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NOTE

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The resolutions of the Security Council, numbered in accordance with a system adopted in 1964, are published in yearly volumes of *Resolutions and Decisions of the Security Council*. The new system, which has been applied retroactively to resolutions adopted before 1 January 1965, became fully operative on that date.

2360th meeting

Held in New York on Friday, 21 May 1982, at 2.30 p.m.

President: Mr. LING Qing (China).

Present: The representatives of the following States: China, France, Guyana, Ireland, Japan, Jordan, Panama, Poland, Spain, Togo, Uganda, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Zaire.

Provisional agenda (S/Agenda/2360/Rev.1)

1. Adoption of the agenda
2. Question concerning the situation in the region of the Falkland Islands (Islas Malvinas):
 - (a) Letter dated 4 May 1982 from the Permanent Representative of Ireland to the United Nations addressed to the President of the Security Council (S/15037);
 - (b) Letter dated 20 May 1982 from the Secretary-General addressed to the President of the Security Council (S/15099);
 - (c) Letter dated 21 May 1982 from the Permanent Representative of Panama to the United Nations addressed to the President of the Security Council (S/15100)

The meeting was called to order at 3.15 p.m.

Adoption of the agenda

The agenda was adopted.

Question concerning the situation in the region of the Falkland Islands (Islas Malvinas):

- (a) Letter dated 4 May 1982 from the Permanent Representative of Ireland to the United Nations addressed to the President of the Security Council (S/15037);
- (b) Letter dated 20 May 1982 from the Secretary-General addressed to the President of the Security Council (S/15099);
- (c) Letter dated 21 May 1982 from the Permanent Representative of Panama to the United Nations addressed to the President of the Security Council (S/15100)

1. The PRESIDENT (*interpretation from Chinese*): I should like to inform members of the Council that I have received letters from the representatives of Argentina, Australia, Brazil, Ecuador, Mexico, Uruguay and Venezuela in which they request to be invited to participate in the discussion of the item on

the agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the provisional rules of procedure.

At the invitation of the President, Mr. Ros (Argentina) took a place at the Council table; Mr. Street (Australia), Mr. Corrêa da Costa (Brazil), Mr. Albornoz (Ecuador), Mr. Muñoz Ledo (Mexico), Mr. Azar Gomez (Uruguay) and Mr. Martini Urdaneta (Venezuela) took the places reserved for them at the side of the Council chamber.

2. The PRESIDENT (*interpretation from Chinese*): The Council is meeting today pursuant to the letter dated 4 May from the representative of Ireland addressed to the President of the Council [S/15037]; the letter dated 20 May from the Secretary-General addressed to the President of the Council [S/15099]; and the letter dated 21 May from the representative of Panama addressed to the President of the Council [S/15100]. Members of the Council also have before them document S/15101, which contains the text of a letter dated 21 May from the representative of Argentina addressed to the President of the Council.

3. I now call on the Secretary-General.

4. The SECRETARY-GENERAL (*interpretation from Spanish*): Mr. President, I felt it my duty to inform you yesterday evening that my efforts to facilitate an agreement between the Argentine Republic and the United Kingdom in respect of the Islas Malvinas (Falkland Islands), initiated in pursuance of my responsibilities as Secretary-General, did not offer the present prospect of bringing an end to the crisis. The armed conflict persists and threatens to grow worse. In these grave circumstances, I wish to give the Council an account of the actions I have taken in pursuit of the objectives of Council resolution 502 (1982).

5. Following the adoption of that resolution, I continued my contacts with the parties and with the President of the Council concerning the situation. The views which I expressed were based on the Charter of the United Nations and on resolution 502 (1982), the implementation of which I repeatedly urged. I also made arrangements for contingency planning within the Secretariat so that the United Nations could be in

a position to implement effectively any responsibilities which might be entrusted to it.

6. As long as the efforts of the Government of the United States to facilitate a peaceful solution of the dispute in the context of the Council's resolution were under way, I voiced the hope that they would succeed, and I expressed the view that nothing should be done to interfere with that delicate process. At the same time, I affirmed my readiness to do all I could to be of assistance in achieving a peaceful solution.

7. In separate meetings on 19 April with the representative of Argentina and the representative of the United Kingdom, and also with the representative of the United States, I outlined the assistance that the United Nations could render, if requested, in pursuance of any understanding or agreement that the parties might reach consistent with resolution 502 (1982). I stated that, for example, a small presence of United Nations civilian and military observers could be used to supervise any agreed withdrawal of armed forces and civilian personnel, as well as any interim administrative arrangements. United Nations auspices for such arrangements could also be provided, as could a United Nations temporary administration. I indicated that any arrangements of this kind would require the prior authorization of the Security Council; that, as a practical matter, they would presuppose the consent of the parties; and that such arrangements were mentioned without prejudice to the possibility of other types of action that the Council might decide upon.

8. An informal note was given to the representatives summarizing these ideas. Meanwhile, in connection with these ideas, detailed plans were developed, as part of the contingency planning I have mentioned, which could be made available to the parties at the appropriate time, on the understanding that implementation would require a decision of the Council.

9. On 30 April, I met at United Nations Headquarters with Mr. Nicanor Costa Méndez, Minister for Foreign Affairs and Worship of the Argentine Republic. Later that day, I received a letter from Mr. Alexander Haig, Secretary of State of the United States of America, which provided information on the American proposal which had been presented to the parties and a statement of the position taken by the United States in the light of the existing situation.

10. In separate meetings on 2 May with the Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom, Mr. Francis Pym, and with the representative of Argentina, I handed over an aide-mémoire in which I expressed my deep concern over the grave situation and emphasized my conviction that the United Nations had a most serious responsibility under the Charter urgently to restore peace and to promote a just and lasting settlement. I stated that the implementation of resolution 502 (1982) was imperative.

11. In my aide-mémoire, I suggested that the two Governments agree to take simultaneously the following steps, which were conceived as provisional measures, without prejudice to the rights, claims or position of the parties concerned. I proposed specifically that at a specified time, "T":

(a) The Argentine Government begin withdrawal of its troops from the Islas Malvinas (Falkland Islands) and the United Kingdom Government redeploy its naval forces and begin their withdrawal from the area of the Islas Malvinas (Falkland Islands), both Governments to complete their withdrawal by an agreed date;

(b) Both Governments commence negotiations to seek a diplomatic solution to their differences by an agreed target date;

(c) Both Governments rescind their respective announcements of blockades and exclusion zones and cease all hostile acts against each other;

(d) Both Governments terminate all economic sanctions;

(e) Transitional arrangements begin to come into effect under which the above steps would be supervised and interim administrative requirements met.

12. Reiterating my readiness to be of assistance, I recalled my conversations with the representatives of the two parties on 19 April and I stated that practical arrangements for a United Nations role in a settlement could be completed expeditiously, subject to the consent of the parties and the decision of the Security Council.

13. On 5 and 6 May, I received responses from the Government of Argentina and from the Government of the United Kingdom, respectively. Both accepted the approach contained in the aide-mémoire as providing a basis or framework for an agreement that would bring the armed conflict to a halt and make possible a peaceful settlement. At the same time, the responses raised a number of points on which agreement was needed.

14. On 7 May, the Under-Secretary for Foreign Affairs of Argentina, Mr. Enrique Ros, arrived in New York to represent Argentina in the exchanges. Since that date I have had some 30 separate meetings with the two sides with the purpose of assisting them in reaching an agreement along the lines suggested in my aide-mémoire of 2 May. The intention was to develop the ideas spelled out in my aide-mémoire with a view to defining, point by point, the elements of a mutually acceptable text.

15. In my judgement, essential agreement was obtained, towards the end of last week, on the following points:

1. The agreement sought would be interim in nature and would be without prejudice to the rights, claims or positions of the parties concerned.

2. The agreement would cover: (a) a cease-fire; (b) the mutual withdrawal of forces; (c) the termination of exclusion zones and of economic measures instituted in connection with the conflict; (d) the interim administration of the territory; and (e) negotiations on a peaceful settlement of the dispute.

3. The initiation of these various parts of an agreement would be simultaneous.

4. Withdrawal of forces would be phased and would be under the supervision of United Nations observers.

5. The interim administration of the territory would be under the authority of the United Nations. The United Nations flag would be flown. Argentina and the United Kingdom would establish small liaison offices, on which their respective flags could be flown.

6. The parties would enter into negotiations in good faith, under the auspices of the Secretary-General of the United Nations, for the peaceful settlement of their dispute and would seek, with a sense of urgency, the completion of these negotiations by 31 December 1982, taking into account the Charter of the United Nations and the relevant resolutions of the General Assembly. The negotiations would be initiated without prejudice to the rights, claims or position of the parties and without prejudging the outcome. The negotiations would be held in New York or its vicinity.

16. The crucial differences that remained concerned the following points, on which various options were being considered, at my suggestion:

1. Certain aspects of the interim administration of the territory.

2. Provisions for the extension of the time-frame for completion of negotiations and the related duration of the interim administration.

3. Certain aspects of mutual withdrawal of forces.

4. The geographic area to be covered by the terms of the interim agreement.

17. On 17 May the representative of the United Kingdom delivered to me the draft of an interim agreement on the *Islas Malvinas* (Falkland Islands) dispute which I transmitted to the Argentine Under-Secretary for Foreign Affairs on the same day. During the night of 18-19 May, I received the text of an Argentine draft of such an interim agreement, which I promptly made available to the British side.

18. On studying these texts it was apparent that they did not reflect the progress which had, in my view, been achieved in the previous exchanges and that the differences on the four points unfortunately remained.

19. On 19 May I spoke by telephone with President Galtieri and Prime Minister Thatcher to express my concern and suggest certain specific ideas which might assist the parties at this critical stage. Both agreed to give them consideration. I subsequently presented to the two sides, on the same day, a further aide-mémoire listing, as I have just done for the Council, the points on which I felt essential agreement had been reached and the four crucial questions which remained unresolved. I pointed out that the extent of agreement was, in my opinion, substantial and important—so much so that, if it were incorporated in the text of an interim agreement, the requirements of Council resolution 502 (1982) would be met. I expressed my deep concern, however, that unless the remaining points were resolved in the very immediate future, all that had been accomplished would be lost and the prospects for the early restoration of peace frustrated.

20. In the desire to be of assistance to the parties in the urgent requirement of overcoming these differences, I also included suggestions and formulations in my aide-mémoire of 19 May which might satisfactorily meet their preoccupations on the four important issues still unresolved, without prejudice to the rights, claims or position of either of the parties.

21. It remains my belief that an agreement along the lines developed in the exchanges over the past two weeks, incorporating the approaches suggested in my aide-mémoire of 19 May, could restore peace in the South Atlantic and open the way for an enduring solution of the long-standing dispute between two Member States. By yesterday evening, however, the necessary accommodations had not been made. I concluded that, in the light of the Security Council's responsibilities under the Charter for the preservation of peace, I must urgently inform you, Mr. President, of my appraisal of the situation. I did so at 9 o'clock last night.

