

ry to seek recourse at the regional level before appeal to the Council.\*<sup>7</sup>

The representative of Guyana emphasized the conciliatory character of the draft resolution which it had co-sponsored with Panama, summarized the basic elements of the text and expressed hope that the Council, by consensus, would endorse the attempt to bring the parties to the negotiating table.<sup>26</sup>

Following the suspension of the meeting for consultations,\* the President put the draft resolution to the vote. It received 12 votes in favour and 1 against, with 2 abstentions, and failed of adoption owing to the negative vote of a permanent member of the Council.\*\*

After the vote, the representative of the United States indicated that his delegation had not been in a position to vote for the draft, since it had failed to be supportive of the Council as well as of the regional structure of OAS and had disregarded certain key elements of the Central American problem, namely, the intervention of the Sandinista junta in the affairs of its neighbours.<sup>29</sup>

The representative of the United Kingdom explained his abstention by noting that the draft referred to two General Assembly resolutions that his Government had not supported when they were adopted and about which it maintained its reservations.<sup>30</sup>

The President, speaking in his capacity as the representative of Zaire, invoked Articles 52 and 33 of the Charter and regretted that the Council seemed not merely to disregard but even to reject the approach to regional agencies for the Central American situation.<sup>8</sup>

The representative of Nicaragua charged that the United States had vetoed fundamental principles of the Charter.<sup>32</sup>

#### NOTES

<sup>1</sup> S/1491 3, OR, 37th yr., *Suppl. fir Jan.-March 1982*.

<sup>2</sup> S/14927, *ibid.*

<sup>3</sup> In a letter dated 30 March 1982 (S/14936, *ibid.*), the representative of Nicaragua challenged the position taken by Honduras and conveyed his Government's views on the competence and jurisdiction of the Council under the Charter of the United Nations *vis-à-vis* matters within the Organization of American States (OAS).

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

<sup>5</sup> 2335th mtg., paras. 7-88.

<sup>6</sup> United Nations, *Treaty Series*, vol. 119.

<sup>7</sup> 2335th mtg., paras. 91-147.

<sup>8</sup> A/34/542, annex.

<sup>9</sup> 2336th mtg., paras. 3-14.

<sup>10</sup> S/14914, annex.

<sup>11</sup> 2336th mtg., paras. 16-21.

<sup>12</sup> *Ibid.*, paras. 25-40. For similar statements, see 2337th mtg.: Viet Nam, paras. 83-93; 2339th mtg.: Lao People's Democratic Republic, paras. 84-96; Mozambique, paras. 98-116, and Poland, paras. 71-82; 2342nd mtg.: the Libyan Arab Jamahiriya, paras. 86-99; and 2347th mtg.: the German Democratic Republic, paras. 83-93.

<sup>13</sup> 2336th mtg., paras. 42-49.

<sup>14</sup> 2337th mtg., paras. 6-34.

<sup>15</sup> *Ibid.*, paras. 37-62. For similar statements, see *ibid.*: Guyana, paras. 65-80; 2339th mtg.: China, paras. 130-135; 2341st mtg.: Spain, paras. 6-13; 2342nd mtg.: Ireland, paras. 23-52, and Zimbabwe, paras. 73-81; and 2343rd mtg.: Madagascar, paras. 83-101.

<sup>16</sup> 2339th mtg., paras. 6-30.

<sup>17</sup> *Ibid.*, paras. 38-44.

<sup>18</sup> *Ibid.*, paras. 45-56.

<sup>19</sup> *Ibid.*, paras. 59-68.

<sup>20</sup> 2341st mtg., paras. 17-22.

<sup>21</sup> *Ibid.*, paras. 91-104.

<sup>22</sup> 2343rd mtg., paras. 38-70.

<sup>23</sup> S/14941, OR, 37th yr., *Suppl. for April-June 1982*. The draft resolution was subsequently put to the vote and failed of adoption, owing to the negative vote of a permanent member.

<sup>24</sup> 2347th mtg., paras. 5-48.

<sup>25</sup> *Ibid.*, paras. 51-78.

