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2366th MEETING: 25 MAY 1982

NEW YORK

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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.

2366th MEETING

Held in New York on Tuesday, 25 May 1982, at 10.30 a.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/2366)

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 11.15 a.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*): in accordance with decisions taken at previous meetings on this item [2360th and 2362nd to 2364th meetings], I invite the representative of Argentina to take a place at the Council table; I invite the repre-

sentatives of Antigua and Barbuda, Australia, Belgium, Bolivia, Brazil, Canada, Colombia, Cuba, Ecuador, El Salvador, Equatorial Guinea, Greece, Guatemala, Honduras, Indonesia, Kenya, the Lao People's Democratic Republic, Liberia, Mexico, New Zealand, Nicaragua, Paraguay, Peru, Uruguay and Venezuela to take the places reserved for them at the side of the Council chamber.

At the invitation of the President, Mr. Costa Méndez (Argentina) took a place at the Council table; Mr. Jacobs (Antigua and Barbuda), Mr. Street (Australia), Miss Dever (Belgium), Mr. Ortiz Sanz (Bolivia), Mr. Corrêa da Costa (Brazil), Mr. Pelletier (Canada), Mr. Sanz de Santamaría (Colombia), Mr. Roa Kouri (Cuba), Mr. Albornoz (Ecuador), Mr. Rosales-Rivera (El Salvador), Mr. Maye Ela (Equatorial Guinea), Mr. Dountas (Greece), Mr. Delprée-Crespo (Guatemala), Mr. Lobo (Honduras), Mr. Kamil (Indonesia), Mr. Maïna (Kenya), Mr. Srithirath (Lao People's Democratic Republic), Mrs. Jones (Liberia), Mr. Muñoz Ledo (Mexico), Mr. Francis (New Zealand), Mr. Chamorro Mora (Nicaragua), Mr. González Arias (Paraguay), Mr. Calle y Calle (Peru), Mr. Azar Gómez (Uruguay) and Mr. Martini Urdeneta (Venezuela) took the places reserved for them at the side of the Council chamber.

2. The PRESIDENT (*interpretation from Chinese*): I should like to inform members of the Council that I have received letters from the representatives of Chile, the Federal Republic of Germany, India, Italy and the Netherlands 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 them 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. Trucco (Chile), Mr. van Well (Federal Republic of Germany), Mr. Krishnan (India), Mr. La Rocca (Italy) and Mr. Scheltema (Netherlands) took the places reserved for them at the side of the Council chamber.

3. The PRESIDENT (*interpretation from Chinese*): Members of the Council have before them the following documents: S/15105, containing the text of a letter dated 24 May from the representative of the Union of Soviet Socialist Republics to the Secretary-General;

S/15106, containing the text of a draft resolution submitted by Ireland; S/15108, containing the text of a letter dated 24 May from the representative of Brazil to the President of the Council; and S/15110, containing the text of a letter dated 24 May from the representative of Uruguay to the President of the Council. Members of the Council have also received copies of a note verbale dated 24 May from the Missions of Argentina, Nicaragua, Panama and Venezuela to the President of the Council [S/15111].

4. Mr. SINCLAIR (Guyana): It is with a sense of the deepest satisfaction that my delegation welcomes you, Sir, to the presidency of the Council for the month of May. You could hardly have assumed this responsibility at a more difficult time, but already we have seen evidence of the qualities of patience, tact and wisdom that you bring to your duties, qualities which my delegation is confident will be conducive to the successful discharge of your mandate.

5. My delegation must take this opportunity to pay a well-deserved tribute to Mr. Kamanda wa Kamanda, of Zaïre, who presided over the Council during a most trying period last month. By his skilful performance, he vindicated the highest confidence with which we welcomed his assumption of the presidency at the beginning of April.

6. The Council has convened at the request of the Government of Ireland, which, in its statement issued on 4 May [S/15044, *annex*], expressed concern at what it described as "open war" between Argentina and the United Kingdom and at reports that hundreds of lives had already been lost. Since that date, of course, the situation in the South Atlantic has deteriorated markedly. The fighting has intensified and there have been mounting loss of life and incalculable material losses on both sides.

7. My Government naturally views these developments with concern and regret. We feel obliged to voice those sentiments and to encourage a return to the negotiating table for a settlement of the differences between Argentina and the United Kingdom, in accordance with Council resolution 502 (1982).

8. Consistent with the concern expressed by Ireland, both in its written statement and in its address to the Council on 21 May [2360th meeting], and with what my delegation believes to be the need of the present moment in relations between Argentina and the United Kingdom, I shall refrain from addressing myself to the substance of the question of the Falkland Islands (Islas Malvinas). The concern of the Council at the moment, the immediate concern of the delegation of Guyana, is that an end be brought to this war on the basis which I have just described, a war which has already taken such a heavy toll in human life and human suffering and one which, furthermore, could have been avoided.

9. I say that deliberately, for this is not a war which started when no one was looking. It is not a war which took any member of the international community by surprise, certainly not any member of the Council. In fact, I can hardly think of a war for which the Council was better prepared than it was for this one. On 1 April, the President, after consultations, issued a statement on behalf of the members of the Council [2345th meeting, *para.* 74], calling on the two parties to refrain from the use or threat of force and to continue to search for a diplomatic solution.

10. On 3 April, the Council made a determination that a breach of the peace had taken place in the Falkland Islands (Islas Malvinas). In full consistency with its responsibility for maintaining peace and security and for preventing breaches of the peace, the Council, in resolution 502 (1982), demanded an immediate cessation of hostilities and an immediate Argentine withdrawal from the islands, which its forces had occupied on 2 April, the day following the appeal by the President.

11. It is well known that Argentina did not withdraw its troops from the islands as it was required to do by the mandatory resolution 502 (1982). In fact, after the adoption of that resolution, the Argentine military presence on the islands intensified and consolidated. We are now witnesses to the dire consequences which several States predicted when the Council considered this question in the first days of April.

12. My delegation profoundly regrets this non-compliance with resolution 502 (1982), as it does the particular action which made adoption of that resolution necessary and which is described in the second preambular paragraph of the resolution. That action was in clear violation of the Charter of the United Nations, which places an obligation on all States to refrain from the use of force for the settlement of their disputes, an obligation to settle their disputes by peaceful means.

13. Guyana therefore cannot accept that a State should unilaterally resort to the use of force in order to settle in its favour a dispute which it has with another State. It is even more disturbing to my delegation when such a resort to force takes place even while negotiations are in progress between the two States concerned, as they were prior to 2 April. The peaceful settlement of disputes between States is necessarily, and must be seen to be, a corner-stone of the edifice of international relations based on the rule of law, which the United Nations was intended to represent and promote. When a State chooses force instead of negotiations to settle its dispute with another, it must recognize that in so doing it is taking an action the consequences of which will go far beyond the immediate issue, to affect seriously the very chances of survival of a system of international relations based on the rule of law.

14. The world in the 1980s is characterized by an already appalling number of situations of conflict and instability and by the increase and intensification of international disputes of one sort or another. Within this very hemisphere there are several other disputes awaiting solution; there are controversies awaiting solution. Some, of late, are already appearing to assume ominous characteristics. The action of 2 April is even being held aloft as an example to be emulated or at least imitated. If actions such as this were to appear to be condoned or were to be passed over in silence, what must those States expect which are parties to disputes or controversies with others, particularly those which find themselves in positions of military disadvantage? What must we expect?

15. In taking this stand against the resort to force in disruption of the processes for peaceful settlement of disputes between States, I am being faithful to and consistent with a position which Guyana has firmly and unequivocally advocated in the past. Before the Council took up this present question, we defended this position on the occasion of the Council's consideration of the complaint which Iraq had brought against Israel. On that occasion I said that States Members of the United Nations had committed themselves to abide by the purposes and principles of the Charter of the United Nations and to refrain in their international relations from the threat or use of force. More recently, in a warning expressed in the course of our consideration of the complaint brought by Nicaragua, I recalled to the Council that the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, contained in General Assembly resolution 2625 (XXV), had also set forth the principle that States shall settle their international disputes by peaceful means in such a manner that international peace and security are not endangered.

16. Guyana believes in the essential and continuing validity for the international community as a whole of the principle that aggression shall not be rewarded. We have to insist on that validity whenever that principle is called into question.

17. Yet, whatever the first cause, the fact is there is an ugly war in progress in the South Atlantic, and Guyana would like to see a speedy end to that state of war. My delegation would like to express its appreciation to the Governments of the United States and Peru for their valiant efforts carried out both before and during the war. Theirs were efforts expended in the name of peace, and they deserve our recognition.

