

Council or the General Assembly any situation that it felt was likely to endanger the maintenance of international peace and security, in accordance with the stipulation contained in Article 34 of the Charter of the United Nations. He further said that another important consideration in favour of inscribing the item on the Council's agenda had been that a meeting of the Security Council would give the international community an opportunity to be fully and authoritatively informed about the incident. He stated that his delegation had also supported the initiative of the non-aligned members of the Council to confine the debate to the parties directly concerned, without restricting the right of any Member State to participate; and that his delegation

was gratified that the Council would not be required to take any specific action at the end of the debate.¹¹

At the same meeting, the President of the Council observed that, while no participant in the discussion had defended the incident involving KAL Flight 858, all those that had taken part in the Council's debate had rejected attacks on civil aviation and deplored such attacks. He then stated that the Security Council would remain seized of the matter, and declared the meeting adjourned.¹²

¹¹*Ibid.*, pp. 49-51.

¹²*Ibid.*, p. 91.

33. LETTER DATED 11 MARCH 1988 FROM THE PERMANENT REPRESENTATIVE OF ARGENTINA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL AND COMMUNICATIONS REGARDING THE SITUATION IN THE REGION OF THE FALKLAND ISLANDS (ISLAS MALVINAS)

INITIAL PROCEEDINGS

Following a series of communications¹ addressed to the Secretary-General concerning the announcement by the United Kingdom of Great Britain and Northern Ireland of its intention to undertake military exercises in the Falkland Islands (Islas Malvinas) between 7 and 31 March 1988, the representative of Argentina, on 11 March 1988, addressed a letter² to the President of the Security Council requesting a meeting of the Council to discuss the situation created by that decision of the United Kingdom.

The Council considered³ the matter at its 2800th and 2801st meetings, held on the morning and afternoon of 17 March 1988. At the outset of the 2800th meeting, at their request, the Council invited to participate in the discussion, under rule 37 of the provisional rules of procedure, the representatives of Colombia, Costa Rica, Guyana, Mexico, Uruguay and Venezuela; in the course of that meeting, the Council further invited the representatives of Bolivia and Ecuador; and at the outset of the 2801st meeting, the Council invited the representatives of Guatemala and India. At the outset of the 2800th meeting, the Council invited under rule 39, at his request, the Acting 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 (Special Committee of 24).

At the 2800th meeting, the Minister for External Relations and Culture of Argentina stated that Argentina was not alone in its concern at the decision by the United King-

dom to conduct military manoeuvres on the Malvinas Islands: the Organization of American States, the Permanent Mechanism for Consultation and Concerted Political Action, composed of eight Latin American countries, and the Movement of Non-Aligned Countries had all expressed their concern. The British Government had decided to hold military exercises despite its own support for General Assembly resolution 41/11 of 27 October 1986, which declared the South Atlantic a zone of peace and cooperation. This was a clear expression of the United Kingdom's determination not to negotiate and not to settle its dispute with Argentina over the islands peacefully.

The United Kingdom had voted against General Assembly resolutions⁴ calling for a negotiated solution and had at the same time built up a demonstration of force in the islands. It was only open to negotiations that explicitly left aside the pivotal question of sovereignty. The British might argue that the two countries should begin with reciprocal confidence-building measures, but how could Argentina construe the establishment of reciprocal confidence by a country which, at the least explicable moment, had decided to carry out military manoeuvres in the disputed area? By contrast, Argentina, since the restoration of democracy in 1983, had made evident its determination to seek a negotiated solution; all Argentine initiatives, actions and behaviour since 1983 had been peaceful in nature.

The British attitude was in itself a threat to international peace and security because it disregarded negotiations as a basis for the settlement of disputes. The behaviour of the permanent members⁵ of the Council had a direct impact on the credibility of the collective security system; if a permanent member ignored the Charter what could be ex-

¹S/19500 from the representative of Argentina, dated 12 February 1988; S/19541 from the representative of the United Kingdom; S/19559 from the representative of Colombia on behalf of the countries members of the Group of the Permanent Mechanism for Consultation and Concerted Political Action (Argentina, Brazil, Colombia, Mexico, Peru, Uruguay and Venezuela), dated 29 February 1988; S/19564 from Argentina, dated 2 March 1988; and S/19579 from Argentina, dated 4 March 1988.

²S/19604.

³The Council included the item in its agenda under the heading "Letter dated 11 March 1988 from the Permanent Representative of Argentina addressed to the President of the Security Council (S/19604)".

⁴General Assembly resolutions 37/9 of 4 November 1982, 38/12 of 16 November 1983, 39/6 of 1 November 1984, 40/21 of 27 November 1985, 41/40 of 25 November 1986 and 42/19 of 17 November 1987.