<sup>26</sup> *Ibid.*, paras. 133-138.

<sup>27</sup> *Ibid.*, para. 139.

<sup>28</sup> For the vote, see *ibid.*, para. 140. See also chap. IV in the present *Supplement*.

<sup>29</sup> 2347th mtg., paras. 142-148.

<sup>30</sup> *Ibid.*, paras. 149-152.

<sup>31</sup> *Ibid.*, paras. 154-158.

<sup>32</sup> *Ibid.*, paras. 160-163.

#### 10. 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

**Decision** of 3 April 1982 (2350th meeting): resolution 502 (1982)

By letter dated 1 April 1982 addressed to the President of the Council, the representative of the United Kingdom requested an immediate meeting of the Council as his Government had good reason to believe that the armed forces of the Argentine Republic were about to attempt to invade the Falkland Islands.

At the 2345th meeting, on 1 April 1983, the Council included the item in its agenda. Following the adoption of the agenda, the Council invited the following, at their request, to participate in the discussion without the right to vote: at the same meeting, the representative of Argentina; at the 2349th meeting, the representatives of Australia, Canada and New Zealand; and at the 2350th meeting, the representatives of Bolivia, Brazil, Paraguay and Peru.<sup>2</sup> The Council considered the item at its 2345th, 2346th, 2349th and 2350th meetings, from 1 to 3 April 1982.

Opening the discussion, the representative of the United Kingdom declared that there had been differences for many years between his Government and the Government of the Republic of Argentina concerning the Falkland Islands. The United Kingdom had exercised sovereignty over the Falkland Islands since early in the nineteenth century and continued to do so today.

For several years, the question of the Falkland Islands had been discussed by the General Assembly. In accordance with the recommendations of the General Assembly, the British Government and the Government of Argentina had held a series of meetings to discuss the situation in the Falkland Islands. Representatives of the two Governments had confirmed in New York at the end of February their wish to continue their discussions within the negotiating framework. But the Argentine Government appeared to have decided, following those discussions, that it did not wish to continue on that course.

Lately, relations between the United Kingdom and Argentina had deteriorated as a result of an incident in South Georgia, one of the dependencies of the Falkland Islands. The United Kingdom had exercised sovereignty over South Georgia since 1775, when the island had been discovered by Captain James Cook. The Argentine claim to South Georgia dated only from 1927 and was presumably based on the island's alleged proximity to the Argentine mainland. On 19 March 1982, an Argentine navy cargo vessel had been anchored in nearby Leith Harbour and a large party of Argentines had begun setting up camp. The United Kingdom Government had sought immediate clarification from the Argentine Government, both at Buenos Aires and in London, making clear that it regarded the incident as potentially serious and asking the Argentines to arrange for the immediate departure of the ship and party. The Argentine Government had declared that no serving military personnel were involved. It had also stated that it was, however, unreasonable to expect the Argentine Government to seek British authorization for their presence on territory claimed by Argentina.

It had been made clear to the Argentine Government that Britain could not allow even a small number of men to remain on the island and that the captain of HMS Endurance had been instructed as a last resort to take the men on board, without using force, and to return them to Argentina via Port Stanley, the capital of the Falkland Islands. The Argentine Government had replied that it would regard such an action as gravely provocative.

On 25 March 1982, an Argentine naval transport vessel had arrived at Leith Harbour to deliver supplies to the men ashore.

After an extensive exchange of messages between the two Governments, the Argentine Foreign Minister, in his reply of 31 March 1982, had declined to discuss further the problems occasioned by the illegal presence of Argentine nationals on South Georgia. He had specifically stated that he no longer wished to use diplomatic channels to discuss the situation in South Georgia.

All the naval and military activity and the statements by Argentine Ministers had given the British Government reason to believe that an attempt was about to be made to use force to change the Administration of the Falkland Islands against the wishes of its inhabitants.

The British Government viewed the situation with the utmost seriousness. It called upon the Council to take immediate action in order to prevent an invasion and to exercise its responsibility under the Charter to maintain international peace and security. It also asked 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.

