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LETTER DATED 30 JUNE 1982 FROM THE PERMANENT REPRESENTATIVE OF THE
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND TO THE UNITED
NATIONS ADDRESSED TO THE PRESIDENT OF THE GENERAL ASSEMBLY

I have the honour to refer to the letter dated 17 June from the Permanent Representative of Panama (A/S-12/30), setting out the reply of his Government to my letter of 14 June (A/S-12/29) concerning the Falkland Islands. On most issues it is not necessary for me to repeat the well-known positions of the United Kingdom, which remain unchanged. These issues include the United Kingdom's sovereignty over the Falkland Islands and the application to them of Article 73 of the Charter of the United Nations; Argentina's violation of Article 2, paragraphs 3 and 4, and Article 73 of the Charter; the United Kingdom's consequent resort to measures of self-defence in a manner fully consistent with the Charter, including its Article 51; the present effect of Security Council Resolution 502 (1982); the treatment of Argentine prisoners in accordance with the Third Geneva Convention of 1949; and the non-applicability of the Treaty for the Prohibition of Nuclear Weapons in Latin America to nuclear-powered submarines. There are, however, two issues on which a slightly more detailed reply is called for, not least because the Panamanian arguments are based on non-official source materials.

First, there is the Panamanian argument that the right of self-determination is a right accorded for the benefit of "the oppressed", that the Falkland Islanders were "artificially installed" in the Islands and that they do not enjoy this right. A reading of the Charter and the International Covenants on Human Rights gives no support to the assertion that the right is limited to "oppressed" people. On the contrary, the Covenants provide that "all peoples have the right of self-determination" (see the common article 1). The fact that the islands were originally uninhabited (unlike South America) is irrelevant. Moreover, the Falkland Islanders were not "artificially installed": information about them is available from a recent census, a more reliable source than newspaper articles. The census returns for December 1980 show that of a total population of 1,813, as many as 1,360 had been born on the Islands. More than half the people had been resident on the Islands for more than 20 years. Only 126 persons had been resident for less than a year and 32 of those were infants. Many of the families can trace their roots back for six or seven generations, that is to say, to the middle of the

nineteenth century. Just as people went from Europe to different parts of South America during the nineteenth and early twentieth centuries, so people went to the Falkland Islands. The latter's descendants cannot be said to have been "artificially installed" any more than the peoples of South America. The present population of the Islands is the only viable community which has ever existed there throughout the whole of history, the previous French, Spanish and short-lived Buenos Airean colonies never having achieved anything like sufficient numbers or permanence to be counted as viable communities.

The second issue concerns the definition of the term "mercenary". There now exists an internationally agreed definition of this term; it is not necessary therefore to rely upon encyclopedias. The agreed definition is contained in article 47 of Protocol I of the 1977 Protocols Additional to the Geneva Conventions of 1949. From the terms of that definition, it is clear that no person who took part in the recent conflict on the side of the United Kingdom could properly be described as a "mercenary". If my previous statement on this point appeared to be "cool" to the Permanent Representative of Panama, this may simply be due to a lack of familiarity with this recent Protocol.

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

(Signed) A.D. PARSONS
