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**2182**<sup>nd</sup> MEETING: 29 DECEMBER 1979

NEW YORK

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#### NOTE

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## 2182nd MEETING

Held in New York on Saturday, 29 December 1979, at 7 p.m.

*President:* Mr. CHEN Chu (China).

*Present:* The representatives of the following States: Bangladesh, Bolivia, China, Czechoslovakia, France, Gabon, Jamaica, Kuwait, Nigeria, Norway, Portugal, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Zambia.

### Provisional agenda (S/Agenda/2182)

1. Adoption of the agenda
2. Letter dated 22 December 1979 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council (S/13705)

*The meeting was called to order at 7.25 p.m.*

**Expression of welcome to Mr. Cyrus R. Vance,  
Secretary of State of the United States of America**

1. The PRESIDENT (*interpretation from Chinese*): I wish, at the very outset of this meeting, to acknowledge the presence at the Council table of Mr. Cyrus Vance, Secretary of State of the United States of America, to whom I extend a warm welcome.

### Adoption of the agenda

*The agenda was adopted.*

**Letter dated 22 December 1979 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council (S/13705)**

2. The PRESIDENT (*interpretation from Chinese*): I wish to inform members of the Council that I have received letters from the representatives of Australia, Canada, the Federal Republic of Germany and Singapore, in which they request to be invited to participate in the discussion of the item on the agenda. 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. Anderson (Australia), Mr. Barton (Canada), Mr. von Wechmar (Federal Republic of Germany) and Mr. Koh (Singapore) took the places reserved for them at the side of the Council chamber.*

3. The PRESIDENT (*interpretation from Chinese*): The Security Council is meeting today in response to the letter dated 22 December from the Permanent Representative of the United States of America [S/13705] addressed to the President of the Council. Members of the Council also have before them the text of a letter dated 15 December from the Registrar of the International Court of Justice addressed to the Secretary-General [S/13697] and the report of the Secretary-General concerning implementation of Security Council resolution 457 (1979) [S/13704].

4. I now call on the Secretary-General.

5. The SECRETARY-GENERAL: In its resolution 457 (1979), the Security Council urgently called upon the Government of Iran to release immediately the personnel of the Embassy of the United States being held at Teheran, to provide them protection and to allow them to leave the country. It further called on the Governments of Iran and the United States to take steps to resolve peacefully the issues remaining between them to their mutual satisfaction, in accordance with the purposes and principles of the United Nations. It also requested me to lend my good offices for the immediate implementation of the resolution and to take all measures appropriate to that end.

6. In my report of 22 December [*ibid.*], I informed the Council of my activities up to that time under resolution 457 (1979). I may recall that in my message of 19 December to Ayatollah Khomeini I stated my willingness to go personally to Iran at any time to discuss the situation. I need hardly repeat to the Council that since the beginning of this crisis I have always made clear my willingness to do that, provided such a visit would serve a useful and constructive purpose. On 23 December the United Nations representative at Teheran saw the Foreign Minister on my behalf and reminded him of my offer.

7. I have also been in contact with the Foreign Minister of Pakistan, Mr. Agha Shahi, since the early days of the crisis. Mr. Shahi was in Iran on 26 and 27 December. He met with Ayatollah Khomeini and Foreign Minister Ghotbzadeh, and other members of the Revolutionary Council, during his stay. In a statement at the conclusion of his visit to Teheran, Foreign Minister Shahi also referred to the usefulness of a personal visit to Iran by the Secretary-General.

8. I wish to express my appreciation for the efforts made by Mr. Shahi to assist me in carrying out my mission of good offices. I am maintaining contact with the Iranian authorities and with the Foreign Minister of Pakistan concerning such a visit. Needless to say, I am ready to leave for Iran at any time.

9. Let me assure the Council that I shall continue my efforts to assist in finding a solution to this crisis and, as in the past, I shall not fail to keep members of the Council fully informed of further developments.

10. Mr. VANCE (United States of America): We meet tonight at a moment when the principles upon which this great international body rests are being sharply challenged in Iran.

