

2. *Affirms* that the state of tension has been heightened following the recent provocative and aggressive acts committed by the illegal régime in Southern Rhodesia against Zambia;

3. *Declares* that the only effective solution to this grave situation lies in the exercise by the people of Zimbabwe of their right to self-determination and independence in accordance with General Assembly resolution 1514 (XV);

4. *Strongly condemns* the racist régime of South Africa for its persistent refusal to withdraw its military and armed forces from Southern Rhodesia;

5. *Reiterates* its demand for the immediate withdrawal of South African military and armed forces from Southern Rhodesia and from the border of that Territory with Zambia;

6. *Urges* the Security Council Committee established in pursuance of resolution 253 (1968) concerning the question of Southern Rhodesia to expedite the preparation of its report undertaken under Security Council resolution 320 (1972) of 29 September 1972, taking into account all proposals and suggestions for extending the scope and improving the effectiveness of sanctions against Southern Rhodesia (Zimbabwe);

7. *Requests* all Governments to take stringent measures to enforce and ensure full compliance by all individuals and organizations under their jurisdiction with the sanctions policy against Southern Rhodesia and calls upon all Governments to continue to treat the racist minority régime in Southern Rhodesia as wholly illegal;

8. *Urges* the United Kingdom of Great Britain and Northern Ireland, as the administering Power, to convene as soon as possible a national constitutional conference where genuine representatives of the people of Zimbabwe as a whole would be able to work out a settlement relating to the future of the Territory;

9. *Calls upon* the Government of the United Kingdom to take all effective measures to bring about the conditions necessary to enable the people of Zimbabwe to exercise freely and fully their right to self-determination and independence including:

- (a) The unconditional release of all political prisoners, detainees and restrictees;
- (b) The repeal of all repressive and discriminatory legislation;
- (c) The removal of all restrictions on political activity and the establishment of full democratic freedom and equality of political rights;

10. *Decides* to meet again and consider further actions in the light of future developments.

The second revised draft resolution (S/10899/Rev.1) was adopted⁷⁷⁴ unanimously. The resolution⁷⁷⁵ read:

The Security Council,

Recalling its resolution 253 (1968) of 29 May 1968 requesting assistance to Zambia as a matter of priority,

Recalling further its resolution 277 (1970) of 18 March 1970, as well as resolutions 326 (1973) and 327 (1973) of 2 February 1973 by which it decided to dispatch a special mission to assess the situation in the area and the needs of Zambia,

Having considered the report of the Special Mission (S/10896 and Corr.1 and Add.1),

Having heard the statement of the Permanent Representative of Zambia,

Affirming that Zambia's action to divert its trade from the southern route reinforces Security Council decisions on sanctions against the illegal régime in Southern Rhodesia,

1. *Commends* the Government of Zambia for deciding to abandon the use of the southern route for its trade until the rebellion is quelled and majority rule is established in Southern Rhodesia;

2. *Takes note* of the urgent economic needs of Zambia as indicated in the report of the Special Mission and the annexes thereto;

3. *Appeals* to all States for immediate technical, financial and material assistance to Zambia in accordance with resolutions 253 (1968) and 277 (1970) and the recommendations of the Special Mission, so that Zambia can maintain its normal flow of traffic and enhance its capacity to implement fully the mandatory sanctions policy;

4. *Requests* the United Nations and the organizations and programmes concerned, in particular the United Nations Conference on Trade and Development, the United Nations Industrial Development Organization and the United Nations Development Programme, as well as the specialized agencies, in particular the International Labour Organization, the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization, the International Civil Aviation Organization, the Universal Postal Union, the International Telecommunication Union, the World Meteorological Organization and the Inter-Governmental Maritime Consultative Organization, to assist Zambia in the fields identified in the report of the Special Mission and the annexes thereto;

5. *Requests* the Secretary-General in collaboration with the appropriate organizations of the United Nations system, to organize with immediate effect all forms of financial, technical and material assistance to Zambia to enable it to carry out its policy of economic independence from the racist régime of Southern Rhodesia.

6. *Requests* the Economic and Social Council to consider periodically the question of economic assistance to Zambia as envisaged in the present resolution.

CONSIDERATION OF MEASURES FOR THE MAINTENANCE AND STRENGTHENING OF INTERNATIONAL PEACE AND SECURITY IN LATIN AMERICA IN CONFORMITY WITH THE PROVISIONS AND PRINCIPLES OF THE CHARTER

Decision of 21 March 1973 (1704th meeting)

Rejection of the eight-Power draft resolution

Decision of 21 March 1973 (1704th meeting): resolution 330 (1973)

By letter⁷⁷⁶ dated 9 January 1973 addressed to the President of the Security Council, the Minister of Foreign Affairs of Panama stated that his Government had decided, on the basis of Article 28, paragraph 3, of the Charter to propose that the Security Council should meet at Panama City from 15 to 21 March 1973 to consider an agenda that would have as its general theme the "consideration of measures for the strengthening of international peace and security and the promotion of international co-operation in Latin America, in accordance with the provisions and principles of the Charter and the resolutions related to the right to self-determination of peoples and strict respect for the sovereignty and independence of States."

At its 1686th meeting on 26 January 1973 the Security Council adopted resolution 325 (1973).⁷⁷⁷ Paragraph 1 of that resolution read as follows:

⁷⁷⁶ S/10858, OR, 28th yr., Suppl. for Jan.-March 1973, pp. 27-28.

⁷⁷⁷ For the proceedings leading to the adoption of this resolution and the discussions in connexion with the application of Article 28, paragraph 3, of the Charter and rule 5 of the *Provisional Rules of Procedure of the Security Council*, both dealing with meetings of the Security Council away from Headquarters, see chapter I of this *Supplement*.

⁷⁷⁴ 1694th meeting, para. 85.

⁷⁷⁵ Resolution 329 (1973).

Decides to hold meetings at Panama City beginning on Thursday, 15 March, and ending on Wednesday, 21 March 1973, and that the agenda shall be the "Consideration of measures for the maintenance and strengthening of international peace and security in Latin America in conformity with the provisions and principles of the Charter".

At the 1695th meeting on 15 March 1973, the Council adopted the agenda as drawn up in resolution 325 (1973) and considered it at the 1696th to 1704th meetings held in Panama City from 15 to 21 March 1973.

