

## 12. QUESTION CONCERNING THE SITUATION IN THE REGION OF THE FALKLAND ISLANDS (ISLAS MALVINAS)

### INITIAL PROCEEDINGS

**Decision** of 26 May 1982 (2368th meeting): resolution 505 (1982)

By letter<sup>1</sup> dated 4 May 1982 addressed to the President of the Council, the representative of Ireland requested a meeting of the Council to give further consideration to the question of the Falkland Islands (Islas Malvinas).

In a letter<sup>2</sup> dated 20 May 1982, the Secretary-General informed the Council that the time for reaching agreement through negotiations that would restore peace in the South Atlantic was extremely short and, although substantial progress towards a diplomatic solution had been achieved in the preceding two weeks, the necessary accommodations which were still needed to end the conflict had not been forthcoming. He added that, in his judgement, the efforts in which he had been engaged, with the support of the Council, did not currently offer the prospect of bringing about an end to the crisis or of preventing the **intensification** of the conflict.

By letter<sup>3</sup> dated 21 May 1982 to the President of the Council the representative of Panama, on instructions from his Government, requested a meeting of the Council to consider the serious situation that existed in the region of the Malvinas Islands.

At its 2360th meeting, on 21 May 1982, the Council included the three letters in its agenda under the title mentioned above. Following the adoption of the agenda, the Council decided to invite the representatives of Antigua and Barbuda, Argentina, Australia, Brazil, Ecuador, Mexico, Uruguay and Venezuela to participate in the discussion without the right to vote. Similar invitations were extended at the 2362nd meeting to the representatives of Bolivia, Canada, Colombia, Cuba, El Salvador, Equatorial Guinea, Guatemala, Honduras, New Zealand, Nicaragua, Paraguay and Peru; at the 2363rd meeting, to the representatives of Belgium and Indonesia; at the 2364th meeting, to the representatives of Greece, Kenya, the Lao People's Democratic Republic and Liberia; at the 2366th meeting, to the representatives of Chile, the Federal Republic of Germany, India, Italy and the Netherlands; and at the 2368th meeting, to the representative of Yugoslavia. The Council considered the item at its 2360th, 2362nd, 2364th, 2366th and 2368th meetings, from 21 to 26 May 1982.<sup>4</sup>

The Secretary-General gave the Council an account of the actions he had taken in pursuit of the objectives of resolution 502 (1982). In separate meetings on 19 April with the representatives of Argentina, the United Kingdom and the United States, he had outlined the assistance that the United Nations could render if requested; a small presence of United Nations civilians and military observers could be used to supervise any agreed withdrawal of armed forces and civilian personnel as well as any interim administrative arrangements. United Nations auspices for such arrangements could also be provided, as could a United Nations temporary administration. In separate meetings on 2 May with the Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom, Mr. Francis Pym, and with the representative of Argentina, he

suggested that the two Governments agree to take simultaneously the following steps which had been conceived as provisional measures, without prejudice to the rights, claims or position of the parties concerned. In an aide-memoire, he had specifically proposed that at a specified time, "T":

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

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

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

(d) Both Governments terminate all economic sanctions;

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

On 5 and 6 May, the Secretary-General had received responses from the Governments concerned, both of which had accepted the approach contained in the **aide-memoire** as providing a basis or framework for an agreement that would bring the armed conflict to a halt and make possible a peaceful settlement. At the same time the responses had raised a number of points on which agreement was needed. Since 7 May, the Secretary-General had had some 30 separate meetings with the two sides. Essential agreement had been obtained on the following points:

(a) The agreement sought would be interim in nature and would be without prejudice to the rights, claims or positions of the parties concerned;

(b) The agreement would cover: (i) a cease-fire; (ii) the mutual withdrawal of forces; (iii) the termination of exclusion zones and of economic measures instituted in connection with the conflict; (iv) the interim administration of the Territory; and (v) negotiations on a peaceful settlement of the dispute;

(c) The initiation of these various parts of an agreement would be simultaneous;

(d) Withdrawal of forces would be phased and would be under the supervision of United Nations observers;

(e) The interim administration of the Territory would be under the authority of the United Nations. The United Nations flag would be flown. Argentina and the United Kingdom would establish small **liaison offices**, on which their respective flags could be flown;

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

The crucial differences that remained concerned the following points, on which various options were being considered, at the Secretary-General's suggestion:

(a) Certain aspects of the interim administration of the Territory;

(b) Provisions for the extension of the time frame for completion of negotiations and the related duration of the interim administration;

(c) Certain aspects of the mutual withdrawal of forces;

(d) The geographic area to be covered by the terms of the interim agreement.

On studying the drafts of an interim agreement received from both parties it was apparent that they did not reflect the progress that had been achieved in the previous exchanges and that the differences on the four points remained.

On 19 May 1982, the Secretary-General had spoken by telephone with President Galtieri and Prime Minister Thatcher and had suggested certain specific ideas that might assist the parties at that stage. Both had agreed to give them consideration. He had subsequently presented to the two sides on the same day a further *aide-mémoire* listing the points on which essential agreement had been reached and the four crucial questions that remained unresolved. The Secretary-General had expressed his belief that an agreement along the lines developed in the exchanges over the two weeks and suggested in his aide-memoire of 19 May could restore peace in the South Atlantic and open the way for an enduring solution of the long-standing dispute between the two Member States.<sup>5</sup>

The representative of Argentina declared that on that very day his country had again been attacked by British air and naval forces and that regardless of the results of fighting on Argentine soil nothing could bend the firm will of the Argentine people to defend to the end their rights to the islands that were an inalienable part of their homeland. In spite of the serious shortcomings of resolution 502 (1982), Argentina was ready to comply with its provisions so long as the British Government adopted a corresponding attitude. Argentina had agreed to explore the paths of negotiation opened up through the action of the United States, which unfortunately had dropped that approach and openly supported the stand of the British. The British had insisted, however, on their desire for domination of the region. The Argentine Government had welcomed a Peruvian truce proposal, which the United Kingdom had rejected.

While the Council had been requesting a cease-fire, the British Government had been preparing to dispatch its largest fleet constituted since 1956. That military activity had threatened Argentine security and integrity, endangered the prospect of the negotiated solution required by resolution 502 (1982) and made it impossible for Argentina to begin to implement that resolution with respect to the withdrawal of its troops. However, the United Kingdom had decided to create as of 12 April a blockade zone around the Malvinas Islands, which had caused the loss of human lives. The representative of Argentina invoked Article 51 of the Charter, under which unilateral actions should cease once the Council had taken measures to maintain peace and security. The determination of whether such measures had been

effective could not be left to the arbitrary judgement of the United Kingdom. The speaker accused the United Kingdom of the repeated violation of resolution 502 (1982), which demanded the cessation of hostilities. He stressed that his country had complied in regard to the cessation of hostilities and had not threatened the United Kingdom.