11. More than eight weeks have passed since our embassy was seized and our people and those from other nations were taken hostage at Teheran. On three separate occasions the Security Council has unanimously expressed the will of the international community that the hostages be released immediately.

12. From the outset the Secretary-General, with the full co-operation of the United States, has laboured unceasingly for a peaceful solution. The President of the General Assembly has twice urged Iran to release the hostages. The International Court of Justice has spoken clearly and unanimously. Governments and world leaders of varying political and religious faiths have appealed for the release of our people. And the United States Government has with determination, persistence and patience pursued every peaceful channel available to us.

13. The response of those who perpetuate this crisis—the terrorists who have invaded our embassy, and the Government of Iran, which supports them—has been defiance and contempt. They have placed themselves beyond the world's law and beyond the moral imperatives that are common to the world's cultures and religions.

14. At the heart of this matter are 50 men and women—still captive, still isolated, still subjected to the most severe strains. The International Court of Justice, in its unanimous decision, expressed concern that continuation of these conditions of imprisonment

“exposes the human beings concerned to privation, hardship, anguish and even danger to life and health and thus to a serious possibility of irreparable harm”.<sup>1</sup>

Claims that the hostages are well ring hollow, for the international community has been denied either consistent or comprehensive access to them.

15. But let us be clear. It is not only 50 American men and women who are held hostage in Iran; it is the international community. This is far more than a conflict between the United States and Iran. Iran has placed itself in conflict with the structure of law and with the machinery of peace all of us have painstakingly built.

16. The time has come for the world community to act, firmly and collectively, to uphold international law and to preserve international peace. We must give practical meaning to the principles and purposes of the Charter.

17. As long as Iran remains indifferent to the voices of reason and mercy that have been raised from every corner

<sup>1</sup> *United States Diplomatic and Consular Staff in Teheran, Provisional Measures, Order of 15 December 1979, I.C.J. Reports 1979, p. 7, para. 42.*

of the world, as long as it refuses to recognize the common rules of international behaviour, it must accept the consequences of its deliberate actions.

18. On 25 November the Secretary-General, acting under Article 99 of the Charter, took the extraordinary step of requesting an urgent meeting of the Council to deal with this crisis, stating that “the present crisis poses a serious threat to international peace and security” [S/13646]. In its resolution 457 (1979), adopted unanimously, the Council expressed its deep concern at the dangerous level of tension and spoke of possible grave consequences for international peace and security.

19. These statements, alone with the many statements of concern by Member States, make clear the judgement of the international community that Iran's act of taking and holding hostages represents a violation of the law of nations and threatens international peace and security. If Iran continues to hold the hostages after the Security Council and the world community have unanimously called for their release, action against Iran under Chapter VII of the Charter is not only justified but required to promote a peaceful solution to this crisis.

20. It is therefore incumbent upon all of us as members of the Council to take the steps necessary to ensure that the Council's earlier unanimous decision is implemented. My Government therefore seeks a resolution which would condemn Iran's failure to comply with earlier actions of the Council and of the International Court of Justice calling for the immediate release of all the hostages. The resolution would further provide for two additional steps: first, it would request the Secretary-General to intensify his good-offices efforts, noting his readiness to go personally to Teheran, and to report back to the Council by a specified date; secondly, it would decide that if the hostages have not been released when the Council meets again at the specified early date, the Council will at that time adopt specific sanctions under Article 41 of the Charter.

21. We believe that the continued solidarity of the international community will serve to demonstrate that an early resolution of the problem is to the benefit of all; including the people and leaders of Iran. The prolongation of this crisis is in no one's interest.

22. We are not unmindful of the grievances of the Iranian people. We respect Iran's sovereignty and independence and the right of the Iranian people to decide their own form of government. As we have repeatedly emphasized, once the hostages are released unharmed, we are prepared, in accordance with the Charter, to seek a resolution of the issues between us.

23. With the hostages' release, the way will be clear for Iran to present its grievances in any appropriate forum. The United States cannot, however, respond to claims of injustice while our citizens are held in unjust captivity in violation of the resolutions and orders of the world's primary peace-keeping institutions.