18. My delegation would like to make particular mention of the role played by the Secretary-General. We listened very carefully to the report which he presented to the Council last Friday [2360th meeting], detailing his tireless efforts to keep open the lines of communication between the two parties and to secure

agreement between them for a negotiated solution, in accordance with resolution 502 (1982), and with the Charter of the United Nations. My delegation would like to pay special tribute to the Secretary-General for his untiring commitment to that cause, for his patience and his fortitude. We take this opportunity to reiterate to you, Mr. Secretary-General, our continuing support and co-operation.

19. The Secretary-General reported last Friday that his efforts did not offer any present prospect of bringing an end to the crisis. Yet his report described progress over a quite substantial number of areas. In my delegation's view, there is still a role for the Secretary-General in helping to structure a framework for a negotiated solution in the South Atlantic in accordance with resolution 502 (1982).

20. My delegation deplores the loss of young lives which has followed from non-compliance with resolution 502 (1982) and, with the fullest and most complete sincerity, expresses the hope that even at this late stage Argentina may be persuaded of the wisdom of compliance with that resolution, so that this matter may be removed from the snowy and rain-soaked field of battle and returned, with befitting statesmanship, to the conference table where it so rightfully belongs.

21. My delegation therefore supports the idea that the Council should now give a formal mandate to the Secretary-General to resume his contacts with the two parties with a view to securing an early, just and lasting peace between Argentina and the United Kingdom. In expressing such support, my delegation is encouraged by the assurances by both Argentina and the United Kingdom given in the Council last Friday [*ibid.*] of their continuing will to negotiate. It therefore behoves the Council immediately to give the necessary mandate to the Secretary-General to resume his efforts with the two parties, always on the basis of resolution 502 (1982). My delegation pledges its fullest support to these efforts.

22. Mr. AMEGA (Togo) (*interpretation from French*): The famous nineteenth-century historian Karl von Clausewitz, who is still the leading war theoretician, wrote in his analysis, which seems to continue to influence our thinking today, that "what justifies war in the eyes of reason is the extent of the sacrifices it imposes. Therefore war must be waged totally and we must be ready to surpass the enemy in our capacity to make sacrifices." This warlike theory cannot, of course, commend itself to us.

23. But, unfortunately, we are confronted with a phenomenon which corroborates this theory and which reflects this warlike spirit. Indeed, since the outbreak of hostilities, the Members of the United Nations in general, and the members of the Security Council in particular, have been receiving almost every day reports from the warring States about the damage inflicted upon the adversary, as if each of

them wanted to prove the magnitude of "its sacrifices" or those imposed on the other side. My delegation would have preferred there to be no occasion for such reports.

24. The state of war which now prevails in the Falkland Islands (Malvinas) entails considerable sacrifices on both sides. War has a demographic effect, because there is no armed conflict that does not cause loss of life. Indeed, my delegation deplores the considerable loss of life caused by the most recent developments in the conflict. War is also a phenomenon with economic effect, because there is no war that does not use *matériel* or money. "To wage war", Marshal de Saxe stated, "you need three things: first, money; secondly, money; and thirdly, money."

25. In this period of crisis, when all States are facing a very serious economic situation in their efforts to meet the needs of their peoples, it is absurd for resources to be mobilized and wasted on war, a war whose only merit is to remind us once again of the folly of which man is capable.

26. The Council, in its wisdom, has appealed to the two parties for moderation, but the voice of wisdom has not succeeded in halting the momentum of this war, whose consequences are incalculable. In view of the escalation of the conflict, and in an attempt to avoid the worst, the Council adopted resolution 502 (1982). By voting in favour of that resolution, the delegation of Togo wished once again to demonstrate its attachment to the principles of the Charter of the United Nations. Togo, a peace-loving country, cannot agree that violence should be allowed to be elevated to the status of a political system in relations between nations. The violation of Article 2, paragraph 4, of the Charter, which states that Members of the Organization "shall refrain in their international relations from the threat or use of force", will always be condemned by my country, whichever country may commit such a violation and whatever reasons or motives may be invoked.

27. That is why my Government is profoundly concerned by the situation which currently prevails in the South Atlantic, a situation created by the invasion of the Falkland/Malvinas Islands on 2 April, which recalls the distressing precedent of January 1833.

28. In the face of the gravity of these events, the Secretary-General had no hesitation in undertaking negotiations with the parties to try to persuade them to behave more nobly. In this regard, I should like to take this opportunity to pay him a well-deserved tribute for his efforts to settle this crisis.

29. Those efforts should be continued until the conflict has finally been settled. In this context, the Council should put into effect the relevant provisions of the Charter, particularly those contained in Article 40, and call for an immediate cease-fire within the

framework of provisional measures. Only after a cease-fire can negotiations continue normally. The cease-fire should be followed by the withdrawal of the troops of the two warring States and the taking over of the administration of the islands by the United Nations on an interim basis.

30. In casting, on 3 April, a vote in favour of resolution 502 (1982), my delegation made it clear that its position in no way prejudged the substance of the question. The question should be examined in accordance with the relevant resolutions of the General Assembly.

31. In the present circumstances, the Council must essentially concern itself with the measures it is appropriate to take to put an end to the present conflict. My delegation continues to believe that the two parties must do everything possible to settle the problem of substance that is at issue between them by peaceful means and in compliance with the provisions of the Charter.

32. From that standpoint, the Secretary-General will have a primary role to play. He has already sufficiently demonstrated that that is true, and his great diplomatic talents should encourage the Council to entrust to him a mandate for the continuation of the negotiations upon which he has embarked.

33. From that standpoint, too, my delegation would like to recall that the settlement of the crisis should proceed from the application of the following measures already set forth in the proposal of 15 April of the President of the Togolese Republic: first, a Security Council decision calling for an immediate cease-fire and the resumption of negotiations by the Secretary-General; secondly, the withdrawal of Argentine troops in accordance with Council resolution 502 (1982) and the return of the naval forces of the United Kingdom to their base; thirdly, the setting up on the islands of an interim United Nations administration; fourthly, continuation of negotiations under the aegis of the United Nations in order that agreement may be reached between the parties on the basis of the relevant United Nations resolutions.

34. It is imperative that the Council, whose chief function is maintaining peace, discharge its responsibilities and adopt measures that could put an end to this war which could have been avoided. The two parties, both of which are disposed to negotiate, must combine their efforts to restore and consolidate peace between their two peoples.

35. In this regard, I wish to quote General Gnassingbe Eyadéma, President of the Togolese Republic, on the subject of peace between the nations of the world:

"The Togolese people ardently wish for peace and progress for itself and for all other nations.

"This peace must be a genuine one and promote the effective emancipation of our various nations. That is why Togo, in the face of the disarray of our times and the threat to international equilibrium, has always advocated recourse to fraternal dialogue and lasting efforts in the search for peace and just solutions to the tragic conflicts which are convulsing our world and every day causing loss of human life."

36. Mr. NUSEIBEH (Jordan): Mr. President, I have on previous occasions expressed my delegation's deep appreciation of your consummate wisdom in your presidency of the Council during many arduous meetings, both informally and at formal sessions, during this trying month in which the turn of events regarding the Falkland Islands (Islas Malvinas) has plunged two friendly countries into a full-fledged war.

37. My delegation can hardly overstate its deep appreciation of the Herculean efforts of the Secretary-General and the judicious manner in which he has so assiduously striven over weeks to avert the tragic conflict now raging in the South Atlantic and to achieve a just, honourable and peaceful solution which would have spared us profound anguish at the tragic loss of life on both sides and the shattered long-standing friendship between the two parties to the dispute.

38. The report of the Secretary-General to the Council on 21 May [*ibid.*], in which he stated his inability to facilitate an agreement between the Argentine Republic and the United Kingdom, is ample testimony not only to his dedicated exertions but also to the substantial progress he had succeeded in forging between the two parties on the basis of Council resolution 502 (1982), which continues to be the only viable framework for a peaceful solution consonant with the purposes and principles of the Charter of the United Nations, as well as the imperatives of international law.

39. But it takes two sides to reach an agreement and, in the final stages of the mediation efforts, a confluence of views between the two parties, having agreed on almost 70 per cent of the basic issues—that may be contested, though it is my assessment—proved woefully wanting. Time was running out, and the mission had to be aborted even though, with a greater degree of mutual confidence and goodwill, the last mile towards agreement might have been overcome, as the report of the Secretary-General so frustratingly reveals. There is almost a consensus that the war, which involves no vital interests for either party—the islands are certainly not the fabled Treasure Island of which we read at school—but subjective questions of principle compounded by ever-heightening emotions which armed confrontation and actual combat inevitably engender, had a momentum of its own which overrode all goodwill efforts.

40. For over a week the Council has been engaged in a marathon debate which has unleashed deep emotions but has not contributed substantially to a cessation of hostilities or made the elements arising out of resolution 502 (1982) any easier to implement without prejudice to the claims and counter-claims of the two Parties to the conflict. It is a sad reflection on human nature, the psyche which regrettably plays such a vital role in relations among nations. It should also send an ominous signal to the whole world that even seemingly surmountable differences over seemingly peripheral issues can relegate rational diplomacy to the realm of arms. This is ominous indeed and should be an eye-opener in this contemporary, dangerous and volatile world.

