

## Chapter IV

## Other colonial Territories

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## General aspects

In April 1982, Argentina and the United Kingdom alerted the Security Council to a deteriorating situation in the South Atlantic, where a dispute concerning sovereignty over the Falkland Islands (Malvinas) resulted in an outbreak of armed hostilities between the two countries. Despite Security Council action, intensive negotiations by the Secretary-General and mediation efforts by individual countries, fighting lasted until the military commanders of both sides signed a cease-fire agreement in mid-June.

On 4 November, the General Assembly requested the two parties to resume negotiations towards a peaceful solution of their sovereignty dispute and requested the Secretary-General to undertake a renewed mission of good offices to assist them in that task.<sup>(2)</sup>

The Falkland Islands (Malvinas), consisting of two large islands (East Falkland and West Falkland)

and some 200 smaller ones with a total area of about 12,000 square kilometres, lie in the South Atlantic, some 772 kilometres north-east of Cape Horn. The Falkland Islands (Malvinas) dependencies consist of South Georgia, situated about 1,300 kilometres east-south-east of the Falkland Islands (Malvinas) group, and the uninhabited South Sandwich Islands, some 756 kilometres east-south-east of South Georgia. At the census held in December 1980, the population of the Territory, excluding the dependencies, numbered 1,813, of whom just over 1,000 lived in Stanley, the capital on East Falkland.

The extent of progress towards self-determination and independence in other individual Non-Self-Governing Territories was again examined in 1982 by the General Assembly and its Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

For most of the Territories, the United Nations Secretariat prepared working papers for the Committee, outlining recent developments. The Com-

mittee, and usually its Sub-Committee on Small Territories, examined the situation in each Territory, hearing further information in most cases from a representative of the administering Power. A set of conclusions and recommendations was approved for each Territory, and these were set out in the Committee's report to the Assembly,<sup>(1)</sup> where the situation in the Territories was discussed mainly in the Fourth Committee.

Report <sup>(1)</sup>Committee on colonial countries, A/37/23/Rev.1. Resolution (1982). <sup>(2)</sup>GA: 37/9, 4 Nov.

## Status of the Falkland Islands (Malvinas)

Security Council action (April). In a letter to the President of the Security Council dated 1 April 1982,<sup>(126)</sup> the United Kingdom requested an immediate meeting of the Council, saying it had good reason to believe that Argentina's armed forces were about to invade the Falkland Islands. By a letter of the same date,<sup>(8)</sup> Argentina informed the Council that a situation of grave tension existed between it and the United Kingdom, citing news reports that British warships had been sent to the South Atlantic region because of a dispute involving Argentine workers in the South Georgia Islands.

At a Council meeting that day, the United Kingdom stated that an Argentine Navy cargo vessel was reported anchored on 19 March at Leith harbour, South Georgia—a dependency of the Falkland Islands—over which the United Kingdom had exercised sovereignty since its discovery by Captain Cook in 1775, that a large party of Argentines were setting up camp and that the Argentine flag had been hoisted. The Commander of the British Antarctic survey base on South Georgia told the men they had no right to land without seeking permission from the British authorities and ordered them either to seek the necessary clearance or to leave. While Argentina withdrew on 21 March all but about 10 of the party, purported to be non-military personnel working for a commercial company, an Argentine naval transport vessel arrived at the harbour on 25 March to deliver further supplies to the men ashore. When requested again to remove the personnel or request proper authorization, Argentina pressed on 28 March for talks on the wider sovereignty issue. The British efforts to engage that Government in the search for a diplomatic solution had been rebuffed. At the same time, it had noted Argentine press reports, supported by government statements, concerning the country's naval movements in preparation for operations in the South Atlantic; there had also been unauthorized flights over the Falklands on 30 March by at least two aircraft of the Argentine Air Force. The

United Kingdom rejected any attempt to change the situation by force and asked the Council to call on Argentina to refrain from the use of force.

Argentina told the Council that the United Kingdom's threat of the use of force against workers engaged in peaceful commercial activity in South Georgia constituted an act of aggression. Argentina did not seek that incident; the crisis resulted from the perpetuation of, and the irrational rejection of a search for a logical solution to, the colonial situation. Argentina said that during lengthy negotiations between the two Governments since the British seizure of the Malvinas by force in 1833, the United Kingdom had consistently rejected Argentine proposals, while Argentina provided uninterrupted assistance to the Islands' inhabitants. The Malvinas question, Argentina said, was that of the right of a State to territorial integrity; the principle of self-determination was inapplicable to that question because of the forced displacement and replacement of the islanders with subjects of the occupying Power. Argentina would not pursue negotiations without prior recognition by the United Kingdom of Argentine sovereignty over the islands. In the face of the latest act of aggression, Argentina asserted, it would be obliged to act in self-defence, to protect its territory and citizens.

Following consultations among the members of the Security Council, its President made the following statement at the end of the Council meeting on 1 April:<sup>(199)</sup>

"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 United States expressed its support for the statement and its readiness to help in the search for a diplomatic solution.

The Secretary-General left New York for Rome, Italy, on the evening of 1 April, on his first trip away from Headquarters since taking office in January. After presiding at a meeting of the Administrative Committee on Co-ordination at Rome, he travelled to Geneva, but left there for New York on 12 April, thus postponing official visits to Berne (Switzerland), Austria and Yugoslavia.

By a letter of 2 April,<sup>(127)</sup> the United Kingdom informed the Security Council President that Argentine armed forces were invading the Falkland Islands and requested an immediate meeting of the Council.

Following two meetings on 2 April, the Council adopted, by 10 votes to 1, with 4 abstentions, a resolution on 3 April,<sup>(195)</sup> demanding an immediate cessation of hostilities and a withdrawal of Argentine forces from the Falkland Islands (Malvinas). The Council called on the two Governments to seek a diplomatic solution to their differences and to respect the purposes and principles of the Charter of the United Nations. The text had been proposed by the United Kingdom and subsequently revised to include after each mention of the Falkland Islands a parenthetical reference to *Islas Malvinas*, the Argentine nomenclature for the islands in question.

Introducing the draft on 2 April, the United Kingdom condemned the Argentine invasion as a blatant violation of international law and as an attempt at imposing by force a foreign and unwanted control over 1,900 Falkland Islanders who had chosen in fair elections to maintain their links with the United Kingdom.

Argentina responded that the sovereignty question had been taken up directly with the United Kingdom but never with the islanders, and that it could not accept the description or interpretation of the events as given by the United Kingdom. It informed the Council that it had recovered on 2 April its national sovereignty over *Islas Malvinas* and its dependencies-South Georgia and the South Sandwich Islands-in self-defence against acts of aggression by the United Kingdom. It affirmed its readiness to negotiate, but stated that the sovereignty issue itself was not negotiable.

Argentina's Minister for External Relations and Worship told the Council on 3 April that the Malvinas question was a colonial issue; he rejected the British argument invoking the wishes of the local population, adding that the only inhabitants of the South Sandwich Islands and South Georgia were seals, while those of the Malvinas were largely British government officials or employees of the Falkland Islands Company, a colonial firm. Military preparations and the dispatch of warships to the region by the United Kingdom explained and justified Argentina's actions in defence of its rights.

Argentina considered it strange that the United Kingdom, the party which had taken the Islands through an illegitimate act of force, should call for the withdrawal of the Argentine troops which recovered the Malvinas for national sovereignty.

The United Kingdom, speaking in right of reply, asserted that the current crisis originated from Argentina's armed invasion of the Falklands, not from the relatively trivial incident of the illegal presence of 10 Argentine workers on South Georgia. To argue that this was not an invasion because the Islands belonged to Argentina, the United Kingdom stated, flew in the face of the fact that the United Nations-including the Committee on colonial countries-had accepted the United Kingdom as the administering Power. It contended that the people of the Falkland Islands were entitled to enjoy the protection of international law and to have their freely expressed wishes respected.

Prior to the vote on the United Kingdom draft, Panama asked for a ruling by the Council President on whether the proposed text fell under Chapter VI (relating to pacific settlement of disputes) or Chapter VII (breaches of the peace and acts of aggression) of the United Nations Charter, observing that, according to Article 27 of the Charter, a party to a dispute must abstain from voting in decisions taken under Chapter VI. The United Kingdom declared that Article 40 of the Charter applied to its proposal relating to a breach of the peace. The Council decided without objection that the matter fell under Chapter VII and proceeded to the vote.

Speaking in explanation of its negative vote, Panama said the text failed to recognize the colonial aspect of the problem; because the Malvinas were the sovereign territory of Argentina, it was wrong to speak of an invasion or a breach of the peace.

Poland, Spain and the USSR abstained in the vote, asserting that the text ignored the decolonization aspect. Also abstaining, China hoped that negotiations between the two parties would continue.

Among those voting in favour, France, Guyana, Togo and Uganda deplored the use of force in international relations, as did Ireland which called for a strict observance of the Charter and the principle of the peaceful settlement of disputes. Uganda and Zaire endorsed the position of the Movement of Non-Aligned Countries which recognized Argentina's claim to the Malvinas while urging negotiations between the two parties. Guyana, Ireland, Togo and Zaire stressed that their votes were not meant to prejudice the merits of the underlying problem.

During the Council debate on 3 April, Panama proposed, but did not press after adoption of the United Kingdom text, a draft resolution<sup>(3)</sup> calling

on the United Kingdom to cease its hostile conduct and refrain from the threat or use of force, and requesting Argentina and the United Kingdom to proceed immediately to negotiations based on respect for Argentina's sovereignty over the Malvinas Islands, South Georgia and the South Sandwich Islands. Spain said it could not support the text, which neglected to mention the violent action resorted to by Argentina.

At their request, Australia, Canada and New Zealand, on 2 April, and Bolivia, Brazil, Paraguay and Peru, on 3 April, were invited to participate in the discussion without the right to vote.

In the debate, Australia, France, Guyana, Ireland, Japan, Jordan, New Zealand, Togo and Zaire deplored the invasion as a violation of the Charter's provision on the non-use of force in international relations. Canada joined them in observing that Argentina acted in disregard of the appeals made by the Council and the Secretary-General.

Japan, New Zealand and Zaire feared that the armed action would increase the tension in the region and make the search for a peaceful solution more difficult; Australia, France and New Zealand called on Argentina to withdraw its troops. Australia, Canada, New Zealand and the United States supported the Council's call for restraint and the United Kingdom text.

Panama, however, expressed the view that an action carried out in assertion of national sovereignty over its own territory could not be considered an illegitimate use of force. It was joined by Bolivia, Jordan, Paraguay, Peru and the USSR in seeing a colonial situation. Brazil, Jordan, Uganda and Zaire also supported Argentina's claim to the Malvinas, while endorsing the principle of the peaceful settlement of disputes, and appealed to both countries to act with moderation.

Ireland and Togo stressed that their position was in relation to the immediate situation existing in the region, without passing judgement on the merits of the underlying issue. New Zealand hoped that negotiations would lead to a settlement that reflected the wishes of the inhabitants of the territory.

Communications (3 April-21 May). Between 3 April and 21 May, the President of the Security Council and the Secretary-General received a number of communications, mostly from Argentina and the United Kingdom. The United Kingdom also transmitted to the Council communications it had had with the Argentine Government through the Embassy of Switzerland at Buenos Aires; Argentina's responses were for the most part addressed to the Council President. (The following were addressed to the Council President except as otherwise noted.)

On 3 April,<sup>(104)</sup> Belgium transmitted a joint statement of 2 April by the 10 States members of

the European Community (EC) condemning Argentina's armed intervention in the Falkland Islands, and urgently appealing to that Government to withdraw its forces immediately, to refrain from the use of force and to continue to search for a diplomatic solution.

In a telegram of 5 April,<sup>(182)</sup> addressed to the Secretary-General, Dominica called for respect for the right of the Falkland Islanders to self-determination, and deplored Argentine acts of aggression as threatening to the sense of security of small States, particularly in the Caribbean.

On 9 April,<sup>(9)</sup> Argentina conveyed an 8 April communication from the United Kingdom declaring a 200-nautical-mile maritime exclusion zone around the Falkland Islands; Argentina also conveyed the text of its reply, by which it maintained that the United Kingdom's communication constituted "a notification of blockade", an act defined as aggression in the General Assembly's 1974. Definition of Aggression,<sup>(198)</sup> and stated that Argentina would exercise its right of self-defence under Article 51 of the Charter.

In a letter dated 9 April,<sup>(128)</sup> the United Kingdom stated that because Argentina continued to reinforce its armed forces in the Falkland Islands, it would establish a 200-nautical-mile maritime exclusion zone around the Falklands as from 0400 hours Greenwich mean time (GMT) on 12 April, beyond which time any Argentine warships and naval auxiliaries found within that zone were liable to be attacked by British forces.

Responding to Argentina's letter of 9 April, the United Kingdom, in a letter dated 11 April,<sup>(129)</sup> stated that its declaration of the maritime exclusion zone fell short of the concept of blockade as understood in international law. The Definition of Aggression cited by Argentina referred to the blockade of the coasts of another State and was therefore not relevant to the zone the United Kingdom had declared around its own territory; a more relevant portion of the Definition stated that the "first use of armed force by a State in contravention of the Charter shall constitute *prima facie* evidence of an act of aggression", it having been determined that Argentina had been the first to use armed force.

On 13 April,<sup>(105)</sup> Belgium transmitted a joint statement issued on 10 April by the EC members announcing their decision to apply a total embargo on the exports of arms and military equipment to Argentina and to prohibit all imports of Argentine origin into the Community; they called on other Governments to act likewise in order to ensure prompt and full implementation of the Council resolution of 3 April.

Expressing its concern about the possibility of an imminent outbreak of hostilities, Peru sent a telegram on 11 April to the Foreign Ministers of

Argentina, the United Kingdom and the United States, the text of which was transmitted to the Security Council on 12 April,<sup>(123)</sup> formally proposing a 72-hour truce between Argentina and the United Kingdom pending the exercise of good offices, accepted by both parties, being provided by the United States.

Responding to the Peruvian proposal by a telegram dated 13 April, which was transmitted to the Security Council that day,<sup>(131)</sup> the United Kingdom stated that since Argentina had initiated the armed confrontation, the first requirement for any solution was the withdrawal of Argentine forces from the Islands and their dependencies, in accordance with the Council resolution of 3 April. Argentina's reply to Peru, also transmitted to the Council on 13 April,<sup>(11)</sup> was that it had no intention of initiating or provoking hostilities; that it was the United Kingdom that committed an act of armed aggression by decreeing a naval blockade with the participation of warships and nuclear submarines; and that if the United Kingdom established a blockade it would respond in self-defence.

Saying that the situation was becoming more alarming by the hour, Peru again requested the United Kingdom by a letter of 14 April, which was transmitted to the Council the following day,<sup>(124)</sup> to agree to a 72-hour truce in order to create the optimal conditions for finding a diplomatic solution. The United Kingdom's reply, transmitted to the Council on 19 April,<sup>(132)</sup> was that the right conditions for a negotiated solution would exist only when Argentina withdrew its troops.

In a letter dated 12 April,<sup>(10)</sup> Argentina stated its readiness to withdraw its forces as called for under the 3 April Council resolution, on condition that the United Kingdom ceased hostilities and did not attempt to use the resolution to justify a return to the previous colonial situation; it also asserted that the United Kingdom had unilaterally taken a series of measures which constituted "economic aggression", thereby violating the 1974 Charter of Economic Rights and Duties of States,<sup>(197)</sup> and had induced other States to act likewise.

In a letter dated 13 April,<sup>(130)</sup> the United Kingdom referred to Argentina's letter of 12 April, stating that while it welcomed Argentina's preparedness to comply with the Council's call for the withdrawal of forces, that resolution had to be read as a whole, including the preamble which determined that Argentina had breached the peace; in violation of that resolution, Argentina had invaded South Georgia on 4 April and continued to increase its forces in the region. It rejected Argentina's charge of economic aggression and said it would continue to take all necessary measures in exercise of its right of self-defence.

By a letter dated 16 April,<sup>(5)</sup> the Secretary-General of the Organization of American States

(OAS) transmitted to the United Nations Secretary-General the text of a resolution adopted by the OAS Permanent Council at an extraordinary session held on 13 April, in which it offered its co-operation in the peace efforts already under way.

Panama, in a letter of 14 April,<sup>(118)</sup> reiterated its support for Argentina's position; expressed concern and indignation at what it called the punitive expedition by the United Kingdom whose naval combat forces, including nuclear submarines, were on their way to the Argentine territorial waters; and requested the Council President urgently to convene informal consultations among the Council members. The Minister for External Relations of Venezuela, in a statement of 13 April transmitted to the Council the next day,<sup>(171)</sup> reaffirmed his Government's solidarity with Argentina and deplored the fact that the alarming movement of British armed forces was being observed in silence by the Council, further accentuating the scepticism with which that body was viewed.

By a letter dated 16 April,<sup>(12)</sup> Argentina reaffirmed its readiness to comply with the 3 April Council resolution and claimed that the mobilization of the fleet and the blockade by the United Kingdom constituted acts of war and demonstrated that country's lack of readiness to comply with the Council's call for a cessation of hostilities; Argentina therefore had no alternative but to defend itself. In response, the United Kingdom, in a letter dated 20 April,<sup>(133)</sup> stated that it would continue to take whatever measures were necessary for self-defence in the face of Argentina's unlawful invasion of British territory and violations of the rights of the people of the Falkland Islands.

In a communique of 23 April to Argentina, which was transmitted to the Council the next day,<sup>(134)</sup> the United Kingdom declared that appropriate action would be taken against any Argentine aircraft or warships which threatened to interfere with the mission of the British forces in the South Atlantic, and that all Argentine aircraft, including civil aircraft engaging in surveillance of the British forces, would be regarded as hostile and dealt with accordingly. Argentina, in a letter dated 24 April,<sup>(13)</sup> stated that the communique demonstrated the British extension of its threat of aggression beyond a specific zone and even against civil aircraft, and its lack of intention to comply with the Security Council's call for a cessation of hostilities.

Argentina informed the Security Council by a letter of 25 April<sup>(14)</sup> that, while negotiations with the participation of the United States Secretary of State were still open, the British naval units and armed helicopters that day fired on an Argentine submarine at Grytviken and ground positions on

the South Georgia Islands for four hours until the defence capability of the small Argentine naval force stationed there was exhausted. In a letter dated 26 April,<sup>(135)</sup> the United Kingdom announced that its forces had re-established British authority on South Georgia on 25 April; that it had acted in self-defence; and that the only casualty was an injured Argentine seaman.

By a letter of 26 April,<sup>(184)</sup> Japan transmitted a statement of the same date by its Minister for Foreign Affairs calling for the immediate cessation of hostilities and withdrawal of Argentine forces, and expressing Japan's intention to make further efforts to prevent enlargement of the dispute.

Acting on a 19 April request by Argentina, the Permanent Council of OAS adopted a resolution on 21 April, transmitted the same day,<sup>(6)</sup> agreeing to convene on 26 April the Twentieth Meeting of Consultation of Ministers of Foreign Affairs of its member States to consider what it termed the grave situation in the South Atlantic.

On 26 April,<sup>(113)</sup> Cuba transmitted to the Secretary-General a communique issued that day by the Co-ordinating Bureau of the Movement of Non-Aligned Countries, which had met at Argentina's request. The Bureau reaffirmed its support for Argentine sovereignty over the Malvinas Islands, requested the parties to seek a peaceful solution of their dispute and said the use of force in international relations was contrary to the Movement's principles. The United Kingdom commented in a letter dated 28 April<sup>(137)</sup> that it shared the Co-ordinating Bureau's concern over developments in the region, and asserted that Argentina's use of force was contrary to the principles of the Movement as well as those of the United Nations Charter; it emphasized the right of self-determination of the Islands' inhabitants who, it noted, had expressed their wishes regarding their political status in free elections, as recently as October 1981. The letter carried an annex tracing the history of the settlement of the Falkland Islands from 1592 to 1981.

On 28 April,<sup>(175)</sup> the President of the Twentieth Meeting of Consultation of Ministers of Foreign Affairs of OAS transmitted a resolution adopted that day urging the United Kingdom to cease the hostilities and Argentina to refrain from taking any action that might exacerbate the situation. By that resolution, OAS also urged the two parties to call a truce and to resume negotiations, taking into account the Argentine sovereignty over the Malvinas and the interests of the Islanders, and urged the EC and other States to lift coercive political and economic measures they had taken against Argentina. In a letter dated 29 April,<sup>(138)</sup> the United Kingdom expressed surprise that the OAS resolution had failed to mention Argentina's armed invasion of the Falkland Islands or urge Argentina

to withdraw its forces, rejected the criticism against legitimate political and economic countermeasures, and reaffirmed the British sovereignty over the Territory and the right to self-determination of its inhabitants.

On 28 April,<sup>(136)</sup> the United Kingdom conveyed the text of its announcement on that date, declaring the establishment of a total exclusion zone around the Falkland Islands as from 1100 hours GMT on 30 April, the outer limit of which would be the same as for the maritime exclusion zone established on 12 April, and which would apply to any ship or aircraft, military or civil, operating in support of the illegal Argentine occupation; as of that time, the Port Stanley Airport would be closed and any aircraft on the ground in the Falkland Islands would be liable to attack. The United Kingdom asserted that its action was necessitated by Argentina's failure to comply with the 3 April Council resolution and the need to exercise its right to self-defence under Article 51 of the Charter.

Argentina, in a letter dated 28 April,<sup>(15)</sup> described as a new act of aggression the United Kingdom's declaration of a total exclusion zone; called the British use of armed force an unjustified act of reprisal aimed at restoring colonial occupation of the Argentine islands; and asserted that it was impossible for the United Kingdom to claim the right of self-defence, under Article 51, in islands situated 8,000 miles from British territory.

On 29 April,<sup>(16)</sup> Argentina conveyed the text of a message it had received from the United Kingdom announcing that all Argentine vessels, including merchant or fishing vessels, apparently engaged in surveillance of, or intelligence-gathering activities against, British forces in the South Atlantic would be regarded as hostile and dealt with accordingly; Argentina charged that by these acts the United Kingdom was unleashing a new colonialist war.

The United Kingdom, in transmitting that declaration on 30 April,<sup>(139)</sup> reasserted that the unprovoked attacks on, and the continuing illegal military occupation of, the British territory gave the United Kingdom the right to use force in self-defence. By another letter of the same date,<sup>(140)</sup> the United Kingdom responded to Argentina's letter of 29 April, describing as preposterous the allegation that the United Kingdom was unleashing a colonialist war and saying that it was Argentina that was attempting to subject the Islanders to alien domination and sweep away, by acts of aggression, their democratically chosen institutions and way of life.

On 30 April, Argentina issued a statement, which was transmitted that day,<sup>(17)</sup> declaring that as of that day all British ships, including merchant

and fishing vessels, operating within the 200-mile zone of the Argentine sea, of the Malvinas Islands, South Georgia and the South Sandwich Islands, would be considered hostile, and that any British aircraft, military or civil, which flew through Argentine airspace would be considered hostile and treated accordingly.

Referring to the United Kingdom's letter of 26 April, Argentina, in a letter dated 30 April,<sup>(18)</sup> said its forces continued their resistance on the South Georgia Islands, contrary to the United Kingdom's claim to the restoration of its authority in those territories; and asserted that, despite its declared intention to comply with the Security Council resolution of 3 April, the continuation of the United Kingdom's punitive actions compelled Argentina to exercise its right of self-defence which, under the Charter, allowed it to repel any armed attack endangering its territorial integrity and its existence as a State. In a letter of 1 May,<sup>(19)</sup> Argentina charged that United Kingdom aircraft had attacked Puerto Argentino (Port Stanley) in the Malvinas Islands at 0440 hours that day, in violation of the Council resolution of 3 April. The United Kingdom, in a letter dated 4 May,<sup>(145)</sup> refuted the allegations contained in Argentina's letters of 30 April and 1 May, stating that South Georgia had long been British territory and nothing in international law prohibited a State from exercising sovereignty over more than one island, irrespective of distance or their constitutional or other status; and that it was exercising its right of self-defence, not arrogating to itself "a police power" as Argentina claimed, in the face of Argentina's first use of force and confining illegal military occupation.

In another letter of 1 May,<sup>(20)</sup> Argentina reported having acted in self-defence and having repulsed successive attacks by the British Air Force against Puerto Argentino, during which two British aircraft had been shot down and a third hit; it added that the United Kingdom action was threatening to unleash an armed conflict of unknown dimensions and unforeseeable implications for international peace and security.

On 1 May,<sup>(141)</sup> the United Kingdom conveyed the text of a statement issued by its Ministry of Defence that day, stating that a total exclusion zone had been enforced since noon, London time, on 30 April, and that action had been taken on the morning of 1 May to deny the Argentines the use of the airstrip at Port Stanley. The Ministry, in a statement of 2 May transmitted the same day,<sup>(142)</sup> reported that before dawn on 1 May, British aircraft had damaged the runway at Port Stanley airfield and the surrounding military installations, as well as the airstrip at Goose Green and Argentine military aircraft parked in the vicinity; later that day Argentine aircraft had mounted ineffective bombing

raids on British ships and positions, sustaining loss or damage to four of their aircraft without causing the British side serious damage or casualties.

Brazil, on 1 May,<sup>(106)</sup> conveyed to the Security Council a 30 April communication from its Minister of External Relations to the Secretary-General, calling on the United Nations to take prompt and effective measures, including those of a preventive nature, to ensure implementation of the Council resolution of 3 April, in the light of the worsening crisis in the South Atlantic. Venezuela's Minister for External Relations issued a statement on 30 April, which was transmitted on 3 May,<sup>(172)</sup> regretting the 30 April decision of the United States, an OAS member, to support the British position in the conflict and saying that this development placed an even greater responsibility on the Security Council to ward off the possibility of war by having its resolution implemented in its entirety-which, he said, Argentina was ready to do, while the United Kingdom was not.

On 2 May<sup>(21)</sup> Argentina transmitted the text of a letter informing the Chairman of the Twentieth Meeting of Consultation of Ministers of Foreign Affairs of OAS that the United States was suspending military exports to Argentina and imposing a series of economic sanctions against it, while offering support in the form of matériel to the forces of the aggressor.

On 2 May, the British Defence Ministry announced that, at approximately 2000 hours London time that day, torpedoes fired from a British submarine had caused what was believed to be severe damage to the Argentine cruiser General Belgrano, which had posed a significant threat to the British task force maintaining the total exclusion zone; it announced on 3 May that at about 0400 hours London time that day British helicopters sunk one and damaged a second armed Argentine patrol boat which had fired on a British aircraft. Both statements were transmitted on 3 May,<sup>(143)</sup> stating that the actions had been taken in exercise of Britain's right to self-defence.

In a letter of 3 May,<sup>(22)</sup> Argentina stated that the General Belgrano, while positioned outside the 200-mile exclusion zone, had been torpedoed on 2 May by a nuclear-powered British submarine and sunk; the number of survivors among the 1,042 men aboard was not known. On 6 May,<sup>(24)</sup> Argentina conveyed a communique issued by its Joint General Staff, stating that its dispatch boat Alférez Sobral, while on a rescue mission, had been attacked by British helicopters on 3 May and had suffered considerable damage and some casualties. Argentina reported, in a communique conveyed by a letter of 7 May,<sup>(27)</sup> that eight of the ship's crew had been killed and six wounded in the attack.

The United Kingdom, on 4 May,<sup>(144)</sup> conveyed a statement issued by its Ministry of Defence that

day, announcing that its destroyer Sheffield had been hit within the total exclusion zone by an Argentine missile, had caught fire and had been abandoned by its crew; in a separate action that day over the Port Stanley airfield, one British aircraft had been shot down and the pilot killed.

Argentina confirmed, in a letter dated 6 May,<sup>(25)</sup> that its Air Force had attacked the Sheffield in self-defence. On 5 May,<sup>(23)</sup> Argentina conveyed two communiques issued on 4 and 5 May by its Joint General Staff, reporting that, following the British air raid on Puerto Argentino, it had carried out an air mission against the British task force situated 60 miles south-east of the Malvinas, and had shot down two intruding aircraft during a subsequent British air raid at Port Darwin.

