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2345th MEETING: 1 APRIL 1982

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NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

Documents of the Security Council (symbol S/...) are normally published in quarterly *Supplements* of the *Official Records of the Security Council*. The date of the document indicates the supplement in which it appears or in which information about it is given.

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.

2345th MEETING

Held in New York on Thursday, 1 April 1982, at 8 p.m.

President: Mr. KAMANDA wa KAMANDA (Zaire).

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/2345)

1. Adoption of the agenda
2. Letter dated 1 April 1982 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council (S/14942)

The meeting was called to order at 8.35 p.m.

Adoption of the agenda

The agenda was adopted.

Letter dated 1 April 1982 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council (S/14942)

1. The PRESIDENT (*interpretation from French*): I should like to inform members of the Council that I have received a letter from the representative of Argentina in which he requests 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 that representative 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. Roca (Argentina) took a place at the Council table.

2. The PRESIDENT (*interpretation from French*): The Council is meeting this evening in response to a letter dated 1 April from the representative of the United Kingdom to the President of the Council [S/14942]. Members of the Council also have before them document S/14940, containing the text of a letter dated 1 April from the representative of Argentina to the President of the Council.

3. Sir Anthony PARSONS (United Kingdom): Sir, may I first congratulate you very warmly on your assumption of the presidency of the Council for the month of April. It looks as though you are going to have a busy month, and I think we all have great confidence in your ability to steer us safely through the storms that may lie ahead.

4. I should also, of course, like to thank all my colleagues in the delegation of the United States for having enabled us to survive the month of March.

5. As members of the Council will be aware, there have been differences for many years between my Government and the Government of the Argentine Republic concerning the Falkland Islands. My Government has asked for this emergency meeting of the Council because it now has reason to believe that the Government of Argentina is planning to attempt to invade these islands.

6. The Falklands are situated in the South Atlantic, some 770 kilometres north-east of Cape Horn. They have a population of about 1,900. These are people of mainly British origin, most of whom have been born there to families that have lived there for generations. There is no significant Argentine element in the population. The United Kingdom has exercised sovereignty over the Falkland Islands since early in the 19th century and continues to do so today.

7. For several years, the affairs of the Falklands have been discussed by the General Assembly. The Falklands are one of those Territories about which the United Kingdom reports to the United Nations under Article 73 *e* of the Charter of the United Nations. At its thirty-sixth session, the Assembly adopted a decision¹ to the effect that the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples should keep the situation in the Territory under review. The Assembly has not adopted a resolution on the subject for several years but has contented itself with taking note of developments.

8. My Government and the Government of Argentina have held a series of meetings to discuss the situation in the Falkland Islands. In these meetings, elected representatives of the local population have regularly taken part. Reports have been submitted to the General Assembly about these meetings, most recently in a letter dated 23 March 1981. In this letter,

it is stated that: "Both delegations . . . agreed that this question should be examined in further negotiations at an early date."²

9. Such discussions did in fact continue, most recently in New York at the end of February. Representatives of the two Governments confirmed on that occasion their wish to continue their discussions within the negotiating framework referred to in the relevant resolutions of the General Assembly. But, regrettably, the Argentine Government appears to have decided, following those discussions, that it did not wish to continue on this course. The joint communiqué which had been agreed to at these talks in New York was not published in Buenos Aires.

10. Recently, relations between the United Kingdom and Argentina deteriorated as a result of an incident in South Georgia, one of the dependencies of the Falkland Islands, which is over 1,300 kilometres from the Falkland Islands themselves. The United Kingdom has exercised sovereignty over South Georgia since 1775, when the island was discovered by Captain Cook. A British Government station has existed on South Georgia since 1909. At present, a British Antarctic survey base provides an all-year-round British presence. The Argentine claim to South Georgia dates only from 1927 and is presumably based on the island's alleged proximity to the Argentine mainland.

11. The Commander of the British Antarctic survey base at Grytviken, on South Georgia, reported on 19 March that an Argentine navy cargo vessel was anchored in nearby Leith harbour and that a large party of Argentines were setting up camp. The Argentine flag had been hoisted. The base commander told the men they had no right to land on South Georgia without seeking permission from the British authorities and ordered them either to seek the necessary clearance or to leave. The United Kingdom Government sought immediate clarification from the Argentine Government, in both Buenos Aires and London, making clear that we regarded this as a potentially serious incident and asking the Argentines to arrange for the immediate departure of the ship and party. Her Majesty's ship *Endurance*, a lightly-armed ice-patrol vessel, was ordered into the area.