⁵Several delegations participating in the debate referred to the special responsibilities conferred upon a permanent member of the Council in conjunction with its unique privileges and advantages, including Costa Rica (S/PV.2800, pp. 57-58), Venezuela (*ibid.*, p. 47) and Panama (S/PV.2801, pp. 27-31).

pected of other countries? The decision by the United Kingdom thus played into the hands of those who sought to discredit the United Nations.⁶

The representative of the United Kingdom recalled that in 1982, while the British and Argentine Governments were engaged in discussions about the Falklands, the islands had been suddenly invaded by over 10,000 Argentine troops. Subsequently, Argentina had ignored Council resolution 502 (1982) which called for the immediate withdrawal of all Argentine forces. The British Government, in consequence, had been obliged to exercise its right to self-defence under Article 51 of the Charter and to expel the invaders at a distressing cost to life. The United Kingdom would be in dereliction of its duty under Article 73⁷ of the Charter, he claimed, if it did not take the necessary steps to safeguard the security of the people of the islands and ensure that such a catastrophe could not happen again.

Argentina had made it clear that negotiations could only have one outcome: the annexation of the islands by Argentina. They did not want negotiations, but talks about a handover date. The British Government acknowledged and reciprocated Argentina's assurances of its commitment to resolve outstanding differences by peaceful means, and it respected and appreciated President Alfonsín's statements that he did not intend to resort to force. However, as long as Argentina maintained its claim to the Falklands, regardless of the wishes of the islanders, the United Kingdom must retain the capacity to deal with the unexpected.

Instead of choosing to install a large enough permanent garrison to ward off attack, the United Kingdom had opted to maintain the smallest possible garrison, with the means to reinforce it rapidly. The United Kingdom had made it clear that occasional reinforcement exercises would be necessary. The current exercise, which involved a small number of aircraft and fewer than 1,000 men, could in no way be construed as a threat to anyone. Moreover, British reinforcement capability had made it possible to halve the number of troops on the island, which was surely a contribution to the lowering of tensions rather than the opposite.⁸

The representative of Colombia stated that the issue of the Malvinas affected all the countries of Latin America, which unreservedly supported Argentina's claim to sovereignty over the islands. It was an obvious problem of decolonization which could have been resolved within the framework of the Charter but had, instead, become a hotbed of tension and conflict with repercussions throughout the region. It was not the size or intensity of the British manoeuvres that disturbed Colombia; it was the fact that the democratic Government of Argentina, which had made clear its intention to protect the interests of the islanders, could offer peaceful, bilateral dialogue with an open agenda and no preconditions, and be met with the deployment of force. Such vaunting of power was antithetical to

a climate of negotiations and peace. Colombia supported a comprehensive negotiated solution.⁹

The representative of the Union of Soviet Socialist Republics expressed his delegation's sympathy with Argentina's request for a meeting of the Council. The Soviet Union supported a peaceful settlement of the dispute. Moving British forces and arms into the Falklands (Malvinas) in order to test the feasibility of carrying out a large-scale military operation there, which was the purpose that had been stated in London, would not promote a political settlement.¹⁰

The representative of Peru stated, among other things, that the British manoeuvres must be viewed in the light of the decision by the United Kingdom of 29 October 1986 to declare a 200-mile zone around the Malvinas Islands within which it had set up a so-called interim fishing and administrative conservation zone. In the view of Latin Americans, sending foreign troops to the region to hold military exercises, regardless of their origin or deployment, was an unjustified intervention and infringement on the unity, security and sovereignty of Latin America.¹¹

The Acting Chairman of the Special Committee of 24 stated that the Malvinas Islands were a Non-Self-Governing Territory within the meaning of Chapter XI¹² of the Charter of the United Nations. He recalled that in 1965 the General Assembly had recognized the existence of a dispute with respect to sovereignty over the islands. Since then, the Assembly had repeatedly urged negotiations towards a peaceful settlement, bearing in mind the provisions of the Charter, the objectives of the Declaration on the Granting of Independence to Colonial Countries and Peoples and the interests of the population of the islands. The Assembly had also called upon the Secretary-General to conduct a mission of good offices to help the two Governments to resume negotiations, although conditions had not yet permitted the Secretary-General to carry out his mandate. The Acting Chairman of the Committee stated that an increased military presence in the region would worsen tensions instead of helping to create the necessary environment for negotiations towards a peaceful settlement.¹³

At the 2801st meeting, the representative of Italy emphasized the close relations maintained by his Government with both Argentina and the United Kingdom, and called for a negotiated settlement of the dispute.¹⁴

The representative of the United States of America expressed his Government's support for General Assembly resolution 42/19 requesting negotiations with a view to

⁹Ibid., pp. 21-23. Similar sentiments were expressed at the 2800th meeting by the representatives of Uruguay (pp. 26-27), Brazil (pp. 31-32), Peru (pp. 36-40), Mexico (pp. 48-53), Spain (pp. 54-56), Costa Rica (pp. 57-58), Venezuela (pp. 43-48) and Ecuador (pp. 61-62); and at the 2801st meeting by the representatives of Nicaragua (S/PV.2801, pp. 22-26), Panama (pp. 27-31), Bolivia (pp. 37-38) and Guatemala (pp. 38-43).

¹⁰S/PV.2800, pp. 32-36.

¹¹Ibid., pp. 38-39.

¹²Articles 73 and 74; see note 7 above.

¹³S/PV.2800, pp. 41-43.