He underlined that it was the fervent wish of the British Government to use diplomatic channels to resolve outstanding issues and to avert a crisis.<sup>3</sup>

The representative of Argentina stated that his country had once again been the object of aggression perpetrated by the Government of the United Kingdom by the dispatch of vessels to its national waters in order to exercise force against workers who, with the full knowledge of the United Kingdom authorities, had been engaged in peaceful commercial activities on San Pedro Island, in the South Georgia group

of islands, a dependency of the Malvinas Islands. That aggression constituted one more episode in the violence that had been perpetrated by Great Britain on 3 January 1833, when it had taken possession of the Malvinas Islands, seizing the Argentine authorities residing there and expelling almost all of the inhabitants.

The islands had been part of the national territory since the independence of the Republic, through natural succession of the unquestionable rights that the Spanish Crown had over them and which had had governors there since 1811. In exercise of those rights, Argentina in 1820 had sent the frigate *La Heroína*, under the command of David Jewett, who, in compliance with instructions from the Buenos Aires Government, had taken effective possession of the islands. On 10 June 1829, the political and military governorship of the Malvinas Islands had been established.

At no time had Great Britain objected to the Argentine establishments in the Malvinas Islands. When, in February 1825, it had signed a treaty of friendship, commerce and navigation with the Government, recognizing Argentine independence, no reservations whatsoever had been put forward concerning the islands. But in 1833 they had been usurped by Great Britain, the foremost naval Power of the era.

Since that time, the Argentine Republic had never ceased to call for the return of that part of its territory that had been occupied illegally.

On 16 December 1965, by an overwhelming majority, the General Assembly had adopted resolution 2065 (XX), in which it had taken note of the existence of a dispute between the Governments of Argentina and the United Kingdom concerning sovereignty over the islands; and had 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 and of General Assembly resolution 1514 (XV) of 14 December 1960, as well as the interests of the population of the islands.

The General Assembly had reiterated its position in four consensus resolutions 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). In resolution 3160 (XXVIII), of 14 December 1973, the Assembly had added 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 and had urged the parties to pursue negotiations without delay.

In resolution 3149 of 1 December 1976, the General Assembly had again recognized the continued efforts made by Argentina to facilitate the process of decolonization and to promote the well-being of the population of the islands, and it had again requested the Governments of Argentina and the United Kingdom to accelerate negotiations concerning the dispute over sovereignty.

The assistance provided by Argentina was limited by all sorts of obstacles raised by the United Kingdom. There had been systematic, arbitrary and discriminatory rejection of all legitimate attempts by Argentine citizens to purchase real estate in the Malvinas Islands, along with the prevention of the

settling of persons and the bringing of capital to the archipelago.

The speaker said that his narration showed **undeniably** that for nearly 150 years the Argentine Republic had been and continued to be the **object of continuous** acts of aggression perpetrated by the United Kingdom. It was nothing other than the maintenance of a colonial situation which had 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 appeals of the General Assembly.

There was a serious and imminent threat by the United Kingdom to utilize force against Argentina's islands, waters and mainland, leaving Argentina no other course than immediately to adopt the necessary measures to ensure its legitimate defence.

Argentina was thus facing a new act of aggression on the part of the United Kingdom. The Charter had provided that members of the United Nations, when complying with its aims and purposes, should not be left in a **defenceless** state **against** any act of aggression perpetrated against its **territory** or population. Argentina would be obliged to utilize the appropriate means of defence to protect its territory and nationals.

It was ironic and inadmissible for the Council to be convened by the United Kingdom on that day to consolidate the spoils of colonial plundering. Argentina rejected being accused when in fact what should be judged, if justice was to be served and peace preserved, was the conduct of the **accuser**.<sup>4</sup>

After holding consultations with members of the Council, the President made the following statements 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 Malvinas). 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.

