



President: Mr. Ismat T. KITTANI (Iraq)

### AGENDA ITEM 5

#### The situation in the occupied Arab territories (concluded)

1. The PRESIDENT: As representatives will recall, the debate on the item was concluded this morning. Therefore, I shall now call on those delegations which have expressed their desire to speak in explanation of vote before the vote. I would remind representatives that explanations of vote are limited to 10 minutes and should be made from their places.

2. Mr. ALBORNOZ (Ecuador) (*interpretation from Spanish*): The draft resolution on which we are about to vote [A/ES-9/L.1] relates to a crucial subject that has aggravated the already critical situation in the Middle East. Parts of the text have our full support because they relate to the protection of the territorial integrity of a country. In rejecting the unilateral decision to annex Syria's territory in the Golan Heights, our country has already spoken in condemnation of that act, because no semblance of legality can be given to the armed occupation of territories. That was the point made by Ecuador when it supported General Assembly resolution 36/226 B, which states that the acquisition of territory by force is inadmissible according to the Charter and international law, and that has been the invariable position of my country's foreign policy.

3. Ecuador is against the use of force in international relations and believes that only by means of the peaceful solution of disputes, through dialogue and negotiation, is it possible to bring about a reduction of tension with lasting results reflected in freely contracted agreements enjoying the total support of public opinion in the countries concerned, and consequently the return of territories to the country to which they belong, even though it may have been temporarily deprived of such territories by force of arms. Ecuador was among the 121 countries which, in resolution 36/226 B, called upon Israel, as occupying Power, immediately to rescind its decision and all related measures which constitute a flagrant violation of all the relevant principles of international law.

4. If we voted on the draft resolution A/ES-9/L.1 paragraph by paragraph, the delegation of Ecuador would—and if such is the case, will—vote in favour of the majority of the paragraphs.

5. Furthermore, my country has a profound respect for peace and believes that the organs of the United Nations, in the present legal context, must abide strictly by established procedures. Ecuador has placed its trust in the United Nations and therefore believes that care must be taken to preserve the universality and solidarity of the Organization, with the full participation of all its Members and the use of the world forum to seek understanding, negotiation and concerted action to maintain peace. This universality should prevail and be respected in all the Organization's spheres of action, without any

discrimination, so that no zone where conflict prevails and no case of aggression or violation of peoples' rights or the principles of the Charter is neglected.

6. As for acts such as the establishment or non-establishment of relations between one country and another, Ecuador considers that they fall exclusively within the sovereign jurisdiction of each State and therefore cannot be subject to the decisions or exhortations of third parties. Similarly, the conduct of international policy in general of a country falls squarely within its own sphere of decision-making, and it is precisely international law alone, aided by the positive action of the organ concerned with peace, that can be invoked to bring about a meeting of minds among States and thus promote harmony and peaceful coexistence as called for by the Charter of the United Nations.

7. Since there are provisions of questionable legality in the draft resolution on which we are about to vote and it is impossible to make express reservations on paragraphs such as operative paragraphs 11, 12 and 13, as well as the last paragraph of the preamble, my delegation will have to abstain in the vote on the draft resolution in question.

8. Mrs. KIRKPATRICK (United States of America): The draft resolution before this emergency special session of the General Assembly is profoundly objectionable to the United States. We oppose it because it does not contribute to peace in the Middle East: it will make peace harder to achieve.

9. We oppose the end it seeks—which is revenge and retribution, not conciliation and compromise.

10. We oppose the means it recommends, which are unreasonably punitive and ill-suited to accomplishing any constructive purpose.

11. We oppose the use of the United Nations involved here, because this body was and is meant to be devoted to building peace and security, and this draft resolution seeks neither. Instead it uses this body as an instrument to deepen divisions and exacerbate conflicts.

12. We oppose this draft resolution because, like any other cynical use of power, it will leave this body weaker than it already is, less fit to achieve its noble purposes.

13. By damaging the prospects for peace, this draft resolution undermines the integrity—indeed, the very raison d'être—of the United Nations.

14. Last month in the Security Council the United States voted against a draft resolution<sup>1</sup> on Israel's Golan Heights legislation because, as we stated at the time, the draft resolution constituted “a perversion of the very purpose which the Security Council is called upon by Chapter VII of the Charter of the United Nations to perform”.<sup>2</sup> That purpose is to prevent “an aggravation of the situation”. The draft resolution before us today, like the previous draft resolution, does not prevent an aggravation of the situation; it is itself a source of aggravation. It is also procedurally flawed in that it seeks to assign to the General Assembly responsibilities that Chapter VII of the Charter properly and solely invests in the Security Council.