Ireland issued a statement on 2 May, transmitted the next day,<sup>(115)</sup> expressing concern at the escalating military situation in the South Atlantic and emphasizing that the possibilities offered by the United Nations should be fully exploited and further military escalation avoided. In a further statement on 4 May, conveyed by a letter of the same date,<sup>(117)</sup> Ireland said that it was appalled by the outbreak of what amounted to open war in the South Atlantic; that the United Nations should become involved immediately to resolve the conflict; and that it would seek withdrawal of economic sanctions by EC, considering those measures to be no longer appropriate.

On 4 May, a call for a meeting of the Security Council was made by Ireland in a letter to the Council President,<sup>(116)</sup> and by Colombia in a telegram to the Secretary-General,<sup>(109)</sup> both calling for a cessation of hostilities. In the telegram, the President of Colombia expressed his support for the Secretary-General's peace-making efforts in what the former called the absurd dispute, condemned the military take-over of the Malvinas by Argentina and equally denounced the British attack on the Argentine cruiser General Belgrano outside the exclusion zone.

On 5 May, following consultations of the Council, the Council President issued the following statement:<sup>(200)</sup>

"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."

On 5 May,<sup>(114)</sup> Cuba transmitted to the Secretary-General a communiqué issued that day

by the Co-ordinating Bureau of the Movement of Non-Aligned Countries, which had met at Argentina's request, expressing regret at the loss of life in the conflict, reaffirming its support for Argentine sovereignty over the Malvinas, and appealing to the parties to find a peaceful solution in accordance with the Security Council resolution of 3 April.

On 6 May,<sup>(186)</sup> Saint Vincent and the Grenadines, as Chairman of the Latin American Group at the United Nations for that month, transmitted a statement issued by the Group on 5 May, expressing its regret at the increasing loss of life in the conflict, calling for a cessation of all hostile acts in the region and urging the parties concerned to initiate negotiations with a view to achieving a solution.

Denmark, Finland, Iceland, Norway and Sweden, by a letter of 6 May to the Secretary-General,<sup>(181)</sup> conveyed a joint statement they had issued on that date, in which they expressed regret that the hostilities had led to loss of life, appealed to both parties to comply with the Council resolution of 3 April and expressed support for the Secretary-General's efforts to resolve the conflict.

In a letter dated 7 May,<sup>(26)</sup> Argentina reported having received information from London, on the United Kingdom's decision to impose a blockade as of that date on every Argentine warship or military aircraft which departed beyond 12 nautical miles from the continental and island territory of Argentina; it asserted that this action demonstrated the British insistence on a military solution and desire to obstruct the diplomatic option then under consideration with the Secretary-General.

On 8 May,<sup>(146)</sup> the United Kingdom transmitted the announcement of 7 May by its Ministry of Defence referred to in Argentina's letter of the same date, stating that the announcement was aimed at reducing the possibility of misunderstanding about the United Kingdom's intentions with regard to how it would exercise its right of self-defence in the Falklands and to give further precision to the circumstances in which Argentine forces would be regarded as a threat.

In transmitting the text of that Ministry announcement, Argentina, by a letter dated 8 May,<sup>(28)</sup> asserted that this latest action by the United Kingdom constituted a qualitative escalation of its aggression against Argentina and proof of its bad faith in the diplomatic field at a time when the Secretary-General was engaged in a peace move known to the Council. On 11 May,<sup>(31)</sup> Argentina conveyed a communiqué issued that day by its Joint General Staff, stating that, in view of the United Kingdom's persistent aggressive attitude and in the exercise of its right of self-defence, it would consider as hostile and take appropriate



action against any vessel flying the British flag and navigating towards the area of operations or presumed to constitute a threat to Argentina's national security.

Peru, on 10 May,<sup>(125)</sup> transmitted a communique of 7 May, in which it considered as a matter of the utmost gravity the extension of the conflict to waters that were part of South American continental territory, repeated its call for a truce and expressed support for the efforts being made by the Secretary-General.

Argentina informed the Council, by a letter dated 9 May,<sup>(29)</sup> that at 0140 hours Argentine time that day British forces had carried out a simultaneous attack on Puerto Argentino and Puerto Darwin lasting 35 minutes, while the Secretary-General was taking steps with both Governments to reach a settlement. In a communique by its Joint General Staff, conveyed on 9 May,<sup>(30)</sup> Argentina announced that at 0921 hours that day a British aircraft had attacked and sunk a fishing vessel, *Narval*, engaged in normal fishing activity 66 nautical miles south of Puerto Argentino, and another British aircraft had machine-gunned the vessel's lifeboats.

The United Kingdom confirmed the attack on the *Narval* in a letter dated 10 May,<sup>(147)</sup> but rejected as groundless the allegation that its aircraft had machine-gunned the vessel's lifeboats; the *Narval* had been shadowing the British task force for some days within the total exclusion zone, and the documents found on board together with the presence among the crew of an Argentine naval officer constituted irrefutable evidence that the ship had been engaged in surveillance. Of the 25 people on board, it reported, 1 was killed and 13 injured, 1 seriously; the survivors would be treated and repatriated and the ship kept in the custody of the Royal Navy. By the same letter, the United Kingdom reported additional military activity on 9 May near the Port Stanley airfield, said that an Argentine helicopter had been downed over the Falklands later that day, and commented on Argentina's letters of 7, 8 and 9 May.

The Argentine Air Force issued a communique on 10 May listing the names of 10 dead and 4 missing and said that 18 others had been wounded as a result of the air battle of the Malvinas; the Argentine Joint General Staff, in a communique of the same date, announced that on 9 and 10 May its forces had repelled acts of aggression against Puerto Argentino and the airport area. Both communications were transmitted on 11 May.<sup>(32)</sup>

Argentina, on 12 May,<sup>(33)</sup> transmitted a communique by its Joint General Staff, announcing that one of its helicopters on a search and rescue mission in connection with the *Narval* had been shot down by British aircraft. In a letter dated 14 May,<sup>(149)</sup> the United Kingdom replied that there

had been no reason to believe that the Argentine helicopter had been on such a mission, as it had been flying towards the British task force, bearing no markings to suggest any role other than military.

The Argentine Joint General Staff, in a communique issued on 12 May and transmitted on 13 May,<sup>(34)</sup> reported that its aircraft had attacked and damaged two British frigates shelling Puerto Argentino, its land-based personnel had shot down a British helicopter in the area and two Argentine aircraft had been shot down in the action. The United Kingdom, in a letter dated 13 May,<sup>(148)</sup> said its Ministry of Defence had announced that on 12 May two Royal Navy ships in the course of enforcing the total exclusion zone had been attacked by Argentine aircraft, two of which had been shot down and a third had flown into the sea while taking evasive action; one of the British ships sustained comparatively minor damage.

On 15 May,<sup>(35)</sup> Argentina conveyed the following, dated 14 May: an Air Force communique listing two personnel as disappeared in combat; an announcement by the Joint General Staff that, following the sinking of the General Belgrano, 790 persons had been recovered, of whom 20 were found dead, while 301 persons remained missing; and another Joint General Staff announcement that two British aircraft had bombed Puerto Argentino on 14 May but were driven off by anti-aircraft fire.

On 14 May, according to an announcement of 15 May by the British Ministry of Defence transmitted that day,<sup>(150)</sup> British aircraft attacked Port Stanley airfield and associated military installations, and carried out that evening a raid on the Pebble Island airstrip on West Falkland destroying a number of aircraft on the ground and a large ammunition dump; all planes returned safely, it reported, with only two minor casualties.

The Argentine Joint General Staff announced on 15 May that British surface units shelled Puerto Calderón that day damaging three aircraft on the ground; the communique was transmitted by a letter dated 15 May,<sup>(36)</sup> pointing out that those acts of military aggression took place when the negotiations initiated through the good offices of the Secretary-General were in progress.

On 18 May,<sup>(37)</sup> Argentina conveyed four communications issued on 16 and 17 May by its Joint General Staff regarding a series of attacks carried out by the British task force, resulting in damage to three unarmed transport vessels supplying foodstuffs, medicines and fuel to the civilian population of the Malvinas Islands and damage to a number of civilian installations at Fox Bay; Argentina charged that these acts demonstrated the United Kingdom's hypocrisy in asserting its responsibility to protect the Islanders.

The United Kingdom replied in a letter of 20 May<sup>(151)</sup> that, contrary to Argentine assertions,

actions by British forces had been directed against military targets; Argentina could best demonstrate its concern for the population of the islands by withdrawing its forces. By the same letter, it transmitted a statement issued that day by its Ministry of Defence, reporting that the task force had bombed Argentine military positions near Stanley on 19 May and that no operational contact with the Argentine forces had occurred on 20 May.

Argentina, on 21 May,<sup>(38)</sup> conveyed live communiqués issued by its Joint General Staff concerning military developments: on 19 May it reported a bombing attack that day by two British aircraft 7 miles from Puerto Argentino; no warlike activity was recorded on 20 May apart from harassment shelling by a British surface unit near Puerto Argentino; later on 20 May it confirmed the sinking of the transport vessel *Isla de Los Estados*, which had been attacked a few days earlier; also on 20 May, it noted a report from Chile that a downed British helicopter had been found 18 kilometres south of Punta Arenas, Chile; and on 21 May it reported that its forces were resisting a British landing at Puerto San Carlos Bay.

The President of Panama, in a telegram dated 10 May<sup>(119)</sup> requesting the Secretary-General to intensify his "highly important moves" to achieve a peaceful settlement, condemned the United Kingdom's escalating aggression against Argentina as a collective affront to Latin America and asserted that the United Kingdom was seeking to establish a blockade without Security Council authority and had violated a number of international conventions and the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco).

In a statement transmitted to the Secretary-General on 11 May,<sup>(179)</sup> Austria appealed to all concerned to seek a peaceful solution of the conflict on the basis of the Security Council resolution of 3 April, and expressed support for the efforts of the Secretary-General to bring about a negotiated settlement.

By a letter dated 12 May to the Secretary-General,<sup>(173)</sup> Viet Nam transmitted a statement of 29 April by its Ministry of Foreign Affairs reaffirming its recognition of Argentine sovereignty over the Malvinas Archipelago and demanding that the United Kingdom implement the United Nations resolutions on decolonization of the Malvinas and stop its military acts against Argentina. In a statement of 4 May, transmitted to the Secretary-General on 13 May,<sup>(174)</sup> Viet Nam condemned the British acts of aggression and what it termed the complicity of the United States against Argentina, and demanded that those countries cease those acts and respect the sovereignty and territorial integrity of Argentina.

The Lao People's Democratic Republic, on 17 May,<sup>(185)</sup> transmitted to the Secretary-General a

statement issued on 12 May by its Ministry of Foreign Affairs condemning the United Kingdom's acts of aggression, supported by the United States, and demanding that Britain immediately cease its military operations in the Malvinas and respect Argentine independence and sovereignty.

The Foreign Minister of Costa Rica, in a communiqué of 15 May transmitted on 17 May,<sup>(111)</sup> recognized Argentine sovereignty over the Malvinas, but expressed regret that the claim had culminated in an act of force; urged both parties to halt their military activities and agree to a negotiated settlement; and expressed support for the Secretary-General's peace efforts.

Brazil's Minister for External Relations issued a message on 19 May, transmitted the same day,<sup>(107)</sup> reiterating his Government's support for the efforts undertaken by the Secretary-General and appealing for abstention from any military action that might thwart those efforts.

In a letter dated 20 May,<sup>(176)</sup> the Secretary-General informed the Security Council that, although substantial progress towards a diplomatic solution had been achieved in the preceding two weeks, the necessary accommodations needed to end the conflict had not been forthcoming. He added that, in his judgement, the efforts in which he had been engaged, with the support of the Council, did not currently offer the prospect of bringing about an end to the crisis nor of preventing the intensification of the conflict.

By a letter dated 21 May,<sup>(120)</sup> Panama requested a meeting of the Security Council, in view of the serious situation existing in the region of the Malvinas Islands and the Secretary-General's letter of the previous day.

Security Council action (May). In response to the request of 4 May by Ireland and that of 21 May by Panama, the Security Council met from 21 to 26 May.

Recounting his negotiation efforts, the Secretary-General informed the Council that he had met separately with the two sides and with the United States on 19 April and outlined to them the assistance the United Nations could render upon request. In another separate meeting with the two sides on 2 May, the Secretary-General proposed to them a series of measures that included simultaneous mutual withdrawal of forces and commencement of negotiations for a diplomatic solution. Some 30 additional separate meetings were held between 7 and 21 May so as to assist the parties in reaching an agreement along those lines.

He told the Council of his assessment that, at the end of the second week in May, essential agreement had been reached on the following points: the agreement sought would be of an interim nature, without prejudice to the rights, claims or

positions of the parties and it would include a cease-fire, phased mutual withdrawal of forces under United Nations supervision, termination of exclusion zones and economic measures, interim administration of the Territory under the United Nations authority, and negotiations towards a settlement under the auspices of the Secretary-General. Crucial differences remained, he reported, concerning certain aspects of the interim administration, the time-frame for completion of negotiations, the mutual withdrawal of forces and the geographical area to be covered by the terms of the interim agreement.

The Secretary-General informed the Council that, in his view, the drafts of an interim agreement—the United Kingdom's draft of 17 May and that of Argentina of the night of 18/19 May—which were exchanged through him, had failed to reflect the progress achieved previously. On 19 May, the Secretary-General spoke by telephone with the President of Argentina and with the Prime Minister of the United Kingdom to suggest certain specific ideas to assist the parties at that critical stage; both agreed to give them consideration. He subsequently presented to the two sides that same day a further *aide-mémoire* listing the points of agreement and disagreement and containing suggestions and formulations which he thought might satisfactorily meet their preoccupations on the unresolved issues without prejudice to the rights, claims or positions of either. By the evening of 20 May, the necessary accommodations had not been made, however, and the Secretary-General so informed the Council President at 9 p.m. that day.

The Secretary-General called for continued efforts to put an end to the conflict and the loss of lives, and reiterated his personal commitment to lend assistance towards the lasting solution of the problem.

Argentina asserted that its will to negotiate was constantly threatened by the British military aggression, and that the United Kingdom had introduced during the negotiating process new demands aimed at impeding the withdrawal of military forces from the region, rejected certain ideas on the maintenance of communications and certain services between the Islands and Argentina during the interim administration, and placed pre-conditions on substantive issues by insisting on a United Nations administration that would retain the colonial administrative structure. The United Kingdom, it added, also wished to maintain the provisional United Nations administration indefinitely, thus drawing out the negotiations for as long as the United Kingdom desired. Argentina had understood that an exclusively United Nations administration would be considered, while the Argentine flag flew in the Islands during the

brief period of the negotiations, expected to last approximately one year; it had been prepared not to place any pre-conditions on the negotiations in view of its confidence in its legitimate stand. It also stated that the United Kingdom would not accept any references to General Assembly resolutions concerning decolonization of the Malvinas, and had attempted to divide the Territory by submitting to negotiation only one archipelago while keeping the two dependencies.

The United Kingdom said it had given to the Secretary-General on 17 May its final position in the form of a draft interim agreement which showed its maximum flexibility without abandoning certain principles. It had been prepared to contemplate a parallel mutual withdrawal under United Nations supervision, followed by a short interim administration by the United Nations, Argentine representation in the Territory's democratic institutions and the presence of an Argentine observer during the interim period. Argentina's response was unsatisfactory, especially in its insistence on including the Falklands' two dependencies in the agreement and on unequal withdrawal of forces, its rejection of the continuance of the Territory's democratic institutions during the interim period, the idea of parity in numbers of advisers between the Argentine population of 30 and the British population of about 1,800 on the Islands, the requirement of freedom of access to residents and property during the interim period (which, the United Kingdom believed, would have allowed Argentina to change the demographic status of the Islands) and the formulation of how and when the negotiations should be concluded.

By a resolution adopted unanimously on 26 May,<sup>(196)</sup> the Security Council, reaffirming its resolution of 3 April, requested the Secretary-General to renew his mission of good offices; to contact the parties immediately in order to negotiate mutually acceptable terms for a cease-fire, including, if necessary, the dispatch of United Nations observers to monitor compliance; and to submit an interim report to the Council within seven days. The Council also urged the parties to the conflict to co-operate with the Secretary-General with a view to ending hostilities.

The text was introduced by Uganda, also on behalf of Guyana, Ireland, Jordan, Togo and Zaire.

Speaking in explanation of vote, China, Panama, Spain and the USSR said they would have preferred that Council order an immediate cease-fire. Spain added that the Secretary-General should have been given more specific terms of reference. Panama and the USSR said the text should have contained reference to the fundamental question of decolonization of the Malvinas. Panama also regretted that the text did not ask all

Member States to abstain from providing military supplies to either side. The United States offered assurances that it wished to live in peace with its neighbours in the hemisphere and pledged continued support for the Secretary-General's efforts.

The United Kingdom said it supported the draft for its reaffirmation of the resolution of 3 April, asserted that it would no longer accept a parallel troop withdrawal in view of the changed situation since the Secretary-General reported to the Council on 21 May, and named the withdrawal of Argentine troops as the only acceptable condition for a cease-fire. Argentina, participating without the right to vote, said the intransigence and pressures of more than one of the permanent members of the Council had prevented that body from calling for a cease-fire; it would enter the resumed negotiations without pre-conditions, but without giving up any of its rights.

The Secretary-General told the Council that the resolution's terms of reference might not provide him or the parties with sufficiently clear and precise guidance; as a first step in his new effort, however, he would urge both parties to recognize that a lasting solution could only be achieved through negotiations, the first requirement for which was a cessation of armed conflict.

Ireland, which had earlier submitted a draft,<sup>(1)</sup> subsequently joined the five non-aligned members of the Council in sponsoring the text finally adopted, which it called the revised version of its original proposal. The Irish proposal, while essentially the same as the one adopted, would have had the Council call for a suspension of hostilities for 72 hours as a first step in the Secretary-General's renewed mission, and mandate that mission to be consistent with its 3 April resolution and with the outline the Secretary-General had presented to it on 21 May. Ireland had introduced the draft, saying that the text sought to achieve a return to negotiations by successive stages of confidence-building measures, would give the Secretary-General a formal mandate from the Council, and help preserve the measure of agreement that the Secretary-General had already achieved; those negotiations, it added, should neither betray the principles which one side was defending nor ignore the sense of grievance of the other.

Similarly, Japan did not press to a vote a draft resolution<sup>(2)</sup> it had earlier proposed, saying that its main ideas had been incorporated in the consensus text adopted. The Japanese draft would have had the Council request the Secretary-General to renew his mission of good offices on the basis of his efforts as reported to the Council on 21 May, with a view to achieving the earliest cessation of hostilities, realizing a peaceful settlement of the dispute, and securing the implementation of the Council resolution of 3 April.

In addition to Argentina, States participating in the discussions without the right to vote were: Antigua and Barbuda, Australia, Belgium, Bolivia, Brazil, Canada, Chile, Colombia, Cuba, Ecuador, El Salvador, Equatorial Guinea, Federal Republic of Germany, Greece, Guatemala, Honduras, India, Indonesia, Italy, Kenya, Lao People's Democratic Republic, Liberia, Mexico, Netherlands, New Zealand, Nicaragua, Paraguay, Peru, Uruguay, Venezuela, Yugoslavia.

In the debate, most speakers expressed concern over the escalation of hostilities and the tragic loss of life, appreciation for the Secretary-General's efforts to negotiate a solution, and the need to abide by the provisions of the Charter of the United Nations concerning the non-use of force and peaceful settlement of disputes.

Spain and Togo listed the cessation of hostilities, negotiation and peace as the priorities of the Council's action, as did several other speakers who urged the Council to call for an immediate cease-fire. Jordan asserted that the Council should not resign itself to the role of onlooker while blood was being shed, and Brazil said the Council was duty-bound to prevent a worsening of the situation. Greece said the Council's prestige would be enhanced if it unequivocally condemned all invasions and breaches of the Charter provisions. Colombia asserted that the United Nations would emerge greatly weakened if it failed to enforce international law and maintenance of international peace and security, while the United States considered that the Organization had functioned in the crisis in the manner foreseen by its founders and its Charter.

Argentina said the United Kingdom had broken off negotiations by its negative reply to every Argentine proposal: Britain insisted on Argentina's remaining 150 miles from the Islands and on excluding the dependencies from negotiations, and rejected admission of Argentine citizens to the Islands during the interim administration or entrusting the General Assembly with the future of the Islands if the negotiations had not been concluded within a reasonable period. Several countries, among them Brazil, Cuba, Ecuador, Nicaragua, Panama, Uruguay and Venezuela, held the United Kingdom responsible for blocking the negotiating efforts. China said the negotiations had broken down due to a tough stand taken by the party with superior military strength. Bolivia asserted that any peace effort would be doomed to failure as long as the United Kingdom persisted in its equivocal stand. Panama and the USSR said the United Kingdom had resorted to the language of ultimatums and virtually broken off negotiations by resorting to the use of force.

The United Kingdom rejected the charge that it had issued ultimatums or that it had brought

the last round of negotiations to an unsuccessful conclusion, and stated that it had shown a maximum degree of flexibility without abandoning certain principles. Antigua and Barbuda believed the United Kingdom had made genuine attempts to reach a negotiated settlement. The United States said the United Kingdom had indicated its willingness to consider, but Argentina had rejected or chosen not to consider, first the United States proposal and subsequently the Peruvian peace plan, both based on the Council's 3 April resolution. New Zealand said it was Argentina's obduracy and rigidity that had frustrated and blocked the Secretary-General's efforts just when it looked as if an agreement was within reach.

Peru recounted its mediation efforts, including its introduction on 20 May of a new formula by which the two parties would separately agree to comply with those provisions of the Secretary-General's proposal on which there had been common ground; as that Peruvian plan had not been rejected by either party, Peru considered it desirable to preserve the gains the Secretary-General had achieved thus far. Ireland said the Council could not afford to lose what the Secretary-General had achieved in his negotiating efforts, and Mexico, Spain and Togo urged that the Secretary-General's proposal be taken up and built upon.

Indonesia and Uruguay proposed that the Council give the Secretary-General a formal mandate to resume negotiations, conserving the six points on which agreement between the two sides had been reached. Cuba, France and Italy also felt that the Secretary-General's negotiation efforts contained the key elements for a peaceful solution. In a similar vein, several countries, among them Colombia, El Salvador, Equatorial Guinea, Greece, Guyana, India, Ireland, Paraguay and Yugoslavia, favoured giving the Secretary-General a formal mandate to continue efforts. Chile, declaring its strict neutrality in the conflict, also favoured such a move. China hoped that the Secretary-General, with the support of the Council, would continue to play an active part.

Ecuador and Peru said the mandate to the Secretary-General should be wide-ranging, clear and practical. The Federal Republic of Germany, Guyana, Jordan, Uganda and Zaire believed the mandate should be based on the Council's 3 April resolution. Panama cautioned that such a mandate could be carried out only when there had been a cease-fire and a separation of forces.

A call for the full implementation of the Council's 3 April resolution was made by a number of speakers, among them Brazil, Colombia, Cuba, El Salvador, Italy, Japan and Jordan; in addition, Canada, France, the Federal Republic of Germany, Greece, Guyana, India, Indonesia, Jordan, the Netherlands, Paraguay, Uganda, the United

States, Yugoslavia and Zaire said that resolution continued to provide the basis for a diplomatic settlement.

Cuba and Peru were among those which called that resolution faulty for not recognizing the colonial origin of the problem, while Zaire said the text did not prejudice the substance of the problem concerning Argentina's claims over the Islands. Venezuela commented that, while complete compliance with that resolution by both sides would have made possible a peaceful settlement, the United Kingdom had violated the provisions by claiming to act in self-defence. Argentina and Panama shared that view, saying that the resolution should not have been understood as authorizing the United Kingdom to become the world's policeman and to use force. Mexico asserted that there was no case for invoking the right to self-defence to justify the use of force by either side because such an argument presupposed that the sovereignty question had been resolved; further, only the Council could take measures to maintain or restore international peace and security.

Australia said Argentina's invocation of paragraph 1 of the 3 April resolution in accusing the United Kingdom of hostile action was a perverted reading of that text, as that paragraph, it said, was directed to the state of armed conflict caused by the Argentine seizure of the Falklands. New Zealand shared that view, adding that Argentina set unacceptable pre-conditions to the implementation of that text. Belgium and Guyana urged Argentina to comply with the resolution.

The question of sovereignty and the right to self-determination was again raised in the debate. Citing decolonization resolutions by the United Nations or other intergovernmental bodies, the majority of Latin American countries, along with China, Equatorial Guinea, the Lao People's Democratic Republic, Poland, the USSR, Yugoslavia and Zaire, supported Argentina's territorial claim, while endorsing efforts to find a peaceful solution to the dispute. El Salvador asserted that Argentina's occupation of the Islands was in accordance with its lawful title to them, which led Panama to state that there had been no breach of peace on 3 April, when Argentina recovered the Islands.

Belgium and Kenya said territorial claims should not be allowed to override the interests of peoples in choosing democratically their own destinies. Australia considered that Argentina had been insistent on loaded arrangements in the Falklands which, if accepted, would lead to conceding its demand of sovereignty and ignoring the rights of the Falklanders; if Argentina's aggression was allowed to persist, it would itself amount to colonialism. In a similar vein, Kenya said Argentina could not claim any right to impose its own

form of colonialism on the Islands' inhabitants. New Zealand added that the two aggrieved parties in the crisis were the United Kingdom and the people of the Falklands. In contrast, Panama called it illogical to talk of the right to self-determination-the right of the oppressed-in the Malvinas case, when the inhabitants of the Islands were dependents of a British colonial company; to do so, Argentina said, would mean giving the colonizers an opportunity to legitimize their settlement in a territory that did not belong to them. Colombia, noting that the United Kingdom's policy of decolonization had allowed the independence of many countries by means of negotiations, believed it reasonable to expect that the Malvinas case could also be solved in that manner. Zaire also noted the United Kingdom's past record of decolonization, and wondered if the current problem arose not from the issue of decolonizing but from seeing its hand forced militarily in contravention of Charter provisions.

Uganda and Zaire, while supporting the Argentine claim of sovereignty over the Malvinas, rejected the use of force in international relations and called for a negotiated settlement. Kenya stated that the principle of the peaceful settlement of disputes had been brushed aside by Argentina, and added that the support of the non-aligned countries could not be invoked as support for aggression or military settlement. The Netherlands felt that Argentina's resort to force could not be justified in terms of international law. Antigua and Barbuda said that, as a small island State dependent for its security on the United Nations, it had to deplore Argentina's illegal use of force in seizing the Falklands in defiance of the Council. In a similar vein, Guyana rejected the attitude of those which held aloft the action of 2 April as an example to be emulated, and said aggression should not be rewarded.

The Council debate also centred around what had started the current conflict, with Argentina and its supporters pointing to what they called the United Kingdom's illegal possession of the Islands, and the United Kingdom and its supporters holding as responsible Argentina's illegal presence there.

Venezuela said the crisis was caused by the warlike conduct of the United Kingdom, which Nicaragua and Uruguay said had impeded Argentina from fully abiding by the Council's 3 April resolution. Poland deplored what it viewed as the unilateral escalation of hostilities on the part of the United Kingdom. Argentina, Bolivia, Nicaragua and Peru said no aggression should be rewarded, and that the act of aggression first committed by the United Kingdom against Argentina in 1833 thus needed to be resolved; Argentina added that colonialism was an act of force and permanent ag-

gression. Similarly, the USSR said the conflict had been caused by the United Kingdom's refusal to abide by the General Assembly resolutions on decolonization of the Malvinas.

Ireland said the immediate cause of conflict was not the underlying issue of sovereignty, but the effort by one side to resolve that dispute in its favour by the use of force in breach of the rule of law. Canada and Togo said Argentina had initiated the hostilities in occupying the Islands unilaterally, and Kenya rejected what it called the perverted reasoning by some that aggression started when the British forces moved to the Falkland Islands. Australia said that, since it was the Argentine invasion which had started the crisis, it must be an Argentine withdrawal that would end it; it was not the British obstinacy but Argentine recklessness that accounted for the widening conflict. Belgium, the Federal Republic of Germany and New Zealand spoke similarly.