The representative of the United States said that his country enjoyed exceptionally close ties with both Argentina and the United Kingdom and placed a very **high** value on those ties of friendship and **affirmation** of the principles that animated the United Nations. Therefore the United States delegation whole-heartedly subscribed to the statement read out by the President of the Council. It particularly stressed its principal part—its call on the Governments of Argentina and the United Kingdom to exercise the utmost restraint at the 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**.<sup>6</sup>

The representative of the United Kingdom reiterated that it was the fervent wish of his Government to use diplomatic channels to solve outstanding issues and to avert a crisis. He welcomed the statement made by the President, and stated that his Government would be guided by its terms; exercise the utmost restraint; in particular, refrain from the use or threat of force in the region; and continue the search for a **diplomatic solution**.<sup>7</sup>

At the 2346th meeting, the representative of the United Kingdom\* accused the **Argentine Government** of ignoring the appeals by the **Secretary-General** and **by** the President of the Council and **charged** that **while** the Council was meeting a **massive** Argentine invasion of the Falkland Islands was taking place. He called it a blatant violation of the Charter and of international laws, and an attempt to impose by force a foreign and unwanted control. Then he introduced a draft **resolution**,<sup>9</sup> which was sponsored by his delegation.

The representative of Argentina informed the Council that his Government had proclaimed the recovery of its national sovereignty over the territories of the Malvinas, South Georgia and South Sandwich islands in an act that responded to a just Argentine claim, an act of legitimate defence in response to the acts of **aggression** by the United Kingdom. **Argentine** jurisdiction extended throughout the **islands**, an Argentine Governor being there. He emphasized that in that manner an end had been put to a situation of tension and injustice that had been a constant element of disturbance to **international** peace and security. He added that his country would act in conformity with the principles and purposes of the Charter and make every effort to reach a just and peaceful solution.<sup>10</sup>

The representative of France stated that it could not be denied that Argentina had used armed force that night in an **invasion** of the Falkland Islands in the South Atlantic. It was clear that the **armed** attack deserved condemnation. It was a violation of the provisions of Article 2, paragraph 4, of the Charter. In taking the decision to carry out the totally unjustified armed attack, the Argentine Government had deliberately disregarded the appeals for moderation made the day before by both the **Secretary-General** and the President of the Council.

Faced with that breach of international peace and in order to prevent the situation from deteriorating, the Council should act quickly and effectively and demand an immediate cessation of hostilities and the immediate withdrawal of all Argentine forces from the Falkland Islands.<sup>11</sup>

The representative of Ireland declared that the issue before the Council was not that of the Falkland **Islands/Islas** Malvinas dispute. The question was how the Council should react to the armed action taken by **Argentina** in contravention of a unanimous call **by** the **Council** on all parties to refrain from the use of force. If the Council ignored that flouting of its appeal, then its whole effort to establish law rather than force as the guide in international relations would be seriously weakened. The Council should respond firmly to **Argentina's** taking over the islands in dispute by force.<sup>12</sup>

The representative of Australia pointed **out** that the **invasion** of the Falkland Islands was a development that could aggravate an already tense situation and that constituted a threat to international peace

and security. Nothing could justify the act of aggression committed by the Argentine armed forces in clear violation of Article 2, paragraphs 3 and 4, of the Charter. He supported the President's call for restraint issued the night before. The Australian Government **condemned** the use of force by Argentina and supported the action proposed by the United Kingdom in the draft resolution before the **Council**.<sup>13</sup>

The representative of Canada expressed shock and deep concern at the precipitous action of Argentina in its invasion and military occupation of the Falkland Islands. He informed the Council that the Government of Canada, publicly and in private communication with the Argentine authorities, had expressed its deepest regret that the Argentine **Republic** had resorted to the use of force rather than following the path of discussion and negotiation. The unilateral action by Argentina was clearly inconsistent with the decisions of the General Assembly. He expressed the hope that the Council would approve rapidly a draft resolution along the lines suggested by the representative of the **United Kingdom**.<sup>14</sup>

The representative of New Zealand said that his country viewed with the gravest concern the situation that had arisen as a result of the invasion of the Falkland Islands by Argentine armed forces. What had happened was a clear violation of the principles of the Charter. It could only increase tensions in the region and make the search for a peaceful resolution of the dispute more difficult. The speaker urged the Government of Argentina to demonstrate respect for the principles of the Charter by **undertaking** the immediate withdrawal of its forces from the Falkland Islands. He supported the call in the draft resolution proposed by the United Kingdom for the immediate cessation of all hostilities and for the two Governments to resume the search for a diplomatic solution to the long-standing problem. He also hoped that as a result of such negotiations a settlement could be reached, one that not only would be satisfactory to the two Governments but would also reflect the wishes of the inhabitants of the islands."

