QUESTION OF THE FALKLAND ISLANDS (MALVINAS)

IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 37/71 CONCERNING THE SIGNATURE AND RATIFICATION OF ADDITIONAL PROTOCOL I OF THE TREATY FOR THE PROHIBITION OF NUCLEAR WEAPONS IN LATIN AMERICA (TREATY OF TILATELOCO)

Letter dated 3 October 1983 from the representatives of Bolivia, Colombia, Costa Rica, Dominican Republic, Ecuador, Jamaica, Mexico, Nicaragua, Panama, Peru, Uruguay and Venezuela to the United Nations addressed to the President of the General Assembly

The General Conference of the Agency for the Prohibition of Nuclear Weapons in Latin America (CPANAL) at its eighth regular session, held in Jamaica from 16 to 19 May 1983, considered the question of a "report on the introduction of nuclear weapons by the United Kingdom of Great Britain and Northern Ireland into the Zone and areas of the Malvinas, South Georgia and South Sandwich Islands". The Conference adopted resolution 170 (VIII) on this matter by consensus, in which it decided "to transmit to the General Assembly at its thirty-eighth session and to the Committee on Disarmament the text of this resolution with all the statements on the subject".

In accordance with the above resolution, we have the honour to request you to have this letter circulated as a General Assembly document, under items 25 and 43 of the agenda.

(Signed) Jorge GUMUCIO-GRANIER (Bolivia)

Carlos ALBAN-HOLGUIN (Colombia)

Fernando ZUMBADO JIMENEZ (Costa Rica)
Eladio KNIPPING-VICTORIA (Dominican Republic)
Miguel A. ALBORNÖZ (Ecuador)
Egerton RICHARDSON (Jamaica)
Porfirio MUÑOZ-LEDO (Mexico)
Javier CHAMORRO MORA (Nicaragua)
Carlos OZORES TYPALDOS (Panama)
Javier ARIAS STELLA (Peru)
Juan Carlos BLANCO (Uruguay)
Alberto MARTINI-URDANETA (Venezuela)
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ANNEX I

Note from the Embassy of Panama

On 6 May 1983 the General-Secretary of the Agency for the Prohibition of Nuclear Weapons in Latin America received a note from the Embassy of Panama which reads as follows:

"Mr. General-Secretary,

"I have the honour to address myself to Your Excellency, and in view of the forthcoming Conference of the Agency, to present for your distinguished consideration, the interest of the Panamanian Government for the following topic to be included in the General Agenda, which we consider of regional and extra-regional interest to the aims of the Treaty of Tlatelolco.

"Reports on the introduction of nuclear weapons by the United Kingdom of Great Britain and Northern Ireland in the zone and areas of the Malvinas, South Georgia and South Sandwich Islands.

"The Government of Panama, inspired by the reiteration of the spirit of the Treaty of Tlatelolco, is concerned about any possible action which might be taken against the contractual obligations which we the countries signatories of the Treaty have committed ourselves to fulfil.

"On the basis of this, we thank you in advance for your kind attention to our request.

"I take the opportunity to reiterate to you, Your Excellency the expressions of my highest and most distinguished consideration.

"José Guillermo Stoute, F., Chargé d'Affaires ad interim (signature)."

Subsequently, the Panamanian Embassy sent another memorandum dated 9 May, in addition to the above-mentioned, which reads as follows:

"Mr. General-Secretary,

"In addition to our NOTE No. E.P.M 422/83 dated 6 May 1983, I am honoured to warmly greet you, Your Excellency, and to emphasize the interest of my Government to have the following sub-theme included in the General Agenda of the next Conference of OPAAL to be held in Kingston, JAMAICA, May 16 - 19.

"Reports on the introduction of nuclear weapons in the zone by the United Kingdom of Great Britain and Northern Ireland and in the Malvinas, Southern Georgia and South Sandwich Islands.

"While the situation has been brought out by the Delegations of Nicaragua (23 May 1982, document S/PV.2362), Venezuela (22nd May, document S/PV.2362), Bolivia (22nd May, 1982, document S/PV.2362), Ecuador (21st May, 1982,
document S/PV.2362), and Panama (22nd May, 1982, document S/PV.2362), before the United Nations Security Council during the South Atlantic Crisis, the Government of Panama attributes to this item presented to the Plenary of the next General Conference the greatest importance which it deserves.

"I thank you for your attention to this matter, taking the opportunity to reiterate the assurances of my highest and most distinguished consideration.

"José Guillermo Stoute, Chargé d'affaires _ad interim_ (signature)."
ANNEX II

RESOLUTION 170 (VIII)

Report on the introduction of nuclear weapons by the United Kingdom of Great Britain and Northern Ireland into the Zone and areas of the Malvinas, South Georgia and South Sandwich Islands

The General Conference,

Considering that the Governments of the States signatories to the Treaty of Tlatelolco have expressed categorically their determination that nuclear energy be used in Latin America exclusively for peaceful purposes, and, to that end, reaffirm their sovereign decision to establish a military nuclear-free Zone to keep its territories free, for ever from nuclear weapons,

Considering that the Argentine Republic has alleged in different international fora the presence of nuclear weapons in the British naval forces which operated in the area defined by paragraph 2 of Article 4 of the Treaty as a result of the conflict in the Malvinas/Falkland, South Georgias and South Sandwich Islands, stressing in the light of this event, the significance of the fact that the States which possess nuclear weapons carry out operations in which nuclear energy has been used for non-peaceful purposes,

Considering that spokesmen of the United Kingdom Government had declared on several occasions that it would not be in the interests of national security to depart from the established practice observed by successive Governments, neither to confirm nor deny the presence or absence of nuclear weapons in a particular place at any particular time,

Considering that the United Kingdom of Great Britain and Northern Ireland has made the declaration which appears in document S/Inf.261 dated May 11, 1983,

Mindful that the Agency for the Prohibition of Nuclear Weapons in Latin America (OPANAL) must ensure compliance with the obligations of the Treaty of Tlatelolco,

Reaffirming the need for the existence of a balance of responsibilities and obligations for the States which possess nuclear weapons and those which do not,

Resolves:

1. To take note with concern of the allegations formulated by the Argentine Government regarding the introduction of nuclear weapons, on the part of the United Kingdom of Great Britain and Northern Ireland, in areas included in the geographical Zone defined by paragraph 2 of Article 4 of the Treaty of Tlatelolco,

2. To take note of the statement by the United Kingdom of Great Britain and Northern Ireland to which the fourth paragraph of the preamble of this Resolution
refers and which in its relevant paragraphs expresses: "The Government of the United Kingdom has scrupulously observed its obligations under Additional Protocol I to the Treaty for the Prohibition of Nuclear Weapons in Latin America and has not deployed nuclear weapons in areas for which de jure or de facto it is internationally responsible and lie within the limits of the geographical Zone established in that Treaty. Further the Government has scrupulously observed its obligations under Additional Protocol II to the Treaty and has not deployed nuclear weapons in areas for which the Treaty is in force."

3. To take note of the important statements and declarations made by the delegations of the Argentine and United Kingdom in this General Conference.

4. To express its concern over the fact that nuclear propelled submarines have been used in warlike actions in areas falling within the geographical Zone defined by paragraph 2 of Article 4 of the Treaty;

5. To urge all States for which the Treaty and its Additional Protocols are not in force, to take the necessary action in accordance with Article 28, to finalize the process of military denuclearization of the Zone of application as defined in paragraph 2 of Article 4 of the Treaty;

6. Reaffirm the commitment of all States bound by the Treaty and its Additional Protocols, to refrain from engaging in all activities which may endanger the military nuclear-free statute of Latin America, and to entrust to the Council of the Agency to oversee its strict compliance;

7. To transmit to the United Nations General Assembly at its thirty-eighth Session and to the Committee on Disarmament the text of this Resolution, together with all the statements on the subject made at this Conference.

(Adopted at the forty-ninth meeting, held on 19 May 1983)
ANNEX III

Statement by the General Secretary, Mr. José R. Martínez Cobo

1. It gives great satisfaction to OPANAL that the eighth regular session of the General Conference is taking place in the capital of Jamaica, a sister nation which has always worked for peace and disarmament, and whose Government has continuously followed an intelligent international policy aimed at fostering closer ties and integration with other Latin American countries with which it not only shares geographic proximity but also a similar destiny.

2. For five years I had the privilege of being the Ambassador Plenipotentiary of my country to Jamaica. During that time I made frequent visits to this beautiful Caribbean Island to enjoy its scenery, always beautiful and green, and the splendid hospitality of its noble people. It was not in vain that Bolivar the Liberator came here, to this generous refuge, to state in his famous letters a dramatic call to the newly independent peoples, to wipe out any possibility of aggression and internal struggle thus forming a common and united front.

3. Being here, among the friendly Jamaican people, is not only a reason for joy, but the fact that this is the first occasion on which the General Conference is meeting in a non-Spanish speaking country, reaffirms that the States of the Continent understand the exceptional and exemplary nature of the establishment of the first, and to date, only nuclear-free zone in the world.

4. I believe I can speak for the General Conference and the Council of the Agency, when I extend special greetings to the Government of Jamaica headed by the Prime Minister, His Excellency the Hon. Edward Seaga, and convey the sincere gratitude of OPANAL for this generous offer made to hold this meeting here.

5. The Mexican people, through their legitimate and democratic Governments, which have always given its enthusiastic and decided support, have been the real promoters of the Treaty of Tlatelolco. It is only fair to point out how positively and intelligently the work of this supreme organ of OPANAL was carried out at their last Regular and Extraordinary Sessions, by Ambassador Antonio González de León. We are happy that another distinguished member of the Mexican Foreign Service, Ambassador Jorge Monteño, has opened this session.

6. In my first Report to the General Conference, in accordance with article 11, paragraph 4 of the Treaty, I give an account of the activities of the Agency from the date of my election until today. Of course, I will not repeat the statements made in that Report at this precise moment, but, I shall try to synthesize this document highlighting only those relevant events that have taken place over the last two years.

