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**SECURITY COUNCIL
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TWENTY-EIGHTH YEAR

1697th MEETING: 16 MARCH 1973

PANAMA CITY

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NOTE

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SIXTEEN HUNDRED AND NINETY-SEVENTH MEETING

Held in the Legislative Palace, Panama City, on Friday, 16 March 1973, at 10 a.m.

President: Mr. Juan Antonio TACK (Panama)
later: Mr. Aquilino E. BOYD (Panama).

Present: The representatives of the following States: Australia, Austria, China, France, Guinea, India, Indonesia, Kenya, Panama, Peru, Sudan, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America and Yugoslavia.

Provisional agenda (S/Agenda/1697)

1. Adoption of the agenda.
2. Consideration of measures for the maintenance and strengthening of international peace and security in Latin America in conformity with the provisions and principles of the Charter.

The meeting was called to order at 10.25 a.m.

Adoption of the agenda

The agenda was adopted.

Consideration of measures for the maintenance and strengthening of international peace and security in Latin America in conformity with the provisions and principles of the Charter

1. The PRESIDENT (*interpretation from Spanish*): In accordance with the previous decision of the Council [1696th meeting] and with the consent of its members, I would invite the representatives of Argentina, Bolivia, Chile, Colombia, Costa Rica, Cuba, Ecuador, Guyana, Haiti, Jamaica, Mauritania, Mexico, Uruguay, Venezuela and Zaire to take the places reserved for them in the Council chamber so that they may participate without the right to vote in the Council's consideration of the question on our agenda.

2. I wish to inform the Security Council that I have received letters from the representatives of Algeria and El Salvador in which they also ask to be allowed to participate without the right to vote in the consideration of the question on our agenda, in accordance with Article 31 of the Charter. In conformity with the established practice of the Council, and with its consent, I intend to invite those representatives to participate, without the right to vote, in the debate of the question on our agenda and to take the places reserved for them in the Council chamber, it being

understood that they will be invited to take a place at the Council table when they wish to make a statement.

At the invitation of the President, the representatives of Algeria and El Salvador took the places reserved for them.

3. The PRESIDENT (*interpretation from Spanish*): The first name on the list of speakers is that of Mr. Antonio José Lucio Paredes, Minister for External Relations of Ecuador, whom I invite to take a place at the Council table and make his statement.

4. Mr. LUCIO PAREDES (Ecuador) (*interpretation from Spanish*): In greeting the Government and people of Panama and you, Mr. President, who on behalf of the Security Council have honoured me by allowing me to speak, I wish to express the hope that the meetings of the Council being held under the auspices of this noble nation and in its hospitable capital, which at the very beginning of the independent life of America was selected by the liberator, Bolívar, as the cradle of continental solidarity to defend the sovereignty and the right of self-determination of our peoples, will be as successful as possible, following the example of the historic Congress of 1826, because of the wisdom and realism shown, which project the future from the creative standpoint, under the auspices of the peace and security which flow from mutual respect amongst States, States which believe and trust in the value of law and positive co-operation as a basic regulating element of international relations, at one time moved by the force of power of the imperialists. Let us recall that that Congress, furthermore, represented the first specific effort to set up a league of nations, since that was the sole idea in the mind of Bolívar, who, with his great political idealism, ahead of time, foresaw the creation of a wide international organization.

5. Together with such traditions of the city of Panama, there are also those of the Security Council itself, with its many efforts and achievements in preserving, safeguarding and restoring international peace and security. The mission of the Security Council, of such extraordinary importance for peaceful international coexistence, has been supported and at times guided by the General Assembly. Resolutions 2131 (XX), 2606 (XXIV), 2734 (XXV) - the Declaration on the Strengthening of International Security - and all the resolutions that flowed from it are obvious examples of the fact that the countries of the world agree that the observance of the purposes and principles of the United Nations must constitute the very foundation of all lasting peace. They also prove that there can be no harmony unless justice and law prevail and that all States without exception

must contribute to this endless task of uniting nations and assisting the growing development of their friendly relations, always with full respect for national dignity and sovereignty.

6. I am convinced that the deliberations of the Security Council in Panama will meet the high purposes and the noble ideals contained in the Charter and the resolutions I have just cited, those same purposes and principles that bespeak the ideas of those States that in their policies and conduct search for a way of life that will outlaw interference by one State in the domestic affairs of another, whether this is done through threat or the use of force, by the use of coercive measures or through any other form of pressure which might directly or indirectly be detrimental to the national community, to the territorial integrity of any State or to the free exercise of its sovereign rights.

7. I have no doubt that the problems affecting the security and sovereignty of the nations of Latin America will be studied at these meetings in that same spirit. Among these problems the case of Panama is one that requires a just and adequate solution, since it is a matter where the Panamanian interests are at stake, as are those of the entire hemispheric community.

8. We must recognize with pleasure that in Latin America all those principles have laid down deep roots and, having been included in the Charter of the Organization of American States, have established the precious inter-American jurisprudence, accompanied by the contractual obligation not to resort to force in international relations except in case of self-defence or collective action. That is the very corner-stone upon which the concept of security must be built.

9. The international community also calls for the full implementation of the doctrinary principles, not only regionally but universally, so that the norms of justice, applied without discrimination based on zones or territorial areas and without considerations of the war-making or economic potential of nations, may always be a symbol of peace and security for all. Thus today more than ever it is imperative that scrupulous respect be paid to the legal equality of States, for without this the hope for an international legal régime of co-operation will be vain; it will be vain to hope that it can ever be set up under the aegis of international social justice.

10. When the Charter of the United Nations proclaimed that the Organization was based on the principle of the sovereign equality of its Members, that document blazed a new trail for the international conduct of nations, prohibiting, as Latin America had done earlier, the use of force as a means of settling disputes among nations and denying States the right to acquire territory through threat or coercion. In the light of such a categorical pronouncement, which enshrines sovereignty, the very personality of the State, as the supreme element valid for the small as for the great and which, under law and positive juridical norms, equates the powerful nations with the smallest countries, the Organization cannot allow the subsistence of *de facto* situations that are the result of the use of force. Subject countries that are denied the right to self-determination,

dismembered territories, treaties imposed by physical or moral pressure and therefore lacking all legal value, all are realities whose existence proves to us how much the United Nations has still to do so that the principles it has defended and advocated will be used as the basis for peace and security, for friendship and co-operation among all Member States.

11. Political security must go hand in hand with economic security. We cannot conceive of the security of Latin America unless there is an effective policy that will encourage its economic development and its social and cultural growth. Such development, among other aspects, must necessarily call for the recognition of the full right of all States to exploit the natural resources within their own sovereignty and jurisdiction. A source of great concern affecting the security of Latin America is the intrusion of the major fishing nations into areas far from their own waters for the purpose of maintaining their strategic, political and economic hegemony, in disregard of legitimate Latin American maritime rights, which not only has an adverse effect on the development of the countries concerned by usurping their natural resources but is an affront to their sovereignty and dignity.

12. Ecuador categorically rejects that type of policy, just as we protest systems of sanctions imposed beyond the jurisdictional limits of the great Powers in order to curtail the will of coastal States to exercise their rights over the adjacent seas, the soil and sub-soil thereof as well as the natural resources lying therein.

13. In Latin America, as well as in the rest of the world, the norms and principles that guide international coexistence must prevail. Otherwise we cannot maintain an atmosphere conducive to true understanding among States.