22. I should like to express appreciation for the important support that the Council has given to my efforts and for the understanding shown by the Council members as the exchanges with the parties have been under way. I would reiterate my personal commitment to be of assistance in every way towards the lasting resolution of this problem.

23. The prospect that faces us is one of destruction, continuing conflict and, above all, the loss of many, many young lives. Efforts must continue to find the means of avoiding this and restoring peace. There is no other course.

24. The PRESIDENT (*interpretation from Chinese*): I now call on the representative of Argentina.

25. Mr. ROS (Argentina) (*interpretation from Spanish*): Mr. President, before speaking as the Council has authorized me to do, I should like to say how pleased I am to see you presiding, in such an outstanding way, over the Council. I should also like —although I shall be mentioning this later in my statement—to express deep thanks for the work done by the Secretary-General, who has spared no personal efforts in his attempt to fulfil the mandate conferred upon him.

26. I am appearing before the Security Council, the organ that has the primary responsibility for the maintenance of peace and security in the world, at a time when a very important air and naval battle is under way on the territory of my homeland.

27. Argentina is being victimized this very day by another serious and grave military attack on the part of the air and naval forces of the United Kingdom in the South Atlantic. Our history, regrettably, has known other cases of British aggressions, invasions and blockades; as in the past, we shall be able to withstand this irrational aggression.

28. There is fighting on Argentine soil. We do not know, nor do we wish to predict, its results, but, regardless of those results, nothing can bend the firm and resolute will of the entire Argentine people to defend to the end our rights to the islands that are an inalienable part of our homeland.

29. The Argentine people is united as it has been in the most glorious hours of its history, aware of its own calm strength and determined to defend itself in the face of any military aggression, regardless of its magnitude.

30. The Argentine people is, moreover, united with the brother peoples of Latin America, not only by links of blood created by struggles for independence, but also by the indestructible links of effective solidarity and a common reaction to the arrogance and disdain of the aggressor.

31. The Argentine people also feels the solidarity of the non-aligned countries, most of which were born to international life following a struggle against colonial domination and foreign occupation.

32. All this solidarity emerges as the expression of a deep conviction, a sense of duty and a commitment to justice and historic truth. It also emerges as a result of a mature knowledge of international reality, where the trials to which peoples are subjected make it possible to distinguish clearly who one's true friends are and through them and with them to discover new facets of one's own identity.

33. When the Council adopted resolution 502 (1982) on 3 April, the Minister for Foreign Affairs of Panama warned the United Nations of the grave con-

sequences that would derive from a resolution that completely disregarded the basic colonial aspect of the question. The events that have occurred since that time demonstrate incontrovertibly that the Foreign Minister of Panama was quite right in predicting the dangers of ignoring the consequences of the maintenance of colonial situations.

34. He was also right in warning the United Kingdom that it must not use the resolution to embark on a warlike adventure. I quote the following words of the Foreign Minister of Panama in explaining his vote against resolution 502 (1982):

"I wish to state that resolution 502 (1982) in no way authorizes the United Kingdom to resort to force through its naval units or war fleet. It should be made quite clear 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." [2350th meeting, para. 287.]

35. But, in spite of the serious shortcomings of resolution 502 (1982) and the serious reservations it deserved because it did not note the fact that this is an anachronistic colonial case, Argentina unequivocally stated its readiness to comply with its provisions, so long as the British Government adopted a corresponding attitude.

36. The history of the events that have occurred since the adoption of the resolution can be followed through two clearly defined lines in connection with that resolution: the Argentine attempts to arrive at a peaceful and just solution, and British attempts to obstruct the course of peace by attempting to preserve its colonial control over the islands in a direct or indirect form.

37. Argentine readiness to respect the authority of the Council has been stated clearly and explicitly on every occasion: on 12 April, the representative of Argentina addressed a letter to the President of the Council [S/14968] expressing Argentine readiness effectively to fulfil each and every one of the paragraphs of Council resolution 502 (1982).

38. That same readiness was reiterated in letters from the representative of Argentina to the President of the Council, dated 16 and 30 April [S/14984 and S/15021]. In those communications, the intention of the Argentine Government in this connection is reaffirmed.

39. It was within the context of resolution 502 (1982) that Argentina agreed to explore the paths of negotiation opened up through the action of the United States before that country rejected the alternative of peace and openly supported the bellicose stand of the British. While that forum existed, Argentina offered

its full co-operation and did everything in its power to facilitate a meeting of minds, basing itself from the outset on the clear acceptance of the three operative paragraphs of resolution 502 (1982) and willingness to negotiate. If that forum proved fruitless, it was because the British matched our attitude of peace and negotiation not with a like spirit, but instead with the desire for domination of the region and with the certainty that they could rely on the support of the country which was soon to disregard resolution I of the Twentieth Meeting of Consultation of Ministers of Foreign Affairs of the Organization of American States (OAS), adopted in Washington on 28 April [S/15008, annex], and apply immediate sanctions.

40. It was in that same spirit that my Government, in a letter dated 13 April, from the representative of Argentina to the President of the Council [see S/14975, annex], welcomed the Peruvian truce proposal [S/14966, annex], which the United Kingdom rejected.

41. We must stress here that it was precisely when Argentina was considering other peace proposals that the United Kingdom proceeded to sink the cruiser *General Belgrano*, outside the exclusion zone or, rather, the blockade zone, an act without precedent, to which I shall refer later. That horrible act of aggression and the attitude of the British caused the failure of these further peace moves, as has been publicly stated by the Government of the sister Republic of Peru [see S/15071, annex].

42. None the less, the British have continued to accuse my Government of being intransigent. They have also done so here in the Council. Does this mean that, for the British Government, anyone who does not accept its demands is for that reason automatically described as "intransigent" and "inflexible"? This arrogance can be seen in the efforts of the extensive British propaganda machinery to convince world public opinion that a country in the far south is not adapting itself to London dictates. In this way, the truth is distorted, reasoning is clouded and the truth does not emerge.

43. Let us now take a look at what contributions the British have made to arriving at a negotiated settlement of the question. Let us not even mention the political blindness of the United Kingdom leaders, who have kept alive an anachronistic problem long beyond what was just and reasonable; let us not even mention the existing lack of proportion between the bloodless recovery of the islands by Argentina and the bloody military escalation arising from the British Government's nostalgic desire for imperial prestige. Let us simply look at the facts. On 3 April the British representative stated in the Council:

"Article 25 of the Charter of the United Nations states that: 'The Members of the United Nations agree to accept and carry out the decisions of the

Security Council in accordance with the present Charter.' It is our earnest hope and wish that the Argentine Government will act accordingly and enable both of us, the United Kingdom and Argentina, to resume the path of peaceful negotiation towards the settlement of our differences." [2350th meeting, para. 286.]

44. Following that profession of respect for the Charter, we might at least have expected that the United Kingdom itself would have been shamed into complying with the Charter.

45. The truth is that, while the Security Council was requesting a cease-fire, the British Government was preparing the dispatch of the largest British fleet ever constituted in a war operation since 1956, when the United Kingdom launched the Suez adventure. This continuing military activity that threatened Argentine security and integrity not only endangered the prospects of the negotiated solution required by resolution 502 (1982), but also made it impossible for Argentina to begin to implement that resolution with respect to the withdrawal of its troops. How can such far-reaching duplicity be explained? How could that country's proclaimed desire "to resume the path of peaceful . . . settlement of our differences" be reconciled with the preparations for war which its Government was making at that very moment with the help of war material supplied by the greatest Western military Power?

46. And, on the contrary, what advantage could there be for Argentina in maintaining its forces in operations in the Malvinas? What threat did Argentine territorial integrity constitute for the United Kingdom, 14,000 kilometers from its coasts?

47. Had the British negotiated in good faith during those 17 long years, had they facilitated negotiations, as requested by resolution 502 (1982), instead of embarking on a war which obliged us to defend our rights and made it impossible for us to withdraw our troops in the absence of genuine negotiation and of British willingness to negotiate, then today we would be enjoying peace.

48. While the British fleet was advancing and being strengthened under the cover of initial negotiations in which the only party interested in a definitive solution to the long dispute was Argentina, the British were arrogating to themselves the function of international policing without, of course, the existence of any such mandate from the Council.

49. Together with the announcement of the dispatch of the colonial fleet, the United Kingdom decided on the adoption of measures clearly constituting aggression. On 10 April it was announced in London that, as of 12 April, a blockade zone would be created around the Malvinas.

50. Successive British naval and air attacks against Argentina in the region of the Malvinas, South Georgia and South Sandwich, as well as the loss of human lives caused by those acts of aggression, have been reported to the Council through notes from the Argentine Mission, which are part of the documentation on this item.

51. Similarly, we must also condemn in the United Nations the fact that, in these attacks and bombings, reiterated and publicized brazenly every day by the United Kingdom, weapons of indiscriminate effect were used, posing a grave threat to the civilian population of the Malvinas, which ironically enough, according to the British Government itself, constitutes its greatest concern.

52. The humane character of the British was also clearly demonstrated in the dastardly attack perpetrated by a nuclear submarine against the cruiser *General Belgrano* when it was moving towards the continent and was outside the unlawful blockade zone arbitrarily imposed by the United Kingdom. The bodies of 20 crew members were found; 301 crew members are missing. It is not surprising that, when this fact, which, quite rightly, appalled world public opinion, became known, a member of the British Parliament accused the Prime Minister of having committed "mass murder on the high seas".

53. Every time the United Kingdom has committed one of the odious acts described above, it has felt the need to soothe its conscience by invoking the right of self-defence.

54. The corruption of principles is a grave crime and the Government of the United Kingdom is assuming that responsibility lightly.

55. It is known that, under Article 51 of the Charter of the United Nations, unilateral actions must cease when the Security Council has already taken measures. There is a legal obligation to suspend self-defence once the Council "has taken measures necessary to maintain international peace and security". The determination of whether such measures have been effective must be reached objectively and cannot be left to the arbitrary judgement of the Government of the United Kingdom itself.

56. The United Kingdom decided on the mobilization of the fleet, on the naval blockade and on the grave measures of economic blockade within a few hours of the adoption of the Council resolution 508 (1982). Because of this, it cannot take shelter behind an alleged lack of compliance with that resolution by Argentina, which could hardly have withdrawn its troops in the face of the specific threats of aggression made by the British Government. Moreover, Argentina announced that it was prepared to comply with the resolution and expressed that readiness before the Council.

57. The exercise of self-defence which the United Kingdom is alleging could only have taken place in the absence of a resolution by the Council. But the resolution has been adopted, and the response of the United Kingdom to the Council has been reiterated violation of that resolution, which demands the cessation of hostilities.

58. Self-defence can be exercised only as an immediate reaction to protect essential interests. The Government of the United Kingdom had come to the Council for the protection of its interests, but it was unilaterally adopting all types of measures of a warlike nature. Its war fleet was advancing and naval and air attacks were being made against my country.