15. The United Nations has discussed the Golan Heights legislation now for nearly two months. As my delegation made clear at the outset, we opposed this legislation because it purported or appeared to alter unilaterally the international status of the Golan Heights. Therefore, on 17 December, the United States joined other members of the Security Council in adopting resolution 497 (1981), thereby making clear our disapproval of the Israeli Government's action in extending its civil law over the Golan Heights. We communicated the same message in our bilateral relations.

16. As we have stated often, the future of the Golan Heights, like that of all the occupied territories, can be resolved only through negotiations pursuant to Security Council resolutions 242 (1967) and 338 (1973). Accordingly, we called upon Israel to rescind its legislation and—most importantly—to reaffirm its commitment to a negotiated solution. In its letter of 29 December 1981 to the Secretary-General,<sup>11</sup> Israel did, in fact, reaffirm its readiness to enter into unconditional negotiations with the Syrians over the international legal status of the Golan.

17. At that point, the only constructive role for the United Nations was to facilitate such negotiations, in accordance with resolutions 242 (1967) and 338 (1973). But the draft resolution before the Security Council did not even mention those resolutions and, needless to say, the current draft resolution does not either.

18. We must go back to basics. Israel is accused of threatening peace. Yet peace is not the situation that prevailed between Israel and the Syrian Arab Republic before Israel's Golan Heights legislation was adopted. Security Council resolution 338 (1973), which was the basis for the 1973 cease-fire, called upon the parties to "start immediately" to negotiate the implementation of resolution 242 (1967) so that Israeli withdrawal could be effected in exchange for recognition of Israel's existence within "secure and recognized" borders. But no such negotiations took place.

19. There is no one in this hall who does not know which party has refused to negotiate peace or even to accept resolution 242 (1967). Yet the draft resolution before us today and the speeches we have heard take no account of this reality.

20. The United States greatly desires to have cordial, co-operative, good relations with all the States in the region. My country has devoted enormous effort, in this Administration and under previous Administrations, to finding a basis for peace and reconciliation. We also want very much a strong United Nations acting in fidelity to the principles of its Charter. For these very reasons we are appalled by this draft resolution, which distorts reality, denies history and inflames passions.

21. The draft resolution before us calls the Israeli legislation an act of aggression. But no shots were fired, no soldiers were brought into place. And the future of the Golan Heights is no less negotiable than before.

22. It describes the Israeli legislation as an annexation. It is not. The United States has not recognized it as such. The Security Council in resolution 497 (1981) did not recognize it as such. To call it annexation now only creates an artificial obstacle to negotiations.

23. This draft resolution calls for comprehensive sanctions against Israel and for Israel's total isolation from the rest of the world. But can anyone truly believe that such proposals, advanced in a spirit of vindictiveness, will make a constructive contribution to peace?

24. The United States objects to this draft resolution because it makes the search for peace more difficult and

because it weakens this body. We also object to it for less disinterested reasons: we object to the barely veiled attack on the United States present here in the paragraph that "strongly deplores the negative vote by a permanent member . . .".

25. The right to cast a veto is vested by the Charter in five permanent members of the Security Council. The sole purpose of that provision is to permit one of the permanent members to block a proposed action of the Council if for any reason that action is deemed seriously flawed. The United States used the veto for the purpose for which it was intended: to block action which we deemed profoundly ill-conceived and imprudent and, moreover, one incompatible with the pursuit of international peace and security to which this body is dedicated. It is not at all appropriate that an action taken in conformity with the spirit and the letter of the Charter should be deplored.

26. Furthermore, as everyone present understands, this draft resolution raises basic questions which go to the heart of the relationship of a Member State to the United Nations. This is a profoundly serious matter, fraught with ominous portent. Questions of membership in this body and its associated agencies should not, indeed cannot, be settled by majority passions. The United Nations or any similar organization can exist only if the principle of majority rule is balanced by respect for minority rights. This draft resolution strikes twice at the principle that minorities also have rights: first when it deplores our use of the veto, and second when it attempts to submit questions of membership to the General Assembly. Respect for the United Nations means respect for its Charter.