At the same meeting, the representatives of Argentina, Bolivia, Chile, Colombia, Costa Rica, Cuba, Ecuador, Guyana, Haiti, Jamaica, Mauritania, Mexico, Uruguay, Venezuela and Zaire, were invited to participate in the discussion.⁷⁷⁸ At subsequent meetings, the Council likewise invited the representatives of Algeria and El Salvador,⁷⁷⁹ Honduras, Guatemala, Trinidad and Tobago, and Zambia,⁷⁸⁰ Canada and the Dominican Republic.⁷⁸¹ The Council also extended invitations, under rule 39 of the Provisional Rules of Procedure, to the Secretary-General of the Agency for the Prohibition of Nuclear Weapons in Latin America (OPANAL);⁷⁸² the Executive Secretary of the Organization of African Unity, the Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,⁷⁸³ the Chairman of the Special Committee on *Apartheid*⁷⁸⁴ and the representative of the Arab League.⁷⁸⁵

At its 1695th meeting on 15 March 1973, the Security Council was addressed by the head of the Government of Panama and by the Secretary-General.

The head of the Government of Panama stated that Panama could not accept any form of neo-colonialism which was a disguised kind of colonialism by means of subjection of one country by another or by political, economic or cultural penetration. His country was very sensitive to all those conditions which had hindered its development. The Panamanian people had fought for their right to decide for themselves their own direction and conduct without foreign interference; to exploit and utilize their own natural resources, the wealth of their own seas and of their geographical position, and to choose freely their political system. It was an inalienable right of Panama to exploit its geographical position for the benefit of its own development. He urged the United Nations to take a more active stand in the solution of the problems besetting the Third World.⁷⁸⁶

The Secretary-General stated that regional co-operation had been fostered by the United Nations since the earliest days. Even in matters relating to the maintenance of international peace and security, regional action was not precluded. The Charter provided for regional arrangements

as long as they were consistent with its purposes and principles. The Organization of American States had rendered valuable assistance in the settlement of regional disputes by peaceful means. Under Article 54 of the Charter, the OAS kept the Security Council informed of the measures that it had undertaken. It was right that the Security Council should be made aware of the particular problems and potentialities of Latin America. The Security Council session in Panama should demonstrate to the peoples of Latin America the concern and involvement of the United Nations in the establishment of a peaceful and prosperous future for them.⁷⁸⁷

The representatives of Argentina*, Chile*, Colombia*, Cuba*, Ecuador*, Guyana*, Guinea, Jamaica*, Kenya, Mexico*, Panama, Peru, USSR, Uruguay*, Venezuela*, Yugoslavia and Zaire* speaking at the 1696th, 1697th, 1698th, 1699th, 1700th, 1701st and 1704th meetings stated that the new thrust for the maintenance and strengthening of international peace and security was based on certain principles: the opposition to imperialism, colonialism, neo-colonialism and racism and to the threat or use of force in international relations; respect for the territorial integrity of every State and the inadmissibility of acquisition of territories by force; strict observance of the principle of legal equality among States; compliance with the obligations emanating from the United Nations Charter; respect for and active support of the right of all States to carry out such collective and structural changes as they deemed necessary to their social and economic progress in accordance with the principle of ideological pluralism in international relations.

No measure of conformity to the principles of the Charter would guarantee effective peace and security in Latin America unless it was matched by a complementary effort to create conditions of economic security. The Council should acknowledge that economic, no less than military, aggression was a violation of the Charter, constituting not merely a threat to, but an assault upon the peace and security of the area.

The Latin American countries which were devoting themselves to the transformation of their socio-economic structure found in certain transnational firms one of their main obstacles, because in many cases those firms tended to apply coercive measures affecting international co-operation, to create virtual economic or financial blockades in international sources of credit and even to interfere in international trade itself.

The General Assembly had acknowledged, through its resolution 2880 (XXVI) and 2993 (XXVII),⁷⁸⁸ that it intended to implement the Declaration on the Strengthening of International Peace and Security, that "any measure or pressure directed against any State while exercising its sovereign right to freely dispose of its natural resources constitutes a violation of the principles of self-determination of peoples and non-intervention as set forth in the Charter, which, if pursued, could constitute a threat to international peace and security." Consequently, there was a need for effective dialogue between the developing countries and the dominant economic Powers so

⁷⁷⁸ 1696th meeting, paras. 2-3.

⁷⁷⁹ 1697th meeting, para. 2.

⁷⁸⁰ 1698th meeting, para. 2.

⁷⁸¹ 1699th meeting, para. 6.

⁷⁸² 1696th meeting, paras. 4-5.

⁷⁸³ 1699th meeting, para. 8.

⁷⁸⁴ *Ibid.*, para. 9.

⁷⁸⁵ 1700th meeting, para. 2.

⁷⁸⁶ 1695th meeting, paras. 5-22.

⁷⁸⁷ *Ibid.*, paras. 25-30.

⁷⁸⁸ General Assembly resolutions 2880 (XXVI), para. 9 and 2993 (XXVII), para. 4.

that economic relations might more closely reflect the declared objectives of the international strategy; and beyond relations between States, a determined effort to grapple with the many-sided problems arising from the economic power complexes for which the multinational corporations had been responsible. The Council should come to grips with the phenomenon of multinational corporations and devise mechanisms to ensure that their non-governmental character did not place them beyond the reach of the Council's authority.⁷⁸⁹

The representatives of China, Chile*, Ecuador*, Peru, Uruguay* and Yugoslavia had particularly emphasized that Latin American countries, in exercise of their sovereignty and marine jurisdiction over the 200 miles of sea adjacent to their coasts, had been confronting problems because of the predatory attitude of private enterprises encouraged by States that had followed a policy contrary to the principles of international co-operation and friendship, creating situations of conflict that could effect the peace and security of the continent. All coastal States had the right to dispose of their natural resources in their coastal seas, sea-bed and the subsoil therefore.⁷⁹⁰

At the 1699th and 1701st meetings, the representatives of Australia, Indonesia and the United States stated that the right of countries to dispose of their own natural resources was accompanied by the concomitant duty to provide prompt and adequate compensation in cases of nationalization in accordance with international law. They further stated that private investment could play a constructive role in the socio-economic development by providing the financial and technological means for the exploitation of natural resources.⁷⁹¹