12. The Argentine ship and most of the party left on 21 March, but about 10 Argentines remained. The Argentine Government, which claimed to have had no prior knowledge of the landing, assured us that no serving military personnel were involved: the men were working for a commercial company which has a contract to remove equipment from disused whaling stations on South Georgia. It was, however, unreasonable, the Argentine Government stated, to expect the Argentine Government to seek our authorization for their presence on territory claimed by Argentina.

13. We made clear to the Argentine Government that we could not allow even the now small number

of men to remain and told them that the *Endurance* was under way to the area and that the captain had been instructed that, if the Argentines failed themselves to arrange for the men's departure or regularize their position, he should as a last resort take the men on board, without using force, and return them to Argentina via Port Stanley, the capital of the Falkland Islands. The Argentine Government replied that it would regard this as gravely provocative. We assured them, in turn, that we wished, if at all possible, to prevent any escalation of this incident, but that the men had to be removed soon. If the Argentine Government could devise a method of doing so, we would be prepared to permit it. If not, the captain of HMS *Endurance* would have to carry out his instructions. I should like to emphasize at this point that the *Endurance* has played no active part in this incident. She has not approached the Argentine party at Leith but has been standing by well away from them.

14. On 25 March, an Argentine naval transport vessel arrived at Leith harbour to deliver further supplies to the men ashore. The British Ambassador in Buenos Aires sought an early response from the Argentine Government to our previous requests that they should arrange for the men's departure. This request was refused. The British Ambassador made it clear to the Argentine Government that we wished to do everything we could to avoid confrontation and proposed that if the party requested the proper authorization from the British authorities at Grytviken, this would be given. No immediate reply was received from the Argentine Government.

15. But on 26 March, the Argentine Government issued a press statement announcing that the Argentine party would be given all necessary protection by the Argentine Government. The Argentine press reported that Argentine naval vessels had been ordered into the area.

16. On 28 March, the Argentine Minister for Foreign Affairs sent a message to Lord Carrington, the British Secretary of State for Foreign and Commonwealth Affairs, rejecting the British proposal to regularize the presence of the Argentine citizens in South Georgia but pressing instead for discussion not only of this issue but also of the wider sovereignty issue.

17. On 30 March, statements in both Houses of Parliament in London made it clear that the British Government had no wish to interfere with a straightforward commercial contract but that we could not accept an illegal unauthorized presence on British territory. The statement emphasized our wish to defuse the issue and to pursue a diplomatic solution to it.

18. On 31 March, the British Ambassador in Buenos Aires proposed to the Argentine Foreign Minister that a senior official should visit Buenos Aires to discuss a diplomatic solution, adding that the defusing

of this incident would help prepare the way for resumption of a dialogue on the broader sovereignty issue.

19. Earlier today, the Argentine Foreign Minister gave the reply of his Government to the British Ambassador in Buenos Aires. His reply was negative. He declined to discuss further the problems occasioned by the illegal presence of Argentine nationals on South Georgia. He specifically stated that he no longer wished to use diplomatic channels to discuss the situation in South Georgia.

20. I have described in some detail this recent incident affecting South Georgia. But the purpose of my Government in requesting this meeting of the Council is to consider the threat not to South Georgia but to the Falkland Islands, which, as I have already said, are more than 1,300 kilometres away. We have evidence that the Argentine navy is about to launch an invasion, possibly as early as tomorrow morning. The Argentine press has for several days been carrying not only detailed accounts of Argentine naval movements "in readiness for operations in the South Atlantic" but also statements by the Argentine Minister of Defence about the significance of these movements. On 28 March, all naval leave was cancelled.