At the 2350th meeting, the Minister for Foreign Affairs of Argentina stated that the Council had been convened to consider the issue of the Malvinas Islands, which were a part of Argentine territory and had been illegally occupied by Great Britain in 1833 by an act of force. It was a colonial problem in the most traditional sense. The Argentine Republic had never consented to that act of usurpation of its national territory. He stressed that the action of his Government did not represent any kind of aggression against the inhabitants of the islands, whose **rights** and way of life would be respected. Troops would be used only when absolutely necessary and they would protect the institutions and inhabitants. That was a most solemn commitment by the Government of Argentina to the international community.

The military preparations and the dispatch of warships to the region by the United Kingdom explained and justified the actions taken by the Government of Argentina in **defence** of its **rights**.

In regard to the accusation of violating Article 2, paragraphs 3 and 4, of the Charter, the speaker said that no provision of the Charter could be taken to legitimize situations that had their **origin** in wrongful acts carried out before the Charter had come **into** force. The speaker confirmed his country's willingness to negotiate through diplomatic channels any

differences with the United Kingdom except sovereignty, which was not **negotiable**.<sup>16</sup>

The representative of Brazil stated that his Government had always supported the Argentine Government in the territorial dispute over the Malvinas Islands. He appealed to both countries to act with moderation and to refrain from any action that would further aggravate tension in the region."

The representative of Japan declared that the action of Argentina violated the principle of the **non-use** of force and its concomitant **principle** of the peaceful settlement of disputes. The military action carried out by Argentina in clear violation of that principle disturbed the peace and heightened the current tension in the South Atlantic region, thus making it more difficult to obtain a peaceful solution to the question **pending** between the two countries. Japan urged that the **diplomatic** talks between the two parties be resumed as soon as possible. The Council should **first** take expeditious and effective action to deal with the immediate situation and should subsequently consider further means of facilitating the talks between the parties so that a true, long-term settlement of the questions could be **attained**.<sup>18</sup>

The representative of the United **States**<sup>19</sup> said that the use of force was deeply regrettable and would not produce a just and lasting settlement of the dispute; therefore his delegation intended to vote in favour of the draft resolution.

The representatives of Bolivia, Peru and Panama," speaking on behalf of all the Latin American countries, expressed **firm** support of the Argentine claim and declared that it was the duty of the international community to contribute by all proper means to the **re-establishment** of **Argentine** sovereignty over the Malvinas Islands.

The representative of Panama submitted a draft resolution\* under which, in its preambular part, the Council, would have, *in* **fer** *alia*, heard the statement by the Minister for External Relations and Worship of the Argentine Republic to the effect that the situation that had arisen stemmed from the existence of a problem of a colonial nature; considered that the intention of the United Kingdom to perpetuate its illegal occupation and colonial domination of the Malvinas, South Georgia and South Sandwich islands affected the territorial integrity of the **Argentine** Republic and constituted a threat to **international** peace and **security**; recalled General Assembly resolutions **15 14 (XV)**, **2065 (XX)**, **3160 (XXVIII)** and **3 1/49**; and borne in mind the paragraphs relating to the question of the Malvinas Islands contained in the Political Declaration adopted by 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 the **Fifth** Conference of Heads of State or Government of **Non-Aligned** Countries, held at Colombo from 6 to 19 August 1976, the Political Declaration adopted by the Conference of Ministers for **Foreign** Affairs of **Non-Aligned** **Countries**, held at Belgrade from 25 to 30 July 1978, the **Political** Declaration adopted by the Conference of Heads of State or Government of Non-Aligned Countries, held at Havana from 3 to 9 September 1979, and the Political Declaration adopted by the Conference of Ministers for **Foreign** Affairs of Non-Aligned Countries, held at New Delhi from 9 to **13** February **1981**.