Criticism of economic sanctions against Argentina was expressed by some, including Panama, Poland and the USSR, which called that measure a violation of the Charter. El Salvador called it an act of economic aggression. Nicaragua appealed to the EC countries to end their economic sanctions, asserting that their policy only strengthened Britain's warlike attitude; it commended Denmark, Ireland and Italy for deciding against extending the sanctions upon expiration. Belgium, rejecting the argument that Article 41 of the Charter gave the Security Council a monopoly on deciding on sanctions, said it had joined in the economic sanctions to demonstrate in specific form the grave view it took of Argentina's violation of the Charter as well as to support the diplomatic efforts then under way to find a negotiated solution. Canada said it was compelled to impose such sanctions in order to uphold the rule of law embodied in the Charter. Ireland said it decided not to extend its sanctions beyond 17 May, as it considered the measures part of the war rather than means of reinforcing a diplomatic effort for a peaceful settlement.

The Lao People's Democratic Republic, Panama and Peru deplored the United States pledge of political and material support to the United Kingdom.

The United Kingdom said that, contrary to certain assertions by Nicaragua and Panama, it was inconceivable that it would use nuclear weapons in the dispute with Argentina over the Falklands.

**Communications (22 May-2 June).** On 22 May,<sup>(39)</sup> Argentina transmitted to the Security Council six communiques issued on 21 and 22 May by the Joint General Staff of its Armed Forces reporting that, on 21 May, in response to an attack by United Kingdom forces in the San Carlos Channel of the Malvinas Islands, its forces had

damaged several British ships and aircraft while suffering the loss of six aircraft and three helicopters; in a second letter of the same date,<sup>(40)</sup> it specified that three British aircraft and two helicopters had been shot down, eight British frigates damaged, and a ninth sunk.

In eight communiques issued by its Joint General Staff between 22 and 25 May, transmitted on 25 May,<sup>(41)</sup> Argentina said that beginning on 22 May the United Kingdom had landed 2,000 men and matériel in the Puerto San Carlos area, eventually establishing a beachhead there, and that in the fighting a British troop carrier and frigate had been damaged and a Sea Harrier aircraft lost, while two Argentine aircraft had been shot down; it also reported that in separate actions a British aircraft had been shot down over Puerto Darwin on 22 May and another apparently downed over Puerto Argentino on 24 May.

In a communiqué of 26 May transmitted that day,<sup>(42)</sup> Argentina announced that its coastguard vessel *Rio Iguazú* had been attacked by two United Kingdom aircraft, that one crew member had been killed and two wounded, and that one of the attacking aircraft had been shot down. In a second communiqué of that date, also conveyed on 26 May,<sup>(43)</sup> Argentina said its aircraft had sunk the British destroyer *Coventry* and the aircraft transport vessel *Atlantic Conveyor*.

On 27 May,<sup>(45)</sup> Argentina transmitted a communique issued on 26 May by its Joint General Staff stating that 22 surface naval units and 30 aircraft of the United Kingdom had been affected by Argentine military actions taken in self-defence between 1 and 26 May; listed as sunk were the destroyers *Sheffield* and *Coventry*, the frigates *Ardent* and *Antelope*, an unidentified frigate and the *Atlantic Conveyor*; seriously damaged were three destroyers or frigates and a large carrier; damaged were 10 destroyers or frigates, a troop carrier and an unidentified vessel; and 21 Sea Harrier aircraft were reportedly shot down and 12 helicopters lost.

Five more communiques, issued by the Joint General Staff on 27 and 28 May and transmitted on 28 May,<sup>(46)</sup> described the following military actions: downing of two British helicopters and inflicting serious damage to two others; Argentine troops' harassment activities against the British forces reportedly hemmed into a pocket of some 150 square kilometres; some action on 26 May in the area of Puerto Argentino, Fox Bay and Puerto San Carlos without Argentine losses; bombing on 27 May of the British beachhead at Puerto San Carlos; and downing of a British aircraft in the course of British air attacks near Howard, Puerto Argentino and Darwin on 27 May. In the 28 May communique, Argentina called on the United Kingdom to cease on the Uganda all activities not related to the specific function of that hospital ship

and to remove it from the San Carlos Strait. On 29 May,<sup>(48)</sup> Argentina transmitted another communique of 28 May, reporting that in action near Darwin on that date its Air Force had shot down two British helicopters and damaged a frigate-type vessel.

In a communique issued on 30 May, conveyed on that date,<sup>(49)</sup> Argentina reported its total casualties between 2 April and 30 May as 82 dead, 106 wounded and 342 missing.

On 30 May, Argentina announced in four communiques forwarded on 31 May<sup>(52)</sup> that its Air Force had attacked and seriously damaged the main British naval force, putting out of action an aircraft carrier while suffering the loss of two of its aircraft; it further reported hostilities in the area of Puerto Darwin on that day, as well as in Puerto Argentino where it said two British aircraft were shot down and a third damaged.

Seven more communiques, issued on 31 May and 1 June by the Argentine Joint General Staff and transmitted on 2 June,<sup>(55)</sup> described further military action around San Carlos, Darwin and Goose Green; noted British troop movements near Puerto Argentino and reported the downing of a British aircraft there; announced a bombing attack by its Air Force on *Isla Soledad*; and updated its count of losses on the United Kingdom side through 31 May—25 Harrier aircraft destroyed, 22 helicopters destroyed or seriously damaged, one aircraft carrier out of action, two destroyers sunk and three damaged, two frigates sunk and eight or nine damaged, two landing craft damaged and one container ship (with the aircraft aboard) sunk.

In a letter dated 23<sup>(152)</sup> the United Kingdom reported the following military operations: on 20 May it bombarded military land targets, including Fox Bay on West Falkland; on 21 May, a major amphibious landing took place, unopposed, near San Carlos on East Falkland, as well as a series of landing raids and bombardments involving Goose Green and Port Stanley airfields and other areas, which resulted in some casualties and the loss of three helicopters and one Harrier aircraft; in an air-sea battle later that day, Argentina lost 20 aircraft while the United Kingdom suffered damage to four warships and the loss of the frigate *Ardent* in the night of 21/22 May; on 22 May, British aircraft attacked and damaged an Argentine patrol boat to the south of Port Stanley, and also attacked military installations in the Goose Green area.

Developments since 22 May were described in a letter from the United Kingdom dated 27 May<sup>(154)</sup> as follows: on 23 May three Argentine helicopters were destroyed in action over the Falkland Sound, while an Argentine attack on British ships in San Carlos Water resulted in the British frigate *Antelope* damaged (and sunk the following

day) and at least seven Argentine aircraft shot down; on 24 May, an air-sea battle in San Carlos Water left two British support vessels damaged and eight Argentine aircraft destroyed; and on 25 May, British aircraft continued their attacks on Port Stanley airfield while in several air-sea battles five Argentine aircraft were shot down and the British ships *Coventry* and *Atlantic Conveyor* were destroyed.

The Argentine Joint General Staff, in a communiqué issued on 26 May and conveyed the same day<sup>(44)</sup> said it had notified the United Kingdom that it could not guarantee the safety of the British hospital ship *Uganda*, whose presence near the zone of operations was interfering with the activities of the Argentine forces. The United Kingdom replied in a letter dated 28 May<sup>(155)</sup> that the *Uganda* was acting in accordance with the relevant Geneva Convention (Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of the Armed Forces at Sea, of 12 August 1949), that it had briefly entered Middle Bay of East Falkland on 27 May in order to take on board both British and Argentine casualties and that the ship could be inspected by the International Committee of the Red Cross (ICRC) at any time.

On 29 May,<sup>(47)</sup> Argentina conveyed the text of a 28 May communication it had transmitted to the United Kingdom through the Embassy of Brazil, stating that if by zero hours on 29 May the *Uganda* and other hospital ships had not withdrawn to a distance which left no doubt about their use, they would be treated as hostile vessels. In a statement issued on 30 May by its Ministry of Defence, transmitted the next day,<sup>(156)</sup> the United Kingdom rejected as unfounded Argentina's charge that the hospital ships were being used for military purposes, stated that it had notified Argentine authorities of the ships' movements, and declared its intention to use them when and where appropriate in accordance with the Geneva Convention, with a warning that any Argentine military action against them would constitute a breach of that Convention. In a letter dated 31 May,<sup>(51)</sup> Argentina stated its preparedness to allow ICRC officials to embark on hospital ships of both sides to confirm compliance with the Convention.

In a communiqué of 1 June, transmitted on 2 June,<sup>(53)</sup> Argentina announced that its hospital ship *Bahia Paraíso* would receive the wounded Argentines from Puerto Argentino and subsequently from the *Uganda*, at a place to be determined, before returning to Argentina. Also on 2 June,<sup>(54)</sup> Argentina conveyed three messages dated 26, 27 and 28 May, which it had transmitted to the United Kingdom through the Brazilian Government, in which it claimed having verified the military use of the *Uganda* and repeated its declara-

tion that hospital ships not having withdrawn to a certain distance would be considered hostile as of zero hours 29 May.

On 24 May,<sup>(188)</sup> the USSR transmitted a 23 May statement by its news agency TASS, charging that the United Kingdom was responsible for having caused the situation in the Falkland Islands (Malvinas) through years of opposition to the Islands' decolonization, and for having obstructed efforts to avert a military clash and abandoned negotiations despite Argentina's wish to continue them; further, the responsibility for the armed invasion was shared by the United States and others who had openly sided with the United Kingdom and encouraged a military solution; it concluded with a call for an end to the bloodshed and a return to negotiations.

Brazil, in a letter dated 24 May,<sup>(108)</sup> suggested the following points which it believed might form the basis of a Council resolution for peace: immediate cessation of hostilities,, simultaneous withdrawal of Argentine and British forces, appointment by the Secretary-General of a provisional administration for the Islands, and establishment under Article 29 of the Charter of a committee presided over by the Secretary-General and composed of the two parties and four other Member States, with the mandate of conducting urgent negotiations leading to a permanent settlement of the question.

In a statement of 23 May, transmitted the next day,<sup>(189)</sup> Uruguay recognized Argentina's sovereignty over the Malvinas, condemned the armed attack against the Islands, declared as unreasonable the invocation of the right of self-defence for that action,, and called for an immediate cessation of hostilities and a negotiated solution.

Suriname, by a letter of 24 May,<sup>(187)</sup> expressed support for Argentina's struggle to restore sovereignty, deplored the military and economic actions taken against Argentina and urgently called on the United Kingdom to withdraw its troops and resume negotiations.

Costa Rica issued a statement on 25 May, transmitted the same day,<sup>(112)</sup> saying that in the light of the deteriorating situation it was imperative that the Council call on the parties to cease warlike activities immediately and give the Secretary-General the broadest and clearest mandate to seek a peaceful settlement.

In a telegram dated 21 May,<sup>(183)</sup> Ecuador requested that the Council be convened, with the urgency required by the situation, in order to adopt measures for the immediate cessation of hostilities and achieve a peaceful solution to the problem.

Colombia transmitted on 26 May<sup>(110)</sup> the texts of letters exchanged between its President and the Prime Minister of the United Kingdom; in his let-



ter of 21 May, the Colombian President offered his Government's co-operation in whatever peace formula best met the interests of both sides; in her reply of 25 May, the British Prime Minister said the decision to end the conflict rested with Argentina which had resorted to force and that a compliance with the 3 April Council resolution for Argentine troop withdrawal was an essential first stage for a negotiated solution; she asked the Colombian President to help bring home that message to Argentina.

In a joint declaration made in New York on 24 May, which was transmitted the same day,<sup>(178)</sup> the Foreign Ministers of Argentina, Nicaragua, Panama and Venezuela rejected what they called the United Kingdom's military offensive against the South American continent; protested the British decision, as communicated to Uruguay, to extend military action to the River Plate; rejected the EC decision, with the exception of Ireland and Italy, to extend indefinitely its economic sanctions against Argentina; and expressed alarm that the Security Council had taken no action thus far to re-establish peace.

In a letter dated 25 May,<sup>(153)</sup> the United Kingdom replied that it had assured Uruguay of its intention not to engage in any military activities inshore of the line at the mouth of the River Plate as established by the Treaty of the Rio de la Plata of 1973 between Argentina and Uruguay and that it would not infringe Uruguay's rights and interests.

Argentina, on 31 May,<sup>(50)</sup> transmitted a resolution adopted at Washington, D. C., on 29 May by the Twentieth Meeting of Consultation of Ministers of Foreign Affairs of OAS. By that resolution, the Meeting demanded the immediate cessation of the British acts of war, expressed support for the mandate the Security Council had given to the Secretary-General, called for an end to military and economic moves against Argentina and reaffirmed the principle of the peaceful settlement of disputes. The same text was transmitted to the Secretary-General of the United Nations by the OAS Secretary-General on 29 May.<sup>(7)</sup>

The United Kingdom commented on the OAS resolution in a letter dated 1 June,<sup>(157)</sup> observing that the text did not refer to the Security Council resolutions of 3 April and 26 May, thereby failing to take into account the Argentine invasion of the Falkland Islands on 2 April and the Council's demand for the withdrawal of Argentine troops; rather than acts of war, as charged, the United Kingdom had taken proportionate measures in exercise of its right of self-defence. It said a peaceful settlement would permit the lifting of the economic measures against Argentina.

In his interim report<sup>(192)</sup> submitted on 2 June in response to the Council resolution of 26 May,

the Secretary-General said he had met separately with the parties on the day the Council adopted that resolution giving him a mandate to negotiate, and had requested each to provide within 24 hours a statement of the terms it considered acceptable for a cease-fire. Both sides complied but, after extensive exchanges with them continuing through the morning of 2 June, it was his judgement that the positions of the two sides did not offer the possibility of developing at that time mutually acceptable terms for a cease-fire.

Security Council consideration (June). The Security Council met on 2, 3 and 4 June, in response to a request made by Panama, by a letter of 31 May,<sup>(121)</sup> for the urgent convening of the Council to continue studying the situation in the Falkland Islands (Islas Malvinas).

Argentina, Brazil and Honduras, at their request, were invited to participate in the Council discussions without the right to vote.

Owing to the negative vote of a permanent member, the Council, on 4 June, by 9 votes to 2 (United Kingdom, United States), with 4 abstentions, failed to adopt a twice-revised draft resolution submitted by Panama and Spain,<sup>(4)</sup> by which the Council would have requested the parties to the dispute to cease fire immediately and to observe simultaneously the implementation of its resolutions of 3 April and 26 May. Further, the Council would have authorized the Secretary-General to verify compliance with the resolution, submit an interim report to the Council within 72 hours and keep the Council informed.

Spain had introduced the original draft on 2 June, saying that an immediate cease-fire could be followed by the withdrawal of the forces and speedy negotiations on full compliance with the Council resolutions. While it was joined by Panama in asking the Council to vote on the text that same day, a vote was postponed until the next day, 3 June, at Japan's request. The 2 June draft simply called for a cease-fire without it being linked to simultaneous implementation of the Council's April and May resolutions, an element which was added in the first revision put forward on 3 June.

When that revision was proposed and the United Kingdom requested time to give it consideration, Spain, also on behalf of Panama, asked for a two-hour suspension of the meeting until 3.30 p.m., to be followed by a vote on the text. Jordan requested a postponement until 5 p.m. in order to allow delegations to seek instructions from their Governments. The United States also appealed for more time for consultations, saying that the proposed revision substantially altered the substance of the text. Jordan's proposal of a postponement to 5 p.m., on which Spain requested action, was rejected by 5 votes to none, with 10 abstentions,

and the President declared the meeting suspended until 3.30 p.m. The meeting resumed at 6.10 p.m. only to adjourn until 4 p.m., 4 June, at the request of several members and with the consent of the sponsors of the draft resolution.

On 4 June, the sponsors made further revisions, authorizing the Secretary-General to verify compliance with the resolution, rather than with the cease-fire, and adding a request that he keep the Council informed concerning its implementation.

Explaining its vote against the resolution, the United Kingdom said the text did not make a direct and inseparable link between the cease-fire and immediate Argentine withdrawal within a fixed time-limit, and that its wording would enable Argentina to reopen the endless process of negotiation while leaving Argentine armed forces in illegal occupation of parts of the Islands. The United States said its veto affirmed the principle that force should not be allowed to triumph, but it wanted to record the fact that, if it were possible, it would have changed its vote to an abstention.

France, which abstained, considered it understandable that one of the parties to the conflict felt it essential to obtain certain safeguards against continued non-compliance with the 3 April resolution; consensus should have been reached regarding its effective implementation. Similarly, Guyana abstained, saying that, while Argentine non-compliance with the 3 April resolution was both the cause and consequence of the current level of armed hostilities in the South Atlantic, the text failed to make an explicit link between a cease-fire and withdrawal of Argentine forces within a clearly defined time-frame. Japan supported the resolution with the understanding that Argentina would withdraw its forces within a reasonable period of time.

Panama said the British veto had deprived the Security Council of a new chance to demonstrate its effectiveness, and had put that body back into a state of absolute impotence. Spain said the non-adoption of what it considered to be a highly balanced text represented a failure for peace. Ireland and Uganda felt the text clearly linked full implementation of the previous resolutions with the call for a cease-fire. Zaire supported the text as it called for the implementation of the previous Council resolutions. China also voted in favour, saying the Council should call for an unconditional cease-fire, resumption of negotiations and, at the same time, extend the Secretary-General's mandate.

In the Council debate, Argentina asserted that the United Kingdom was bent on re-establishing colonial imperialism in the Americas and ensuring its military predominance in the South Atlantic; it claimed Britain was proposing an interna-

tional security agreement on the Islands which would include the participation of United States forces. Argentina said the British Government had systematically rejected alternative formulae for a cease-fire and had insisted that it would not withdraw militarily until it had successfully repossessed the Islands, restored its administration of them, undertaken reconstruction and consulted with the inhabitants.

The United Kingdom told the Council that, while respecting the confidence of the negotiations carried out through the Secretary-General, an acceptance of Argentine pre-conditions would have led to more procrastination and evasion on Argentina's part. Reasserting that it was Argentina which had launched an act of aggression, and thus rejecting a call for an unconditional immediate cease-fire, the United Kingdom commended to the Council as essential elements of a cease-fire resolution the reaffirmation of the resolutions of 3 April and 26 May, reiteration of the demand for Argentine withdrawal and a call for a cease-fire to 'come into effect as soon as watertight arrangements existed for that withdrawal within a fixed period. It stated that the only reason for requiring adequate long-term security arrangements in the Falkland Islands was to shield the Islanders against the threat or actuality of further aggression.

Most speakers praised the Secretary-General's efforts to find a peaceful solution to the conflict and expressed frustration that his mission had not led to the cessation of hostilities. Panama said the domineering and intransigent attitude of the United Kingdom had prevented the Secretary-General from giving the Council an encouraging report. The USSR agreed, stating that the United Kingdom had virtually struck out everything positive that the Secretary-General had achieved, and had used the negotiating process as a smoke-screen for a military operation aimed at restoring colonialism on the Islands. China said that one of the parties, relying on its superior military strength, had no intention of effecting a cease-fire.

Also charging the United Kingdom with breaking off negotiations, Brazil asserted that the Secretary-General's chances of success had been limited by the vague mandate given him under the Council's 26 May resolution; it added that if the United Kingdom felt the 3 April resolution remained unimplemented, it should have returned to the Council, rather than assume unilaterally the task of ensuring implementation. Spain called it improper to refer exclusively to paragraph 2 of the 3 April resolution, which demanded the withdrawal of Argentine forces, when the resolution should be implemented in full.

Panama observed that the dispute had gone on too long, threatening international peace and secu-

rity, and Jordan said it was not too late to contain the conflict, save numerous lives and restore goodwill. Brazil and China both declared it time for the Council to decide on an immediate cease-fire.

Communications (2 June-August). On 4 June,<sup>(56)</sup> Argentina transmitted to the Security Council the text of an agreement adopted at Caracas, Venezuela, on 2 June by high-level government representatives of the Latin American Economic System, calling for the immediate discontinuation of what it termed the illegal coercive economic measures taken against Argentina by the United Kingdom and other States, extending to Argentina economic co-operation to deal with the effects of these measures and recommending formulation of a strategy to defend Latin American security and economic independence through greater regional economic integration and development.

The Argentine Armed Forces Joint General Staff issued a communique on 3 June, transmitted on 4 June,<sup>(57)</sup> reporting an exchange of artillery fire in the Mount Kent area, with no losses on its side. In two communiques of 4 June, transmitted on 5 June,<sup>(58)</sup> the Joint General Staff reported a decline in Britain's air operations, while its Air Force conducted intensive bombing raids in the Mount Kent area. Further communiques, conveyed on 6 June,<sup>(60)</sup> said that the British Defence Ministry's announcement of 3 June on damage to four of its naval units, including the destroyer Glasgow and the frigate Argonaut, demonstrated the truthfulness of Argentine reports which had previously been denied or not admitted by the United Kingdom; military activity remained limited on 5 June.

The relatively static military situation persisted until 7 June, according to three Argentine communiques issued on 6 and 7 June and transmitted on the latter date;<sup>(62)</sup> the Argentine hospital ship Bahia Paraíso transported wounded personnel from several points, including 47 from the British counterpart Uganda, to the Argentine mainland on 5 June, it was also reported. In two additional communiques issued on 7 June, forwarded the following day,<sup>(63)</sup> Argentina said that its ice-breaker Almirante Irizar was undertaking new duties as a hospital ship and that some exchanges with United Kingdom air and ground forces had taken place on 7 June.

A landing was attempted by the British forces near Puerto Argentino on 8 June, Argentina said in a communique of that date forwarded on 9 June,<sup>(65)</sup> and all four British naval craft involved in the operation were damaged by Argentine aircraft. A second landing attempt near Puerto Argentino later that day was reported in a 9 June communique transmitted on 10 June;<sup>(66)</sup> intense ground combat and violent artillery duels had

taken place near Mount Kent at 2230 hours, 8 June, and several British aircraft had been shot down or damaged on 9 June.

In a communique of 10 June, conveyed the following day,<sup>(68)</sup> Argentina stated that its Air Force had carried out numerous attacks on 9 June in the Fitzroy area, its Army had conducted artillery attacks in the Mount Kent vicinity, and Britain's 8 June landing attempt had been repulsed. In a second communique of 10 June as well as two issued on 11 June, all of which were transmitted on 12 June,<sup>(69)</sup> Argentina reported on continued military activities as well as evacuation of the wounded by hospital ships and charged that United Kingdom reports were minimizing British losses while exaggerating Argentina's.

Argentina reported heavy fighting on 12 June near Puerto Argentino following a landing at daybreak of approximately 4,500 British troops, armed with sophisticated weapons, which managed to penetrate Argentine defence lines by 3.5 kilometres; the details were provided in two communiques issued that day and transmitted on 12 June<sup>(72)</sup> and 13 June.<sup>(75)</sup> There were no infantry confrontations that night or the morning of 13 June, according to an Argentine communiqué of 13 June conveyed by a letter dated 14 June.<sup>(77)</sup> In two more communiques transmitted by that same letter, three by a second letter of 14 June<sup>(79)</sup> and two more by a third letter of that date,<sup>(80)</sup> all issued on 14 June, Argentina described heavy fighting in the hills outside Puerto Argentino and the continued advance of United Kingdom troops, followed by a de facto cease-fire; talks between the military commanders of the two sides were reported to have taken place at 1600 hours, 14 June.

In a communique of 16 June, transmitted on 17 June,<sup>(82)</sup> Argentina presented its analysis of the fighting at Puerto Argentino that led to a de facto cease-fire at 1500 hours on 14 June, and said that the United Kingdom had broken its defences in a pre-dawn attack with the aid of high-technology weapons, including infra-red equipment for night viewing, portable missile-launchers and laser aiming systems; that consequently the Malvinas had been transformed into a test site for these weapons, many of which were unknown even on the international arms market; that the fact that this market had been closed to Argentina had a basic impact on the outcome; and that the United States had provided logistical support.

Argentina said in a letter dated 6 June<sup>(59)</sup> that the United Kingdom had acknowledged the presence on 27 May of the Uganda in a place where fighting had been going on and had further reported that a British vessel had boarded and inspected the Argentine hospital ship Bahia Paraíso without finding any violations of the Geneva Convention; by the same letter, it transmitted a com-

muniqué of 5 June which said that the two ships had had a rendezvous on 4 June in order to transfer wounded personnel.

In a letter dated 10 June from its Foreign Minister to ICRC, which was transmitted to the Council on 12 June,<sup>(70)</sup> Argentina said it had inspected the United Kingdom hospital ship *Hydra* on 7 June and was analysing information to the effect that military spare parts had been found on an aircraft delivering medical supplies to that ship.

On 12 June,<sup>(71)</sup> Argentina conveyed two communiques issued on 11 and 12 June reporting that on 11 June its hospital ship *Bahia Paraíso*, which was moored in the Puerto Argentino area with crew, injured personnel and ICRC officials aboard, was nearly hit by two missiles fired by British aircraft, and that indiscriminate bombing in the harbour area had resulted in two civilians killed and four wounded; Argentina asserted that the modern weapons systems used by the United Kingdom ruled out the possibility that the incident had been caused by an error. Argentina's protest on the attack on its hospital ship was conveyed in an 11 June letter, transmitted through Brazilian authorities to the United Kingdom; the text of the letter was sent to the Council on 12 June.<sup>(73)</sup>

In two communiques issued on 12 June and transmitted the same day,<sup>(74)</sup> the Argentine Joint General Staff announced that its Air Force had attacked and put out of action a United Kingdom frigate, which it said was bombarding the civilian population of Puerto Argentino, and provided the identities of civilians wounded or killed there by British naval units the day before. It announced in a communique of 13 June, transmitted that day,<sup>(76)</sup> that it had further protested to the United Kingdom Government through the Brazilian authorities the bombardment of the hospital ship and of the civilian population, calling it inappropriate for the British Government to expect Argentina to assume responsibility for the protection of the civilians which the British forces were attacking.

In a letter dated 17 June,<sup>(161)</sup> the United Kingdom refuted Argentina's allegations concerning the attack on Port Stanley, saying that its forces had been instructed to keep clear of the hospital ship and pointing out that under the relevant Geneva Convention such ships acted "at their own risk" during a military engagement; the ultimate responsibility for incidents such as the alleged civilian casualties at Port Stanley, on which it awaited authoritative reports, lay with Argentina which had resorted to an act of unprovoked aggression on 2 April and which should have arranged for the evacuation of civilians and facilitated access by ICRC.

In response to press reports that captive Argentine soldiers had been compelled to locate and

deactivate explosives in the area of Goose Green and Port Darwin, Argentina issued a communiqué on 5 June, transmitted on 6 June,<sup>(61)</sup> saying that, if confirmed, such action would constitute a violation of the Geneva Convention relative to the Treatment of Prisoners of War. In a communique of 7 June, conveyed on 8 June,<sup>(64)</sup> Argentina announced that the United Kingdom had replied through Brazilian authorities that a box of munitions had exploded while in transport, killing five prisoners and injuring seven others; further clarification was being sought, Argentina said, in order to prevent the recurrence of such actions.

In a letter dated 11 June,<sup>(158)</sup> the United Kingdom said it knew of no facts to support reports or Argentine allegation that prisoners were made to clear minefields but was investigating the matter, denied that its account of prisoner casualties communicated to Argentina implied a violation of Geneva Conventions, asserted that its treatment of prisoners was in full accord with those Conventions, and added that further loss of life could be avoided if Argentina agreed to an immediate withdrawal of its forces from the Islands according to a firmly agreed timetable.

Replying to an ICRC request for information, in a letter of 8 June transmitted on 11 June,<sup>(67)</sup> Argentina said the development of the hostilities, the imposition of the exclusion zone and the indiscriminate attacks on population centres prompted it to declare that the United Kingdom bore sole responsibility for the consequences that might result from certain shortages and limitations in meeting the needs of the civilian population of the Malvinas. In another letter to ICRC, transmitted to the Council on 14 June,<sup>(78)</sup> Argentina said that on the basis of talks with ICRC representatives on 10 and 11 June, and in accordance with the relevant Geneva Convention, it was designating an area around the cathedral in Puerto Argentina as a neutral zone for the shelter of civilians, the sick and the wounded.

On 14 June, Brigadier-General Mario Benjamín Menéndez, the Commander of Argentine Land, Sea and Air Forces in the Malvinas, signed an Instrument of Surrender with Major-General Jeremy J. Moore, Commander of the British Land Forces in the Falkland Islands, to enter into effect from 2059 hours local time (2359 hours GMT) on that day. The text of the Instrument, transmitted by the United Kingdom on 17 June,<sup>(160)</sup> stated that the surrender was to include those Argentine Forces deployed "in and around Port Stanley, those others on East Falkland, West Falkland and all the outlying islands".