41. We often console ourselves with the knowledge that, despite the advent of the nuclear age, the world has so far averted a terminal conflagration. Indeed it has, and yet, since the Second World War, the world has seen 130 regional wars, which have brought incalculable casualties, suffering and devastation to almost all continents, not least the region of the Middle East, from which I hail.

42. If this stark fact teaches us anything it certainly should teach us to tackle simmering issues in a timely and dynamic manner before they erupt. That at least would give us a better chance to avert the kind of tragedy that we are witnessing today. Regrettably, international diplomacy is only asked to bring its weight to bear after the momentous events have occurred and gathered their own self-generating momentum, and not before. Indeed, as a member of the Security Council I became aware of the conflict the night before the armed conflict and the seizure of the islands occurred. Silenced guns do not mean that potentially explosive conflicts are not still simmering.

43. At this belated stage in discharging our responsibilities, it is an exercise in futility to cry over spilled milk. The Council's renewed thrust should be to give a formal new mandate to the Secretary-General to endeavour to secure compliance with the basic elements of resolution 502 (1982) through resumed peaceful negotiations, which would and should at this stage include the new elements which have given the conflict its new and dangerous dimensions, with enormous ramifications not only for the two parties to the dispute but for the whole world. His mandate should include securing the cessation of active hostilities at the earliest practicable date. This would be a prelude to the full implementation of resolution 502 (1982), taking into account subsequent developments.

44. Armed seizures must not be rewarded. My country and people have been a foremost victim of disregard of that cardinal principle, all the more reprehensible coming as it does after the declaration of the Charter and the creation of the United Nations, which are predicated on that principle.

45. My delegation reiterates its fidelity to the purposes and principles of the Charter, including the non-use of force in the settlement of disputes. That applies in equal measure to the events before the armed seizure of the islands in early April and to the subsequent developments which have intensified the armed conflict.

46. The Council should not resign itself to the role of an onlooker when blood is being shed. A cessation of hostilities does not prejudice the rights and claims of the parties to the dispute, which could be resolved by peaceful means.

47. Jordan's position, expressed in various international forums, on the substance of the dispute remains unchanged, as enunciated in my statement in the Council on 3 April [2350th meeting]. It also remains unchanged in its rejection of the use of force in settling disputes among nations.

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

49. Mr. SCHELTEMA (Netherlands): Mr. President, first of all I should like to express my appreciation to you and the other members of the Council for allowing me to make a statement in this debate, upon instructions from my Government. I should also like to take this opportunity to express my satisfaction at seeing you presiding over the Council's deliberations during this month.

50. The Netherlands has been prompted to speak in this debate by its concern about the rapid worsening of the crisis around the Falkland Islands. During the last few days, the hostilities between the British and Argentine armed forces have sharply intensified, as a result of which the death toll on both sides has risen further. This adds to the already too long and tragic casualty list of both British and Argentine men which was the result of fighting during the earlier stages of the conflict. The Netherlands Government is seriously concerned about this turn of events and its potentially grave and wide-ranging consequences. What started out as a territorial dispute between two States may have unintended negative implications for the deep and many-sided relations between continents. At the same time, the rule of law must be upheld and States Members of the United Nations must abide by their commitment to resolve their disputes by peaceful means.

51. My Government deeply deplores the fact that one party to the conflict failed to avail itself of the mechanism for peaceful settlement of conflicts provided for in the Charter. For many years, the question of the Falkland Islands has been an item on the agenda of the General Assembly. The Netherlands abstained in the voting on General Assembly resolution 31/49

because insufficient account was taken of the wishes of the islands' population, but Argentina voted in favour of that hitherto last pronouncement on the substance of the issue, in which the Assembly also called upon the two parties "to refrain from taking decisions that would imply introducing unilateral modifications in the situation while the islands are going through the process recommended in the above-mentioned resolutions". The latter reference applied to the request made earlier that both sides expedite the negotiations concerning the dispute over sovereignty over the Falkland Islands. Argentina's invasion of the islands in pursuit of its claim ran counter to this appeal by the world community. Its resort to armed force cannot, in the opinion of my Government, be justified in terms of international law. Therefore, together with its partners in the European Community, the Netherlands deeply deplored the Argentine action.

52. In its resolution 502 (1982), the Council laid the basis for a peaceful solution to the conflict. Both Argentina and the United Kingdom subsequently stated that the text of that resolution must be read as an integrated whole and that each one of its provisions was to be complied with. It was a cause for serious regret, therefore, that efforts at mediation from various sides remained inconclusive. In this regard, I should like to express in particular our admiration to the Secretary-General for his tenacious and imaginative attempt to arrive at a compromise and for his willingness to remain available for further negotiations.

53. In the present situation, the Netherlands Government wishes to appeal to both sides to make a fresh attempt at a negotiated solution based on resolution 502 (1982). We urge them to cease hostilities and to resume their talks, through the intermediary of the Secretary-General or through other channels, on the future status of the Falkland Islands. Only a peaceful settlement of this conflict can lead the way to a reconciliation between the two Member countries of the United Nations.

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

55. Mr. TRUCCO (Chile) (*interpretation from Spanish*): Today, 25 May, the Argentine nation is celebrating one more anniversary of its national independence. It should be recalled that Argentines and Chileans participated together in the entire effort to achieve emancipation. It is a pleasure for me, in commemorating that event, to express to the Argentine Republic, through its Minister for Foreign Affairs, our cordial and fraternal greetings.

56. I should like at the outset to express to you, Mr. President, the representative of a great and

friendly nation of age-old culture and wisdom, with which my own country has established and strengthened strong ties of understanding and fruitful diplomatic, cultural and commercial relations, our most sincere congratulations and wishes for success in fulfilling the delicate responsibilities placed on your shoulders. I also wish to express our appreciation for the skilful way in which the presidency was exercised last month by our distinguished friend, Mr. Kamanda wa Kamanda, of Zaire, who discharged that responsibility in an outstanding manner in very difficult circumstances.

57. More than seven weeks have gone by since the Council adopted resolution 502 (1982), which demanded an immediate cessation of hostilities and the withdrawal of all Argentine forces from the Malvinas Islands and called on the parties to seek a diplomatic solution to their differences and to respect fully the purposes and principles of the Charter of the United Nations.

58. That resolution has not yet been heeded.

59. Nor did the difficult task undertaken during the early weeks by the Secretary of State of the United States, at the request and with the consent of the parties, yield any results.

60. The friendly and noble personal initiative of the President of Peru, Mr. Fernando Belaúnde, also met with insurmountable obstacles.

61. The tireless efforts undertaken with exemplary self-sacrifice, wisdom, intelligence and fortitude by the Secretary-General have had to be suspended.

62. At the outset of my comments, I would recall that Chile voted in favour of each of the three resolutions that the General Assembly has adopted on the question of the Malvinas Islands: resolutions 2065 (XX) of 16 December 1965, 3160 (XXVIII) of 14 December 1973 and 31/49 of 1 December 1976.

63. Those three resolutions determined that what was at issue was a dispute over sovereignty, urged the parties to find a peaceful solution to the problem, bearing in mind the purposes and principles of the Charter and asked that they refrain from taking decisions that would introduce unilateral modifications in the situation.

64. Following more than 15 years of diplomatic negotiations—which is one of the means for a peaceful settlement reflected in Article 33 of the Charter—between the Governments of Argentina and the United Kingdom, that process was abruptly interrupted and there occurred events that today are a source of concern to the Council and of anguish to world opinion at large.

65. Does this not indicate a serious weakness in our system, a weakness that prevents us from closely fol-

lowing the development of certain problems in order to succeed in controlling them properly while there is still a chance to do so, while they are still at the stage of negotiations, of inquiry, of mediation, of arbitration, of judicial settlement or of other peaceful means provided by the Charter and in numerous international agreements?

66. Would it not be possible, within the tasks undertaken by our active and experienced Secretary-General, to seek a means for providing assistance in these differences, disputes, controversies and negotiations, which have not been resolved by existing treaties, while they are still in their embryonic or developing stages?

67. Experience should have already taught us full well that a limit exists beyond which a thousand diabolic factors scheme to confuse minds and lead to the abyss.

68. Responsibility for what has occurred will unfortunately always rest with the Security Council, since, pursuant to the Charter, the Council is the ultimate forum to put an end to situations that endanger international peace and security, notwithstanding the fact that the Council finds itself doomed to be what a writer has described as "one of the first victims of disagreement between East and West", which has caused it to lack the coercive authority originally granted it in Article 43 of the Charter.