He expressed regret that a genuine effort for peace had failed, and the generous offer of assistance submitted by the Secretary-General to both Governments on 2 May had not led to the solution which the gravity of the crisis required. He insisted that Argentina had been the first to comply with the initiative taken by the United Nations Secretary-General. The United Kingdom had not accepted a cease-fire, even informally, and instead had during the negotiations extended its blockade to 12 nautical miles from the Argentine continental territory. In spite of numerous acts of aggression the Argentine Government remained willing to negotiate in New York with a view to fulfilling resolution 502 (1982). From the very beginning of the steps taken by the Secretary-General, the United Kingdom had adopted a rigid attitude in respect of the ideas that had been put forward at the suggestion of the Secretary-General, namely: (a) the mutual withdrawal of forces; (b) an interim administration of the islands; and (c) the initiation of negotiations on substance under the auspices of the Secretary-General. All of the above had to be done simultaneously and at a predetermined time. In connection with the mutual withdrawal of forces, the Argentine Republic had accepted the cease-fire suggested by the Secretary-General and had proposed a *modus operandi* for the mutual and gradual withdrawal of forces, under United Nations observation. Yet, new demands by the United Kingdom had imposed disturbing conditions.

In connection with the establishment of an interim administration in the islands, the Argentine Republic understood that an exclusively United Nations administration would be considered charged to carry out all legislative, executive, judicial and security functions needed to ensure the normal administration of the islands (covering the Malvinas Islands and its dependencies, South Georgia and South Sandwich) by officials who were neither British nor Argentine subjects. The Argentine Government had suggested that many services provided by Argentina would continue to operate. Although none of those ideas had been accepted by the United Kingdom, Argentina had expressed its willingness to keep negotiating with the United Kingdom under the auspices of the Secretary-General for a limited period. Argentina was prepared not to place any pre-conditions on the negotiations in view of its confidence in its legitimate authority.

None the less, the United Kingdom had attempted to place conditions on that negotiating process, first of all by insisting that a United Nations administration retain the colonial administrative structure, thereby prejudging substantive issues in the negotiating process. Secondly, the United Kingdom had accepted neither direct nor indirect reference to General Assembly resolution 1514 (XV) or to the three relevant resolutions of the Assembly on the question of the islands, disregarding 17 years of bilateral negotiations and Assembly resolutions. Throughout the most recent negotiations, the British Government had attempted to fuddle the Territory and to submit to negotiation the future of only one of

the archipelagos, while keeping the two smaller dependencies.

It had also wanted the interim administration of the United Nations to exclude those dependencies and had rejected any withdrawal of their forces from those archipelagos. But some joint British-Argentine communiqués<sup>8</sup> had proved that the three groups of islands had been covered by the negotiations. Behind the recalcitrant attitude shown by Britain throughout the lengthy process, there had been an attempt on the part of a permanent member of the Council to maintain and increase its military presence in the South Atlantic, a region that did not correspond to any of its legitimate interests.<sup>9</sup>

The representative of the United Kingdom stated that in spite of Article 40 of the Charter Argentina had rejected resolution 502 (1982) in practice. Instead of withdrawing, Argentina had reinforced its armed forces on the Falkland Islands and imposed a military government on the islands. In that situation, the United Kingdom had no choice but to exercise its inherent right of self-defence under Article 51 of the Charter. In its strong desire for a peaceful solution, the British Government had been prepared to negotiate and to show flexibility in the negotiations which had been undertaken first through the good offices of the Secretary of State of the United States and thereafter through the President of Peru. Then the British Government had welcomed the good offices of the Secretary-General.

Reverting to the latest round of negotiations, the speaker set out some basic principles. The first one was peaceful settlement. The Argentine invasions constituted violations of Article 2, paragraph 3, of the Charter and of Article 37. The Invasion had been carried out by the use of force, contrary to Article 2, paragraph 4. Argentina had committed an act of aggression within the meaning of the definition suggested by the General Assembly in its resolution 3314 (XXIX). The military occupation of the Falkland Islands had been and was illegal.

The speaker further mentioned the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations annexed to General Assembly resolution 2625 (XXV). The continued Argentine occupation was also contrary to resolution 502 (1982), paragraph 2. Argentina was using force to occupy British territory and to subjugate the Falkland Islanders. Resolution 502 (1982) had proved insufficient to bring about withdrawal. The United Kingdom was fully entitled to take measures in exercise of its inherent right of self-defence recognized by Article 51 of the Charter.

The speaker then turned to the question of self-determination for the people of Non-Self-Governing Territories and mentioned Article I, paragraph 2, of the Charter and the common article I of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, adopted by the General Assembly in resolution 220 (XXI). The provisions about peaceful settlement and the non-use of force applied equally to Non-Self-Governing Territories. The United Kingdom, as the administering Power, had fulfilled its obligations under Article 73 of the Charter. The speaker rejected the Argentine claim that the people of the Falkland Islands were a transient expatriate population and stated that they

had been on the islands as long as, or longer than, most Argentine families had been in Argentina and that they were an entirely separate people with a different language, culture and way of life.

Under those conditions, Argentina could not deny the right of self-defence to the people of the Falkland Islands. Sovereignty of the islands was in dispute, but the people were not. Speaking of the negotiations themselves, the representative of the United Kingdom said that his Government had been prepared to contemplate parallel mutual withdrawal under United Nations supervision, a short interim period under United Nations administration in order to enable diplomatic negotiations, and accepting Argentine representation in the democratic institutions on the islands disproportionate to the size of the Argentine community, as well as accepting an official Argentine observer during the interim period.

Paraphrasing the words of his Foreign Secretary, the speaker enumerated the conditions of the British Government: (a) to secure the withdrawal of Argentine forces, which had been demanded in resolution 502 (1982); (b) to establish a cease-fire to avoid further loss of life as soon as the withdrawal could be agreed; (c) to make satisfactory provision for the democratic administration of the islands in any interim arrangements that might prove necessary; and (d) to ensure that the negotiations with Argentina over the future of the islands included terms of reference to make certain that the negotiations should not be such as to predetermine or to prejudge the outcome on sovereignty or any other matters.

The response of the Government of Argentina had been wholly unsatisfactory for the British Government and was seen as a further attempt to procrastinate in order to enable Argentina to consolidate its hold on what it had seized by force. The Argentine Government's insistence on including South Georgia and the South Sandwich Islands in the agreement was unacceptable to the British Government, as the islands had nothing to do with the differences over the Falkland Islands. Also unacceptable was the demand for freedom of access with respect to residents and property during the interim period. That would have enabled Argentina fundamentally to change the demographic status of the islands during a short interim administration.