21. It is clear that almost all the Argentine fleet, including an aircraft carrier, destroyers, corvettes and submarines, is now at sea. Yesterday, all Argentina's C 130 transport aircraft left their bases. Their destination was not revealed, but according to the Argentine press they are being prepared to airlift troops to the southern part of the country. On 30 March, at least two aircraft of the Argentine air force over-flew the Falkland Islands, without diplomatic clearance having been sought in accordance with normal international procedures. One of these overflights was by night and the aircraft carried no lights. All this activity, and the statements by Argentine Ministers that have accompanied it, have given my Government reason to believe that an attempt is about to be made to use force to change the Administration of the Falkland Islands against the wishes of its inhabitants.

22. My Government views the present situation with the utmost seriousness. We call on the Council to take immediate action in order to prevent an invasion. We ask the Council to exercise its responsibility under the Charter of the United Nations to maintain international peace and security. We ask the Council to call upon the Government of Argentina to refrain from the threat or use of force against the Falkland Islands and to exercise restraint. I can assure the Council that my Government has conducted the recent negotiations in perfect good faith and that the British Government stands ready to continue these negotiations in the future. What is unacceptable is an attempt to change the situation by force.

23. This morning, the Secretary-General summoned the representative of Argentina and me separately to

express his deep concern over the situation in the South Atlantic and to urge restraint on both sides. At noon today, he issued a statement urging the two Governments to continue to use diplomatic means to resolve the outstanding issues between the two countries. I am authorized to inform the Council that it is the fervent wish of my Government to use diplomatic channels to resolve outstanding issues and to avert a crisis. As I have just described to the Council, my Government has made repeated efforts to engage the Argentine Government in the search for a diplomatic solution. These efforts were rebuffed this morning in Buenos Aires.

24. It is this refusal of the Argentine Government to pursue the path of negotiation, combined with its disturbing naval and military preparations, which have led my Government to request this urgent meeting of the Council. We ask the Council to call upon the Government of Argentina to exercise the utmost restraint and to refrain from the use or threat of force in the South Atlantic. This is the way for the Council to give an appropriate response to this menacing situation in the area.

25. The PRESIDENT (*interpretation from French*): The next speaker is the representative of Argentina, on whom I now call.

26. Mr. ROCA (Argentina) (*interpretation from Spanish*): Mr. President, the delegation of Argentina would like to extend to you its respects upon your assumption of the presidency of the Council. I am convinced that your well-known experience and diplomatic training will ensure that you will preside over the meetings of the Council effectively.

27. The Argentine Republic and Zaire, the country that you represent in such a distinguished manner, maintain very friendly relations and share common positions based on respect for the principles and purposes of the United Nations.

28. I should further like to avail myself of this opportunity to express our thanks to Mrs. Kirkpatrick, the representative of the United States, who presided over the work of the Council in March with equanimity and professionalism.

29. The Argentine Republic has once again been the object of aggression perpetrated by the United Kingdom through the dispatch of vessels to its national waters with the declared intention of exercising force against workers who, with the full knowledge of the British authorities, have been engaged in peaceful commercial activities in San Pedro Island, in the South Georgia group of islands, a dependency of the Malvinas Islands. Those activities are being carried out in accordance with the procedures that were agreed to by the two Governments in compliance with recommendations put forward by the United Nations.

30. This aggression constitutes one more episode in the violence which was perpetrated by Great Britain on 3 January 1833, when by force it took possession of the Malvinas Islands, seizing the Argentine authorities residing there and expelling almost all of the inhabitants.

31. The islands have been part of the national territory since the independence of the Republic, through natural succession of the unquestionable rights which the Spanish Crown had over them and which had had governors there since 1811. In exercise of those rights and before the end of the wars of independence in the American continent, Argentina in 1820 sent the frigate *La Heroína*, under the command of David Jewett, who, in compliance with instructions from the Buenos Aires Government, took effective possession of the islands.

32. In 1823, the Argentine Government appointed Pablo Areguati as Governor of the islands and made concessions of land and rights to exploitation of the wildlife and fishing throughout the archipelago. Successive expeditions made that year, in 1826, and in 1828 brought new groups of families and means to facilitate their settlement of the islands, and new land grants were made. The settlements prospered satisfactorily under the jurisdiction of the Government of Buenos Aires. On 10 June 1829, the political and military governorship of the Malvinas Islands was established. Luis Vernet, one of the first inhabitants, was appointed Commander.

33. At no time did Great Britain object to the Argentine establishment in the Malvinas Islands. When, in February 1825, it signed a treaty of friendship, commerce and navigation with the Government, recognizing Argentine independence, no reservations whatsoever were put forward concerning the islands.