69. In these specific circumstances, it is our faithful commitments to the solemn pledges we made as Member States that must be the sole guarantee of peace in the world.

70. I am referring to the obligations assumed under Article 1; Article 2, paragraphs 3 and 4; and Chapter VI of the Charter, on the peaceful settlement of disputes. It is also fitting to recall that as recently as March 1982 the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization unanimously adopted the draft Manila declaration on the peaceful settlement of international disputes. I should like to quote just two paragraphs from part I of that draft declaration. Paragraph 2 states:

"Every State shall settle its international disputes exclusively by peaceful means in such a manner that international peace and security, and justice, are not endangered."¹

Paragraph 13 says that:

"Neither the existence of a dispute nor the failure of a procedure of peaceful settlement of disputes shall permit the use of force or threat of force by any of the States parties to the dispute."¹

71. I have referred to the possibilities offered us by the provisions of the Charter and other international

agreements on the peaceful settlement of disputes because I firmly believe that by their enhancement, by the establishment of a stronger link between them and the ongoing action of the United Nations, we may find the means, perhaps the only means, to help the Council to resolve these situations which frequently take us by surprise and prevent it from acting, because remedies, when they do exist, are late in coming. The concern is valid, and several distinguished ambassadors, among whom I recall the representative of Mexico and the representative of the United States, have in this forum quite rightly considered the persistence in our hemisphere of certain disputes that, if not resolved by peaceful means we have committed ourselves to use, would endanger the peace of the continent and relations among the Latin American republics.

72. Lastly, I should like to repeat that my country and my Government, in accordance with its desire for peace, considers as an unalterable principle of its international policy rejection of the use of force as a means for settling disputes or differences between States. Chile views with the greatest concern the development of a dispute which is corroding the West and endangering continental and world peace.

73. As has been reiterated by the Minister for Foreign Affairs of Chile in a statement made on 10 May, Chile maintains strict neutrality in this conflict, which involves two great nations whose friendship and co-operation form part of our tradition and our history. Chile will always be prepared to associate itself with any action likely to overcome the present crisis and hopes that the peace initiatives now being taken will be welcomed, especially the appeals formulated by His Holiness Pope John Paul II.

74. Of course, Chile, through me, offers the Secretary-General its full co-operation so that, pursuant to the mandate which we hope will be conferred upon him by the Council, he may continue the difficult task of leading the parties towards negotiations in which the world and our continent may honourably be spared an irreparable tragedy. For that patient and noble effort, he is particularly suited.

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

76. Mr. LA ROCCA (Italy): I should like to offer you my congratulations, Sir, on your assumption of the presidency of the Council for the month of May and to extend to you my warmest wishes for success in your high office.

77. Italy has asked to be allowed to participate in this debate because my country is deeply concerned about and affected by the grave crisis which confronts us.

78. Italy has always been in favour of a negotiated solution to the Anglo-Argentine dispute and has constantly supported the efforts of the United Nations to that end. In this spirit, Italy voted in favour of General Assembly resolution 3160 (XXVIII) of 14 December 1973.

79. The Italian Government has taken a clear stand on the events which have led to the present tragic conflict. The decision of the Argentine Government to resort to armed force to support its claims represents, in our view, a violation of the obligation, enshrined in Article 2, paragraph 4, of the Charter of the United Nations, to refrain from using force in international relations. The Italian Government is deeply convinced that observance of this principle is essential. Equally essential, in our opinion, is observance of the principle that international disputes shall be settled by peaceful means in such a manner as not to endanger international peace and security, and justice. Non-compliance with these principles can result only in the most serious consequences, to the detriment of the harmonious development of international relations.

80. In that spirit, the Italian Government has supported in its entirety Council resolution 502 (1982), which calls for cessation of hostilities, withdrawal of all Argentine forces and a diplomatic solution to the differences between Argentina and the United Kingdom, in full conformity with the purposes and principles of the Charter. The resolution reflects the basic conditions for the re-establishment of peaceful international relations.

81. Full support was also given by Italy to the tireless efforts of the Secretary-General to promote a negotiated solution to the conflict. His endeavours, carried out with the utmost skill and tenacity, though unsuccessful, achieved important results which fully maintain their value.

82. The President of the Italian Republic, interpreting the feelings of the entire Italian people, has addressed a message to the Secretary-General, expressing praise and full support for the efforts that he made with such perseverance and determination, and encouraging him not to discontinue them.

83. The Anglo-Argentine conflict has already caused serious loss of human lives. Italy follows with anguish and grief this tragic situation which confronts two countries linked to us by strong ties. The United Kingdom, on the one hand, is a friendly and allied country with which we entertain close co-operation. On the other hand, profound bonds of blood and culture exist between Italy and Argentina, while Latin America in its entirety is a region to which my country feels deeply akin and attaches particular importance in the context of its international relations.

84. The Italian Government, while confirming its belief that resolution 502 (1982) should be fully imple-

mented, is prepared to support any initiative for an immediate cease-fire to prevent any further bloodshed. My Government believes that, on the basis of the significant results already achieved through his previous attempt, the Secretary-General is in the best position to be entrusted with the task of resuming his efforts aimed at a peaceful solution to the conflict.

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

86. Mr. KRISHNAN (India): I have already had an opportunity, Sir, to congratulate you on your assumption of the presidency of the Council for the month of May. Our confidence in your stewardship has been further strengthened by the exemplary manner in which you have guided the affairs of the Council this month. I am grateful to you and the other members of the Council for facilitating our participation now in this important debate.

87. It was only a few days ago, when I was addressing the Council in connection with the consideration of the report of the Commission of Inquiry on the mercenary aggression against Seychelles, that I had occasion to refer to the dramatic and critical times through which we are now passing. I ventured to express the hope that the efforts of the Secretary-General might yet be able to stave off the eruption of a wider conflict in the South Atlantic and to facilitate the search for a negotiated peaceful settlement. It now transpires that even as I was speaking the Secretary-General's efforts were, alas, coming to an end and the stage was being set for a hardening of positions and the extension of hostilities on a scale larger and more destructive than before.

88. The question of the Malvinas is an unfortunate legacy of the past. It cannot be allowed to fester for ever, embittering relations between two responsible and friendly Member States of the international community and endangering peace and security in the South Atlantic, with potential danger to world peace and stability.

89. Numerous General Assembly resolutions have urged an early settlement of the dispute through peaceful negotiation between the two parties. Non-aligned countries, in their declarations adopted at their ministerial conferences and summits ever since the Conference of Ministers for Foreign Affairs of Non-Aligned Countries held in Lima in 1975, have, while fully supporting the restitution to Argentina of these islands, reiterated the call for the speeding up of peaceful negotiations between the United Kingdom and Argentina. Against this background, it is a matter for profound regret and concern that the dialogue between the two sides should have dragged on, that there should have been resort to the use of force in an effort to resolve the dispute, that the talks under

the good offices of the Secretary-General should have broken down, that an armed conflict should now be raging, to the detriment of the interests of both parties, and that the world community should be helpless spectators of a deepening tragedy.

90. From the very onset of this distressing crisis, the Government of India has underscored the need to eschew violence and the use of force and to return to the conference table. Since then, over the last few weeks, we have watched with increasing dismay, bordering on alarm, the heightening of tensions and the escalation of the conflict. The people and the Government of India have the friendliest of relations with both the United Kingdom and the Argentine Republic. The destruction and mounting loss of innocent lives, most of them young, which both countries have suffered, and are continuing to suffer as every hour passes and the fighting continues, have deeply pained us. It is our earnest hope that it may yet be possible to avert what threatens to be a perilous slide to a bigger catastrophe and to stop further bloodshed. We appeal to both Governments to stop the clash of arms and to turn back to the path of dialogue.

91. At a moment like this it is important that nothing should be said or done which could exacerbate tensions and further inflame passions. Friends of both Governments will do them and the cause of peace the greatest service if they exert their energy and effort to encourage both parties to resume negotiations.

92. The Secretary-General provides an appropriate channel for this purpose. We have watched with admiration his patient, untiring and quiet endeavours to bring the two parties together and to evolve a framework within which the search for a peaceful settlement could go forward. His dedication and his indefatigable determination deserve our sincere commendation. From his statement to the Council [2360th meeting], it has become clear that differences between the two sides had been considerably narrowed when, sadly, the process had to be interrupted. We share the sentiment expressed by many speakers in this debate that this process should be resumed without any delay. The Council must reinforce the hands of the Secretary-General with a renewed mandate to pursue his efforts.

93. The United Nations and the Security Council have a tremendous responsibility in the face of the grave developments of the last few weeks. The Council must not only express its serious concern but act purposefully in support of the purposes and principles of the Charter of the United Nations, to restore peace and to assist in the peaceful resolution of the dispute. Resolution 502 (1982), which neither Government has disavowed, points the way. The Secretary-General has declared his willingness to remain available to both sides. The Council must find the means to persuade both Argentina and the United Kingdom to

re-engage in the dialogue through the Secretary-General.