The Argentine formulation on how and when and by what means the negotiations should be concluded had been also totally unacceptable to the British Government. The gulf had been so wide between the final British position and the response of the Government of Argentina that it would have been fruitless to continue. Meanwhile, although the British Government's mind would never be closed to any avenue that promised to bring about a peaceful solution to the crisis, it could not allow itself to be in any way inhibited from carrying out military action in accordance with its inherent right of self-defence under Article 51 of the Charter.<sup>10</sup>

The representative of Japan stressed his Government's wish for resolution 502 (1982) to be implemented as soon as possible. At the same time, his Government hoped that in order to avoid a worsening of the situation, both parties, as well as all others concerned, would urgently explore in good faith every possibility for the peaceful resolution of the dispute, including the resumption of the use of the good offices of the Secretary-General."

The representative of Brazil recalled that his Government had always viewed the situation as *de facto* occupation by the United Kingdom and supported the resolutions adopted by the General Assembly in the framework of the broad issue of decolonization in 1965, 1973 and 1976, which recommended negotiations between the parties. The Government of Brazil had supported the Secretary-General's peace efforts and could not fail deeply to deplore the interruption of those efforts by the United Kingdom. The Council was duty-bound to decide on measures, under the supervision of the United Nations, to prevent a worsening of the situation and to give the Secretary-General a formal mandate to resume his efforts with the two parties to reach a just, honourable and lasting solution.<sup>12</sup>

The representative of Ecuador said that his country could not but regret the breakdown of negotiations between two member countries under the auspices of the United Nations. Ecuador had unswervingly and resolutely supported the Argentine territorial claim to sovereignty over the Malvinas Islands both in the organs of the United Nations and in those of OAS and of the Movement of Non-Aligned Countries. Argentina's right to those islands as part of its national territory was clear since, on achieving its independence from Spain, it had succeeded to all the rights formerly held by that country. In the face of the unacceptable dispatch—which was as much a breach of the law as it was an anachronism—of an enormous naval force against the American continent; in the face of the declared use of force in order to impose solutions; in the face of the announced and publicized naval and air blockade through the arbitrary seizing of ocean spaces; in the face of economic sanctions endorsed by various Powers in the European Community; and in the face of the resort to open warfare, Ecuador completely repudiated those acts and invoked the principles of law to put an end to economic and armed aggression. That same view had been expressed by the countries of the Andean Group and those of the Latin American Integration Association. Ecuador had consistently advocated the elimination of any colonialist presence from its continent and thus supported General Assembly resolution 1514 (XV). Together with Colombia and Costa Rica, Ecuador had secured the adoption by consensus in OAS of the initiative of offering friendly co-operation in the efforts to find a solution that would finally avert the threat of war between countries and reiterated before the Council the demand for an immediate cessation of hostilities. The speaker also referred to General Assembly resolutions 32/76 and 32/79 concerning the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco), which called for the implementation of the additional protocols in the territories within the geographic zone established in that Treaty, clearly including the Malvinas Islands.”

The representative of Australia declared that Argentina's invasion of the Falkland Islands, in defiance of the Council's appeal of 1 April 1982<sup>14</sup> that force not be used, was the cause of the breach of peace in the region and Argentina's refusal to heed the mandatory call of 3 April by the Council” for withdrawal of its occupying forces had sustained the continued crisis. Argentina had invaded the islands in clear violation of Article 2, paragraphs 3 and 4, of the Charter, which laid down the fundamental principles of peaceful settlement of disputes and non-use of

force. In moving to recover its territory, the United Kingdom had been acting legitimately under Article 51 of the Charter in exercise of its inherent right of self-defence.<sup>16</sup>

The representative of Antigua and Barbuda deplored Argentina's illegal use of force in seizing the Falkland Islands rather than negotiating a peaceful settlement with Britain. He expressed satisfaction that the United Kingdom Government had made genuine attempts to put forward proposals that could have led to a negotiated settlement with Argentina. The speaker appealed to Argentina to eschew needless bloodshed and to turn instead to the conference table for a negotiated settlement of the dispute.”

At the 2362nd meeting, the representative of Uruguay indicated that his country had repeatedly stated its position regarding the sovereignty of the Argentine Republic over the Malvinas Islands and their dependencies. The present situation should be analysed in the light of the fundamental principle of the territorial integrity of States, which was clearly reaffirmed in paragraph 6 of General Assembly resolution 1514 (XV). He called upon the Council to make every effort to call for the following: (a) the immediate cessation of hostilities; (b) a formal mandate to be given to the Secretary-General to resume negotiations aiming at a peaceful settlement of the dispute; and (c) conservation of and respect for the six points on which essential agreement had been reached. The United Nations should act immediately to find a just, peaceful and lasting solution based on respect for the rules of international law.<sup>18</sup>

The representative of Venezuela, reaffirming his country's solidarity with the Argentine Republic, stated that the crisis had been caused by the warlike conduct of the United Kingdom against that country in an area defined as a security zone by the Inter-American Treaty of Reciprocal Assistance. On the occasion of the Twentieth Meeting of Consultation of Ministers of Foreign Affairs of OAS, convened at Washington on 28 April 1982, in accordance with the Treaty, Venezuela had criticized the procedures of the Council, which had enabled the permanent members, with their right of veto, to enjoy a system of concealment and impunity in order to wage war or to protect the warlike adventures of their allies with the certainty that no sanction or warning from the Council would affect them. The support given to United Kingdom aggression by the United States would have an unpredictable effect on OAS and the hemispheric security system embodied in the Treaty. Although Venezuela considered resolution 502 (I 982) as biased and pro-colonialist, it believed that compliance with that resolution by both the United Kingdom and Argentina would have made possible a peaceful settlement. The actions of the United Kingdom since the adoption of resolution 502 (1984) constituted clear violations of that resolution.

The speaker cited the decision of the United Kingdom to dispatch the fleet; the diplomatic activities within the European Community to bring about the imposition of trade sanctions against Argentina; the warlike presence of nuclear submarines in the area defined by the Treaty as a hemispheric zone of security; the declaration by the United Kingdom of a sea and air exclusion zone around the Malvinas Islands; the establishment of another 100-mile zone around Ascension Island; and the declaration of a 12-mile blockade off the coast of continental Argentina. Unlike the United Kingdom, Argentina had tailored

its conduct to the lines set forth by the International Court of Justice in this connection. What the British Government was **seeking** was the restoration by force of its colonial title in **South America**.<sup>19</sup>

The representative of the Soviet Union emphasized the clear position of the United Nations in favour of an unconditional end to the colonial status of the Malvinas (Falkland) Islands. The Soviet Union had seen substantial drawbacks in resolution 502 (1982), mainly in the fact that there was no important anti-colonialist aspect in it. Open resort by the Government of the United Kingdom to the use of armed force and other activities cast doubt on its professed willingness to comply with the provisions of that resolution. Responsibility for the intensification of the armed conflict was clearly borne by the Government of the United Kingdom, which was acting in the spirit of bygone colonial times. It was quite clear that the Government of the United Kingdom would not have sought a solution of the issue by armed force had there not been agreement and direct support by the United States.