At the 1701st meeting the representatives of France, the United Kingdom and the United States stated that economic questions could have important political implications, but they should not be brought before the Security Council. It was the role of the General Assembly or of the Economic and Social Council and not the responsibility of the Security Council to deal with such questions. Otherwise, the Security Council might be in danger of encroaching on the prerogatives of the General Assembly and other organs of the United Nations and of being absorbed in over-general discussions, finding itself incapable of carrying out the missions expressly entrusted to it under Article 24⁷⁹² of the Charter.⁷⁹³

At the 1696th meeting, the representative of Guyana* stated that one of the deficiencies of the United Nations organizational arrangements was that the Security Council

⁷⁸⁹ For the texts of relevant statements, see: 1696th meeting: Colombia*; Cuba*; Mexico*; Peru; 1697th meeting: Argentina*; Chile*; Ecuador*; Guyana*; 1698th meeting: Jamaica*; Venezuela*; 1699th meeting: China, Yugoslavia; 1700th meeting: Guinea; Kenya; USSR; 1701st meeting: Zaire*; 1704th meeting: Panama.

⁷⁹⁰ For texts of relevant statements, see: 1696th meeting: Peru; 1697th meeting: Chile*; Ecuador*; 1698th meeting: Uruguay*; 1699th meeting: China; Yugoslavia.

⁷⁹¹ For texts of relevant statements, see: 1699th meeting: Australia; Indonesia; 1701st meeting: United States;

⁷⁹² For application of the provisions of Article 24 of the Charter, see chapter XII of this *Supplement*.

⁷⁹³ For texts of relevant statements, see: 1701st meeting: France; United Kingdom; United States.

spent most of its time occupied with specific threats and actual breaches of world peace and security and little time was set aside for the essential tasks of review and appraisal of the prospects for a durable peace and for meaningful security in world-wide terms. That functional imbalance had produced serious practical difficulties for the discharge by the Council of its primary responsibility for maintaining international peace. It was the duty of the Council continuously to explore new ways of discharging its responsibilities and one of them was the elaboration and development of preventive diplomacy. But preventive diplomacy, like preventive medicine, should not await the manifestation of ill health. The investigative jurisdiction conferred upon the Council under Article 34⁷⁹⁴ was not restricted to specific disputes brought before it on the basis of adversary proceedings.⁷⁹⁵

At the 1700th meeting, the representative of Algeria* speaking on the primary responsibility conferred upon the Security Council by the Charter for maintaining international peace, stated that the permanent seats given to the great Powers in the Security Council was an institutional reflection of the importance and continuity of their responsibilities for maintaining world order and confirmed their role as guardians of international peace. The right of veto was therefore an undeniable privilege which compensated somehow for the particular burden vested in them. But the right to the veto could also serve to cover abuses and could supply yet another weapon to serve the will of domination. When thus used, the right to the veto was tainted with immorality.⁷⁹⁶ Therefore, it should be inadmissible for a great Power to exercise its right to the veto in a matter in which it was involved.⁷⁹⁷

At the 1696th, 1697th, 1699th and 1700th meetings, the representatives of Algeria*, Chile*, Guyana*, Peru, Trinidad and Tobago*, USSR and Yugoslavia, stated that another source of tension in Latin America was the policy of pressure, blockade and isolation brought to bear against Cuba which constituted a violation of the principles and purposes of the Charter.

The representative of Chile further stated that the coercive measures applied to Cuba by the system of regional security which existed within the framework of the Organization of American States were adopted in violation of Article 53 of the United Nations Charter which provided that "...no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council ..."⁷⁹⁸ The situation created by the adoption of such measures should be considered by the Council. It was not possible for any regional organization to interpret its organic provisions by breaching Article 103 of the United Nations Charter which guaranteed the prevalence of a legal system over the

⁷⁹⁴ For discussion relating to Article 34, see chapter X, part II.

⁷⁹⁵ 1696th meeting, paras. 40-45.

⁷⁹⁶ For application of the provisions of Article 27, para. 3, related to this question, see chapter III, part III.

⁷⁹⁷ 1700th meeting, paras. 82-86.

⁷⁹⁸ For the consideration of application of the provisions dealing with regional arrangements, see, chapter XII, part V and for the consideration of application of Article 103, see chapter XII, part VII.

commission of abuses such as those committed against Cuba.⁷⁹⁹

At the 1696th, 1697th, 1699th and 1701st meetings, the representatives of Argentina*, Guyana*, Indonesia, Jamaica*, Peru, Sudan, Trinidad and Tobago* and the USSR stated that the persistence of colonialism in Latin America or anywhere else in the world was inconsistent with the principles and purposes of the Charter, the Universal Declaration of Human Rights and the Declaration on the Granting of Independence to Colonial Countries and Peoples and constituted a further, permanent threat to the maintenance of international peace and security.

Although the initial efforts of the United Nations towards decolonization were successful, no one familiar with the principles embodied in the Declaration on the Granting of Independence to Colonial Countries and Peoples in resolution 1514 (XV) could be satisfied with the developments of recent years. It should be noted that the implementation of the principles of that Declaration had not been accelerated, while there were still remnants of colonialism to be eradicated. In the light of that situation there was the need to call for a rekindling of the spirit of decolonization and for a reaffirmation and implementation of the principle of self-determination of peoples.⁸⁰⁰

The representative of the United Republic of Tanzania, speaking on behalf of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, stated that the Special Committee, as the United Nations organ charged with the task of seeking the most suitable means for the immediate and full implementation of General Assembly resolution 1514 (XV), had been requested by the General Assembly not only to formulate specific proposals for the elimination of the remaining manifestations of colonialism but also to make concrete suggestions which would assist the Security Council in considering appropriate steps under the Charter with regard to developments in colonial Territories everywhere. In conformity with that request, the Special Committee had in the past submitted a number of recommendations in that regard to the General Assembly and, through it, to the Security Council. The Security Council, whose responsibility was the maintenance of international peace and security, not only should adopt resolutions aimed at ending colonialism in all its forms and manifestations but should, above all, take steps to ensure their implementation and give maximum encouragement to those who do so.⁸⁰¹