27. We hope that the authors and supporters of the draft resolution will think deeply about this aspect of their approach, for the health, even the survival, of the United Nations depends on respect for both majority rule and minority rights. Nothing is more clear than this.

28. Suppose this draft resolution is adopted, as regrettably I suppose it will be; what will this exercise have achieved?

—An Israeli withdrawal from the Golan? Of course not.

—An embargo on economic, technological and military goods destined for Israel? Of course not.

—A restoration of the occupied territories? Of course not.

—A resolution of the problems of Palestine? Of course not.

—Peace in the Middle East? Of course not.

—Will it intimidate the United States, causing it to abandon its Middle East policy, its friendship with Israel, its search for peace in the region? Of course not.

29. What then will this draft resolution accomplish? What has already been achieved by these weeks of harsh, seemingly endless attacks on Israel, on the United States, on the spirit of reason, moderation, on peace itself? To raise the question is to answer it.

30. There is a nursery rhyme in my country which goes "Sticks and stones may break our bones but words will never hurt us". The rhyme is profoundly mistaken. Words have consequences. Words express the ideas, the values and the truths we live by. They are the principal means available for reason to explain purposes and dispel misunderstandings. The United Nations was conceived as a palace of reason—

31. The PRESIDENT: May I inform the representative of the United States that her 10 minutes are up and request her to conclude her statement.

32. Mrs. KIRKPATRICK (United States of America): This miserable draft resolution before us today demonstrates the sad truth that any instrument can be made to serve purposes remote from its *raison d'être*. The United Nations itself can be used to polarize nations, spread hostility and exacerbate conflict. Naturally, we shall vote no.

33. Mr. PINIÉS (Spain) (*interpretation from Spanish*): The position of the Spanish Government concerning the decision of the Israeli Government and Parliament to extend the laws, jurisdiction and administration of the State of Israel to the occupied Syrian territory of the Golan Heights—a decision tantamount to a pure and simple annexation of the territory—is clear and unequivocal.

34. As soon as it knew the facts, on 15 December 1981 the Spanish Government issued a communiqué rejecting and condemning this decision of the Israeli authorities and calling this action a grave violation of international law, the principles of the Charter of the United Nations and the relevant Security Council and General Assembly resolutions, which—as the communiqué concluded—“constitutes an additional obstacle in the search for a comprehensive, just and lasting solution of the Middle East problem”.

35. On 16 December last I had occasion to reiterate my Government's position in the debate on the question in the Security Council<sup>38</sup> which culminated in the unanimous adoption of resolution 497 (1981).

36. When the question was again taken up in the Security Council last January, pursuant to the provisions of resolution 497 (1981), I reiterated what I had said on 16 December and I indicated my delegation's readiness to support those measures which might compel the State of Israel to rescind its decision concerning the Golan Heights and to demand that Israel withdraw from the territories occupied since 1967. The Spanish delegation's decision was reflected in its affirmative vote when the revised draft resolution sponsored by Jordan<sup>1</sup> came to a vote in the Security Council. It was not adopted by the Council because of the negative vote of a permanent member, which led to the convening of this emergency special session, pursuant to Security Council resolution 500 (1982), adopted once again with Spain's positive vote.

37. The Spanish Government most firmly rejects the expansionist policy of the State of Israel, which has just been flagrantly manifested by the annexation of the Syrian territory of the Golan Heights. It is impossible to believe that the continual statements calling for peace and the offers of negotiation are being made in good faith when the facts day after day demonstrate that what Israel is seeking is simply its territorial expansion. This irresponsible policy is postponing more and more the day a comprehensive, just and lasting peace will come to the Middle East.

38. In keeping with its unswerving policy of support for the just cause of Syria, since what Israel did last December can only be called an act of aggression, my delegation agrees with the general tenor of the draft resolution on which we are going to vote. However, some of its paragraphs go considerably beyond the texts we supported in the Security Council, and in one case raise problems with regard to an interpretation of the Charter of the United Nations with which we are not necessarily in agreement.

39. My delegation would have preferred the draft resolution vetoed in the Security Council to have been adapted to General Assembly language and submitted to the General Assembly for our consideration. In that case, the residual power of the Assembly when compared with the primary responsibility of the Security Council would have

demonstrated the overwhelming support which, in our view justifies action vis-à-vis the Council, although the decisions of the Assembly are mere recommendations.

40. In view of what I have said, my delegation will be compelled to abstain in the vote on the draft resolution in document A/ES-9/L.1.