24. As a great American president, Abraham Lincoln—a man of deep compassion and understanding—once de-

clared, "There is no grievance that is a fit object of redress by mob law".

25. Our patience and forbearance have been severely tested in these past weeks. They are not unlimited. We have made clear from the beginning that we prefer a peaceful solution to the other remedies that are available to us under international law. It is in the interest of such a peaceful solution that today we call upon this body to act.

26. Let us act now to preserve the web of mutual obligation which binds us together and shields us from chaos and from disorder. For there can be no evasion of this central point: if the international community fails to act when its law is flouted and its authority defied, we not only diminish the possibility for peace in this crisis; we belittle this institution of peace itself.

27. Effective action by the Security Council can breathe new life into the provisions of the Charter and the decisions of the Council. It can remind all of us, now and in the future, of our solemn obligation to heed the judgements of this body and to preserve its central place in the maintenance of international peace and security.

28. Let us move together, in a manner that is clear and convincing, to demonstrate that the rule of law has meaning and that our machinery of peace has practical relevance. Let us protect, as we must, the basic process that permits nations to maintain civilized relations with one another.

29. Through the decision we urge on the Council, together we can hasten the day when this ordeal is resolved. And through our demonstrated commitment to the purposes of the Charter we will strengthen both the principles and the institutions that serve world peace and protect us all.

30. Sir Anthony PARSONS (United Kingdom): Almost a month has passed since we last met here in open Council to consider this problem. On that occasion the Council unanimously called on the Government of Iran to release the personnel of the American Embassy held hostage at Teheran. In the statements made in the Council at that time there was equal unanimity in condemning this unique and, in modern times, unprecedented act. However, notwithstanding the subsequent efforts by the Secretary-General, notwithstanding the unanimous Order of the International Court of Justice that Iran should immediately release the hostages, notwithstanding initiatives taken by other individuals, the deadlock continues. The hostages are still incarcerated. The Iranian authorities remain in flagrant violation of the Vienna Convention on Diplomatic Relations, of other United Nations conventions, of general international law and long-standing practice of States. As day after day passes with the hostages still in captivity, the crisis deepens. The international tension that the hostage-taking has generated stretches ever closer to breaking-point.

31. This is not simply a diplomatic crisis, a dispute between two countries. It touches deep humanitarian springs. The hostages themselves are suffering the stresses and privations of long captivity. Their families are suffering the pangs of doubt and uncertainty. The American people as a whole are suffering with those families and with their compatriots immured in Teheran.

32. But, sadly, we have seen little, if any, sign of change in the attitude of the Iranian authorities or of those in occupation of the American Embassy, nor have we detected any indication that they might be prepared to respond positively to the various calls made by the international community for the release of the hostages. Indeed, the implications of the Secretary-General's report of 22 December are that the Iranian authorities have no interest in mediation at this time.

33. Nevertheless my delegation wishes at this point to thank the Secretary-General for the statement which he has just made and for his clearly expressed resolve to continue to use his good offices to bring about a solution of the problem.

34. My country has no quarrel with the Iranian people, nor, apart from this one issue, with the Iranian authorities. We have no wish to interfere in the internal affairs of Iran. We respect the right of Iran, as of any other country in the world, freely to choose its own system of government. We recognize that the people of Iran feel a deep sense of grievance towards the previous régime in their country. Moreover, we are confident that the Iranian people share with us a desire to have normal diplomatic, commercial and cultural relations with my country, as would be natural for two nations with such ancient and historical links.

35. I should like to emphasize here that there is nothing standing in the way of such a normal and fruitful relationship except the totally unacceptable continuing detention of the American hostages.

36. I therefore appeal once more to the people and Government of Iran, in their own interests, in the interests of the hostages and of their families, in the interests of the peace and stability of the world immediately to release the hostages. This act would enable the people of Iran, if they so wished, to uncover the past as they see it to the eyes of the world. It would enable the people of Iran, if they so wished, to build their future in concert with the community of nations. Only by this act can they hope to make a start to these processes.

