has thus created a situation that is injurious to the dignity and territorial integrity of the Argentine Republic and will, unless a solution which goes to the root cause is found, continue to be a constant source of conflict between that extracontinental Power and its allies, on the one hand, and Argentina and the other Latin American countries, on the other.

The Government of Her Britannic Majesty cannot be unaware that Prime Minister Thatcher's aim of prolonging indefinitely Britain's colonial domination over the Malvinas is "incompatible with the purposes and principles of the Charter of the United Nations" (resolution 1514 (XV)). It is therefore entirely beside the point for Ambassador Parsons to quote Article 2, paragraphs 3 and 4, and

Article 73 of the Charter. The United Kingdom representative cited only parts of Security Council resolution 502 (1982), referring to it as if it had two, and not three, components. In resolution 502 (1982), the Security Council called for: (1) the cessation of hostilities; (2) the withdrawal of Argentine forces; and (3) negotiations between Argentina and the United Kingdom on a diplomatic solution of their disputes.

The United Kingdom has not complied with either paragraph 1 or paragraph 3 of resolution 502 (1982). That resolution did not authorize the United Kingdom to use force against Argentina, as I pointed out in the letter I addressed to the President of the Security Council on 14 April 1982. Thus, at the 2350th meeting of the Council, the Minister for Foreign Affairs of Panama, Dr. Jorge E. Illueca, made it plain, without objection from any State member of the Council, that "the Council has not empowered the United Kingdom to undertake military operations such as the one under way in the Atlantic, in which units are now moving towards the Argentine territory of the Malvinas Islands" (see S/PV.2350).

In the same letter, I emphasized that the action taken by the United Kingdom against Argentina was not a case of self-defence as defined in Article 51 of the Charter. A great expert on the Charter, Robert Kaplan, who served in the Secretariat between 1948 and 1951, argued against Ambassador Parsons's convenient thesis in today's issue of The New York Times. As Mr. Kaplan wrote, "for the British to invoke article 51 of the Charter, 'self-defense', is ludicrous".

The United Kingdom cannot claim to represent, motu proprio, the collective will of the United Nations, nor does it have any mandate to act as policeman for the world. As Mr. Kaplan observed, "the British are equally aggressors, having taken the law into their own hands". His conclusion, which is as dramatic as it is accurate, gives cause for serious reflection: "that the United States and you should applaud this undermining of the rule of law reflects the over-all cynicism about the United Nations that has characterized most of its history and is largely responsible for its weakness".

As regards paragraph 3 of Security Council resolution 502 (1982), which has consistently been rejected by the British Government and which the United Kingdom representative scrupulously avoided mentioning in his letter, it is well to remind the international community that the intention of the Security Council could only have been to link the cessation of hostilities with the initiation of negotiations to give effect to General Assembly resolution 2065 (XX).

In that resolution, the General Assembly, "prompted by the cherished aim of bringing to an end everywhere colonialism in all its forms, one of which covers the case of the Falklands (Malvinas)", took note of the dispute between Argentina and the United Kingdom concerning sovereignty over the islands. It therefore invited the two Governments to proceed without delay with negotiations to find a peaceful solution to the problem through the decolonization of the Islands.

In the words of an old Chinese proverb, "An easy conscience is often the result of a poor memory". In present circumstances, the United Kingdom should be reminded that, 17 years having elapsed since the adoption of resolution 2065 (XX),

the General Assembly had every reason to urge the Governments concerned, in its resolution 3160 (XXVIII) of 14 December 1973, "to proceed without delay with the negotiations, in accordance with the provisions of the relevant resolutions of the General Assembly, in order to put an end to the colonial situation".

Self-determination, as referred to in the Charter, in the Covenants on Human Rights and in numerous resolutions of United Nations organs, is a right accorded for the benefit of the oppressed and not of the oppressors.

In his letter, the representative of the United Kingdom officially concedes that the Islas Malvinas (Falkland Islands) have no native population, since he openly admits that the people of the "Falkland Islands" (Islas Malvinas) are "a people of British descent and nationality".

Here, the legal adage "admission by a party constitutes evidence" applies. It would be the height of absurdity to claim, as the United Kingdom does, that the right of self-determination is being exercised in a British colonial territory by a British mini-population artificially installed in the Argentine territory of the Islas Malvinas.

This colonial situation, which led to the painful and bloody conflict, was rightly denounced by the Minister for Foreign Affairs of Venezuela, Dr. José Alberto Zambrano Velasco, in Washington on 26 April 1982, in the following terms:

"Since the continent has undergone a complete process of decolonization, it is most surprising that, under the system of administration imposed on the Malvinas by the United Kingdom, the old system of colonial exploitation should have persisted since 1851. It involves the anomalous domination of the Falkland Islands Company, which controls more than half the population of the islands, to the point where they are dependent on the company rather than on the Foreign and Colonial Office. As the Sunday Times of London observed on 4 April last, 'there is little real independence or security. Most families are not freeholders, but tenants of the Falkland Islands Company. Their homes are, in effect, tied cottages, and they have to leave - usually for New Zealand or the Home Counties - when they are too old for work'.

This refers to the present commercial company, which obtained its charter from Queen Victoria in 1851.

"The Malvinas were simply pieces in an imperial scheme, under which control of straits was essential for control of the seas and control of the seas was essential for the exploitation of resources on land, in order to create a broad economic base for political dominion.

"In the case of Argentina, its deprivation of the Malvinas by violence and the continuation of that situation to this day is all part of the same imperialistic concept. In pursuit of its objectives, the rights of peoples and of individuals are ignored."