94. We are aware that mutual suspicion and mistrust have beclouded the atmosphere. Nevertheless, this armed confrontation and senseless killing cannot go on. We appeal to both Argentina and the United Kingdom to put away their fears and doubts and the weapons of war and to seek a diplomatic solution to the dispute. We hope that both Governments can find the necessary faith to do so in the very righteousness of their respective causes. The support and solidarity of their peoples in this hour of trial should give them the confidence not to wage war but to seek peace and to strive for a solution. The world looks to them for a display of the highest statesmanship, which we know can be found in the best of their own respective histories and traditions. This tragic conflict, which should never have arisen, must end, and end now.

95. Mr. ILLUECA (Panama) (*interpretation from Spanish*): Interpreting the feelings of the Latin American peoples and countries, which are aware of the importance of liberty in the world, Panama would like to pay a tribute of admiration, respect and affection to the great Argentine nation on this day, 25 May, when it celebrates the glorious anniversary of its revolution, which traced the promising path of its national independence.

96. We should like to pay a tribute to the heroes of Argentine emancipation, and also to the men and women of the fertile soil of San Martín, Alberdi and Sarmiento, who are so valiantly fighting today in defence of the dignity and territorial integrity of their country and of the great ideals of humanity, for the eradication of colonialism from the world and, within the context of Latin America, against foreign domination in all its forms and manifestations.

97. We have faith in the victory of the Argentine people in the absurd and anachronistic colonial war launched against it by the United Kingdom, a war which, having broken out, warrants the condemnation of those peoples that believe in the purposes and principles of the United Nations.

98. The struggles, grief and sacrifices of the heroic Argentine people make that nation greater and give new direction to Latin America.

99. We express the wish for peace, prosperity and progress for that fraternal people and we request their distinguished Foreign Minister, Mr. Nicanor Costa Méndez, to transmit our congratulations to the Government of President Leopoldo Galtieri and the valiant people of Argentina.

100. To set the matter on record, I should like to read a declaration which was made yesterday by four Latin American Foreign Ministers and which is connected with the subject which we are considering. The

declaration, which I shall read verbatim and which concludes my statement, is as follows:

"We the Ministers for External Relations of Argentina, Nicaragua, Panama and Venezuela, who are attending the present series of meetings of the Security Council of the United Nations on the 'Question concerning the situation in the region of the Malvinas (Falkland) Islands', have deemed it desirable to make the following declaration to the Council:

"1. We confirm the rejection by Latin America of the United Kingdom's military offensive against the South American continent and express, unequivocally and firmly, the desire of our peoples for peace and the hope that it may materialize as a result of an effective decision by the Council.

"2. We strongly protest against the British decision, officially communicated to the Government of Uruguay, to the effect that the United Kingdom has decided to extend its naval and air military action to the River Plate. This deplorable decision, in addition to violating general international law and the River Plate Treaty,² carries the British aggression into the very heart of the continent, since it ignores all the legal, historical and geographical reasons which confer on the River Plate the same status as attaches to jurisdiction on land. This directly affects the integrity and security of Argentina, Bolivia, Paraguay and Uruguay, while at the same time aggravating and spreading the conflict which has resulted from the United Kingdom's belligerent adventure.

"3. We reject with righteous indignation the decision taken by the European Economic Community, with the honourable exception of Ireland and Italy, extending indefinitely the economic aggression which, under the pretext of 'sanctions', has been imposed on Argentina. This act, which is offensive to the whole of Latin America, constitutes a serious threat to international peace and security, and presages the generalization of a conflict which, day by day, is assuming the character of an inter-continental confrontation.

"4. We note with alarm that, although a number of weeks have elapsed since the beginning of the British fleet's armed attack on the Argentine Republic, the Security Council has taken no action to achieve the re-establishment of peace. This concern is seriously increased by the fact that, after four days of debate in the Council [2360th and 2362nd to 2364th meetings], during which both the fighting and the loss of life have intensified, it has not proved possible to respond to the outcry of mankind, which demands an unconditional ceasefire and vigorous action for peace, for which purpose it is essential to give the Secretary-General a mandate.

"It is urgently necessary for the Security Council, whose duty is to ensure the peace of the world, to take the necessary action to halt this belligerent escalation. We cannot continue to regard with indifference the course of events which are jeopardizing the future of mankind." [S/15111, annex.]

101. The declaration is signed by Nicanor Costa Méndez, Minister for External Relations of Argentina; Miguel D'Escoto, Minister for External Relations of Nicaragua; Jorge Illueca, Minister for External Relations of Panama; and José Alberto Zambrano Velasco, Minister for External Relations of Venezuela.

102. Mr. DORR (Ireland): I am speaking at this stage to introduce to the Council the draft resolution circulated last night as document S/15106.

103. When I spoke in the Council on Friday last [2360th meeting], I described the war in the South Atlantic as the war that should not have happened. I said further that I believed someone must shout "Stop!"

104. It was in order to offer the Council a way to do that, a way that we hoped both sides might be ready to accept, that Ireland decided to submit a draft resolution on Monday evening, three days after our debate began.

105. Already, on many previous occasions as the tragic conflict grew and developed, we had tried to say "Stop!" while at the same time—and this is very important—upholding the principles already laid down by the Council itself as well as the basic principles of the Charter of the United Nations.

106. We began trying to say "Stop!" on 1 April, together with other members of the Council, when we called on both parties not to use force to settle an old dispute [2345th meeting]. We continued on 2 and 3 April [2349th and 2350th meetings], when we criticized Argentina for using force in spite of this. We warned of the danger of further conflict, and we voted for resolution 502 (1982).

107. In various ways since then, Ireland, like others, has continued to say "Stop! Do not let it lead to war. Let there be a diplomatic solution." But war it is.

108. A century ago war was described as the extension of politics by other means. Today that definition does not hold. War is now always the failure of politics. In our time we have evolved methods and principles which, though still imperfect, allow for the settlement of international disputes peacefully. And the Charter commits us all to using those methods, to following those principles and to avoiding the use of force.

109. The war over the Falklands/Malvinas is thus a failure of politics and a failure of negotiation. It has

escalated by stages, grievance being deeply felt on one side, defence of principle on the other. Now both sides are locked in dangerous combat, and all of us, sensing the wider dangers, are deeply apprehensive.

110. Each of us no doubt has his own view of who was right and who was wrong at each successive stage in this escalation from dispute to conflict to war. But few nations here, if they look to their own tragedies and failures, are entitled to be self-righteous. What we must ask ourselves now, rather, is what we as a Council can do collectively to offer both sides in the present conflict a way out of the combat in which they are locked.

111. The only rational way out is a return to negotiation, provided of course that it is negotiation which will neither betray the principles which one side is defending at great cost nor ignore the sense of grievance which the other has felt for many years. That is the sole purpose of our draft resolution. We have sought to achieve such a return to negotiation by careful stages, which would build up more confidence at each stage. Our draft resolution in fact envisages three stages in the effort to bring the fighting finally to an end, to get the Secretary-General's negotiations back on the rails and give them new authority.

112. The first step, we believe, would have to be taken by the parties themselves. They must be ready to stop active hostilities for a limited period in the first instance. If they are not ready to do that, we fear that little else can be done. In operative paragraph 3 of our draft resolution we propose a period of 72 hours, and we call this a suspension of hostilities. This does not mean that is all we are proposing, nor, of course, does it mean that after that short period the fighting would resume. What we want is a short pause, enough to start a process, to build a very minimum of confidence and to arrange the details of a more lasting cease-fire.

113. This pause would lead into a second stage. It would be at that second stage—that of a more permanent cease-fire—that the Secretary-General would begin to come back into the picture. That is the meaning of operative paragraph 4 of our draft resolution.

114. During the 72-hour period, while the parties suspended fighting, he would enter into urgent contacts with both sides to try to work out by agreement the practical problems of a lasting cease-fire. We well know that there are such problems, and we do not think that they can be ignored.

115. At this second stage, for example, there may be need for arrangements for a limited withdrawal to prevent a breach of the cease-fire. The question of resupply of forces may arise; questions would also arise as to naval vessels in the area. In our view, this would be the right moment to re-involve the Secretary-General. His role in the first instance would be to

help the parties to work out practical problems on the ground on a mutually acceptable basis. This could help to build confidence and to prepare the way for the later use of the good offices referred to in operative paragraph 2 of the draft resolution. At this second stage, we have also envisaged as a possibility the idea that United Nations observers might be stationed with the forces on either side to monitor the cease-fire. This very minimum involvement of the United Nations could be a beginning and a preparation for a larger United Nations presence on the islands at a later stage, as envisaged in the Secretary-General's own proposals.