14. My country has advocated, and will continue energetically to defend, the need for scrupulous observance of these principles as the unequivocal way of guaranteeing mutual respect among States and unhampered utilization of their natural resources to benefit and assist the development of peoples. Any policy that, directly or indirectly, may undermine these fundamental tenets must create an atmosphere of concern and a threat to international security.

15. International co-operation in the development of the countries of the Latin American community is another indispensable element in the maintenance of security. Such co-operation must also be a true commitment arrived at under the highest understanding of international duties so that the financial and economic and other means that may be placed at the disposal of the American States will truly be in keeping with the idea of encouraging genuine friendship in an atmosphere of co-operation and respect for the recipient nations' development.

16. Ecuador, in keeping with its historical origin and doctrinary beliefs, has no compunction in offering its contribution for success in the important mission to be carried out by the United Nations. We are fully convinced that the Security Council, in the course of the meetings it is holding in this city of Panama, will carry out a careful

consideration of the major problems at present besetting Latin America, which can be summed up in the defence of the security and development of its peoples, under the aegis and with the safeguards of those principles which the United Nations stands for, as does the Organization of American States.

17. The PRESIDENT (*Interpretation from Spanish*): The next speaker is the representative of the Republic of Chile, Mr. Luis Orlandini, Under-Secretary for External Relations, whom I am pleased to invite to take a place at the Council table and to make a statement.

18. Mr. ORLANDINI (Chile) (*Interpretation from Spanish*): May I first of all, Sir, transmit through you to the Government and people of Panama the affectionate greetings of the Government and people of Chile and express our gratitude for your cordial welcome.

19. I should also like to express our keen interest in attending these meetings of the Security Council. They have unique characteristics which, in our opinion, enhance the preventive function of the Council and strengthen the hope that the United Nations may be able to discharge a more effective function in maintaining international peace and security—international peace and security, properly understood, based on respect for the principles on which the United Nations is founded, and mainly on respect for the sovereignty, independence and equality of all States, large and small, for the attainment of an international community which will provide security—not only political but also economic—and justice for all the peoples of the world.

20. The Council is competent to hold meetings anywhere in the world, but it has done so only in order to examine regional problems in Addis Ababa in January 1972 and now in Panama. At the Addis Ababa meetings, as was appropriate, the very grave problems of colonialism which affect southern Africa were the ones that were almost exclusively dealt with. Here we must consider measures for the maintenance and strengthening of international peace and security in Latin America in conformity with the provisions and principles of the Charter.

21. In both cases it is fitting to emphasize an important and double significance: first, that the Security Council is taking an active role in taking cognizance, preventively, of the most burning problems which, in one way or another, may affect international peace and security, thus setting aside the traditional practice of approaching a problem after the conflict, the breach or the crisis has occurred; secondly, that in the world of today the most important problems in international relations continue to be tied to situations of colonial or neo-colonial dependence, to situations of dependence between developed and developing countries, and to all their aftermath of open or concealed aggressions, attacks, intrigues and conspiracies which tend to prevent the emergence of the exploited peoples of the world into a free, secure and dignified life. We clearly understand that within the context of international relations today armed attack is not exclusively the most important form of aggression; today there emerge and

develop new, covert modalities, which are no less harmful to the peoples who suffer them.

22. For all these reasons, we have come to these meetings in the conviction that by the mere fact of establishing this direct contact with the realities of Latin America the Council has taken a step forward in the search for the complete attainment of freedom, sovereignty, independence and justice for the Latin American peoples. We have come here with a firm will to contribute so that this series of meetings will produce concrete results to this effect, while being fully convinced that without complete respect for these principles it will not be possible to promote international peace and security.

23. The delegation of Chile believes that by the system of holding periodic meetings away from Headquarters—a system which we wish to see established—the Security Council will, in accord with its pre-eminent mission of maintaining international peace and security and with the spirit of the Charter, develop the vast potentialities granted it by the Charter.

24. In the case of Latin America, it is particularly important that the Council should take these responsibilities, because it is a matter of public record that owing to interpretations imposed by the most powerful country on the continent, unjust and arbitrary actions have been perpetrated, and one of those which we cannot fail to mention on this occasion is that a situation has been created which endangers peace and which continues to exist, thus becoming a grave threat and a source of tension. We are referring to the coercive measures applied to the Revolutionary Government of Cuba by the system of regional security—a system that has lost prestige—which exists within the framework of the Organization of American States. That organization, in 1964, ignoring a clear provision of Article 53 of the Charter of the United Nations, which provides that “no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council”, decided on measures, which were unsuccessful, brutally to exercise pressure on the people of Cuba through diplomatic, commercial and communications isolation; in the attempt to separate the peoples of Latin America from one of their brothers which had undertaken a revolutionary course. That is one of the most important legal and political matters which, in the opinion of the Government of Chile, should be considered by the Security Council. It is not possible for any regional organization to interpret its organic provisions by breaching Article 103 of the Charter, which guarantees the prevalence of a legal system that prevents the commission of manifest abuses, such as the ones I have mentioned, which are contrary to the letter and spirit of the Charter and to the international climate which now exists. That article constitutes, for the Government of Chile, a fundamental rule which it is worth while to mention once again, because it clearly states the vast responsibilities which this Organization has. It states:

“In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.”

25. For the Popular Government of my country, which has actively participated in the most fruitful undertakings of this Organization, such as the struggle against imperialism, colonialism, neo-colonialism and racism, and which is a member of the vast and powerful conglomerate of dependent and under-developed countries which constitute the Group of Non-Alligned Countries, the possibility of having direct recourse to the Security Council is also a guarantee of the utmost significance. We feel sure that this is a position which is shared by the vast majority of the countries of Africa, Asia and Latin America which have embarked on their tasks of political, economic and social liberation for their peoples with the support of the progressive forces of the world.

26. The President of Chile already had an opportunity to refer, in December last¹ before the General Assembly, to the struggle, silent and subtle but no less implacable, of the reactionary external forces against the Government freely elected by the Chilean people, who are determined to transform their economy and society. In this context we cannot fail to mention the more recent resolutions of the General Assembly intended to implement the fundamental Declaration on the Strengthening of International Security, of 1970, which is the frame of reference of great significance for the discussion of the agenda of this series of meetings. The General Assembly, in its resolutions 2880 (XXVI) and 2993 (XXVII), solemnly declared that

"any measure or pressure directed against any State while exercising its sovereign right freely to dispose of its natural resources constitutes a flagrant violation of the principles of self-determination of peoples and non-intervention, as set forth in the Charter, which, if pursued, could constitute a threat to international peace and security".

The Security Council in this matter could also make a contribution of the utmost importance within the framework of the agenda of this series of meetings by considering those resolutions of the General Assembly.

27. The Minister for External Relations of the Revolutionary Government of Peru [1696th meeting] in the enlightening statement that he made yesterday, appropriately mentioned other forms of pressure which imperialism makes use of to maintain dominance over our countries when he referred to the internal laws of the United States. Some of those affect his country and Ecuador, which, together with Chile, are members of the maritime system of the Southern Pacific, which is intended to preserve and protect the economic resources of the maritime zone of 200 miles. Other laws, such as the ones which instruct the representatives of the United States to vote against applications for credits by countries which have nationalized United States property and interests, constitute a grave threat to our economic security. This is a manifest transgression of the constitutional instruments of those organs and a violation of the resolutions of the General Assembly, such as those I have mentioned. My Government has already had occasion to refer to this matter in other

forums, but we consider it useful to recall it before this lofty tribunal.