In short, the territorial colonialism in the Malvinas, administered from London, is further evidence of the validity of the comments by John Bright, who, in a speech on "Morality and Military Greatness", said that the great territorial families of England, which had been enthroned at the Revolution (1688), had followed their prey like jackals of the desert.

The Permanent Representative of the United Kingdom states with surprising coolness that the Gurkhas "are regular members of the British Army and not in any sense mercenaries". This blithe assertion is contrary to historical fact. The Encyclopedia Americana defines "Gurkha" as "a Nepalese mercenary soldier in the British army". The reference is to the native highlanders of Nepal whom England enlisted in the colonial entity known as the East India Company in 1815, giving them the name of "Goorkhas" or "Gurkhas" (see The Encyclopedia Americana, vol. 13, International Edition, 1970).

The Gurkha mercenaries have a history of their own. They were used by the British at the siege of Delhi in 1857, in the Boxer Rebellion in 1900, in operations during the First and Second World Wars and in the attack on the Argentine defences at Mount William in the Malvinas, as stated by Prime Minister Margaret Thatcher in the House of Commons on Tuesday, 15 June 1982.

The United Kingdom representative, referring to the introduction of nuclear submarines into the South Atlantic, said he wished "to confirm that it is inconceivable that the United Kingdom would use nuclear weapons against Argentina". The British Government, however, has not said that it will not use nuclear weapons against Argentina.

The Treaty of Tlatelolco prohibits nuclear weapons because they "constitute, through the persistence of the radioactivity they release, an attack on the integrity of the human species and ultimately may even render the whole earth uninhabitable". The Treaty also embodies an undertaking to use nuclear material and facilities exclusively for peaceful purposes.

The deployment of British nuclear submarines in South Atlantic waters was not for peaceful purposes, since they were and are engaged in military operations. The destruction of those submarines by accident or by missile would undoubtedly cause fatal contamination of the natural environment in the area, and their presence constitutes an attack on the health and safety of the States of the region, their natural resources and their inhabitants.

There could be no better way of proving that the British Government has not, through the belligerent operations of its nuclear-powered submarines, made a mockery of the Treaty of Tlatelolco than for that Government to agree to submit them to inspection by the International Atomic Energy Agency, which would dispel the justified apprehensions of the centres of population in the Latin American region.

Recent events have highlighted the most unfortunate behaviour of the United Kingdom Government in trying to use several thousand prisoners of war in the Malvinas as hostages in order to exert pressure on the Argentine Government. Such

behaviour violates the Geneva Conventions, which were adopted in a desire to avoid the tragic experience of the war crimes committed by the Third Reich. In keeping with the Geneva Convention relative to the Treatment of Prisoners of War, the United Kingdom is obliged to provide them with quarters, clothing, shelter, food, medicine and proper medical attention. It is required in any event to make the necessary arrangements for their repatriation. The death, disability or permanent incapacity of prisoners of war as a result of failure to comply with these obligations would, in this case, be in the nature of genocide. The State responsible would be guilty of a crime against humanity.

Lastly, on instructions from my Ministry of Foreign Affairs, I would inform the General Assembly that in the view of the Government of Panama, and notwithstanding the statements of the United Kingdom representative, the Government of the United Kingdom of Great Britain and Northern Ireland has not only failed to carry out the cessation of hostilities ordered by the Security Council but continues to this day to refuse to proceed with negotiations between the United Kingdom and Argentina for a diplomatic solution to their differences, as called for in resolution 502 (1982).

The Government of Prime Minister Thatcher, according to reports in the world press, has rejected any possible participation by the United Nations in the process of restoring peace. "These men," says the Prime Minister, "did not risk their lives to have a United Nations trusteeship".

The British Government's refusal to negotiate constitutes disregard both for Security Council resolutions 502 (1982) and 505 (1982) and for General Assembly resolutions 2056 (XX), 3160 (XXVIII) and 31/49. The United Kingdom thus gains the dubious distinction of forming part of the gang headed by South Africa and composed of those countries which refuse to comply with the resolutions of United Nations organs, in disregard of the principles and purposes of the United Nations Charter.

The apparent triumph of British arms in the battle of the Malvinas is a Pyrrhic victory which cannot defeat the overriding intention of mankind to eradicate colonialism from the face of the earth.

The Prime Minister paid tribute to the British forces, but she overlooked the fact that the honours of her baneful colonial campaign must be shared with the United States, the European Economic Community, the North Atlantic Treaty Organization and the Gurkha mercenaries, since without their help the restoration of the anachronistic colonial presence in the Malvinas would never have been achieved, nor can it be maintained in the future over a distance of 8,000 miles.

Argentina was not defeated by the United Kingdom. Our southern neighbour had to give way before the overwhelming assault of the joint resources of the United Kingdom, the United States and the European Economic Community.

Panama regrets the aftermath of death, destruction, suffering, resentment and institutional deterioration which the colonial battle of the Malvinas has left both in Argentina and the United Kingdom and in the European and Latin American regions, together with a serious disruption of relations in our hemisphere.

A/S-12/30  
English  
Page 6

We Latin Americans have learnt some striking lessons from the heroism, gallantry and dignity of the Argentines and their will to restore their territorial integrity.

The Latin American generations are forging new symbols for their future achievements. Among these, we note with pride the feats of the Argentine air force, whose pilots intrepidly and with superb technique astounded the world by their repeated victories over the modern British colonial fleet.

I request you to arrange for this letter to be circulated as a document of the twelfth special session of the General Assembly.

(Signed) Carlos OZORES T.  
Ambassador  
Permanent Representative

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