116. As for the third stage in the approach, what we have in mind is, of course, the renewed mission of good offices by the Secretary-General, referred to in paragraph 2. If there is one theme which has emerged with absolute consistency from this debate it has been praise for the Secretary-General's efforts to negotiate a settlement consistent with resolution 502 (1982). This has been coupled in most cases with a wish to see him continue, with the impetus and the authority of a new and more formal mandate which would preserve as far as possible at this stage the points on which he had already established a measure of agreement.

117. The aim of paragraph 2 of our draft resolution would be to give him that new authority and impetus.

118. It might be asked whether such an approach has any chance of success at this stage. How can he now hope to go further than in his previous efforts? There are, I believe, several important points of difference in the present situation which could make it realistic to think of asking him to continue his devoted efforts.

119. First, he would now have a formal mandate from the Council.

120. Secondly, the adoption of our draft resolution would in some way help to preserve the measure of agreement which he had already achieved and which may otherwise completely disappear.

121. Thirdly, the situation itself is changing. One must always hope that in any conflict a stage will be reached where both parties would be ready to accept a settlement if a mission of good offices is continued.

122. Fourthly, this new effort by the Secretary-General would, in our proposal, come when some elementary measure of confidence had already been established, first, by the parties' suspension of hostilities, and secondly, by the more lasting cease-fire negotiated with the help of the Secretary-General.

123. This then is our proposal—a careful process, an effort to build confidence and to get the Secretary-General's admirable efforts back on the rails. Like

every process, it must begin somewhere. It must begin with a small first step, taken by the parties, a short pause in the fighting; but it is a process designed to lead to a resumption, on a new and more formal basis, of the admirable and sustained efforts which the Secretary-General undertook with such a substantial measure of success for over two weeks.

124. Our proposal is not "a wolf in sheep's clothing", as one source was said to have described it, according to this morning's *New York Times*. Nor is it a result of woolly thinking. It is an honest attempt, made in complete good faith, to offer a reasonable and graduated way out to both parties locked in a dangerous and tragic combat, while upholding—and I insist on this—the important principles to which we remain fully committed.

125. If the parties do not now accept it, so be it. If they want to fight to a finish, so be it. If the Council, for whatever reason, cannot or does not wish to adopt our proposal, so be it. If a better formula can be found, so be it. We shall welcome anything that can work in the present situation and bring peace while maintaining the principles I have mentioned.

126. Whatever happens in face of this tragic conflict, Ireland will continue to believe that it was at least right to have tried. Whatever the outcome, it will not be said at the end of our short term of membership of the Council that we did not even try.

127. The PRESIDENT (*interpretation from Chinese*): The next speaker is the Minister for Foreign Affairs of Argentina, Mr. Nicanor Costa Méndez. I welcome him and call on him to make his statement.

128. Mr. COSTA MÉNDEZ (Argentina) (*interpretation from Spanish*): Mr. President, first of all I wish to express the gratitude of the Argentine Republic for the way in which you, as President of the Council, are guiding the work on a question which undoubtedly gravely affects the maintenance of international peace and security, particularly in the American continent. But I also wish very expressly to convey the appreciation of the people and Government of Argentina to the Secretary-General for the genuine peace efforts which he made for 15 difficult days and for the fairness, effectiveness and dynamism with which he carried them out.

129. I should also like to thank the members of the Council who made possible the prompt convening of this meeting in face of the seriousness of the situation in the Argentine island territories in the South Atlantic.

130. I should like to pay a tribute to the countries that have spoken out before the Council in an expression of solidarity with the Argentine people because they have been personally touched by the situation affecting my country and because they cannot pass

over in silence the outrage committed by the United Kingdom in the region of the Malvinas Islands and the South Sandwich and South Georgia Islands. In particular, I wish to thank the Foreign Ministers of Nicaragua, Panama and Venezuela for having come to this city and personally represented their countries in this debate.

131. The Council has met to study a situation which, as I have already stated, seriously affects my country's security and also world peace. The United Kingdom has unleashed a large-scale war in the South Atlantic causing death and destruction, spurred by motives that have no justification whatsoever in the present day. We are witnessing an unprecedented event, a regression of history, with no other explanation but the British attempt to hold on to an outdated imperial system and world dominance, which, with their grandeurs and their miseries, belong to the past. The United Kingdom is sending two thirds of its fleet to our coasts with the intention of teaching a lesson to a nation which has dared disturb the harmony of the old, decadent imperial order, and of exhibiting before the world one more anachronistic example of colonial domination.

132. I should like to refer to two basic issues which have been the subject of this debate: the use of force and the self-determination of peoples.

133. We have been described as aggressors. I shall not dwell on this point now; I have already gone into it. I have already described [2350th meeting] the successive steps in the recovery of the Malvinas on 2 April. It is clear that it was Great Britain which was the first to threaten to use and then to use force. Now we must place ourselves in a broader context in order to understand the truth about all that has happened.

134. Great Britain occupied the islands by force 149 years ago and maintained, also by force, that usurpation, repeating day after day that initial act, which was as unlawful as it was violent. For underneath the apparent calm and tranquillity of colonial possession there always exists a basic and necessary underlying element, namely, force. The imperial police force is always present, and the punitive expedition is always ready, threatening whoever dares defy the imperial order.

135. The present power structure of international relations has not eradicated the use of force. On many occasions, it has been content merely to conceal it. Colonialism is an act of force and it is permanent aggression. It is the opposite of genuine peace. Many peoples and nations in the United Nations can provide evidence, sometimes painful, of that truth. Colonialism is the opposite of true peace. It has been, and will be as long as it persists, the root cause of conflicts and violence. This is the true explanation of what is now taking place in the South Atlantic, and this makes clear who is the aggressor and who the

victim of aggression in the conflict which we are concerned with today.

136. The international community has declared that the maintenance of colonialism is a crime. The United Kingdom has perpetrated that crime to the detriment of my country, amputating a part of our territory, and today it is persisting in its criminal attitude by attempting to recover that territory by force.

137. It has been stated that aggression must not be rewarded. And that is precisely what the Argentine Republic is seeking, after having witnessed, powerless, 149 years of usurpation of its islands by Great Britain as the precise result of an act of aggression that today, 149 years later, is being repeated.

138. An attempt has been made to view the question simplistically and to describe the Argentine action as a gross violation of the obligation not to use force in relations among States.

139. It has been stated that the British aggression occurred long ago, and an attempt has been made to adducè a kind of statute of limitations to shroud with a mantle of neglect events in the historical past.

140. That is clearly unacceptable. No one has better expressed this in the current debate than has the representative of Brazil, who stated:

“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.” [2360th meeting, para. 183.]

141. During the negotiations that have been held in recent days, the United Kingdom has resorted to a well-known method: presenting its demands as though they were noble principles and attributing to Argentina the negative attitude of not recognizing them. That is an old, familiar method. Such is the case with the principle of self-determination, to which the United Kingdom alludes in the attempt to cloak its illegitimate presence in the islands with respectability. Thus, the British demand that the wishes of the inhabitants be respected was repeatedly brought up during the negotiations and constituted one of the main obstacles to understanding.

142. I wish to make it clear—although it is hardly necessary for me even to mention it—that Argentina considers and has always considered the self-determination of peoples to be a fundamental right of contemporary international law. We have always associated ourselves with any people seeking self-determination. We have been a part of every decision adopted by the General Assembly enshrining that

right and making it possible for a people to achieve self-determination. The United Kingdom, the colonial Power *par excellence*, is certainly not the nation best placed to give lessons in this field.

143. It is appropriate to recall that the United Kingdom itself, in discussing the inclusion of the right to self-determination in the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, contained in General Assembly resolution 2200 (XXI), stated that the article on the right to self-determination was completely unacceptable to the United Kingdom, and added that there was no place in the Covenants for provisions that do not concern a basic human right. Moreover—according to the British reasoning—self-determination is a political principle, and its practical application is subordinate to other principles, especially that of the maintenance of peace.

144. That truly equivocal position of the United Kingdom was clearly evidenced by its abstention in the voting on General Assembly resolution 1514 (XV), containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, the Magna Charta of the process of decolonization undertaken by the United Nations. Hence, the representative of the United Kingdom, Mr. Ormsby-Gore, expressed in the debate on paragraph 2 of that resolution, which refers to the right to self-determination, his doubts concerning the inclusion of what he described as a mere principle which, even in that limited context, seemed to him inappropriate. That attitude is not surprising, since that instrument of self-determination augured the end of the United Kingdom's colonial empire.

145. That position of the United Kingdom has been reiterated in many international forums, and the members of the Council will no doubt find enlightening the opinion expressed by the British delegation at the conference held in Mexico to consider the principles of international law concerning friendly relations and co-operation among States. On that occasion, the Mission of the United Kingdom stated:

“Her Majesty's Government is of the view that to conclude that there exists a right of self-determination on the basis of Article 1, paragraph 2, of the Charter, or of Article 73, subparagraph *b*, or Article 76, subparagraph *b*, is an unjustifiable interpretation of the Charter.”