At the 1696th, 1698th and 1699th meetings, the representatives of Guyana*, Jamaica*, Trinidad and Tobago*, stated that Belize, a member of the Commonwealth Caribbean States and an active participant in the Caribbean Free Trade Area, was being denied independence not through the unwillingness of the United Kingdom to

withdraw or through its own lack of enthusiasm for self-determination, but because of the threat it faces from a neighbouring country, Guatemala, which asserted a claim to all its territory. So the single lingering obstacle to the achievement of independence by Belize was the fear of its people for the security and territorial integrity of their country. The Security Council should take note of that fear and consider what steps could be taken to safeguard the right of Belize to self-determination.⁸⁰²

At the 1698th meeting, the representative of Guatemala*, speaking in exercise of his right of reply, stated that his country had waged a tenacious struggle to regain part of its territory, but that the development of Peten, the northern department of Guatemala, had been hindered by a wall in the form of a British colony that stood in the way of access to the sea. Peten and Belize were one geographically and indispensable to one another for the development of both. Conversations with the United Kingdom to find an equitable solution to the problem sometimes joined by colleagues in Belize, had been suspended for the time being because, at the end of 1971, in an effort to intimidate it, excessive numbers of British troops had been landed on the territory of Belize and were still there. He asserted that Guatemala's rights to the territory of Belize were inalienable and imprescriptible. It was possible that one day Guatemala would be forced to turn to the Security Council, but so far the problem had not been submitted to the Council.⁸⁰³

At the 1697th meeting, the representative of Argentina* recalling that General Assembly resolution 2065 (XX) recommended that negotiations should take place in order to find a peaceful solution to the dispute over sovereignty between his country and the United Kingdom regarding the Malvinas Islands, stated that since the adoption of that resolution, negotiations were periodically and regularly held between the two countries and jointly reports about them had been submitted to the General Assembly. In preparing to report to the twenty-seventh session, however, it was not possible for Argentina to agree on a common text, since the United Kingdom position would have distorted the essence of the meetings between the representatives of the two countries. If the United Kingdom was not prepared to continue the negotiations, Argentina would feel compelled to change its attitude and would feel free to act so as to seek the final eradication of that anachronistic colonial situation.⁸⁰⁴

At the 1698th meeting, the representative of the United Kingdom, in exercise of the right of reply, rejected the account given by the representative of Guatemala of developments concerning Belize. He agreed that the issue was not on the agenda of the Council, and his delegation did not wish it to be on the agenda. However, his Government had no doubt of its sovereignty in Belize. In a further statement made at the 1701st meeting, the representative of the United Kingdom said that although the questions of the Falkland Islands and of Belize had both been mentioned, he agreed with both the represen-

⁷⁹⁹ For the texts of relevant statements, see: 1696th meeting: Guyana*; Peru; 1697th meeting: Chile*; 1699th meeting: Trinidad and Tobago*; Yugoslavia; 1700th meeting: Algeria*; USSR.

⁸⁰⁰ For texts of relevant statements, see: 1696th meeting: Guyana*; Peru; 1697th meeting: Argentina*; 1698th meeting: Jamaica*; 1699th meeting: Indonesia; 1700th meeting: USSR, 1701st meeting: Sudan.

⁸⁰¹ 1699th meeting, paras. 127-136.

⁸⁰² For texts of relevant statements, see: 1696th meeting: Guyana*, 1698th meeting: Jamaica*, 1699th meeting: Trinidad and Tobago*.

⁸⁰³ 1698th meeting, paras. 105-110.

⁸⁰⁴ 1697th meeting, paras. 88-91.

tative of Argentina and the representative of Guatemala, that those questions could be best tackled on the basis of bilateral decisions. His country's policy had consistently been based on the interest of the inhabitants and the principle of self-determination.⁸⁰⁵

At the 1697th meeting, the Secretary-General of the Agency for the Prohibition of Nuclear Weapons in Latin America (OPANAL) stated that consideration by the Council of measures for the maintenance and strengthening of international peace and security in Latin America in conformity with the provisions and principles of the Charter should mean an effort to determine how the basic Principles and Purposes of the United Nations Charter could be fulfilled. He cited Article 1, paragraph 1, in which the United Nations had undertaken to maintain international peace and security; and Article 2, paragraph 4, under which Member States were to abstain from resorting to the threat or use of force.

As could be seen from its preamble, the Treaty for the Prohibition of Nuclear Weapons in Latin America, also known as the Treaty of Tlatelolco constituted a further contribution to the viability of those principles; to the ending of the arms race, and to general and complete disarmament under effective international control. That Treaty was the only valid example of a militarily denuclearized zone being established in an inhabited region of the planet.

After describing the provisions of the Treaty and the functions of OPANAL, he expressed the hope that the two Latin American States that had not yet signed the Treaty and the two signatory States that had not yet ratified it would soon be able to do so. Two of the four non-Latin American States with responsibilities for the Territories in the zone, the Netherlands and the United Kingdom, had signed and ratified Additional Protocol I of the Treaty, but the others had not. It would make a fundamental contribution to the peace and security of the region if the latter two States signed and ratified that Protocol. Two nuclear Powers, the United States and the United Kingdom, had signed and ratified Additional Protocol II, and China had taken an important step by committing itself to respect the denuclearization for warlike purposes of Latin America; but, the two other nuclear Powers had failed to sign that Protocol. It was to be hoped that the Security Council would join the General Assembly in requesting those States to sign that document.⁸⁰⁶

At the 1696th, 1698th, 1699th, 1700th and 1701st meetings, the representatives of Australia, China, Cuba*, Guyana*, Jamaica*, Kenya, Mexico*, Peru, USSR, United Kingdom, United States and Yugoslavia commended the Latin American countries for their contribution to the United Nations in the field of disarmament and in particular for their efforts to turn their area into a nuclear-free zone.

The representative of Jamaica*, Mexico*, Panama and Peru expressed the belief that the Security Council which, under the Charter, had the primary responsibility for the maintenance of international peace and security should urge States which could become Parties to the Treaty of

Tlatelolco, as well as those for whom the two additional Protocols were intended, to endeavour to take all the measures which depended on them so that the Treaty would rapidly be in force with the largest number of countries.