The economic sanctions imposed on 10 April against Argentina by the Western European countries were in direct contravention of the provisions of the Charter and, in particular, Article 41, which provided that it was the Council which might decide what measures not involving the use of armed force, and possibly including complete or partial **interruption** of economic relations, should be employed to give effect to its decisions. Some observers had written that what was involved was not only putting Argentina in its place but also showing other developing and non-aligned countries that the imperialist world still had an arm long enough to stretch across 16,000 kilometres. The Soviet Union favoured the Council's **speedy** adoption of a cease-fire and a cessation of military operations in order to put the conflict on the road to a peaceful **settlement**.<sup>20</sup>

The representative of Mexico, praising the efforts of the Secretary-General, declared that the new military escalation was unacceptable, as it was in blatant violation of resolution 502 (1982) and of the fundamental principles of the Charter. Demanding that the hostilities in the South Atlantic be stopped, as well as any kind of threat or coercion, the speaker underlined that in no case were there grounds for involving Article 51 of the Charter to justify the use of force. He reiterated Mexico's appeal to the parties to begin negotiations to allow reason and justice to prevail over military might. He said that the Council should make use of the willingness of Argentina and the United Kingdom to continue negotiating and to take into account the result of the efforts made by the Secretary-General in order to supplement and to reinforce resolution 502 (1982) and to **specify** a framework in which negotiations to end the conflict could take place. The Council should immediately take the steps it deemed appropriate to avoid a worsening of the crisis, encourage the negotiations which had been interrupted and keep the matter under consideration until it was finally **settled**.<sup>21</sup>

The representative of Cuba stated that the invasion of the Malvinas Islands by the United Kingdom sought to bring back the events in 1833 when Britain had expelled the Argentine population and its **Government** and had taken possession of that part of the territory of Argentina. Over the years, the **Government** of the **United Kingdom** had persisted in maintaining its colonial domination over that **territory**

and had repeatedly dragged its feet rather than enter into a serious negotiating process that would restore Argentine **sovereignty** over the territory of the islands. Supporting the full implementation of **resolution 502 (1982)** in all its parts-despite its obvious limitations **regarding** the colonial nature of the problem-Cuba as **Chairman** of the Movement of Non-Aligned Countries considered that it was the obligation of the Council to take effective measures aimed at putting an end to the hostilities and to issue a formal mandate to the Secretary-General to resume his efforts with the Governments of the United Kingdom and Argentina so as to achieve an **honourable**, lasting solution respecting the sovereign rights of the Argentine Republic.\*

The representative of Canada said that his country had not made any judgement on the substance of the question of the conflicting claims to the sovereignty of the islands, as it had always maintained that it was a matter to be settled by negotiation between the parties directly concerned, with due regard being paid to the wishes of the islanders **themselves**.<sup>23</sup>

The representative of the United States declared that her country stood behind the principle that the use of force to settle disputes should not be allowed anywhere and especially in that hemisphere where a significant number of territorial disputes remained to be solved diplomatically. Unless the principle was respected that force should not be used to settle disputes, the entire international community would be exposed to chaos and suffering. It was of fundamental importance that both Argentina and Britain had accepted resolution 502 (1982) in its entirety. For the United States the conflict continued to have a special poignancy. It did not take and never had taken any **position** on the underlying claims. The tragic conflict was especially important for the United Nations as it was precisely the kind of problem the Organization had been created to resolve. Her country would whole-heartedly support any initiative that could help Argentina and Britain make peace with **honour**.<sup>24</sup>

At the 2363rd meeting, the representative of France expressed serious concern at the exacerbation of the conflict and said that every possible effort should be made as a matter of urgency to bring about a cessation of **hostilities**.<sup>25</sup>

A number of representatives, expressing their solidarity with the **people** of Argentina and conviction that there existed an appropriate framework both in resolution 502 (1982) and in certain relevant resolutions of the General Assembly on the subject of decolonization adopted in 1965, 1973 and 1976 which recommended negotiations between the parties, pointed out that any delay on the part of the Council in fulfilling the obligations laid down by the Charter could lead to an even worse escalation of the situation. They underlined that for the United Nations to fail to impose the rule of international law, to stop the use of force to settle a conflict and to prevent war between the two nations would make the Organization appear to be powerless in the maintenance of international peace and security. The Organization would emerge greatly weakened if it were unable to achieve its purposes. The speakers stressed the responsibility of the Council to promote a cessation of hostilities and a resumption of the **dialogue**.<sup>26</sup>

At the 2364th meeting, the representative of Kenya, speaking on the colonial past, declared that

Argentina was engaged in a purely territorial claim against the United Kingdom based on history. The basic principle of the peaceful settlement of disputes between nations had been brushed aside by Argentina. That country had committed aggression and had defied the call of the Council to **withdraw** its forces from the Falkland Islands and to return to the negotiating table with the Government of the United Kingdom in pursuit of its claims. Whether these claims were real or imaginary could be decided by the International Court of **Justice**.<sup>27</sup>

At the 2366th meeting, the representative of Ireland introduced a draft resolution,<sup>28</sup> which was sponsored by his delegation. Under the draft resolution, in its preambular part, the Council would have recalled its resolution 502 (1982), noted with the deepest concern that the situation in the region of the Falkland Islands (Islas Malvinas) had seriously deteriorated, referred to the statement made by the Secretary-General to the Council at its 2360th meeting, on 21 May 1982,<sup>29</sup> as well as the statements in the debate of the representatives of Argentina<sup>30</sup> and of the United Kingdom,<sup>10</sup> noted from the Secretary-General's statement the extent to which points of agreement between the parties had already been established through his efforts, and expressed concern about achieving as a matter of the greatest urgency a cessation of hostilities and an end to the conflict between the armed forces of Argentina and of the United Kingdom.

In the operative part, the Council would have (a) expressed appreciation to the Secretary-General for his efforts to bring about an agreement between the parties to ensure the implementation of resolution 502 (1982), and thereby to restore peace to the region; (b) requested the Secretary-General, on the basis of the resolution, to undertake a renewed mission of good offices consistent with resolution 502 (1982) and in accordance with the approach outlined in his statement of 21 May 1982; (c) urged the parties to the conflict to co-operate fully with the Secretary-General in his mission and, as a **first** step, to agree to a complete suspension of hostilities for a period of 72 hours; (d) requested the Secretary-General, within that period, to enter into contact with the parties with a view to the negotiation of mutually acceptable terms for a continuing cease-fire including, if necessary, arrangements for the dispatch of United Nations observers to monitor compliance with the terms of the cease-fire; and (e) requested the Secretary-General to submit an interim report to the Council by the end of the period mentioned in (c) above.