41. However, in no way should the abstention of the Spanish delegation be interpreted as indicating a change in my Government's unswerving position, which is to condemn and to reject the Israeli decision and to insist that the occupying Power rescind immediately its decision of 14 December 1981.

42. Mr. MARTINI URDANETA (Venezuela) (*interpretation from Spanish*): During this debate, the delegation of Venezuela reaffirmed its position concerning Israel's decision to extend its laws, jurisdiction and administration to the occupied Syrian territory of the Golan Heights, an act which we consider null and void, as we did when we supported resolution 36/226 B of 17 December last, in order to renew our appeal to the State of Israel to rescind this measure which has been added to the other factors standing in the way of the chances for peace in the Middle East.

43. This decision of the Israeli Parliament constitutes a serious act which undermines one of the fundamental pillars of the Organization, the principle of the inadmissibility of the acquisition of territory by force, and cannot be viewed by Venezuela as anything but the plunder of a territory covered by the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949.<sup>14</sup>

44. Venezuela reiterates its position, which has already been expressed, to the effect that the plans for achieving a stable and lasting peace in the area should include the right of all States of the area to exist and to live in peace within secure and recognized boundaries, as well as the recognition of the legitimate rights of the Palestinian people.

45. In this context, Venezuela views with sympathy any peace initiative leading to a comprehensive settlement in the Middle East on the basis of the participation of all the interested parties.

46. However, in view of the terms used in some of the paragraphs of both the preambular part and the operative part, particularly operative paragraphs 11, 12, 13 and 15, which do not contribute to the achievement of the objectives of peace, the delegation of Venezuela will be obliged to abstain in the vote on draft resolution A/ES-9/L.1.

47. Mr. HUTCHENS (Australia): The Australian delegation will vote against the draft resolution which is about to be voted upon despite our support for much of what has been said in the debate over the last week.

48. The Australian Government deplores the decision of Israel to apply its laws to the Golan Heights. Our position was made clear by the Australian Foreign Minister in a statement of 15 December 1981, when he described the Israeli decision as an act which would exacerbate tension in the region and make it more difficult to achieve progress towards a comprehensive peace in the Middle East.

49. Australia has applied the same principles to Israel's decision on the Golan Heights as it applied to the adoption by the Knesset of the “Basic Law” on Jerusalem. These principles are contained in Security Council resolution 242 (1967) and the fourth Geneva Convention of 12 August 1949.<sup>14</sup> In line with these principles, we are opposed to any action which might impede the search for a negotiated settlement in the Middle East. Israel's decision on the Golan Heights is one such action, and we join

the rest of the international community in opposing it. We have heard no arguments from the delegation of Israel in the course of this debate which would cause us to change this view.

50. The Australian delegation had hoped to vote in support of a draft resolution built on the international consensus embodied in Security Council resolution 497 (1981). Such a draft resolution would have enjoyed unanimous support and would have sent Israel a clear signal of the strength of international opposition to its latest action.

51. Instead, the sponsors of the draft resolution have gone considerably beyond resolution 497 (1981) and have included in their draft resolution formulations wholly unacceptable to the Australian Government.

52. The Charter of the United Nations includes a specific division of competencies between different organs of the Organization. Various paragraphs of the draft resolution ignore that division.

53. Attempts to call into question the right of Israel to membership of the Organization are unacceptable to the Australian Government and pose a real threat to the future of the Organization.

54. While the Israeli action has clearly hindered the search for peace in the Middle East, the draft resolution on which we are about to vote itself fails to advance that search.

55. Mr. TRUCCO (Chile) (*interpretation from Spanish*): The Middle East conflict deeply affects nations whom Chile regards as friends, not only because of diplomatic ties and very cordial relations but also because of the respect for, and gratitude due to, the numerous people from those countries who, by integrating themselves into Chile's society, have strengthened and enriched it with their own contributions.

56. Consequently, mine is the friendly voice of a country which wishes to collaborate in the search for a constructive solution.

57. For this reason, my delegation is grieved by the fact that recently, during the thirty-sixth session of the General Assembly, we had to deal with the Middle East situation and note once more the existence of a violation of a fundamental and essential principle of the civilized coexistence of nations—the principle of not resorting to force in international relations—and one of its logical corollaries, the obligation not to recognize territorial acquisitions resulting from the use or threat of force.