7. The eminent lawyer, internationalist and Mexican diplomat, Mr. Alfonso García Robles, having been awarded the Nobel Peace Prize for 1982, the highest honour to which any man can aspire, for his diligent and devoted work for disarmament, and for having been the inspiration and driving force behind the Treaty of Tlatelolco, bringing about recognition for the importance of the Treaty...
in the achievement of peace and civilized coexistence of the peoples of the nuclear-free Zone of Latin America.

8. The illustrious prize winner rightfully expressed to the United Nations General Assembly that the Nobel Peace Prize was also a tribute to Latin America as a whole, since the entire Continent participated in the arduous task that brought about the unanimous adoption of the Treaty of Tlatelolco in 1967 as a commitment which conforms to the peaceful nature of Latin American peoples as also to the spontaneous need for survival of the countries of the region that wish their peoples to live without fear and to shape their development dynamically.

9. The most far-reaching and significant fact over the last two years was the ratification of Additional Protocol I by the only nuclear power in the Continent, the United States, after it had been unanimously adopted by the American Senate. Arising out of this ratification status of military demilitarization of Latin America now applies to the Virgin Islands, Puerto Rico and the Guantanamo Base. As regards the so-called Panama Canal Zone, it became a military nuclear-free Zone as a result of the Panama Canal Treaty.

10. By its ratification of Protocol I, the United States is committed not "to test, use, manufacture or install nuclear weapons in any zone included in the Treaty of Tlatelolco". It is our duty to underline what was stated by the former Secretary of State, General Alexander Haig, when he personally delivered to the Government of Mexico, depository of the Treaty, the instrument of ratification: "This action complements the total commitment of the United States to respect the nuclear-free Zone of Latin America to which the Government of Washington attaches an importance that extends beyond the hemisphere, since it helps to stabilize world policy and reduces the risk of war".

11. The presence in South American waters of nuclear powered submarines and especially the allegation that the warships which participated in the South Atlantic conflict could be carrying nuclear devices, was a cause for deep concern and a justifiable uneasiness among the Governments Members of OAS and the Agency which I direct.

12. Although Article 5 of the Treaty clearly establishes that nuclear powered vehicles cannot be considered as nuclear devices, it is certain that the nuclear powered submarines that took part in the South Atlantic conflict were not on a peace mission, they participated in warlike actions, which lead to the conclusion that one of the nuclear powers used this energy militarily to defend its interests, which would be contrary to the political philosophy that inspired Tlatelolco.

13. The question could be more serious for the fundamental objectives of the Treaty in the situation where the warships that took part in the said conflict could have been carrying on board nuclear weapons, since as, regardless of any legal interpretation, obviously, by voluntarily committing itself not to manufacture nuclear devices, Latin America expressed categorically the wish to free the entire region from the terrible dangers attached to the application of nuclear energy for military purposes, and this sovereign decision taken by our peoples should be respected completely by all the States.
14. It is certain that the Treaty, by reducing the world zones where a confrontation using nuclear weapons is possible and by limiting geographically the proliferation of these devices, not only made a great contribution to International Law, but also to the security of the hemisphere. Let us think only of how catastrophic for all our countries could have been a nuclear confrontation in the American waters of the South Atlantic. I am sure that the Conference, in dealing with this subject, will try to strengthen this Treaty and therefore, it is essential to conclude as soon as possible the process of denuclearization of the Zone, especially at this time when we have been able to notice the dangers that indicate the possible presence of nuclear devices in the region.

15. The need for the signature and ratification of the Treaty of Tlatelolco by all the Member States situated within its Zone of application, as soon as possible, has been and still is precisely the main concern of the secretariat of OPAANAL. It is not necessary to reiterate here the negative effects which the fact that a reduced number of States of the region are not integrated into the Tlatelolco System, has on the efficacy of the Treaty. The highly positive attitude that has been adopted by the Governments of States situated within the Zone of application of the Treaty permits us to hope that in the near future all the countries will have signed and ratified the Treaty, thus concluding the long awaited process of denuclearization of our hemisphere. Perhaps, in order to accelerate this decision, it may be necessary to combine the efforts of all the Governments of Member States.

16. The status of the two Additional Protocols is highly satisfactory. The ratification of Protocol I by France is the only one pending, so that all the territories administered de jure or de facto by extracontinental powers within the Zone of application of the Treaty are to be considered technically free of nuclear weapons. There is confidence in the fact that France, a nation of glorious humanitarian tradition, will soon ratify this Protocol, since there are no fundamental objections.

17. With regard to Protocol II, the process has been concluded. All the countries possessing nuclear weapons have agreed not to supply in any form, directly or indirectly, such weapons to the Latin American countries and not use them against the States Parties to the Treaty. This definite guarantee eliminates the scepticism that some had about the future of the Treaty, taking into account that a Treaty had been concluded outside the context of the nuclear powers and without previously having obtained from them any guarantees in this respect.

18. The establishment of other nuclear-free zones continues to be only an aspiration of the International Community, effective realization of which is not foreseen in the near future, since none of the political circumstances that have obstructed or impeded its creation have disappeared. When the Tlatelolco Treaty was drafted it was thought that the Latin American Zone would coexist and co-operate with other Zones situated in various regions of the world, in order to carry out joint efforts for universal disarmament. Unfortunately, this has not happened; everything points to the fact that for a few years it will continue to exist as a unique example of the implementation of this visionary idea.
19. This fact takes away from the Latin American Zone, the universal influence which it would have as an instrument of peace and international security if it coexisted along with other zones covering a great portion of the globe; consequently the United Nations is continuing its efforts in this direction. OPANAL has been invited to participate in a meeting of a group of eminent government experts that will revise and update the study carried out in 1975 on nuclear-free zones by mandate of the General Assembly, since our Agency has a unique and privileged experience in this field from 16 years of fruitful work.

20. Efforts aimed at avoiding the proliferation of nuclear weapons through the Non-Proliferation Treaty have not produced the desired results. According to the Director of the IAEA proliferation is taking a dangerous course, as in addition to the five States recognized as nuclear powers, there are about fifteen other countries which can produce material suitable for the manufacture of nuclear weapons, without the need for foreign assistance. These States are at present on the threshold of the nuclear arms race, as they possess the technological capacity to manufacture nuclear devices, but are legally prevented from doing so by having signed the NPT.

21. The constant increase in the number of countries that have chosen to use nuclear technology for warlike purposes, obviously constitutes a very grave danger to peace and the very existence of humanity. The presence alone of nuclear devices can lead to a catastrophe by mistake, mere chance or due to an irresponsible madness of which history has precedents. The problem of proliferation is not technological but rather political, the access to nuclear technology is made easier day by day. It is fundamental that the Governments understand that the non-acquisition of devices of this kind is in the interest of their own safety in order that efforts for non-proliferation and to establish nuclear-free zones may be successful.

22. Technological advances and major scientific discoveries should be in the service of all the peoples of the earth in order to facilitate the even progress of mankind. At the opening of the last session of the Conference, as head of the Delegation of Ecuador, I firmly maintained that the time had come to give OPANAL a new content and that this, necessarily, had to be the beginning of activities as co-ordination in the field of the development of nuclear energy for peaceful purposes. Now as head of the Agency, I am convinced that although OPANAL has an appropriate legal structure, it lacks the economic resources and suitable technical personnel to function efficiently in this sphere.

23. We believe that Latin America is capable of incorporating as quickly as possible the immense benefits from nuclear science into the socio-economic development process of its peoples and we are convinced that any delay would be detrimental. Advances in this field are spectacular. It is imperative to expand the collaboration and exchange of experiences between the States in the region. It is necessary to accelerate the training of personnel and to effectively help those countries economically weaker in order to embark on the road to development. International and inter-institutional action is also required in this regard. OPANAL has intensified the close relationship which it has always had with the International Atomic Energy Agency and we are prepared to commence any collaboration with the Inter-American Committee on Nuclear Energy.
24. The right to use nuclear energy for peaceful purpose is a feature of all the States which the Treaty of Tlatelolco itself recognizes and states, but the fact that the use of this energy can be diverted for warlike purposes forces the International Community to deal with the question of strict control in order to avoid any possible deviation. The control that the IAEA enforces through the Safeguards Agreements — those that have already been signed by 18 States Parties to the Treaty, functions without any problem and does not present any difficulty, so that the nuclear powers are sufficiently secure that the technological aid in the supplies of nuclear material will not be diverted in the Zone for military purposes, since the Treaty of Tlatelolco provides a legal and political basis for preventing it.

25. This Conference is meeting at a time when the world situation has seriously deteriorated, increasing the tensions and mistrust among the big powers, when an earnest dialogue does not exist between east and west for putting a stop to the arms race, neither between the north and south for reducing destabilizing gaps. The 1982 Nobel Peace Prize has just issued a dramatic warning: "Either nuclear weapons are eliminated or they will end civilization as we know it", summarizing the present world situation thus: "The accumulated arsenals could wipe out two hundred and fifty thousand million persons, that is to say, a number sixty times greater than the population of the planet".

26. In military circles they speak of a limited nuclear war or one that is restricted to the big powers through the use of tactical nuclear weapons. Nuclear war in essence defies geographic restriction. No territory on the planet and no inhabitant of the earth would escape the terrible consequences of a nuclear conflict. There is no possibility of limiting or prolonging it for a possible victory by any of the contenders. It would probably be the last war.

27. The very existence of humanity is based on something tragic: the so-called balance of terror. In the face of this dramatic scene, the importance of the Treaty of Tlatelolco stands out. The existence of a nuclear-free Zone which covers all the Latin-American territories is the most suitable path to avoid nuclear proliferation in our region and to give its inhabitants the confidence that they will not be victims of a holocaust. It is the duty of each and every one of us to strive to disarm consciences and to try to put the forces of death to the service of life.