He pointed out that the draft envisaged three stages in the effort to bring the fighting finally to an end, to get the Secretary-General's negotiations back on the track and to give them new authority. He singled out the following important points of difference: (a) the Secretary-General would have a formal mandate from the Council; (b) the adoption of the draft resolution would in some way help to preserve the measure of agreement that the Secretary-General had already achieved and that might otherwise completely disappear; (c) in a changing situation, one could always hope that a stage would be reached where both parties would be ready to accept a settlement if a mission of good offices were continued; and (d) the new effort by the Secretary-General would come when some elementary measure of confidence had already been established by the

parties suspending the hostilities, and by a more stable cease-fire negotiated with the help of the Secretary-General.<sup>29</sup>

At the 2368th meeting, members of the Council had before them the text of a draft resolution submitted by Japan,<sup>30</sup> and the text of a draft resolution submitted by Guyana, Ireland, Jordan, Togo, Uganda and Zaire.<sup>31</sup>

Under the Japanese draft resolution, in the preambular part, the Council would have recalled its resolution 502 (1982) concerning the situation in the region of the Falkland Islands (Islas Malvinas), regretted that resolution 502 (1982) had not yet been implemented, expressed grave concern at the stalemate of diplomatic efforts to seek a peaceful solution to the differences between the parties and the subsequent deterioration of the situation in the area and reaffirmed the fundamental principles of the Charter, in particular the non-use of force and the settlement of international disputes by peaceful means.

In the operative part, the Council would have urged once again that resolution 502 (1982) be implemented in its entirety as soon as possible; reaffirmed its support of the good offices of the Secretary-General and requested him to renew the use of his good offices on the basis of his previous efforts as reported in his statement at the 2360th meeting with a view to achieving the earliest possible cessation of hostilities, realizing a peaceful settlement of the dispute and securing the implementation of resolution 502 (1982); and requested the Secretary-General to report regularly to the Council on the implementation of the resolution.

The representative of Ireland explained the difference between the initial draft resolution and the revised version, which did not explicitly ask the parties to cease hostilities for 72 hours, while it urged them in general to cooperate fully with the Secretary-General in his mission.<sup>32</sup>

The representative of Uganda<sup>33</sup> introduced the draft resolution sponsored by Guyana, Ireland, Jordan, Togo, Uganda and Zaire.<sup>31</sup> He pointed out that the draft sought to express the areas of consensus that had emerged in the debate.

The representative of Spain said that the draft did not order the immediate cessation of hostilities and contained only a general request under which the Secretary-General was to enter into immediate contact with the parties with a view to negotiating mutually acceptable terms for a cease-fire. In the view of his delegation, it would have been preferable for the Council to have ordered an immediate cease-fire and to have given a more specific mandate to the Secretary-General.<sup>34</sup>

The representative of Panama declared that the draft resolution did not contain all the elements necessary for the attainment of a just and lasting peace. The basic omission was that no reference was made to a question that was fundamental in the conflict: the decolonization of the Malvinas Archipelago. Mentioning other essential omissions, he pointed out the difficulties which the Secretary-General would have to cope with.<sup>35</sup>

The Council then proceeded to vote on the draft resolution and adopted it unanimously by 15 votes in favour, as resolution 505 (1982). The resolution reads as follows:

*The Security Council,  
Reaffirming its resolution 502 (1982),*

Noting with the deepest concern that the situation in the region of the Falkland Islands (Islas Malvinas) has seriously deteriorated,

Having heard the statement made by the Secretary-General at its 2360th meeting, on 21 May 1982, as well as the statements made in the debate by the representatives of Argentina and the United Kingdom of Great Britain and Northern Ireland.

Concerned to achieve, as a matter of the greatest urgency, a cessation of hostilities and an end to the present conflict between the armed forces of Argentina and the United Kingdom,

1. Expresses appreciation to the Secretary-General for the efforts that he has already made to bring about an agreement between the parties, to ensure the implementation of resolution 502 (1982), and thereby to restore peace to the region;

2. Requests the Secretary-General, on the basis of the present resolution, to undertake a renewed mission of good offices, bearing in mind resolution 502 (1982) and the approach outlined in his statement of 21 May 1982:

3. Urges the parties to the conflict to co-operate fully with the Secretary-General in his mission with a view to ending the present hostilities in and around the Falkland Islands (Islas Malvinas);

4. Requests the Secretary-General to enter into contact immediately with the parties with a view to negotiating mutually acceptable terms for a cease-fire, including, if necessary, arrangements for the dispatch of United Nations observers to monitor compliance with the terms of the cease-fire;

5. Requests the Secretary-General to submit an interim report to the Security Council as soon as possible and, in any case, not later than seven days after the adoption of the present resolution.

The Secretary-General urged the parties to recognize that a lasting solution of the crisis in the South Atlantic could only be achieved through negotiations and that the first requirement for negotiations was a cessation of armed conflict.<sup>36</sup>

**Decision** of 4 June 1982 (2373rd meeting): rejection of a two-Power draft resolution

By letter<sup>37</sup> dated 31 May 1982, the representative of Panama conveyed to the President of the Council his Government's profound concern at the intensification of the conflict in the Malvinas Islands and requested an urgent meeting of the Council to continue to study the serious situation in the region of the Malvinas Islands and to assume the responsibilities conferred on it by the Charter for international peace and security.

At its 2371st meeting, on 2 June 1982, the Council included the letter in its agenda. Following the adoption of the agenda, the Council decided to invite the representatives of Argentina and Brazil to participate, without vote, in the discussion. A similar invitation was extended to the representative of Honduras at the 2372nd meeting, on 3 June 1982. The Council considered the item at its 2371st to 2373rd meetings, from 2 to 4 June 1982.<sup>37</sup>

The President of the Council drew the attention of its members to the interim report of the Secretary-General in pursuance of resolution 505 (1982) on the situation in the region of the Falkland Islands (Islas Malvinas).<sup>38</sup>

In his interim report, which he read out at the 2371st meeting,<sup>39</sup> the Secretary-General informed the Council that on 26 May he had met separately with the parties concerned and had requested that each provide within 24 hours a statement of the terms it considered acceptable for a cease-fire. The response which he received on 27 May from the British Government and on 27 and 28 May from the Government of Argentina made it clear that the positions of the two parties did not offer the possibility of working out a mutually acceptable cease-fire.

At the same meeting, the representative of Spain introduced a draft resolution,<sup>40</sup> which was sponsored

by Panama and Spain. Under the draft resolution, the Council would have reaffirmed its resolutions 502 (1982) and 505 (1982) and the need for implementation of all parts thereof and would have requested the parties to the dispute to cease fire immediately in the region of the Falkland Islands (Islas Malvinas); authorized the Secretary-General to use such means as he might deem necessary to verify the cease-fire; and requested the Secretary-General to report to the Council on compliance with the resolution within 72 hours.