Argentina, on 17 June,<sup>(81)</sup> transmitted communications it had exchanged with the United Kingdom through the Brazilian authorities. In a message delivered on 15 June, the United Kingdom

expressed its readiness to commence repatriation of Argentine personnel, provided it received assurance of a total cessation of hostilities and a guarantee of safe passage for ships and planes used for that purpose; once total cessation of hostilities was confirmed, the United Kingdom would propose lifting economic measures and exclusion zones instituted by both parties and would ask other nations to lift their economic sanctions against Argentina. In response, Argentina stated its readiness to receive its personnel as soon as possible and hoped that the United Kingdom would apply the procedure used during the conflict with the co-operation of Uruguay and ICRC, but that any attempt to impose conditions of a political nature would be unacceptable.

In a communiqué issued on 17 June and transmitted the following day,<sup>(85)</sup> Argentina reported that a total of 549 wounded personnel had been transported from the Islands to the mainland since the conflict had begun and that the transfer operation was continuing normally.

In a letter of 17 June,<sup>(83)</sup> Argentina charged that the United Kingdom warship *Endurance* had threatened to use force to remove Argentine personnel from the scientific station "Corbeta Uruguay" which Argentina had maintained on an island in the South Sandwich archipelago since 1977 and which constituted no military threat.

In a letter dated 18 June,<sup>(84)</sup> Argentina stated that on 14 June the Commander of the Argentine forces defending the Malvinas Islands had had to surrender, owing to the military superiority of the British forces; a total cessation of hostilities would be achieved, it said, only when the United Kingdom lifted its military blockade and economic sanctions against Argentina and withdrew its military forces from the Islands. It stated further that only negotiations within the United Nations framework could lead to a final settlement of the dispute and eliminate a situation of illegal colonial domination by force.

Argentina informed the Council, by a letter dated 19 June,<sup>(86)</sup> that United Kingdom helicopters had fired shots at the "Corbeta Uruguay" station that day in violation of the cessation of hostilities. The United Kingdom replied in a letter dated 21 June<sup>(162)</sup> that its forces had recovered possession of the South Sandwich Islands, over which it had first proclaimed its sovereignty in 1775, and that 11 Argentine naval and air force personnel at the illegally-established station had formally surrendered on 20 June without any shots having been fired by British forces. Argentina responded in a letter of 24 June<sup>(87)</sup> that it had never accepted the British claim to sovereignty over the South Sandwich Islands; that the unarmed personnel at the "Corbeta Uruguay" were scientific personnel of the Argentine armed forces, which were respon-

sible for all Antarctic and sub-Antarctic logistical operations; and that this station was officially registered with the World Meteorological Organization and recognized as an Argentine station.

In a letter dated 23 June,<sup>(163)</sup> the United Kingdom, referring to the Argentine letter of 18 June, asserted that it was none other than Argentina which had committed an act of aggression; rejected Argentine attempts at imposing pre-conditions for a total cessation of hostilities, including the withdrawal of British forces from the Islands; stated that the Falkland Islanders had resented the Argentine invasion and welcomed their liberation by British forces; and expressed readiness to implement its 15 June proposals once Argentina accepted a total end of hostilities.

In exercise of its right of reply to a statement made on 14 June by the President of Panama at the Twelfth Special Session of the General Assembly devoted to disarmament, the United Kingdom addressed a letter of the same date<sup>(159)</sup> to the Assembly President taking issue with the Panamanian charge that the introduction of British nuclear submarines in the South Atlantic had made a mockery of the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco). That Treaty, the United Kingdom said, prohibited nuclear weapons in the region but not nuclear-powered submarines; it was inconceivable, it added, that it would use nuclear weapons against Argentina.

Panama observed in a 17 June letter to the Assembly President<sup>(122)</sup> that the United Kingdom did not declare its non-use of nuclear weapons against Argentina but simply called such action inconceivable; that the presence in the South Atlantic of the British nuclear submarines on military missions, with the possibilities of their destruction and consequent environmental contamination, threatened the safety of the States of the region; and that the United Kingdom should submit its submarines to inspection by the International Atomic Energy Agency so as to dispel apprehension.

Taking issue with other arguments put forward by Panama in its 17 June letter, the United Kingdom said in a letter of 30 June<sup>(164)</sup> that the right of self-determination as defined by the United Nations applied not only to the so-called oppressed but to all peoples, including the Falkland Islanders; and that a 1980 census had shown 1,360 of the 1,813 inhabitants to have been born in the Falklands, many of whom were descendants of nineteenth-century immigrants from Europe, belying Panama's charge that the population had been artificially installed.

Argentina, in a letter of 23 July to the Assembly President,<sup>(88)</sup> referred to the United Kingdom letter of 30 June, asserting that the principle of self-determination did not apply to the occupying

population of the Malvinas which had been established there through an act of force by the colonial Power and which consisted in many cases of transitory employees of the United Kingdom Government or of the British-based Falkland Islands Company. The United Kingdom, in a 13 August letter to the Secretary-General,<sup>(166)</sup> called that argument tendentious and said that historical evidence did not support Argentina's contention that a settled Argentine population had been forcibly displaced by the United Kingdom in the nineteenth century.

On 22 July,<sup>(165)</sup> the United Kingdom conveyed a statement made by its Prime Minister that day, announcing the lifting of the total exclusion zone of 200 nautical miles around the Falkland Islands and adding that, in order to minimize the risk of inadvertent clashes, it had asked Argentina, via the Swiss Government, to ensure that its warships and military aircraft did not enter a zone of 150 miles around the Islands. Referring to this statement in a letter dated 26 July,<sup>(90)</sup> Argentina declared that it did not accept the existence of limits of any kind in seas within its jurisdiction; that the British attitude demonstrated the existence in the zone of only a *de facto* suspension, rather than a final cessation, of hostilities; and that genuine peace could be achieved only if the United Kingdom abrogated the military and economic measures it had taken and agreed to negotiate within the framework of the United Nations.

On 26 July,<sup>(89)</sup> Argentina transmitted a letter of 20 July addressed to the President of the Commission of the European Communities protesting the EC decision to grant the United Kingdom's request for emergency assistance for the Malvinas Islands, arguing that the action constituted inadmissible interference and could be construed as disregard for Argentina's legitimate rights over the archipelagos. On 7 October,<sup>(180)</sup> Denmark, as current President of the Council of the European Communities, transmitted a letter dated 23 August from the President of the Commission of the European Communities in reply to Argentina's letter of 20 July, stating that EC aid had been granted to the Falklands in the past and that therefore the current action did not constitute a change of any kind, that by EC policy such aid did not prejudice the status of the countries or territories which received it and that the Commission considered as inadmissible criticism by third States of the legality of its actions.

On 13 August,<sup>(91)</sup> Argentina informed the Security Council that, on 5, 8 and 10 August, its fishing vessels had been forced to withdraw from waters lying within its jurisdiction by British warships and military aircraft enforcing the 150-mile "protection zone" imposed by the United Kingdom; that act of aggression interfered with the

right of free navigation and exploitation of its marine resources, Argentina said, adding that an effective and just peace could be attained only when the United Kingdom ceased to enforce the protection zone and the economic sanctions, withdrew its forces and undertook negotiations within the United Nations framework.

The United Kingdom, in a letter dated 20 August,<sup>(167)</sup> denied having used force against Argentine fishing boats; stated that it had never accepted Argentina's claim to fisheries or continental shelf jurisdiction beyond the median line between the Falkland Islands and Argentina and that it reserved the rights of the Falkland Islands over their own maritime resources; called the protection zone for the defence of the Islands necessary in view of Argentina's unwillingness to declare a definite end to hostilities; and stated that Argentine conduct since 2 April had deprived the international community of any certainty that that country could be trusted to negotiate in good faith, and that it would be a long time before confidence in Argentine intentions could be re-established to the point where the prospect of negotiations could be discussed.

Argentina complained that United Kingdom aircraft had been harassing its fishing vessels while they were operating outside the protection zone; in a letter dated 24 August,<sup>(92)</sup> it said that live ships had been buzzed by British helicopters on 14 and 15, August, and in a letter dated 27 August,<sup>(93)</sup> it informed the Council that two of the same ships had been buzzed on 18 August. The United Kingdom, in a letter dated 27 August,<sup>(168)</sup> confirmed that its naval forces had had encounters with five Argentine vessels on 14 and 15 August but denied that there had been any threat or use of force.

Consideration by the Committee on colonial countries. The Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples considered the Territory of the Falkland Islands (Malvinas) at meetings between 29 April and 20 August,<sup>(190)</sup> during which it heard statements by the United Kingdom as the administering Power, by Argentina, and by Committee members. It also heard statements by those not members of the Committee which had requested to participate (Bolivia, Brazil, Colombia, Ecuador, Panama, Peru, Uruguay) and by two members of the Territory's Legislative Council. On 20 August, the Committee decided without objection to continue consideration of the item at its 1983 session, subject to any directives by the General Assembly.

Communications (September-November). Replying to the United Kingdom's letter of 20 August, Argentina, in a letter dated 20 September,<sup>(94)</sup> said that the imposition of the protection

zone violated the right of freedom of navigation; it could not allow the United Kingdom, by the use of fallacious arguments, to continue the colonial aggression in a part of Argentine territory and extend it to waters under Argentine jurisdiction or to attempt to perpetuate that situation by declining to negotiate an end to the dispute.

In a letter of 23 September,<sup>(95)</sup> Argentina complained of further harassment of its fishing vessels, citing 19 incidents of overflight and buzzing by United Kingdom aircraft between 24 August and 15 September, all but one of which, it said, had taken place outside the protection zone.

On 8 October,<sup>(169)</sup> the United Kingdom responded to the Argentine letters of 20 and 23 September, stating that Argentina bore sole responsibility for the failure of the Council resolution of 3 April to bring about a peaceful resolution of the dispute; that by Argentina's own account the 19 encounters with Argentine fishing vessels consisted of no more than overflight by British aircraft for the purpose of identification or to request that they leave the protection zone; and that Argentine civilian vessels with legitimate reason to enter the zone should continue to seek British agreement in advance, as they were known, it said, to have been used as cover for naval personnel or equipment for intelligence purposes.

Argentina, in a letter dated 1 November,<sup>(99)</sup> summarized its arguments in rejection of the United Kingdom's imposition of a protection zone, and charged that the United Kingdom was maintaining the climate of tension in the area and ignoring the mandate in United Nations resolutions to negotiate urgently with Argentina on the dispute over sovereignty.

By a letter of 18 October,<sup>(96)</sup> Argentina requested circulation as a General Assembly document of an overview of the question of the Malvinas Islands, summarizing its view of the history of the Territory and consideration of it by the United Nations; included were the texts of several Latin American and United Nations decisions and statements by the Movement of Non-Aligned Countries on the question. On 1 November<sup>(98)</sup> and 2 November,<sup>(101)</sup> Argentina submitted additional historical material. The United Kingdom, in a letter dated 28 October,<sup>(170)</sup> stated that the Argentine document repeated numerous tendentious claims which it had refuted earlier, and annexed copies of its letters of 28 April and 13 August which set out its position concerning the historical record and the substantive issues.

In letters dated 20 October,<sup>(97)</sup> 1 November<sup>(100)</sup> and 17 November,<sup>(102)</sup> Argentina reported 50 further acts of harassment by British vessels and aircraft against Argentine fishing vessels outside the protection zone occurring between 10 September and 7 November.

General Assembly action (November). On 4 November, the General Assembly requested Argentina and the United Kingdom to resume negotiations towards a peaceful solution of their sovereignty dispute over the Falkland Islands (Malvinas), calling on the Secretary-General to undertake a renewed mission of good offices to assist the parties in this task and asking him to report in 1983 on progress made in implementing the resolution.<sup>(194)</sup>

The resolution, sponsored by 20 Latin American States, was adopted by a recorded vote of 90 to 12, with 52 abstentions. The request for inclusion of the question as a supplementary item on the agenda of the 1982 Assembly session came in a letter dated 16 August<sup>(177)</sup> signed by the Foreign Ministers of the same 20 States, who hoped for a peaceful settlement through negotiations conducted under United Nations auspices.

In deciding on 24 September to consider the question directly in plenary meetings, the Assembly, by a recorded vote of 41 to 33, with 24 abstentions, agreed to a proposal by the United Kingdom that the interested parties would be heard in the Fourth Committee. Among those casting the negative votes were 17 Latin American countries joined by several Eastern European and other socialist countries. The Fourth Committee subsequently heard on 2 November<sup>(191)</sup> the following petitioners:<sup>(193)</sup> Anthony T. Blake and John E. Cheek, members of the Legislative Council of the Falkland Islands (Malvinas); and Alexander Jacob Betts, Susan Coutts de Maciello, Bárbara Minto de Pennissi and Reynaldo Ernesto Reed, all residents or former residents of the Islands. The General Assembly took note of the Committee's action in a decision of 3 November.<sup>(201)</sup>

In explanation of vote, absence in the text of an explicit reference to the principle of self-determination or respect for the freely expressed wishes of the inhabitants of the Falkland Islands (Malvinas) was cited by many, among them Antigua and Barbuda, Fiji, the Gambia and Solomon Islands, which voted against; Jamaica, Lesotho, Norway, Sweden and Zaire, which abstained; and Liberia, which voted in favour. New Zealand voted negatively, and the Netherlands abstained, saying that the Islanders were entitled to have a say in their own future.

Along with the United Kingdom, which voted against, Belgium, abstaining, said the text should have referred not only to the interests but also to the aspirations of the Islanders. Botswana, Ghana, Israel and the United States, supporting the text, and Sweden, abstaining, said the negotiations should take into account the Islanders' rights and aspirations. Australia, abstaining, said the text referred to the rights of the inhabitants in a highly qualified way. However, Mexico said in support

of the resolution that an inclusion in the text of a reference to the principle of self-determination of peoples would tend to disguise colonial domination with supposedly moral arguments and give rise to confusion. The United Kingdom called it ridiculous to rest the case on the Argentine version of what had happened in the eighteenth and nineteenth centuries in disregard of the wishes of the current inhabitants. Saint Lucia, abstaining, was not convinced that the argument against self-determination was valid in respect of the time-frame in question.

The United Kingdom, joined by Luxembourg and the Netherlands, both of which abstained, said the text failed to recognize the obligations of the United Kingdom as the administering Power or the rights of the Falklanders under Article 73 (relating to Non-Self-Governing Territories) of the Charter of the United Nations. Sierra Leone, abstaining, called the question one of self-determination and decolonization and, as such, fell within the purview of that Article.

A number of those supporting the text reaffirmed their belief in Argentine sovereignty over the Falkland Islands (Malvinas). The Libyan Arab Jamahiriya saw the Malvinas as Argentina's natural geographic and historic extension and, joined by Afghanistan and Viet Nam, called for the defence of the territorial integrity and the United Kingdom's immediate withdrawal.

Mexico said deleting the concept of sovereignty from the text would make the controversy devoid of substance and cause the negotiations to be diverted to secondary and even banal questions. Such a deletion, Peru said, would have meant ignoring all the United Nations resolutions which had described the Malvinas question as a dispute concerning sovereignty. Brazil appealed to the parties to proceed directly to what it called the fundamental question of whose claim to sovereignty was more legitimate. Chile, while supporting Argentina's claim of sovereignty over the Islands, cautioned against going back into history to stir up memories of facts which might sharpen differences or deepen unhealed wounds. Mexico, on the other hand, asserted that the text did not expressly affirm the background information in support of the legitimacy of Argentina's claim over the Islands. The United Kingdom denied, however, that Argentina had inherited title to the Falklands from Spain, that Argentina had ever established sovereignty or a permanent settlement there by 1833 or that Britain had used force in reoccupying the Islands that year.

A number of speakers expressed fear that the resolution's terms prejudged the outcome of negotiations. France, Italy and the Netherlands abstained for that reason, as did Luxembourg and Samoa, which considered the text as having failed

to place the envisaged negotiations in a neutral context. Similarly, Belgium feared the adoption of the text might exacerbate the differences and prove prejudicial to the negotiations. Sharing that view, Saint Lucia said the Assembly should not be used to suit any State's convenience by ignoring Charter principles when those principles were at variance with the perceived self-interest of that State. Ireland said it would have preferred a more open and flexible approach to the questions at issue, adding that the text tilted towards the position of one of the parties. The United Kingdom rejected the emphasis in paragraph 1 on the sovereignty dispute as prejudging the negotiations, and Australia concurred. Belize cast a negative vote, saying that the text failed to cover adequately the subject of negotiations.

Turkey regretted that it had not been possible to formulate a consensus resolution on which the resumption of the negotiations could safely be based. Senegal asserted that an appeal for negotiations should not contain formulations subject to different interpretations by the two parties, and the Federal Republic of Germany called on both sides to search for a basis for negotiations, without asking the international community to prejudge the outcome and without setting pre-conditions.

Also abstaining in the vote, Saint Lucia and the Sudan considered that certain elements in the text might have created obstacles to negotiations towards a solution that would ensure the fulfilment of the aspirations of the population; Sierra Leone saw the text falling short of recognizing that self-determination, independence and sovereignty were inseparable in that negotiation. New Zealand and the United Kingdom opposed the text, as they questioned the effectiveness of calling for negotiations without clearly setting forth the principles involved. Although agreeing with the need for negotiations, the Bahamas, abstaining, said it could not support the deficient modalities and guiding principles which underpinned the resolution, including presenting the Secretary-General with tools that were not equal to the task. 'While Hungary and Uruguay supported as timely the call for the Secretary-General's renewed mission of good offices, Antigua and Barbuda voted against the text, as it saw no practical purpose being served by instructing the Secretary-General to undertake a mission in the renewed tension which the resolution could produce. Solomon Islands, which voted similarly, called on Argentina to change its attitude completely before coming to the United Nations to ask for the support of the international community.

Among those voting in favour, Austria agreed that the call for negotiations should not prejudice the outcome, and Tunisia said that to advocate the right to self-determination as the only basis for a



settlement of the conflict might result in prejudging the content of negotiations. Botswana said its affirmative vote should not be construed as support for one party or to prejudge the outcome of negotiations; to do so, Japan said, would only intensify hostilities and diminish the chance of a peaceful settlement. The United States said the resolution did not legally prejudice the position of either party or prejudge the result of negotiations; in fact, the text aimed at creating a negotiating framework on an impartial basis, Mexico said. Chile, Costa Rica, El Salvador and Nicaragua also maintained that the text did not prejudge the outcome of the proposed negotiations, and Hungary considered the text constructive and well-balanced. Albania, while supporting the text, said it had no confidence that the United Kingdom would renounce its colonial position if the negotiations were resumed with Argentina. Madagascar felt that the resolution took into account the interests of the inhabitants and would not prejudice the sovereignty question.

The timing of acting on the resolution in 1982 was questioned by some. In the United Kingdom's assessment, many delegations were troubled at being obliged to vote on the text; they felt it a mistake for Argentina to have pressed the matter to a vote so soon after invading the Islands, and it would be a tragedy if the Assembly vote encouraged Argentina into thinking that the Assembly was prepared to ignore its act of aggression seven months earlier. Antigua and Barbuda, which cast a negative vote, said the text had the potential to reopen wounds too fresh to be properly healed, to encourage acrimony when sensitivity was required and to whip up emotions when a period of somber reflection would be more helpful; it would have preferred the matter to be aired in a debate rather than have a vote on a resolution. Belize, voting negatively, and Belgium and Sierra Leone, abstaining, shared that view. Jamaica, which had appealed to the sponsors for a one-year deferment of the draft for that reason, abstained in the vote.

Canada, which also abstained, said it would have preferred a simple resolution expressing concern over the tragedy, urging the parties to resume negotiations at the earliest possible moment and offering appropriate assistance through the Secretary-General. Similarly, Australia believed the United Nations, at some appropriate time, should urge the parties to resume discussions in a less emotionally charged atmosphere. Ghana voted in favour, saying that the sooner the negotiations began the greater the chances of their success, and the Dominican Republic appealed to the United Kingdom to support the resolution so that negotiations could get under way as soon as possible.

Among those abstaining, Australia, Guyana, and Trinidad and Tobago considered some important basic elements either missing or inadequately addressed in the text, and Malta, although voting in favour, shared that view. Similarly, Zaire said the resolution must avoid the temptation to amalgamate inconsistent elements; defining the very nature of the dispute as exactly as possible would in itself be a way of helping towards a solution. Maldives and Sierra Leone abstained because of the importance they attached to the principle of the non-use or threat of force, as did Kuwait, which affirmed its belief also in decolonization, self-determination, sovereignty and territorial integrity; Austria voted in favour with the understanding that the resolution was based on such fundamental principles of international conduct. Tunisia supported the text for advocating the peaceful settlement of disputes; the Central African Republic and Israel expressed a similar view. While voting in favour, Liberia said it would have preferred more specific reference to denunciation of the use of force.

The issue of a formal, lasting cessation of hostilities was not adequately covered in the text, said Belize and Solomon Islands, both of which voted against, and France, which abstained. The United Kingdom said its negative vote signified resistance to any renewed Argentine pressure on the Falklands, and asserted that the phrase about a *de facto* cessation of hostilities was carefully drafted so as to contain no commitment at all. Liberia, voting in favour, appealed to the two parties to proceed to the cessation of all hostilities, which Ghana, voting in favour, and Lesotho, abstaining, considered as an essential basis for negotiations; the Federal Republic of Germany, abstaining, considered it necessary for the restoration of normal relations between the parties. Among those voting in favour, Japan appealed to Argentina to respect the principle of the non-use of force, and Greece expected from Argentina a definite commitment not to resume hostilities, so as to ensure just negotiations. The Netherlands, abstaining, said it welcomed Argentina's declared intention not to resume hostilities. Brazil and Peru said all those sponsoring the text, including Argentina, were committed to the cessation of hostilities; Chile said the text put the cessation of hostilities in a legal framework, leading to *de jure* cessation.

War was imposed on Latin America, Suriname asserted, and the text's objective was restoration of peace; Ghana and Venezuela voted for the text as an act of faith in the United Nations capacity to restore peace. Uruguay believed the peace initiative by the 20 sponsors established Latin America anew in the United Nations as a stable and calming force. The Assembly had to take a more active role in the search for a peaceful solu-

tion, Ethiopia said in support of the text, in order to avert a possible repetition of the tragedy. Albania, despite reservations concerning what it called omission of fact and reference to certain documents, supported the resolution because it believed the maintenance of colonial situations to be incompatible with the ideal of international peace. Bolivia likewise said that to vote for the text was to vote for the Charter principle against colonialism. For Tunisia, the issue was conflict over sovereignty caused by a continuing colonial situation, and Ghana called the question that of decolonization.

China and Haiti believed that the recommendations put forward by the sponsors constituted the most viable formula for a peaceful solution. Honduras said the text provided the United Kingdom with an honourable way out.

During the debate, most speakers lamented the loss of life and the material damage caused by the armed confrontation between two Member States. Several urged the United Nations to provide an adequate framework for a peaceful solution to the dispute, and complimented the Secretary-General for his efforts at mediation. Support was repeatedly expressed for the principles of the non-use or threat of use of force in international relations and the peaceful settlement of disputes.

Belize, Guyana, Norway and the United Kingdom said they regretted the abrupt interruption of the negotiating process at the end of March and Argentine resort to the use of force in April; the United Kingdom asserted that a military and political confrontation had been forced upon it. In addition to the invasion, Liberia regretted the British military response to it as contravention of the two Security Council resolutions, while New Zealand regretted Argentine refusal to comply with the Council's demand for troop withdrawal.

As both sides counted their dead and assessed the damage, India observed, they must have realized the value of diplomacy, dialogue and negotiation. Poland concurred, saying that the cost of gunboat diplomacy, when measured in human lives, was enormous. China said that the momentary success of the militarily stronger party could not lead to a settlement of the dispute. Many speakers shared Brazil's view that serious negotiations were the only way to achieve a just and lasting settlement. Yugoslavia asserted that a successful negotiating process had to take into account the rights of Argentina and the interests of the population of the Malvinas. The United Kingdom rejected the idea that negotiations could have only one outcome, that of the transfer of sovereignty from Britain to Argentina.

Mexico rejected the United Kingdom's contention that the bloodshed was too fresh for negotiations to be reopened; on the contrary, the more

recent the hostilities, the more urgent the need to find a peaceful solution. Cuba agreed, saying that the victims of the conflict deserved an effort for a negotiated solution. The urge to remember the sacrifices made should not prevent the efforts for a peaceful settlement said Uruguay, and Nicaragua said that any attempt to delay or prevent negotiations would run counter to the Charter and to United Nations resolutions. Malta cautioned that time would be needed for the wounds to heal and that hasty efforts might be counter-productive, although it also observed that deliberate delay on one side could be provocative. The aftermath of the conflict was an understandable constraint on the normalization of relations, Canada said, but the international community had an interest in an early settlement as well. India hoped both parties could find the necessary confidence to negotiate.

Several speakers dwelt on the effectiveness of the United Nations in the peaceful settlement of disputes. Equatorial Guinea expressed concern over the failure of the negotiating efforts and numerous resolutions to stop the military hostilities in the Falkland Islands (Malvinas). Chile advocated reactivating the Organization's preventive function for the timely avoidance of conflict. Peru said the proposed resolution meant negotiations to strengthen the United Nations role in maintaining international peace and security. The tragic conflict was not due to a failure of the United Nations, Finland asserted, but to a breach of its Charter by those which acted on political expediency and narrowly conceived national interests.

Some questioned the validity of the right to veto in the Security Council. Suriname wondered whether the Council could function effectively when one of the parties to the dispute was a permanent member with the option of blocking any decisions that were not to its liking. Venezuela considered the Council's 3 April resolution as partial and pro-colonialist, because it reproduced verbatim the proposal made by one of the parties to the conflict; Panama said the United Kingdom, in addition to its right to veto, behaved as if it could act outside the Charter framework with impunity, as demonstrated by its imposition of a blockade. Honduras said the Malvinas issue offered a clear example of the veto power making a mockery of the principle of the sovereign equality of all United Nations Member States.

There was frequent reference to the Assembly decisions taken since 1965 as having recognized the colonial character of the dispute between Argentina and the United Kingdom, and several speakers endorsed Argentina's claim to sovereignty over the Territory as consistent with positions adopted by the United Nations, the Movement of

Non-Aligned Countries or other intergovernmental bodies. Cuba said Argentina's sovereignty over the Malvinas had the support of history, geography and international law. Colombia felt that the statements and replies by petitioners from the Malvinas and the related debate in the Fourth Committee favoured Argentina's claim.

Given the history of its willingness to decolonize, the United Kingdom should have been able to approach the problem with serenity, Zaire stated, while Argentina should have realized that the resort to force was unlikely to create conditions favourable to a negotiated settlement. A speeding up of the negotiating process towards restoring Argentina's territorial integrity would have prevented an unwarranted war, Spain said, a view that was shared by the Congo. Fiji felt that the United Kingdom had fulfilled its obligations under the Charter as administering Power of the Falkland Islands (Malvinas), had respected the rights and wishes of the Islanders and should be allowed to continue to do so; the decolonization process should continue in accordance with Article 73 of the Charter.

Several speakers took issue with the contention of the United Kingdom that the right of self-determination applied to Falkland Islanders, who should not be compelled against their will to become citizens of another country, and moreover a country which, it said, had already ill-treated them so harshly; it termed as specious and unsubstantiated the Argentine claim that the Assembly had specifically excluded the right of self-determination for the Falkland Islanders. Luxembourg called the right to self-determination a corollary of the principle of decolonization, and Australia asserted that it was Argentina, not Britain, that was attempting to impose an alien rule.

Argentina stated that the right of self-determination could not be used to transform illegitimate occupation into full sovereignty under the protective umbrella of the United Nations; that the non-aligned Movement had declared non-applicability of the right to self-determination in the Malvinas case; and that only the Argentine people were legitimately entitled to self-determination in the question. Mexico and Spain supported that position, as did Ecuador, which called the United Kingdom's reasoning neo-colonial, since it implied that any State could be dismembered by the introduction of settlers, occupation forces or missions. To do so, according to Madagascar, was analogous to allowing the Jewish settlers in the occupied Arab territories by their votes to determine the territories' sovereignty. Similar views were expressed by several Latin American countries, joined by Albania, Czechoslovakia and Equatorial Guinea. Tunisia stated that the implementation of the principle of self-

determination by itself could not resolve the sovereignty dispute.