In the operative part, the General Assembly would have urgently called upon the United Kingdom to cease its hostile conduct, refrain from any threat or use of force and cooperate with the Argentine Republic in the decolonization of the Malvinas, South Georgia and South Sandwich islands; and requested both Governments to carry out negotiations immediately in order to put an end to the existing situation of tension, duly respecting Argentine sovereignty over those territories and the interests of their inhabitants.

The speaker requested that the debate be suspended so that the Secretariat might translate the document into all the working languages and circulate it, following which the Council could meet again at a suitable time.

After a brief debate, a motion for suspension of the meeting was put to the vote. The result of the voting was as follows: 7 votes in favour and 3 against, with 4 abstentions. One member of the Council did not participate in the voting. The motion was not adopted.

The representative of the United Kingdom\*\* stressed that his only intention in calling for a meeting of the Council had been that the Council should act in such a way as to pre-empt, to deter, any threat of armed force, thereby defusing a growing but dangerous situation. He refused to accept the charges advanced by Argentina. Then he informed the Council that he had asked the Secretariat to prepare a revised version of the text with the words "Islas Malvinas" in parenthesis following the words "Falkland Islands" wherever they occurred. The speaker firmly insisted that once the revised version of the document was circulated the Council should hold an immediate vote on that text and thereafter the Council could consider the draft resolution presented by Panama. He expressed his readiness to waive the 24-hour rule and vote on the Panamanian document the same day.

The representative of Panama<sup>23</sup> pointed out that the Council could not proceed to a vote on the revised British resolution in accordance with rule 31 of its provisional rules of procedure until the draft resolution had been distributed in writing in its final form.

After a brief suspension of the meeting, the members of the Council had before them the draft resolution\* submitted by the United Kingdom.

The representative of Panama<sup>25</sup> raised a point of order and stated that it was essential that the President make a ruling on whether the draft resolution fell under Chapter VI of the Charter relating to the pacific settlement of disputes or under Chapter VII relating to action with respect to threats to the peace, breaches of the peace and acts of aggression. He underlined that if it was a draft resolution submitted under Chapter VI then the delegation of the United Kingdom could not participate in the voting and referred here to paragraph 3 of Article 27.

The representative of the United Kingdom<sup>26</sup> declared that his delegation could not accept that argument as that provision related clearly to decisions under Chapter VI and under Article 52, paragraph 3. The draft resolution related to a breach of the peace and had been proposed with Article 40 of the Charter in mind.

The representative of Spain<sup>27</sup> said that the explanation given to the Council by the representative of the

United Kingdom sufficed for the Council to determine that it was dealing with the matter under Chapter VII and that accordingly the representative of the United Kingdom did have the right to vote.

The representatives of Uganda and Togo<sup>28</sup> in explanation of vote before the voting reiterated their countries' recognition of the just claim of Argentina over the Malvinas Islands, deeply regretted the method that Argentina had employed in the matter since 2 April and declared that their delegations were going to vote in favour of the British draft resolution.

The representative of the Soviet Union<sup>29</sup> stated that the issue of the Falkland-Malvinas Islands formed a part of the problem of decolonization. After the colonial and imperial empires had collapsed, the existence of the problem was an anachronism and in contravention of the basic documents of the United Nations. Stubborn refusal by the United Kingdom! as the administering Power, to comply with the requirements of the United Nations with regard to the decolonization of the Territory had delayed negotiations with Argentina as called for by the relevant decisions of the General Assembly. On that basis, the Soviet Union would not support the draft resolution submitted by the United Kingdom inasmuch as it was one-sided and fully disregarded that aspect of the problem.

The representative of Ireland<sup>30</sup> expressed some concern, first that the armed action by Argentina had been in direct contravention of an authoritative and unanimous statement by the Council and that the use of force at that stage by one party could lead to a further use of force by the other and thus to a conflict between them. He urged most strongly that both countries should avoid force and instead negotiate. He stressed that it was the Council's duty to vote for the draft resolution before it as it did not condemn either side by simply asking for a cessation of hostilities, an immediate withdrawal by Argentine forces and a diplomatic solution.