28. For these reasons and many others, most of which have been mentioned in the brilliant interventions of the Latin American Foreign Ministers who have preceded me, the Government of Chile believes that it is an urgent task to implement the Declaration which is the object of resolution 2880 (XXVI), which I have already mentioned, to the effect that:

"in view of the close connexion between the strengthening of international security, disarmament and development, the United Nations should evolve a concept of collective economic security designed to promote the sustained development and expansion of national economies".

We completely share that aspiration, and we believe that this too can be a matter for discussion in the principal organs of the United Nations, a discussion which will serve, among other things to bring to light the positions that members of the Security Council actually hold.

29. An initiative in that direction which has from the outset had the enthusiastic support of our Government is that of the President of Mexico, Mr. Echeverría, regarding the drafting by the United Nations of a Charter of Economic Rights and Duties of States, an initiative which was rightly recalled before this Council by the Secretary for External Relations of Mexico [*ibid.*]. We agree with him that the coming into force of a legal instrument of that kind would represent an invaluable contribution to the primary duty of the United Nations to establish standards and rules which will protect the rights of States, and particularly the rights of the developing countries, suffering the consequences of an unjust international economic order. That charter would be an effective means to consolidate peace and security.

30. My Government realizes that during the brief days of these its first meetings devoted primarily to Latin American affairs the Security Council cannot consider with the required breadth questions vital not only for our States but for all States, particularly the weaker ones, such as my country. Yet we cannot pass over in silence a neo-imperialist activity of enormous gravity. Because it has applied a consistent policy of recovering its natural resources and vital sectors of its economy, of which we are proud, my Government has suffered the consequences of a series of aggressive activities, direct and indirect, of some major transnational enterprises which have been affected by Chilean policies. Some of those gross actions are even criminal, and they are a matter of public notoriety. They have been energetically denounced in the General Assembly by the President of the Republic of Chile² and by authorized spokesmen of our Government in that and other international forums. The situation has become so alarming that not only has the Economic and Social Council taken up a study of the vast implications of the matter but governmental and non-governmental organizations, including even Committees of the United States Congress,

¹ Official Records of the General Assembly, Twenty-seventh Session, Plenary Meetings, 2096th meeting.

² *Ibid.*

have begun to investigate those activities and their consequences.

31. While we are not formally raising this question before the Security Council at this time, we do wish to draw attention to it now because we consider it timely to think the matter over. It constitutes for the Government of Chile one of the gravest threats against it, a threat in violation of the principles of international law contained in the relevant Declaration of the United Nations, General Assembly resolution 2625 (XXV), which I cannot fail to refer to in this statement, and principles mentioned in other United Nations resolutions. At any rate, it will have to be a matter of priority within the world Organization, and it will be necessary to draft new rules containing elements of progressive development of international law in order to serve the interests of peoples.

32. We have reserved until the end of our statement a matter which in this capital, with its historic Latin American features, takes on smoldering characteristics within the context of the anti-colonialist struggle on the continent and the application of fundamental principles such as the territorial integrity of States and their permanent sovereignty over their natural resources.

33. We are alarmed to see that the so-called question of the Panama Canal has not been solved through bilateral negotiations because of the intransigence of a great Power whose attitude has been eloquently described by the head of the Government of Panama [1695th meeting]. Given that situation, which threatens a small peace-loving State and which can endanger international peace and security, we as Latin Americans feel it necessary to express before this august body the solidarity of the Government of Chile with the just cause of the Government and people of Panama in their struggle to recover full sovereignty over the entire territory within their frontiers and to achieve removal of the military bases which were established on their territory without their authorization.

34. We think it most timely that the members of the Security Council should have taken cognizance of the gravity of the situation prevailing in this sister country because of the existence of a colonial enclave on its territory which the Government of the United States is determined to maintain. The speeches we have heard here may make a contribution to the attainment by peaceful means of a just solution to this grave situation. It is with the greatest interest that we await the further course of the debates of the Council on this subject.

35. I am grateful to the President and members of the Council for the invitation to participate in this debate, which is so significant for Latin America, and I express my best wishes for the success of the Council's debates. I wish at once to offer the most active co-operation of the delegation of Chile, whose Government includes among the fundamental objectives of its foreign policy the strengthening of the United Nations.

Mr. Boyd (Panama) took the Chair.

36. The PRESIDENT (*interpretation from Spanish*): The next name on the list of speakers is that of the Permanent Representative of El Salvador to the United Nations, Ambassador Reynaldo Galindo Pohl. I invite him to take a place at the Council table and to make his statement.

37. Mr. GALINDO POHL (El Salvador) (*interpretation from Spanish*): My first words must be words of greeting to the Government and people of Panama and an expression of the pleasure of El Salvador at the holding of this series of meetings of the Security Council in this enlightened and very dear city of Panama. It is to be hoped that in the course of these meetings an atmosphere can be created and energies marshalled that will lead to a satisfactory and speedy solution of the problems which Panama has put before the Security Council through General Omar Torrijos, in the statement that he made yesterday [1695th meeting].

38. There are other problems that touch upon Latin American peace and security, and they too are important, but for the moment I shall concentrate on the main subject with which the Council is dealing in the course of these meetings, namely, the problem of the Panama Canal.

39. From 1903 to 1973, 70 years have elapsed since the Panamanian people, in the exercise of its right of self-determination, decided to establish itself as an independent political entity. In the course of those 70 years the world has undergone more transformations than in the four centuries that preceded them. Suffice it to recall the two World Wars, the organization of the international community through the League of Nations first and the United Nations afterwards, control over the atom, immediate means of communication, interplanetary flights, computers and so much more.

40. Among the most significant events of those 70 years must stand the establishment of rules for State coexistence, of guidelines for States' behaviour beyond their frontiers. During those 70 years the process which constitutionalism had achieved domestically in the State has been rounded out and completed internationally. Principles, norms and tenets have now been applied in relations among States. These principles and norms bespeak the force of reason as prevailing over the reason of force.

41. Obviously, it is understandable that the legacy of the past must have a bearing on the present, not only because of habits and customs but because of historic and social fossils which, fleshed out somehow, claim respectability and rights of survival when surrounded by completely new and different circumstances from those in which those fossils were originally created and lived. But those events and facts must be studied as they are and we have to understand them within the framework of the period when they were established. But that attitude, similar to that of the naturalist with his phenomena, should not stand in the way of efforts being made to re-examine old structures, institutions and events and endeavour to adapt them to the new circumstances.

42. Certain events of the past are historical mortgages which must be paid off with wise and careful far-sightedness. They must, in turn, be replaced by agreements

which will be in keeping with contemporary events. The last 20 or 30 years have been particularly rich in precisely the writing-off of these historical mortgages. Thus we have seen the birth of an international order that is powerful and that daily is tested, tried and, although slowly with ebbs and flows, with ups and downs, nevertheless is gradually growing and progressing.

43. It is a question, in the case of the Panama Canal, of trying to write off and cancel one of these historical mortgages and to do so by bringing to bear the entire body of ideas, principles and norms that the international community has evolved over the last decades and which spell new means and ways of co-operation, of understanding and of interdependence among nations. That body of ideas, principles and norms may perhaps still be a somewhat incomplete, almost primitive instrument, but there are still sufficient component parts of it, after careful analysis of the most acute and critical problems, for them to be utilized in pointing to satisfactory solutions.

44. Very calmly El Salvador has defined its position regarding this Panamanian problem which at the same time is a Central American, an American and, I would say, a world problem. El Salvador was one of the first of the Latin American States to call for recognition of "the full sovereignty of Panama over all its territory",³ to quote from the official statement made by our Minister for External Relations on 12 October 1971 in the general debate of the General Assembly.