59. Self-defence can be used only to repel imminent and grave danger. In the existing circumstances, the United Kingdom could not allege any imminent and grave danger. Argentina had complied in regard to the cessation of hostilities and had not threatened the United Kingdom. On the contrary, it had repeated on several occasions that it accepted a peaceful settlement of the dispute, and to that end it was the first to accept the steps taken by the Secretary-General. It negotiated in good faith on the initial proposals submitted by the Secretary-General; the fruitless result of those negotiations is the responsibility of the United Kingdom alone.

60. This demonstrates the curious form of negotiation adopted by the British Government. While negotiations were under way to give the appearance of its readiness to find a peaceful settlement, brutal military pressure was being brought to bear. The alternatives were to accept its conditions or else suffer the pressures of war. But if those conditions were not accepted, then we were described as inflexible, according to the reasoning which British propaganda machinery had been disseminating throughout the world.

61. The United Kingdom cannot claim self-defence of territorial integrity to justify its acts of aggression. It is Argentine territorial integrity which has been violated. The islands belong to my country. The great majority of independent countries recognize the islands as Argentine, and the United Nations has characterized the dispute as a dispute over sovereignty. Moreover, even from its own standpoint, the United Kingdom cannot allege that the islands are part of its own metropolitan territory, but rather that they are part of an anachronistic colonial dependency.

62. At this stage of events, we believe that international opinion has understood the deep meaning of these facts and is shocked at the magnitude of the British action, at the violence and the warmongering spirit that inspire that Government. In the face of that fever for vengeance, the moderation with which my country has defended itself has been given international recognition, and the world understands that

Argentina is defending itself against a powerful aggressor. Argentina has not sought to humiliate, to defeat, to obtain a military victory over the United Kingdom, but simply to begin the recovery of that which belongs to it. We are prepared to negotiate in good faith for an honourable and intelligent solution, but cannot accept being led to sign any paper that the United Kingdom presents that involves a serious renunciation of our historic rights.

63. A genuine effort for peace has unfortunately failed. The generous offer of assistance submitted by the Secretary-General to both Governments on 2 May did not succeed in finding the solution which the gravity of the crisis requires.

64. Argentina was the first to comply with the initiative taken by the Secretary-General, as was quite logical. Thus, at the Secretary-General's request, my Government decided that I should come to this city to be available to the Secretary-General and to express Argentina's views on the proposal, as well as to begin a series of meetings involving intensive work, in which at the negotiating table Argentina once again stated its readiness to comply with the will of the United Nations, as expressed by the Security Council, as well as by General Assembly resolutions 1514 (XV), 2065 (XX), 3160 (XXVIII) and 31/49.

65. The Argentine Government has from the very outset, as a repeated demonstration of its historic position in relation to the United Nations, had full confidence in the role of the Organization and, in particular, the role which the Secretary-General might play in these grave circumstances to preserve international peace and security and to eliminate all vestiges of colonialism from the world.

66. Our will to negotiate was constantly threatened by military aggression. The United Kingdom did not accept a cease-fire, even informally, and in place of it, during these negotiations, extended its blockade to 12 nautical miles from the Argentine continental territory. On Sunday, 9 May, it resumed military hostilities, with military actions at Puerto Argentino and Puerto Darwin and against an Argentine fishing vessel.

67. As a result of the attack perpetrated on 3 May by a British helicopter against the Argentine dispatch boat *Alférez Sobral*, which was unarmed and on a rescue mission, eight crew members died and six others were wounded. On 9 May, British ships bombarded Puerto Argentino for 35 minutes. That same day, British helicopters attacked Puerto Darwin with missiles and 30-mm cannons.

68. None of this was enough. What happened to the crew of the *Narval* fishing boat attacked by bombs dropped by two British planes on 9 May was terrifying; it caused the death of one crew member and wounded another 14.

69. A Puma helicopter of the Argentine army was also attacked and downed by British planes in spite of the clear signs on the helicopter that it was on a search and rescue mission.

70. In spite of all these acts of aggression, the Argentine Government continued its willingness to negotiate, here in New York, under the chairmanship of the Secretary-General, in the spirit of searching for a peaceful solution that would resolve the questions and make it possible to fulfil Council resolution 502 (1982).

71. There would be no sense in my relating in chronological order everything that happened throughout those working sessions. But it is important for the Council to be informed of the substance of what was discussed and the consequences of all this for the maintenance of international peace and security.

72. From the very beginning of the steps taken by the Secretary-General, the United Kingdom adopted an attitude of rigidity in respect of the ideas that were put forward at the suggestion of the Secretary-General: that is, first, the mutual withdrawal of forces; secondly, an interim administration of the islands; and, thirdly, the initiation of negotiations on substance under the auspices of the Secretary-General. All of this was to be done simultaneously and at a predetermined time.

73. I shall say a few words about the mutual withdrawal of forces. The Argentine Republic accepted the cease-fire suggested by the Secretary-General and proposed a *modus operandi* for the mutual and gradual withdrawal of forces, under United Nations observation, following methods already explored. Notwithstanding that, the United Kingdom, during those negotiations, introduced new demands which imposed disturbing conditions aimed at bringing about a failure in the withdrawal of military forces from the region in an attempt to maintain indefinitely its warships, including nuclear submarines, in the area very near the islands, at a distance of 150 nautical miles. The United Kingdom clearly intended to keep its ships near the coasts, thus purporting to show that the Argentine forces were withdrawing under the pressure of the guns of the British ships and not voluntarily, as was our decision. No sovereign State could have agreed to that.

74. With regard to the establishment of an interim administration in the islands while the parties negotiated the substantive questions in the dispute, the Argentine Republic, in accepting the suggestions of the Secretary-General for an interim administration by the United Nations, proposed that the establishment of that administration should cover the Malvinas Islands and its dependencies, South Georgia and South Sandwich, for a predetermined period while substantive negotiations were under way.

75. In that connection, the Argentine Republic understood that an exclusively United Nations admin-

istration would be considered. The Argentine flag would also fly in the islands. The United Nations would carry out all legislative, executive, judicial and security functions needed to ensure the normal administration of the islands, by means of officials who were subjects of neither Britain nor Argentina, during the brief period of the negotiations, which would last approximately one year.

76. During that period, communications between continental Argentina and the islands would be kept open and there would be no artificial restrictions on the nationals of the parties on the islands or unfair discrimination aimed at immobilizing the territory, as a reminder of the Victorian era, and thus of perpetual maintenance of British control through a system artificially maintained over the years.

77. The Argentine airline LADE, which has served the islands for the last 10 years, and the scientific and merchant ships that operated there would enter the ports freely. Telephone, telegraphic and telex communications, as well as Argentine colour television services, would continue to operate. Also available would be the Argentine petroleum and gas services that provide energy to the islands, as well as the educational, health and all other services deemed useful in the interim period.

78. Those ideas were not accepted by the United Kingdom either. It seeks to keep the islands immobilized in time and space with the help of British colonial administrative structures in full operation, together with the United Nations administrator, thus placing conditions on the United Nations and on the process of negotiations on substantive issues.

79. It is impossible to accept, or to believe that the United Nations could agree to, such an attempt to prolong *sine die*, under its aegis, the structures of a colonial administration. This is a British claim that runs counter to the irreversible process of putting an end to colonial situations. We shall make further reference to this point.

80. With regard to negotiations on substantive issues, Argentina, while accepting the criterion of simultaneous action to set in motion the different aspects—mutual withdrawal of forces, interim administration and substantive negotiations—suggested by the Secretary-General, expressed its willingness to keep negotiating with the United Kingdom on the substantive issues under the auspices of the Secretary-General for a predetermined period.

81. Argentina was prepared not to place any pre-conditions on the negotiations in view of its confidence in its legitimate authority, recognized collectively by the Foreign Ministers of Latin America at the Washington meeting and the declarations of the members of the Movement of Non-Aligned Countries, thus creating an appropriate atmosphere for a

definitive, broad and rational settlement of the dispute to be found within the agreed period.

82. However, the United Kingdom attempted to place conditions on that negotiating process, first of all by insisting on a United Nations administration that would retain the colonial administrative structure which could prejudge and place conditions on substantive issues in the negotiating process. Secondly, the United Kingdom accepted neither direct nor indirect reference to General Assembly resolution 1514 (XV) nor to the three relevant resolutions of the Assembly on the question of the islands. That attitude constitutes absolute disregard of a 17-year process of bilateral negotiations and of resolutions of the General Assembly. It was thus the British Government, rather than Argentina, that laid down pre-conditions on the negotiating process by rejecting mention of the clear mandates of the General Assembly on this issue.

83. We have also been surprised to observe, throughout the recent negotiations, the British attempt to divide the territories and to submit to negotiation the future of only one of the archipelagos, while keeping the two smaller dependencies. They also wanted the interim administration of the United Nations to exclude those dependencies, and they rejected any withdrawal of their forces from those archipelagos. They did so in spite of the fact that in the course of the negotiations throughout these years, and even in joint Argentine-British communiqués sent to the United Nations, those dependencies were never considered separately. On the contrary, they have always been specifically mentioned. The United Nations has throughout its actions considered them as dependencies of the Malvinas Islands, and in the course of negotiations those territories were always considered to be a political and administrative unit. In this connection it is appropriate to mention the agreement contained in the joint communiqué issued in Buenos Aires and London on 26 April 1977 and transmitted to the General Assembly in letters addressed to the Secretary-General from the representative of Argentina, Carlos Ortiz de Rozas, and the representative of the United Kingdom, Ivor Richard.¹ The joint Argentine-British communiqués transmitted to the Assembly by the representative of the United Kingdom on 19 January 1979² and on 28 June 1979³ are eloquent proof that the three groups of islands were covered by the negotiations and that the United Kingdom was not excluding them but, rather, explicitly mentioning them by name.

84. Similarly, we should like to highlight the British claim to maintain the provisional administration of the United Nations indefinitely, perhaps because it feels that nothing is more permanent than that which is provisional. Its draft agreement, received on Monday afternoon, placed conditions on that provisional administration to the effect that agreement between the parties would be reached, meaning that the United Kingdom reserved its right to maintain

that situation if we did not accept what the British wished to impose at the negotiating table, which would have included our renouncing our rights.

85. In other words, the interim system would not end until the United Kingdom so desired. We believe that that may have been their intention: that the provisional administration could go on without being defined.

86. The persistent utilization of force by the United Kingdom has as a backdrop extremely serious attitudes that serve as a context for this question. The impassive attitude which has attended the escalation of violence, publicized and designed by the United Kingdom which clearly runs counter to the provisions of the Charter of the United Nations and Council resolution 502 (1982), is encouraged by the military and economic support directly provided by other countries.

87. There can be no doubt that behind all British reasoning and the recalcitrant attitude it has maintained throughout this lengthy process there is an attempt on the part of a permanent member of the Security Council to maintain and increase its military presence in the South Atlantic, a region which does not correspond to any of its legitimate interests.

88. This cannot be accepted by the United Nations or the Council, unless the United Nations is prepared to accept imperialism.