Panama said the United Kingdom's concern for the Islanders' rights was paradoxical as it had displaced the indigenous inhabitants from the Indian Ocean island of Diego Garcia to accommodate a United States military base there; several other speakers concurred with that view.

Costa Rica asserted that the United Kingdom had changed its position since 1968—when it had first considered the possibility of recognizing Argentine sovereignty over the Islands within 4 to 10 years—possibly due to the territory's potential strategic importance for control of the South Atlantic. Algeria said that the Islands' privileged geostrategic position and the large economic interests that might arise from application of the new Convention on the Law of the Sea could have explained the slow negotiations. The German Democratic Republic also commented that the Islands' location at the crossroads of the major sea lanes made the territory a springboard for the Antarctic and a potential operational base against the people of the region.

The Latin American countries, said Peru, viewed with concern the existence in the Malvinas of a military base with 4,000 men equipped with sophisticated war matériel. Argentina said the United Kingdom had installed a powerful military base on the Malvinas, while Panama and the USSR asserted that plans had now emerged for a significant expansion of military structures and installations there. Czechoslovakia charged that by establishing a naval base the United Kingdom was turning the Islands into a strategic stronghold, creating a hotbed of tension in the region.

The USSR asserted that the United Kingdom had used peace efforts within the Security Council as a diplomatic cover for military preparations, and that the United States support for Britain showed that country's aspiration to strengthen its own military-political springboard in Latin America and to include the North Atlantic Treaty Organization (NATO) bloc in its policies in the western hemisphere. Similar views were expressed by Bulgaria, the Byelorussian SSR, the Lao People's Democratic Republic, Mongolia and the Ukrainian SSR. The German Democratic Republic said NATO practically took part in the conflict as a military alliance, using the occasion for testing the logistic and telecommunication links and the efficiency of its weapons systems and ocean warfare.

The United States called the USSR allegations against NATO a perversion of truth, an attempt to score propaganda points from a tragic conflict and an insult to the parties and the Latin American States. Albania, while critical of the NATO countries, charged that the USSR also tried to profit

from the conflict; the USSR pretended to be a defender of Argentine sovereignty, it said, but when the British were bombarding the Falklands, the Soviets were bombarding Afghanistan. The Congo said that the South Atlantic must not become like its northern counterpart where rival military blocs confronted each other.

Suriname charged that the swiftness with which some countries supported the United Kingdom's military action prompted that country to seek a military solution. The Byelorussian SSR criticized as hypocrisy economic sanctions imposed on Argentina by a group of Western European and other countries which, meanwhile declined to implement the arms embargo against South Africa called for by the Security Council.

Argentina said the debate showed Latin American support for a peaceful settlement of the sovereignty dispute, while the United Kingdom sought to consolidate a colonial situation; the United Kingdom asserted that, while Argentina stressed legalism and sovereignty over land, it stressed natural law, fundamental rights and the rights of the people.

In a letter to the Secretary-General of 23 December, transmitted on 30 December,<sup>(103)</sup> Argentina accepted his renewed good offices mission and expressed its readiness to settle what it called the sovereignty dispute.

Draft resolutions (1982). <sup>(1)</sup>Ireland, S/15106 (superseded).

<sup>(2)</sup>Japan, S/15112; and <sup>(3)</sup>Panama, S/14950 (not pressed).

<sup>(4)</sup>Panama and Spain, S/15156/Rev.2 (not adopted).

Letters, notes verbales (nv) and telegrams. (t).

OAS S-G: <sup>(5)</sup>16 Apr., S/15023; <sup>(6)</sup>21 Apr., S/15001 (t); <sup>(7)</sup>29 May, S/15155 (t).

Argentina: <sup>(8)</sup>1 Apr., S/14940; <sup>(9)</sup>9 Apr., S/14961; <sup>(10)</sup>12 Apr., S/14968; <sup>(11)</sup>13 Apr., S/14975; <sup>(12)</sup>16 Apr., S/14984; <sup>(13)</sup>24 Apr., S/14998; <sup>(14)</sup>25 Apr., S/14999; <sup>(15)</sup>28 Apr., S/15009; <sup>(16)</sup>29 Apr., S/15014; 30 Apr., <sup>(17)</sup>S/15021, <sup>(18)</sup>S/15021; 1 May, <sup>(19)</sup>S/15022, <sup>(20)</sup>S/15026; <sup>(21)</sup>2 May, S/15028; <sup>(22)</sup>3 May, S/15032; <sup>(23)</sup>5 May, S/15046; 6 May, <sup>(24)</sup>S/15049, <sup>(25)</sup>S/15053; 7 May, <sup>(26)</sup>S/15055, <sup>(27)</sup>S/15057; <sup>(28)</sup>8 May, S/15059; 9 May, <sup>(29)</sup>S/15060, <sup>(30)</sup>S/15061; 11 May, <sup>(31)</sup>S/15069, <sup>(32)</sup>S/15070; <sup>(33)</sup>12 May, S/15074; <sup>(34)</sup>13 May, S/15078; 15 May, <sup>(35)</sup>S/15083, <sup>(36)</sup>S/15085; <sup>(37)</sup>18 May, S/15092; <sup>(38)</sup>21 May, S/15101; 22 May, <sup>(39)</sup>S/15102, <sup>(40)</sup>S/15103; <sup>(41)</sup>25 May, S/15117; 26 May, <sup>(42)</sup>S/15125, <sup>(43)</sup>S/15128, <sup>(44)</sup>S/15129; <sup>(45)</sup>27 May, S/15131; <sup>(46)</sup>28 May, S/15136; 29 May, <sup>(47)</sup>S/15139, <sup>(48)</sup>S/15140; <sup>(49)</sup>30 May, S/15142; 31 May, <sup>(50)</sup>S/15143, <sup>(51)</sup>S/15146, <sup>(52)</sup>S/15147; 2 June, <sup>(53)</sup>S/15152, <sup>(54)</sup>S/15153, <sup>(55)</sup>S/15154; 4 June, <sup>(56)</sup>S/15159, <sup>(57)</sup>S/15160; <sup>(58)</sup>5 June, S/15169; 6 June, <sup>(59)</sup>S/15172, <sup>(60)</sup>S/15173, <sup>(61)</sup>S/15176; <sup>(62)</sup>7 June, S/15177; 8 June, <sup>(63)</sup>S/15181, <sup>(64)</sup>S/15182; <sup>(65)</sup>9 June, S/15189; <sup>(66)</sup>10 June, S/15192; 11 June, <sup>(67)</sup>S/15199, <sup>(68)</sup>S/15201; 12 June, <sup>(69)</sup>S/15202, <sup>(70)</sup>S/15203, <sup>(71)</sup>S/15204, <sup>(72)</sup>S/15205; <sup>(73)</sup>S/15206, <sup>(74)</sup>S/15207; 13 June, <sup>(75)</sup>S/15212, <sup>(76)</sup>S/15213; 14 June, <sup>(77)</sup>S/15214, <sup>(78)</sup>S/15215, <sup>(79)</sup>S/15217, <sup>(80)</sup>S/15218; 17 June, <sup>(81)</sup>S/15228, <sup>(82)</sup>S/15229, <sup>(83)</sup>S/15230; 18 June, <sup>(84)</sup>S/15234, <sup>(85)</sup>S/15237; <sup>(86)</sup>19 June, S/15241; <sup>(87)</sup>24 June, S/15253; <sup>(88)</sup>23 July, A/37/353; 26 July, <sup>(89)</sup>A/37/362, <sup>(90)</sup>S/15313; <sup>(91)</sup>13 Aug., S/15361; <sup>(92)</sup>24 Aug., S/15373; <sup>(93)</sup>27 Aug., S/15377; <sup>(94)</sup>20 Sep., S/15409; <sup>(95)</sup>23 Sep., S/15427; <sup>(96)</sup>18 Oct., A/37/553 & Corr.1; <sup>(97)</sup>20 Oct., S/15464; 1 Nov., <sup>(98)</sup>A/37/553/Add.1, <sup>(99)</sup>S/15474, <sup>(100)</sup>S/15475; <sup>(101)</sup>2 Nov., A/37/553/Add.2 (nv); <sup>(102)</sup>17 Nov., S/15496; <sup>(103)</sup>30 Dec., A/38/70.

Belgium: <sup>(104)</sup>3 Apr., S/14949; <sup>(105)</sup>13 Apr., S/14976.  
Brazil: <sup>(106)</sup>1 May, S/15024; <sup>(107)</sup>19 May, S/15097; <sup>(108)</sup>24 May, S/15108.  
Colombia: <sup>(109)</sup>4 May, S/15045 (t); <sup>(110)</sup>26 May, S/15126.  
Costa Rica: <sup>(111)</sup>17 May, S/15090; <sup>(112)</sup>25 May, S/15116.  
Cuba: <sup>(113)</sup>26 Apr., S/15003; <sup>(114)</sup>5 May, S/15048.  
Ireland: <sup>(115)</sup>3 May, S/15036; 4 May, <sup>(116)</sup>S/15037, <sup>(117)</sup>S/15044.  
Panama: <sup>(118)</sup>14 Apr., S/14978; <sup>(119)</sup>10 May, S/15068 (I); <sup>(120)</sup>21 May, S/15100; <sup>(121)</sup>31 May, S/15145; <sup>(122)</sup>17 June, A/S-12/30.  
Peru: <sup>(123)</sup>12 Apr., S/14966; <sup>(124)</sup>15 Apr., S/14981; <sup>(125)</sup>10 May, S/15071.  
United Kingdom: <sup>(126)</sup>1 Apr., S/14942; <sup>(127)</sup>2 Apr., S/14946; <sup>(128)</sup>9 Apr., S/14963; <sup>(129)</sup>11 Apr., S/14964; 13 Apr., <sup>(130)</sup>S/14973, <sup>(131)</sup>S/14974; <sup>(132)</sup>19 Apr., S/14987; <sup>(133)</sup>20 Apr., S/14988; <sup>(134)</sup>24 Apr., S/14997; <sup>(135)</sup>26 Apr., S/15002; 28 Apr., <sup>(136)</sup>S/15006, <sup>(137)</sup>S/15007; <sup>(138)</sup>29 Apr., S/15010; 30 Apr., <sup>(139)</sup>S/15016 & Corr.1, <sup>(140)</sup>S/15017; <sup>(141)</sup>1 May, S/15625; <sup>(142)</sup>2 May, S/15027; <sup>(143)</sup>3 May, S/15031; 4 May, <sup>(144)</sup>S/15040, <sup>(145)</sup>S/15041; <sup>(146)</sup>8 May, S/15058; <sup>(147)</sup>10 May, S/15063; <sup>(148)</sup>13 May, S/15081; <sup>(149)</sup>14 May, S/15082; <sup>(150)</sup>15 May, S/15084; <sup>(151)</sup>20 May, S/15098; <sup>(152)</sup>23 May, S/15104; <sup>(153)</sup>25 May, S/15119; <sup>(154)</sup>27 May, S/15134; <sup>(155)</sup>28 May, S/15137; <sup>(156)</sup>31 May, S/15144; <sup>(157)</sup>1 June, S/15148, <sup>(158)</sup>11 June, S/15198; <sup>(159)</sup>14 June, A/S-12/29; 17 <sup>(160)</sup>S/15231, <sup>(161)</sup>S/15232 & Corr.1; <sup>(162)</sup>21 June, S/15246; <sup>(163)</sup>23 June, S/15249; <sup>(164)</sup>30 June, A/S-12/31; <sup>(165)</sup>22 July, S/15307; <sup>(166)</sup>13 Aug., A/37/389; <sup>(167)</sup>20 Aug., S/15369; <sup>(168)</sup>27 Aug., S/15378; <sup>(169)</sup>28 Oct., S/15452; <sup>(170)</sup>28 Oct., A/37/582.  
Venezuela: <sup>(171)</sup>14 Apr., S/14979; <sup>(172)</sup>3 May, S/15030.  
Viet Nam: <sup>(173)</sup>12 May, A/37/225-S/15076; <sup>(174)</sup>13 May, A/37/226-S/15077.

Others: <sup>(175)</sup>OAS consultation meeting President: 28 Apr., S/15008. <sup>(176)</sup>S-G: 20 May, S/15099. <sup>(177)</sup>Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, Venezuela: 16 Aug., A/37/193. <sup>(178)</sup>Argentina, Nicaragua, Panama, Venezuela: 24 May, S/15111 (nv). <sup>(179)</sup>Austria: 11 May, S/15073. <sup>(180)</sup>Denmark: 7 Oct., A/37/531. <sup>(181)</sup>Finland, Norway, Sweden: 6 May, S/15052. <sup>(182)</sup>Dominica: 5 Apr., S/14956 (t). <sup>(183)</sup>Ecuador: 21 May, S/15123 (t). <sup>(184)</sup>Japan: 26 Apr., S/15000. <sup>(185)</sup>Lao People's Democratic Republic: 17 May, A/37/227-S/15088. <sup>(186)</sup>Saint Vincent and the Grenadines: 6 May, S/15050 (nv). <sup>(187)</sup>Suriname: 24 May, C/15115. <sup>(188)</sup>USSR: 24 May, S/15105. <sup>(189)</sup>Uruguay: 24 May, S/15110.

Reports. <sup>(190)</sup>Committee on colonial countries, A/37/23/Rev.1; <sup>(191)</sup>GA 4th Committee, A/37/592; <sup>(192)</sup>S-G, S/15151.

Requests for hearing. <sup>(193)</sup>A/C.4/37/9 & Add.1-4.

Resolutions (1982). <sup>(194)</sup>GA: 37/9, 4 Nov., text following. SC: <sup>(195)</sup>502(1982), 3 Apr., text following; <sup>(196)</sup>505(1982), 26 May, text following.

Resolutions (prior). GA: <sup>(197)</sup>3281 (XXIX), 12 Dec. 1974 (YUN 1974, p. 403); <sup>(198)</sup>3314 (XXIX), annex, 14 Dec. 1974 (ibid.).

Statements. President, <sup>(199)</sup>S/14944, <sup>(200)</sup>S/15047.

Decision (1982). <sup>(201)</sup>GA: 37/404, 3 Nov., text following.

Meeting records. SC: S/PV.2345, 2346, 2349, 2350, 2360, 2362-2364, 2366, 2368, 2371-2373 (1-3 Apr. & 21 May-4 June). GA: General Committee, A/BUR/37/SR.2 (22 Sep.); plenary, A/37/PV.4, 51, 52, 53, 54, 55 (24 Sep. & 2-4 Nov.); 4th Committee, A/C.4/37/SR.10-12 (29 Oct.-2 Nov.).

General Assembly decision 37/404

Adopted without vote

Oral proposal by President; agenda item 135.

Question of the Falkland Islands (Malvinas)  
At its 52nd plenary meeting, on 3 November 1982, the General Assembly took note of the report of the Fourth Committee.

## Security Council resolution 502(1982)

3 April 1982 Meeting 2350 10-14

Draft by United Kingdom (S/14947/Rev.1).

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.

Vote in Council as follows:

In favour: France, Guyana, Ireland, Japan, Jordan, Togo, Uganda, United Kingdom, United States, Zaire.

Against: Panama.

Abstaining: China, Poland, Spain, USSR.

## Security Council resolution 505(1982)

26 May 1982 Meeting 2368 Adopted unanimously

6-nation draft (S/15122).

Sponsors: Guyana, Ireland, Jordan, Togo, Uganda, Zaire.

The Security Council,

Reaffirming its resolution 502(1982).

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

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

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

1. Expresses appreciation to the Secretary-General for the efforts that he has already made to bring about an agreement between the parties, to ensure the implementation of resolution 502(1982), and thereby to restore peace to the region;
2. Requests the Secretary-General, on the basis of the present resolution, to undertake a renewed mission of good offices, bearing in mind resolution 502(1982) and the approach outlined in his statement of 21 May 1982;
3. Urges the parties to the conflict to co-operate fully with the Secretary-General in his mission with a view to ending the present hostilities in and around the Falkland Islands (Islas Malvinas);
4. Requests the Secretary-General to enter into contact immediately with the parties with a view to negotiating mutually acceptable terms for a cease-fire, including, if necessary, arrangements for the dispatch of United Nations observers to monitor compliance with the terms of the cease-fire;
5. Requests the Secretary-General to submit an interim report to the Security Council as soon as possible and, in any case, not later than seven days after the adoption of the present resolution.

## General Assembly resolution 37/9

4 November 1982 Meeting 55 90-12-52 (recorded vote)

20-nation draft (A/37/L.3/Rev.1) agenda item 135.

Sponsors: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, Venezuela.

Question of the Falkland Islands (Malvinas)

The General Assembly,

Having considered the question of the Falkland Islands (Malvinas),

Aware that the maintenance of colonial situations is incompatible with the United Nations ideal of universal peace,

Recalling its resolutions 1514(XV) of 14 December 1960, 2065(XX) of 16 December 1965, 3160(XXVIII) of 14 December 1973 and 31/49 of 1 December 1976.

Recalling a/so Security Council resolutions 502(1982) of 3 April 1982 and 505(1982) of 26 May 1982.

Taking into account the existence of a de facto cessation of hostilities in the South Atlantic and the expressed intention of the parties not to renew them,

Reaffirming the need for the parties to take due account of the interests of the population of the Falkland Islands (Malvinas) in accordance with the provisions of General Assembly resolutions 2065(XX) and 3160(XXVIII).

Reaffirming a/so the principles of the Charter of the United Nations on the non-use of force or the threat of force in international relations and the peaceful settlement of international disputes,

1. Requests the Governments of Argentina end the United Kingdom of Great Britain and Northern Ireland to resume negotiations in order to find as soon as possible a peaceful solution to the sovereignty dispute relating to the question of the Falkland Islands (Malvinas);
2. Requests the Secretary-General, on the basis of the present resolution, to undertake a renewed mission of good offices in order to assist the parties in complying with the request made in paragraph 1 above, and to take the necessary measures to that end;
3. Requests the Secretary-General to report to the General Assembly at its thirty-eighth session on the progress made in the implementation of the present resolution;
4. Decides to include in the provisional agenda of its thirty-eighth session the item entitled "Question of the Falkland Islands (Malvinas)".

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Austria, Benin, Bolivia, Botswana, Brazil, Bulgaria, Burundi, Byelorussian SSR, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Ethiopia, Gabon, German Democratic Republic, Ghana, Greece, Grenada, Guatemala, Guinea, Guineabissau, Haiti, Honduras, Hungary, India, Indonesia, Iran, Iraq, Israel, Ivory Coast, Japan, Lao People's Democratic Republic, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Mali, Malta, Mexico, Mongolia, Morocco, Mozambique, Nicaragua, Nigeria, Pakistan, Panama, Paraguay, P&U, Philippines, Poland, Romania, Rwanda, Sao Tome and Principe, Spain, Suriname, Syrian Arab Republic, Togo, Tunisia, Uganda, Ukrainian SSR, USSR, United Arab Emirates,<sup>a</sup> United Republic of Tanzania, United States, Upper Volta, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: Antigua and Barbuda, Belize, Dominica, Fiji, Gambia, Malawi, New Zealand, Oman, Papua New Guinea, Solomon Islands, Sri Lanka, United Kingdom.

Abstaining: Australia, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Bhutan, Burma, Canada, Chad, Denmark, Egypt, Finland, France, Germany, Federal Republic of Guyana, Iceland, Ireland, Italy, Jamaica, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Luxembourg, Maldives, Mauritania, Mauritius, Nepal, Netherlands, Niger, Norway, Portugal, Qatar, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sudan, Swaziland, Sweden, Thailand, Trinidad and Tobago, Turkey, United Republic of Cameroon, Vanuatu, Zaire.

<sup>a</sup>later advised the Secretariat it had intended to abstain.

## East Timor question

Action by the Committee on colonial countries. In 1982, the question of East Timor was considered at two meetings 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.<sup>(4)</sup> On 1 July, the Committee granted a request for a hearing to a representative of the Frente Revolucionária de Timor Leste Independente (FRETILIN) and heard a statement in that connection by Indonesia.

On 20 August, after hearing statements by Portugal, as the administering Power, Indonesia and FRETILIN, as well as by Cape Verde, Mozambique, Nicaragua, Sao Tome and Principe and Zimbabwe, the Committee decided to continue consideration of the question in 1983, subject to any directives by the General Assembly.

Action by the Sub-Commission on discrimination and minorities. On 8 September 1982,<sup>(8)</sup> the Sub-Commission on Prevention of Discrimination and Protection of Minorities recommended that its parent body, the Commission on Human Rights, reaffirm the right of the people of East Timor to self-determination, and call on Portugal, Indonesia and the representatives of the East Timorese people to co-operate with the United Nations with a view to guaranteeing that right.

General Assembly action. On 23 November, the General Assembly, by a recorded vote of 50 to 46, with 50 abstentions, adopted a resolution on the East Timor question.<sup>(7)</sup> Expressing concern at the humanitarian situation prevailing in the Territory, it requested the Secretary-General to explore with the parties directly concerned ways to achieve a comprehensive settlement of the problem and to report at its 1983 session. It also requested the Committee on colonial countries to keep the matter under consideration and called on United Nations organizations to assist the East Timorese people, in close consultation with Portugal, as the administering Power. The resolution was recommended by the Fourth Committee, having been introduced by Portugal on behalf of 18 sponsors and approved on 15 November by a recorded vote of 48 to 42, with 54 abstentions.

In his 14 October report<sup>(5)</sup> regarding implementation of the Assembly's 1981 resolution on East Timor,<sup>(9)</sup> which had called on United Nations organizations to provide famine relief to the Territory, the Secretary-General informed the Assembly that the World Food Programme had received no request for assistance as at 2 March; the United Nations Children's Fund, on 8 June, had submitted information on relevant activities.

During its debate, the Fourth Committee heard the following petitioners:<sup>(6)</sup> Lord Avebury, Chairman, United Kingdom Parliamentary Human Rights Group; Michael A. Chamberlain, East Timor Human Rights Committee; Roger S. Clark, International League for Human Rights; Thomas Hammarberg, Amnesty International; J. A. Manusama; Gordon McIntosh, member of the Australian Senate Foreign Affairs and Defence Committee, but speaking as a private petitioner sponsored by the Human Rights Council of Australia and the Australian Council for Overseas Aid; José Ramos-Horta, FRETILIN; Susanne Roff, Minority Rights Group; Ernst Utrecht, Permanent People's Tribunal in Rome; and E. Gough

Whitlam, former Prime Minister of Australia. Jacob Xavier, Movimento Nacional para a Libertação Independência de Timor-Dili, although his request for a hearing had been granted, did not appear before the Committee.

The Chairman of the Fourth Committee received live letters from Indonesia in October and November<sup>(2)</sup> opposing the participation of these petitioners in the Committee's deliberations, and asserting that the colonial status of East Timor had been terminated with its integration into the Republic of Indonesia on 17 July 1976; consideration of the question by the Committee would, therefore, constitute interference in the internal affairs of a sovereign State.

Portugal, in a note verbale dated 26 February,<sup>(3)</sup> informed the Secretary-General that it had nothing to add to the information it had supplied in 1979 in compliance with its obligation under the Charter of the United Nations to provide information each year on colonial Territories under its administration.

In a note verbale of 7 October addressed to the Secretary-General,<sup>(1)</sup> Indonesia criticized a 1982 Secretariat working paper on East Timor as unbalanced, tendentious and based on unsubstantiated evidence. It objected to the impression created by the paper that the Territory was famine-stricken, subjected to major military operations against civilians and the scene of widespread human rights violations; and argued that, had these allegations been true, they would have been reported by the many United Nations and other agencies working in East Timor.

Explaining its vote against the Assembly resolution, Indonesia reiterated that the people of East Timor had completed the decolonization process by exercising their right to self-determination and choosing integration with Indonesia. It added that the number of countries supporting Indonesia on the question had shown a steady increase, that the large number of abstentions indicated that an overwhelming majority of States questioned the relevance of continued consideration of the item, and that the time had come to view East Timor on the basis of facts and realism rather than of baseless accusations and wishful thinking..

Also voting against the text, Australia said one could not ignore the reality that the Territory had become part of Indonesia and that the Timorese could better be served by donations of needed aid. Iraq voted against the draft because it mentioned resolutions which Iraq had not supported.

Among those abstaining, the Federal Republic of Germany and Italy considered it essential to promote a dialogue between the Indonesian Government and the other parties concerned in order to overcome the remaining obstacles; they saw as a positive element in the resolution the

request for the use of the good offices of the Secretary-General. While agreeing with the latter point, Guatemala, which abstained in the Fourth Committee but voted against in the Assembly, observed that the veracity of the new facts presented to the Committee could not currently be ascertained. The United Kingdom, viewing the text as more constructive than in previous years, called on Indonesia and Portugal to settle the problem through diplomatic negotiations.

Portugal said it co-sponsored the resolution on the East Timor question for the first time because, having been unable to fulfil its functions as administering Power, it had to respond in that manner to the appeals made to it by the inhabitants of the Territory to safeguard their inalienable rights on moral and constitutional grounds; it hoped the text, calling for a peaceful and negotiated solution to the problem, would offer real possibilities for the people of East Timor to exercise freely the right to decide their own future.

Rwanda said its affirmative vote demonstrated its support for the principle of self-determination and its opposition to the policies of fait accompli and of might makes right. Vanuatu supported the resolution as a matter of conscience; if it did not protest Indonesia's actions in East Timor, it said, there would be no moral ground to condemn aggression by other States.

Letters and notes verbales (nv). Indonesia: <sup>(1)</sup>7 Oct., A/C.4/37/6 & Con.1 (nv); <sup>(2)</sup>14 Oct., A/C.4/37/8 & Add.1 (20 Oct.), 2 (28 Oct.), 3 (1 Nov.) & 4 (8 Nov.). <sup>(3)</sup>Portugal: 26 Feb., A/37/113 (nv).

Reports. <sup>(4)</sup>Committee on colonial countries, A/37/23/Rev.1; <sup>(5)</sup>S-G, A/37/538.

Request. for hearing. <sup>(6)</sup>A/C.4/37/3 & Add.1-10.

Resolutions (1982). <sup>(7)</sup>GA: 37/30, 23 Nov., text following.

<sup>(8)</sup>SCPDPM (repo rt, E/CN.4/1983/4): 1982/20. 8 Sep.

Resolution (prior). <sup>(9)</sup>GA: 36/50, 24 Nov. 1981 (YUN 1981, p. 1185).

Meeting records. GA: General Committee, A/BUR/37/SR.2 (22 Sep.); plenary, A/37/PV.4, 77 (24 Sep., 23 Nov.); 4th Committee, A/C.4/37/SR.3, 5, 6, 8-11, 13-18, 19, 20-22, 23 (15 Oct.-15 Nov.).

General Assembly resolution 37/30

23 November 1982 Meeting 77 50-46-50 (recorded vote)

Approved by Fourth Committee (A/37/623) by recorded vote (48-42-54), 15 November (meeting 23); 18-nation draft (A/C.4/37/L.8); agenda item 97.

Sponsors: Angola, Barbados, Belize, Benin, Brazil, Cape Verde, Grenada, Guinea-Bissau, Malawi, Mozambique, Nicaragua, Portugal, Sao Tome and Principe, Seychelles, Swaziland, Trinidad and Tobago, Vanuatu, Zimbabwe.