The speaker pointed out that the draft resolution would not bring the Council's action to an end, but would allow it to adopt a draft resolution on the immediate withdrawal of the forces, and from that moment negotiations could begin with the least possible delay on full compliance with resolution 502 (1982), which was basic to the settlement of the conflict.<sup>41</sup>

The representative of Panama stated that the Council had not heard an encouraging and hopeful report because of the domineering and intransigent attitude of the United Kingdom in continuing its colonial aggression against Argentina. He vigorously deplored the fact that the United Kingdom persisted in its rash venture of trying by force to reimpose on the Latin American continent an absolute colonial system. That action was an aggression, which the United Kingdom had tried to depict as self-defence, completely at variance with the spirit of the times. He appealed to the members of the Council to shoulder the responsibility that the international community had entrusted to them, and to begin to act promptly and effectively.<sup>42</sup>

The representative of Argentina stated that the experience of his delegation throughout the negotiations conducted through the Secretary-General had shown that the United Kingdom had no intention at any time to accept the appeal for a cease-fire and that its only purpose had been to continue its military aggression against Argentina. The United Kingdom was attempting to establish on the islands a military presence in order to control the South Atlantic. That unmasked the alleged defence of the wishes of the inhabitants. The Government of Argentina had responded to the appeal addressed to the parties in paragraph 3 of resolution 505 (1982) and had replied to the Secretary-General by submitting its proposal related to paragraph 2 of that resolution, that simultaneously with the agreement on a cease-fire negotiations would begin as to the withdrawal of forces of both parties and the interim administration of the islands by the United Nations. Regarding the cease-fire, the following elements had been set forth by Argentina: (a) it would be unrestricted, with the suspension of all operations by troops, vessels and aircraft, which would remain in the places where they were at the beginning of the cease-fire; (b) simultaneously with the acceptance of the cease-fire by the parties, a United Nations mission would be dispatched to observe compliance with it; (c) if necessary, disengagement zones would be established on land and sea; (d) in no circumstances would the parties be able to undertake military reinforcement operations in the areas of operation and in the areas of communications of the respective forces; (e) the United Nations would facilitate operations for the supply of food, clothing and health services to the personnel of the land, air and sea forces and the inhabitants of the islands, for the period of time the

negotiations would require; and (f) the cease-fire would begin at "H" hour, which would coincide with arrival of United Nations personnel.

On the other hand, in the view of the United Kingdom, the primary condition for the cease-fire was the withdrawal of the Argentine troops within a deadline. Secondly, the concept of simultaneous withdrawal of troops was not accepted. Thirdly, the withdrawal of British troops would be considered only after the following objectives had been attained: (a) repossession of the islands; (b) restoration of the British administration, that is to say, a return to the *status quo ante*; (c) reconstruction; and (d) consultation with the inhabitants.

The withdrawal could take place once the four conditions had been met and in the context of an international security arrangement for the islands which would include the participation of United States forces. The Council, the Argentine nation and, above all, the whole of Latin America should have the assurance of the United States that it would not accept the British proposal to build a military base on the Malvinas and that it would not be dragged into the dangerous adventure, which would widen even further the serious breach in hemispheric relations. A United States decision to establish troops under a bilateral arrangement with the United Kingdom on the Argentine territory of the Malvinas Islands would disregard the resolution adopted on 29 May 1982 by the Twentieth Meeting of Consultation of Ministers of External Relations of the States parties to the Inter-American Treaty of Reciprocal Assistance.<sup>43</sup>

The representative of Brazil declared that for his country the Malvinas Islands would remain part of the territory of Argentina regardless of the immediate result of the conflict. His Government had continuously supported the determined efforts of the Secretary-General. Resolution 502 (1982) was to have been implemented completely, not selectively or unilaterally. Brazil was convinced that a peaceful, diplomatic solution might still be found. As a solution based on force could not be a lasting one, the Council was duty-bound to find an honourable solution, acceptable to both parties. As an initial measure, the Council should decide on an immediate cease-fire and envisage the participation of the United Nations as an essential element in the context of a just, honourable and lasting peace. The ultimate solution to the problem should be sought in the context of negotiations between the parties, as envisaged in resolution 502 (1982). The Brazilian Government rejected any attempts to impose formulas on the future of the Malvinas Islands that might extend great-Power confrontation to the South Atlantic."

The representative of the United Kingdom reiterated that Argentina had been the first to use force and everything the United Kingdom had done since had been in exercise of its inherent right of self-defence, for which no mandate from the Council was required by the terms of the Charter. Turning to the latest negotiations for a cease-fire, he said that the United Kingdom would welcome a cease-fire if it would be inseparably linked to the commencement of the withdrawal of Argentine forces and to the completion of their withdrawal within a fixed period. That position was based squarely in resolution 502 (1982). Until the Government of Argentina changed its position, the conditions for a cease-fire would not exist.

Against that background the call by the representatives of Spain and Panama for an unconditional immediate cease-fire was not acceptable to the British delegation as the call for an unconditional cease-fire would leave Argentine forces in position. He suggested that a resolution better fitted to the needs of the situation should contain the following elements: a reaffirmation of resolutions 502 (1982) and 505 (1982) in all their parts; an expression of appreciation to the Secretary-General for his continuing efforts towards peace-making; a reiteration of the demand in resolution 502 (1982) for Argentine withdrawal; and a call for a cease-fire, which would come into effect as soon as watertight arrangements existed for Argentine withdrawal within a fixed period. Those arrangements would have to be agreed to by the military commanders of the two sides in the islands.<sup>45</sup>

The representative of the Soviet Union pointed out that the British representative had virtually rejected the approach supported by the Council and the negotiations between the parties and had thrown out everything positive that had been achieved through the efforts of the Secretary-General. The reason for the failure of the negotiations was the unwillingness of the British Government to settle the problem of the Falkland Islands (Islas Malvinas) by peaceful means and negotiations in good faith. The manoeuvring of British diplomacy, involving the Council and the Secretary-General, had proved to be simply a smoke-screen for the unleashing of large-scale military operations in the South Atlantic to restore by force the colonial status of the islands and to keep a land base for imperialism.