45. When adopting that political line, El Salvador was only following the tradition that was established when we opposed the Bryan-Chamorro Treaty, another canal treaty that was inconsistent with the principle of sovereignty and fortunately was dissolved and became extinct a few years ago. And when the struggle started for recognition of the principle of non-intervention in 1928, at the Havana Conference,⁴ José Gustavo Guerrero, who presided over the Political Committee of that session, left the Chair to make a memorable statement and thus joined the issue for recognition of that principle which would ultimately culminate in the later Inter-American meetings.

46. By its nature the Panama Canal is a bridge for human, political and physical unity. It links the North with the South, the Atlantic with the Pacific, and yet thus far it has served only to divide and dissect Panama. Therein lies the grave contradiction. This contradiction is not in keeping with the genuine feeling that must surround the Canal and its very nature and is a left-over from the era when the small countries were treated very differently when dealing with the great Powers. Surely we have the right to hope that for Panama too the Canal will represent an instrument of unity and projection towards the world, as the users of all continents consider it. The present status of the Canal is a political anachronism and, therefore, we are surely justified in hoping that it will be revised appropriately, first of all through the efforts of those directly concerned, the United States of America and the Republic of Panama, and then, in due course, through the appropriate organs of the

regional system and the international community. We consider that regional and universal participation to be necessary in order to encourage and help in the achievement of a direct settlement.

47. With regard to direct negotiations the golden rule of diplomacy must still prevail, even in this day of great meetings and multilateral diplomacy. It is through that golden rule of diplomacy that the best means of settling disputes can be devised, as is demonstrated by the necessary informal and private consultations which always underlie all international meetings. Yet the institutionalized organs of co-operation must stand ready to offer their assistance, their guidelines, their recommendations and, ultimately, their decisions in the search for and the finding of agreements which will overcome tensions and crises.

48. The specific case before us involves the interests and the positions of the holder of sovereignty over the Canal Zone, which is unquestionably Panama, those of the builder and the investor, which is the United States, and those of the international community in connexion with the use of this means of communication. But the pre-eminent interest is that of sovereignty, that is to say, that of Panama. This Panamanian sovereignty over the Canal is mentioned in the very text of the Convention of 1903⁵ and, obviously, in its later modifications. Furthermore, the way in which this Convention has been applied, the interpretation of it in accordance with international law, strengthens our argument that Panama has never yielded but has held and still holds sovereignty over that area. Therefore, the problem is that of changing anything and everything incompatible or not in keeping with that sovereignty.

49. In the Convention of 1903 there was no territorial cession in the sense generally attributed to the instruments that put an end to conflicts usually of a warlike nature. Yet, for reasons that have been very carefully examined and analysed by historians, there are some clauses which are not compatible with sovereignty—for example, the clause which sets forth the perpetuity of certain fundamental arrangements. Apart from that perpetuity, which is incompatible with sovereignty, there are other arrangements which have the same character. But, since sovereignty is the principal right, all else becomes collateral and marginal and must be adapted to sovereignty, instead of the other way round.

50. The circumstances prevailing at the beginning of this century, as well as those of world or national strategies, should now be forgotten. Radical changes have been made and, therefore, international law itself has devised new means to revise what had become inappropriate instruments and adapt them to new circumstances. Thus the Vienna Convention on the Law of Treaties—which, although not yet in force, does represent the codification of customs and generalized doctrines—offers, through the concept of *rebus sic stantibus* and that of *jus cogens*, the means whereby *pacta sunt servanda*, enclosed in rigid forms, no longer represents the inadequate and unjust survival of old

³ *Ibid.*, Twenty-sixth Session, 1963rd meeting, para. 116.

⁴ Sixth International Conference of American States.

⁵ Isthmian Canal Convention. For the text, see *Treaties and Other International Agreements of the United States of America, 1776-1949*, vol. 10, Department of State publication 8642 (Washington, D.C., U.S. Government Printing Office, 1972), p. 663.

agreements and treaties. Sovereignty over natural resources is now an unchallengeable right, and in the last few years anything that might be in opposition to that right has been objected to by international political and legal opinion, requiring the establishment of chapters of revision. It is well known that the greatest natural resource of Panama is its geographical location.

51. Therefore, there exist legal means to deal with this problem but, first of all, it is the policy of reason which must be resorted to. Therein lies the key to progress in the solution of this problem. Through the policy of reason, which perhaps is the exact antithesis of that earlier policy of the "big stick", dating back to the beginning of this century, Panama and the United States can live together a great moment that will point decisively to a new direction in inter-American and world relations.

52. What some considered in 1903 to be the political success chalked up by a great Power is today a political mortgage which we trust that great Power will be ready to write off, particularly when it is already showing enlightened realism in its international relations and is very wisely adapting itself to new circumstances. Herodotus, the great historian, pointed to excess as one of the causes of the crises, and sometimes the collapse, of great States. Time has confirmed that concept. Moderation in the application of rules, in the approaches, the stands adopted in international relations surely is a healthy instrument, and at times, it may even in the long run be the means of survival.

53. I am happy to state, on behalf of El Salvador, that we fully support the claims of Panama over the Canal Zone. In so doing and speaking as frankly and as clearly as possible, we believe that our country is helping the members of the international community to evaluate and assess the scope, the force and the energy of the public opinion and political aspirations of this region of the world. Other Latin American Republics share these views and support the claims of Panama. I must point out the very specific ties that link Panama with El Salvador and the fact that the two countries are the same in expressing genuine regional and subregional solidarity. Panama and El Salvador, El Salvador and Panama, are nations which are linked by origin, language, history and geographical proximity.

54. During this extraordinary series of meetings of the Security Council in Panama, when the subject of peace and security in Latin America is the object of our concern, El Salvador wishes to state that we support Panama, and we do so without compunction or evasion, without passion or hysteria, in full awareness of our responsibility, in full awareness of the moment in history which we are living, but with equal conviction and determination. We hope that this problem will be solved reasonably and in a manner in keeping with our day, and that it will become another chapter in the process of the revision of the no longer viable settlements, at a time when we enjoy voluntary co-operation, when we are restoring and rescuing the dignity of men and peoples, when we are learning to recognize the inalienable rights of countries great and small.

55. As a member of the hemispheric and world communities, El Salvador ventures to appeal to the friendly

Governments directly concerned in this controversy to re-examine their relations and their agreements and, in the solution of this problem, to apply those principles that they themselves have helped to forge in the course of their participation in international organizations. We trust that these meetings of the Security Council in Panama will contribute to the creation of an atmosphere conducive to understanding, to the rebirth of a desire to understand, and that they will open the doors to a speedy settlement of this situation which affects Panama as well as all its brothers in Latin America.

56. Fortunately, we live in a period of great redress, in a period where the ancient structures are being renewed, where international settlement is the order of the day, and what would have seemed impossible a few years ago surprisingly enough today becomes possible. Therefore, I think that the consideration of the case of Panama within that process of revision and readjustment is timely and appropriate. I would go further and say that very seldom have circumstances been so propitious. It must be very clearly stated, as I conclude my statement, that hemispheric and world relations, in order to develop calmly and serenely, urgently require a solution of the problem of Panama. The corrections of historical errors and of the difficulties caused by these social fossils are never untimely. It is always a good time to be just, and let us not forget that justice does honour to those who hand it down and even wipes out many of the tensions and resentments of the past.