28. This is the message of hope that I bring to the General Conference, to whose labours the Secretariat in my charge shall give their complete and unconditional support.
ANNEX IV

Statement by the General Secretary of O/PANAL

The Government of Panama, through its Embassy in Mexico, has requested the inclusion of the following additional item in the agenda of the eighth regular session: "Report on the introduction of nuclear weapons by the United Kingdom of Great Britain and Northern Ireland into the Zone and areas of the Malvinas, South Georgia and South Sandwich Islands". In accordance with rule 13 of the rules of procedure of the General Conference, the Government of Panama has also submitted an explanatory memorandum addressed to the General Secretary, stating the reasons for the inclusion of the item. Under the rules of procedure, it is for the General Conference to decide on the inclusion of additional items. Should this item be included by the Conference, it would have to be taken up within 24 hours of its inclusion in the agenda.

/...
ANNEX V

Statement by the representative of the United Kingdom,
Mr. David M. Edwards

It is, of course, for the States members of the Agency to determine the agenda in accordance with the rules of procedure. My delegation represents a State which is not a member of the Agency, but which is a Contracting Party to Additional Protocol I. I am thus speaking on this point in accordance with rule 20 of the rules of procedure of the Conference. I wish to make the following points in connection with the item which has just been added to the Conference's agenda. The item seems to indicate that nuclear weapons were deployed by my country in the area covered by the Treaty, presumably in contravention of Protocols I and II. This, of course, is not the case, as my Government has very clearly stated on many occasions. I wish to draw attention in this respect to document S/Inf. 261 of 11 May 1983, in which the Government of the United Kingdom clearly indicated that it had scrupulously observed its obligations under Additional Protocols I and II to the Treaty in not deploying nuclear weapons in territories for which the United Kingdom is internationally responsible within the Treaty's zone of application and in territories for which the Treaty is in force. In the circumstances, we are perturbed by the proposal contained in document CG/251. We trust that the Conference will act constructively in support of the objectives of the Treaty. In the view of my delegation, the inclusion of this item in the agenda runs counter to that end.
ANNEX VI

Statement by the President of the Conference

I thank the representative of the United Kingdom for his remarks and thoughts on the matter and am in full agreement as regards the constructive spirit which has always characterized the Agency's meetings. The very concept which gave rise to the Treaty has thus been given a fresh impetus, as was borne out by the three statements of this morning. The United Kingdom representative may rest assured that this spirit will continue to prevail. It is, in any event, the intention of the Conference that the document to which he referred should be circulated once the item has been taken up, but it is, of course, available to any delegation which requires it. Furthermore, it is my understanding that the inclusion of the item does not imply or prejudice in any way any particular situation. That is my understanding as a strict matter of law and it is on this basis that we are including it in the list of additional items. If there is no further comment or objection I shall consider item 4 duly adopted. Let us now move on to item 5 of the agenda: "Election of the President and two Vice-Presidents of the eighth ordinary session of the General Conference". I now invite nominations. I recognize the representative of Mexico.
ANNEX VII

Statement by the representative of the Argentine Republic,
Mr. D. Atilio N. Molteni

I wish to express my delegation's satisfaction at seeing you preside over the work of this important session of the General Conference of OPANAL. We are sure that your personal qualities and skill will guarantee the success of our endeavours. At the same time, the generous hospitality offered by the people and Government of Jamaica deserve our most sincere gratitude.

The signing of the Treaty of Tlatelolco on 14 February 1967 marked not only the first international agreement establishing a nuclear-weapon-free zone in a densely populated region, but also the first in the field of arms limitation, disarmament or collective disarmament measures to establish a system of monitoring through a permanent supervisory body. Hence the importance which we attach to the Agency for the Prohibition of Nuclear Weapons in Latin America (OPANAL) as an effective means of ensuring compliance with the Treaty.

Argentina's involvement in negotiating the Treaty of Tlatelolco is well known, as is its view of the Treaty's intrinsic merits. As was stated by the delegation which participated in the seventh regular session, I must explicitly reiterate that the Argentine Republic, as a signatory, considers itself bound by the objectives and aims of the Treaty of Tlatelolco. The Argentine position, in common with its position on the Treaty as stated on 27 September 1967, predates the conflicts in the South Atlantic and hence the invocation of the Treaty of Tlatelolco by the Argentine Republic is legitimate.

Similarly, the Argentine position on denuclearization is in accordance with the policy on general and complete disarmament which my country has consistently followed in international forums, with the agreements on safeguards which Argentina has signed, with the lines followed in its nuclear development for exclusively peaceful ends, and with its consistent and demonstrated policy of co-operation with countries in the region in the transfer of nuclear technology.

Resolution 2028 (XX) of the United Nations General Assembly affirmed one of the basic principles of the non-proliferation of nuclear weapons - the need for an acceptable balance of mutual responsibilities and obligations of the nuclear and non-nuclear Powers. It was realized that it was unfair for the latter to renounce the manufacture and acquisition of nuclear weapons without corresponding, specific undertakings on the part of the former. This resolution is expressly quoted in the Preamble to the Treaty of Tlatelolco.

It follows from this consideration that, when the Treaty of Tlatelolco was negotiated, two fundamental problems arose. First, there was a need - duly met - for an agreement on the geographical delimitation of the zone to be covered by the Treaty, and, secondly, it was agreed that all the nuclear Powers should guarantee to respect fully the legal status of the zone. We are all aware of the specific stipulations which the Treaty and its Additional Protocols contain on these two matters, and I shall refer to them in due course.

/...
Yet it should be recalled that General Assembly resolution 3472 (XXX) defined the principal obligations of the nuclear-weapon States towards nuclear-weapon-free zones, and among them particular emphasis was placed on the obligation to respect fully the statute of total absence of nuclear weapons defined in the treaty or convention which serves as the constitutive instrument of the zone, which, of course, applies to the Treaty of Tlatelolco. The point is that complete and indisputable respect for the denuclearized zones constitutes their very essence, since otherwise they would have no meaning.

The same sentiment was clearly expressed in paragraph 33 of the Final Document of the tenth special session of the United Nations General Assembly (resolution S-10/2) in the following words: "The establishment of nuclear-weapon-free zones on the basis of agreements or arrangements freely arrived at among the States of the zone concerned and the full compliance with those agreements or arrangements, thus ensuring that the zones are genuinely free from nuclear weapons, and respect for such zones by nuclear-weapon States constitute an important disarmament measure". These concepts are further emphasized in other paragraphs of the Final Document, namely paragraphs 60 to 63, especially paragraph 62.

Thus, when the Argentine Republic and other countries questioned the presence of tactical nuclear weapons aboard the British colonialist fleet as being in violation of the Treaty of Tlatelolco, the charge applies with equal force to the undermining of the foundations of the denuclearized zones as recognized by the international community, because the continuing efforts made at the United Nations to develop the concept of such zones, as a means of protecting mankind from the dangers of such weapons, were in practice frustrated by a deliberate attitude on the part of the United Kingdom.

The Embassy of the Argentine Republic in Mexico has addressed notes, dated 21 and 29 April 1983, to the General Secretary of OPANAL, further to earlier communications relating to the introduction of nuclear weapons by the United Kingdom of Great Britain and Northern Ireland into the zone and the Malvinas, South Georgia and South Sandwich Islands.

Reference was made in the first of the above notes to Argentine denunciations before the United Nations General Assembly, the Committee on Disarmament and the Non-Aligned Movement, and emphasis was given to the decisions adopted by the latter, important group of countries.

The second note was accompanied by other information relating to IAEA and to Argentina's views on the fact that the British fleet operated in the South Atlantic with its complete arsenal, including tactical nuclear weapons. My delegation will comment at length on the specific details of its denunciation when the item proposed by the delegation of Panama is taken up.

This question is of particular importance to the General Conference of OPANAL, since this is a problem arising between the Parties to the Treaty and the United Kingdom. The events in the South Atlantic are the first test of the effectiveness of the Treaty of Tlatelolco. The folly of the action there affects, as we have already stated, the credibility of the agreements aimed at establishing
denuclearized zones, and makes a mockery of international public opinion, which is becoming increasingly and ever more stridently critical of the very existence of nuclear weapons.

The United Kingdom Government has never given an adequate reply to the repeated appeals made in its Parliament, nor has it satisfactorily denied press reports in the United Kingdom and other countries that, in certain notes containing extremely precise data, reference was made not only to the presence of nuclear weapons, but also to the work undertaken to recover such weapons from sunken ships. Moreover, the presence of nuclear weapons in the South Atlantic was not denied by the United Kingdom Government when faced with governmental requests for information originating at the United Nations and elsewhere.

This attitude has not only given more weight to the questions raised as to the actual facts, but has also led to serious consequences which merit careful analysis by the General Conference, since there has been a conflict between two States connected with the Treaty: one which possesses and is the carrier of nuclear weapons; and the other which has no such weapons and which, in contrast, has devoted its nuclear programme exclusively to peaceful purposes, as determined on a continuing basis by the international monitoring system constituted by IAEA safeguards.

The mere presence of tactical nuclear weapons, which was not denied by the United Kingdom, an extra-continental Power and a member of NATO, represented a threat against the Argentine Republic, the target of the military action, and also a tangible danger for the countries of the Latin American region and a lack of respect for States which have sought, through the Treaty, an effective means of avoiding the warlike uses of nuclear energy.

The Argentine Republic maintains that the British colonialist fleet committed an act which involves the juridical and moral principles that constitute jus ad bellum, since it lost all sense of proportion by transporting nuclear weapons in its attack against an adversary which has none.

Faced with this, statements to the effect that the use of such weapons is "inconceivable" should be given short shrift in view of the fact that, at the second special session of the General Assembly devoted to disarmament, the Prime Minister of the United Kingdom stated textually: "... such promises can never be dependable amid the stresses of war".

In addition, no one can guarantee, once weapons are there, that a decision in the theatre of operations will not unleash a nuclear attack. May there not be a breakdown in communications? May there not be a human error? May there not be an accident?