58. Since the very founding of the Organization, the international community has not accepted or recognized any change in a territorial *status quo* other than by peaceful measures. This principle of modern international law, respect for which is a requisite for peaceful international coexistence, should not be eroded, and it is the responsibility of the Members of the Organization to prevent any such erosion. Territorial annexations by force of arms have been inadmissible and without any legal basis ever since the promulgation of the Charter of the United Nations. No claim regarding security or geopolitical considerations can confer validity on such annexations. My country has been and will continue to be unswerving in its defence of this highly important principle.

59. As the Assembly and the Security Council have declared, Israel's annexation is null and void and without any international validity. The Golan Heights constitute Syrian territory occupied by Israel, and therefore the fourth Geneva Convention is fully applicable. We said this only a month ago, and we repeat it today.

60. My country has traditionally maintained, as indicated in the relevant resolutions of the Security Council,

especially resolutions 242 (1967) and 338 (1973), that the search for a stable and enduring peace in the Middle East is based on three essential elements which constitute a whole and should be considered in the negotiations between the interested parties. These elements are: Israel's withdrawal from all occupied Arab territories; the recognition and effective guarantees of the right of Israel and all States of the region to live in peace within secure and recognized boundaries; and free self-determination for the Palestinian people.

61. Those are the principles which we defend and which should not be weakened by precipitate actions or dangerous omissions.

62. We are therefore puzzled and concerned that draft resolution A/ES-9/L.1, submitted for our consideration at this session, has not included the necessary references to Security Council resolutions 242 (1967) and 338 (1973).

63. I have endeavoured to make the position of my Government clear with regard to our rejection of the illegal occupation of Arab territories, our support of the factors which we deem to be fundamental for peace in the Middle East, our firm espousal of the principle of the non-use of force in international relations and the peaceful solution of disputes. Despite these profound convictions and because we have serious reservations regarding paragraphs 7, 8, 11, 12 and 13 and the tenth preambular paragraph which make our acceptance impossible, my delegation will abstain in the vote on the draft resolution as a whole.

64. It is the opinion of my delegation that some of these paragraphs pronounce judgement on matters which fall within the purview of the Security Council under Chapter VII of the Charter.

65. In addition, my delegation feels that the aforementioned paragraphs do not constitute a constructive contribution to progress along the road to peace, nor do they reduce the scope of the conflict; on the contrary, they might contribute to spreading it. My delegation regrets that the draft resolution does not seek to create a propitious climate or feasible means of ensuring that all the parties to the dispute fulfil their obligation to settle their disputes solely and exclusively by peaceful means in conformity with the provisions of the Charter.

66. My Government is convinced that the road to peace in the Middle East is necessarily through negotiations and diplomatic dialogue. In this sense, the United Nations can and must not only promote the holding of such negotiations but must also be a forum where all the parties have an opportunity to express their ideas in an atmosphere of respect and consideration conducive to harmonization and narrowing of differences. My Government likewise believes that the full compliance with the principle of the universality of the United Nations is necessary for attaining the objectives of the Organization.

67. Mr. KERGIN (Canada): The Israeli Government's unilateral action in extending Israeli law to the occupied Syrian Golan Heights has been considered in several contexts in the Assembly over the past two months. Canadian views on it are already clearly on the record.

68. Canada regards the Israeli action as tantamount to annexation of the Golan Heights, and we strongly oppose it as being contrary to international law. Canada firmly supports Security Council resolution 242 (1967), with its reference to the "inadmissibility of the acquisition of territory by war". Furthermore, we support the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations [*General Assembly resolution 2625 (XXV)*], which stipulates that: "The

territory of a State shall not be the object of acquisition by another State resulting from . . . the use of force." In our view, the Israeli action is directly contrary to that Declaration.

69. We also believe the Israeli action is detrimental to the peace process. We have already witnessed an increase in uncertainty in the area since that step was taken. Such a situation does not increase the prospects for the success of the negotiations that are now going on, or the willingness of others to join in the negotiation process.

70. In light of all these considerations, the Canadian Government strongly endorsed Security Council resolution 497 (1981) of 17 December 1981 and hoped that Israel would draw back from the action it had taken in order to enlarge the prospects for attaining the goal of peace in the Middle East. We made those views known directly to the Israeli Government. We take the opportunity afforded by this forum to urge once again that Israel should rescind the legislation regarding the Golan Heights and approved by the Knesset on 14 December 1981.