34. In 1833, when usurpation by the primary naval Power of the era was concluded and when the struggle for independence had just concluded, the Republic could not oppose militarily the plundering to which it had been subjected. Nevertheless, on 15 January 1833, the Government protested to the British Chargé d'affaires in Buenos Aires, who said he had not received instructions. On 22 January the Minister persisted in his indifferent attitude. The Minister for Foreign Affairs of my country, Manuel Massa, informed American chancelleries by letter about this usurpation.

35. In this connection, I should like to recall that the Government of Brazil instructed its Minister in London to offer his Argentine colleague full co-operation so as to ensure success in this matter. Other countries gave immediate diplomatic support to the Republic.

36. On 23 April 1833, the Argentine representative in London, Manuel Moreno, upon instructions from the Buenos Aires Government, submitted a note of pro-

test to Her Majesty's Government, which was reiterated on 17 June in a lengthy and documented protest. Viscount Palmerston answered on 8 January 1834, sustaining positions that were rejected by Moreno on 29 December 1834.

37. Since that time, the Argentine Republic has never ceased to call for the return of that part of its territory which had been brutally occupied and was illegally held under British control.

38. As was indicated by the representative of Argentina, Mr. José María Ruda, who is today a member of the International Court of Justice, when the issue of the Malvinas was raised at the twentieth session of the General Assembly in 1965:

"In the course of the last 132 years, we have never ceased to clamour to the deaf ears of Great Britain for the restoration of the Islands which are ours. Today, a new hope is offered the Argentine Republic, a hope that we may find the understanding and the support of the United Nations, one of whose noblest purposes is to end the colonial era all over the world. The colonialist policies of that period have an outstanding example in the case of the Malvinas Islands. At that time, advantage was taken of a country that was in the throes of organization and struggling, as are many new countries in Africa and Asia today, to achieve political and economic progress. We defended ourselves on the strength of our dignity and of law, but we had no means to offer resistance. Our friends, the new nations of Latin America, also in the midst of their own formation, could only tender us their moral support for they shared our material weakness."

39. That same year, echoing what the Argentine Republic had stated, the General Assembly adopted resolution 2065 (XX) by an overwhelming majority. In that resolution, the Assembly, first, took note of the existence of a dispute between the Governments of Argentina and the United Kingdom concerning sovereignty over the Malvinas, and, secondly, invited both countries to pursue negotiations so as to find a peaceful solution to the problem, bearing in mind the provisions and objectives of the Charter of the United Nations and of General Assembly resolution 1514 (XV), as well as the interests of the population of the islands.

40. The General Assembly reiterated its position in four consensuses reached in 1966, 1967, 1969 and 1971, urging the parties to pursue negotiations in accordance with the course and scope adopted in resolution 2065 (XX).

41. General Assembly resolution 3160 (XXVIII) reaffirmed the same premises and stated that the way to put an end to the colonial situation was by the peaceful solution of the conflict of sovereignty between Argentina and the United Kingdom; it urged the parties to pursue negotiations without delay.

42. As can be seen, once again the existence of a dispute relating to sovereignty between the two countries concerning the archipelagos was recognized and it was noted that the only valid interlocutors to settle this were the two Governments.

43. It is extremely important to emphasize that the terms used in those resolutions were not chance terms; rather, they were the outcome of a well-founded judgement reached by the General Assembly, which was thus explicitly recognizing that, in the case of the Malvinas Islands, the principle that enshrines and protects the right of States to territorial integrity is applicable. It could not be otherwise, since the illegitimate act of force by Great Britain was followed by the expulsion of the original population of the territory—Argentine nationals—and their replacement by a tiny number of citizens from the colonial Power, which makes inapplicable to this dispute the principle of self-determination.