A recent work of the Harvard Nuclear Study Group, entitled "Living with Nuclear Weapons" in describing various ways in which a nuclear war may begin, emphasizes specifically that mechanical accidents and human frailties may become highly dangerous in times of profound crisis or conventional war, during which the centres of command may be threatened or destroyed. The experience of the Sheffield should be taken as proof of this.
In its turn, the recent pastoral letter of the United States bishops on war and peace, in dealing with jus ad bellum, expressly refers to the possibility of the accidental detonation of highly destructive weapons as a factor conducive to creating a climate of general insecurity.

The only possible conclusion is to admit that by the dispatch, which has never been denied, of tactical nuclear weapons to the South Atlantic in its fleet of aggression, the United Kingdom created a situation of nuclear danger which, either by a decision of the carriers themselves, because of the very characteristics of the conflict or due to accidental causes, could have had unforeseeable consequences in Latin America.

Those nuclear-weapon States which ratify the Protocols annexed to the Treaty of Tlatelolco undertake to implement the provisions of articles 1, 3, 5 and 13 of the Treaty (in the case of Additional Protocol I), and to respect fully the statute of denuclearization of Latin America in respect of warlike purposes in all its express aims and provisions (in the case of Additional Protocol II). The United Kingdom has ratified both Protocols.

Article 1 of the Treaty of Tlatelolco explicitly prohibits any form of possession of any nuclear weapons. If a country which is legally bound by this Treaty decides to send its fleet with nuclear weapons to the zone delimited by the Treaty and if, invoking reasons of national security at the time concerned, it fails to deny the existence of such weapons even when faced with legitimate inquiries from other States, there is an undeniable right to ask what importance the nuclear Power in question attaches to the denuclearized zone and what security will have been achieved by the countries of the region which, for their part, have assumed, or are prepared to assume, a series of obligations subject to maximum control and verification.

Only now, and extempore, the Parties to the Treaty of Tlatelolco are being formally notified of a statement by the United Kingdom Government in which that Government claims to have scrupulously complied with its obligations under Additional Protocols I and II of the Treaty and not to have deployed nuclear weapons. Leaving aside for the moment the problems arising from verification of this alleged conduct, we consider that this note does not adequately cover the obligations assumed by the United Kingdom.

In any case, this statement does not deny the presence of nuclear weapons in the fleet. It merely alleges that nuclear weapons were not deployed in the areas referred to in Additional Protocol I and Additional Protocol II, but conversely it suggests, and with reason, that the zone delimited by the Treaty in article 4, paragraph 2, has been ignored by the United Kingdom and hence, in our opinion, the ultimate aims of the Treaty of Tlatelolco have been vitiated.

It cannot be denied that the essential objective of the Treaty is the establishment of an extensive geographical zone, defined in article 4, which involves the establishment of a real zone of Latin American security or a zone free from any use of nuclear energy for warlike purposes. To be specific, the introduction of nuclear weapons into the above-mentioned zones cannot be justified
by the United Kingdom's restrictive interpretation, because the aforesaid basic aim of the Treaty was ignored if we take into account the movements and specific military objective of the colonist fleet.

The concept of the delimitation of a zone of this character by the Treaty of Tlatelolco has been recognized by the international community in a large number of resolutions of the General Assembly of the United Nations (all of them adopted without a single vote against), especially resolution 2286 (XXII) of 5 December 1967, in which the Assembly welcomed with special satisfaction the Treaty of Tlatelolco and called upon "all States to give their full co-operation to ensure that the régime laid down in the Treaty enjoys the universal observance to which its lofty principles and noble aims entitle it".

The aim of the United Kingdom is to reduce and diminish the scope of its obligations vis-à-vis the non-nuclear-weapon Latin American zone. In doing so it is introducing an element of grave juridical insecurity since, on the basis of an ad hoc unilateral interpretation devised in order to satisfy its ambitions to perpetuate its colonialism, it is endeavouring to restrict the scope and status of the zone which the Latin American countries wish to set free from the scourge of the warlike uses of nuclear energy, which includes not only the use of nuclear weapons but also their possession in any form in the zone and the use in the zone of nuclear propulsion for warlike purposes. In this connection we must remember the action taken by the United Kingdom which resulted in the criminal sinking of the Argentine cruiser General Belgrano, with the loss of 321 lives, by a British nuclear submarine.

In its note the United Kingdom states that it has not deployed nuclear weapons in areas referred to in Additional Protocols I and II of the Treaty, but these assertions cannot be verified by the Parties to the Treaty. In this connection it must be remembered that, as stated in document COPENHAGEN/CC/5/6 of 4 August 1965, the United Kingdom expressly reserved the right not to accept any kind of inspection on its military aircraft or vessels.

It is obvious that the eighth Conference of OPANAL cannot remain indifferent to acts which affect the credibility, effectiveness and future of the Treaty for the Prohibition of Nuclear Weapons in Latin America. In a world in which international crises occur with lamentable frequency and are becoming increasingly severe, the security to which the Latin American countries are entitled must be reaffirmed and guaranteed by appropriate juridical measures.

It is for this reason that my delegation is convinced that this Conference shares the views it has expressed, namely, that the United Kingdom's warlike use of nuclear energy and its introduction and possession of nuclear weapons within the non-nuclear-weapon Latin American zone should be condemned. Similarly, the unsatisfactory and inadequate nature of its replies means that consideration should be given to providing express and verifiable safeguards on commitments entered into, and to excluding interpretations aimed at limiting their scope. In this way it would be possible to guarantee the withdrawal from the non-nuclear-weapon Latin American zone of any United Kingdom nuclear weapon and any other warlike nuclear device, irrespective of its nature. Also, consideration should be given as a
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ANNEX VIII

Statement by the representative of the United Kingdom,
Mr. David M. Edwards

Mr. President, a few minutes ago we heard a long statement by the Argentine delegation which contained a series of points relating to my country.

These points are either inaccurate, biased, misleading, or simply mistaken. With your permission, my delegation wishes to exercise its right of reply to these unfounded allegations when we take up the additional item which the Conference included in its agenda yesterday, at which time my delegation will have an opportunity to study the Argentine statement.
ANNEX IX

Statement by the representative of the United States of America,
Mr. James L. Malone

With respect to comments made by a few delegations this afternoon, I would like to restate a long-standing United States view - supported both in negotiating history of the Treaty of Tlatelolco and State practice. That is that the United States believes that the Treaty and its Protocols do not affect the right to exercise freedom of navigation of the high seas, to undertake innocent passage through territorial waters, nor affect the sovereign right of the territorial States to grant or deny transit rights.

The United States does not believe that the actions of British naval forces in the South Atlantic were in any way inconsistent with its obligations under Protocols I and II. The Secretary-General's report in paragraph 16 states that the issue before this General Conference is in fact political rather than legal. It is important that this Conference not permit the lingering bitterness of the South Atlantic conflict to result in questioning the legal basis of the Treaty régime that has been established through the years with regard to freedom to navigate on the high seas and to transit rights.

/.../
ANNEX X

Statement by the representative of Argentina

My delegation is surprised at the remarks just made by the United States representative. We are surprised by his delay in making remarks of this kind, because my delegation has frequently referred to the presence of nuclear weapons aboard the British fleet in the South Atlantic. In due course, when the item is taken up, we shall reply to the representative of the United States. I merely wish to state, in connection with the legal points raised by the United States delegation, that a distinction must be drawn between transit and the aggressive intent of the British fleet. A ship sailing through a particular area with the aim of crossing it so as to reach other ports is one thing, but when a fleet with nuclear weapons has a specific military aim of military action and confrontation in view, that is quite another. As I have said, when the time comes we shall reply to this statement.
ANNEX XI

Statement by the representative of Panama,
Mr. José Guillermo Stoute

First of all, in my brief statement, allow me to thank, through you, Mr. President, the Jamaican Government and people for their generous hospitality which, without any doubt, has facilitated and stimulated this major international gathering. My delegation wishes to express its gratification and satisfaction at the constant readiness of this fraternal country to seek ingenious forms of regional and extra-regional coexistence.

It is an honour for me to transmit to the representatives my Government's best wishes. May this plenary session of good-neighbourliness and friendly solidarity continue to be one of the forums for the peaceful settlement of disputes and, in the spirit of our Treaty of Tlatelolco, for furthering the desire of our peoples for the well-being of all in a context of international peace and security.

The Government of Panama wishes to reaffirm its devotion to the letter and spirit of the Treaty of Tlatelolco, particularly with regard to the establishment of a Latin American zone, denuclearized in respect of warlike purposes, and its desire to reach and participate in the qualitatively higher stage of general and complete disarmament.

These two necessary and complementary aspirations constitute the foundations of the concord and tranquillity which are essential for the national development of our countries. Fortunately, Latin America has not been physically involved in the major military confrontations which, in this century, have wreaked havoc on the international community.

Yet neither have we been immune from them. Whereas in earlier days Latin American involvement in extra-continental wars was confined to evoking the general principles of international law and reason, today, regrettably, we find ourselves caught up in the web of the interests and policies of international power which may assume uncontrollable if foreseeable forms.

My delegation ventures to state, given our inability to remain aloof from the manoeuvres of the predominant international Powers and the rules they establish, that we are all concerned by the spreading areas of regional conflict, which may suddenly become international in scope in the form of new political developments that transform our historical vision of peace into a future shaped by a painful reality, which we are already experiencing and which affects us all.

It is also improbable that, with agreements between the great Powers on détente and peaceful coexistence among themselves still under negotiation, the correlation of forces will be such as to bring about an early understanding which will stabilize, or seek to stabilize, Latin American regional zones of conflict.
Yet it would be a fundamental error for us to presume that it is only in cases where conflicting extra-regional interests are involved that there is an ideological, economic and cultural issue which has polarized integration and development efforts in the geographical area in which we live.

Phenomena such as the high illiteracy rate, the inequitable system of land tenure, the need for structural agrarian reform and the unequal distribution of wealth are some of the principal factors which set patterns of social and economic imbalance, which in turn have a fundamental effect on the cycle of under-development. As we can appreciate, this state of affairs is at the root of regional conflicts and the absence of negotiated settlements contributes to the escalating tension.