89. It is still early to draw full conclusions from everything that is happening. None the less, one thing appears with eternal clarity: the entire world wants peace; it does not want an escalation of violence; it wants a negotiated solution and the strengthening of the spirit of genuine negotiation; it does not want any evasion of the issues in the dispute, issues which are none other than an attempt to perpetuate colonial domination and a foreign presence, in violation of the territorial integrity of a nation which is a Member of the United Nations.

90. British air and naval attacks have succeeded each other in a virtually uninterrupted way since the very beginning of the latest attempt to find a peaceful settlement.

91. Hundreds of human lives have been lost, but this does not seem to be enough to deter the British Government in its will to conquer and its desire to see our blood shed. At this very moment the colonial intervention fleet of the United Kingdom has embarked on a large-scale attack, whose destructive effects in terms of lives and property may be vast. It is difficult to anticipate the consequences of this for regional and world peace, for the security of small and medium-sized countries and for the very future of the United Nations.

92. The Argentine Republic, in bringing this information to the Council, wishes to thank the United Nations, and in particular the Secretary-General, for the efforts made in the search for an appropriate framework in which to resolve the conflict between the Argentine Republic and the United Kingdom on the question of the Malvinas Islands, South Georgia and South Sandwich.

93. The Argentine Republic wishes to reaffirm to the Council its constant will to negotiate.

94. It is now up to the Council to assume its full responsibilities. The painful experience of these past weeks clearly demonstrates what the next step must be if the Council is to be effective and constructive.

95. My country wants justice and wants to live in peace, and it has demonstrated at high cost that it is prepared to defend itself in order to achieve that. Likewise, Latin America and the non-aligned countries have stated, with calm firmness, that they want a peaceful and lasting settlement, that that settlement must also be just and that justice involves recognition of Argentina's sovereignty over the islands.

96. The British Government must make no mistake, nor must those who support it in this bloody undertaking: the hour of colonial restoration has gone for ever, and nothing can counter the will of an entire people united for the integrity of its national territory.

97. Sir Anthony PARSONS (United Kingdom): At the outset, Mr. President, I should like on behalf of my delegation to congratulate you and your delegation on the great skill and patience with which you have conducted our proceedings this month. These are the qualities which we naturally expected to see from a representative of your great country.

98. May I at the same time express our warmest thanks to my good friend and colleague, Mr. Kamanda wa Kamanda, of Zaire, and his delegation for the admirable skill and urbanity with which they conducted our deliberations in the previous, also very difficult, month.

99. I should like also to thank the Secretary-General for the account of the recent negotiations which he has just given. During the long and difficult negotiations, no one could have tried harder to bring about agreement than did the Secretary-General. My Government has complete faith in his ability and integrity. It is not through want of skill or trying that he has not succeeded.

100. I feel obliged to recall to members of the Council how the present situation developed. I start with the negotiations between my country and Argentina which were held in New York at the end of February. According to the communiqué which was agreed to by the two sides, the talks had taken place in a positive

and constructive atmosphere. The Argentine side had put forward during those talks some proposals concerning the procedure for further rounds of discussions. These proposals were under consideration by my Government during the month of March. At the very end of that month, information came to my Government that there was a threat of an Argentine invasion of the Falkland Islands. On 1 April, the Minister for Foreign Affairs of Argentina had informed the British Ambassador in Buenos Aires that he was unwilling to receive a high-level envoy; the diplomatic channel, he said, was closed. It was for this reason that, the same day, 1 April, I sought an urgent meeting of the Security Council. I explained that we believed an invasion to be imminent.

101. The Council reacted by authorizing its President to issue an appeal to Argentina and the United Kingdom to refrain from the threat or use of force in the region. My delegation immediately and on the spot responded positively to this appeal. The representative of Argentina remained silent. On 2 April, Argentina invaded the Falkland Islands. On 3 April, Argentine forces invaded South Georgia. On that same day, 3 April, the Security Council adopted resolution 502 (1982). This resolution determined that there existed a breach of the peace as a result of the Argentine invasion of the Falkland Islands, and demanded the immediate withdrawal of all Argentine forces.

102. In the succeeding days, Argentina did not explicitly reject that resolution, no doubt for the very good reason that, as it was a mandatory resolution under Article 40 of the Charter of the United Nations—as was made clear at the time—it was not open to Argentina to purport to reject it. However, Argentina rejected the resolution in practice. Instead of withdrawing, Argentina reinforced its armed forces on the Falkland Islands. It imposed military government in the islands in place of the previous democratic Government under which the British people of the islands had lived peacefully in British territory for a century and a half. Argentina was bent on consolidating its grip on the islands. In this situation, the United Kingdom had no choice but to exercise our inherent right of self-defence under Article 51 of the Charter. We have meticulously informed the President of the Council of every step we were taking in this regard. Possession of South Georgia was quickly recovered, with little resistance and only one casualty, on 22 April. But, 48 days after the adoption of resolution 502 (1982), Argentina remains in occupation of the Falkland Islands.

103. My Government could have stood from the outset on a position of absolute legitimacy—namely, that the aggressor must withdraw, that the *status quo ante* be restored and that the diplomatic negotiations, which had been so rudely interrupted by the invasion, be resumed at the point at which they had been broken off.

104. However, in its strong desire for a peaceful solution, my Government was prepared to negotiate and, indeed, to show flexibility in those negotiations. Such negotiations were first undertaken through the good offices of the Secretary of State of the United States; thereafter, through the President of Peru. The warmest tributes are due to both for their tireless efforts. In particular, I believe that the United States Secretary of State, Mr. Alexander Haig, must have set an unbreakable record of shuttle diplomacy, in terms of time and distance covered. Even after their efforts had failed to produce results, my Government did not adopt the posture that no negotiations were possible, nor that diplomatic channels had been closed by Argentina's actions. Far from it. We welcomed the good offices of the Secretary-General on the basis of the broad range of ideas which he had presented to my Foreign Secretary, Mr. Francis Pym. Tragically, the Secretary-General felt obliged to report to the President of the Council on 20 May that his efforts had failed to produce the desired outcome [see S/15099].

105. Before reverting to the specific question of the latest round of negotiations, I should like to set out some basic principles.

106. The first one is peaceful settlement. It is clear that the Argentine invasions were violations of Article 2, paragraph 3, of the Charter—the fundamental principle of peaceful settlement. Both Argentina and the United Kingdom had long accepted that a dispute existed concerning sovereignty over the Falklands. The General Assembly had also accepted this. Instead of continuing to seek a peaceful settlement, on 2 and 3 April Argentina sought a military settlement. On 1 April, the Argentine Foreign Minister had expressly closed the diplomatic channels. These actions were contrary to a fundamental principle governing international relations, something which demands the severest censure from the international community. Even those who have a different view of the sovereignty question from my own must surely agree that Argentina, by using force, violated the fundamental obligation on all States to seek peaceful solutions to their differences. Argentina thus violated Article 2, paragraph 3, and Article 37 of the Charter.

107. I turn now to the non-use of force. The Argentine invasion was carried out by the use of force against the entirely peaceful population of the Falkland Islands, people who had threatened no one at any time. There was no question of self-defence by Argentina. It is clear, therefore, that the Argentine action was also contrary to Article 2, paragraph 4, of the Charter. This is the obligation to "refrain . . . from the . . . use of force . . . in any . . . manner inconsistent with the Purposes of the United Nations". I need hardly remind the Council that the very first purpose of the United Nations, as stated in Article 1, paragraph 1, is to "bring about by peaceful means . . . settlement of international dis-

putes . . .". Argentina was thus in breach of the Charter when on 2 April it began using force to try to settle the difference that existed between it and the United Kingdom over the Falkland Islands.

108. Indeed, by its first use of armed force, Argentina committed an act of aggression within the meaning of the definition of aggression suggested by the General Assembly in resolution 3314 (XXIX). In his statement to the Council on 3 April [2350th meeting], the Foreign Minister of Argentina attempted to advance a dangerous doctrine that the Charter in some unspecified way did not apply in the present situation because the problem arose before 1945. Quite clearly, there is absolutely no foundation in the Charter for such a dangerous doctrine. The Charter applies to everything in international relations which is happening in 1982: the roots of many problems under consideration by the United Nations stretch back years, decades, centuries before the Charter was adopted in 1945. Moreover, the Argentine action was clearly contrary to the rules of general international law prohibiting the use of force to settle problems, rules which exist alongside the Charter. The rules of international law do not contain an exception for old, pre-1945 differences between States.

109. Having established that the Argentine use of force was illegal, because it violated both Article 2, paragraph 3, and Article 2, paragraph 4, of the Charter, it follows that the military occupation of the Falkland Islands was and is also illegal. This was made clear by the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations annexed to General Assembly resolution 2625 (XXV), which was adopted by consensus in 1970 and which includes the principle that: "The territory of a State shall not be the object of military occupation resulting from the use of force in contravention of the provisions of the Charter."

110. As if that were not enough, the continued Argentine occupation is also clearly contrary to paragraph 2 of Council resolution 502 (1982).

111. A word on self-defence. The situation facing the British Government is the following. British territory has been invaded by Argentine armed forces. British nationals are being subjected to both military occupation and military government against their freely expressed wishes. Argentina is using force day by day to occupy British territory and to subjugate the Falkland islanders. Resolution 502 (1982) has proved insufficient to bring about withdrawal. Nothing could be clearer against that background than that the United Kingdom is fully entitled to take measures in exercise of its inherent right of self-defence, recognized by Article 51 of the Charter. If the Charter were otherwise, it would be a licence for the aggressor and a trap for the victim of aggression. The first use of force to settle disputes, to seize terri-

tory and to subjugate peoples is something which the Charter was intended to prevent.

112. I turn to the question of self-determination for the people of non-self-governing territories. The Charter is based on the principle of equal rights and self-determination of peoples. That is Article 1, paragraph 2. The common article 1 of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, adopted by the General Assembly in resolution 2200 (XXI) A, states clearly that "all peoples have the right to self-determination". Neither the Charter nor the Covenants attempt to lay down exceptions. Article 73 of the Charter which, with Article 74, constitutes the Declaration regarding Non-Self-Governing Territories, recognizes the principle that the interests of the inhabitants of Territories such as the Falkland Islands are "paramount" and that the inhabitants of non-self-governing territories are "within the system of international peace and security established by the present Charter". In other words, the provisions about peaceful settlement and the non-use of force to which I have referred apply equally to non-self-governing territories. Article 73 speaks of development of self-government and the progressive development of free political institutions. It is institutions of this nature which the Falkland islanders have long enjoyed. Indeed, it makes a mockery of the right to self-determination for Argentina to attempt to replace a democratic government and democratically elected bodies in the Falkland Islands with a military dictatorship. It adds insult to injury when this military dictatorship attempts, as it is doing, to change the way of life of the Falkland islanders, to bring in settlers, to buy up land, to impose the Spanish language, to change the curricula in the schools and so on. All this is quite clearly contrary to the right of self-determination protected by the Charter. Indeed, it smacks of colonialism by Argentina.