The representative of China stated that his country had supported the efforts made by the Latin American countries for the denuclearization of their area. On 14 November 1972, the Chinese Foreign Minister had declared that "..., China will never use or threaten to use nuclear weapons against non-nuclear Latin American countries and the Latin American nuclear-weapon-free zone, nor will China test, manufacture, produce, stockpile, install or deploy nuclear weapons in these countries or in this zone, or send her means of transportation and delivery carrying nuclear weapons to traverse the territory, territorial sea and territorial air space of Latin American countries."

The representative of the USSR stated that his country had been urging the creation of nuclear-free zones in various parts of the world which should effectively and realistically limit the sphere and the possibility of disposing of nuclear weapons. The USSR sympathized with the noble idea of creating a nuclear-free zone in Latin America on the condition that it should be free from nuclear weapons and did not contain any written reservations or tacit loop-holes for the violation of its nuclear-free status. The USSR could not ignore the fact that a major nuclear Power was maintaining in Latin America the option of transporting nuclear weapons and also that it kept them at numerous military bases. Turning the territory of Latin American countries into a zone completely free from nuclear weapons would be an important factor in strengthening peace and security in Latin America and throughout the world. The USSR had already declared its readiness to undertake to respect the Treaty of Tlatelolco as soon as other nuclear Powers, also, would undertake similar obligations. Of course, there should also be prohibited the transit of nuclear weapons through the territory of States Parties to the zone and also the conduct of peaceful nuclear explosions contrary to the terms of the Treaty on the Non-Dissemination of Nuclear Weapons. Finally, an agreement on a nuclear-free zone should not be extended to the vast reaches of the open sea in the Atlantic and Pacific Oceans. His country would reserve the right to review its obligations concerning the observation of the status of nuclear-free zones if any State in regard to which the USSR might have undertaken an appropriate obligation should commit an act of aggression or become an accessory to aggression.

The representative of Cuba* said that although the initiative to establish in Latin America a nuclear-free zone was a laudable one, Cuba had refrained from subscribing to the Treaty because the noble aims of it would be a pure pipe dream until it covered also the denuclearization of the only nuclear Power in the hemisphere.

The representative of Guyana* stated that his Government had acknowledged the great achievement represented by the Treaty of Tlatelolco. It was an achievement worthy, in the main, of the approbation of the Security Council as a practical step at the regional level towards the maintenance of international peace and security, which should inspire the emulation of other regions of the world so that ultimately at the international level it would be possible to

⁸⁰⁵ 1698th meeting, para. 126; 1701st meeting, para. 107.

⁸⁰⁶ 1697th meeting, paras. 96-115.

move from the stage of non-proliferation to total prohibition of nuclear weapons. But Guyana was not a signatory because it was said to be excluded by article 25 of the Treaty from accepting its obligations because of a prior dispute between an extra-continental country and a Latin American State, which had existed before Guyana attained independence. That exclusionary doctrine was taken from article 8 of the Charter of the Organization of American States. As with article 8 of the OAS Charter, while Guyana was being excluded by that unwarranted deviation from the principle of universality, it was the régime of denuclearization which the Treaty sought to establish that really suffered, because so long as a single State in Latin America was unable to accept the obligations of the Treaty its operation would be impaired, and, beyond the Treaty and its objectives, those exclusionary arrangements damaged the fabric of Latin American co-operation.

The representatives of Jamaica* and Kenya* expressed the hope that all impediments and anomalies which were pointed out by the representative of Guyana would be removed so as to enable every independent country in the region to become a party to the Treaty of Tlatelolco.⁸⁰⁷

At the 1696th, 1697th, 1698th, 1699th, 1700th and 1701st meetings, the representatives of Algeria*, Argentina*, Austria, Canada*, China, Chile*, Colombia*, Costa Rica*, Cuba*, El Salvador*, Guinea, Guyana*, Honduras*, India, Indonesia, Jamaica*, Kenya, Mexico*, Peru, Sudan, Trinidad and Tobago*, USSR, Venezuela*, Yugoslavia and Zambia*, addressing themselves to the question of the Panama Canal and the Canal Zone, stated that the Treaty of 1903, signed almost within two weeks of Panamanian independence, could not be regarded by any modern standards as normal, particularly when the circumstances under which it was signed were considered. It was an instrument which one party, the United States, interpreted as allowing it to deny Panama effective exercise of sovereignty on its entire territory. That unequal Treaty had recently been recognized as such by the United States Government, which had accepted that a far-reaching revision of its relationship with Panama was overdue. It was also understood that the United States was prepared to give up the concept of perpetuity.

It was the geographical situation of Panama which made it possible to build a navigable canal through its Territory linking the two oceans by the shortest possible way. Its geographical position was precisely Panama's principal natural resource. Panama had the inalienable right to recover its sovereignty over that natural resource and to use it for the good of its people.

The Council should support the aspiration of the Government of Panama to restore the territorial integrity of its country. No nation could accept an unnatural situation in which its Territory was split into two parts separated by an occupying foreign Power. The Canal Zone, which geographically, politically, economically and socially belonged to Panama, was a part of its Territory. Its occupation by the United States constituted a violation of

the territorial integrity of Panama as well as a constant source of tension and consequently a threat to peace and security in Latin America. The situation in the Canal Zone was in complete violation of the United Nations Charter. Any solution of that question should be based on the respect for the law and the search for justice and should be adopted in accordance with the principles of the Charter and mainly the principle of territorial integrity and the principle of sovereign equality of States. It should also safeguard the principle of freedom of international navigation.

The representatives of Chile*, China, Colombia*, Cuba*, Guinea and Peru stated that the situation in the Canal Zone could not be defined otherwise than as a colonial enclave and a colonial domination.

The representatives of Cuba* and Peru stated that the solution to the problem of the Panama Canal should guarantee a true peaceful use of the water-way to the benefit of the international community, through a neutralization of the Canal.

The representatives of China, Cuba*, Guyana*, USSR and Yugoslavia stated that foreign military bases stationed in the Canal Zone and elsewhere in the hemisphere could be used and indeed had been used for intervention in the domestic affairs of Latin American countries. These military bases should be removed as a contribution to the strengthening and the maintenance of international peace and security in the area.