The reasons for violence have been studied as a critical problem in recent years. Emphasis is mistakenly placed on the theory that the international order is affected by unforeseeable causes or by conflicts of interests, while it is forgotten that the cause lies in the anachronistic persistence of the primacy accorded to policies for perpetuating a past era, policies which are incompatible with the mandate of our peoples.

The Government of Panama shares the concern of our hemisphere that the events which took place last year in the South Atlantic involved the presence of nuclear weapons in surface vessels and submarines belonging to an extra-continental Power, constituting a serious threat to the principles of the Treaty of Tlatelolco.

It is not necessary for such weapons to be deployed when their mere presence represents a latent danger and a trigger which may precipitate a nuclear conflagration. Equally, the innocent transport of nuclear weapons raises the possibility of an accident with devastating effects on the countries of the area.

Although the Argentine Republic has not, to date, ratified the Treaty for the Prohibition of Nuclear Weapons in Latin America, it is clear that, with its security threatened, it must denounce an extremely serious act of war, in which nuclear weapons might have been involved. As we all know, the intent in drafting the Treaty was for it to be signed and ratified by all the countries of Latin America, in furtherance of regional peace and security. That is the context in which we are considering the Argentine denunciation.

My delegation feels that, if there is no adequate control through effective machinery, over the movement of military transports carrying nuclear weapons in the island and continental areas of Latin America, we shall be constantly preoccupied with the fact that this latent threat may cause serious destruction in our geographical zone.

My delegation considers it relevant to point out that the Republic of Panama, in its desire for caution to prevent any inappropriate or indiscriminate use of atomic energy, secured the inclusion, in article XII of the new Panama Canal treaties, of a provision to prevent the United States of America from using nuclear excavation techniques, without the prior consent of Panama, for the construction of a sea-level canal.
The Government of the Republic of Panama, in requesting the inclusion of the additional item in the agenda of OPANAL's eighth regular session, wished to put on record its concern regarding the issue of the alleged presence of military nuclear devices in the Latin American environment.

Nevertheless, we may rest reassured if we receive responsible explanations, provided that their real purpose is to exclude, forever, the presence, deployment or actual use of nuclear weapons in the zone covered by article IV of the Treaty of Tlatelolco.

My delegation, in the light of recent experience, believes that the Treaty of Tlatelolco will emerge strengthened, since its signatories will have to adopt a firmer stance, one of respect and utter commitment, in favour of a lasting peace for all.

My Government believes that it is imperative for us soon to find ways and means of providing an appropriate starting-point for a new regional and extra-regional relationship which will promote an atmosphere of lasting and just peace and whose basis will be fully concordant with our own social, economic, cultural and political criteria.

We thus reject the simplistic approach taken by the parties involved to the problems of Latin America, particularly Central America, with its return to a divided, bipolar world. Such a view cannot be accepted since it is not sufficiently broad.

The time for negotiation is brief, both for the current situations of conflict and for those which seem to have changed. It is, perhaps, late to try to reconcile conflicting interests but there is definitely still time to convert belligerence into a regional association of tolerance through the common battle against fear and under-development.
ANNEX XII

Verbatim record of the forty-ninth meeting

President: Mr. Lloyd M. H. Barnett (Jamaica)

Vice-Presidents

Mr. Antonio Oviedo (Colombia)

Mr. Marcola Prieto (Costa Rica)

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Agenda (Doc. CG/258)

1. Adoption of the agenda.

2. Report on the introduction of nuclear weapons by the United Kingdom of Great Britain and Northern Ireland into the Zone and areas of the Malvinas, South Georgia and South Sandwich Islands.

3. Other business.

The President, Mr. Lloyd M. H. Barnett, representative of Jamaica: The meeting is called to order. I wish to make the best use of the time available and would like to suggest to you informally that we adopt the agenda and begin the discussions while the documents are being distributed, in both English and Spanish. There being no objections to this proposal, while we are speaking the texts will be corrected and circulated as soon as they are ready. I recognize the representative of Panama.

The representative of Panama, Mr. J. Guillermo Stout: In its statement yesterday morning, Panama made some general comments which, it hopes, were sufficiently clear to explain the reasons why the Panamanian Government is requesting the inclusion of the item of concern to us. So as not to prolong the present debate, we will provide the interested parties with additional information, if necessary, through the regular channels of our respective Foreign Ministries.

The PRESIDENT: I thank the representative of Panama for introducing this agenda item. Does any other speaker wish to take the floor? I remind the Conference that during the general debate on the General Secretary's report, when this item was referred to, the representative of the United Kingdom requested the right to reply at the appropriate time. I feel that this is the appropriate time and I therefore call upon the representative of the United Kingdom to make his statement.

The representative of the United Kingdom, Mr. David M. Edwards: In the general debate on Tuesday of this week, the Argentine delegation made a number of serious allegations against the United Kingdom. Many of these were framed in
polemic terms, were based on hypothetical criteria or were largely irrelevant to the real work of this Conference. Most of them have already been made in other forums, and my Government has repeatedly stated its position on them. As indicated in previous statements, my delegation's intention is to make as constructive a contribution to this Conference as is possible in our capacity as a non-member State of the Agency. I therefore propose to limit this statement in right of reply to those matters raised by the Argentine delegation which may reasonably be considered to be of direct concern to this Agency. The Argentine delegation has sought to take advantage, in pursuit of its own political ends, of the long-standing practice of successive British Governments neither to confirm nor to deny the presence or absence of nuclear weapons in a particular place at a particular time. This is a practice which is based on valid reasons of security and of weapon safety and is followed also by other nuclear-weapon States. However, in recognition of the international legal obligations undertaken under the Additional Protocols to the Treaty of Tlatelolco, we have on a number of previous occasions made a clear statement of our position. In Conference document S/Inf.261 of 11 May 1983, we pointed out that the United Kingdom had scrupulously observed its obligations under the Additional Protocols to the Treaty, firstly, in not deploying nuclear weapons in territories for which the United Kingdom is internationally responsible within the Treaty's Zone of Application; and secondly, in not deploying such weapons in the territories for which the Treaty is in force.

The delegation of Argentina has accused the United Kingdom of seeking to restrict the scope and applicability of the Zone of the Treaty of Tlatelolco. It is not the United Kingdom which has sought to impose any geographical limits to the Zone of Application of the Treaty. Rather, it is Argentina, by its failure to ratify the Treaty, which has placed serious limitations on the Zone of Application.

In addition, the Argentine delegation asserts that the United Kingdom has attempted to restrict and belittle the scope of its obligations in regard to the Latin American nuclear-weapon-free zone. At least the United Kingdom has obligations. The United Kingdom has accepted formal legal obligations under the Protocols, while Argentina has not even ratified the Treaty. The Argentine delegation has said that its country feels committed to the objectives of the Treaty. But this is a very different matter from undertaking specific and clear legally-binding obligations under international law.

The Argentine delegation has said that its nuclear programme is dedicated exclusively to peaceful uses. Why then does it not ratify the Treaty of Tlatelolco or the Non-Proliferation Treaty and conclude a full-scope safeguards agreement with the International Atomic Energy Agency, thus contributing to the international confidence that is necessary in these matters?

The Argentine delegation has referred to the preambular paragraph of the Treaty of Tlatelolco which recalled United Nations General Assembly resolution 2028 (XX), which established the principle of an acceptable balance of mutual responsibilities and duties for the nuclear and non-nuclear Powers. Consistent with the spirit of that resolution, the United Kingdom gave its Negative Security Assurance in 1978 to non-nuclear-weapon States Parties to the Non-Proliferation Treaty or to other internationally binding commitments not to manufacture or
acquire nuclear explosive devices, such as the Treaty of Tlatelolco. Because
Argentina has not ratified the Non-Proliferation Treaty or the Treaty of
Tlatelolco, our Negative Security Assurance does not technically apply to it, but
we still remain ready to apply our Assurance to it in practice. In this
connection, the United Kingdom stated categorically at the outset of the Falklands
conflict that it was inconceivable that we would use nuclear weapons.

The Argentine delegation has drawn attention to a statement by the British
Prime Minister at the second special session on disarmament which they have taken
out of context. In pointing to the limited value of assurances, Mrs. Thatcher was
discussing the first use of nuclear weapons between nuclear-weapon States. Her
remarks were not intended to cast doubt on the assurances we give to
non-nuclear-weapon States. As Mrs. Thatcher pointed out in the same paragraph of
her speech, the fundamental risk to peace is not the existence of weapons of
particular types. It is the disposition on the part of some States to impose
change on others by resorting to force. In the course of their statements the
Argentine delegation made reference to a number of United Nations General Assembly
resolutions. My delegation would wish to recall that Argentine action over the
Falkland Islands was a flagrant act of unprovoked aggression and that Argentina
refused to act in accordance with a mandatory Security Council resolution to
withdraw its forces. British action in self-defence was totally in accord with the

The Argentine delegation raised the question of the dangers arising out of the
loss of nuclear weapons as a result of an accident or incident. My Government has
stated categorically, and repeats that statement now, that there has never been an
incident anywhere involving a British nuclear weapon leading to its loss or to the
dispersal of radioactive contamination.

The Argentine delegation also alleged that the sinking of the General Belgrano
by a nuclear-powered submarine had constituted the military use of nuclear energy
in violation of the Treaty. This allegation had already been made by the Argentine
representative at the plenary meeting of the United Nations Disarmament Commission
on 11 May. In this regard, I would point out that vessels propelled by nuclear
power are not regulated by the Treaty. The Treaty's full title, "Treaty for the
Prohibition of Nuclear Weapons in Latin America", makes it clear what it is
intended to cover. In addition, article 5 of the Treaty excludes means of
propulsion, and the definition of nuclear weapons in that article cannot embrace,
for example, nuclear-propelled submarines. Mr. President, even if the Treaty did
apply to nuclear-powered submarines (which, as I have explained, it does not) I
would remind the Conference that the United Kingdom's obligations under the
Additional Protocols apply, firstly, to the territories for which it is
internationally responsible within the Treaty's Zone of Application and, secondly,
to the territories for which the Treaty is in force. These obligations did not
apply, therefore, to the site of the sinking of the General Belgrano.