#### Question of East Timor

The General Assembly,

Recognizing the inalienable right of all peoples to self-determination and independence in accordance with the principles of the Charter of the United Nations, the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in its resolution 1514(XV) of 14 December 1960, and other relevant United Nations resolutions,

Having examined the chapter of the report 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 relating to East Timor and other relevant documents,

Eking note of the report of the Secretary-General on the question of East Timor,

Taking note of resolution 1982/20 adopted on 8 September 1982 by the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Having heard the statement of the representative of Portugal, as the administering Power,

Having heard the statement of the representative of Indonesia,

Having heard the Statements of the representative of the Frente Revolucionária de Timor Leste Independente and of various petitioners, as well as of the representatives of non-governmental organizations,

Bearing in mind that Portugal, the administering Power, has stated its full and solemn commitment to uphold the right of the people of East Timor to self-determination and independence,

Bearing in mind also its resolutions 3485(XXX) of 12 December 1975, 31/53 of 1 December 1976, 32/34 of 28 November 1977, 33/39 of 13 December 1978, 34/40 of 21 November 1979, 35/27 of 11 November 1980 and 36/50 of 24 November 1981,

Concerned at the humanitarian situation prevailing in the Territory and believing that all efforts should be made by the international community to improve the living conditions of the people of East Timor and to guarantee to them the effective enjoyment of their fundamental human rights,

1. Requests the Secretary-General to initiate consultations with all parties directly concerned, with a view to exploring avenues for achieving a comprehensive settlement of the problem and to report thereon to the General Assembly at its thirty-eighth session;

2. Requests the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to keep the situation in the Territory under active consideration and to render all assistance to the Secretary-General with a view to facilitating the implementation of the present resolution;

3. Calls upon all specialized agencies and other organizations of the United Nations system, in particular the World Food Programme, the United Nations Children's Fund and the Office of the United Nations High Commissioner for Refugees, immediately to assist, within their respective fields of competence, the people of East Timor, in close consultation with Portugal, as the administering Power;

4. Decides to include in the provisional agenda of its thirty-eighth session the item entitled "Question of East Timor";

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Barbados, Belize, Benin, Brazil, Burundi, Byelorussian SSR, Cape Verde, China, Congo, Cuba, Cyprus, Democratic Yemen, Ethiopia, Ghana, Greece, Grenada, Guinea-Bissau, Guyana, Iceland, Ireland, Kenya, Lao People's Democratic Republic, Lesotho, Madagascar, Malawi, Mali, Mauritius, Mexico, Mozambique, Nicaragua, Portugal, Rwanda, Sao Tome and Principe, Seychelles, Sierra Leone, Swaziland, Togo, Trinidad and Tobago, Uganda, Ukrainian SSR, USSR, United Republic of Tanzania, Vanuatu, Viet Nam, Zambia, Zimbabwe.

Against: Antigua and Barbuda, Argentina, Australia, Bahrain, Bangladesh, Canada, Chad, Chile, Democratic Kampuchea, Egypt, El Salvador, Fiji, Gambia, Guatemala, Honduras, India, Indonesia, Iraq, Japan, Jordan, Kuwait, Liberia, Malaysia, Maldives, Morocco, New Zealand, Oman, Pakistan, Papua New Guinea, Paraguay, Philippines, Qatar, Saint Lucia, Saudi Arabia, Singapore, Solomon Islands, Sudan, Suriname, Syrian Arab Republic, Thailand, Tunisia, Turkey, United Arab Emirates, United States, Uruguay, Yemen.

Abstaining: Austria, Bahamas, Belgium, Bhutan, Bolivia, Botswana, Burma, Central African Republic, Colombia, Costa Rica, Czechoslovakia, Denmark, Dominica, Dominican Republic, Ecuador, Finland, France, Gabon, Germany, Federal Republic of, Guinea, Haiti, Hungary, Israel, Italy, Ivory Coast, Jamaica, Lebanon, Luxembourg, Mauritania, Nepal, Netherlands, Niger, Nigeria, Norway, Panama, Peru, Poland, Romania, Samoa, Senegal, Somalia, Spain, Sri Lanka, Sweden, United Kingdom, United Republic of Cameroon, Upper Volta, Venezuela, Yugoslavia, Zaire.

## Western Sahara question

The General Assembly, in November 1982, reaffirmed its intention to co-operate with the Organization of African Unity (OAU) in organizing a referendum on self-determination for the people of Western Sahara and appealed to Morocco and Frente Popular para la Liberación de Saguia el-Hamra y de Rio de Oro (Frente POLISARIO) to

negotiate a cease-fire. The Secretary-General reported to the Assembly that no decision had been reached on the United Nations role in the conduct of the referendum. Morocco opposed a role for the Organization and also objected to a decision by OAU to seat at one of its meetings in February the Saharan Arab Democratic Republic, established in 1976 and backed by POLISARIO.

Co-operation with OAU. In November 1982, the Secretary-General submitted to the General Assembly a report on Western Sahara,<sup>(12)</sup> pursuant to the Assembly's 1981 resolution<sup>(17)</sup> and decision<sup>(4)</sup> requesting him to co-operate with OAU in organizing a referendum in the Territory. He informed the Assembly that a United Nations team had travelled to Nairobi, Kenya, in early February 1982 at the invitation of the OAU Secretary-General, for consultations with the OAU Ministerial Consultative Committee on technical questions relating to the proposed cease-fire and referendum. That Committee, composed of the Ministers for Foreign Affairs of Guinea, Kenya, Mali, Nigeria, Sierra Leone, the Sudan and the United Republic of Tanzania, met on 6 and 7 February to discuss these issues as well as the role of the United Nations in the process.

The Consultative Committee referred three documents to the OAU Implementation Committee on Western Sahara, which met at Nairobi on 8 and 9 February and took decisions on two of them, leaving undecided the question of the United Nations role. By the first of these, a cease-fire would come into force on a date to be fixed by the Implementation Committee after consultation with the parties concerned, a peace-keeping force would be stationed in the Territory, and troops would be withdrawn and prisoners of war exchanged. By the second, an Interim Administration would be set up to organize the referendum and a Commissioner would be appointed to carry out the preparatory work for it.

By a letter dated 23 February to the Secretary-General,<sup>(7)</sup> Morocco transmitted the texts of three letters it had sent that day to OAU officials, protesting the OAU recognition of the Saharan Arab Democratic Republic as that body's new member. By the first, addressed to the OAU Chairman, King Hassan II called a fatal blow to the credibility of OAU its decision allowing participation of that so-called Republic as a constituent member in the thirty-eighth session of the Council of Ministers being held at Addis Ababa, Ethiopia. In a letter to the OAU Secretary-General, the King described as an abuse of power the recognition given by one of the administrative units of OAU to that so-called Republic as a new member and asked that the measure be revoked. Morocco's Minister of State for Foreign Affairs, in a letter to the Chairman of the OAU Council of Ministers,

said that the decision was contrary to agreements reached at earlier OAU meetings, that it was a violation of the OAU Charter and that Morocco therefore considered it null and void.

In a letter dated 3 March,<sup>(8)</sup> Morocco informed the United Nations Secretary-General that 19 States (Central African Republic, Comoros, Djibouti, Equatorial Guinea, Gabon, Gambia, Guinea, Ivory Coast, Liberia, Mauritius, Morocco, Niger, Senegal, Somalia, Sudan, Tunisia, United Republic of Cameroon, Upper Volta, Zaire) had withdrawn in protest from the February OAU meeting at Addis Ababa. Appended to the letter was the text of a message from the Secretary for Foreign Affairs of Zaire, on behalf of the 19 States, to the Chairman of that meeting protesting that the Council had continued its work in the absence of a quorum and saying that the decisions taken were considered null and void. In a note verbale dated 1 April,<sup>(10)</sup> the United Republic of Cameroon transmitted to the United Nations Secretariat a statement saying that the Assembly of Heads of State and Government, the highest body of OAU, had the exclusive competence to decide on the question of admission of the Saharan Arab Democratic Republic.

Morocco, by a letter dated 4 November,<sup>(9)</sup> transmitted to the Secretary-General a note charging that the OAU Secretary-General had taken it upon himself to invite the so-called Republic to participate as a member State in the February meeting, and then omitted transmitting to the United Nations Secretariat the text of the decision of the Implementation Committee concerning a referendum in Western Sahara, in order to sabotage the Committee's action. However, a 4 November addendum to the Secretary-General's report on Western Sahara carried the text of that decision as transmitted to the United Nations on 2 November by the OAU Executive Secretary.

Action by the Commission on Human Rights. By a resolution of 25 February on the right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation,<sup>(14)</sup> the Commission on Human Rights welcomed OAU and United Nations decisions to organize a referendum in Western Sahara and urged Morocco and POLISARIO to negotiate a cease-fire.

Action by the Committee on colonial countries. The question of Western Sahara was considered by the Committee on colonial countries on 1 July and 20 August.<sup>(11)</sup> At its August meeting, it heard statements by Cuba, Iran, Nicaragua and Zimbabwe and by a representative of POLISARIO before deciding, without objection, to continue consideration of the question in 1983, subject to any directives of the General Assembly.

General Assembly action. On 23 November 1982,<sup>(15)</sup> the General Assembly reaffirmed the right of the people of Western Sahara to self-deter-



mination and independence and welcomed the OAU efforts to promote a just and definitive solution to the question. The Assembly expressed its conviction that only negotiation between Morocco and POLISARIO could guarantee the fair conduct of a referendum on self-determination in the Territory and appealed to these two parties to negotiate a cease-fire.

Reaffirming the United Nations determination to co-operate with OAU in organizing the referendum, the Assembly requested the Secretary-General to ensure effective participation of the United Nations in that endeavour and to report to the Assembly and the Security Council on the subject and on the measures requiring a Council decision. The Secretary-General was urged to co-operate with the OAU Secretary-General in implementing the pertinent OAU decisions and the 1982 Assembly resolution. The Assembly requested the Committee on colonial countries to give priority to the Western Sahara question and to report in 1983.

The Assembly adopted the resolution, by a recorded vote of 78 to 15, with 50 abstentions, on the recommendation of the Fourth Committee, which had approved the text on 12 November by a recorded vote of 74 to 12, with 55 abstentions. The draft was introduced by Mexico and sponsored by 37 States.

Also on 23 November, the Assembly, by a decision<sup>(3)</sup> adopted without vote, requested the Secretary-General to assist the OAU Implementation Committee in the discharge of its mandate on Western Sahara and to report to the Assembly and the Security Council as appropriate.

Introduced by Kenya as current OAU Chairman, the draft decision had been approved by the Fourth Committee without objection on 12 November, when an earlier text was withdrawn. The 14-nation draft,<sup>(5)</sup> introduced by Senegal, was essentially the same in content as the Kenyan text, except that the former specified the role of the Implementation Committee as that of monitoring the establishment of a cease-fire and the organization of a referendum. As the 14-nation text was withdrawn, no action was taken on the proposed amendments thereto by 16 States (to specify the referendum as that on self-determination for the people of Western Sahara, and to add reference to the statements made by POLISARIO),<sup>(2)</sup> on a revision by the original 14 States (to add reference to the decisions adopted by the Implementation Committee at Nairobi in August 1981 and February 1982),<sup>(6)</sup> and on further amendments proposed by 24 States (to add reference to statements made by POLISARIO, and to specify the task of the Implementation Committee as that of organizing and conducting a referendum on self-determination).<sup>(1)</sup>

In a related action, the Assembly, in its 3 December resolution on the self-determination of peoples,<sup>(16)</sup> noted with satisfaction the OAU resolution establishing the Implementation Committee and the decisions of the Committee to conduct a referendum in Western Sahara, and welcomed the willingness of the United Nations to collaborate with OAU in the process.

Morocco, which voted against the resolution of 23 November, said the United Nations initiatives could only be detrimental to the process of peaceful settlement being pursued by OAU. The wording of the resolution whose sponsors included Algeria, Morocco said, was not consistent with the African consensus as it prejudged who was to benefit from the referendum, and paragraphs 3 and 4, calling for a cease-fire to be negotiated between Morocco and the POLISARIO, violated the OAU decisions by imposing conditions which its Implementation Committee had never endorsed. Chile also cast a negative vote, stating that the draft was not in line with the OAU appeal to the parties concerned and that the solution to the dispute lay in the self-determination of the people of Western Sahara.

Austria, which abstained in the Committee, but voted in favour in the Assembly, said it supported the OAU efforts and felt that a peaceful settlement could be brought about only through negotiations involving all parties concerned.

Among others abstaining, Jordan said that in the Western Sahara question the principle of self-determination was being abused while well-defined national interests were at play, undermining the very existence of OAU. The role of the United Nations was to create a climate conducive to the cessation of hostilities, Maldives commented, and the draft was unlikely to serve that purpose. Norway did not want adoption of a text that might impair the peace process envisaged by OAU. Somalia thought it preferable to leave it to the OAU Implementation Committee to continue the process that had been started. The Sudan said it had abstained in order to remain impartial as a member of the Implementation Committee.

Argentina and Fiji voted in favour of the resolution and joined the consensus on the decision because they backed OAU efforts in support of self-determination for the people of Western Sahara. Finland and Sweden also supported both texts, although they would have preferred to vote on one text rather than two; Finland did not believe the resolution reflected the OAU spirit of Nairobi, and Sweden regretted that it did not reflect in detail some important elements of the OAU decisions.

Supporting the consensus decision, Denmark, on behalf of the members of the European Community (EC), pointed out that EC had welcomed the OAU decision to seek a referendum in Western

Sahara because it paved the way for a peaceful solution. Somalia welcomed the consensus decision.

During its debate, the Fourth Committee granted a request for a hearing by a petitioner from POLISARIO,<sup>(13)</sup> having heard Morocco object on the ground that OAU had already found a process for settlement of the question which was no longer one of decolonization. The POLISARIO representative told the Committee that, despite Morocco's attempt to annex the Territory with the support of the United States, the Saharan Arab Democratic Republic exercised effective sovereignty over virtually all of Western Sahara, that its admission to OAU testified to its support among a majority of African nations and that he welcomed United Nations consideration of what he called a purely colonial question.

Amendments not acted upon. <sup>(1)</sup>Afghanistan, Algeria, Angola, Benin, Burundi, Cape Verde, Congo, Cuba, Cyprus, Democratic Yemen, Guinea-Bissau, Iran, Lao People's Democratic Republic, Madagascar, Mali, Mauritania, Mauritius, Mozambique, Nicaragua, Rwanda, Sao Tome and Principe, Vanuatu, Viet Nam, Zimbabwe, A/C.4/37/L.13 (to 14-nation revised draft, A/C.4/37/L.5/Rev.1); <sup>(2)</sup>Algeria, Benin, Burundi, Cape Verde, Cuba, Cyprus, Democratic Yemen, Guinea-Bissau, Madagascar, Mauritania, Mauritius, Mozambique, Nicaragua, Rwanda, Sao Tome and Principe, Zimbabwe, A/C.4/37/L.12 (to 14-nation draft, A/C.4/37/L.5).

Decision (1982). <sup>(3)</sup>GA: 37/411, 23 Nov., text following.

Decision (prior). <sup>(4)</sup>GA: 36/406, 24 Nov. 1981 (YUN 1981, p. 1197).

Draft decisions withdrawn. Chad, Comoros, Equatorial Guinea, Gabon, Gambia, Guinea, Ivory Coast, Liberia, Morocco, Niger, Senegal, United Republic of Cameroon, Upper Volta, Zaire, <sup>(5)</sup>A/C.4/37/L.5, <sup>(6)</sup>A/C.4/37/L.5/Rev.1.

Letters and note verbale (nv). Morocco: <sup>(7)</sup>23 Feb., A/37/99; <sup>(8)</sup>3 Mar., A/37/107; <sup>(9)</sup>4 Nov., A/37/602. <sup>(10)</sup>United Republic of Cameroon: 1 Apr., A/37/167 (nv).

Reports. <sup>(11)</sup>Committee on colonial countries, A/37/23/Rev1; <sup>(12)</sup>S-G, A/37/570/Rev.2 & Rev.2/Corr.1.

Requests for hearing. <sup>(13)</sup>A/C.4/37/2 & Add.1 & Add.1/Corr.1. Resolutions (1982). <sup>(14)</sup>Commission on Human Rights (report, E/1982/12): 1982/15, 25 Feb. GA: <sup>(15)</sup>37/28, 23 Nov., text following; <sup>(16)</sup>37/43, para. 4, 3 Dec.

Resolution (prior). <sup>(17)</sup>GA: 36/46, 24 Nov. 1981 (YUN 1981, p. 1196).

Financial implications. 5th Committee report, A/37/637; S-G statements, A/C.4/37/L.9, A/C.5/37/46.

Meeting records. GA: 4th Committee, A/C.4/37/SR.3, 9-15, 17, 18, 19, 20, 21, 22, 23 (15 Oct.-15 Nov.); 5th Committee, A/C.5/37/SR.41 (22 Nov.); plenary, A/37/PV.74-76, 77 ('22, 23 Nov.).

#### General Assembly resolution 37/28

23 November 1982 Meeting 77 78-15-50 (recorded vote)

Approved by Fourth Committee (A/37/621) by recorded vote (74-12-55), 12 November (meeting 221: 37-nation draft (A/C.4/37/L.6/Rev.11; agenda item 18).

Sponsors: Afghanistan, Algeria, Angola, Belize, Benin, Botswana, Burundi, Cape Verde, Congo, Cuba, Cyprus, Democratic Yemen, Ethiopia, Grenada, Guinea-Bissau, Guyana, Iran, Jamaica, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Madagascar, Mali, Mauritania, Mexico, Mozambique, Nicaragua, Panama, Rwanda, Sao Tome and Principe, Seychelles, Uganda, Vanuatu, Viet Nam, Yugoslavia, Zambia, Zimbabwe.

#### Question of Western Sahara

The General Assembly,

Having considered in depth the question of Western Sahara,

Recalling the inalienable right of all peoples to self-determination and independence in accordance with the principles set forth in the

Charter of the United Nations and in General Assembly resolution 1514(XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling its resolutions 35/19 of 11 November 1980 and 36/46 of 24 November 1981 on the question of Western Sahara,

Having considered the relevant chapter of the report 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,

Having heard the Statements made on the question of Western Sahara, in particular the statement of the representative of the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro.

Recalling its resolution 36/80 of 9 December 1981 on co-operation between the United Nations and the Organization of African Unity,

Recalling all the decisions of the Organization of African Unity on the question of Western Sahara,

Recalling a/so the decision of the Assembly of Heads of State and Government of the Organization of African Unity at its eighteenth ordinary session, held at Nairobi from 24 to 27 June 1981, to organize throughout the Territory of Western Sahara a general and free referendum on self-determination,

Taking note of the various decisions adopted by the Implementation Committee on Western Sahara of the Organization of African Unity concerning the establishment of appropriate machinery to enable the people of Western Sahara to express themselves freely and democratically on their future,

1. Reaffirms the inalienable right of the people of Western Sahara to self-determination and independence in accordance with the Charter of the United Nations, the Charter of the Organization of African Unity and the objectives of General Assembly resolution 1514(XV), as well as with the relevant resolutions of the Assembly and the Organization of African Unity;

2. Welcomes the efforts of the Organization of African Unity with a view to promoting a just end definitive solution to the question of Western Sahara;

3. Remains convinced that only negotiation between Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro could create the objective conditions for the return of peace in north-west Africa and would guarantee the fair conduct of a general, free and orderly referendum on self-determination in Western Sahara;

4. Appeals, to that end, to the two parties to the dispute, Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro, to enter into negotiations with a view to achieving a cease-fire in accordance with General Assembly resolution 36/46 and the decisions of the Organization of African Unity;

5. Reaffirms the determination of the United Nations to co-operate fully with the Organization of African Unity in the fair and impartial organization of the referendum;

6. Requests, to that end, the Secretary-General to take the necessary steps to ensure that the United Nations participates effectively in the organization and conduct of the referendum and to report to the General Assembly and the Security Council on this subject and on the measures requiring a decision by the Council;

7. Urges the Secretary-General to co-operate closely with the Secretary-General of the Organization of African Unity with a view to the implementation of the pertinent decisions of the Organization of African Unity end of the present resolution;

6. Requests the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to consider the situation in Western Sahara as a matter of priority and to report thereon to the General Assembly at its thirty-eighth session.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burundi, Byelorussian SSR, Cape Verde, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Dominica, Ecuador, Ethiopia, Fiji, Finland, German Democratic Republic, Ghana, Greece, Grenada, Guinea, Guyana, Hungary, India, Iran, Jamaica, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Madagascar, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Mozambique, Nicaragua, Panama, Peru, Poland, Rwanda, Saint Lucia, Sao Tome and Principe, Seychelles, Sierra Leone, Sri Lanka, Suriname, Swaziland, Sweden, Syrian Arab Republic, Trinidad and Tobago, Uganda, Ukrainian SSR, USSR, United Republic of Tanzania, Vanuatu, Venezuela, Viet Nam, Yugoslavia, Zambia, Zimbabwe.

Against: Chad, Chile, El Salvador, Gabon, Gambia, Guatemala, Guinea, Honduras, Liberia, Morocco, Senegal, Solomon Islands, United States, Upper Volta, Zaire.

Abstaining: Bahrain, Bangladesh, Belgium, Burma, Canada, Central African Republic, Democratic Kampuchea, Denmark, Djibouti, Dominican Republic, Egypt, France, Germany, Federal Republic of, Iceland, Indonesia, Ireland, Israel, Italy, Japan, Jordan, Kenya, Lebanon, Luxembourg, Malawi,<sup>1</sup> Malaysia, Maldives, Nepal, Netherlands New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Papua New Guinea, Paraguay, Philippines, Portugal, Qatar, Samoa, Somalia, Spain, Sudan, Thailand, Tunisia, Turkey, United Kingdom, United Republic of Cameroon, Uruguay, Yemen.<sup>2</sup>

<sup>1</sup>Later advised the Secretariat it had intended to vote in favour.

<sup>2</sup>Later advised the Secretariat it had intended not to participate in the vote.

General Assembly decision 37/411

Adopted without vote

Approved by Fourth Committee (A/37/621) without objection, 12 November (meeting 221; draft by Kenya (A/C.4/37/L.14); agenda item 18.

#### Question of Western Sahara

At its 77th plenary meeting, on 23 November 1982, the General Assembly, on the recommendation of the Fourth Committee, recalling its decision 36/406 of 24 November 1981 and taking into account the resolution adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its eighteenth ordinary session, held at Nairobi from 24 to 27 June 1981, by which it decided, *in alia* to establish an Implementation Committee on Western Sahara, as well as the decisions adopted by the Implementation Committee, decided to request the Secretary-General to give assistance, in consultation and co-operation with the Organization of African Unity, to the Implementation Committee in the discharge of its mandate relating to the question of Western Sahara arising from the above-mentioned resolution and decisions and to report there on to the General Assembly and the Security Council, as appropriate.

## Other Territories

### American Samoa

On 23 November 1982, the General Assembly adopted without vote a resolution<sup>(2)</sup> by which it reaffirmed the inalienable right of American Samoans to self-determination and independence, and called on the United States, as the administering Power, to keep the people fully informed of that right and to expedite the process of decolonization of the Territory.

Reaffirming the responsibility of the administering Power for the economic and social development of the Territory, the Assembly asked it to continue to help strengthen and diversify the Samoan economy in order that the Territory might achieve self-sufficiency. The Assembly also recommended changes in the Territory's judicial system, urged closer relations with neighbouring communities in order to enhance economic welfare, and called for the safeguarding of the Territory's natural resources. In so doing, the Assembly approved the relevant chapter of the report of the Committee on colonial countries, requested the Committee to continue to examine the question and to report in 1983, and decided to keep under review the possibility of sending a visiting mission to the Territory.

The resolution was approved without objection by the Fourth Committee on 15 November. The

draft originated in the Committee on colonial countries, which had approved it on 16 September, following its approval on 5 August of the conclusions and recommendations of its Subcommittee on Small Territories.(\*)

Report. <sup>(1)</sup>Committee on colonial countries, A/37/23/Rev.1. Resolution (1982). <sup>(2)</sup>GA: 37/20, 23 Nov., text following.

Meeting records. GA: 4th Committee, A/C.4/37/SR.9-15, 17-22, 23 (26 Oct.-15 Nov.); plenary, A/37/PV.74-76, 77 (22, 23 Nov.).

General Assembly resolution 37/20

23 November 1982

Meeting 77

Adopted without vote

Approved by Fourth Committee (A/37/621) without objection, 15 November (meeting 231; draft by Committee on colonial countries (A/37/23/Rev.1); agenda item 18

#### Question of American Samoa

The General Assembly,

Having considered the question of American Samoa,

Having examined the relevant chapters of the report 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,

Recalling its resolution 1514(XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and all other resolutions and decisions of the United Nations relating to American Samoa,

Taking into account the **Statement** of the representative of the administering Power,

Conscious of the need to promote progress towards the full implementation of the Declaration in respect of American Samoa,

Noting with appreciation the continued active participation of the administering Power in the work of the Special Committee in regard to American Samoa, thereby enabling it to conduct a more informed and meaningful examination of the situation in the Territory, with a view to accelerating the process of decolonization for the purpose of the full implementation of the Declaration,

Considering that it remains the obligation of the administering Power to carry out a thorough programme of political education so as to ensure that the people of American Samoa are made fully aware of their inalienable right to self-determination and independence in accordance with General Assembly resolution 1514(XV).

Noting with interest that the Office of Economic Development and Planning of the Government of American Samoa is now implementing a five-year economic development plan, focusing on economic diversification, land use, housing, banking and tourism, for the benefit of the people of the Territory,

Aware of the special circumstances of the geographical location and economic conditions of American Samoa and stressing the necessity of diversifying the economy of the Territory as a matter of priority in order to reduce its dependence on fluctuating economic activities,

Mindful that United Nations visiting missions provide an effective means of ascertaining the situation in the small Territories and expressing its satisfaction at the willingness of the administering Power to receive visiting missions in the Territories under its administration,

Welcoming the fact that American Samoa was the host for the 1982 South Pacific Conference of the South Pacific Commission,

1. Approves the chapter of the report 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 relating to American Samoa;

2. Reaffirms the inalienable right of the people of American Samoa to self-determination and independence in conformity with the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514(XV);

3. Reiterates the view that such factors as territorial size, geographical location, size of population and limited natural resources should in no way delay the speedy implementation of the Declaration contained in General Assembly resolution 1514(XV), which fully applies to American Samoa;

4. Calls upon the Government of the United States of America, as the administering Power, to take all necessary steps, taking into

account the freely expressed wishes of the people of American Samoa, to expedite the process of decolonization of the Territory in accordance with the relevant provisions of the Charter of the United Nations and the Declaration;

5. Reaffirms that it is the responsibility of the administering Power to ensure that the people of American Samoa are kept fully informed of their inalienable right to self-determination and independence in accordance with General Assembly resolution 1514(XV);

6. Recommends that, in accordance with the wishes of the people of American Samoa, the Chief Justice and Associate Justices should be appointed by the Governor and approved by the Legislature a procedure now facilitated by the growing number of American Samoans who are qualified lawyers, and that the recommendation of the second temporary Political Status Commission for a change in the judicial system should be acted upon;

7. Reaffirms the responsibility of the administering Power, under the Charter, for the economic and social development of the Territory;

8. Calls upon the administering Power, in cooperation with the territorial Government and within the framework of the five-year economic development plan, to continue to help to strengthen and diversify the economy of the Territory in order to achieve self-sufficiency;

9. Urges the administering Power to continue to facilitate close relations and co-operation between the people of the Territory and the neighbouring island communities and the regional institutions in order to enhance further their economic welfare;

10. Urges the administering Power, in co-operation with the freely elected representatives of American Samoa, to safeguard the inalienable right of the people of the Territory to the enjoyment of their natural resources by taking effective measures to ensure their right to own and dispose of those resources and to establish and maintain control of their future development;

11. Considers that the possibility of sending a further visiting mission to American Samoa at an appropriate time should be kept under review;

12. Requests the Special Committee to continue the examination of this question at its next session, including the possible dispatch of a further visiting mission to American Samoa at an appropriate time and in consultation with the administering Power, and to report thereon to the General Assembly at its thirty-eighth session.

## Anguilla

The Committee on colonial countries decided without objection on 20 August 1982 to consider the question of Anguilla at its 1983 session, subject to any directives by the General Assembly.<sup>(2)</sup> On the recommendation of the Fourth Committee, as orally proposed by its Chairman and approved without vote on 15 November, the Assembly decided without vote on 23 November<sup>(1)</sup> to defer consideration of the question until 1983.

Decision (1982). <sup>(1)</sup>GA: 37/419, 23 Nov., text following.

Report. <sup>(2)</sup>Committee on colonial countries, A/37/23/Rev.1. Meeting records. GA: 4th Committee, A/C.4/37/SR.9-15, 17-22, 23 (26 Oct.-15 Nov.); plenary, A/37/PV.74-76, 77 (22-23 Nov.).