37. In my statement to the Council on 1 December [2175th meeting], I stated the view of my Prime Minister that we would do anything we could to assist our friends the Americans in the grievous position in which they and the hostages now find themselves. My Prime Minister has reiterated this sentiment clearly and unequivocally, both recently in this country and elsewhere. I state it again now on behalf of Her Majesty's Government. This is a time, of all times, for friends to stand together and the United States may be assured that the United Kingdom will not be found wanting.

38. Mr. ÅLGÅRD (Norway): Mr. President, on two occasions last month your predecessor, on behalf of all members of the Council, appealed to the Iranian authorities for the immediate release of the hostages held at the American Embassy at Teheran. On 4 December, the Council unanimously called on the Government of Iran to release the hostages, to provide them with protection and to allow them to leave the country. A number of countries non-

members of the Council joined us in our appeal. On 15 December, the International Court of Justice ordered the Government of Iran to release all the hostages immediately.

39. The response by the Iranian authorities to these actions by the international community has been one of continued defiance.

40. The matter before us concerns not only Iran and the United States but the entire international community. It is the basic rules and principles of international law and international relations which Iran is violating.

41. My Government fully respects the sovereignty and independence of Iran and the right of the Iranian people to determine its own future. But as we respect their rights, we must insist that they respect the rights of others and adhere to the established rules of behaviour between nations.

42. The Security Council has a basic responsibility for upholding the fundamental principles of international law governing relations between States. Thus we have to act when these principles are being violated. The prestige and the authority of the United Nations are at stake.

43. We seem to have reached the end of the road where mere appeals will do. My Government would be ready to support, here and now, concrete action by the Council under Chapter VII of the Charter and to adopt procedures which would make such sanctions effective. There have been numerous attempts at mediation by Governments and individuals of goodwill. So far, it seems as if the Government of Iran is rejecting the very concept of mediation. Any new initiative by the Council once more to test the goodwill of the Government of Iran needs in the present situation to be backed up by a firm commitment to take, in the case of another failure, such appropriate action as that to which I have referred.

44. If the Council should want to enlist once more the good offices of the Secretary-General, we would support this, and I want to assure him of our all-out support in his continued and dedicated efforts in this matter, for which we are all extremely grateful. In that case, the Government of Iran should know that the Secretary-General speaks with the full authority not only of his high office but also of the Council. My Government will urge the Government of Iran to co-operate fully with the Secretary-General in securing the immediate release of the hostages.

45. An eventual decision to postpone the implementation of immediate measures should not be taken by the Government of Iran as a sign of weakness on the part of the Council. On the contrary, the Government of Iran should grasp such an open hand and respond positively to the repeated appeals by the Council. This would leave us with an alternative to the immediate implementation of sanctions.

46. Once the hostages have been released, Iran will find that the international community will provide it with ways for airing legitimate concerns on its part.

47. Mr. FUTSCHER PEREIRA (Portugal): At the Security Council meeting held on 1 December [*ibid.*], I had

occasion to state clearly the position of the Portuguese Government on the matter that again brings us here today. I stated then that the assault on the United States Embassy at Teheran, the taking hostage of the American diplomatic personnel and, above all, the approval of those acts by the Iranian leaders did constitute, in the view of the Portuguese Government, a very serious violation of basic principles of international law—principles of vital importance for the community of nations and for the very existence of the United Nations itself. As I then said, the accepted rules of diplomatic practice and the status of immunity that all nations of the world have agreed to grant reciprocally to their diplomatic personnel are indeed the basic conditions for peaceful discussion and settlement of differences, that being the reason why their violation constitutes such a serious threat to peace and security.

48. Discharging itself of its responsibilities and acting, in accordance with the Charter, on behalf of all Member States, the Council adopted unanimously on 4 December resolution 457 (1979), urgently calling on the Government of Iran "to release immediately the personnel of the Embassy of the United States of America being held at Teheran". Less than two weeks later, on 15 December, the International Court of Justice, also by a unanimous vote, issued an order along the lines of the resolution of the Council.