The British Government would not have ventured to issue such a bold challenge to Argentina and to all of Latin America had it not been assured of the comprehensive support of the United States. It seemed that British colonialism on the islands should be supplemented by a permanent American military presence, thus adding to the many military enclaves of the United States in Latin America another in the South Atlantic. The Council in fact was witnessing attempts to extend the sphere of activities of the North Atlantic bloc to conflicts taking place far beyond the confines of Europe and involving the interests and security of the developing, non-aligned countries.<sup>46</sup>

The representative of China pointed out that the resort to a show of military might without any regard for the persistent call of the international community for an immediate halt of the hostilities or to the national sentiments of the people of Argentina and Latin America might gain temporary success for the party concerned but that course of action would entail far-reaching dire consequences, which would ultimately hurt the interests of its own people. The Council should urge the parties concerned to halt all military actions immediately, agree to an unconditional cease-fire and the resumption of negotiations and extend the Secretary-General's mandate for mediation.<sup>47</sup>

During the debate, the representatives of Spain and Panama expressed their wish that the draft resolution be put to the vote the same day. In accordance with the request of the delegation of Japan, the vote was deferred until the next day.

At the 2372nd meeting, the representative of Panama introduced an amendment to the draft



resolution co-sponsored by Spain and his delegation. The amendment would have **inserted** a new operative paragraph 2, under which the Council would have requested the parties to initiate, simultaneously with the cease-fire, the implementation of resolutions 502 (1982) and 505 (1982) in their entirety, and the subsequent paragraphs would have been renumbered **accordingly**.<sup>48</sup>

The representative of the United Kingdom welcomed the amendment; it improved the resolution, which now contained the concept of a cease-fire and simultaneous implementation of resolution 502 (1982), meaning as he understood it the withdrawal of Argentine forces, although that was not specifically **mentioned**. He asked for some time (up to 24 hours) to consider the amended text since it radically changed the draft **resolution**.<sup>49</sup>

The representative of Spain informed the Council that the co-sponsors had decided to request under rule 33 of the Council's provisional rules of procedure a two-hour suspension of the meeting **until** 3.30 p.m., following which a vote on the draft resolution should be **taken**.<sup>50</sup>

The President of the Council gave the floor to the representative of Jordan, but the latter was **interrupted** by the representative of Spain, who recalled that, the last paragraph of rule 33 read: "Any motion for the suspension or for the simple adjournment of the meeting shall be decided without debate." Therefore, he asked that no debate be held on the **question**.<sup>51</sup>

The representative of Jordan explained that he was not proposing to debate the issue but was **asking** for an additional one and a half hours to enable **delegations** not only to reflect but also to forward the amendment to their Governments and, it was hoped, to receive **instructions**.<sup>52</sup>

A procedural debate ensued regarding the point of order and proper application of rule 31 and subparagraphs I and 3 of rule 33.<sup>53</sup> Finally, the President was about to put the **proposal** of Spain to the vote, but the representative of Spain requested that a vote be taken on the amendment submitted by the representative of Jordan, which was for a suspension of the **meeting** until 5 p.m. The result of the vote was as follows: 5 votes to I, with 10 abstentions. The proposal was not adopted because it had not obtained the required **majority**.<sup>54</sup> The meeting was suspended and resumed at 6 p.m. The President stated that at the request of several members of the Council and with the consent of the sponsors of the draft resolution he was proposing to adjourn the meeting and to convene the next meeting of the Security Council the following day. The proposal was **adopted**.<sup>55</sup>

At the 2373rd meeting, the representative of the United Kingdom declared that the revised draft resolution before the Council in no way met the criteria of his delegation as there was no direct and inseparable link between the cease-fire and immediate Argentine withdrawal within a fixed time-limit. The wording of the draft resolution would enable Argentina to reopen the endless process of negotiations, thus leaving Argentine armed forces in illegal occupation of parts of the islands. Thus the document was unacceptable to the British Government and its delegation would vote against it.<sup>56</sup>

The representative of Japan said that his delegation would vote in favour of the draft resolution before the Council with the understanding that

Argentina would withdraw its military forces from the Falkland Islands (**Islas Malvinas**) **within** a reasonable period of time. He therefore implored Argentina to comply in good faith with the appeal of the Council to withdraw its **forces**.<sup>57</sup>

Then the Council proceeded to vote on the revised draft **resolution**.<sup>58</sup> The draft had been **changed** once more in that operative **paragraphs** I and 2 of the first revision had been combined as operative paragraph I and the subsequent two paragraphs had been renumbered accordingly. The result of the vote was as follows: 9 votes to 2, with 4 **abstentions**.<sup>59</sup> The draft resolution was not adopted owing to the negative vote of two permanent members of the Council.

The representative of Guyana, making a statement after the voting, explained that his country in principle supported the call for a negotiated solution. In that specific case, however, **his** delegation would have preferred to see an explicit link between the putting into place of a cease-fire and a precise statement of intent from Argentina regarding its readiness to implement the requirement contained in resolution 502 (1982) to withdraw its armed forces from the Falkland Islands (Islas Malvinas) within a **clearly** defined time frame. The revised draft resolution **did** not do that. The Council should not be seen as condoning the use of **force** for the settlement of disputes. For that reason his delegation had been forced to abstain on the draft **resolution**.<sup>60</sup>

The representative of the United States declared that she had been requested by her Government to record the fact that had it been possible for her to change the vote, she would have changed it from a negative vote to an **abstention**.<sup>61</sup>

The representative of Panama pointed out that there was not the slightest doubt as to who was responsible for bringing the Council into a state of absolute impotence. It was not the third world countries, but some permanent members who were **making** a systematic and obstinate use of their veto. Regardless of the **final** outcome of the Malvinas Islands episode, his delegation felt that it would have resulted **in** an important credit balance for Argentina and for Latin America. He also pointed out that though the Council had not been able to adopt the draft resolution calling for a cease-fire, that fact did not in any **way** mean that the Council consented to the United **Kingdom's** continued aggression and punitive action against **Argentine soldiers**. He concluded by stating that his **delegation** intended to ask for further consultations in the Council in order to continue consideration of the **item**.<sup>62</sup>

The President of the Council, speaking in his capacity as the representative of France, indicated the positive elements of the draft **resolution**.<sup>63</sup> However, France considered that negotiations on the draft resolution should have **continued** in order to arrive at a consensus on the effective implementation of resolution 502 (1982) and? within the framework of that resolution, at a genuine cessation of hostilities. Without such a consensus, which would have made it possible to move towards a peaceful and honourable outcome, the French delegation had been constrained to abstain from voting on a text that could have been further improved in order to gain the agreement of **all**.<sup>63</sup>

## NOTES

<sup>1</sup> S/15037, OR, 37th yr., Suppl. for April-June 1982. See section 10 of the present chapter for prior treatment of the issue.

<sup>2</sup> S/15099, *ibid.*

<sup>3</sup> S/15100, *ibid.*

<sup>4</sup> For details, see chap. III of the present Supplement.

<sup>5</sup> 2360th mtg., paras. 4-23.

<sup>6</sup> See letter dated 13 April 1982 from the representative of Argentina to the President of the Council, S/14975, OR, 37th yr., Suppl. for April-June 1982.