General Assembly decision 37/419

Adopted without vote

Approved by Fourth Committee (A/37/621) without vote, 15 November (meeting 231: oral proposal by Chairman; agenda item 18).

### Question of Anguilla

At its 77th plenary meeting, on 23 November 1982, the General Assembly, on the recommendation of the Fourth Committee, decided to defer until its thirty-eighth session consideration of the question of Anguilla.

## Bermuda

The General Assembly reaffirmed the inalienable right of the people of Bermuda to self-determination and independence on 23 November 1982. when it

adopted without vote a resolution<sup>(2)</sup> stating that it was ultimately for Bermudians themselves to decide their future political status. By so doing, it reiterated that the administering Power, the United Kingdom, should foster an awareness among Bermudians of the possibilities open to them in the exercise of that right.

The Assembly called on the administering Power to receive a visiting mission in the Territory, and urged it to comply with United Nations resolutions relating to military bases in colonial Territories and to guarantee the right of Bermudians to dispose of their natural resources. It reaffirmed the need to foster national unity and a national identity, welcomed the local authorities efforts to establish a human rights commission and called for greater localization of the public service. Urging diversification of the economy, the Assembly called on United Nations organizations to pay special attention to Bermuda's development needs, and requested the Committee on colonial countries to continue examining the situation in the Territory and to report in 1983.

The resolution was approved without objection by the Fourth Committee on 15 November. The draft originated in the Committee on colonial countries which approved it on 16 September, based on the report of its Sub-Committee on Small Territories which the Committee adopted on 5 August.<sup>(1)</sup>

Report. <sup>(1)</sup>Committee on colonial countries, A/37/23/Rev.1. Resolution (1982). <sup>(2)</sup>GA: 37/22, 23 Nov., text following. Meeting records GA: 4th Committee, A/C.4/37/SR.9-15, 17-22, 23 (26 Oct.-15 Nov.); plenary, A/37/PV.4-76, 77(22, 23 Nov.).

General Assembly resolution 37/22

23 November 1982 Meeting 77 Adopted without vote

Approved by Fourth Committee (A/37/621) without objection, 15 November (meeting 23); draft by Committee on colonial countries (A/37/23/Rev.1) agenda item 18.

### Question of Bermuda

The General Assembly,

Having considered the question of Bermuda,

Having examined the relevant chapters of the report 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,

Recalling its resolution 1514(XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and all other resolutions and decisions of the United Nations relating to Bermuda,

Taking into account the statement of the representative of the administering Power, in which he said that his Government would fully respect the wishes of the people of Bermuda in determining the future constitutional status of the Territory,

Conscious of the need to ensure the full and speedy implementation of the Declaration in respect of the Territory,

Noting with appreciation the continued active participation of the administering Power in the work of the Special Committee in regard to Bermuda, thereby enabling it to conduct a more informed and meaningful examination of the situation in the Territory, with a view to accelerating the process of decolonization for the purpose of the full implementation of the Declaration,

Recalling all relevant resolutions of the United Nations relating to military bases and installations in colonial and Non-Self-Governing Territories,

Noting that the economy of the Territory continues to depend heavily on tourism and international company business,

Aware of the special circumstances of the geographical location and economic conditions of the Territory and bearing in mind the necessity of diversifying and strengthening further its economy as a matter of priority in order to promote economic stability,

Mindful that United Nations visiting missions provide an effective means of ascertaining the situation in the small Territories, acquiring adequate first-hand information on the situation prevailing in those Territories and ascertaining the views of the peoples concerning their future political status,

1. Approves the chapter of the report 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 relating to Bermuda;

2. Reaffirms the inalienable right of the people of Bermuda to self-determination and independence in conformity with the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514(XV);

3. Reiterates the view that such factors as territorial size, geographical location, size of population and limited natural resources should in no way delay the speedy exercise by the people of the Territory of their inalienable right as set out in the Declaration contained in General Assembly resolution 1514(XV), which fully applies to Bermuda;

4. Urges the administering Power, taking into account the freely expressed will and desire of the people of Bermuda, to continue to take all necessary steps to ensure the full and speedy implementation of General Assembly resolution 1514(XV);

5. Reiterates that it is the obligation of the administering Power to create such conditions in the Territory as will enable the people of Bermuda to exercise freely and without interference their inalienable right to self-determination and independence in accordance with General Assembly resolution 1514(XV) and, in that connection, reaffirms the importance of fostering an awareness among the people of Bermuda of the possibilities open to them in the exercise of that right;

6. Reaffirms that, in accordance with the relevant provisions of the Charter of the United Nations and the Declaration contained in General Assembly resolution 1514(XV), it is ultimately for the people of Bermuda themselves to decide on their future political status;

7. Reaffirms the importance of the need to foster national unity and a national identity and, in that regard, welcomes the steps taken by the local authorities towards the establishment of a human rights commission;

8. Reaffirms its strong conviction that the administering Power must ensure that military bases and installations do not hinder the population of the Territory from exercising its right to self-determination and independence in conformity with the purposes and principles of the Charter and urges the administering Power to take all necessary measures to comply fully with the relevant resolutions of the United Nations relating to military bases and installations in colonial and Non-Self-Governing Territories;

9. Urges once again the administering Power, in co-operation with the territorial Government, to continue to take all effective measures to guarantee the right of the people of Bermuda to own and dispose of their natural resources and to establish and maintain control of their future development;

10. Strongly urges the administering Power, in consultation with the Government of Bermuda, to make every effort to diversify the economy of Bermuda, including increased efforts to promote agriculture and fisheries;

11. Welcomes the role being played in the Territory by the United Nations Development Programme and the Food and Agriculture Organization of the United Nations, specifically in programmes of agriculture and fisheries, and urges the specialized agencies and all other organizations of the United Nations system to continue to pay special attention to the development needs of Bermuda;

12. Reiterates its call upon the administering Power, in co-operation with the local authorities, to continue to expedite the process of "bermudianization" in the Territory and, in that connection, urges that particular attention be paid to greater localization of the public service;

13. Calls upon the Government of the United Kingdom of Great Britain and Northern Ireland to receive a visiting mission in the Territory at an appropriate time;

14. Requests the Special Committee to continue the examination of this question at its next session, including the possible dispatch of

a visiting mission to Bermuda at an appropriate time and in consultation with the administering Power, and to report thereon to the General Assembly at its thirty-eighth session.

### British Virgin Islands

The General Assembly adopted without vote on 23 November 1982 a resolution<sup>(2)</sup> reaffirming the inalienable right of the people of the British Virgin Islands to self-determination and independence. It stressed the importance of fostering an awareness among the people of the Territory of the possibilities open to them in the exercise of that right and stated that it was ultimately for them to decide their future political status.

The Assembly called on the United Kingdom, as the administering Power, to safeguard the right of the people to own and dispose of the Territory's natural resources and to intensify efforts at economic diversification. Further, it urged United Nations organizations to accelerate progress in the Territory's social and economic sectors, decided to keep under review the possibility of sending a visiting mission to the Territory, and requested the Committee on colonial countries to continue examining the situation there and to report in 1983.

The Fourth Committee approved the text without objection on 15 November. The draft originated in the Committee on colonial countries which approved it on 16 September, based on the report of its Sub-Committee on Small Territories which the Committee adopted on 28 June.<sup>(1)</sup>

Report. <sup>(1)</sup>Committee on colonial countries, A/37/23/Rev.1. Resolution (1982). <sup>(2)</sup>GA: 37/23, 23 Nov., text following. Meeting records. GA: 4th Committee, A/C.4/37/SR.9-15. 17-22, 23 (26 Oct.-15 Nov.); plenary, A/37/PV.74-76, 77 (22, 23 Nov.).

### General Assembly resolution 37/23

23 November 1982 Meeting 77 Adopted without vote

Approved by Fourth Committee (A/37/621) without objection, 15 November (meeting 23); draft by Committee on colonial countries (A/37/23/Rev.1); agenda item 18.

### Question of the British Virgin Islands

The General Assembly.

Having considered the question of the British Virgin Islands,

Having examined the relevant chapters of the report 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,

Recalling its resolution 1514(XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and all other resolutions and decisions of the United Nations relating to the British Virgin Islands,

Taking into account the statement of the representative of the administering Power in which he said that his Government would fully respect the wishes of the people of the British Virgin Islands in determining the future political status of the Territory,

Conscious of the need to ensure the full and speedy implementation of the Declaration in respect of the Territory,

Noting with appreciation the continued active participation of the administering Power in the work of the Special Committee in regard to the British Virgin Islands, thereby enabling it to conduct a more informed and meaningful examination of the situation in the Territory, with a view to accelerating the process of decolonization for the purpose of the full implementation of the Declaration,

Reaffirming the responsibility of the administering Power for the economic and social development of the Territory,

Taking note of the fact that positive economic developments have occurred during the period under review, including the achievement of a sustained growth in the tourist, real estate and construction industries,

Aware of the special circumstances of the geographical location and economic conditions of the Territory and bearing in mind the necessity of diversifying and strengthening further its economy as a matter of priority in order to promote economic stability,

Noting that the United Nations Development Programme has made budgetary provisions for the Territory amounting to \$240,000 for the period 1982-1986,

Mindful that United Nations visiting missions provide an effective means of ascertaining the situation in the small Territories and expressing its satisfaction at the willingness of the administering Power to receive visiting missions in the Territories under its administration,

1. Approves the chapter of the report 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 relating to the British Virgin Islands;

2. Reaffirms the inalienable right of the people of the British Virgin Islands to self-determination and independence in conformity with the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514(XV);

3. Reiterates the view that such factors as territorial size, geographical location, size of population and limited natural resources should in no way delay the speedy implementation of the Declaration contained in General Assembly resolution 1514(XV), which fully applies to the British Virgin Islands;

4. Reiterates that it is the responsibility of the administering Power to create such conditions in the Territory as will enable the people of the British Virgin Islands to exercise freely and without interference their inalienable right to self-determination in accordance with General Assembly resolution 1514(XV), as well as all other relevant resolutions of the Assembly;

5. Reaffirms that it is ultimately for the people of the British Virgin Islands themselves to determine their future political status in accordance with the relevant provisions of the Charter of the United Nations and the Declaration and reaffirms the importance of fostering an awareness among the people of the Territory of the possibilities open to them in the exercise of their right to self-determination;

6. Calls upon the administering Power, in consultation with the freely elected authorities of the territorial Government, to take all necessary steps to ensure the full and speedy attainment of the objectives of decolonization set out in the Charter and the Declaration and all other relevant resolutions of the United Nations;

7. Notes the continuing commitment of the territorial Government to the goal of economic diversification, particularly in the areas of agriculture, fisheries and small industries, and calls upon the administering Power, in consultation with the local authorities, to intensify its efforts in this regard in order to offset the recent decline in agricultural production;

8. Urges the administering Power, in co-operation with the territorial Government, to safeguard the inalienable right of the people of the Territory to the enjoyment of their natural resources by taking effective measures to ensure their right to own and dispose of those resources and to establish and maintain control of their future development;

9. Urges the specialized agencies and other organizations of the United Nations system, as well as regional institutions such as the Caribbean Development Bank, to take measures to accelerate progress in the social and economic life of the British Virgin Islands;

10. Considers that the possibility of sending a further visiting mission to the British Virgin Islands at an appropriate time should be kept under review;

11. Requests the Special Committee to continue the examination of this question at its next session, including the possible dispatch of a visiting mission to the British Virgin Islands at an appropriate time and in consultation with the administering Power, and to report thereon to the General Assembly at its thirty-eighth session.

## Brunei

The Committee on colonial countries decided without objection on 20 August 1982 to consider

the question of Brunei at its 1983 session, subject to any directives by the General Assembly.<sup>(2)</sup> On the recommendation of the Fourth Committee, which approved without vote an oral proposal by its Chairman on 15 November, the Assembly decided in like manner on 23 November<sup>(1)</sup> to defer consideration of the question until 1983 and asked the Committee on colonial countries to keep the situation in the Territory under review

Decision (1982). <sup>(1)</sup>GA: 37/417, 23 Nov., text following.  
Report. <sup>(2)</sup>Committee on colonial countries, 4/37/23/Rev.1.  
Meeting records. GA: 4th Committee, A/C.4/37/SR.9-15, 17-22, 23 (26 Oct.-15 Nov.); plenary, A/37/PV.74-76, 77 (22, 23 Nov.).

General Assembly decision 37/417

Adopted without vote

Approved by Fourth Committee (A/37/621) without vote, 15 November (meeting 23); oral proposal by Chairman: agenda item 18.

## Question of Brunei

At its 77th plenary meeting, on 23 November 1982, the General Assembly, on the recommendation of the Fourth Committee, decided to defer until its thirty-eighth session consideration of the question of Brunei and requested the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to keep the situation in the Territory under review and to report thereon to the Assembly.

## Cayman Islands

On 23 November 1982,<sup>(2)</sup> the General Assembly adopted without vote a resolution reaffirming the inalienable right of the people of the Cayman Islands to self-determination and independence. It reiterated that the United Kingdom, as administering Power, must create conditions in the Territory to enable the people to exercise freely that right and stated that it was ultimately for the people of the Territory to decide their future political status. Reaffirming the responsibility of the administering Power for economic and social development of the Territory, the Assembly urged continued efforts to diversify the economy and to safeguard the right of the people to own and dispose of the Territory's natural resources. It decided to keep under review the possibility of sending a visiting mission to the Cayman Islands and requested the Committee on colonial countries to continue examining the situation there and to report in 1983.

The resolution was approved without objection by the Fourth Committee on 15 November. The draft originated in the Committee on colonial countries which approved it on 16 September, based on the report of its Sub-Committee on Small Territories which the Committee adopted on 28 June.<sup>(1)</sup>

Report. <sup>(1)</sup>Committee on colonial countries, A/37/2YRev.1.  
Resolution (1982). <sup>(2)</sup>GA: 37/24, 23 Nov., text following.  
Meeting records. GA: 4th Committee, A/C.4/37/SR.9-15, 17-22, 23 (26 Oct.-15 Nov.); plenary, A/37/PV.74-76, 77 (22, 23 Nov.).

General Assembly resolution 37/24

23 November 1982 Meeting 77 Adopted without vote

Approved by Fourth Committee (A/37/621) without objection. 15 November (meeting 231; draft by Committee on colonial countries (A/37/23/Rev.1); agenda item 18.

#### Question of the Cayman Islands

The General Assembly,

Having considered the question of the Cayman Islands,

Having examined the relevant chapters of the report 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,

Recalling its resolution 1514(XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples and all other resolutions and decisions of the United Nations relating to the Cayman Islands.

Noting the statement of the representative of the administering Power, in which he said that his Government would fully respect the wishes of the people of the Cayman Islands in determining the future constitutional status of the Territory,

Conscious of the need to ensure the full and speedy implementation of the Declaration in respect of the Territory,

Noting that, in the period under review, the economy of the Territory has continued to sustain sound rates of growth, especially in the tourist, international finance and real estate industries,

Mindful that United Nations visiting missions provide an effective means of ascertaining the situation in the small Territories and expressing its satisfaction at the willingness of the administering Power to receive visiting missions in the Territories under its administration,

Aware of the special circumstances of the geographical location and economic conditions of the Territory and bearing in mind the necessity of diversifying and strengthening further the economy as a matter of priority in order to promote economic stability.

1. Approves the chapter of the report 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 relating to the Cayman Islands;

2. Reaffirms the inalienable right of the people of the Cayman Islands to self-determination and independence in conformity with the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514(XV);

3. Reiterates the view that such factors as territorial size, geographical location, size of population and limited natural resources should in no way delay the speedy implementation of the process of self-determination in accordance with the Declaration contained in General Assembly resolution 1514(XV), which fully applies to the Cayman Islands;

4. Notes with appreciation the active participation of the administering Power in the work of the Special Committee in regard to the Cayman Islands, thereby enabling it to conduct a more informed and meaningful examination of the situation in the Territory, with a view to accelerating the process of decolonization for the purpose of the full implementation of the Declaration;

5. Reiterates that it is the responsibility of the administering Power to create such conditions in the Territory as will enable the people of the Cayman Islands to exercise freely and without interference their inalienable right to self-determination in accordance with General Assembly resolution 1514(XV), as well as all other relevant resolutions of the Assembly;

6. Reaffirms that it is ultimately for the people of the Cayman Islands themselves to determine their future political status in accordance with the relevant provisions of the Charter of the United Nations and the Declaration and reaffirms the importance of fostering an awareness among the people of the Territory of the possibilities open to them in the exercise of their right to self-determination;

7. Reaffirms the responsibility of the administering Power for the economic and social development of the Territory and urges it, in co-operation with the territorial Government, to render continuing support, to the fullest extent possible, to the development of programmes of economic diversification which will benefit the people of the Territory;

8. Urges the administering Power, in co-operation with the territorial Government, to safeguard the inalienable right of the people of the Territory to the enjoyment of their natural resources by taking effective measures to ensure their right to own and dispose of those

resources and to establish and maintain control of their future development;

9. Urges the specialized agencies and other organizations of the United Nations system, as well as regional institutions such as the Caribbean Development Bank, to take measures to accelerate progress in the social and economic life of the Cayman Islands;

10. Welcomes the continuing assistance provided to the Territory by the United Nations Development Programme, amounting to \$448,000 for the period 1982-1986;

11. Considers that the possibility of sending a further visiting mission to the Cayman Islands at an appropriate time should be kept under review;

12. Requests the Special Committee to continue the examination of this question at its next session, including the possible dispatch of a visiting mission to the Cayman Islands at an appropriate time and in consultation with the administering Power, and to report thereon to the General Assembly at its thirty-eighth session.

#### Cocos (Keeling) Islands

On 23 November 1982,<sup>(1)</sup> the General Assembly adopted without vote a decision on the Cocos (Keeling) Islands by which it reaffirmed the responsibility of Australia, as the administering Power, to create conditions for self-determination and noted Australia's continued commitment to the political, social and economic advancement of the people of the Territory. The Assembly also welcomed Australia's willingness to receive United Nations visiting missions in the Territory, decided to keep under review the need to send a further mission and requested the Committee on colonial countries to continue to examine the question.

The Fourth Committee approved the text without objection on 15 November. The draft originated in the Committee on colonial countries which approved it on 16 September, based on the report of its Sub-Committee on Small Territories which the Committee adopted on 5 August.<sup>(3)</sup>

By a letter dated 1 December,<sup>(2)</sup> Australia transmitted to the Chairman of the Committee on colonial countries a statement of 29 November by its Minister of Home Affairs and Environment concerning his discussions with leaders of the Cocos (Keeling) Islands. According to the statement, the islanders would choose, in an act of self-determination, between independence, free association with Australia and integration with Australia, probably in mid-1983.

Derision (1982). <sup>(1)</sup>GA: 37/413, 23 Nov., text following.

Letter <sup>(2)</sup>Australia, 1 Dec., transmitting statement of 29 Nov. from Minister for Home Affairs and Environment, A/AC.109/723.

Report. <sup>(3)</sup>Committee on colonial countries, A/37/23/Rev.1. Meeting records. GA: 4th Committee, A/C.4/37/SR.9-15, 17, 22, 23 (26 Oct.-15 Nov.); plenary, A/37/PV.74-76, 77 (22, 23 Nov.).

General Assembly decision 37/413

Adopted without vote

Approved by Fourth Committee (A/37/621) without objection. 15 November (meeting 23); draft by Committee on colonial countries (A/37/23/Rev.1); agenda item 18.

#### Question of the Cocos (Keeling) Islands

At its 77th plenary meeting, on 23 November 1982, the General Assembly, on the recommendation of the Fourth Committee, having examined the relevant chapters of the report 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, and having heard the statement of the representative of Australia with regard to the Cocos (Keeling) Islands, noted with appreciation the continuing cooperation of the Government of Australia, as the administering Power, with regard to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. contained in General Assembly resolution 1514(XV) of 14 December 1960, in respect of the Territory. The Assembly reaffirmed that it was the responsibility of the administering Power to create conditions under which the people of the Cocos (Keeling) Islands would be able to determine freely their own future in conformity with resolution 1514(XV) as well as other relevant resolutions of the Assembly. In this respect, the Assembly noted the positive and continuing commitment of the administering Power to the political, social and economic advancement of the people of the Territory so that they might be able, as quickly as possible, to exercise fully their inalienable rights. The Assembly welcomed the continuing willingness of the administering Power to receive visiting missions in the Cocos (Keeling) Islands and, in that regard, reaffirmed that the need to send a further mission to the Territory at an appropriate time should be kept under review. The Assembly requested the Special Committee to continue to examine the question at its next session, including the possible dispatch of a visiting mission to the Cocos (Keeling) Islands at an appropriate time and in consultation with the administering Power, and to report thereon to the Assembly at its thirty-eighth session.

#### Gibraltar

On 20 August 1982, the Committee on colonial countries, taking into account the continuing negotiations between the parties on the question of Gibraltar, decided without objection to continue consideration of the question at its 1983 session, subject to any General Assembly directives.<sup>(2)</sup>

The Assembly, acting without vote on 23 November,<sup>(1)</sup> noted that Spain and the United Kingdom had signed a declaration in 1980 by which they had agreed to initiate negotiations on the problem of Gibraltar and simultaneously re-establish communications in the region; on 8 January 1982, they had fixed 20 April for the declaration's implementation. The Assembly noted that, although both Governments had subsequently agreed to postpone those arrangements, they intended to keep alive the process and set a new date for its implementation. In that light, the Assembly urged the two parties to initiate negotiations as envisaged in the Assembly's 1973 consensus,<sup>(3)</sup> with the object of reaching a lasting solution.

The decision was recommended by the Fourth Committee, which on 29 October approved the text, without objection, in the form of a draft consensus.

Decision (1982).<sup>(1)</sup> GA: 37/412, 23 Nov., text following. Report. <sup>(2)</sup>Committee on colonial countries. A/37/23/Rev.1. Yearbook reference. <sup>(3)</sup>19i3, p. 699. Meeting records. GA: 4th Committee, A/C.4/37/SR.9-15, 17-22, 23 (26 Oct.-15 Nov.); plenary, A/37/PV.74-76, 77 (22, 23 Nov.).

General Assembly decision 37/412

Adopted without vote

Approved by Fourth Committee (A/37/621) without objection, 29 October (meeting 10): draft consensus (A/C.4/37/L.4); agenda item 18.

#### Question of Gibraltar

At its 77th plenary meeting, on 23 November 1982, the General Assembly, on the recommendation of the Fourth Committee, noting that

the Governments of Spain and the United Kingdom of Great Britain and Northern Ireland had signed a declaration on 10 April 1980 at Lisbon, intending, in accordance with the relevant resolutions of the United Nations, to resolve the problem of Gibraltar, agreeing to that end to start negotiations aimed at overcoming all the differences between them on Gibraltar, agreeing also to the reestablishment of direct communications in the region, the Government of Spain having decided to suspend the application of the measures at present in force, and both Governments agreeing to base future co-operation on reciprocity and full equality of rights, noting that both Governments had agreed on 8 January 1982 in London to fix the date of 20 April 1982 for the full implementation of the Lisbon Declaration, including the initiation of negotiations and the simultaneous re-establishment of direct communications in the region, and noting that, when it had subsequently been agreed to postpone these arrangements, both Governments had expressed their determination to keep alive the process initiated by the Lisbon Declaration, in the spirit of the letters exchanged in London on 8 January 1982, and their intention to set a new date for its implementation, decided to urge both Governments to make possible the initiation of the negotiations as envisaged in the consensus adopted by the Assembly on 14 December 1973, with the object of reaching a lasting solution to the problem of Gibraltar in the light of the relevant resolutions of the Assembly and in the spirit of the Charter of the United Nations

#### Guam

Noting that a referendum on political status was held in Guam on 30 January 1982, the General Assembly, by a resolution adopted without vote on 23 November,<sup>(2)</sup> reaffirmed the right of the people of Guam to self-determination and independence, and reiterated that the United States, as the administering Power, was responsible for creating conditions conducive to the free exercise of that right.

The Assembly again stated its conviction that the administering Power should ensure that military bases and installations did not hinder the population of the Territory from exercising its right to self-determination and urged compliance with relevant United Nations resolutions. It called on the administering Power to accelerate the transfer of land to the people of the Territory, remove constraints to economic development and safeguard the people's right to their natural resources. It further urged promotion of the language and culture of the Chamorro people, who made up more than half the population of Guam. The Assembly decided to keep under review the possibility of sending a visiting mission to the Territory and requested the Committee on colonial countries to report to the Assembly on Guam in 1983.

The resolution was recommended by the Fourth Committee, which approved on 15 November without objection the draft submitted to it by the Committee on colonial countries. That Committee had approved the text on 16 September, based on the report of its Sub-Committee on Small Territories which the Committee adopted on 5 August.<sup>(1)</sup>

Report. <sup>(1)</sup>Committee on colonial countries. A/37/23/Rev.1. Resolution (1982). <sup>(2)</sup>GA: 37/21, 23 Nov., text following. Meeting records. GA: 4th Committee, A/C.4/37/SR.9-15, 17-22, 23 (26 Oct.-15 Nov.); plenary, A/37/PV.74-76, 77 (22, 23 Nov.).



General Assembly resolution 37/21  
23 November 1982 Meeting 77 Adopted without vote

Approved by Fourth Committee (A/37/621) without objection. 15 November (meeting 23); draft by Committee on colonial countries (A/37/23/Rev.1): agenda item 18.

#### Question of Guam

The General Assembly,

Having considered the question of Guam,

Having examined the relevant chapters of the report 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,

Recalling its resolution 1514(XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and all other resolutions and decisions of the United Nations relating to Guam,

Having heard the statement of the representative of the administering Power,

Noting with appreciation the continued active participation of the administering Power in the work of the Special Committee in regard to Guam, thereby enabling it to conduct a more informed and meaningful examination of the situation in the Territory, with a view to accelerating the process of decolonization for the purpose of the full implementation of the Declaration,

Noting that a referendum on political status was held in the Territory on 30 January 1982,

Recalling all relevant resolutions of the United Nations relating to military bases and installations in colonial and Non-Self-Governing Territories,

Bearing in mind that an obstacle to the economic development of the Territory has been the uncertainty concerning land held by the federal authorities,

Aware of the special circumstances of the geographical location and economic conditions of Guam and the necessity of diversifying the economy of the Territory as a matter of priority and noting the great potential for diversification offered by commercial fishing, agriculture and the development of the transportation industry,

Mindful that United Nations visiting missions provide an effective means of ascertaining the situation in the small Territories and expressing its satisfaction at the willingness of the administering Power to receive visiting missions in the Territories under its administration,

1. Approves the chapter of the report 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 relating to Guam;

2. Reaffirms the inalienable right of the people of Guam to self-determination and independence in conformity with the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514(XV);

3. Reaffirms its conviction that such factors as territorial size, geographical location, size of population and limited natural resources should in no way delay the implementation of the Declaration contained in General Assembly resolution 1514(XV), which fully applies to Guam;

4. Recalls that the United States of America, as the administering Power, has the responsibility under the Charter of the United Nations to ensure that the people of the Territory are kept fully informed of their inalienable right to self-determination and independence, in accordance with General Assembly resolution 1514(XV);

5. Reiterates that it is the responsibility of the administering Power to create such conditions in the Territory as will enable the people of Guam to exercise freely and without interference their inalienable right to self-determination and independence in accordance with General Assembly resolution 1514(XV);

6. Reaffirms its strong conviction that the administering Power must ensure that military bases and installations do not hinder the population of the Territory from exercising its right to self-determination and independence in conformity with the purposes and principles of the Charter and urges the administering Power to take all necessary measures to comply fully with the relevant resolutions of the United Nations relating to military bases and installations in colonial and Non-Self-Governing Territories;

7. Reaffirms the responsibility of the administering Power, under the Charter, for the economic and social development of Guam and calls upon the administering Power to take all necessary steps to strengthen and diversify the economy of the Territory;

8. Calls upon the administering Power, in cooperation with the local authorities, to accelerate the transfer of land to the people of the Territory;

9. Reiterates its call upon the administering Power, in co-operation with the territorial Government, to remove the constraints which limit growth in the economic development of the Territory, particularly with regard to commercial fishing, agriculture and the transportation industry;

10. Urges the administering Power, in co-operation with the territorial Government, to continue to take effective measures to safeguard and guarantee the right of the people of Guam to their natural resources and to establish and maintain control over their future development and requests the administering Power to take all necessary steps to protect the property rights of the people of the Territory;

11. Urges the administering Power to strengthen its efforts to develop and promote the language and culture of the Chamorro people, who comprise more than half of the population of the Territory;

12. Considers that the possibility of sending a further visiting mission to Guam at an appropriate time should be kept under review;

13. Requests the Special Committee to continue the consideration of this question at its next session, including the possible dispatch of a further visiting mission to Guam at an appropriate time and in consultation with the administering Power, and to report thereon to the General Assembly at its thirty-eighth session.