At the 1699th and 1701st meetings, the representatives of Australia, France and the United Kingdom expressed the view that although the Treaty of 1903 contained features that were anachronistic and overdue for change, which was recognized by the parties directly concerned, it was not for the Council to enter into details or to dictate the terms of an agreement which was already under negotiation between Panama and the United States.

At the 1701st meeting, the representative of the United States stated that all mankind had been well served by the Panama Canal since its completion. Although the 1903 Treaty was still governing the basic relationship between Panama and the United States concerning the Canal, that relationship was significantly revised in the Treaties of 1936 and 1955. On both occasions the United States relinquished important rights and provided important new benefits for Panama. In 1964, the United States, recognizing that a comprehensive modernization should be undertaken, began negotiations with Panama, with three essential objectives in view: (1) the Canal should be available to the world's commercial vessels on an equal basis at reasonable cost; (2) so that the Canal should serve world commerce efficiently, the United States should have the right to provide additional Canal capacity; and (3) the Canal should continue to be operated and defended by the United States for an extended but specified period of time. His delegation, no less than others that had spoken, supported Panama's just aspirations. The United States negotiators had already recognized that: (1) the 1903 Canal Treaty should be replaced by a new, modern treaty; (2) any new Canal Treaty should be of fixed duration, rejecting the concept of perpetuity; (3) Panama should have returned to it a substantial territory now part of the Canal Zone, with arrangements for use of other areas. Those other areas

⁸⁰⁷ For texts of relevant statements, see: 1696th meeting: Cuba*; Guyana*; Mexico*; 1698th meeting: Jamaica*; 1699th meeting: Australia; China; Yugoslavia; 1700th meeting: Kenya; USSR; 1701st meeting: United Kingdom; United States; 1704th meeting: Panama.

should be the minimum required for United States operations and defence of the Canal, and would be integrated into the legal, economic, social and cultural life of Panama, on a time-table to be agreed upon; (4) Panama should exercise its jurisdiction in the Canal area pursuant to a mutually agreed time-table; and (5) Panama should receive substantially increased annual payments for the use of its territory relating to the Canal. Consequently, those who were attacking the 1903 Treaty were attacking a phantom foe. It was on the verge of being changed for the third time in 1967 and it would be changed again as negotiations between the two countries continued in a spirit of friendship and co-operation.

At the 1702nd meeting, the President, speaking as representative of Panama in exercise of the right of reply, stated that the purposes of the United States in the bilateral negotiations could not satisfy Panama. There was no logic in the affirmation that in order for the Canal to serve world trade efficiently, the United States should have the right to increase its capability. That was not in accord with Panama's legitimate aspirations to regain complete jurisdiction over its territory and to exercise its sovereign rights over its natural resources. The aim of ensuring that the Canal would continue to be "operated and defended" by the United States for an "additional period of time" was a subtle way of expressing the concept of perpetuity in figures. What Panama was seeking was a change in structure, not a change in wording. What there had been were American proposals designed to disguise, in perpetuity, the colonialist enclave. The Panamanian proposals which intended to put an end to the situation, had never been accepted by the United States. Basically, the United States wished to maintain the *status quo*. The Security Council should play a vital role in the solution of the problem and should not accept a false bilateral negotiation as genuine. While Panama wanted the two countries to negotiate, the world should be alert and vigilant so that the negotiations would really be that, and not the imposition of the will of the stronger. The situation between Panama and the United States was potentially explosive and liable to endanger international peace.

At the 1704th meeting, the President, speaking as representative of Panama, further stated that the situation of political and administrative dependency on a foreign Power in which part of Panamanian territory found itself resulted from the concession granted by Panama to the United States for a building of a canal to carry ships across the isthmus linking the oceans, which was embodied in the "Convention of the Isthmic Canal between Panama and the United States", signed in Washington on 18 November 1903. That instrument was an assault on the physical unity of Panama and turned it into a transected country. Panama was deprived of its main ports at the exit of the Canal and had been unable to benefit from the many possibilities offered to it by its geographical position in the exploitation of international trade. The overwhelming powers unequally assumed by the United States on Panamanian soil had created a colonial type of situation that was a burden to Panama, damaged its integrity and constituted a physical and political mortgage that could no longer be extended. The United States arbitrarily controlled the international ports adjacent to the Canal and insisted on unjustified trade competition when it continued the operation of the Panama Railroad across the isthmus. Furthermore, the

United States had assumed undue control over Panamanian air space and over the allocation of radio frequencies, and, in that respect, had arbitrarily assumed frequencies for official and public services, whose granting was normally the right of the sovereign of the territory, since the radio frequency spectrum was a common natural resource shared by all nations of the world, whose simultaneous use was limited in each case.

He pointed out that constant friction resulted also from the discrimination, both visible and disguised, that occurred in the administration of the Canal, predominantly in the granting of employment, salaries, pensions and other essentials. United States officials were exercising in that zone on Panamanian soil the functions of Government and imposing laws and regulations decided upon by their legislature. Thus, foreign judges handed down judgements on Panamanian citizens and other nationals. Consequently, it was easy to understand the repudiation by Panama of such a situation and the will of the Panamanian people to struggle by all means until an end was put to it. Proof of the explosive situation were the bloody events of 9 January 1964 which led to a breaking off of diplomatic relations with the United States. On that occasion Panama had accused the United States of aggression in the United Nations Security Council⁸⁰⁸ and in the OAS Council. Later both countries signed before the OAS Council a joint declaration in which both Governments agreed to undertake negotiations to eliminate the causes of conflict between them. Among those causes of conflict he mentioned the perpetuity of the Canal concession, the unilateral interpretation by the United States of the existing contractual stipulations and their *de facto* imposition on Panama, the exercise of United States jurisdiction over the Canal Zone, which had turned that Zone into a colonialist enclave, the installation of military bases for purposes other than protecting the Canal and the insufficient and unjust benefits derived by Panama from the interoceanic waterway. The Government and people of Panama had complete confidence that the Security Council possessed sufficient authority to settle the question in accordance with the principles of international law and justice and pursuant to the terms of Chapter VI of the Charter on the peaceful settlement of disputes.⁸⁰⁹

At the 1701st meeting, the Secretary-General stated that one issue of special concern to the Latin American countries was the question of the Panama Canal, which had been mentioned by every speaker. That problem awaited a solution that could only be based on the respect for the law and the search for justice. A solution would have to take into account the basic principles of the Charter such as the principles of territorial integrity, sovereign equality, the obligation to settle all international disputes by peaceful means and the principle that had become an accepted common standard, namely, that any State was entitled to

⁸⁰⁸ See *Repertoire of the Practice of the Security Council, Supplement 1964-1965*, chapter VIII, part II, pp. 99-100.