71. In view of the position which Canada has taken, it should be clear that we are in sympathy with some elements of draft resolution A/ES-9/L.1. We are, however, deeply disturbed at the possible implication of operative paragraph 11, which some might try to employ as grounds to limit Israel's participation in the General Assembly. Canada would be extremely concerned by a move to inhibit Israel's right, or indeed that of any other State, to participate fully and on an equal basis in the United Nations and its agencies. Canada firmly supports the principle of universality of participation in the United Nations.

72. My delegation thinks, moreover, that it is not appropriate for this Assembly to substitute itself for the Security Council, as it appears to do in paragraphs 2, 6 and 12, to attempt to impose measures, albeit in a more permissive manner than the Security Council, that amount to Charter sanctions. Furthermore, we cannot support paragraph 8 of the draft resolution.

73. Finally, we cannot support any provision which attempts, as does operative paragraph 10, to prejudice the outcome of negotiations that must take place to work out a peace settlement in the Middle East. We adhere to the framework for such negotiations that was carefully worked out in Security Council resolutions 242 (1967) and 338 (1973).

74. In view of these strong reservations, we are obliged to vote against the draft resolution contained in document A/ES-9/L.1.

75. Mr. SEWRAJSING (Suriname): The ninth emergency special session of the General Assembly now has before it for consideration draft resolution A/ES-9/L.1, regarding the situation in the occupied Arab territories.

76. The Minister of Justice and Foreign Affairs of my country spoke in the general debate yesterday to explain the views and position of the Government of Suriname on the annexation of the Golan Heights by Israel [10th meeting].

77. The Government of Suriname holds the view that the seriousness of the violation of the principles of the Charter and of international law warrants this emergency special session and makes it incumbent upon the international community to deal with and to take appropriate action against this illegal act by the State of Israel. Based on this position, the Government of Suriname shares the view that measures to curb Israel's unlimited access to the most sophisticated weapons would lead to a restraint of its appetite for resorting to force in its dealings with the countries in the region. My delegation, however, has

serious doubts with regard to the wisdom of certain paragraphs in the operative part of the draft resolution before us.

78. In that connection, my delegation wishes to put on record its serious reservations with regard to operative paragraph 11, sub-paragraphs 12 (c) and (d), and operative paragraph 13.

79. These reservations, however, will not prevent the delegation of Suriname from voting in favour of draft resolution A/ES-9/L.1 before us.

80. Mr. RAMLOGUN (Mauritius): It has not been possible for the delegation of Mauritius to participate in the general debate of the ninth emergency special session on the question of the situation in the occupied Arab territories. We are therefore taking this opportunity to explain our vote before the vote to express our views on draft resolution A/ES-9/L.1.

81. It is without any hesitation that we say that Mauritius strongly condemns the illegal annexation of the Syrian Golan Heights by the State of Israel. We do so because we fully support Security Council resolution 497 (1981) of 17 December 1981. It is blatantly obvious that this most unfortunate action by Israel is an act of aggression as defined in General Assembly resolution 3314 (XXIX) of 14 December 1974. Furthermore, there can be no question that the acquisition of territory by force is inadmissible under the Charter of the United Nations and is against all the principles of international law and relevant United Nations resolutions.

82. For those reasons alone, we consider the annexation of the Syrian Golan Heights by Israel null and void and we fail to see how such action can be recognized or even tolerated by the international community. Indeed, it seems to us that Israel has for quite a long time now been begging to be isolated. As for us, we fully support the Arab cause regarding the illegally occupied territories in the Middle East.

83. Concerning the measures to be applied against Israel so as to seek a remedy to the wrong it has committed, my delegation has only late this morning received instructions from the Government of Mauritius. However, those instructions appear to be somewhat vague and couched in language which we find rather ambiguous. We do not believe that this possible ambiguity is in any way intentional. We have no doubt as to the position of Mauritius on this issue. Nevertheless, our Permanent Representative is at this very moment, despite the time difference, trying to contact our Government by telephone in order to seek clarification of the instructions. I am anxiously waiting here for the proper signal, and I am praying it will reach me in time for the voting. In any case, although Mauritius does not maintain diplomatic relations with Israel, we appeal to the leaders of that State created by the United Nations to heed the resolutions of the Organization and, especially, to comply urgently with Security Council resolution 497 (1981) and General Assembly resolution 36/226 B.