#### Montserrat

Action by the Committee on colonial countries. On 28 June 1982,<sup>(1)</sup> the Committee on colonial countries adopted without objection the conclusions and recommendations of its Sub-Committee on Small Territories concerning Montserrat, whereby the Committee reaffirmed the inalienable right of the people of that Territory to self-determination and independence. Noting the increasing economic viability of the Territory, the Committee called on the United Kingdom, as the administering Power, to continue to strengthen and diversify the economy, to safeguard the right of the people to own and dispose of their natural resources and to intensify training programmes for an efficient public service. United Nations organizations were urged to help accelerate economic and social progress in the Territory. In addition, the Committee agreed to keep under review the possibility of sending a further visiting mission there, in view of the fact that the last such mission took place in May 1975.

In response to a July invitation by the United Kingdom, the Committee decided to send to Montserrat a visiting mission composed of the Ivory Coast (as Chairman), the United Republic of Tanzania and Venezuela. The mission visited the Territory from 23 to 27 August and consulted with the United Kingdom Government in London on 7 September.

In its report,<sup>(2)</sup> introduced to and adopted without objection by the Committee on 8 November, the mission concluded that the population, while regarding independence as inevitable, did not feel the Territory was ready in the current circumstances to accede to independence. The mission recommended that political education should be intensified and that the question of an interim constitutional advance should be left to the administering Power, in consultation with the local Government. The administering Power should try to instil in the population national pride and self-

confidence and to appoint Monserrations to fill the remaining senior posts in the public service.

The mission noted a widespread fear of attaining independence before prevailing economic and social problems deriving from a lack of natural resources, trained manpower and appropriate infrastructure had been overcome and a concern that foreign capital would be more difficult to attract if the political status of the Territory were to change. The mission's recommendations included greater economic diversification, development of infrastructure and encouraging investment capital; education to encourage young people to engage in agriculture; expansion of tourist and transportation facilities; and the training of local medical staff.

General Assembly action. Acting without vote on 23 November,<sup>(3)</sup> the General Assembly reaffirmed the inalienable right of the people of Montserrat to self-determination and independence and called on the United Kingdom, in co-operation with the Government of Montserrat, to launch programmes of political education to inform the people of the options available to them in the exercise of that right. The Assembly commended the conclusions and recommendations of the visiting mission to the Government of the United Kingdom and Montserrat and called on the former to expand its aid programme in order to accelerate the development of the Territory's economic and social infrastructure and to enlist the assistance of United Nations organizations in diversifying the Territory's economy. The Committee on colonial countries was asked to continue examination of the situation in the Territory and to report to the Assembly in 1983.

The Fourth Committee on 15 November had approved the draft resolution without objection, as submitted to it by the Committee on colonial countries on 8 November.

Reports. <sup>(1)</sup>Committee on colonial countries, A/37/23/Rev.1; <sup>(2)</sup>Visiting mission, A/AC.109/722.

Resolution (1982). <sup>(3)</sup>GA: 37/27, 23 Nov., text following. Meeting records. GA: 4th Committee, A/C.4/37/SR.9-15, 17-22, 23 (26 Oct.-15 Nov.); plenary, A/37/PV.74-76, 77 (22, 23 Nov.).

General Assembly resolution 37/27

23 November 1982 Meeting 77 Adopted without vote

Approved by Fourth Committee (A/37/621) without objection, 15 November (meeting 23); draft by Committee on colonial countries (A/37/23/Rev.1) agenda item 18.

#### Question of Montserrat

The General Assembly,

Having considered the question of Montserrat,

Having examined the relevant chapters of the report 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,

Having also examined the report of the United Nations visiting mission dispatched to the Territory in August 1982, at the invitation of the Government of the United Kingdom of Great Britain and Northern Ireland as the administering Power,

Recalling its resolution 1514(XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling also its resolution 36/62 of 25 November 1981 on the question of five Territories, including Montserrat,

Having heard the statement of the representative of the administering Power,

Mindful of the responsibility of the United Nations to help the people of Montserrat to realize their aspirations in accordance with the objectives set forth in the Declaration,

Recalling that the administering Power has the responsibility to ensure that the people of Montserrat are kept fully informed of their inalienable right to self-determination and independence, in accordance with the Declaration,

Aware of the special problems facing the Territory by virtue of its isolation, small size, limited resources and lack of infrastructure,

1. Approves the chapter of the report 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 relating to Montserrat;

2. Approves also the report of the United Nations visiting mission to Montserrat in 1962;

3. Reaffirms the inalienable right of the people of Montserrat to self-determination and independence in conformity with the Declaration on the Granting of Independence to Colonial Countries and Peoples;

4. Reiterates the view that such factors as size, geographical location, size of population and limited natural resources should in no way delay the speedy implementation of the process of self-determination in accordance with the Declaration, which fully applies to Montserrat;

5. Commends, for appropriate action, the conclusions and recommendations of the visiting mission to the Government of the United Kingdom of Great Britain and Northern Ireland, as the administering Power, and to the Government of Montserrat;

6. Expresses its appreciation to the members of the visiting mission for the constructive work accomplished and to the administering Power, the territorial Government, the Legislative Council and the people of the Territory for the close co-operation and assistance extended to the mission;

7. Calls upon the administering Power to take the necessary measures to promote the political, economic and social development of Montserrat;

8. Calls upon the administering Power, in co-operation with the Government of Montserrat, to launch programmes of political education so that the people of the Territory may be fully informed of the options available to them in the exercise of their right to self-determination and independence;

9. Urges the administering Power to continue to intensify and expand its programme of aid in order to accelerate the development of the economic and social infrastructure of the Territory;

10. Requests the administering Power, in the light of the conclusions and recommendations of the visiting mission, to continue to enlist the assistance of the specialized agencies and other organizations of the United Nations system, as well as other regional and international bodies, in the strengthening, development and diversification of the economy of the Territory;

11. Requests the Special Committee to continue the examination of this question at its next session, including the possible dispatch of a further visiting mission to Montserrat at an appropriate time and in consultation with the administering Power, and to report thereon to the General Assembly at its thirty-eighth session.

#### Pitcairn

Acting without vote on 23 November 1982,<sup>(1)</sup> the General Assembly reiterated its call on the United Kingdom, as the administering Power, to continue to safeguard the interests of the people of Pitcairn. Taking note of the United Kingdom's willingness to discuss any change of constitutional status with the people of the Territory whenever the latter so desired, and its statement that it was

encouraging local initiative and enterprise, the Assembly observed that the current size of the population (numbering 53 at the end of 1982) continued to raise the question of the capacity of the islanders to maintain essential services in education and health care as well as the launching of long boats on which their trade with passing ships depended.

The Fourth Committee on 15 November approved without objection the text originating in the Committee on colonial countries. That Committee on 16 September had adopted the text based on a draft consensus submitted by its Sub-Committee on Small Territories, which the Committee had approved on 28 June.<sup>(2)</sup>

Decision (1982). <sup>(1)</sup>GA: 37/415, 23 Nov., text following. Report. <sup>(2)</sup>Committee on colonial countries, A/37/23/Rev.1. Meeting records. GA: 4th Committee, A/C.4/3/SR.9-15, 17-22, 23 (26 Oct.-15 Nov.); plenary, A/37/PV.74-76, 77 (22, 23 Nov.).

General Assembly decision 37/415

Adopted without vote

Approved by Fourth Committee (A/37/621) without objection, 15 November (meeting 23); draft by Committee on colonial countries (A/37/23/Rev.1) agenda item 18.

#### Question of Pitcairn

At its 77th plenary meeting, on 23 November 1982, the General Assembly, on the recommendation of the Fourth Committee, having examined the relevant chapter of the report 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, took note of the statement of the representative of the United Kingdom of Great Britain and Northern Ireland affirming the policy of his Government to encourage as much local initiative and enterprise as possible, so that the people of Pitcairn could make the most of their own way of life. The Assembly, further noting the willingness of the administering Power to discuss any change of constitutional status with the people of the Territory whenever the latter so desired, and that the current size of the population continued to raise the question of the capacity of the islanders to maintain the essential services of education, medical welfare and the launching of long boats, on which their trade with passing ships depended, called once again upon the administering Power to continue to take the necessary measures to safeguard the interests of the people of Pitcairn. The Assembly requested the Special Committee to continue to examine the question at its next session, and to report thereon to the Assembly at its thirty-eighth session.

#### St. Helena

In 1982, the General Assembly reaffirmed the inalienable right of the people of St. Helena to self-determination and independence, and urged the United Kingdom, as the administering Power and in consultation with the people's elected representatives, to take steps to ensure the speedy implementation in that Territory of the 1960 Declaration on the Granting of Independence to Colonial Countries and Peoples.<sup>(3)</sup> The Assembly reaffirmed the importance of development assistance from the administering Power and the international community for developing the Territory's economic potential, and expressed the hope that the United Kingdom would continue to implement infrastructure and community projects and to encourage local initiative and enterprise.

Noting the administering Power's positive attitude towards United Nations visiting missions, the Assembly decided to keep under review the possibility of dispatching such a mission to St. Helena at an appropriate time and requested the Committee on colonial countries to continue to examine the question and to report in 1983.

The Assembly adopted the decision without vote on 23 November 1982;<sup>(1)</sup> the Fourth Committee had approved the draft without objection on 15 November. The text originated in the Committee on colonial countries as a draft consensus adopted on 16 September, based on the report of its Sub-Committee on Small Territories which the Committee had approved on 28 June.<sup>(2)</sup>

Decision (1982). <sup>(1)</sup>GA: 37/416, 23 Nov., text following. Report. <sup>(2)</sup>Committee on colonial countries, A/37/23/Rev.1. Resolution. <sup>(3)</sup>GA: 1514(XV), 14 Dec. 1960 (YUN 1960, p. 49).

Meeting records. GA: 4th Committee, A/C.4/37/SR.9-15, 17, 22, 23 (26 Oct.-15 Nov.); plenary, A/37/PV.74-76, 77 (22, 23 Nov.).

General Assembly decision 37/416

Adopted without vote

Approved by Fourth Committee (A/37/621) without objection, 15 November (meeting 23); draft by Committee on colonial countries (A/37/23/Rev.1); agenda item 18.

#### Question of St. Helena

At its 77th plenary meeting, on 23 November 1982, the General Assembly, on the recommendation of the Fourth Committee, having examined the relevant chapters of the report 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, and having heard the Statement of the representative of the United Kingdom of Great Britain and Northern Ireland, as the administering Power, reaffirmed the inalienable right of the people of St. Helena to self-determination and independence in conformity with the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in Assembly resolution 1514(XV) of 14 December 1960. The Assembly noted the commitment of the Government of the United Kingdom to respect the wishes of the people of the Territory and, in that regard, urged the administering Power, in consultation with the freely elected representatives of the people of St. Helena, to continue to take all necessary steps to ensure the speedy implementation of the Declaration in respect to that Territory. The Assembly expressed the hope that the administering Power would continue to implement infrastructure and community projects aimed at improving the general welfare of the community and to encourage local initiative and enterprise, particularly in the area of the local handicrafts industry. The Assembly noted that, despite the economic improvement in these sectors, the commercial sector still remained affected by world inflation. The Assembly reaffirmed that continued development assistance from the administering Power, together with any assistance that the international community might be able to provide, constituted an important means of developing the economic potential of the Territory and of enhancing the capacity of its people to realize fully the goals set forth in the relevant provisions of the Charter of the United Nations for the improvement of economic conditions in the Territory. Noting the positive attitude of the administering Power with respect to the question of receiving United Nations visiting missions in the Territories under its administration, the Assembly considered that the possibility of dispatching such a mission to St. Helena at an appropriate time should be kept under review. The Assembly requested the Special Committee to continue to examine the question at its next session, including the possible dispatch of a visiting mission to St. Helena, at an appropriate time and in consultation with the administering Power, and to report thereon to the Assembly at its thirty-eighth session.

## St. Kitts-Nevis

The Committee on colonial countries decided without objection on 20 August 1982 to consider the question of St. Kitts-Nevis at its 1983 session, subject to any directives by the General Assembly.<sup>(2)</sup> On the recommendation of the Fourth Committee, approved without vote on 15 November on an oral proposal by its Chairman, the Assembly decided in like manner on 23 November to defer consideration of the question until 1983.<sup>(1)</sup>

Decision (1982). <sup>(1)</sup>GA: 37/418, 23 Nov., text following. Report. <sup>(2)</sup>Committee on colonial countries, A/37/23/Rev.1. Meeting records. GA: 4th Committee, A/C.4/37/SR.9-15, 17, 22, 23 (26 Oct.-15 Nov.); plenary, A/37/PV.74-76, 77 (22, 23 Nov.).

General Assembly decision 37/418

Adopted without vote

Approved by Fourth Committee (A/37621) without vote, 15 November (meeting 231; oral proposal by Chairman: agenda item 18.

## Question of St. Kitts-Nevis

At its 77th plenary meeting, on 23 November 1982, the General Assembly, on the recommendation of the Fourth Committee, decided to defer until its thirty-eighth session consideration of the question of St. Kitts-Nevis

## Tokelau

In a decision adopted without vote on 23 November 1982,<sup>(1)</sup> the General Assembly, reaffirming the inalienable right of the people of Tokelau to self-determination, noted the wish of the people not to review for the time being their existing relationship with New Zealand, the administering Power. The Assembly welcomed the assurances by the administering Power that it would continue to be guided by the people's wishes as to their future status, and called on that Power to continue its programme of political education while preserving the identity and cultural heritage of the Tokelauans. The Assembly also noted New Zealand's efforts to promote economic development and to safeguard the peoples' right to their natural resources, and felt that development aid to the Territory should be expanded. It decided to keep under review the possibility of sending a visiting mission to Tokelau and requested the Committee on colonial countries to report on the Territory in 1983.

The Fourth Committee had approved the draft without objection on 15 November. The text originated in the Committee on colonial countries as a draft consensus adopted on 16 September, based on the report of its Subcommittee on Small Territories which the Committee approved on 28 June.<sup>(2)</sup>

Decision (1982). <sup>(1)</sup>GA: 37/414, 23 Nov., text following. Report. <sup>(2)</sup>Committee on colonial countries, A/37/23/Rev.1. Meeting records. GA: 4th Committee, A/C.4/37/SR.9-15, 17-22, 23 (26 Oct.-15 Nov.); plenary, A/37/PV.74-76, 77 (22, 23 Nov.).

General Assembly decision 37/414

Adopted without vote

Approved by Fourth Committee (A/37621) without objection, 15 November (meeting 23); draft by Committee on colonial countries (A/37/23/Rev.1); agenda item 18.

## Question of Tokelau

At its 77th plenary meeting, on 23 November 1982, the General Assembly, on the recommendation of the Fourth Committee, having examined the relevant chapters of the report 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, and having heard the statement of the representative of New Zealand with regard to Tokelau, noted with appreciation the willingness of the administering Power to maintain its close co-operation with the United Nations in the exercise of its responsibility towards Tokelau. The Assembly reaffirmed the inalienable right of the people of Tokelau to self-determination in conformity with the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in Assembly resolution 1514(XV) of 14 December 1960, and reaffirmed further that it was the responsibility of the administering Power to keep the people of Tokelau fully informed of this right. In that regard, the Assembly noted that the people of the Territory had expressed the view that, for the time being, they did not wish to review the nature of the existing relationship between Tokelau and New Zealand. The Assembly welcomed the assurances of the administering Power that it would continue to be guided solely by the wishes of the people of Tokelau as to the future status of the Territory. The Assembly noted also that the administering Power had assured the people of Tokelau of its continuing assistance in the event that they should desire to change their status. The Assembly called upon the administering Power to continue its programme of political education within the context of its efforts to ensure the preservation of the identity and cultural heritage of the people of Tokelau. The Assembly recognized that the economic development of Tokelau was an important element in the process of self-determination. The Assembly noted the continuing efforts of the administering Power to promote the economic development of the Territory and the measures it had taken to safeguard and guarantee the rights of the peoples of Tokelau to all their natural resources and the benefits derived therefrom. The Assembly was of the opinion that the administering Power should continue to expand its programme of budgetary support and development aid to the Territory. The Assembly noted with appreciation the continuing efforts of the administering Power to make improvements in the fields of public health, public works and education. The Assembly reiterated its expression of appreciation to the specialized agencies and other organizations of the United Nations system, as well as to the regional organizations, for their assistance to Tokelau, and called upon those bodies to continue providing assistance to the Territory. Mindful of the effective means provided by United Nations visiting missions to assess the situation in the Territories, the Assembly was of the opinion that the possibility of sending a further visiting mission to the Territory at an appropriate time should be kept under review, taking into account, in particular, the wishes of the people of Tokelau. The Assembly requested the Special Committee to continue to examine the question at its next session, including the possible dispatch of a further visiting mission to Tokelau, at an appropriate time and in consultation with the administering Power, and to report thereon to the Assembly at its thirty-eighth session.

## Turks and Caicos Islands

The General Assembly, by a 23 November 1982 resolution<sup>(2)</sup> adopted without vote, reaffirmed the obligation of the United Kingdom, as the administering Power for the Turks and Caicos Islands, to enable the people of the Territory to exercise freely their right to self-determination and independence. It urged the United Kingdom, in consultation with the territorial Government, to promote the Territory's economic and social development, guarantee the people's right to own and dispose of their natural resources, and continue to train local personnel in skills essential to

development. United Nations organizations were asked to pay attention to the Territory's development needs. Further, the Assembly urged the administering Power to abide by United Nations resolutions relating to military bases in Non-Self-Governing Territories. It agreed to keep under review the possibility of sending a visiting mission to the Territory and requested the Committee on colonial countries to report on the question in 1983.

The Fourth Committee had approved the text without objection on 15 November. The draft originated in the Committee on colonial countries which had approved it on 16 September, based on the report of its Sub-Committee on Small Territories which the Committee adopted on 5 August.<sup>(1)</sup>

Report.<sup>(1)</sup> Committee on colonial countries, A/37/23/Rev.1. Resolution (1982).<sup>(2)</sup> A: 37/25, 23 Nov., text following.

Meeting records. GA: 4th Committee, A/C.4/37/SR.9-15, 17-22, 23 (26 Oct.-15 Nov.); plenary, A/37/PV.74-76, 77 (22, 23 Nov.).

General Assembly resolution 37/25

23 November 1982 Meeting 77 Adopted without vote

Approved by Fourth Committee (A/37/621) without objection, 15 November (meeting 23); draft by Committee on colonial countries (A/37123/Rev.1); agenda item 18.

#### Question of the Turks and Caicos Islands

The General Assembly,

Having considered the question of the Turks and Caicos Islands,

Having examined the relevant chapters of the report 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,

Recalling its resolution 1514(XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and all other resolutions and decisions of the United Nations relating to the Turks and Caicos Islands.

Taking into account the statement of the representative of the administering Power, in which he said that his Government would fully respect the wishes of the people of the Turks and Caicos Islands in determining the future constitutional status of the Territory, and bearing in mind the importance of fostering an awareness among the people of the Territory of the possibilities open to them,

Conscious of the need to ensure the full and speedy implementation of the Declaration in respect of the Territory,

Noting with appreciation the continued active participation of the administering Power in the work of the Special Committee in regard to the Turks and Caicos Islands, thereby enabling it to conduct a more informed and meaningful examination of the situation in the Territory, with a view to accelerating the process of decolonization for the purpose of the full implementation of the Declaration,

Aware of the special circumstances of the geographical location and economic conditions of the Territory and bearing in mind the necessity of diversifying and strengthening further its economy as a matter of priority in order to promote economic stability and to develop a wider economic base for the Territory,

Recalling all relevant resolutions of the United Nations relating to military bases and installations in colonial and Non-Self-Governing Territories,

Noting the arrangements made for university training abroad and for vocational training in the Territory,

Mindful that United Nations visiting missions provide an effective means of ascertaining the situation in the small Territories and expressing its satisfaction at the willingness of the administering Power to receive visiting missions in the Territories under its administration,

1. Approves the chapter of the report 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 relating to the Turks and Caicos Islands;

2. Reaffirms the inalienable right of the people of the Turks and Caicos Islands to self-determination and independence in conformity with the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514(XV);

3. Reiterates the view that such factors as territorial size, geographical location, population and limited natural resources should in no way delay the speedy exercise by the people of the Territory of their inalienable right as set out in the Declaration contained in General Assembly resolution 1514(XV), which fully applies to the Turks and Caicos Islands;

4. Reiterates that it is the obligation of the administering Power to create such conditions in the Territory as will enable the people of the Turks and Caicos Islands to exercise freely and without interference their inalienable right to self-determination and independence in accordance with General Assembly resolution 1514(XV), as well as all other relevant resolutions of the Assembly;

5. Reaffirms that it is the responsibility of the administering Power under the Charter of the United Nations to develop its dependent Territories economically and socially and urges the administering Power, in consultation with the territorial Government, to take the necessary measures to promote the economic and social development of the Turks and Caicos Islands and, in particular, to intensify and expand its programme of assistance in order to accelerate the development of the economic and social infrastructure of the Territory;

6. Emphasizes that greater attention should be paid to diversification of the economy, particularly in the promotion of agriculture and fisheries, for the benefit of the people of the Territory;

7. Recalls that it is the responsibility of the administering Power, in accordance with the freely expressed wishes of the people, to safeguard, guarantee and ensure the inalienable right of the people of the Territory to the enjoyment of their natural resources by taking effective measures to guarantee their right to own and dispose of those resources and to establish and maintain control of their future development;

8. Urges the specialized agencies and other organizations of the United Nations system, as well as regional institutions such as the Caribbean Development Bank, to continue to pay special attention to the development needs of the Turks and Caicos Islands;

9. Reaffirms its strong conviction that the administering Power must ensure that military bases and installations do not hinder the people of the Territory from exercising their right to self-determination and independence in conformity with the purposes and principles of the Charter and urges the administering Power to take all necessary measures to comply fully with the relevant resolutions of the United Nations relating to military bases and installations in colonial and Non-Self-Governing Territories;

10. Requests the administering Power, in consultation with the territorial Government, to continue to provide the assistance necessary for the training of qualified local personnel in the skills essential to the development of various sectors of the society of the Territory;

11. Considers that the possibility of sending a further visiting mission to the Turks and Caicos Islands at an appropriate time should be kept under review;

12. Requests the Special Committee to continue the examination of this question at its next session, including the possible dispatch of a further visiting mission to the Turks and Caicos Islands at an appropriate time and in consultation with the administering Power, and to report thereon to the General Assembly at its thirty-eighth session.

#### United States Virgin Islands

Acting without vote on 23 November 1982,<sup>(2)</sup> the General Assembly reaffirmed the right of the people of the United States Virgin Islands to self-determination and independence and called on the United States, as the administering Power, to enable the people of the Territory to exercise freely that right. In so doing, the Assembly asked the administering Power to facilitate the work of the Status Commission, set up in 1980 to study options for the future political status of the Territory,

and to ensure that the people were informed of the relevant discussions.

The United States was urged to expedite passage by its Congress of legislation concerning the problem of aliens in the Territory, help diversify the Islands' economy, develop its infrastructure, safeguard the people's right to their natural resources and pay particular attention to the problems of unemployment, public housing, health care, education and crime. The Assembly decided to keep under review the possibility of sending a visiting mission to the Territory and requested the Committee on colonial countries to report on the Islands in 1983.

The Fourth Committee had approved the text without objection on 15 November. The draft originated in the Committee on colonial countries, which adopted on 16 September a text based on the report of its Sub-Committee on Small Territories, which the Committee had adopted on 5 August.<sup>(1)</sup>

Report. <sup>(1)</sup>Committee on colonial countries, A/37/23/Rev.1. Resolution (1982). <sup>(2)</sup>GA: 37/26, 23 Nov., text following. Meeting records. GA: 4th Committee, A/C.4/37/SR.9-15, 17-22, 23 (26 Oct.-15 Nov.); plenary, A/37/PV.74-76, 77 (22, 23 Nov.).

General Assembly resolution 37/26

23 November 1982 Meeting 77 Adopted without vote

Approved by Fourth Committee (A/37/621) without objection. 15 November (meeting 23): draft by Committee on colonial countries (A/37/23/Rev.1) agenda item 18.

#### Question of the United States Virgin Islands

The General Assembly,

Having considered the question of the United States Virgin Islands,

Having examined the relevant chapters of the report 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,

Recalling its resolution 1514(XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and all other resolutions and decisions of the United Nations relating to the United States Virgin Islands,

Noting with appreciation the continued active participation of the administering Power in the work of the Special Committee in regard to the United States Virgin Islands, thereby enabling it to conduct a more informed and meaningful examination of the situation in the Territory and expressing its satisfaction at the willingness of the administering Power to receive visiting missions in the Territories under its administration,

Having heard the statement of the representative of the administering Power,

Taking note of the fact that the proposed constitution submitted to a referendum on 3 November 1981 after an extensive debate was not accepted by the people of the Territory,

Bearing in mind that the territorial Government has taken positive steps by adopting legislation designed to solve the problem of aliens in the Territory,

Noting that the territorial Government has pursued its efforts to diversify the economy and noting also the progress achieved in the fields of construction and manufacturing, including developments in oil refining and the production of alumina and rum,

Noting with satisfaction the efforts to revitalize health care programmes and to discourage juvenile delinquency, the measures to improve crime prevention and the action taken to expand and upgrade school facilities,

1. Approves the chapter of the report 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 relating to the United States Virgin Islands;

2. Reaffirms the inalienable right of the people of the United States Virgin Islands to self-determination and independence in conformity with the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514(XV);

3. Reiterates the view that such factors as territorial size, geographical location, size of population and limited natural resources should in no way delay the speedy implementation of the Declaration contained in General Assembly resolution 1514(XV), which fully applies to the United States Virgin Islands;

4. Calls upon the administering Power, taking into account the freely expressed wishes of the people of the United States Virgin Islands, to take all necessary steps to expedite the process of decolonization in accordance with the relevant provisions of the Charter of the United Nations and the Declaration, as well as all other relevant resolutions of the General Assembly;

5. Reaffirms that it is the obligation of the administering Power, in consultation with the territorial Government, to inform the local people of the possibilities open to them, so as to enable them to exercise freely and without interference their inalienable right to self-determination and independence in accordance with General Assembly resolution 1514(XV) and, in this respect, calls upon the administering Power to facilitate the work of the recently established Status Commission and to ensure that the people are fully informed of the discussions concerning the future political status of the Territory;

6. Urges the administering Power to expedite the passage of legislation currently before the Congress of the United States of America concerning the problem of aliens in the Territory;

7. Reaffirms the responsibility of the administering Power under the Charter for the economic and social development of the Territory;

8. Urges the administering Power, in co-operation with the territorial Government, to strengthen the economy of the Territory by taking additional measures of diversification in all fields and developing an adequate infrastructure;

9. Urges the administering Power, in co-operation with the Government of the United States Virgin Islands, to safeguard the inalienable right of the people of the Territory to the enjoyment of their natural resources by taking effective measures which guarantee the right of the people to own and dispose of those resources and to establish and maintain control of their future development;

10. Urges the administering Power, in co-operation with the territorial Government, to continue to improve social conditions and to pay particular attention to overcoming problems of unemployment, public housing, health care, education and crime;

11. Considers that the possibility of sending a further visiting mission to the United States Virgin Islands at an appropriate time should be kept under review;

12. Requests the Special Committee to continue the examination of this question at its next session, including the possible dispatch of a further visiting mission to the United States Virgin Islands at an appropriate time and in consultation with the administering Power, and to report thereon to the General Assembly at its thirty-eighth session.