44. This particularity of the case of the Malvinas Islands was reaffirmed in categorical terms at the Conference of Ministers for Foreign Affairs of Non-Aligned Countries held at Lima from 25 to 30 August 1975. The Political Declaration adopted by that conference stated the following:

"The Non-Aligned Countries, without prejudice to ratifying the validity of the principle of self-determination as a general principle for other territories, strongly support in the special and particular case of the Malvinas Islands the just claim of the Argentine Republic, and urge the United Kingdom to actively continue the negotiations recommended by the United Nations in order to restore the said territory to Argentine sovereignty and thus put an end to that illegal situation, which still persists in the southern part of the American continent."³

45. The Political Declaration adopted at the Fifth Conference of Heads of State or Government of Non-Aligned Countries, held at Colombo from 16 to 19 August 1976, stated the following:

"In the special and particular case of the Malvinas . . . the Conference firmly supported the just claim of the Argentine Republic and urged the United Kingdom to actively pursue the negotiations recommended by the United Nations for the purpose of restoring that territory to Argentine sovereignty, thus ending that illegal situation that still prevails in the extreme southern part of the American continent."⁴

46. The inapplicability of the principle of self-determination in no way whatsoever meant that the Argentine Republic was no longer concerned about the situation of the sparse population of the islands. Rather, throughout negotiations, my country has given all kinds of benefits and guarantees to those inhabitants. Some benefits have already materialized, to the extent that the British Government was ready to accept them.

47. The declarations of the non-aligned countries were particularly taken into consideration in the third paragraph of General Assembly resolution 31/49. In that resolution the Assembly again recognized the continued efforts made by my Government to facilitate the process of decolonization and to promote the well-being of the population of the islands, and it again requested the Governments of Argentina and the United Kingdom to accelerate negotiations concerning the dispute over sovereignty.

48. We can see the contrast in attitude of the two Governments. While Argentina has been concerned about overcoming the various obstacles that have been raised by the United Kingdom during these lengthy negotiations and ensuring that the living standard of the inhabitants of the islands would speedily be improved, the United Kingdom persists in delaying negotiations that could end the dispute.

49. Indeed, in compliance with the recommendations I have mentioned, the Argentine Republic has made many efforts, within the framework of such negotiations, to reach a solution. To that end, special talks were held to open communications between the Malvinas Islands and the Argentine mainland. In 1971, the Joint Declaration on Communications led to continued activity by Argentina to improve the situation of the inhabitants of the islands. In the 10-year period since then, Argentina has adopted measures such as the following. First, provisional scheduled service has been provided between Port Stanley and Comodoro Rivadavia; this began in 1972, making use of amphibian aircraft of the air force. I note that the first trip was carried out in response to a request for co-operation from the British Embassy in Buenos Aires in the transport of a seriously ill person. These emergency transfers to the mainland continued. Second, Argentine air force personnel were assigned to ensure service at Port Stanley for communications activities with the mainland. Third, a temporary aluminium runway of 800 metres' length was constructed by the air force in 1972 to make available regular air service. Fourth, regular weekly flight service was established by the LADE company in November 1972. Fifth, in 1976 the airport runway was lengthened to improve air service. Sixth, air transport of mail and freight increased since its inauguration in 1972, from 73 kilogrammes initially to more than 40,000 kilogrammes in 1980. Seventh, in 1973 a VOR radio beacon was installed to facilitate and improve the safety of the increasing air traffic to the mainland. Eighth, air traffic was increased in frequency to two flights a week, along with an increase in freight, which led to the use of larger-capacity aircraft.

50. The uninterrupted assistance provided by the Argentine State throughout a decade for the exclusive benefit of the British inhabitants of the islands, in addition to the constant readiness of the nation to settle the dispute by the peaceful means of negotiations, was limited by all sorts of obstacles raised by the United Kingdom.

51. Thus, the United Kingdom rejected the following proposals of Argentina: an exchange of students residing in the Malvinas and on the Argentine mainland; a plan to build housing, with credit facilities provided; the establishment at Port Stanley of a bilingual school by the Argentine Ministry of Culture and Education; the establishment of a branch of the Argentine National Bank to provide family loans to workers; the establishment of a fish farm in Port Stanley by the Argentine National Fisheries Service; the supply by an Argentine firm of dairy products; an offer of financial support for the construction of housing by the Banco Hipotecario Nacional Argentino; establishment of a radio-electronic station for emergencies; the establishment in Port Stanley of a branch of the National Savings and Loan Association; the establishment of an oceanographic observation station by the Universidad Nacional del Sur, which also offered to provide diving instructors; the extension of the services of the Automobile Club of Argentina to the islands, which would have benefited especially the inhabitants of the countryside; the establishment of a professional training centre—an arts and trades school; the installation of a land satellite station connected with the Argentine mainland and international systems; the establishment of a combined telephone-telegraph installation with internal and international telegraphic and telephone service; and the establishment of an animal breeding ranch, provided with bloodstock, a butcher and a refrigeration plant.