49. Governments of many Member States have also, in the meantime, been expressing their condemnation of the continued detention of the hostages, and making pressing appeals to the Iranian leaders for their immediate release.

50. Throughout this same period the Secretary-General—with the competence, the dedication and the high sense of his responsibilities which we all acknowledge and admire in him—has been striving arduously both to find a solution to the present crisis and to ensure the release of the hostages. This means that, confronted with a situation which the conscience of the international community has deemed unacceptable and unjustifiable, the United Nations has taken all possible measures as required by the present circumstances—namely, through the action of the Council, through the order issued by the International Court of Justice and through the good offices of the Secretary-General.

51. Almost a month has now elapsed. All those appeals and endeavours have been totally ignored by Iran. For a month, the world has been confronted by all sorts of contradictory statements, coming from different Iranian authorities. Whenever a word has been said in Iran that could be looked upon as implying a possible way out of the crisis, that word has always turned out to be of no consequence, or has been immediately rejected by different statements from other sources of power.

52. The deplorable fact is that the Iranian authorities have shown so far an attitude of total defiance towards the community of nations and the very principle on which international relations are based.

53. What is now at stake, much more than the freedom and the dignity of the hostages, important as they are, is,

above all, the very foundation of the international order and the credibility of the United Nations as a means of ensuring the survival of that order and of upholding the principles on which it is based—a fact all the more serious since Iran, at the moment the crisis erupted, could not even justify its attitude on the basis of threats to its territorial integrity or political independence, which were by no means endangered.

54. In those circumstances the Portuguese Government deems it justified that the Council consider new ways and means aimed at leading to a negotiated and prompt settlement of the crisis, in the spirit of the Charter. Should they fail, the Iranian Government must then realize that the Council would have no alternative but to envisage other measures at its disposal, in accordance with Chapter VII of the Charter.

55. My delegation still wants to believe that the Iranian authorities will come to reason and heed the international appeals and injunctions addressed to them.

56. Mr. LEPRETTE (France) (*interpretation from French*): Once again the Security Council has met to consider the situation, of ever growing concern to the international community, created by the prolonged detention, in contempt of international law, of members of the United States Embassy at Teheran. It is indeed most regrettable that the voice of the Council has not been heeded so far and that the American hostages have not been released, as was requested in resolution 457 (1979), unanimously adopted, I would stress, by the Security Council on 4 December.

57. I have had an opportunity to indicate here in the Council, on 1 December [*ibid.*], France's position with respect to this serious matter. Today I shall confine myself to recalling the underlying principles of that position. My country attaches paramount importance to strict respect for international law, which means that, in our view, no damage must be done to either the independence and sovereignty of States or the right of each and every people freely to determine its own political, economic and social options. That is the attitude which France has taken, particularly since the beginning of the Iranian revolution. But this means equally that my country considers absolutely unacceptable the taking hostage of diplomatic personnel covered by conventions and customs respected by the entire community of States. The general rules governing relations among States, particularly those relating to diplomatic immunities, are in accordance with universal law; they should therefore be binding on all, and in all circumstances. Hence this is not simply a question of a dispute between two Member States.

58. In these circumstances my delegation considers it essential that the Security Council should once again take action with respect to this affair and call upon Iran to respect, without any further delay, its obligations as a Member of the United Nations. Otherwise the authority and prestige not only of the Council but also of the entire Organization would be directly affected.

59. My delegation would therefore be prepared to approve any draft resolution which recalled both the previous

actions taken by the Council and the order handed down by the International Court of Justice, which expressed regret that those measures had proved ineffective and which called once again upon Iran to free the hostages.

60. That being the case, my delegation believes that it would be extremely advantageous for the Secretary-General—to whom I should like to pay a particular tribute for his tireless efforts ever since the beginning of this crisis—to be called upon to continue his good offices and to report back to the Council, in a fixed period of time, on the results obtained. Unless the situation improves shortly, there will be nothing left for the Council to do but resort to the measures laid down in Chapter VII of the Charter.