113. It is grotesque for Argentina to criticize the system of government in the Falklands as colonial. We have heard about "the need to remove all vestiges of colonialism from the Americas". But the system of government has been endorsed by the people of the Falkland Islands in free and fair elections. What right have the leaders of Argentina to impose their form of military dictatorship on an entirely different people, who know democracy and cherish liberty? It will not have escaped notice that Argentina has not ratified either of the two International Covenants on Human Rights, whereas the United Kingdom has ratified both and has done so on behalf of the Falkland Islands.

114. The United Nations has accepted since 1945 that the Falklands are a non-self-governing territory and that the United Kingdom is the Administering Authority. We have co-operated with the Special Committee on the Situation with regard to the Imple-

mentation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, which has reviewed the situation in the Falklands every year, annually. Last year the General Assembly asked the Special Committee to keep the situation under review and to report to the thirty-seventh session. We have fulfilled our obligations under Article 73 of the Charter. We have introduced political advances—a Legislative Council and an Executive Council, both with elected members. We are not prepared to turn back the clock and see those bodies abolished. It has been said, but not on any evidence, that the people of the Falklands are a transient, expatriate population. That is untrue. The census results show the lie. The Falkland islanders have been in the Falkland Islands as long as, or longer than, most Argentine families have been in Argentina. They are an entirely separate people with a language, culture and way of life different from those of the people of Argentina.

115. The people of the Falklands have as much right to continue to live in the Falklands as the people of Argentina have the right to live in Argentina.

116. Both peoples have the right to live under their own systems of government. Argentina has no right to deny the right of self-defence to the people of the Falkland Islands. Nor does it have the right to decide that Article 73 of the Charter no longer applies to them, when it has so applied ever since 1945.

117. Argentina claims sovereignty on the basis of eighteenth- and early nineteenth-century history. Argentina's claim is not strengthened by anything that has happened since 1833. The United Kingdom has sovereignty on the basis of eighteenth-, nineteenth- and twentieth-century history; on the basis of the nationality of the population; on the basis of the freely chosen wishes of the people; and on the basis of what they have achieved in the territory.

118. When the press publishes pictures of houses, schools and churches in Stanley, these are houses, schools and churches which the Falkland islanders—not General Menéndez' forces—have built. The whole town of Stanley has been built since 1833. I could go on giving examples. But the message is clear. The Falkland islanders have every right to the islands and have every interest in being allowed to go back to their former way of life as soon as possible. Sovereignty is in dispute, but the people are not. It is not a case of two communities sharing the same territory.

119. I now come to the negotiations themselves—that is to say, the negotiations which have been taking place over the past 10 days or so under the good offices of the Secretary-General. Throughout this period, as was the case during the previous negotiations, initiated by United States Secretary of State Haig and Peruvian President Belaúnde, the British

Government has exerted itself with the utmost good faith and the strongest sense of urgency. The discussions under the Secretary-General's auspices have been perhaps the most intensive and unremitting negotiations in which I have ever participated.

120. In the light of the progress which we hoped had been made, I was called back to London last weekend in order to take stock of the situation with my Government at the highest level. On my return on 17 May, I gave to the Secretary-General the final position of my Government in the form of a draft interim agreement, the text of which was released to the House of Commons yesterday and which has been published in full in *The New York Times* today. The position was, in the carefully considered judgement of my Government, the furthest point to which we could go in terms of flexibility without compromising principles which we are not prepared to abandon.

121. Let me illustrate what I mean by that. At the outset, I said that there would be a legitimate attitude for my Government—the total withdrawal of the aggressor, the restoration of the *status quo ante* and the resumption of the diplomatic negotiations which had been broken off. Now, we had reached a position by 17 May where we were prepared to contemplate much more than that. We were prepared to contemplate parallel withdrawal—parallel mutual withdrawal—not that the invader should withdraw first. We were prepared to contemplate this under United Nations supervision. We were prepared to contemplate a short interim period under United Nations administration in order to enable diplomatic negotiations to go forward for a definitive settlement of the problem. Although we insisted that the democratic institutions on the island should remain during the interim period, we were prepared to accept Argentine representation in those institutions disproportionate to the size of the Argentine community. We were prepared to accept an official Argentine observer during the interim period. I do not think that these points I have made demonstrate rigidity or inflexibility.

122. As my Foreign Secretary informed the House of Commons yesterday—I am paraphrasing his words—our first requirement has been to secure the withdrawal of Argentine forces, which was demanded as a matter of mandatory obligation by Security Council resolution 502 (1982). The second has been to establish a cease-fire to avoid further loss of life as soon as withdrawal could be agreed. The third has been to make satisfactory provision for the democratic administration of the islands in any interim arrangements that might prove necessary. The fourth has been to ensure that the negotiations with Argentina over the future of the islands should include terms of reference to make certain that these negotiations should not be such as to predetermine or to prejudice the outcome, whether on sovereignty or on other matters. The Foreign Secretary made clear in this

connection that we remained prepared to negotiate with Argentina about the long-term future of the islands. We would be ready to discuss anything which either side might wish to put forward, subject to the outcome of the negotiations being in no way predetermined or prejudged in advance. As members of the Council will see from study of our draft agreement and from what I have just said, we have stood firm where we have had to and we have shown flexibility where we could.

123. I regret to have to inform you, Mr. President, and through you the members of the Council, that the response of the Government of Argentina to our proposals was wholly unsatisfactory. We had no choice but to regard that response, as had been the case in the previous rounds of negotiations, as a further attempt to procrastinate in order to enable Argentina to consolidate its hold on what it had seized by force. Specifically, the Argentine Government insisted on including South Georgia and the South Sandwich islands in the agreement. This was unacceptable to us: these islands have nothing to do with our difference over the Falklands. They are nearly 1,000 miles away. They do not comprise an archipelago. They were administered from the Falklands only as a matter of convenience. They are uninhabited. Our title to them rests on totally different grounds compared with our title to the Falklands. Furthermore, the Government of Argentina insisted on an unequal process of withdrawal of forces which my Government could not accept. The Government of Argentina rejected the continuation in being, during the interim period, of the democratic institutions in the islands which have been developed over the years in accordance with our obligations under Article 73 of the Charter. Argentina was only prepared to entertain the possibility that "persons" who are members of the population of British origin and Argentine residents in the islands, in equal numbers, might be appointed as "advisers" by the United Nations interim administration. This was not only wholly unacceptable to us in concept, as it involved the dismantling of the democratic institutions to which I have referred, but the idea of parity in numbers of "advisers" between a population of about 30 and a population of about 1,800 was ludicrous. Argentina required freedom of access with respect to residents and property during the interim period. This would have enabled it fundamentally to change the demographic status of the islands during a short interim administration, clearly an unacceptable proposition. The Argentine formulation on how and when and by what means the negotiations should be concluded was also totally unacceptable to my Government. There was equally no assurance, contrary to what we had previously been led to believe, that Argentina had agreed to language which would leave it beyond doubt that the outcome of the negotiations should not be prejudged at the outset.

124. That is not an exhaustive list, but it is enough to demonstrate the justice of my Government's con-

clusion that the Argentine response amounted to a comprehensive rejection of our proposals.

125. The Secretary-General made a laudable last-minute attempt to see if the wide gulf between the parties could be bridged. My Government did not reject that initiative by the Secretary-General. I commented to him on the telephone yesterday, as my Prime Minister informed the House of Commons the same afternoon, that we appreciated the positive aspects in his initiative. I had to tell him that it differed in important respects from our final position and that, even if acceptable to both sides as a basis for negotiation, it would take days, if not weeks, to know whether success could be achieved. I told the Secretary-General that, before commenting in detail on his ideas, we should first need to see comprehensive comments from the Argentine side on every single point in them. The gulf was so wide between our final position and the response of the Government of Argentina that it would have been fruitless to continue unless we could have been certain that the Argentine reaction comprised a fundamental change of position and major movement towards positions which my Government could accept. No such reaction had been received by last night.

126. I also made clear to the Secretary-General, as I had made clear throughout the negotiations and as I have equally made plain to all members of the Council in informal consultations, that, although my Government's mind would never be closed to any avenue which promised to bring about a peaceful solution to the present crisis, we could not in the mean time allow ourselves to be in any way inhibited from carrying out military action in accordance with our inherent right of self-defence under Article 51 of the Charter. That remains our position today.

127. The British people are neither militaristic nor bellicose. Over the centuries many nations have made the mistake of interpreting our slowness to be aroused as weakness. This has always proved a profound mistake. We are not carried away by slogans or rhetoric, but we are implacably stubborn in defence of principles and the rights of peoples. In this instance, the principles of the peaceful settlement of disputes and of the non-use of force to settle political differences have been flagrantly breached by Argentine aggression. The rights of the people of the Falkland Islands have been trampled on by the invaders. We have reacted as we have always reacted to such challenges down the centuries of our history. Even so, we still hope and pray for a peaceful settlement, provided that it satisfies these principles and these rights.

128. Mr. DORR (Ireland): As this is the first time, Sir, that I have had occasion to speak in public session of the Council this month, I should like to offer to you my congratulations on your assumption of the office of President of the Council for May. I have good relations with you and my country has good

relations with your country, and I extend to you my warmest good wishes. I should also like to congratulate and thank your predecessor, Mr. Kamanda wa Kamanda, of Zaire, for the truly admirable way in which he carried out the function of President in April.

129. The Council is meeting today at a moment of crisis. Argentina and the United Kingdom are at war in the South Atlantic, and their conflict has widening consequences for the international community as a whole. For its part, my country, which has close and friendly relations with Great Britain and friendly relations also with Argentina, is deeply concerned and affected.

130. This is the war that should not have happened. That might perhaps be said of every war. But could it ever before have been said with such conviction as here and now?

131. How has it come to this?

132. In early April, Argentina acted to resolve its long-standing dispute with the United Kingdom over the Falklands/Malvinas Islands by using force. It was wrong to do so, and that must be clearly said.

133. In speaking in the Council at the time on behalf of Ireland, I did say so. I also warned of the dangers ahead. I shall quote briefly from my statement of 3 April:

"Some may think that a dispute over small islands is itself a relatively small matter, but the use of armed force in any dispute is serious. Force can lead to retaliation, and conflict can quickly escalate. Wars in the past have started for less.

"It is a major purpose of the very existence of the United Nations to avert such conflict. It is because the United Nations exists today that we have the right to insist, on behalf of the whole international community, that conflict, once started, must be halted and that disputes must be settled not by force but by peaceful means in accordance with the Charter." [*Ibid*, paras. 237-238.]

134. Those fears of early April have proved well founded. For seven weeks now the world has watched with a kind of dreadful fascination as an old, old pattern has been acted out once more.

135. The initial use of force brought force in reply. The right of self-defence was invoked. Honour and prestige became engaged on either side and principles had to be defended. Conflict escalated and preparations were made for war.

136. Over those seven weeks, several attempts were made through international mediation to avert this war. Secretary of State Haig worked hard to this end. President Belaúnde of Peru put forward pro-

posals. And over the past three weeks, the Secretary-General has made a major effort in discussions with representatives of the two parties to establish a basis for a settlement.