52. I remind the Council that that lengthy list I have just read is a list of offers rejected.

53. To this reluctant attitude of the British Government may be added the existence of legislation approved by the United Kingdom and applicable to the Malvinas, referring to the treatment of foreigners: the Aliens Ordinance, which dates from 1925. According to section 10 of that ordinance no foreigner can be a property owner or a mortgage holder without special permission. That permission can be granted only by the Governor of the islands if he deems it appropriate, and it may be subject to conditions. In practice, and despite the fact that the official's power to grant or deny permission is a facultative power, he does not do so without consulting the Legislative Council.

54. That same legislative body has decreed that no person or corporation can, without authorization from the Governor, be the trustee for a foreigner in the holding of land or property and that if that should occur the land or property would revert to the Crown.

55. By application of these legal provisions, and without the existence of valid reasons, there has been systematic, arbitrary and discriminatory rejection of all legitimate attempts at purchase by Argentine citizens of real estate in the Malvinas Islands, along with the attendant prevention of the settling of persons and the bringing of capital to the archipelago.

This is clearly demonstrated by the attempts by Argentine citizens in 1977 to purchase Douglas Station ranch and shares in the Falkland Islands Company, which were prevented by the Government.

56. The supply of gas to the islands has been provided by State Gas, an Argentine company which maintains a liquid-gas depot on the islands and has held at least two exhibitions of domestic appliances, thus contributing to the safety of the population.

57. In so far as education is concerned, the Argentine Government's assistance is most important, because they choose and send two Spanish teachers to the schools of Port Stanley.

58. For 10 years, above and beyond whatever authorities were there, the Argentine Government has meticulously and in good faith met all the commitments agreed to in the 1971 Joint Declaration. Now the United Kingdom Government is saying that that declaration is applicable only to part of the archipelago.

59. This narration of events demonstrates one undeniable fact: the Argentine Republic has been and continues to be the object of continuous acts of aggression perpetrated by the United Kingdom. This has gone on for nearly 150 years. It is nothing other than the maintenance of a colonial situation which originated in an act of force, which was then followed by illegal occupation, usurpation, without the metropolitan Power having demonstrated any desire to put an end to it, despite the repeated urgings of the General Assembly to which I referred previously.

60. The United Kingdom Government has used various delaying tactics, thereby demonstrating its obstinate refusal to negotiate in good faith the settlement of the dispute in the terms stipulated in United Nations resolutions. The United Kingdom was one of the first States to recognize the independence of the Argentine Republic and, eight years after that recognition, perpetrated an attack against its territorial integrity, benefiting from an obvious situation of political and military fragility, which was quite natural in a country just emerging to independent life. My country's position of weakness at that time, facing the major maritime Power of the world, prevented it from exercising its right to self-defence. The act of usurpation perpetrated in 1833 meant not only the occupation of the territory but also the forced displacement of the population living in the islands and their replacement by subjects of the occupying Power, which constitutes one of the most serious forms of aggression.

61. That situation has been maintained to date, because despite the proximity of the islands to the Argentine mainland—they are 400 kilometres from the Patagonian coast and more than 10,000 kilometres from their supposed metropolitan country—no inhabitants live there without the explicit agreement of the

United Kingdom authorities, and that has systematically excluded not only Argentine citizens but also all other inhabitants who do not have United Kingdom citizenship or belong to the white community of the Commonwealth.

62. As we have seen, narrow legislation closes access to anyone who is not a subject of the Crown by means of an artificial system preventing settlement on the islands and access to property; and, as we have experienced in this recent episode, this has even gone as far as impeding the peaceful economic activities that are being carried out under contract between individuals entered into in accordance with United Kingdom legislation.

63. My Government would therefore like to assert that the continued refusal of the United Kingdom to take effective steps to settle the dispute, as demonstrated by the delays over the past 16 years—added to the long-standing Argentine claim—constitutes an additional form of aggression against my country.