61. I should like to voice the hope that the Iranian people and the Iranian authorities will realize that the entire membership of the United Nations has been asking them for weeks now, and today urges them, to abide by the rules of international law. Only when these rules are observed is it possible to guarantee normal relations prevailing among States. It is only thus that we can avoid having to apply the more stringent measures that may prove to be necessary. I should like to express the heartfelt hope that this fresh appeal will be heeded.

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

63. Mr. von WECHMAR (Federal Republic of Germany): Mr. President, at the outset let me thank you and the other members of the Council for granting us the opportunity to speak here tonight.

64. The international community faces a serious challenge. Since 4 November, as many as 50 men and women have been held hostage at Teheran, an act which constitutes an open breach of universally accepted principles of international law and a violation of fundamental human rights. Both the call for the immediate release of the hostages made by the Security Council on 4 December and the decision of 15 December to that effect by the International Court of Justice have been disregarded by those responsible in Iran. The urgent appeals from political leaders in all parts of the world and the calls by the Secretary-General, the President of the Security Council and the President of the General Assembly for the immediate release of the hostages have gone unheeded.

65. The flagrant breach of the principle of the inviolability of the members of diplomatic missions—which is recognized by all States—and the open disregard of the decisions of the competent international bodies are extremely serious events likely to endanger the maintenance of international peace and security. This cannot be tolerated any longer by the international community.

66. The Security Council is now called upon to take steps in accordance with the Charter to put an end to this development and ensure the release of the hostages. The Council is faced with the task of settling a serious conflict with the means given to it by the Charter. It therefore has a great

responsibility in relation to those directly affected—but also in relation to the international community.

67. The position of the Federal Republic of Germany on this conflict was and is clear: we respect the right of the Iranian people to determine its future in free self-determination and to give itself an order that is better suited to its wishes than the past one. We attach due importance to the accusations about past injustice, but by the same token we are firmly convinced that past injustice cannot justify new injustice.

68. The United States Government, as well as the American people, has our full solidarity. In this serious situation they have shown great determination, restraint and a high sense of responsibility by doing everything possible to bring about a peaceful solution. The Government of the Federal Republic of Germany has in word and deed fully supported these efforts since the hostage-taking at Teheran. It deeply regrets that they have not yet led to the release of the hostages.

69. The Federal Republic of Germany firmly sides with international law and continues to insist on the immediate release of the hostages at Teheran. It calls for a settlement of the conflict in accordance with the Charter and is resolved to support any decision the Security Council may find necessary to achieve this aim.

70. We wholeheartedly welcome the envisaged mission of the Secretary-General to go personally to Iran in order to seek a solution by mediation. The Secretary-General would, with the mandate of the Council, represent the will of the family of nations, of which Iran is a member. We urge those responsible for the holding of the hostages to understand that this extraordinary measure would indicate the firm determination of the whole family of nations to restore the rule of international law and to resolve this crisis, taking into account the legitimate interests of all concerned. The mandate that would be given to the Secretary-General by the Council must be seen as a last chance to achieve this by the means contained in Chapter VI of the Charter.

71. We therefore most earnestly appeal to those responsible in Iran to use this opportunity to bring an end to the present crisis by releasing the hostages immediately, thus respecting international law, human rights and the will of the international community. That is also the only way to secure the understanding and attention of the international community with regard to the legitimate concerns of the Iranian people.

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

73. Mr. KOH (Singapore): Mr. President, it is fortunate for the Security Council to have as its president during this critical month a man of your ability and vast experience.

74. The facts which are relevant to our consideration are not in dispute. On 4 November, the premises of the United States Embassy at Teheran, as well as its consulates at

Tabriz and Shiraz, were attacked and occupied. Despite repeated calls for help, the Iranian authorities did not send their security forces to protect the premises of the diplomatic missions or to relieve the situation. Since 4 November the premises of the United States Embassy at Teheran and of the consulates at Tabriz and Shiraz have remained in the hands of the persons who seized them.