137. This effort by the Secretary-General was carefully judged, and it was handled with the highest diplomatic skill. But we have just heard from him that he does not consider it fruitful now to pursue his present effort further.

138. Is there any alternative? Or must the international community and the Council now accept the inevitable. Like the chorus in a Greek play, must we lament the unfolding tragedy but do nothing to try to avert it?

139. Already, on 4 May, the Government of Ireland formally requested a meeting of the Council. We did so because it was unthinkable in our view, at a time when other peace efforts seemed to be at an end, that the international community should simply accept war as inevitable. We thought it vital that the United Nations, as an instrument for resolving conflict and averting war, should be mobilized and brought into play.

140. This was done to good effect. The Secretary-General had already made contacts with the parties—as he has told us—at the beginning of May; and for nearly three weeks now, with enormous patience and skill, he has used his good offices to try to bring about a settlement. During that time my Government has not pressed for a public meeting of the Council. Our aim—to involve the United Nations where other peace efforts had ended—was very well served by the heroic effort of the Secretary-General. At three private informal meetings of the Council in recent weeks, we all joined in giving him our unanimous support and encouragement; and we have heard from time to time from him of the progress of his efforts.

141. Those efforts are now at an end. The Secretary-General does not think he can go further on the present basis. Ireland has therefore asked for this meeting of the Council—the first such meeting to address itself to the problem since 3 April.

142. We have two reasons for doing so. In the first place, we felt that the Secretary-General would wish to report to the Council on the long and patient effort which he had made in recent weeks to reach a settlement.

143. This in itself, we believe, would justify a public meeting. But we also believe that, at a time of serious and growing conflict, the Council has a duty to meet when other efforts fail to consider if any possibilities remain to stop the conflict. We know well the limitations on action by the Council. But we simply cannot accept, until every possibility, however slim, has been exhausted, that a conflict as tragic as this should continue and grow.

144. I said earlier that this is the war that should not have happened. I repeat that with insistence. The dispute between Argentina and the United Kingdom has many special features which should have made it possible to avert war and which should now make it possible to halt war once it has begun.

145. In the first place, the United Kingdom and Argentina are not enemies—or were not enemies until this unresolved dispute between them turned to war.

146. In the second place, the issue in dispute in this case is the real and only cause of conflict. Elsewhere, and in other cases, the immediate cause of war may be small or trivial. But the reality quite often in such cases is that war is caused by deeper reasons, of ideology or of regional rivalry. This is not true in the present case. This conflict really is about a single issue. If that issue could be resolved on a satisfactory basis, the conflict would end. That means that here, more than in any other case in our time, there is a test of the systems and methods which the international community has evolved over a generation for settling disputes between nations.

147. Thirdly, though the principles at stake are none the less important, the area in dispute is small and geographically isolated. The population of the islands is tiny: no more than 1,800 people—that is, perhaps 800 families in all.

148. Fourthly, although positions in the present conflict are strongly held, both sides have in the past accepted that the underlying issue—that of ultimate sovereignty over the islands—is indeed a subject for negotiation between them. And ideas were even put forward at one stage of those negotiations some years ago which could have been the basis for a settlement.

149. Those are all good reasons why the underlying dispute about the future of the Falklands/Malvinas Islands should be manageable.

150. But, it will be said, the immediate cause of conflict is not the underlying dispute in itself, but the effort by one side to resolve that dispute in its favour by the use of force in breach of the rule of law. Everything that has followed over the past seven weeks, it may be said, has resulted directly from that.

151. Where important international principles are at stake, it is right to be clear in our thinking. If we accept an important principle as valid, we should also be consistent in wishing to see it upheld.

152. For its part, the approach taken by Ireland at each stage of this problem has, we believe, been consistent and clear. Let me set it out briefly here again.

153. First, Ireland has not expressed a position on the merits of the underlying dispute about the islands.

154. Secondly, we regard the initial armed intervention by Argentina as wrong. Our Prime Minister Mr. Haughey said in the Irish Parliament on 11 May:

“The Irish Government have from the outset regarded the armed intervention by Argentina as contrary to the rule of law. Disputes between nations, of which there are many around the world, cannot be solved by the recourse to force. The principles of the rule of law and the peaceful settlement of disputes must be upheld.”

155. Thirdly, we stand by resolution 502 (1982), for which we voted on 3 April. We believe that it must be implemented in all its parts. That is to say, we want to see an immediate cessation of hostilities, a withdrawal of Argentine forces from the islands and a negotiated diplomatic settlement to the dispute. Of course, a settlement now must also take account of developments since resolution 502 (1982) was adopted. We believe, therefore, that it was right for the Secretary-General's negotiations to envisage a withdrawal by forces on both sides.

156. Fourthly, as part of a diplomatic effort to avert conflict and have those principles implemented, the Irish Government, in a spirit of solidarity, joined with the other States members of the European Community in an initial programme of sanctions adopted on 10 April for a limited period [*see S/14976, annex*]. But it became clear some weeks ago that the context in which those sanctions were adopted had changed. The sanctions were not now reinforcing a diplomatic effort to secure a peaceful settlement, but were part of a growing war. In this new situation, Ireland, a country which has traditionally been neutral in armed conflicts, reviewed its support for sanctions and, following discussions about their renewal within the European Community, declined to extend them further when they expired on 17 May.

157. Those are the principles which Ireland has supported throughout this present conflict and which we continue to uphold as necessary to any settlement.

158. But does it follow that a commitment to these principles must also involve acceptance of war as necessary to uphold them? My delegation cannot agree.

159. War in our day, even limited war, is the ultimate irrationality in international relations. It may begin rationally enough in defence of principles but it soon acquires its own irrational logic and momentum. It may start through calculation. But once started, it soon escapes all calculation, whatever the original intentions of political or military leaders on either side.

160. It may seem unlikely or even far-fetched to say that the limited war now under way in the South

Atlantic could spread more widely or involve other countries. But how unlikely it must have seemed to the world in 1914 that a single shot would echo and re-echo until an elaborate system of alliances toppled slowly into war.

161. Already, in a war that is still limited, there has been a tragic cost in human lives. The total of those killed until today was perhaps already equal to one third of the population of the islands. Today, it may be even more. The expenditures on each side so far are vastly greater than the total product of the islands for many years. If they could have been devoted to the welfare of the islanders, how great would have been the benefit to all concerned.

162. It is indeed tragic that there should have been such losses among the forces on both sides and perhaps among the islanders themselves. Nothing can now change that. But in another sense there is still time. We must always believe that there is still time. For its part, Ireland thinks it imperative that a halt be called now before the conflict escalates further and becomes open-ended.

163. I repeat with insistence that we are not indifferent. We stand strongly by the principles I have stated and we do not want to see an action which was originally unacceptable become accepted now as a *fait accompli*. We too believe that wrongful actions cannot be carried out with impunity. But there is no question of that here. It is evident that all recent negotiations to reach a settlement were based on an acceptance of all the fundamental principles of resolution 502 (1982) by both sides, including, in particular, the principle of withdrawal of Argentine forces from the islands, mentioned in paragraph 2 of that resolution. The statement we have heard today from the Secretary-General has again made that quite clear.

164. For our part we hold firmly, as I have said, to the basic principles we have endorsed and we insist that it is imperative that they be implemented. But we also see a new imperative in the present dangerous situation. It is simple. Someone must shout "stop" before the present conflict becomes uncontrollable, precisely in order to ensure that these principles are upheld and further tragedies averted.

165. It is to that problem that we believe the Council must address itself now with the greatest urgency. The challenge to us here is to find a way of calling a halt as soon as possible to the present fighting and allowing negotiation to resume while maintaining our full support for the principles already endorsed by the Council.

166. My delegation will be ready to join with other delegations in this effort and to do so as a matter of urgency. We have no illusions that the task will be easy. We are aware of the inherent limitations on the Council's action in such a matter and we know, too,

that as other peace efforts have been abandoned, the options remaining for action have one by one been narrowed.

167. At the same time, it is clear that what was achieved by the Secretary-General in several weeks of intensive effort was indeed remarkable. To a detached observer hearing him today, it would seem that more than 75 per cent of the points at issue had been agreed, including all of the principles of resolution 502 (1982). We simply cannot afford now to let that be lost. For our part, therefore, we consider that there could be merit in having the Council formally ask the Secretary-General to renew his efforts, but this time with the added strength which a formal mandate from the Security Council could give him.

168. It might seem at first sight that it would be of little avail simply to ask the Secretary-General to continue an effort which he himself felt it necessary yesterday to bring to an end. But if the Council, in pressing for an end to conflict, should now in addition give the Secretary-General a formal mandate, then his effort could receive new life. Its content is already admirable. My question is, can we give it new form, new status and new authority?

169. Those are the views which Ireland would wish to express at this moment in our discussion of this urgent matter. Let me conclude by setting them out in brief.

170. We think it vital that conflict, with all its dangers and tragic possibilities, should end and end quickly. We think it vital that basic principles should be maintained. And we think it vital that everything on which the Secretary-General has been able to achieve tentative agreement should now be preserved and built on through his further efforts until full agreement has been reached.

171. I should like to reserve my right to speak again at a later stage in our debate if the circumstances should make it necessary to do so.

172. Mr. NISIBORI (Japan): First of all, Sir, I should like to extend to you my warm congratulations on your assumption of the presidency for the month of May. Although this is only the second formal meeting of the Council this month, you have amply demonstrated exemplary wisdom and diplomatic skill in a series of informal consultations held from the very beginning of this month on the various important matters of which the Council is seized. I wish to assure you that my delegation will continue to cooperate to the fullest extent of its abilities as you carry out the duties of your high office.

173. I should also like to pay a high tribute to Mr. Kamanda wa Kamanda, of Zaire, for his guidance of the Council's work last month. Mr. Kamanda wa Kamanda's exceptional ability was consistently in

evidence as he presided over the work of the Council in April, a particularly busy and difficult month. It is no exaggeration to say that, without his perseverance and keen insight, the Council would not have been able to discharge its responsibilities with such admirable success and efficiency.

174. Turning now to the question of the situation in the region of the Falkland Islands (Islas Malvinas), I should like first to express our deep appreciation to the Secretary-General for the strenuous efforts he has made during the past weeks to find a peaceful solution to the dispute.

175. Ever since the Council took up this question last month, my Government has been urging the immediate withdrawal of the Argentine armed forces from the islands in accordance with Council resolution 502 (1982), as well as the principles and spirit of the Charter of the United Nations, and has earnestly hoped that the dispute would be settled peacefully through diplomatic negotiations. Accordingly, we have positively supported the peace efforts of Secretary of State Haig of the United States, President Belaúnde of Peru and the Secretary-General. Having witnessed the breakdown of the efforts of the United States and Peru, it is a matter of profound regret that the Secretary-General has now reported to the Council that his efforts have not in his judgement offered any prospect at present of bringing about an end to the crisis or of preventing the intensification of the conflict.