The Argentine delegation has pointed out that the United Kingdom's statements
concerning the deployment of nuclear weapons cannot be verified by the Parties to
the Treaty. I can only say in this connection that the articles of the Treaty
concerned, numbers 6, 15, 16 and 20, do not apply to the United Kingdom as a Party
to the Additional Protocols.

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Arising out of the statement of the Argentine delegation, there was some discussion about the transit of nuclear weapons through the Zone of Application of the Treaty. The United Kingdom considers that such transit of nuclear weapons is consistent with our obligations under the Additional Protocols and that this is clear from the negotiating history of the Treaty. In this respect, therefore, our position is the same as that of the United States and France.

In closing I should like to say that, in my delegation's view, the basis of the strength of the Treaty of Tlatelolco has been its ability to transcend political and ideological differences between member States themselves and other States linked to the Treaty in pursuit of the common objective of keeping Latin America and the Caribbean free from the risk of nuclear war. We fully support this objective and trust that this body will be able to continue unhindered its important task of strengthening the Treaty and its efforts to promote the non-proliferation of nuclear weapons.

The PRESIDENT: I thank the representative of the United Kingdom for his statement. I take it that the representative of Argentina would like to exercise his right of reply, and I therefore recognize him.

Mr. Atilio N. MOLTENI (Argentina): My delegation would like to make use, very briefly, of the right of reply. In due time, many of the statements made by the delegation of the United Kingdom will be the subject of an appropriate reply by my delegation, which will be submitted to the members of OPANAL, but there are some comments made by the United Kingdom delegation which oblige me very briefly to recall some aspects related to this problem and to the item introduced by the delegation of Panama. One of the aspects mentioned was the position of my country with respect to the non-proliferation Treaty; it is well known that not only Argentina but also other States consider this to be a discriminatory Treaty and have repeatedly stated their objections to it. Moreover, everyone knows of the failure of the Conference which at one time considered the revision of this Treaty.

The position of Argentina was also called into question with regard to ratification of the Treaty of Tlatelolco; in this respect, I would like to draw attention to OPANAL resolution 141, adopted at the last regular session, which expressly notes, in paragraph 5, that the Government of the Argentine Republic, in view of its inclusion in the non-nuclear-weapon Zone established by the Treaty of Tlatelolco, has initiated negotiations with the International Atomic Energy Agency with a view to formulating the safeguards agreement which would be applicable to this country on the basis of article 13 of the Treaty. In other words, the position of my country with respect to ratification of the Treaty of Tlatelolco has been expressly recognized by OPANAL.

Moreover, the statements of my delegation in support of the objectives and goals of the Treaty of Tlatelolco are well known, and I reiterate them. The United Kingdom delegation has also mentioned again the note which it recently sent to OPANAL, on 11 May, in which it comments on the Argentine objections to the possession of nuclear weapons in the Zone and in the Malvinas, Georgia and South Sandwich Islands. My delegation sent a note to OPANAL in which we analysed the British statements: in it we raise the point that the United Kingdom note is
unsatisfactory and insufficient because it does not deny that the British colonialist fleet was sent to carry out operations in the Latin American non-nuclear-weapon Zone with its complete arsenal, including nuclear-propulsion devices and nuclear weapons; it does not deny the subsequent introduction by its fleet of nuclear-propulsion material and nuclear weapons in the Zone described in article 4 of the Treaty, and it does not deny the possible introduction and maintenance of nuclear weapons in the Islands.

We have just heard a statement by the United Kingdom representative which limits even further the obligations inasmuch as that representative recalled that, according to the terms of the Protocol, it is not obligated by specific terms of the Treaty of Tlatelolco. Moreover, the United Kingdom note only refers to deployment; it does not cover other obligations which are specially provided for in article 1 of the Treaty concerning the receipt, storage, installation or any form of possession of nuclear weapons.

The United Kingdom delegation has referred to the sinking of the General Belgrano. The situation is well known in which that ship was sunk outside the zone unlawfully declared by the United Kingdom to be an "exclusion zone" at a time when it was carrying out military operations. Also well known today are the negative implications which that event had as regards a possible process of negotiation which might have averted the bloody consequences of the Malvinas problem.

As for the transit of nuclear weapons, my delegation has already stated that there is a fundamental difference between the transit of nuclear weapons and the transport of nuclear weapons by a fleet which has been sent to carry out military operations against another State, and it is precisely on this illegality that my delegation has based what the United Kingdom delegation considers to be polemic, hypothetical and irrelevant charges and allegations. Given the nature of the debate, my delegation could go on and introduce a series of points which, we are sure, would enlighten the delegations, but we do not think that this is the appropriate time.

The United Kingdom delegation has mentioned Security Council resolution 502 (1982). The interpretation of this resolution is well known. But he did not refer to General Assembly resolution 37/9 which, precisely, has to do with the United Kingdom's non-compliance with the aforesaid resolution, which was initiated by the Latin American countries, and this is an example of the attitude being taken by this State which, on the one hand, invokes texts adopted by the United Nations and, on the other hand, ignores completely texts which still reflect a majority opinion of this General Assembly.

In order not to prolong the debate, I repeat that we will in due course make known our position on the United Kingdom reply.

The PRESIDENT: I thank the representative of Argentina for his statement. I take it that there are no more speakers for until we have the resolutions and, as I have been told that these are nearly ready and will be circulated very soon, with your permission we shall proceed to other topics and come back to this one as soon as we have the resolutions. Do I hear any objection?

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On the item "Other business", you have a draft resolution which has already been circulated as document L.191. It refers to the bicentenary of the birth of Simón Bolívar. If you have no objection to the draft, we shall consider it adopted. I recognize the representative of Venezuela.

The representative of Venezuela, Mr. Rafael José NERI: With your permission, Mr. President, I would like to make a kind of recommendation to the permanent officials of the Agency to the effect that they should promote the active participation of the Agency in the commemorative activities of the bicentenary. It would take more than the form of a declaration, because OPENAL will be giving its support, on a continuing basis, to this tribute throughout the entire year of the bicentenary, 1983.

The PRESIDENT: I thank the representative of Venezuela. I think that the General Secretary will have no objections to that, and I therefore call upon him.

The General Secretary of OPENAL, Mr. José Ricardo MARTINEZ COBO: OPENAL has always been well aware that the Liberator Simón Bolívar, in his wisdom, suggested that the Isthmus of Panama - a very well chosen place because it is there where the two Americas join hands - should be the site at which the foundations of the regional organization should be laid. The Liberator also made a dramatic appeal to the nations which were emerging as independent States that they should refrain from aggression of any kind so that their peoples could live free from fear, intimidation and sorrow. Both the Council and the Secretariat of OPENAL will therefore be pleased to participate in the activities commemorating the bicentenary of the Liberator Simón Bolívar.

The PRESIDENT: Having concluded this item, we shall go on to consider draft resolution L.189, referring to the ninth session. I would like to ask the General Secretary and the Council to decide where to hold this ninth session. I take it that there is no objection to this draft resolution. It is therefore adopted. The representative of Nicaragua desires to make a brief comment at this time and I therefore call upon him.

The representative of Nicaragua, Mr. Aldo DIAS IACAYO: We have read the document circulated this morning, S/Inf.284, entitled "Statement by the United States delegate, Assistant Secretary James S. Malone at the close of the eighth regular session of the General Conference" of OPENAL. The first paragraph of this statement says that the United States believes that the Treaty and its Additional Protocols do not affect the right to exercise freedom of navigation of the high seas, to undertake innocent passage through territorial waters, nor affect the sovereign right of the territorial States to grant or deny transit rights. According to the second paragraph, the United States does not believe that the actions of the British naval forces in the South Atlantic were in any way inconsistent with its obligations under Protocols I and II. It would appear that this second paragraph is designed to make this Conference believe that the presence of British warships in the South Atlantic was in exercise of the right to freedom of navigation of the high seas or a case of innocent passage through territorial waters or that they were in transit under agreements signed between sovereign States.

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The delegation of Nicaragua wishes to confirm its original position that the presence of nuclear weapons on warships with aggressive purposes cannot be accepted in the Zone relevant to the Treaty of Tlatelolco.

The President: I thank the representative of Nicaragua for his statement, of which due note has been taken. We have almost come to the end of our work, and I suggest that we suspend the meeting briefly while we await the document in question. I recognize the representative of Mexico.

The representative of Mexico, Jorge Montaño: On a point of clarification, I wish to know whether it is your intention now to conclude the final item on our agenda, "Other business", or whether after the suspension which you suggest, which seems very appropriate to me, it would be possible to make a statement under the item "Other business".

The President: I recognize the representative of Colombia.

The representative of Colombia, Mr. Antonio Cifredo: I merely wish respectfully to ask if we have begun consideration of draft resolution CG/L.187, which has already been circulated. The draft resolution was submitted by the delegations of Colombia, Mexico, Panama and Venezuela, and the representative of Ecuador has asked us to inform you that he has joined the list of sponsors. The draft resolution is before the delegations and should you, Sir, find it convenient, I request that we begin consideration of it.

The President: I thank the representative of Colombia. In reply to the question raised by the representative of Mexico: yes, delegations may speak on other matters. In reply to the representative of Colombia: I am ready to invite the Conference to consider the draft resolution. Do you have draft resolution CG/L.187 before you? Very good, we shall now take up the draft. It is so agreed. I now propose a brief recess while the translation of this document is being completed. When we resume our meeting, you will have the English and Spanish texts of document CG/L.188, a draft resolution entitled "Report on the introduction of nuclear weapons by the United Kingdom of Great Britain and Northern Ireland into the zone and areas of the Malvinas, South Georgia and South Sandwich Islands". I must draw attention to certain typing errors which we need to correct; in the title I believe we should say Malvinas-Falkland, as it appears in United Nations documents. I also wish to draw your attention to the word "important", which should be deleted from the first line of operative paragraph 2. The same paragraph goes on to read, in the English text: "To take note of the important statements ...". There are some misplaced commas in this text which alter the meaning. It is my intention that, once you have read the document, which is the outcome of negotiations among various members, if there is no objection we can adopt it as it stands, except for the minor amendments which I have suggested. If there is no objection, the text is adopted. I recognize the representative of Trinidad and Tobago.