75. On 4 November the armed invaders of the United States Embassy seized 63 persons of United States and other nationalities. On 18 and 20 November, 13 of those persons were released. The remaining 50 persons have been held hostage. According to the evidence, 28 of those 50 persons have the status, duly recognized by the Government of Iran, of "members of the diplomatic staff" within the meaning of the Vienna Convention on Diplomatic Relations of 1961. Of the remaining 22 persons, 20 have the status, similarly recognized by the Government of Iran, of "members of the administrative and technical staff" within the meaning of the said Convention. The remaining two persons of United States nationality do not possess either diplomatic or consular status. In addition to the persons held hostage in the premises of the Embassy, the United States Chargé d'affaires in Iran and two other United States diplomatic agents are being detained in the premises of the Iranian Ministry of Foreign Affairs.

76. The overwhelming evidence suggests not only that the Government of Iran has failed to prevent the events which I have described, but that there is clear evidence of its complicity in, and approval of, those events.

77. If the relevant facts are clear, so also are the applicable principles of international law and of coexistence between States. One of those principles is the inviolability of diplomatic envoys and embassies. That is a principle which has been observed in the relations between States from time immemorial. Indeed, as the judges of the International Court of Justice have pointed out,

"there is no more fundamental prerequisite for the conduct of relations between States than the inviolability of diplomatic envoys and embassies, so that throughout history nations of all creeds and cultures have observed reciprocal obligations for that purpose".<sup>2</sup>

That principle, which has long existed in customary international law and in the practice of nations, is now codified in the Vienna Convention of 1961. Both Iran and the United States are parties to that Convention. The two States are also parties to the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, of 1973.

78. The application of the relevant principles of international law to the facts before us can lead to only one conclusion. That is that there is no legal, or any other, justification for the continued seizure and occupation of the United States Embassy at Teheran and the holding of the 50 Americans as hostages.

79. The grievances of the Government of Iran against the previous régime and against the United States cannot justify

<sup>2</sup> *Ibid.*, para. 38.



the breach of the principle of the inviolability of diplomatic envoys and embassies. I pass no judgement on the validity of those grievances. They should, however, be pursued by appropriate action in relevant national and international forums.

80. On 9 November, four days after the seizure of the United States Embassy, the President of the Security Council issued a statement on behalf of the members of the Council [S/13616]. The statement asked urgently for the release and protection of American personnel who had been detained in Iran. On 25 November the Secretary-General, invoking Article 99 of the Charter, requested an early meeting of the Council and declared the current crisis a serious threat to international peace and security. The Council met on 27 November [2172nd meeting], when the President of the Council reiterated his earlier appeal. Subsequently, the Council met on 1, 2, 3 and 4 December [2175th to 2178th meetings]. On 4 December, it unanimously adopted resolution 457 (1979), which, *inter alia*, urgently called on the Government of Iran to release immediately the personnel of the Embassy of the United States being held at Teheran, to provide them with protection and to allow them to leave the country. The resolution also requested the Secretary-General to lend his good offices for its implementation.

81. The United States has also taken its case to the International Court of Justice and requested provisional measures. In an extraordinary show of unanimity, the 15 judges of the Court granted the following provisional measures. First, the Court ordered the Government of Iran to ensure that the premises of the United States Embassy be restored immediately to the possession of the United States authorities and to ensure their inviolability and effective protection; secondly, that the Government of Iran ensure the immediate release, without any exception, of all persons of United States nationality who are being held in the embassy, or in the Ministry of Foreign Affairs at Teheran, or elsewhere, and to afford full protection to all such persons; thirdly, that the Government of Iran afford to all the diplomatic and consular personnel of the United States the full protection, privileges and immunities to which they are entitled, including immunity from any form of criminal jurisdiction and freedom and facilities to leave the territory of Iran.

82. The Secretary-General has submitted a report dated 22 December [S/13704], describing the persistent and strenuous efforts he has made in pursuance of his mandate under Security Council resolution 457 (1979). My delegation joins others in paying a warm tribute to the Secretary-General for the valuable contributions he has made to defuse the situation and to obtain the release of the hostages. We note, however, in paragraph 11 of that report the following statement:

“the expectation which had previously arisen for early progress towards a settlement of the crisis could, for the time being, not be fulfilled”.