176. My Government wishes to stress once again that Council resolution 502 (1982) must be implemented as soon as possible. At the same time, my Government hopes that, in order to avoid a worsening of the situation, with a further escalation of the armed conflict and the loss of human life, both parties, as well as all others concerned, will urgently explore in good faith every possibility for the peaceful resolution of the dispute, including the resumption of the use of the good offices of the Secretary-General. My Government, for its part, is ready to continue its utmost efforts both within and outside the United Nations towards this objective.

177. The PRESIDENT (*interpretation from Chinese*): The next speaker is the representative of Brazil. I invite him to take a place at the Council table and to make his statement.

178. Mr. CORRÊA da COSTA (Brazil) (*interpretation from Spanish*): Mr. President, first of all, I should like, on behalf of the Brazilian delegation, to thank you and the other members of the Council for having given us this opportunity to participate in the debate on a question that is of extreme gravity for the entire world, and in particular for Latin America.

179. At the same time, Sir, I should like to congratulate you on your assumption of the presidency of the

Council. At this time that is so difficult for peace, we wish you success in your task.

180. The Government of Brazil has observed with deep concern the deterioration of the situation of conflict in the Malvinas Islands, which has brought about the convening of this meeting of the Council in the face of imminent bloodshed of incalculable proportions. On the instructions of President Figueiredo, our concern was expressed at the Twentieth Meeting of Consultation of Ministers of Foreign Affairs of the OAS, convened in accordance with the provisions of the Inter-American Treaty of Reciprocal Assistance; in messages addressed to the Secretary-General and the President of the Council by the Minister for Foreign Affairs of Brazil; and in official declarations of the Brazilian Government. President Figueiredo himself has directly and personally appealed to the British Prime Minister and the President of the Argentine Republic for peace and harmony. In spite of those statements by Brazil and many other countries, and in spite of the adoption by the Council of resolution 502 (1982), which both parties have declared their readiness to implement, the situation is now more critical than ever.

181. I should like to recall the position that Brazil has traditionally taken on this issue.

182. In 1833, when the Government of Argentina informed Brazil of the occupation of the islands by Great Britain and of the expulsion of its Governor and Argentine citizens living there, the Government of Brazil associated itself with the protests of the Argentine Republic to the British Government. From the outset, we have always viewed this situation as *de facto* occupation by the British.

183. With the passage of time, there was no arbitral award, no international judicial decision or treaty giving juridical validity to the British occupation; nor does the passage of time give legal validity to the fact of occupation, since the aggrieved country—Argentina—unceasingly reiterated its protest and its objection to the occupation.

184. Another aspect of the Brazilian stand has always been that of promoting a peaceful and negotiated settlement to the dispute. Hence, we supported the resolutions adopted by the General Assembly in the framework of the broad issue of decolonization—in 1965, 1973 and 1976—which recommended negotiations between the parties.

185. The Government of Brazil has never given up hope that the question might be resolved by peaceful means. It is our understanding that a peaceful settlement must be based on complete and non-selective fulfilment of all the provisions of Council resolution 502 (1982). That is why my Government firmly supported the efforts made in recent days by the Secretary-General to find a solution that might avoid an armed

conflict between the Argentine Republic and the United Kingdom. Brazil's position—that the United Nations should contribute effectively to a settlement—was expressed in a message addressed to the Secretary-General by the Minister for Foreign Affairs of Brazil in which he affirmed:

“Given the continuing worsening of the crisis between the United Kingdom of Great Britain and Northern Ireland and the Argentine Republic and that the outbreak of an armed conflict in the South Atlantic is imminent, the Government of Brazil believes it is imperative to immediately activate the mechanisms established by the Charter of the United Nations for the maintenance of international peace and security. It is the responsibility of the United Nations to take prompt and effective measures, including those of a preventive nature, to ensure the implementation of Security Council resolution 502 (1982) in all its aspects.” [S/15024.]

186. On 19 May, in the face of an imminent bloody conflagration in the South Atlantic, our Foreign Minister addressed to you, Mr. President, a message of support for the Secretary-General's efforts, in which he said:

“Deeply concerned at the prospect of imminent bloodshed as the outcome of the crisis between the United Kingdom of Great Britain and Northern Ireland and the Argentine Republic over the Malvinas Islands, I reiterate, on behalf of the Brazilian Government, the firm conviction that it is indispensable to reach a peaceful and honourable solution, without winners or losers, and involving the participation of the United Nations, if necessary at the operational level, in accordance with the purposes and principles of its Charter and the relevant resolutions of its main organs.

“ . . .

“As a Member State of the United Nations invariably dedicated to the purposes and principles of the Charter, Brazil is confident that, if necessary, the Security Council, on discharging its duties, will take prompt and effective measures for the maintenance of international peace and security.” [S/15097.]

187. In the same spirit, the Government of Brazil, through its Foreign Minister, supported the Secretary-General's peace efforts, and it cannot fail deeply to deplore the interruption by the United Kingdom of those efforts. In fact, the essential elements of a peaceful solution were present in those efforts.

188. The situation is grave and critical. There has already been significant loss of life on both sides, and it is increasingly urgent to break the chain of violence.

189. The Council is now duty-bound to decide on measures, under the supervision of the United Nations, to prevent a worsening of the situation and to give the Secretary-General a formal mandate to resume his efforts with the two parties to reach a just, honourable and lasting solution.

190. The Council has the obligation and the exclusive competence to adopt necessary measures for the fulfilment, in all its aspects, of resolution 502 (1982), which the Council itself adopted, and it cannot accept unilateral actions against specific provisions of that resolution, even if, without its authorization, allegedly aimed at the fulfilment of the Council's decision.

191. In the statement to the Council made by my delegation on 3 April [2350th meeting], we affirmed that the question of the Malvinas Islands affected us deeply as Brazilians. The international community cannot remain passive in the face of this situation, as all its members will be affected by it.

192. We trust that the Council will take the necessary measures to ensure that there will be no room for individual acts of war.

193. The PRESIDENT (*interpretation from Chinese*): The next speaker on my list is the representative of Ecuador. I invite him to take a seat at the Council table and to make his statement.

194. Mr. ALBORNOZ (Ecuador) (*interpretation from Spanish*): I thank you, Mr. President, for being so kind as to allow the representative of Ecuador to take part in this meeting of the Council, a forum for the free expression of the opinions of countries interested in, and concerned about, world peace, where there are thorough debates with the full participation of countries from different regions of the world. I trust that your presidency of the Council will be successful, since your talent and experience speak for your great country's age-old wisdom and vocation of peace.

195. Ecuador, as a Latin American country and strong defender of the principles of international law, cannot but regret the breakdown of negotiations which two member countries had been holding under the auspices of the United Nations.

196. Ecuador has unswervingly and resolutely supported the Argentine territorial claim to sovereignty over the Malvinas Islands, both in the organs of the United Nations and in those of the OAS and of the Movement of Non-Aligned Countries.

197. Argentina's right to those islands as part of its national territory is clear, since, when it achieved independence from Spain, it succeeded to all the rights formerly held by that metropolitan country. In this regard, as the constitutional President of my country, Mr. Osvaldo Hurtado, said in a recent communication to the President of Argentina:

“Ecuador has always maintained that right to the territories of the Latin American countries must be based on the essential legal principle of *uti possidetis juris* of 1810 and, consequently, has always rejected territorial gains by the threat or use of force. Hence, it considers that the mere occupation of territories that rightfully belong to our countries cannot be validated by the passage of time, however long it may be. From the outset, it has been a matter of outright usurpation of territory. Added to this is Ecuador’s firm determination, expressed on many occasions, to exhaust every possible effort in order to achieve the elimination of colonialism throughout the world, particularly in Latin America.”

198. In the face of the unacceptable dispatch—which is as much a breach of the law as it is an anachronism—of an enormous naval force against the American continent; in the face of the declared use of force in order to impose solutions; in the face of the announced and publicized naval and air blockade through the arbitrary seizing of ocean spaces; in the face of economic sanctions, endorsed by various Powers in the European Community; and now in the face of the resort to open warfare—Ecuador expresses its complete repudiation of these acts and invokes the principles of law to put an end to economic and armed aggression. This same view has been expressed by the countries of the Andean Group and by those of the Latin American Integration Association. Ecuador’s Foreign Minister, Luis Valencia, had the following to say concerning this kind of extra-continental economic and armed aggression:

“These attacks in order to maintain colonialism, besides endangering peace and security on the American continent and in the world as a whole, together with the coercive measures imposed upon Argentina, violate the validity and binding nature of the basic principles of the Charter of the United Nations and the Charter of the Organization of American States: namely, that there should be no recourse to the threat or use of force in international relations, that disputes between States should be settled solely by peaceful means and that the occupation of territory by force cannot be validated by the passage of time, however long the interval may be—fundamental principles on which Ecuador’s traditional foreign policy is based.”

199. It is Ecuador’s understanding that a member State of the OAS, a party to the Inter-American Treaty of Reciprocal Assistance or a State Member of the United Nations can have recourse to any world or inter-American body, according to its preference. That is why it is relevant to mention at this meeting of the Council the important resolution of the Twentieth Meeting of Consultation of Ministers of Foreign Affairs of the OAS, adopted by 17 votes to none, with 4 abstentions on 28 April [S/15008, annex]. The Inter-American Treaty of Reciprocal Assistance establishes explicitly that its resolutions bind all the parties

to it in a legal and moral commitment once those resolutions have been adopted by a two-thirds majority. After appealing for an immediate cessation of hostilities, the resolution urges the Governments of Argentina and the United Kingdom to call a truce that will make it possible to resume the negotiations aimed at a peaceful settlement of the conflict, taking into account the right of sovereignty of Argentina over the Malvinas Islands, as well as the interests of the islanders. It deplores the adoption by members of the European Community of coercive economic measures and cites the Declaration of the Inter-American Juridical Committee of 16 January 1976 to the effect that: “the Republic of Argentina has an undeniable right of sovereignty over the Malvinas Islands” [*ibid.*].

200. Ecuador has consistently advocated the elimination from our continent of any colonialist presence and thus supported General Assembly resolution 1514 (XV), containing in its annex the Declaration on the Granting of Independence to Colonial Countries and Peoples, which applies to American territory, without prejudicing the essential principle of the national unity and territorial integrity of States. Similarly, as regards Argentina’s claim to sovereignty over the Malvinas, the General Assembly, in its resolutions 2065 (XX), 3160 (XXVIII) and 31/49, expressed concern at the lack of substantial progress in the negotiations between Argentina and the United Kingdom on the peaceful settlement of their dispute. It is relevant to mention resolution XXXIII of the Ninth International Conference of American States, held in 1948, which stated that:

“The historical process of the emancipation of America will not be complete so long as there remain on the continent peoples and regions subject to a colonial régime, or territories occupied by non-American countries.”¹⁴

201. Desirous of achieving a peaceful solution, which is what can and must be sought instead of using force, Ecuador—which, together with Colombia and Costa Rica, secured the adoption by consensus in the OAS of the initiative of offering friendly co-operation in the efforts to find a solution that would finally avert the threat of war between countries which deserve the respect of the international community—reiterates before the Council the need to demand an immediate cessation of hostilities. The gallant initiative of Panama, as the true representative of Latin America, and that of Ireland, which a few days ago called for an immediate cessation of hostilities between the forces of Argentina and the United Kingdom and for the negotiation of a diplomatic settlement under United Nations auspices, have already been mentioned. In so doing, and in urging the European Community to rescind its hastily imposed sanctions against an American State, Ireland reaffirms its noble traditions, traditions which have also been part of the history of our South American peoples ever since the

days of independence, 150 years ago, independence from that same colonial rule of which we are today witnessing the last painful chapters and, we hope, the final elimination.