¹⁴S/PV.2801, pp. 3-5. Similar views were expressed at the 2801st meeting by the representatives of Japan (pp. 5-6), Algeria (pp. 6-8), Nepal (pp. 8-11), the Federal Republic of Germany (pp. 11-13), Zambia (pp. 13-17), Senegal (pp. 17-18), France (pp. 21-22), Guyana (pp. 31-36), India (pp. 44-45) and Yugoslavia (pp. 46-47).

⁶S/PV.2800, pp. 6-15.

⁷Article 73 sets out the obligations of Member States administering Non-Self-Governing Territories towards the Territories' inhabitants.

⁸S/PV.2800, pp. 14-20.

finding a peaceful resolution. The United States had not taken a position of the question of sovereignty. Both parties to the dispute were its friends, and both parties had made efforts to resolve the dispute, although tensions obviously persisted. The United States believed that a more stable basis of mutual trust needed to be established, and that the initiation of direct talks could contribute to that objective.¹⁵

The representative of China stated that Argentina's claim to the Malvinas Islands should be respected by the international community, and he pointed out that the non-aligned movement and the Organization of American States had adopted resolutions on a number of occasions that supported Argentina's position regarding its sovereignty over the islands. China was concerned at the situation in the South Atlantic caused by the British military exercises in the Malvinas and hoped that the two parties would find a

fair and reasonable solution through peaceful negotiations.¹⁶

The representative of Nicaragua stated, among other things, that because the Malvinas were a colonial enclave its inhabitants were not entitled to self-determination.¹⁷ In a similar vein, the representative of Guatemala pointed out, *inter alia*, that both the General Assembly and the International Court of Justice had recognized that the principle of territorial integrity had primacy over the principle of self-determination in cases where colonial occupation had affected the territorial sovereignty of independent countries.¹⁸

Further statements by the representatives of the United States, Argentina and the United Kingdom followed,¹⁹ after which the President declared that the Council had concluded the present stage of its discussion on the item before it.

¹⁵*Ibid.*, pp. 18-20.

¹⁶*Ibid.*, p. 21.

¹⁷*Ibid.*, pp. 22-26.

¹⁸*Ibid.*, pp. 42-43.

¹⁹*Ibid.*, p. 48 (United States), pp. 48-53 and 59-61 (Argentina) and pp. 54-58 and 61-62 (United Kingdom).

34. LETTER DATED 17 MARCH 1988 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT MISSION OF NICARAGUA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

INITIAL PROCEEDINGS

By a letter¹ dated 17 March 1988 addressed to the President of the Security Council, the representative of Nicaragua requested a meeting of the Security Council to consider the serious situation created by threats and aggression against his country and by the decision of the United States Government to send American troops to Honduran territory.

At the 2802nd meeting, on 18 March 1988, the Council included the letter in the agenda. Following the adoption of the agenda, the Council invited, at the same meeting, the representatives of Colombia, Costa Rica, Honduras, Nicaragua and Peru, and at the 2803rd meeting, the representatives of Viet Nam and Zimbabwe, to participate in the discussion, without the right to vote, in accordance with the provisions of the Charter and rule 37 of the provisional rules of procedure of the Council. The item was discussed at the 2802nd and 2803rd meetings, on 18 and 22 March 1988.

At the 2802nd meeting, the representative of Nicaragua described the latest crisis resulting from the escalation of threats to his country and by the decision of the United States Government to send 3,200 troops to Honduran territory, which was in line with the United States policy in Central America, including financial aid to the Contra forces. He also gave an account of a Sandinista People's Army military operation that had started on 6 March, in the area 5 kilometres from the border with Honduras, intended to drive mercenary forces from Nicaraguan territory in an action of legitimate self-defence of its sovereignty and territorial integrity. The representative said that the President

of Nicaragua had contacted the President of Honduras and proposed a summit meeting; another meeting had been proposed between the heads of military forces of both countries and yet another, at the initiative of the President of Guatemala, of the Central American Foreign Ministers. The Government of Nicaragua had also formally requested the Secretary-General of the United Nations and the Secretary-General of the Organization of American States (OAS) to send a mixed technical mission to investigate *in situ* the recent border incidents on Nicaraguan territory, so that specific recommendations for the disarmament and withdrawal of the mercenary troops could be made.

Despite all the initiatives, a provocative bombing of Nicaraguan border territory by two United States aircraft had occurred. All this, the orator commented, was aimed at scotching the previously adopted agreements,² at sabotaging the forthcoming ceasefire negotiations, at creating the necessary climate for obtaining fresh funds of a 30-to-33-million-dollar aid package for the Contras in the United States Congress; at laying the ground for direct military intervention against Nicaragua; and at strengthening the United States of America's presence in Central America. The speaker concluded his address by appealing to the Government of Honduras to live up to the Esquipulas II Agreements, and urged the United States Government to comply with the ruling of the International Court of Justice of 27 June 1986.

The representative of Honduras repudiated the charges and claimed that the territory of his country had been attacked by Nicaragua using artillery and its air force. Nev-

¹S/19638.

²Esquipulas II Agreements, adopted at the San José Summit on 16 January 1988 (A/42/521).