57. We trust that the dissected territory of Panama will soon be united, physically, politically and legally, and that its great geographical resource will be used for ever to assist the Panamanians themselves and thereby allow that nation truly to live its universal mission when it offers its geographical resource to all the nations of the world.

58. The PRESIDENT (*interpretation from Spanish*): The next name on my list of speakers is that of the representative of Argentina, Mr. Carlos Ortiz de Rozas, on whom I now call to take a place at the Council table and to make a statement.

59. Mr. ORTIZ de ROZAS (Argentina) (*interpretation from Spanish*): Mr. President, I am grateful to you and to the Security Council for having given me this opportunity to address this august body which has the primary responsibility for maintaining international peace and security. In so doing, I wish at the outset to greet the Government and people of Panama and to express my brotherly gratitude for their cordial hospitality.

60. I bring you the voice of the Argentine Republic which could not be absent from this appointment of honour which the meeting of the Council on our continent represents. This is the second time that this body has met outside its headquarters. First it went to Africa, a continent which had been the cradle of centuries-old civilizations and which today is going through a renewal of its political energies, and now it is directing its gaze at the perspective offered by Latin America. The Council's decisions in both cases were wise since its presence in regions removed from the centres of power, with their own problems, with ways

of life which can with difficulty be transmitted to foreign lands and with approaches to world policy which arise from indigenous traditions and philosophies, cannot fail to be beneficial in broadening the views which must always predominate in the deliberations of the Council and to enable it to become more readily aware of the realities and concerns, which are primary in the minds of broad sectors of mankind.

61. That is why we deemed appropriate and supported from the outset the decision of the Government of Panama to invite the Council to hold meetings in its capital city. The move of the Council to a country with such an illustrious history and a brilliant future, a country whose territory was indissolubly linked to the annals of our continent from the very moment in which it became a reality before the eyes of the discoverer, could not have been more symbolic. Geographically Panama is the link of union between North and South America and at the same time, since the days of Balboa, it has been a means of communication between the East and the West, between the Atlantic and the Pacific. To this crossroads of all routes the Council has come today to hold a most important series of meetings and this brings clearly to mind the historic Congress of Panama, which almost a century and a half ago on these very shores saw a meeting of representatives of the New World who were seeking to make a reality of an ideal of peace and brotherhood which still lives on undiminished. The dream of a united America, a generous and visionary dream, is an indebtedness to which we pay our sincere acknowledgement today.

62. In this hospitable land of Panama we find an incongruous situation. The line of communication between two oceans—the waterway which links the two flanks of America—is a source of disruption instead of union. Built in the first decades of the century, it is a gigantic work of engineering that has doubtless served to unite our cities and to contribute to the increase of our exchanges. It is likewise true that, while it served this purpose of union, paradoxically it represented an interruption of the territorial integrity of the State of Panama.

63. These are facts which we must bear in mind in observing the reality of today, with stagnation existing in negotiations which, years ago, all America hoped would be the road towards the end of a dispute that started the night before the signing of the Convention which created the basis for the Panama Canal.

64. Argentina said so when it was most worth while to do so, when the dispute unfortunately went beyond the measure of understanding and created victims. In those circumstances our Government transmitted the expression of its solidarity and its support for Panama in its claim for full sovereignty over the Canal Zone. When there was a glimmer of a possibility of a solution based on serious negotiations which would lead to "solutions of the basic problem by eliminating the causes which had given rise to the present situation", because of an announcement made by the then President of the United States, the Minister of External Relations of Argentina, who at that time was the President of the First Special Inter-American Conference,⁶

stated that he hoped that this would mean a great step towards justice on our continent.

65. That was our spirit yesterday and it is our spirit today. We firmly expect that the just aspiration of Panama for full and effective sovereignty over the Canal Zone will find an adequate and valid response in the negotiations which must be continued with more vigour and decisiveness in the near future.

66. We are convinced of the need for new legal rules to regulate the situation in the Canal Zone so as to bring it up to date with the times in which we live. Seventy years have elapsed since the first Convention and the events of history have meant the attainment of substantive progress in inter-State relations, with setbacks at times which have been and must inexorably be overcome. It is obvious that the perpetuity with which this Convention of 1903 was delineated must now give way to the new political, economic and legal elements which today constitute the spectrum of international relations.

67. We wish to believe that, in peace and with the necessary goodwill of the parties to negotiate, this year 1973 will mark the beginning of a different vision in the actions of a continent which was the hope of a tomorrow that is now dawning.

68. Latin America has always attached the utmost value to the rule of peace through law. Since the very beginning of its independent life, each country of our continent has fought for respect for principles of peaceful coexistence and justice which history has distilled, so that they have become precepts of the Charter of the United Nations and later declarations and resolutions of the General Assembly have made them explicit and expanded them. The Charter of our regional entity, the Organization of American States, also enshrines many principles of peace and co-operation which are an honour to the hemisphere that accepted them as rules of conduct and which constitute at the same time a paradigm for other areas where conflicts and disputes continue to prevail.

69. I shall not recall in detail those canons of international conduct which are so dear to Latin America and to the existence of which we have made such a large contribution. I only wish to emphasize that this legal heritage constitutes a cause for honour and pride for the countries of our continent and represents one of the most important contributions which the Latin American region has offered to the international community. Compliance with international law, which has always characterized our peoples, commits us furthermore to a permanent effort to prevent any deviation from that rule and constantly emphasize our vocation for peace and co-operation among nations.

70. The Argentine Republic has done its part in the elaboration of that legal system, and enlightened jurists like Luis María Drago and Carlos Calvo have given their names to doctrines which at the time were an important contribution to the evolution of the code of international conduct and which are still in force today, as was recalled yesterday [1696th meeting] by the Minister for External Relations of Colombia so eloquently. We have not faltered in defending

⁶ Held in Washington, from 16 to 18 December 1964.

our way of thinking and acting in external relations, and recent joint declarations and statements of inter-State policy bear witness to the unalterable value we attach to principles which it is always necessary to reiterate.

71. The Government of Argentina has emphasized the fundamental importance of the principle of non-intervention in the external or internal affairs of States and respect for ideological pluralism in international relations, that is to say, respect for diversity of political and social doctrines of each nation with regard to others, and we have always supported the policy of no foreign interference in any form, which is an essential requirement.

72. We have maintained strict application of the principle of legal equality among States, which is the basis for international coexistence and which implies rejection of any attempt at hegemony or so-called leadership by anyone.

73. We have defended and practised in deeds the principle of the peaceful solution of international disputes, the corner-stone of a system based on justice and law and an unavoidable condition for the peace and progress of mankind. Consequently we have indicated our opposition to the threat or use of force in inter-State relations and our conviction that it is only by strict fulfilment in good faith of obligations entered into—and of course among these the Charter of the United Nations deserves special mention—that harmonious and fruitful coexistence on our planet are possible.

74. We have ratified the need to respect strictly the territorial integrity of every State and not to recognize the acquisition of territories by force, the need for the principle that no one should use or apply coercive measures, whether political or economic, to bend the sovereign will of another State; the need to respect the principle of self-determination of peoples, with a proper safeguard for the territorial integrity of countries, and the need to preserve the fundamental rights of the human person and to condemn every form of violence which is a threat to these rights.

75. We have emphasized the sovereign right of each people freely to dispose of its natural resources, both renewable and non-renewable, always respecting the rules of international law, of good-neighbourliness and of cooperation among nations, always seeking the optimum but at the same time equitable use of these resources. In regard to shared natural resources and the shared human environment, we have emphasized the obligation to make sure that the activities carried out within each State's jurisdiction or under its control should not cause substantial damage to the environment of other States or of areas situated outside its national jurisdiction, to the benefit of mutual respect for the sovereignty and equality of rights of States.