⁸⁰⁹ For texts of relevant statements, see: 1696th meeting: Colombia*, Cuba*, Guyana*, Mexico*, Peru; 1697th meeting: Argentina*, Chile*, El Salvador*; 1698th meeting: Costa Rica*, Jamaica*, Uruguay*, Venezuela*; 1699th meeting: Australia; China; Indonesia; Trinidad and Tobago*; Yugoslavia; Zambia*; 1700th meeting: Algeria*; Austria; Canada*; Guinea*; Honduras*; Kenya; USSR; 1701st meeting: France; India; Sudan; United Kingdom; United States; 1702nd meeting: Panama; 1704th meeting: Panama.

put to full use and for its own account all its natural potentialities. He appealed strongly to Panama and the United States to seek a solution in a spirit of friendship and confidence and further urged the members of the Council to seek an agreement that would help the parties concerned in their efforts towards a solution that would take into account the national aspiration as well as the legitimate rights and interests of the community of nations that were at stake.⁸¹⁰

At the 1698th meeting on 16 March 1973, the President speaking as representative of Panama introduced⁸¹¹ a draft resolution,⁸¹² jointly with Peru under which the Council, *inter alia*, would: (1) Take note that the Governments of Panama and the United States, in the Joint Declaration signed before the OAS Council on 3 April 1964, agreed to reach a fair and just agreement; (2) Take note further of the disposition shown by both Governments to conclude the following agreements: (a) To abrogate the Isthmian Canal Convention of 1903 and its amendments; (b) To conclude an entirely new Treaty regarding the present Panama Canal; (c) To respect Panama's sovereignty in all its territory; (d) To ensure the reintegration of the territory known as the Canal Zone with Panama, putting an end to said Zone as an area under United States jurisdiction; (e) To give back to Panama the jurisdictional prerogatives assumed by the United States in the so-called Panama Canal Zone, on the dates subject to negotiations; (f) To lay the groundwork for the assumption by Panama of full responsibility for the operation of the Canal; (3) Call upon the parties to execute promptly a new treaty including the agreements mentioned above; (4) Urge the United States and Panama to resume negotiations; (5) Declare that the effective neutralization of the Panama Canal would foster international peace and security and the maintenance of the peaceful use of the Canal by the international community; (6) Decide to propose the inclusion of the question of the neutralization of inter-oceanic canals in the agenda of the next regular session of the General Assembly.

At the 1702nd meeting on 20 March 1973, the President, speaking as representative of Panama, introduced⁸¹³ a revised text of the two-Power draft resolution⁸¹⁴ and announced that it was jointly submitted by Guinea, Kenya, Panama, Peru, Sudan and Yugoslavia. Under the revised text of the draft resolution, the Security Council would: (1) *Take note* that the Governments of Panama and the United States, in the Joint Declaration signed before the Council of the Organization of American States, agreed to reach a just and fair agreement, with a view to the prompt elimination of the causes of conflict between them; (2) *Take note* also of the willingness shown by those Governments to establish in a formal instrument agreements on the abrogation of the 1903 convention on the Isthmian Canal and its amendments and to conclude a new, just and fair treaty concerning the present Panama Canal which would fulfil Panama's legitimate aspirations

and guarantee full respect for Panama's effective sovereignty over all of its territory; (3) Urge the Governments of the United States and Panama to continue negotiations in a high spirit of friendship, mutual respect and co-operation and to conclude without delay a new treaty aimed at the prompt elimination of the causes of conflict between them; and (4) Decide to keep the question under consideration.

At the 1704th meeting on 21 March 1973, the six-Power draft resolution was voted upon and failed of adoption,⁸¹⁵ the result of the vote being 13 in favour, 1 against, with 1 abstention, the negative vote being that of a permanent member.

Speaking in explanation of vote, the representative of the United States stated that although his delegation agreed with much in the draft resolution, it had voted against it because all the matters involved were in the process of bilateral negotiations. It was inappropriate for the Council to adopt a resolution dealing with matters of substance in a continuing negotiation. Moreover, the draft resolution was unbalanced and incomplete and therefore subject to serious misinterpretation. Finally, it dealt with the points of interest to Panama but ignored the legitimate interests of the United States.⁸¹⁶

At the 1700th meeting on 19 March 1973, the representative of Peru introduced⁸¹⁷ a draft resolution⁸¹⁸ jointly submitted by Panama, Peru and Yugoslavia which he said reflected the serious concern over the future of peace and security on the continent threatened by the persistence of coercive measures intended to break the sovereign will of States or to affect their decisions.

At the 1702nd meeting on 20 March 1973, the President (Panama) announced that the delegations of Guinea, Kenya, Panama, Peru, Sudan and Yugoslavia were co-sponsors of the draft resolutions.⁸¹⁹

At the 1704th meeting on 21 March 1973, the draft resolution was put to the vote and was adopted⁸²⁰ by 12 votes in favour, none against and 3 abstentions.

It read as follows:⁸²¹

The Security Council,

Recalling General Assembly resolutions 1803 (XVII) of 14 December 1962 and 3016 (XXVII) of 18 December 1972 concerning permanent sovereignty over natural resources,

Reaffirming General Assembly resolution 2625 (XXV) of 24 October 1970, which states that no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind,

Further recalling General Assembly resolution 2993 (XXVII) of 15 December 1972 on implementation of the Declaration on the Strengthening of International Security, in particular paragraph 4 thereof,

⁸¹⁵ 1704th meeting, para. 66.

⁸¹⁶ *Ibid.*, paras. 68-80.

⁸¹⁷ 1700th meeting, paras. 202-205.

⁸¹⁸ S/10932/Rev.1.

⁸¹⁹ 1702nd meeting, para. 36. Once more revised as S/10932/Rev.2.

⁸²⁰ 1704th meeting, para. 124.

⁸²¹ Resolution 330 (1973).