202. Ecuador endorsed General Assembly resolutions 32/76 and 32/79, concerning the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco). There is a commitment to implement the Additional Protocols in the territories within the geographic zone established in that Treaty, which clearly includes the Malvinas Islands; those islands similarly fall within the scope of the Inter-American Treaty of Reciprocal Assistance of 1947.

203. The United Nations, faithful to its principles, cannot remain indifferent and the Council must take action to halt the use of force and to re-establish negotiations under the auspices of the United Nations. Ecuador will never accept the use or the threat of use of force as a means of settling international disputes. Action by the Council immediately to restore peace in the western hemisphere is anxiously awaited in fulfilment of the solemn commitment enshrined in the Charter of the United Nations. It is to be regretted that the United Kingdom has broken off negotiations which were proceeding according to the timely and persistent initiative of the Secretary-General, who should be given a mandate by the Council which would be both wide-ranging and practical.

204. My country reiterates its faith in the United Nations and hopes that the action to be taken to bring about a cessation of hostilities as provided for in the Charter will be followed by a period of peaceful negotiation to settle the dispute.

205. The PRESIDENT (*interpretation from Chinese*): The next speaker is the representative of Australia. I invite him to take a place at the Council table and to make his statement.

206. Mr. STREET (Australia): It would have been my hope, Mr. President, to have been able to offer the usual congratulations on your election to the presidency in happier circumstances, but that is clearly not to be.

207. My delegation has requested permission to speak in the light of the grave turn of events in the Falklands crisis. We thank you, Mr. President, for allowing us to do so.

208. It is appropriate that the issue should again be before the Council. The situation of armed conflict which has erupted in the South Atlantic threatens to develop into a major conflagration. There has already been a tragic loss of life on both sides. New clashes over the past 24 hours carry the danger of much greater losses, both of men and material.

209. All this points to the necessity of reaching an acceptable political settlement. The present and

threatened scale of the conflict demonstrates starkly the dangers of allowing the situation to deteriorate.

210. But it is necessary to keep in mind the origins of the present conflict. It was Argentina's invasion of the Falkland Islands, in defiance of the call made by the Council on 1 April [2345th meeting, para. 74] that force not be used, that is the cause of the current breach of the peace in the region. And it has been Argentina's refusal to heed the mandatory call of the Council on 3 April [resolution 502 (1982)] for withdrawal of its occupying forces which has sustained the continued crisis.

211. By invading those islands and then spurning every call for withdrawal, Argentina has been the author of its own misfortunes. It is not British obstinacy but Argentine recklessness that accounts for the present widening conflict. The Argentine Government, while it is bound by treaties of the United Nations and—let us not forget—the OAS not to use force or the threat of force to settle territorial disputes, repudiated those principles in its grab for the islands in early April. It has since hoped to be rewarded with a promise of permanent sovereignty. The British Government has consistently, and understandably, rejected such an approach.

212. Britain has taken a position based on principle. The Falklands may seem remote from the interests and concerns of many countries of the world. But what is at issue is not remote. If the use of force is allowed to go unchecked in one area, it invites similar techniques in other areas. South America and Central America in particular are littered with territorial disputes. If one country succeeds in acquiring territory by invasion, what moral is to be drawn? The tragic example of the 1930s comes to mind. That is where that road leads.

213. It has not gone unnoticed by the Australian Government that among the many international reactions which followed the Argentine invasion, concern was expressed particularly by many of the smaller States around the world. The moral they drew was much the same: aggression can be curbed only if aggression is resisted.

214. So much for the facts in this dispute. Australia is reticent about allowing itself to be dragged into some of the technicalities which Argentina has invoked in an attempt to justify its action. These arguments, often resting on esoteric interpretations of the Charter and of earlier United Nations resolutions, only cloud the real issue.

215. Nevertheless, a few observations may be in order. First, Argentina has invited attention to paragraph 1 of resolution 502 (1982) to accuse the United Kingdom of itself engaging in hostile action. In our view, this is a perverted reading of that resolution. The present state of armed conflict in the area was the

result of Argentina's seizure of the Falklands, and it was to that point that paragraph 1 of resolution 502 (1982) was directed.

216. Argentina has also invoked its claims to sovereignty to rationalize its actions. It is not my purpose at this critical juncture to probe those claims. But it is to be noted that the Falklands are not self-evidently part of Argentina. Nor can the Argentine claim be based on common ethnic ties—a critical point, since the wishes of the islanders must be regarded as an integral element in any long-term settlement.

217. This in fact is the crux of the political problem. Argentina has said that it accepts resolution 502 (1982). But at the same time and in the same breath, it has been insistent on loaded arrangements in the Falklands which, if accepted, would inevitably lead to conceding its demand of sovereignty. That, of course, ignores the rights of the Falklanders, and therein lies the problem in getting to the negotiating table.

218. As the United Kingdom delegation has noted, the inhabitants of the Falkland Islands constitute a permanent population with roots in many cases stretching back to the early part of the last century. The fact that there is only a small number of them does not diminish the importance they attach to choosing the kind of life they want and the kind of government they want. They must enjoy the same rights of consultation as any other peoples, including those who inhabit other small islands and territories. This is an obligation shared not only by the United Kingdom and Argentina but by the international community as a whole.

219. In short, what we have here is no simple wrangle over colonialism, as some would have us believe. Indeed, if Argentina's aggression were allowed to persist, it would itself amount to colonialism. The fact is that the islanders have not shown any evident desire to change the essentially British administration in which they have been able to take part through their elected representatives. In free and fair elections, the most recent in October 1981, they have shown a preference for the *status quo*.

220. But even if the facts were otherwise, even if its claims were well founded, Argentina would still have no warrant for its use of force to try to establish by *coup de main* what it had not succeeded in obtaining at the conference table. On the contrary, Argentina's invasion of the islands was in clear violation of Article 2, paragraphs 3 and 4, of the Charter of the United Nations, which lay down the fundamental principles of peaceful settlement of disputes and non-use of force.

221. If the United Kingdom has also been moved to military action, it is a natural consequence of Argentina's own unprovoked resort to force and failure to comply with the demands of the Security Council to

withdraw its forces. In moving to recover its territory, the United Kingdom was acting legitimately under Article 51 of the Charter in pursuit of its inherent right of self-defence.

222. It would, of course, have been everyone's hope that the situation had never reached the point of military conflict. Australia supported the successive efforts, first by the United States Secretary of State, then by Mr. Haig in conjunction with President Belaúnde of Peru, and finally by the Secretary-General, to achieve a peaceful solution. That they have not succeeded has not been their fault. For more than six weeks their mediation efforts have been continuing, to no avail. Argentina would not withdraw its forces except under arrangements and conditions which would have rewarded its unacceptable behaviour.

223. We must nevertheless continue to hope that there will be a return to the negotiating table. The Secretary-General's intervention, and that of other well-disposed countries like the United States and Peru, may still offer prospects for a return to reason.

224. The framework for reaching a just settlement is laid out in Council resolution 502 (1982). The basic point is that, since it was the Argentine invasion which started the present crisis, it must be an Argentine withdrawal that puts an end to it.

225. Time has almost run out in the South Atlantic. But it still may not be too late. If some useful action can be taken in the United Nations framework, obviously this should be done. To the extent that others have a capacity to bring about a meeting of minds, these efforts too need to be pursued. It is nevertheless, the firmly held view of the Australian Government that the onus rests first and foremost on the Government of Argentina. It is to those in authority in Buenos Aires to whom the international community must look to avert a deepening tragedy.

226. The PRESIDENT (*interpretation from Chinese*): I should like to inform members of the Council that I have just received a letter from the representative of Antigua and Barbuda in which he requests to be invited to participate in the discussion of the item on the agenda. In accordance with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion without the right to vote, in conformity with the relevant provisions of the Charter and rule 37 of the provisional rules of procedure.

At the invitation of the President, Mr. Jacobs (Antigua and Barbuda) took a place at the Council table.

227. The PRESIDENT (*interpretation from Chinese*): I call on the representative of Antigua and Barbuda.

228. Mr. JACOBS (Antigua and Barbuda): Mr. President, before I proceed with my statement, I should like to congratulate you on your assumption of your important office. I should like also to thank Mr. Kamanda wa Kamanda, of Zaire, for his wise and diplomatic handling of the Council's business during the month of April.

229. My country deeply regrets that the efforts by the Secretary-General, and by the United States Secretary of State before him, to bring Argentina and the United Kingdom to the negotiating table, have not found an affirmative response. It is obvious that the crisis in the South Atlantic will now intensify. That this should be so in 1982, when mankind is supposed to have reached an age of reason and maturity, is a mark against all humanity.

230. This development also strikes at the credibility of the Security Council itself, for resolution 502 (1982) should be binding on all Member States and should have the force of law. To ignore that resolution is nothing short of a slap in the face to this body, a slap which will resound across the world, with severe implications for global peace and security; for, when the Security Council can be so easily ignored, the world is left without an effective forum to summon erring nations to order.

231. As a small island State whose only defence against the aggression of those larger and more powerful than ourselves is the Charter of the United Nations and the resolutions of the Security Council, we must deplore Argentina's illegal use of force in seizing the

Falkland Islands rather than negotiating a peaceful settlement of the dispute with Britain.

232. We are satisfied that the United Kingdom Government has made genuine attempts to put forward proposals which could have led to a negotiated settlement with Argentina. As the newest Member of the United Nations, Antigua and Barbuda is deeply saddened that Argentina did not find it possible to respect Council resolution 502 (1982) by withdrawing its troops from the Falklands. We are further saddened that Argentina did not find it possible to adhere to the Charter of the United Nations, which provides for the peaceful settlement of disputes.

233. We believe that a peaceful settlement can still be attained even at this late hour, providing that the will exists to prevent further confrontation. In the interests of global peace and the security of all small States, Antigua and Barbuda urges Argentina to eschew needless bloodshed and turn instead to the conference table for a negotiated settlement of this dispute.

The meeting rose at 6. p.m.

NOTES

¹ A/32/110 and A/32/111.

² A/34/66.

³ A/34/343.

⁴ *The International Conferences of American States, Second Supplement, 1942-1954* (Washington, D.C., Pan American Union, 1958), p. 271.