The statement goes on:

“If the existence of a right to self-determination is upheld, it could be invoked in circumstances in which it might conflict with other concepts contained in the Charter.”

146. I now conclude the quotation of what was stated by the British delegation at that important meeting in Mexico:

“In the view of Her Majesty's Government, while the principle of self-determination is a basic principle which carries considerable weight, it cannot be defined with sufficient accuracy in connection with specific circumstances to constitute a right and is not recognized as such either in the Charter of the United Nations or in customary international law.”

147. These reservations on the part of the United Kingdom on the right of self-determination can be understood in the light of its conduct in specific cases, such as that of the island of Diego Garcia, where 1,400 inhabitants were forced to leave their homes in order to make possible the establishment of a United States military base. In that instance, British subjects were not at issue, and perhaps that was a decisive factor in the interpretation given by the United Kingdom to the right of self-determination.

148. Moreover, the United Kingdom has disregarded the right of self-determination on innumerable occasions, dismembering its colonies without consultation, without appeal, without consideration of any sort of the wishes of the inhabitants. This in summary is the file on the nation which is shielding itself behind that right and demanding its strict application.

149. But that is not all. The application of the right of self-determination to the case of the Malvinas Islands is a simple travesty because it would mean the self-determination of the colonizers, giving them an opportunity to legitimize their illegitimate settlement in a territory that does not belong to them.

150. Self-determination is a guarantee; it is an instrument designed to protect the colonized peoples, to hasten the eradication of the colonial system and to put an end to the domination of the metropolitan Power. Therefore, it can hardly be used to strengthen the colonial system and to give legitimacy to the presence of the occupying Power.

151. The tardy British commitment to the principles of the colonial issue appeared also in negotiations in other forms. There was insistence, under the pretext of defending democracy, on keeping intact the governing councils of the islands, which are only a façade to cover up the true colonial structure existing in the islands. Little is decided by the inhabitants, since those inhabitants have very little. The land, trade, transport, communications and almost every fundamental economic aspect of life in the islands are controlled by persons who do not live there, which is in accordance with the strictest colonial orthodoxy. The inhabitants are kept content by being given decision-making rights that are more apparent than real, while just one company, the Falkland Islands Company, and a handful of persons based in the United Kingdom in fact control all activities in the islands and own almost 100 per cent of the land.

152. Argentina has never disregarded the legitimate right of the inhabitants of the Malvinas to a decent life within the framework of their traditions, beliefs and customs. What the United Kingdom has affirmed is incorrect. On the contrary, the most considerable improvements in their standard of living are due to initiatives and actions undertaken by Argentina. Those contributions were recognized by the General Assembly, as reflected in resolutions 3160 (XXVIII) and 31/49, from which I should like to read, because they constitute the best proof of the way in which Argentina has behaved in this matter in connection with the inhabitants of the islands.

153. General Assembly resolution 3160 (XXVIII) states the following, in its last preambular paragraph:

"Expressing its gratitude for the continuous efforts made by the Government of Argentina, in accordance with the relevant decisions of the General Assembly, to facilitate the process of decolonization and to promote the well-being" —I repeat, "and to promote the well-being"— *"of the population of the islands."*

154. Assembly resolution 31/49 states the following, in paragraph 2:

"Expresses its gratitude for the continuous efforts made by the Government of Argentina, in accordance with the relevant decisions of the General Assembly, to facilitate the process of decolonization and to promote the well-being of the population of the islands."

155. Air transport is provided by Argentina. There is no other way of reaching the islands except through the Argentine airline. Sea transport is provided also by Argentina. Oil is provided by Argentina. Gas services for the well-being of the inhabitants are also provided by Argentina. When medicines and sanitary and health care are required, it is to Argentina that they turn, not the United Kingdom.

156. Argentina has not denied a single one of the legitimate rights of the inhabitants of the Malvinas, and we are prepared to provide guarantees to ensure those rights. That is dictated by reality, because the Malvinas are situated near Argentina, they are on the continental shelf of Argentina, they belong to Argentina.

157. But Argentina does not admit that those inhabitants have the authority to decide the destiny of the islands, because they are not their islands; the islands belong and have belonged from the time of Argentina's independence to the sovereign Argentine Republic. The curious thing about this matter is that according to the United Kingdom those who are authorized to decide the fate of the archipelago are in the main dependent on those who economically and politically really control the islands from

London. What a curious form of self-determination is being advocated by the United Kingdom.

158. During the course of negotiations, the United Kingdom has accused us of introducing formulas prejudging the final result of the negotiations. The Secretary-General knows full well that this is not the case. Argentina agreed to negotiate without preconditions and in good faith on the substantive issue. The British demand to incorporate the wishes of the inhabitants as a decisive element was a clear way of prejudging and placing conditions on the solution of the dispute, subordinating it to the stand taken by a small group of persons controlled economically and politically by the United Kingdom.

159. Actually, the United Kingdom, while it was accusing us of intransigence, was itself systematically rejecting all Argentine initiatives. The United Kingdom confronted us with a virtual ultimatum in submitting to the Secretary-General a document whose acceptance without changes and in short order was demanded of us. It is enlightening to compare that document with the initial demands of the United Kingdom, which are known to us through the steps taken by the United States Secretary of State, Mr. Alexander Haig, in order to see who was intransigent throughout the negotiations. I can assure the Council that it was not Argentina.

160. The United States representative, in her statement [2362nd meeting], seemed to endorse the accusations of intransigence made by the United Kingdom against us and to attribute the failure of the negotiations to us. But this is not accurate. I respect, appreciate and esteem the academic qualifications of Mrs. Kirkpatrick, with whom I have a long-standing friendship, but I cannot gloss over one sentence in her statement that filled me with surprise, if not shock. She said:

*"The United States stands behind the principle that the use of force to settle disputes should not be allowed anywhere, and especially in this hemisphere . . ."** [ibid., para. 220].

161. That surprises me because such a brilliant historian cannot be unaware of the many occasions on which the United States has resorted to the unlawful use of force to resolve border problems and all sorts of other international problems.

162. However, I want to return to the crux of the problem and to insist that there has been no intransigence by Argentina. The best illustration of that is provided by the nature of the proposals made by the Secretary-General and considered by Argentina in the best of faith.

* Quoted in English by the speaker.

163. On the other hand, what is true is that the United Kingdom broke off the negotiations by its negative reply to every Argentine proposal.

164. It said "No" to the withdrawal of the fleet to a reasonable distance. The United Kingdom insisted on its remaining 150 miles from the islands, a distance even shorter than that of the original blockade.

165. It said "No" to the inclusion of the South Georgia and the South Sandwich Islands in the negotiations, when the British had always accepted that the dispute over sovereignty included the three archipelagos. This has been duly documented.

166. It said "No" to the ending of its colonial administrative institutions and their replacement by the participation of the islanders in an advisory capacity in the interim administration by the United Nations.

167. It said "No" to the admission of Argentine citizens to the islands during the interim administration. It did so in order to maintain intact, for political purposes, an artificial, discriminatory and unjust system.

168. It said "No" to entrusting to the General Assembly, the most universal and democratic of the organs of the United Nations, the question of the future of the islands if the negotiations had not been concluded within a reasonable period.

169. The repeated "No" of the British Government is eloquent. The United Kingdom does not want to negotiate; it wants to restore by force a colonial régime on Latin American soil.

170. The situation in the South Atlantic clearly comes within the competence of the Security Council. It is therefore duty-bound to assume its responsibilities and ensure that proper measures are taken to put an end to a situation that affects peace and security. Those measures can only be the cessation of hostilities and the immediate resumption of negotiations between the parties, with the assistance of the Secretary-General.

171. In this connection, I wish to state that my country is prepared to consider the proposal that Ireland has presented.

172. My country is at this very moment resisting an invasion. It is doing so with all the means available to it, to which we add the determination, courage and patriotism of our men and women. As has been seen here in the Council, we have with us in the struggle the friendship of our brothers in Latin America and of many other countries of the international community, at one in the cause of anti-colonialism and justice.

173. It is impossible for me to predict the result of the battle now being waged, but I can affirm to the

Council and to the world that the Argentine Republic is absolutely certain of its rights and knows that those rights are inalienable. We know that the only result of this situation will be the definitive incorporation of the islands in Argentine territory.

174. The PRESIDENT (*interpretation from Chinese*): I shall now call upon those representatives who wish to speak in exercise of the right of reply.