76. We have advocated the need to reorder on a just basis the structure of international trade, so that it can become a factor for stability, peace and economic development rather than a source of instability or conflict. For the same reason, we have maintained that it is indispensable to make adequate use of the multilateral systems of consultation and to reform the appropriate instruments to prevent the

adoption of decisions affecting the developing countries in the economic and financial fields in their absence.

77. I have taken the time to mention some of the principles to which my country attaches particular value, not only to praise their intrinsic value but also to emphasize before the Security Council the fact that these principles represent a constant line of the foreign policy of Argentina and that, being of one substance with its people, they remain in force for all time, whatever Government may rule its destinies at any given moment. This peaceful tradition, which respects the rights of others and at the same time defends its own rights, constitutes both a heritage of the past and a commitment for the future.

78. In the light of this international attitude of the Argentine Republic, we have assessed at its just value the undoubted relaxation of tension that has occurred in the past year in the framework of world politics. Enemies who only yesterday were apparently irreconcilable shake hands today. Divergencies which were thought to be insuperable are now settled, even if there is no convergence. Barriers which were considered insuperable have proved not to be so. This atmosphere of relative calm and I underline the word "relative"—constitutes a precious treasure which must be preserved and nurtured. All nations, and primarily the great Powers, have a responsibility to take the utmost care so that attitudes and positions remain flexible and always open to negotiation, since through rigidity and intransigence the good will soon be undone and this atmosphere which is so propitious will vanish, the atmosphere which today prevails and which furthermore acts as a catalyst so that other forms of co-operation can flourish in fields totally removed from politics.

79. Today, in any review of the world political scene, we cannot ignore the fact that the actors in it are not only the 150 sovereign political entities which constitute the inter-State society: any careful analysis of present-day realities reveals the existence of multinational enterprises whose economic and, I would even say, political power is greater than that of many States. These companies possess none of the formal attributes of power: they have no armies, ministries of foreign affairs or diplomatic representatives. But not because they are less obvious in their actions are they harmless or devoid of effectiveness. On the contrary, they are perhaps States without territory; their capacity to influence is undeniable, and their decisions can hamper the sovereign will of States, or disturb their relations. While this is not new, it has only recently been understood in its true significance, and has added a perhaps unexpected ingredient to the fabric of international relations—an ingredient which must be studied and taken duly into account if it is desired that these relations be conducted on a realistic basis, not ignoring important factors which are at stake. We are pleased to note that the United Nations has taken a first step in this field by adopting Economic and Social Council resolution 1721 (LIII).⁷

80. The maintenance of international peace and security is the very essence of the functions of the Security Council;

⁷ See *Official Records of the Economic and Social Council, Fifty-third Session, Supplement No. 1.*

peace is the maximum aspiration of mankind, and security is the natural framework within which it can be achieved. Until a short time ago, peace was merely the absence of generalized conflict. Now we see in addition a positive element: that atmosphere of relaxation of tension to which I referred earlier.

81. And yet situations persist which conspire against a final consolidation of that atmosphere of détente. The arms race continues without major changes. Certain trends have brought the international community to what we have called the "disarmament of the disarmed", while the great Powers remain determined to increase their war potential in a kind of vertical proliferation, constantly resorting to new and more sophisticated means of destruction.

82. In the statement he made at the last General Assembly session,⁸ the Minister for External Relations and Worship of the Argentine Republic indicated that, because of the patient work of the Conference of the Committee on Disarmament, the international community had made some progress in prohibiting weapons of mass destruction, but without having achieved much in connexion with nuclear weapons, with the exception of some collateral measures of doubtful practical effectiveness—and, in some ways, discriminatory measures.

83. We therefore believe that new impetus must be given to negotiations on disarmament; and to that end it is indispensable that all the nuclear Powers should participate. France and the People's Republic of China cannot be absent from that collective effort, and it is imperative to devise the necessary provisions so that those countries can be associated in that effort. They are both permanent members of the Security Council and, as such, enjoy certain privileges. But, as a counterpart, they have special responsibilities for the maintenance of international peace and security, and one of those is, doubtless, to face the problem of nuclear disarmament. Of course, it is impossible to predict whether even with the attendance of those Powers there will be any remarkable progress in the disarmament talks. What we are certain of is that if they do not participate any advance will be only apparent or of very doubtful effectiveness.

84. Not only does the arms race hold sombre prospects of a world conflagration, but, what is more, it absorbs economic resources to an extent which is an affront to all peoples that lack the most elementary necessities and that live in want and hunger. Nobody doubts that if even an infinitesimal amount of the sums now invested in armaments were devoted to development, the situation of many countries—indeed, of entire regions—could undergo substantial changes. Disarmament and development are two responses which this world Organization must offer to the present challenge. Disarmament and development constitute equal budgets for international security.

85. Another factor which disturbs international security is the survival of colonial situations in all regions of the world at this stage of the twentieth century and after the clear,

categorical and unequivocal position which the international community, through the United Nations, has taken on this subject. May I mention in passing the valuable and decisive contribution of the Latin American countries in the first years of United Nations existence to give substance to an anti-colonial attitude which only years later received general sanction in General Assembly resolution 1514 (XV). Let us not forget that at that time the membership of the United Nations was very different from what it is now: the Afro-Asian countries which were Members could be counted on the fingers of one hand. Every step, every measure, for the self-government and independence of the Non-Self-Governing Territories was in those years arduously and tenaciously disputed. It is an undeniable truth that the weight of that anti-colonial battle fell fundamentally on the Latin American countries; and today they are happy to see in the United Nations many States which were then part of that long list of Non-Self-Governing Territories. Accordingly we are proud of having been active and effective participants in a struggle which has brought such excellent results.

86. The Argentine Republic made its full contribution to that common task. Nor could it have been otherwise: our own colonial past, despite the distance in time, enabled us fully to understand the aspirations and wishes of the peoples of other areas. One hundred and sixty years ago we contributed, with the blood of our own sons, to the emancipation of neighbour and sister countries. Today in the United Nations we have co-operated with the attitudes of their Governments and the efforts of their representatives in giving impetus to the course towards freedom of other peoples—geographically remote, but close to us in spirit and ideals.

87. Our independence from Spain, the mother country of the great majority of Latin American countries, occurred more than a century and a half ago. For a long time now our relations have been among the most cordial we have, and every day there is new evidence of that historical link which is symbolized in our language and culture.

88. But, as the delegation of Argentina recalled a year ago at the memorable series of meetings in Addis Ababa, the problem of colonialism has not completely disappeared for the Argentine Republic. There remains on our territory a vestige of that imperialist occurrence which the last third of this century should have definitely and completely superseded. For Argentina colonialism is not a distant memory of the past. It is a present reality which we feel in our flesh and which must disappear in the near future. The General Assembly expressed its position on this question when it adopted resolution 2065 (XX), which recommended that negotiations should take place in order to find a peaceful solution to the dispute over sovereignty between the Argentine Republic and the United Kingdom regarding the Malvinas Islands.

89. We have reported on various occasions to the United Nations that those negotiations were started in compliance with the resolution I have mentioned. Those negotiations have continued periodically and regularly. The special talks which have been held since 1970 with a view to agreeing on practical measures of communication and movement be-

⁸ See *Official Records of the General Assembly, Twenty-seventh Session, Plenary Meetings, 2042nd meeting.*

tween the mainland territory and the islands have, by mutual agreement, taken place within the general framework of those negotiations and subject to the existing commitment to continue the efforts to find a final solution to the dispute over sovereignty with due regard to the interests of the inhabitants.