64. This aggression has again been demonstrated by the recent events which have caused the Security Council to meet, by the virtual utilization of force against Argentine nationals on San Pedro Island—on Argentine territory that was unjustly usurped—who were carrying out commercial activities which were legally agreed to and about which the United Kingdom is fully cognizant.

65. That is to say, the serious and imminent threat to utilize force that the presence and activities of British warships in Argentine waters and against Argentine nationals signify means that there is a right to exercise legitimate defence. Those threatening actions are not new. They have already been noted by the Inter-American Juridical Committee in its statement concerning the question of the Malvinas Islands which was issued at the beginning of 1976. It referred to the incursions of the *Endurance* during the illicit activities of the *Shackleton* vessel on the continental shelf of Argentina which led to our claim and reactions. At that time, the Committee stated that:

“the presence of foreign warships in waters adjacent to American States constitutes a threat to the peace and security of the hemisphere and a flagrant violation of international law concerning non-intervention, as do the intimidating threats of the British authorities to send more vessels”.

66. It is worth while to recall that at that time, in February 1976, Argentina informed the Security Council about the activities carried out by the *Shackleton* that were violating sovereignty. It also referred to the action that it was obliged to take to defend itself.

67. Today, once again, the presence of British vessels in the area and their unambiguous intention to carry out acts of aggression, as stated in the discus-

sions in the British Parliament in recent days, in press releases published in that country indicating the will to utilize force and in the statement made by the British Minister himself, who announced that the *Endurance* would be moving towards the theatre of these events, confirm this attitude.

68. Unfortunately, there can be no doubt whatever that there is a serious and imminent threat by the United Kingdom to utilize force against Argentina's islands, waters and mainland, leaving my country no other course than immediately to adopt the necessary measures to ensure its legitimate defence.

69. The system of collective security set forth in the Charter of the United Nations cannot be interpreted in a way that would mean that provisions for legitimate defence would become inoperable. Sending warships and dispatching landing troops and missiles in compliance with aims that have been debated at great length in the British Parliament and sufficiently publicized by the press of that country not only are measures of intimidation but, indeed, constitute the effective commencement of aggression occurring at a time when my country has made no warlike preparations. The presence of a small number of Argentine workers on San Pedro, in accordance with the provisions of a contract entered into by private persons with the knowledge of the British authorities, at no time can justify and, even less, explain an operation of deployment of the magnitude of that of the United Kingdom. Argentina is thus facing a new act of aggression on the part of the United Kingdom that is in addition to others. My country has unambiguously expressed in all world forums its respect for the principles and purposes of the Charter, especially its repudiation of the use of force and its adherence to the principle of the peaceful settlement of disputes. Its conduct has been and will continue to be in accordance with that. The Charter has provided that Members of the United Nations, when complying with its principles and purposes, should not be left in a defenceless state against any act of aggression perpetrated against its territory or population.

70. Argentina will consider itself obliged to utilize appropriate means of defence to protect its territory and nationals. The Argentine Government continues to have as one of its major concerns the future well-being of the small population of the islands, numbering approximately 1,700, and my Government has always given assurance that they will enjoy all necessary guarantees and safeguards so as to ensure respect for private interests, the system of property, respect for acquired rights and their religious and cultural characteristics. Argentina has always emphasized these points in the course of negotiations and has proposed concrete measures in that connection. We reiterate them once again, as well as the fact that we are ready to reach an agreement that is honourable for both parties.

71. It is ironic and inadmissible for the Security Council to be convened by the United Kingdom today to consolidate the spoils of colonial plundering. We vehemently reject having our country put on the stand when in fact what should be judged, if justice is to be served and peace preserved, is the conduct of the accuser. We are therefore surprised at the speed and diligence with which the United Kingdom convened the Council with the request that it exhort us to negotiate and seek peace when it has for 17 years rejected negotiation and has obstructed any Argentine attempt at reaching a peaceful and negotiated solution.

72. As was stated recently by our Minister for Foreign Affairs, we have not inflamed passions because we have a clear idea of what justice is. Our foreign policy has at all times been dignified, conciliatory and prudent. We have conducted it with serenity and patriotism. The British Ambassador is aware of our firm decision to negotiate generously and with justice so as to protect the interests of the islanders and of the United Kingdom in the islands, without any restriction whatsoever. We are ready to do this, but we are in no way whatsoever, as we have already indicated, ready to continue negotiations if there is no prior recognition by the United Kingdom of our sovereignty over the islands. Everything else is open to negotiation.