175. Sir Anthony PARSONS (United Kingdom): In my main speech in this debate a few days ago [2360th meeting], I set out the full position of my Government on the present crisis up to that moment. I shall not weary the Council by going through all that again. My Government's views are plainly on the record. But I must take up some of the Council's time by responding to a number of the statements which have just been made by the Minister for Foreign Affairs of the Argentine Republic.

176. Several speakers, including the Minister for Foreign Affairs, have referred to the events of 1833. I should try to put them into proportion. I put out information about the history of the settlement of the Falkland Islands in my letter dated 28 April [S/15007] to the President of the Council and I attached to that letter a chronology of salient events. I shall now summarize those events briefly.

177. There were British settlements in the eighteenth century. There were also French and Spanish settlements. The latter were augmented by convicts. The Spanish settlements were abandoned in 1806, and the islands were uninhabited for fully 10 years before Buenos Aires became independent from Spain. The period from 1806 to 1833 was marked by some confusion. Many fishing vessels, as well as the United States naval ship *Lexington*, visited the islands. Buenos Aires attempted to establish a colony—its word at the time—but other countries, including my own, did not accept the right of Buenos Aires to do so.

178. It was for this reason that, at the turn of the year 1832-1833, a British ship visited the islands. Port Stanley did not exist at the time. Captain Onslow of HMS *Clio* occupied Port Egmont. On reaching Soledad he found a detachment of 25 Buenos Aires soldiers and their schooner, the *Sarandi*. A mutiny had previously occurred at Port Louis while the *Sarandi* was at sea, and the commander of the Argentine schooner had placed the mutineers in irons aboard a British schooner after they had killed the Governor. At his request, they were taken to Buenos Aires. Most people elected to be repatriated; 18 were persuaded to stay behind. Not a shot was fired on either side. Captain Onslow reasserted British sovereignty by raising the flag.

179. I have given this brief account in order to dispel any misapprehension about 1833. The events were nowhere near as dramatic as some other speakers have

suggested. Those events brought to an end a period of uncertainty and were followed by 149 years of peace and prosperity, during which the only viable community that has ever existed on the islands came into being.

180. The Foreign Minister of Argentina, in his opening remarks, talked of the outrage committed by the United Kingdom. So far as we are concerned, the outrage was committed by Argentina when, out of a clear blue sky, Argentine forces invaded the Falkland Islands at the beginning of April. This was recognized by the terms of Security Council resolution 502 (1982), which are only too familiar to members of the Council.

181. Why are we now in conflict? It is ludicrous to suggest that we are trying to create some new form of British empire in the South Atlantic. I cannot believe that anybody in their wildest imagination can credit this thesis. We are in conflict for very simple reasons. We are in conflict because, first, Argentina invaded the islands and placed the community on the islands under alien rule which they decidedly did not want and, secondly, because Argentina has consistently refused to carry out the unqualified demand to withdraw its forces, as stated in resolution 502 (1982).

182. The Foreign Minister referred at length to self-determination and referred to my country as the colonial Power *par excellence*. It is true that we took the position in the 1960s that self-determination was a principle and not a right. However, in 1966 the two International Covenants—the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights—were adopted by the General Assembly in resolution 2200 (XXI). Both Covenants state, in Article 1, paragraph 1, that:

“All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.”

183. The United Kingdom has ratified both these Covenants, which have entered into force. Furthermore, in 1970, the General Assembly adopted by consensus—that is, with the United Kingdom joining in the consensus—resolution 2625 (XXV), containing the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations. The Declaration states that:

“By virtue of the principle of equal rights and self-determination of peoples enshrined in the Charter of the United Nations, all peoples have the right freely to determine, without external interference, their political status. . . .”

Not only has my country endorsed the right to self-determination in the sense of the Charter, the Covenants and this Declaration, but we have gone a great

deal further to disprove the allegation that we are the colonial Power *par excellence*. Since General Assembly resolution 1514 (XV), containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, was adopted at the end of 1960, we have brought to sovereign independence and membership of the United Nations no less than 28 States. We are proud of our record, and I think we have every right to be.

184. I turn now to the whole question of the people of the Falkland Islands. The Foreign Minister of Argentina has alleged that the application to the people of the Falkland Islands of self-determination is a travesty. This is simply not so. The people of the Falkland Islands are small in number—about 1,800—but as I have said on many previous occasions in the Council, this in no way at all detracts from their rights under international law, under the Charter of the United Nations, under Article 73 of that Charter. They are a community. They are a small community, but they are a peaceful community, they are a homogeneous community and they are a community which has developed democratic institutions over a period of a century.

185. I turn now to the recent round of negotiations which the Secretary-General conducted with such amazing diligence. We did not issue an ultimatum to the Government of Argentina. As I said in my main statement to the Council a few days ago [2360th meeting], we reached through very careful consideration at the highest level in London what my Government genuinely and carefully regarded as the furthest it could go in terms of flexibility without compromising principles which we were not in any circumstances prepared to abandon. One of those main principles was that, even in an interim period, the democratic, freely elected institutions of the people of the Falkland Islands could not be dismantled and set aside. To have agreed to this would have been a monstrous offence to our own beliefs, to our own responsibilities, to our responsibilities as a nation, to our responsibilities under the Charter of the United Nations.

186. All that the Government of Argentina was prepared to accept in this regard was that they might be used as advisors in a personal capacity by the interim administrator, provided that an equal number of citizens of Argentine origin could be similarly used. The Argentine community on the island amounts to approximately 30 people, the island community to approximately 1,800. Statistically, that proposition was obviously totally unacceptable. Conceptually, it was totally unacceptable because it would have led to the dismantlement of these institutions which have been developed and which have evolved since the 19th century. It is worth noting at this point that general elections were held in the Falkland Islands for the Councils as recently as October 1981. Were these simply to be set aside even during an interim period?

187. I will not go into more detail about the nature of our reply and contrast it with the nature of the Argentine response. I have already done so, in great detail, in many ways. I would only say this: that throughout the seven weeks of negotiations my Government made many adjustments to our original position, in the sincere and heartfelt hope of reaching a peaceful solution to the problem. We reached a point where we believed that we could go no further without, as I have just said, the compromise of principles which we were not prepared to compromise.

188. When we received the response of the Government of Argentina, it appeared to us to demonstrate no advance over its initial position at the outset of the negotiations outside the United Nations forum seven weeks previously. We had no choice but to regard it as a comprehensive rejection of our proposals.

189. The situation remains as it has remained ever since the beginning of April. The cause of the conflict is the Argentine invasion of the Falklands and Argentina's refusal to withdraw in accordance with the mandatory demand contained in Council resolution 502 (1982). The effect is the conflict which is causing all of us such grave concern. Remove the cause, the illegal Argentine presence on the islands, and the effect will disappear. We have no other desire but to protect the rights under the Charter of the United Nations, under international law, of the Falkland islanders, to redress the wrong which has been done, to demonstrate that political disputes cannot and must not be settled by the use of armed force, and to demonstrate beyond any shadow of doubt that aggression must not and cannot be allowed to pay.

190. Mr. COSTA MÉNDEZ (Argentina) (*interpretation from Spanish*): I want to thank the representative of the United Kingdom for his statement, but I cannot pass over in silence some of his comments. I should like to deal briefly with three or four of his points.

191. I do not want to refer to the historical debate on the ownership of the islands. It has been discussed at length, and I think that Argentina's title to them, which came from Spain, is unassailable. I should have liked to read out a letter, of which I have a copy here, written by Lord Russell in 1841, in which, with very

typical British humour, he expressed such doubts regarding Britain's title to the islands that he advised the British to be very wary of visiting them because they might be chased out by any one of a number of Powers, since Britain's right to those islands was so tenuous. I shall certainly be transmitting the text of that letter by Lord Russell to the Council, and above all to the United Kingdom representative, because I think it is of deep historical significance.

192. I could have concluded my statement to the Council with exactly the same words with which the representative of the United Kingdom concluded his, were I as eloquent as he is. What he said was indeed exactly what I would have said.

193. "Remove the cause", he said. The cause must indeed be removed, but that cause is the United Kingdom's illegal possession of the islands.

194. He also said that a negotiated solution must be sought. We completely agree.

195. Lastly, he said that there must be no pre-conditions. We ourselves dropped any pre-conditions to facilitate the work of the brilliant Secretary-General. We invite the United Kingdom, too, to drop any pre-conditions and to make possible equally open negotiations with no prejudgement of the results in terms of the fate of the population and their rights.

196. Argentina is completely open to all negotiations, in the hope that those negotiations will lead to peace. As in all disputes, each of the parties is convinced that it is right. I believe that negotiations are the proper way to reconcile disputed points and opposing positions. Otherwise, to the shame of mankind and of the Council, the military actions initiated by the United Kingdom will continue.

The meeting rose at 1.45 p.m.

NOTES

¹ A/AC.182/L.32/Add.1.

² United Nations, *Treaty Series*, 1973, vol. 875, p. 11.