90. In preparing to report jointly to the twenty-seventh session of the General Assembly—as we have done regularly—it was not possible to agree on a common text, since the United Kingdom position would have distorted the essence of those meetings in so far as they constitute negotiations to find a peaceful solution to the dispute over sovereignty between the Argentine Republic and the United Kingdom regarding the Malvinas Islands, as provided for in resolution 2065 (XX). If the United Kingdom were not prepared to continue the negotiations recommended by that resolution, Argentina would be compelled to change its attitude and would feel free to act so as to seek the final eradication of this anachronistic colonial situation.

91. My country still trusts that the United Kingdom will understand that the continuation of a colonial situation such as this one can only serve as an irritant to all relations with Latin America, particularly when one bears in mind that the question of the Malvinas Islands is not the only colonial vestige which still afflicts the American continent.

92. I would not wish to conclude without reaffirming the Argentine Republic's position of peace and brotherhood with all peoples of the earth and without reiterating our firm and renewed support for the United Nations, whose purposes and principles govern our international conduct. I would not conclude without repeating our readiness to contribute actively to the maintenance of international peace and security, a readiness of which we gave recent proof during the two years of our membership in the Council. The Government and people of Argentina are firmly determined to develop their foreign policy within those imperative principles which are imposed on us by our tradition and our destiny.

93. The PRESIDENT (*interpretation from Spanish*): As members will recall, at its 1696th meeting, held yesterday, the Security Council decided to extend an invitation to the Secretary-General of the Agency for the Prohibition of Nuclear Weapons in Latin America (OPANAL), Mr. Héctor Gros Espiell, and to the delegation accompanying him, under rule 39 of the provisional rules of procedure.

94. The Secretary-General of OPANAL has indicated a desire to address the Council. With the consent of the Council, I now invite him to take a place at the Council table and to make a statement.

95. Mr. GROS ESPIELL (*interpretation from Spanish*): Mr. President, at the very outset I should like to thank the Security Council, through you, for inviting the Secretary-General of the Agency for the Prohibition of Nuclear Weapons in Latin America (OPANAL), under rule 39 of the provisional rules of procedure of the Council, to participate in the present series of meetings.

96. Addressing the Council today, I intend to contribute to the debate by putting before the Council a series of elements that relate to the Treaty of Tlatelolco⁹ and its contribution to solving the problems of peace and security in Latin America. Some of those elements have already been mentioned in statements made during the course of the debate yesterday and today, but perhaps we can define more clearly those questions confronting the Security Council at the present series of meetings.

97. Secondly, I should like to express the satisfaction of the general secretariat of OPANAL at the fact that the first series of meetings which the Security Council is holding in Latin America is being held in Panama, because of all that this land and this people have signified and continue to signify for our America, and because of the fact that the representative of Panama, a State party to the Treaty of Tlatelolco, is presiding over the work of the Council.

98. Consideration by the Council "of measures for the maintenance and strengthening of international peace and security in Latin America in conformity with the provisions and principles of the Charter" no doubt means in the first instance—with a view to determining how the basic purpose of the United Nations, declared in Article I, paragraph 1, of the Charter, of maintaining "international peace and security" is being implemented in Latin America—a study of how the principle that Members of the Organization shall refrain from the threat or use of force, as stated in Article 2, paragraph 4, of the Charter, has been and is being complied with in our continent and how we can help to ensure compliance with it in the future.

99. As can be seen from its preamble, the Treaty of Tlatelolco was regarded as a further contribution to the viability of that principle; as a specific embodiment of the desire of the Latin American States to contribute to the ending of the arms race, and particularly that in nuclear weapons; as a contribution to general and complete disarmament under effective international control and as a manifestation of the will that in Latin America nuclear energy should be an element placed at the service of its peoples to ensure economic equity and social justice, not an instrument of terror and destruction.

100. Today, the Treaty of Tlatelolco is the only valid example of a militarily denuclearized zone being established in an inhabited region of the planet. There are other zones that fall within these same definitions, but they are not inhabited—for example, those covered by the Antarctic Treaty and the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof and those texts that refer to zones not on the surface of the earth, such as the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies. But only the Treaty of Tlatelolco applies the principle of military denuclearization to a populated region of the world.

⁹ Treaty for the Prohibition of Nuclear Weapons in Latin America (United Nations, *Treaty Series*, vol. 634, p. 326).

101. More or less similar initiatives were taken in the past—for example, the Rapacki Plan to denuclearize the territories of Poland, Germany and Czechoslovakia; the Kokkonen Plan, covering the Nordic countries; the Romanian drafts on the military denuclearization of the Balkans; General Assembly resolution 2832 (XXVI) declaring the Indian Ocean as a zone of peace; and the idea of denuclearizing Africa, which has been supported by the Organization of African Unity and the General Assembly. But thus far only Latin America has been fortunate enough, by dint of the unanimous efforts of its peoples and Governments, to complete the process and arrive at a Treaty which formally and solemnly denuclearizes Latin America militarily and creates and regulates the first effective international system of control and is now in force.

102. What might be termed the Tlatelolco system flows from three different but united international instruments: the Treaty and the two Additional Protocols, whose process of elaboration was followed step by step by the United Nations, which praised its exemplary role in a number of General Assembly resolutions and whose Secretaries-General U Thant and Waldheim understood and warmly encouraged the idea of the military denuclearization of Latin America.

103. The Treaty, opened indefinitely for signature, without room for reservations, by all the Latin American States, in accordance with the régime set forth in article 25, clearly defines the rights and duties of the contracting parties and safeguards the rights of those States parties peacefully to use nuclear energy and even to carry out nuclear tests for peaceful purposes. It creates OPANAL; it sets up an international control system under OPANAL and the International Atomic Energy Agency. It provides for a régime to be brought into play if there are violations of the Treaty and regulates the very specific and close relationship existing between it, the Charter of the United Nations and the Statute of the International Atomic Energy Agency.

104. The Tlatelolco régime is not one of non-proliferation; it is one of absolute and total prohibition of nuclear weapons. The contracting parties assume a series of obligations which, particularly with regard to their substance, are those set forth in article 1. The transit of nuclear weapons across the territories of the member States has not been specifically regulated by the Treaty; however, the transit of nuclear weapons belonging to the member States is an impossibility since they cannot manufacture or possess them in view of the general prohibition contained in article 1. The transit of nuclear weapons belonging to non Latin American third parties can be prohibited by the territorial State in exercise of its sovereignty, which its authorities inherently exercise over the entire territory of the State.

105. Today, the Treaty of Tlatelolco is in full force for 18 Latin American States. Only two signatures are lacking. It is to be hoped that the problems that stand in the way of those two signatures will be overcome and that very soon all the Latin American States will become signatories of the Treaty of Tlatelolco.

106. The Secretary-General of OPANAL wishes to repeat the desire he has expressed—a desire also expressed by his predecessor, Ambassador Leopoldo Benites Vinuesa—to contribute to the utmost to the solution of those problems. Only true advantages, concrete and practical guarantees without renunciation of any rights, can be derived by all Latin American States individually or collectively if the Treaty of Tlatelolco is signed by all the sister republics.