The representative of Trinidad and Tobago, Mr. Victor McIntyre: While I am impressed by the spirit of the text, I am not entirely happy with the manner in which certain paragraphs of the document have been drafted. I have listened very
carefully to the previous two speakers, the representative of the United Kingdom and the representative of Argentina, making allegations, rebutting allegations and reaffirming positions, and I am now confused. Frankly, the most I can hope to do is to agree with the spirit underlying the document, but not with the paragraphs and the topics which it raises.

This is a political document, and I do not believe that this is the forum in which such a document should appear. It would seem more appropriate for forums such as the United Nations, for example, or the Organization of American States, where it could be submitted and debated each time until the States involved were satisfied, including emotionally satisfied. But here we are bound by strict articles of the Treaty and these statements, which seem to fall outside the scope of the Treaty, make me think that, if I accept this consensus, I shall be coming down on one side or the other. Both States, the United Kingdom and Argentina, are countries with which my small country enjoys the closest relations and I do not wish to serve as a counterweight for either one by allying myself with either of them. I would do nothing, for example, to fan the few sparks which remain from the dispute over the Malvinas or Falkland Islands, whatever you wish to call them. Quite honestly, I do not wish to be led along this road, and I honestly cannot join this consensus. I do not believe that the clauses referred to here relate to the matters which we have been discussing in this Conference. It seems to me that they would be more suitable in other forums. In the circumstances, I deeply regret that I cannot join the consensus.

The PRESIDENT: I thank the representative of Trinidad and Tobago for his clarification. I understand that there are no other statements at this stage, and the resolution is thus adopted. I recognize the representative of the United Kingdom.

The representative of the United Kingdom, Mr. David M. EDWARDS: I wish to refer briefly to the resolution which has been adopted by this Conference in document CG/L.188. Mr. President, I thank you and those delegations which have made a great effort to produce a balanced resolution. Yet I must say that the resolution, in the opinion of my delegation, is objectionable in various ways, as is apparent from the detailed statement which I made earlier. It is not necessary for me to repeat that we do not wish to waste the time of the Conference by entering into further details. The resolution was essentially based on the fact that nuclear weapons were introduced by my country when we exercised our right of self-defence in the South Atlantic following the illegal aggression of the Argentine Republic. We are disappointed that the resolution does not incorporate the detailed replies given by my delegation, containing categorical affirmations of our compliance with our international obligations under the Additional Protocols to the Treaty of Tlatelolco in response to unverified allegations by a State which has not even ratified the Treaty. Finally, since my Government has repeatedly stated that it has complied with those obligations, we do not see why it is necessary to have any resolution at all.

The PRESIDENT: I thank the representative of the United Kingdom. I recognize the representative of the United States.
The representative of the United States of America, Mr. James L. MALONE: On draft resolution CG/L.188, I would like to reiterate the comments made by the United Kingdom representative in thanking you and other representatives for their efforts to ensure that this difficult agenda item was dealt with in the fairest possible manner.

Although the resolution considered by the General Conference represents an improvement over its earlier versions in some respects, we still believe that it lacks balance. For example, Argentina's unsupported allegations of the presence of nuclear weapons are dealt with as if they were facts, whereas the statements by the United Kingdom that it has complied with its obligations under Protocols I and II are simply taken note of and are not given comparable credibility.

We also wish to comment on a specific part of the resolution in paragraph 4. The fact that nuclear-powered submarines might have been present in the geographical zone defined in article 2, paragraph 4, of the Treaty could naturally be of concern to members of OPANAL. Nevertheless, this does not alter one of the basic legal principles underlying the Treaty established by the history of negotiations and by State practices. This principle, which was brought to the attention of the General Conference by Under-Secretary Malone on Tuesday, is that the Treaty and its Protocols do not affect the right to exercise the freedom of navigation on the high seas, innocent passage through territorial waters, or the right of transit. I shall also take this opportunity to repeat that the United States has no reason whatsoever to believe that the actions of the British vessels were inconsistent with the United Kingdom's obligations under Protocols I and II. We should, perhaps, instead of questioning these acts by the United Kingdom in the South Atlantic, recognize the positive contribution which its ratifications of Protocols I and II represent as a means of prohibiting the introduction of nuclear weapons into areas in which the Treaty is in force.

The conflict in the South Atlantic might rather, perhaps, be seen as an example of the usefulness of obligations undertaken by Parties to the Protocol, instead of being used to question the credibility of compliance by the United Kingdom with its undertakings and obligations under Protocol I.

Our common objective in this Conference is to promote progress, so that the Treaty may enter into force throughout the region. This objective should remain in the forefront of our minds, and we must ensure that we are not diverted from this task by charges, for which there is no evidence, of contraventions of the Treaty or its Protocols. The United States is not taking part in this dispute, but is merely endeavouring to maintain a constructive stance in support of the régime established by the Treaty.

The PRESIDENT: I thank the representative of the United States. I now recognize the representative of France.

The representative of France, Mr. Jacques MASSENET: France is perfectly aware of national sensitivities and respects them. My delegation cannot but regret that certain aspects of a tragic conflict are being evoked here. It seems to me that the subject does not fall directly within our competence and has already been...
discussed in the United Nations. We should like to make two comments on the text of resolution CG/L.188. In accordance with the reservations expressed by my delegation when ratifying Additional Protocol II, the French Government considers that any zone extending beyond the aggregate of the territories defined in article 3 of the Treaty cannot be deemed to be established in accordance with international law. Consequently, the French Government could not agree that the Treaty applies to these areas. Secondly, the reference in paragraph 4 to nuclear-powered submarines is not covered by the definition of nuclear weapons given very specifically and clearly in article 5 of the Treaty.

The President: I thank the representative of France. I recognize the representative of Argentina.

The representative of Argentina: Any text can be interpreted in terms of its letter and also of its spirit. My delegation interprets this text in terms of its spirit and has comments to make on its paragraphs, with regard to the letter, whereas we have no comments and fully endorse the spirit which enabled the Latin American delegations to adopt what I would call this most important resolution. However, had we had any doubts about aspects of this resolution, the statements just made by the representatives of the United States, the United Kingdom and France have dispelled any doubts we might have had, because we have seen that, regardless of the Treaty of Tlatelolco, there are still States which try to maintain their predominance in the world, to impose régimes to which the Latin American countries are completely opposed and want to exercise permanent control.

These statements are contrary to the very spirit of the Treaty, a spirit which we ourselves would like to see pervading this august assembly. They are evidence of a clash of points of view which we anticipated through the adoption of this resolution, through the path which we tried to follow when we said that this was a problem which did not concern the Republic of Argentina but was one which concerned the Parties to the Treaty by virtue of the régime and rules which Latin America wished to establish. Consequently, we consider that this has been a great experience which has strengthened the Treaty and, should any doubts be cast concerning its effectiveness, the sentiments expressed in this resolution will do much to enhance the Treaty. In this connection, my delegation expresses its deep gratitude to the delegation of Panama for introducing the subject and to the delegations of Venezuela and Mexico which have conducted these difficult negotiations. We also wish to thank you, Mr. President, very warmly for your efforts which have led to the adoption of this resolution.

The President: I thank the representative of Argentina. I recognize the representative of the Federal Republic of Germany.

The representative of the Federal Republic of Germany, Mr. Dietmar KREUSEL: As an observer for a country outside this hemisphere which is not a Party to the Treaty of Tlatelolco, I take the liberty of commenting on the decisions adopted by the member States in line with their views. I deeply regret to say, however, that the resolution just adopted does not seem to me to be formulated in a way which will serve the noble cause to which Mr. Alfonso García Robles has been so committed and for which he has been paid the appropriate tribute.
The President: I thank the representative of the Federal Republic of Germany. I recognize the representative of Belgium.

The representative of Belgium, Mr. Jan P. Boussu: First of all, my delegation wishes to congratulate the eighth General Conference of OPANAL on the positive objectives it has attained during its meetings. It wishes to express its gratitude and admiration for the work done by Ambassador García Robles of Mexico, for which he was deservedly awarded the 1982 Nobel Prize and joins in the tribute paid to him at this Conference.

Belgium, as you know, has always made the necessary efforts to promote world disarmament and it is well known that it was one of the first advocates of regional disarmament arrangements and denuclearized zones. On the other hand, however, we endorse the statement made by our colleague from the Federal Republic of Germany, since we deeply regret that the matter dealt with in the resolution just adopted should have been brought before this forum. To my mind, this does not encourage appropriate and constructive solutions in the spirit of Tlatelolco.

The President: I thank the representative of Belgium. I recognize the representative of the Netherlands.

The representative of the Netherlands, Mr. Gobert van Vliet: I shall be very brief. I should just like to say that the Netherlands delegation supports the statements made by the representatives of Belgium and the Federal Republic of Germany.

The President: I thank the representative of the Netherlands. This concludes our consideration of this agenda item. We shall now consider draft resolution L.187. In the absence of any objection, this resolution is adopted. Since the Mexican representative asked earlier to be allowed to mention another matter, I now call upon him.

The representative of Mexico: Actually, my concern when I asked to speak a moment ago was to be given the opportunity to address this august General Conference in order to make a very full statement concerning its results and some specific points which my delegation wanted to emphasize. If this is the last matter to be dealt with by the General Conference I shall therefore proceed to do so. If not, I would request you to be good enough to leave me till the end.

The President: I thank the representative of Mexico. There is no other matter before the Conference. Consequently, I recognize the representative of Mexico.