<sup>7</sup> S/14966, annex, *ibid.*

<sup>8</sup> A/32/110, A/32/111, A/34/66 and A/34/343.

<sup>9</sup> 2360th mtg., paras. 26-96.

<sup>10</sup> *Ibid.*, paras. 99-127.

<sup>11</sup> *Ibid.*, paras. 174-176.

<sup>12</sup> *Ibid.*, paras. 180-192.

<sup>13</sup> *Ibid.*, paras. 195-204.

<sup>14</sup> S/14944, Resolutions and Derisions of the Security Council, 1982.

<sup>15</sup> Resolution 502 (1982).

<sup>16</sup> 2360th mtg., paras. 208-225.

<sup>17</sup> *Ibid.*, paras. 229-233.

<sup>18</sup> 2362nd mtg., paras. 23-45.

<sup>19</sup> *Ibid.*, paras. 49-89.

<sup>20</sup> *Ibid.*, paras. 91-108.

<sup>21</sup> *Ibid.*, paras. 115-131.

<sup>22</sup> *Ibid.*, paras. 134-151.

<sup>23</sup> *Ibid.*, paras. 207-216.

<sup>24</sup> *Ibid.*, paras. 211 R-239.

<sup>25</sup> 2363rd mtg., paras. 3-7.

<sup>26</sup> See 2363rd mtg., Equatorial Guinea, paras. 62-66; Paraguay, paras. 69-80; Colombia, paras. 84-102; El Salvador, paras. 107-119; Peru, paras. 154-180; and Panama, paras. 181-232.

<sup>27</sup> 2364th mtg., paras. 61-73.

<sup>28</sup> S/15106, OR, 37th yr., Suppl. for April-June 1982. The draft was not put to the vote.

<sup>29</sup> 2366th mtg., paras. 102-126.

<sup>30</sup> S/15112, OR, 37th yr., Suppl. for April-June 1982. The draft resolution was not put to the vote.

<sup>31</sup> S/15122, subsequently adopted as resolution 505 (1982).

<sup>32</sup> 2368th mtg., paras. 33-46.

<sup>33</sup> *Ibid.*, paras. 48-56.

<sup>34</sup> *Ibid.*, paras. 59-63.

<sup>35</sup> *Ibid.*, paras. 64-79.

<sup>36</sup> *Ibid.*, paras. 87-89.

<sup>37</sup> S/15145, OR, 37th yr., Suppl. for April-June 1982.

<sup>38</sup> S/15151, *ibid.*

<sup>39</sup> 2371st mtg., para. 7.

<sup>40</sup> S/15156, OR, 37th yr., Suppl. for April-June 1982. The draft was subsequently revised (S/15156/Rev. 1 and 2), voted upon and not adopted owing to the negative vote of two permanent members of the Council.

<sup>41</sup> 2371st mtg., paras. 9-18.

<sup>42</sup> *Ibid.*, paras. 19-28.

<sup>43</sup> *Ibid.*, paras. 41-75.

<sup>44</sup> *Ibid.*, paras. 77-84.

<sup>45</sup> *Ibid.*, paras. 86-100.

<sup>46</sup> *Ibid.*, paras. 102-113.

<sup>47</sup> *Ibid.*, paras. 124-128.

<sup>48</sup> 2372nd mtg., paras. 3-6.

<sup>49</sup> *Ibid.*, paras. 7-9.

<sup>50</sup> *Ibid.*, paras. 10 and 11.

<sup>51</sup> *Ibid.*, paras. 12-15.

<sup>52</sup> *Ibid.*, paras. 17 and 18.

<sup>53</sup> *Ibid.*, paras. 19-29.

<sup>54</sup> *Ibid.*, para. 30.

<sup>55</sup> *Ibid.*, para. 31.

<sup>56</sup> 2373rd mtg., paras. 5-9.

<sup>57</sup> *Ibid.*, paras. 20-22.

<sup>58</sup> S/15156/Rev. 2, OR, 37th yr., Suppl. for April-June 1982.

<sup>59</sup> 2373rd mtg., para. 49.

<sup>60</sup> *Ibid.*, paras. 53-59.

<sup>61</sup> *Ibid.*, paras. 66-71.

<sup>62</sup> *Ibid.*, paras. 72-83.

<sup>63</sup> *Ibid.*, paras. 85-91.

## 13. THE SITUATION BETWEEN IRAN AND IRAQ

Decision of 12 July 1982 (2383rd meeting): resolution 514 (1982)

At its 2383rd meeting, on 12 July 1982, the Council included in its agenda the item entitled "The situation between Iran and Iraq". Following the adoption of the agenda, the Council invited the representative of Iraq, at his request, to participate, without vote, in the discussion of the item.<sup>1</sup> The Council discussed the item at the same meeting.

Opening the discussion, the President stated that, as had been agreed in the course of the Council's consultations earlier on the same day, the Council was meeting in connection with the situation between Iran and Iraq. He drew attention to the text of a draft resolution,<sup>2</sup> which had been prepared in the course of the Council's consultations. He also mentioned several documents issued by the Council that had a bearing on the item.<sup>3</sup>

The representative of France expressed great concern about the unending battle between Iran and Iraq and warned that the war might take a turn for the worse if it became a confrontation between two cultures and two religions. He referred to the appeals issued recently by the European Community and noted that it should be possible to settle the bilateral conflict through negotiations recognizing the legitimate rights of both parties. He recalled the Algiers Agreement of 1975<sup>4</sup> and stated that the frontier fixed in that legal document should be respected. He welcomed efforts at negotiation initiated by the Organization of the Islamic Conference and by the Movement of Non-Aligned Countries and expressed the hope that the Council and the Secretary-General would contribute to making those and similar efforts more fruitful. He strongly endorsed the draft resolution, which offered the political foundations for a settlement and promoted the co-ordination of ongoing mediation efforts by entrusting this task to the Secretary-General.

At the same meeting, the President put the draft resolution to the vote; it received 15 votes in favour and was adopted unanimously as resolution 514 (1982).<sup>5</sup> It reads as follows:

*The Security Council,*

*Having considered again the question entitled "The situation between Iran and Iraq".*

*Deeply concerned about the prolongation of the conflict between the two countries, resulting in heavy losses of human lives and considerable material damage and endangering peace and security,*

*Recalling the provisions of Article 2 of the Charter of the United Nations, and that the establishment of peace and security in the region requires strict adherence to these provisions,*

*Recalling that by virtue of Article 24 of the Charter the Security Council has the primary responsibility for maintenance of international peace and security,*

*Recalling its resolution 479 (1980), adopted unanimously on 28 September 1980, as well as the statement of the President of the Security Council of 5 November 1980,*

*Taking note of the efforts of mediation pursued notably by the Secretary-General and his representative, as well as by the Movement of Non-Aligned Countries and the Organization of the Islamic Conference,*