The President of the Council,<sup>31</sup> speaking in his capacity as the representative of Zaire, pointed out that the military occupation of the Falkland Islands (Islas Malvinas) by Argentina was not likely to create conditions propitious to a negotiated settlement and ran counter to the principle of non-use of force in international relations.

The President then put to the vote the revised draft resolution, which was adopted by 10 votes in favour to 1 against and 4 abstentions as resolution 502 (1982).<sup>32</sup>

#### *The Security Council,*

*Recalling the statement made by the President of the Security Council at the 2345th meeting of the Council on 1 April 1982 calling on the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland to refrain from the use or threat of force in the region of the Falkland Islands (Islas Malvinas),*

*Deeply disturbed at reports of an invasion on 2 April 1982 by armed forces of Argentina,*

*Determining that there exists a breach of the peace in the region of the Falkland Islands (Islas Malvinas),*

1. *Demands an immediate cessation of hostilities;*
2. *Demands an immediate withdrawal of all Argentine forces from the Falkland Islands (Islas Malvinas);*
3. *Calls on the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland to seek a diplomatic solution to their differences and to respect fully the purposes and principles of the Charter of the United Nations,*

The President announced that the Council had before it a draft resolution<sup>33</sup> submitted by Panama, but that Panama did not insist on a vote on that draft resolution.

On 5 May 1982, following consultations of the Council, the President of the Council announced that he had been authorized to issue the following statement<sup>34</sup> on behalf of the members of the Council:

The members of the Security Council express deep concern at the deterioration of the situation in the region of the Falkland Islands (Islas Malvinas) and the loss of lives.

The members of the Security Council also express strong support for the efforts of the Secretary-General with regard to his contacts with the two parties.

The members of the Security Council have agreed to meet for further consultations tomorrow, Thursday, 6 May 1982.<sup>35</sup>

## NOTES

<sup>1</sup> S/14942, OR, 37th yr., Suppl. for April-June 1982. See also S/14940, *ibid.*

<sup>2</sup> For details, see chap. III of the present Supplement.

<sup>3</sup> 2345th mtg., paras. 5-24.

<sup>4</sup> *Ibid.*, paras. 29-73.

<sup>5</sup> *Ibid.*, para. 74.

<sup>6</sup> *Ibid.*, paras. 79 and 80.

<sup>7</sup> *Ibid.*, paras. 84 and 85.

<sup>8</sup> 2346th mtg., paras. 4-8.

<sup>9</sup> S/14947, OR, 37th yr., Suppl. for April-June 1982. It was subsequently slightly amended and adopted as resolution 502 (1982).

<sup>10</sup> 2346th mtg., paras. 10-17.

<sup>11</sup> 2349th mtg., paras. 5-9.

<sup>12</sup> *Ibid.*, paras. 10-18.

<sup>13</sup> *Ibid.*, paras. 21-24.

<sup>14</sup> *Ibid.*, paras. 27-30.

<sup>15</sup> *Ibid.*, paras. 33-36.

<sup>16</sup> 2350th mtg., paras. 5-45.

<sup>17</sup> *Ibid.*, paras. 50-55.

<sup>18</sup> *Ibid.*, paras. 66-70.

<sup>19</sup> *Ibid.*, paras. 72-74.

<sup>20</sup> *Ibid.*, paras. 77-134.

<sup>21</sup> S/14950, OR, 37th yr., Suppl. for April-June 1982. The draft resolution was not put to the vote.

<sup>22</sup> 2350th mtg., paras. 156-180.

<sup>23</sup> *Ibid.*, para. 184.

<sup>24</sup> S/14947/Rev.1, adopted as resolution 502 (I 1982).

<sup>25</sup> 2350th mtg., paras. 189-191.

<sup>26</sup> *Ibid.*, paras. 193-197.

<sup>27</sup> *Ibid.*, paras. 200 and 201.

<sup>28</sup> *Ibid.*, paras. 210-224.