107. There are two other signatory States that have not as yet ratified the Treaty. Again, we trust that in the next few months this situation also will be corrected, as was the case with the previous two States that ratified it without the waiver contained in article 28, paragraph 2, of the Treaty, and that this year we shall be able to show the international community how Latin America as a whole and without exception is united in this contribution by the continent to world peace and its own peaceful development.

108. We believe that the Security Council might express its sympathy with this desire of ours that the process of signature and ratification by the Latin American countries of the Treaty should be completed.

109. In accordance with Additional Protocol I, the non-Latin American States that *de jure* or *de facto* possess Territories under their international responsibility located in the geographical zone as defined in the Treaty commit themselves to applying in those Territories the statute of denuclearization in respect of warlike purposes.

110. Two States—the United Kingdom and the Netherlands—have signed and ratified the Treaty. Two others have not yet done so. I do not need to give specific examples, which the Council knows full well, to stress the enormous importance of the four States that *de jure* or *de facto* possess Territories in Latin America committing themselves to abide by the provisions of Additional Protocol I. That would make a fundamental contribution to the peace and security of the region. It would help to eliminate tensions and would exert a preventive effect regarding the possible emergence of controversial situations in the future.

111. As His Excellency the Secretary for Exterior Relations of Mexico, Mr. Emilio Rabasa, has suggested [*1696th meeting*], the Security Council, with its enormous international authority, could urge the States that have not yet done so to sign and ratify Additional Protocol I.

112. In accordance with the terms of Protocol II, the nuclear-weapon States commit themselves to respect the statute of denuclearization in respect of warlike purposes of Latin America. This specific and independent commitment does not bind the States accepting it, directly or indirectly, expressly nor tacitly, under the Treaty on the Non-Proliferation of Nuclear Weapons, which is a completely separate, distinct and independent document and is not tied to the Treaty of Tlatelolco and its Additional Protocols.

113. Two States, the United States and the United Kingdom, have signed and ratified Additional Protocol II. Another State, the People's Republic of China, in a note of November 1972, has unilaterally and unconditionally, and in very wide terms, committed itself to respect the

denuclearization for warlike purposes of Latin America. This note of the People's Republic of China is an extremely positive first step. We trust that it will be a stage towards the signing of the Protocol, which conventionally and irrevocably sets forth similar obligations to those which China has assumed unilaterally. Two other States have failed to sign the Protocol. The General Assembly has repeatedly requested those States to sign that instrument. The last time that the General Assembly made that appeal, during its 1972 session, it did so in particularly expressive terms [resolution 2935 (XXVII)].

114. Now that the Security Council has assessed the situation in Latin America while here it might echo the General Assembly but bring to its decisions its own moral authority and encourage the continuation of the process of the signing of the Protocol so that hermetically and practically the system of Tlatelolco will be completed. This would add to its present legal validity a full *de facto* validity and give it a political projection.

115. The military denuclearization of Latin America is not a utopian effort idealistically to build castles in the air. On the contrary, it is the result of the realistic aspirations expressed by the peoples of Latin America based upon the knowledge of what the world of today is, rooted in faith in man and in his will to survive. The peoples of Latin America aspire to peace and development with justice. But for this they insist that the international community guarantee and encourage the effectiveness, validity and application of international instruments which are intended to put into practice the noble and high purposes of peace, development and justice proclaimed both in the Charter of the United Nations and in the Treaty for the Prohibition of Nuclear Weapons in Latin America.

116. The PRESIDENT (*interpretation from Spanish*): Before adjourning the meeting, I should like to read some important messages that have been addressed to Mr. Juan Antonio Tack, Minister for Foreign Affairs of Panama.

117. The first message, signed by Mons. Alberto Giovannetti, Permanent Observer of the Holy See to the United Nations, states as follows:

"We are not unaware in the Holy See of the importance to the Latin American continent and Panama in particular, of the holding of the meetings of the Security Council in that capital. In fact, whenever the maintenance or strengthening of international peace and security are discussed as in the present case, it can be stated that the aims of the United Nations coincide with those of the Church.

"It is for this reason that the Holy Father has requested the Permanent Observer of the Holy See to the United Nations closely to follow in Panama the development of the meetings of the Council. His Holiness has also requested me to express to your Excellency, as the current President of the Council, and through you to the members of the Council, his fervent hope for the success of your work, so that through the resolutions to be adopted the cause of harmony among peoples may be advanced and Governments be brought together to

overcome the difficulties that might separate them and establish the effective co-operation which is the sole guarantee of progress.

"Thanking you very sincerely personally for the courtesy extended to me by the Panamanian Government during my stay in this noble country."

118. The second message, signed by Mr. Eduardo Francisco McLoughlin Minister for External Relations and Worship of the Republic of Argentina, is in the following terms:

"I am very pleased to address you in regard to your telegraphic communication of 2 January and your note of the 15th of the same month regarding the holding of the United Nations Security Council meetings in Panama. As Your Excellency indicates in the note, the Government of Argentina was very pleased to see the wise initiative of your Government and we have given the initiative our full support. We thank you for your cordial invitation to attend your meetings, but unfortunately this will not be possible because of my prior commitments. Nevertheless, in reply to your formal invitation for my Government to attend, I am pleased to inform you that Argentina will be represented by the permanent representative to the United Nations, Ambassador Carlos Ortiz de Rozas, who will be head of our delegation and he will be in full contact with the delegation of your country and with the other members of the Latin American Group. My Government expects the best results from the meetings, and we trust that this will contribute to the maintenance and strengthening of peace in Latin America in accordance with the Charter of the United Nations and the principles of international law; so that this may constitute a decisive step for the elimination of every vestige of colonialism in Latin America whereby Panama may obtain control of the Canal Zone."

119. The third message is a cable from Mr. Jorge Arenales Catalán, Minister for External Relations of Guatemala, which reads as follows:

"I have the honour to address Your Excellency to express to you and through you to the illustrious Government and people of Panama on behalf of my Government and on my own behalf, our sincere wishes for the success of the Security Council meetings to be held in your capital from 15 to 21 March."

120. The fourth message is from Mr. Alejandro Montiel Argüello, Minister for Foreign Affairs of Nicaragua:

"On the occasion of the Security Council meetings to start on the fifteenth of this month in your city, on behalf of my Government and on my own behalf I express my best wishes for a successful result of the meetings of this important United Nations organ for the maintenance and strengthening of international peace and security, which is an essential function of the Security Council."

121. The last message, addressed to Mr. Aquilino E. Boyd, President of the Security Council, comes from Mr. Otto

Winzer, Minister for Foreign Affairs of the German Democratic Republic, and its text follows:

"The German Democratic Republic welcomes the convening of the Security Council in Panama. We consider the fact that for the first time it has been decided to hold these meetings in Latin America as a sign of high appreciation for the efforts of the Latin American States in their growing support to strengthen peace and security. The German Democratic Republic completely shares the view that the sovereign disposal of natural resources is the inalienable sovereign right of every State. We support the aspirations of the Government of Panama to recover complete sovereignty over the entire territory of the country and we are in solidarity with the peoples of Latin America in their struggle for liberation from any political

or economic tutelage. The German Democratic Republic expresses its certainty that the Declaration on the Strengthening of International Security, which was adopted at the twenty-fifth session of the General Assembly and is in accord with the principles of peaceful coexistence and is a fundamental basis for the solution of problems affecting the Latin American peoples with a view to safeguarding national peace and independence. The German Democratic Republic hopes that the meetings of the Security Council in Panama will be successful, thus fulfilling the hopes that this will lead to constructive results which will constitute a worthy contribution to the present process of relaxation of international tensions."

The meeting rose at 12.45 p.m.