In spite of that pessimistic conclusion, we would urge the Secretary-General to continue to lend his good offices.

83. I have reviewed the facts of the case; I have referred to the relevant principles of international law which apply to the facts; I have reviewed the developments which have

taken place between 4 November and now. I come now to the question of what the Security Council should do. I recommend the following course of action to the members of the Council: first, the Council should consider issuing a demand to the Government of Iran for the release, unconditionally and without exception, of the hostages being held at Teheran and the ending of the occupation of the embassy; secondly, if a reasonable period of time passes without compliance by the Government of Iran with that demand, the Council should meet again on a specified date in order to consider what appropriate and concrete action it should take in accordance with the relevant provisions of the Charter.

84. 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.

85. Mr. ANDERSON (Australia): Mr. President, I thank you, and, through you, the members of the Security Council for affording me this opportunity of addressing the Council this evening.

86. As members of the Council will recall from my statement of 2 December [2176th meeting], prior to the unanimous adoption of resolution 457 (1979), Australia attaches the highest importance to the principles of international law which govern international relations. We regard the refusal of the Government of Iran to take steps to implement resolution 457 (1979) by obtaining the immediate and unconditional release of the persons held hostage in the United States Embassy at Teheran as amounting to a grave violation of international law, coming on top of its earlier and fundamental breaches of international conventions to which it is a party.

87. My Government fully understands and supports the position of the Government of the United States in this matter. The fact that the United States has sought to employ the Charter of the United Nations in order to obtain a peaceful solution to this problem is, we believe, commendable. The United States has also been given the support of the great majority of world opinion—not only the opinion of the international community as expressed most recently by the President of the General Assembly, but also public opinion right around the world.

88. The maintenance of international peace and security depends essentially on co-operation between States. Co-operation between nations is the very foundation of this Organization, and all States are bound by the Charter provisions to work together for peace and friendship.

89. The present situation in Iran is undeniably a most serious potential threat to international peace and security, and, as such, it demands the urgent attention of the Council. If the Council were to fail to exercise its authority, there could only be a reduction in every country of the trust which people have chosen to place in the United Nations as an effective organ working for peace and international law. The Council must uphold this solemn trust.

90. Australia, for its part, stands willing to join with the responsible international community in efforts to secure

freedom for the American hostages now being held at Teheran.

91. It follows from all that I have said that Australia does not see the current situation as one which should be interpreted from a sectarian religious standpoint. Nor do we consider that there can be any difference in attitude based on a country's political or economic circumstances. What we are confronting is the flouting of established rules which have stood the test of war, strife and bitter hatred between States in the past. The Council is being confronted by an act of defiance, and in Australia's view there can be no alternative but to take action. That action should be designed with one end in mind: the immediate and unconditional release of the hostages.

92. Australia has, of course, no wish to see harm and deprivation come to the Iranian people as a result of action by the United Nations, and, indeed, there are certain measures which, because of their effect on the people themselves, should not be contemplated. But it must be brought home to Iran's leaders that the system of international relations which has been so painstakingly devised over the last thousand years cannot be swept away for the sake of domestic political interests or in pursuit of objectives for which solu-

tions can be found within the framework of international relations and international law.

93. For those reasons Australia fully supports the approach which has just been proposed by the United States Secretary of State. We believe that the Council should renew and reaffirm its demand for the immediate release of the hostages and for their protection and safe departure from Iran. We favour the proposal that the Secretary-General, whose untiring efforts to seek a solution deserve our full commendation, should now proceed to Iran to facilitate action to this end. This would afford the Government of Iran a further opportunity to return to the path of international co-operation.

94. As the United States has noted, the release of the hostages will clear the way for Iran to present its grievances in any appropriate forum and, indeed, the United States has expressed its readiness in that event to seek a resolution of the issues between the two Governments. Should the leaders of Iran nevertheless refuse to release the hostages, it is the firm view of my Government that the Council should proceed immediately to take effective measures under Chapter VII of the Charter.

*The meeting rose at 8.30 p.m.*



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