<sup>29</sup> *Ibid.*, paras. 228-231.

<sup>30</sup> *Ibid.*, paras. 233-244.

<sup>31</sup> *Ibid.*, paras. 246-253.

<sup>32</sup> For the vote, see para. 255.

<sup>33</sup> S/14950, OR, 37th yr., Suppl. for April-June 1982.

<sup>34</sup> S/15041, *ibid.*, Resolutions and Decisions of the Security Council, 1982.

<sup>35</sup> Prior to issuing this statement, the Council received a letter dated 4 May 1982 (S/15037, OR, 37th yr., Suppl. for April-June 1982) from the representative of Ireland, who had requested a meeting of the Council to give further consideration to the question of the Falkland Islands (Islas Malvinas). In a statement of the Irish Government transmitted on the same date, an immediate meeting of the Council was requested in order to prepare a new resolution calling for an immediate cessation of hostilities and the negotiation of a diplomatic settlement under the auspices of the United Nations (S/15044, *ibid.*). In a telegram dated 4 May 1982 (S/15045, *ibid.*), the President of Colombia suggested that the Council should be immediately convened (see sect. 12 of the present chap.).

II. LETTER DATED 31 MARCH 1982 FROM THE PRESIDENT OF THE REPUBLIC OF KENYA TO THE PRESIDENT OF THE SECURITY COUNCIL ENCLOSING THE LETTER DATED 18 MARCH 1982 FROM THE PRESIDENT OF THE REPUBLIC OF CHAD TO THE PRESIDENT OF THE SECURITY COUNCIL

## INITIAL PROCEEDINGS

Decision of 30 April 1982 (2358th meeting): resolution 504 (1982)

In a letter dated 2 December 1981, the President of Kenya, in his capacity as current Chairman of the Organization of African Unity, referred to resolution AHG/102 (XVIII)/Rev.1 adopted at the eighteenth session of the Assembly of Heads of State and Government of OAU, held at Nairobi in June 1981, calling for the establishment of a pan-African peace-keeping force for the maintenance of peace and security in Chad, and requested the Council's financial, material and technical assistance to ensure the deployment, maintenance and operation of that force.

By a letter dated 31 March 1982,<sup>1</sup> the President of Kenya transmitted the text of a letter dated 18 March from the President of Chad addressed to the President of the Council, expressing his support for the steps taken by OAU to solicit from the Council financial assistance for the pan-African peace-keeping force in Chad.

At its 2358th meeting, on 30 April 1982, the Council adopted the agenda item entitled "Letter dated 31 March 1982 from the President of the Republic of Kenya addressed to the President of the Security Council enclosing the letter dated 18 March 1982 from the President of the Republic of Chad to the President of the Security Council (S/15012)". The President of the Council drew attention to the text of a draft resolution<sup>2</sup> drawn up during consultations among members of the Council. The draft resolution was adopted by consensus as resolution 504 (1982).<sup>4</sup> It reads as follows:

*The Security Council,*

*Having taken note of* the letters of President Arap Moi of Kenya, current Chairman of the Organization of African Unity, dated 2 December 1981 and 31 March 1982, and of the letter of President Goukouni Weddeye of Chad dated 18 March 1982.

*Bearing in mind* the relevant resolutions of the General Assembly on co-operation between the United Nations and the Organization of African Unity.

I. *Takes note of* the decision of the Organization of African Unity to establish, in agreement with the Government of the Republic of Chad, a peace-keeping force for the maintenance of peace and security in Chad;

2. *Requests* the Secretary-General to establish a fund for assistance to the peace-keeping force of the Organization of African Unity in Chad, to be supplied by voluntary contributions;

3. *Requests* the Secretary-General to *take* the necessary measures to ensure the management of the fund in liaison with the Organization of African Unity.

## NOTES

<sup>1</sup> S/15011, OR, 37th yr., Suppl. for April-June 1982.

<sup>2</sup> S/15012, *ibid.*

<sup>3</sup> S/15013, adopted without change as resolution 504 (1982)

<sup>4</sup> 2358th mtg., para. 4.