73. We did not seek this incident in the South Georgia islands. We did not invent it. We were not the ones who magnified it. The incident has now been terminated and the true reason for the crisis now emerges, namely, the perpetuation of a colonial situation and the irrational and persistent rejection of a just and logical solution to it.

74. The PRESIDENT (*interpretation from French*): After consultations with members of the Council, I have been authorized to make the following statement on behalf of the Council:

“The Security Council has heard statements from the representatives of the United Kingdom and Argentina about the tension which has recently arisen between the two Governments.

“The Security Council has taken note of the statement issued by the Secretary-General, which reads as follows:

“The Secretary-General, who has already seen the representatives of the United Kingdom and Argentina earlier today, renews his appeal for maximum restraint on both sides. He will, of course, return to Headquarters at any time, if the situation demands it.”

“The Security Council, mindful of its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security, expresses its concern about the tension in the region of the Falkland Islands (Islas Mal-

vinas). The Council accordingly calls on the Governments of Argentina and the United Kingdom to exercise the utmost restraint at this time and, in particular, to refrain from the use or threat of force in the region and to continue the search for a diplomatic solution.

“The Security Council will remain seized of the question.” [S/14944.]

75. Mr. LICHENSTEIN (United States of America): Mr. President, it is as if you had prepared a special script for this evening's meeting to demonstrate your intention to exercise with rare dispatch and effectiveness the responsibilities of leadership that have devolved upon you today.

76. My delegation welcomes the onset of your presidency of the Council. We wish you well and our hopes are very high.

77. May I also express, on behalf of the Permanent Representative of the United States, what I know will be her very deep gratitude for the many compliments that have been paid to her skill, her wisdom, her evenhandedness and her professionalism in discharging the office of President of the Council in the month of March.

78. I speak, of course, from very special knowledge. I want to assure all who have paid Mrs. Kirkpatrick those compliments that they are absolutely right.

79. The United States enjoys exceptionally close ties with both Argentina and the United Kingdom. We place a very high value on those ties of friendship and affirmation of the principles which animate the United Nations. We therefore whole-heartedly subscribe to the statement that you, Mr. President, have just read out. We particularly stress its principal part—its call on the Governments of Argentina and the United Kingdom to exercise the utmost restraint at this time and, in particular, to refrain from the use or threat of force in the region and to continue the search for a diplomatic solution.

80. The United States will lend whatever support it can in that search, and we are hopeful that the solution of peace and reason will be found.

81. The PRESIDENT: The representative of the United Kingdom wishes to speak in exercise of his right of reply. I call on him.

82. Sir Anthony PARSONS (United Kingdom): First, I should like to reiterate what I said in my statement, namely that it is the fervent wish of my Government to use diplomatic channels to solve outstanding issues and to avert a crisis.

83. My Government welcomes the statement just made by you, Mr. President, and I can assure you that

we will be guided by its terms. We will exercise the utmost restraint; we will, in particular, refrain from the use or threat of force in the region; and we will continue the search for a diplomatic solution.

84. We are not aggressors, as my Argentine colleague has again and again suggested we are. What possible or conceivable reason could we have for aggressive intent against Argentina? We threaten nobody. We have no interest in the area except to protect the interests of the inhabitants of the Falkland Islands and to respect their freely expressed wishes.

85. My Argentine colleague and I could debate endlessly the rights and wrongs of history, and I doubt whether we would agree. I would hope, however, that he would be prepared here and now, as I have done, to respond positively on behalf of his Govern-

ment to the appeal of the Secretary-General and to respond positively, as I have done, to the call made by you, Mr. President, on behalf of the whole Council for abstention from the use or threat of force in the region and continuance of the search for a diplomatic solution.

The meeting rose at 9.45 p.m.

NOTES

¹ *Official Records of the General Assembly, Thirty-sixth Session, Resolutions and Decisions*, decision 36/416.

² A/36/156.

³ A/10217 and Corr.1, annex, para. 87.

⁴ A/31/197, annex I, para. 119.

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