The representative of Mexico: I had the honour to participate in the opening meeting of the eighth regular session of the General Conference of OPANAL. I should point out that on that occasion my statement was part of an old tradition of protocol by which I was deeply honoured; however, I asked to speak in order to express, on behalf of my own and other delegations, our sincere gratitude to the Government of Jamaica for its indisputable talent as a host. We have been overwhelmed by kindness from its authorities and have experienced the courtesy and...
consideration of its people. We shall remember your leadership, Mr. President, as being discreet but firm, calm but effective, and one from which the future of the Agency will derive great benefit. We participants at this eighth session are fully aware that the General Conference which is concluding its work today is a landmark in the history of OPANAL. Some representatives who, as they say in my country, have recently attained their majority, have come here for the first time. That is to say that the Agency is clearly entering a new era and, for the time being, the required maturity is to be found in the Council of the Agency. Its directives will be extremely useful for shaping the future of OPANAL and it will work effectively to guide, in its turn, the next session of the General Conference.

I should like to conclude by expressing our sincere appreciation of the work of the OPANAL secretariat, the interpreters and supporting staff, and by once more publicly expressing our gratitude for the moving tribute paid to Mexico's universal man, Alfonso García Robles. To your timely telegram we shall add detailed reports of what was said during this Conference. Please convey on our behalf, Mr. President, to the Minister of State for Foreign Affairs, Neville Gallimore, our reiterated and renewed thanks for his kindness and hospitality.

The PRESIDENT: I thank the representative of Mexico. I call upon the General Secretary.

The General Secretary of OPANAL: The secretariat has great pleasure in endorsing the expression of gratitude just addressed by the representative of Mexico to the Government and people of Jamaica who invited us to hold our General Conference in Kingston. This generous invitation was unanimously accepted with pleasure at the third special session of the General Conference and, at the end of our work, we have realized the wisdom of this decision, because not only does Kingston possess an excellent conference centre with all modern facilities but it also fulfils all the conditions necessary for a large international conference centre. We have received invaluable aid from the Jamaican staff - interpreters, translators and all the other invisible conference personnel. I too, Mr. President, should like to express my thanks to you for the efficient, skilful and impartial way in which you have directed the discussions; you have been an excellent leader of this meeting. I thank you, Sir, on behalf of the secretariat.

The PRESIDENT: I thank the General Secretary. We have now reached the end of our work and have just concluded the eighth regular session of the General Conference of OPANAL. All will agree that we have held a very interesting debate, at least on one item; however the discussions bear witness to our commitment to the purposes and principles of the Treaty of Tlatelolco and the work of the Agency, namely, to attain these objectives.

Obviously the Treaty still has some way to go before it is accepted throughout the region, since some States have not signed or ratified it; others wish to exercise the right of waiver set forth in article 28; and one nuclear Power has failed to ratify Additional Protocol I, but what is clear is the deep commitment of the Contracting Parties present at this Conference that all States should make similar commitments in order that the Treaty may be implemented throughout the region.

/.../
It has also been very clearly shown at this meeting that all the States of the region, whether Contracting Parties or not, can tolerate no violation of the spirit or letter of the Treaty of Tlatelolco. There have been recent challenges and it is therefore urgent that all States, whether inside or outside the region, should promote the objectives and respect the terms of the Treaty; I think that this is what we have agreed upon in principle. This, I think, was reflected in a special way in the vote on draft resolution CG/L.188 and, although we have confirmed our commitments and supported the role of OPANAL, we recognize that the Agency is faced with a difficult financial situation. We hope that this may very soon be remedied in order to enable the Agency properly to carry out its mandate.

On this matter, many people have expressed the view that the Agency must do more to promote the peaceful uses of nuclear energy. To enable it to do this, States must provide OPANAL with additional resources. Some States say that there are some discriminatory provisions in the Treaty which prevent them from acceding to full membership; we must make every effort to remove these obstacles. Other decisions have been taken, but I shall not comment on them. I should like to thank the General Secretary and congratulate him for his report and for all the work done in OPANAL.

I should also like to thank the secretariat for its work. Finally, on behalf of the Government of Jamaica, I wish to thank OPANAL and all of you, representatives, observers, members of the secretariat, for accepting our invitation to meet here in Jamaica and for your very objective participation in this eighth regular session of the General Conference of OPANAL. As President, I should also like to thank you for your support and co-operation. The session is closed.

The meeting rose at 7 p.m.
ANNEX XIII

Note from the Embassy of the United Kingdom

On 11 May 1983, the General Secretary of the Agency for the Prohibition of Nuclear Weapons in Latin America received the following note:

"Your Excellency,

"I have just read with interest your report which you kindly sent to me as document No. CG/234 of 15 April of the 8th Ordinary Period of Sessions of OPANAL which will take place in Kingston from 16-19 May. I have also read the Notes from the Argentine Embassy of 21 April and 29 April circulated as documents Nos. S/Inf. 254 of 22 April and S/Inf. 256 of 3 May.

"The Argentine Embassy Note of 21 April refers to the 'introduction of nuclear weapons by the United Kingdom into the Falklands Islands, South Georgia and South Sandwich'. The Note goes on to claim that the allegations about the presence of nuclear weapons in the British task force have never been adequately answered by the British Government.

"The Government of the United Kingdom has scrupulously observed its obligations under Additional Protocol I to the Treaty for the Prohibition of Nuclear Weapons in Latin America and has not deployed nuclear weapons in areas for which de jure or de facto it is internationally responsible and lie within the limits of the geographical zone established in that Treaty.

"Further the Government has scrupulously observed its obligations under Additional Protocol II to the Treaty and has not deployed nuclear weapons in areas for which the Treaty is in force.

"I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

"(Signed) Crispin TICKELL
H.M. Ambassador"
ANNEX XIV

Note from the delegation of the Argentine Republic

Sir,

I have the honour to draw your attention to the note from the Embassy of the United Kingdom of Great Britain and Northern Ireland in Mexico, reproduced in document S/Inf.161 of 11 May 1983:

1. The British statements contained in that note are entirely unsatisfactory and insufficient. The views set forth in the notes which the Argentine Embassy in Mexico transmitted to the General Secretary (S/Inf.254 and S/Inf.256) therefore stand in their entirety.

The specific and limited concept of 'non-deployment' of nuclear weapons which the United Kingdom has used in an unsuccessful attempt to sidestep the allegations made by the Latin American countries says nothing about the actual possession of nuclear weapons in zones which that country is obligated to respect under Protocols I and II.

2. In addition, the British note is unsatisfactory and insufficient in that it:

(a) Does not deny that the British colonialist fleet was sent on warlike operations to the Latin American nuclear-weapon-free zone with its full arsenal, including nuclear-propulsion equipment and nuclear weapons;

(b) Does not deny the subsequent introduction of nuclear material for propulsion and nuclear weapons by the British colonialist fleet on warlike operations within the Zone described in article 4 of the Treaty, specifically in the Malvinas, South Georgia and South Sandwich Islands;

(c) Does not deny that the United Kingdom has introduced and is at present maintaining nuclear weapons in the Zone and in the Malvinas, South Georgia and South Sandwich Islands, constituting a serious threat to the security of the region.

These British affirmations imply a unilateral interpretation of the Treaty and its annexed Protocols which in fact restricts their scope by seeking to diminish the obligations which the United Kingdom undertook to fulfil. Certainly that Government cannot be unaware that the object and purpose of the Treaty is the Latin American nuclear-weapon-free zone. The mere introduction of British nuclear weapons into any part of that Zone, in circumstances where the United Kingdom is conducting warlike operations or exercising its nuclear might in order to consolidate its colonial domination in the Malvinas, South Georgia and South Sandwich Islands, clearly contravenes the purposes for which the Zone was established.

/.../
3. Furthermore, the attempt to diminish the United Kingdom's obligations is totally unacceptable, since article 1 of the Treaty also obligates the United Kingdom to use nuclear energy within the Zone exclusively for peaceful purposes. The warlike operations conducted by the United Kingdom, which resulted in the criminal sinking of the cruiser General Belgrano by the British nuclear submarine Conqueror with the loss of 321 lives, constitute a flagrant violation of the Treaty. The continuation of threatening British military operations in the Zone with the full deployment of equipment such as nuclear-powered vessels, shows an abiding contempt for the security and legitimate interests which the Zone established by the Treaty is intended to safeguard.

4. Furthermore, the validity and credibility of the statements by the British Government to the effect that it has not deployed nuclear weapons in areas falling under its de facto jurisdiction pursuant to Protocol I must be seriously questioned, because:

(a) These statements cannot be verified in the context of the British philosophy which holds that promises not to use this or that kind of weapon – and, a fortiori, to install or deploy them – can never be dependable amid the stresses of war (a philosophy enunciated by the British Prime Minister at the second special session of the General Assembly devoted to disarmament – document A/S-12/PV.24);

(b) These unverifiable statements contradict the consistent practice of the United Kingdom in the context of the NATO policy of nuclear deterrence, since no account is ever given of the presence or absence of nuclear weapons or the time and place in which they are deployed. This tack was adopted recently by the Foreign Secretary, Mr. Francis Pym, when he said in Brazil on 28 March 1983: "We never say where our nuclear weapons are";

(c) These belated and unverifiable statements were issued more than a year after the Latin American countries began repeatedly and persistently to voice their concerns without receiving any satisfaction;

(d) Verification of the statements contained in the British note is impossible. The United Kingdom has refused to allow its aircraft and warships to be inspected.

5. All this leads to the conclusion that this attempted response by the United Kingdom is only a device based on expediency, devoid of any basis and aimed at diverting the attention of the OPANAL General Conference. In this way, the strategic nuclear interests of the United Kingdom are protected and any information about the presence of British nuclear weapons in the Latin American Zone, which, under the Treaty, ought to remain free of nuclear weapons, is kept hidden.

Accept, Sir, the assurances of my highest consideration.

(Signed) Atilio MOLTENI
Head of the Argentine Delegation