⁸¹⁰ 1701st meeting, paras. 16-17.

⁸¹¹ 1698th meeting, para. 112.

⁸¹² S/10931. Incorporated into the official record of the 1698th meeting.

⁸¹³ 1702nd meeting, paras. 28-36.

⁸¹⁴ S/10931/Rev.1, *OR*, 28th yr., *Suppl. for Jan.-March 1973*, pp. 57-58.

Noting with deep concern the existence and use of coercive measures which affect the free exercise of permanent sovereignty over the natural resources of Latin American countries,

Recognizing that the use or encouragement of the use of coercive measures may create situations likely to endanger peace and security in Latin America,

1. *Urges* States to adopt appropriate measures to impede the activities of those enterprises which deliberately attempt to coerce Latin American countries;

2. *Requests* States, with a view to maintaining and strengthening peace and security in Latin America, to refrain from using or encouraging the use of any type of coercive measures against States of the region.

At the same meeting, the President (Panama) said that he wished to make a statement "with a view to summing up the main points of the discussions which the Security Council has held here."⁸²²

At the same meeting, the representative of Guinea, speaking on behalf of the members of the Council,⁸²³ said that as a result of consultations held among themselves they had agreed on a statement of consensus,⁸²⁴ which read as follows:

On 2 February 1973, the Security Council adopted resolution 325 (1973) in which it decided to hold meetings in Panama City from 15 to 21 March 1973 devoted to the consideration of measures for the maintenance and strengthening of international peace and security in Latin America in conformity with the provisions and principles of the Charter.

In accordance with that resolution, the Security Council held its 1695th to 1704th meetings in Panama City. During the course of these meetings, the members of the Security Council have listened with great interest to addresses by His Excellency General Omar Torrijos, Head of the Government of Panama, by representatives of Member States of the United Nations invited to participate in the Council's discussions pursuant to Article 31 of the Charter, and by several spokesmen for other United Nations bodies or inter-governmental organizations to whom invitations were extended in accordance with rule 39 of the provisional rules of procedure.

Before concluding their meetings in Panama City, the members of the Security Council wish to convey to His Excellency the President of the Republic of Panama and to the Head and other members of the Government of Panama their deep gratitude for the invitation issued to the Security Council and for the generous hospitality and unflinching courtesy and helpfulness extended to them at all times during their visit to Panama. They further wish to assure the Government and the people of Panama and in particular the authorities and population of Panama City, that the delegations of the members of the Council who came from New York and all those who accompanied them carry away with them an abiding memory of the warm welcome extended to them.

In addition, the members of the Security Council express to the Secretary-General of the United Nations their sincere appreciation for the outstanding contribution made by him and his staff to ensure a smooth and efficient functioning of the services required for the meetings of the Council.

COMPLAINT BY CUBA

By letter⁸²⁵ dated 13 September 1973, addressed to the President of the Council, the representative of Cuba

⁸²² 1704th meeting, para. 147. For the text of the President's statement see *ibid.*, paras. 147-164. For the application of the Provisional Rules of Procedure of the Security Council concerning the exercise of the Presidency of the Council, see in chapter I, part III.

⁸²³ *Ibid.*, paras 190-191.

⁸²⁴ *OR*, 28th yr., *Resolutions and Decisions of the Security Council 1973*, p. 4.

⁸²⁵ S/10995, *OR*, 28th yr., *Suppl. for July-Sept. 1973*, pp. 31-32.

requested an urgent meeting of the Security Council to consider the serious acts committed by the Armed Forces of Chile, which violated the obligations placed upon every Member State under Article 2, paragraphs 2 and 4 of the Charter. The situation created by these acts constituted a serious threat to international peace and security within the meaning of Articles 34, 35 and 39 of the Charter. In submitting this request, the representative of Cuba referred to his previous letter⁸²⁶ dated 12 September 1973, whereby he had transmitted a note from the Acting Foreign Minister of Cuba informing the President of the Council of what had occurred in Chile on 11 and 12 September.

At the 1741st meeting on 17 September 1973, the Council included the item in its agenda. Following the adoption of the agenda, the representatives of Cuba, Chile, Democratic Yemen,⁸²⁷ and at the 1742nd meeting thereof, Senegal, Madagascar⁸²⁸ and Algeria⁸²⁹ were invited, at their request, to participate in the discussion without the right to vote. The Council considered this item at its 1741st and 1742nd meetings on 17 and 18 September 1973.

At the 1741st meeting, the representative of Cuba*, referring to his two letters to the President of the Council, stated that on 11 September, during the military coup against the constitutional government of President Allende, several hundred members of the Chilean armed forces had surrounded the Cuban Embassy in Santiago and opened fire on it, wounding several members of the Embassy staff including the Ambassador. The siege, the armed attack against the Embassy and the attempted assassination of the Cuban Ambassador were gross violations of the Vienna Convention on Diplomatic Relations, specifically of its articles 22, 29, 30, 44 and 45 (a). He further charged that the Cuban merchant vessel *Playa Larga* had been attacked by Chilean aircraft and naval vessels while sailing in international waters off Chile. He also mentioned other incidents including the arbitrary arrest of two Cuban doctors participating in a programme organized by the World Health Organization and the Pan American Health Organization. He denounced these incidents and expressed his Government's concern over the fate of a number of Cuban citizens who were in Chile to fulfil bilateral agreements between the Governments of Chile and Cuba or to participate in activities planned by organizations within the United Nations system. In concluding his remarks he condemned the military regime that emerged from the coup of 11 September as a threat to all civilized peoples and attributed its rise to power to the interfering policies of North American imperialism, to the activities of powerful foreign monopolistic corporations, and to the involvement of the Chilean right.⁸³⁰

The representative of Chile* stated that the events about which Cuba had complained in its letter of 12 September had never threatened international peace and security. The first letter of 11 September had not invoked any Articles of the Charter defining matters that fell within the purview of the Council nor did it contain a request for a Council

⁸²⁶ S/10993, *ibid.*, pp. 30-31.

⁸²⁷ 1741st meeting. President's opening statement.

⁸²⁸ 1742nd meeting. President's opening statement.

⁸²⁹ *Ibid.* following the intervention by Australia.

⁸³⁰ 1741st meeting, Cuba, first intervention.