84. Mr. BHATT (Nepal): Nepal is firmly committed to the principle of the inadmissibility of the acquisition of territory by force. We believe that the violation of this principle constitutes a grave violation of the Charter of the United Nations and the norms of international law. That is why Nepal has joined the international community in condemning the latest Israeli action in the Golan Heights. That Israeli action is tantamount to annexation and thus negates the principles embodied in Security Council resolution 242 (1967) and the Geneva Convention of 12 August 1949, as well as other relevant United Nations resolutions. Accordingly, we will vote in favour of draft resolution A/ES-9/L.1.



85. My delegation, however, is not in a position to support certain provisions and language contained in the draft resolution before us. The delegation of Nepal reserves its position on the tenth preambular paragraph and operative paragraphs 7, 8, 11, 12 and 13. The provisions of those paragraphs run counter to the declared policies and perceptions of my Government. Moreover, we believe that initiation of measures called for in those paragraphs is the prerogative of the Security Council, which alone has the power to adopt measures it deems necessary under Chapter VII of the Charter.

86. My delegation would have liked reference to be made to Security Council resolutions 242 (1967) and 338 (1973), which in our opinion constitute the only realistic basis for a peaceful settlement of the Middle East dispute.

87. Mr. BOLE (Fiji): The Government of Fiji's position in respect to the situation in the Middle East has been one of deep concern. We have been concerned that, rather than decreasing, the tension in the area has shown an ominously marked increase, which only makes the search for a just and lasting peace in the Middle East more difficult than ever.

88. The unilateral action of the Government of Israel to extend its laws, jurisdiction and administration to the Golan Heights has been condemned by all. My Government adds its voice to that of the international community in calling upon Israel to rescind the law annexing that Syrian territory. We associate ourselves fully with Security Council resolution 497 (1981) of 17 December 1981.

89. On 16 December, one day before the adoption of that resolution, my Prime Minister conveyed the following message to the Government of Israel:

"The Government of Fiji has always taken the view that conflicts in the Middle East should be resolved peacefully and through negotiation. The Government of Fiji is therefore distressed that the Government of Israel has unilaterally taken action to apply the law, jurisdiction and administration of Israel to the Golan Heights. Fiji's Middle East policy is based on Security Council resolution 242 (1967), which recognizes the right of all States in the region, including Israel, to live in peace within secure and recognized boundaries and calls on Israel to withdraw from territories occupied in the 1967 war.

"We believe that any adjustment of boundaries should be part of a negotiated arrangement based on Security Council resolution 242 (1967) between the parties concerned. It is the view of the Government of Fiji that unilateral action for the acquisition of territory is contrary to international law and therefore unacceptable."

90. The Government of Fiji is in total agreement with the draft resolution A/ES-9/L.1 now before us, in so far as it nullifies the legality of the Government of Israel's decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan Heights, and with all other various aspects that relate to it, including Israel's withdrawal from the territories occupied since the 1967 war.

91. But our support has unfortunately been undermined by the introduction into the draft resolution of issues which are legally or politically controversial. We refer in particular to the penultimate preambular paragraph and to operative paragraphs 8, 11, 12, 13, 14 and 15. Our strong reservations on those paragraphs are based on the following views of my Government, views that we have espoused not only here but in other forums and the applicability of which is not, therefore, limited to the question of the Middle East.

92. First, we believe in the sovereign right of any State to acquire arms for its defence so long as such acquisitions are commensurate with that State's genuine security needs. In the same vein, we categorically reject the assertion that annexation of foreign or neighbouring territories of another State is legitimate on the pretext of those same security needs.

93. Secondly, the severance of relations with another State remains in our view the ultimate concern and prerogative of individual Member States and is a matter that cannot devolve upon anyone else. The usurpation of that prerogative is altogether contrary to one of the fundamental principles of the Charter, which recognizes the sovereign and inalienable right of a State freely to determine and develop its international relations.

94. Thirdly, the duties and obligations of Member States under the Charter are many and varied, and we hold the view that the duty of Member States to live up to those obligations has never been completely fulfilled in a majority of cases.

95. Fourthly, the over-all consequence of the draft resolution would in our view run counter to the universality of United Nations membership as defined in the Charter for an Organization that prides itself on the universality of its membership and the equality of Member States before the Organization. We are of the view that such an act contributes little in a positive sense to the work of the Organization and, in turn, to the efforts of individual Member States to achieve world peace through dialogue and negotiations.

96. It is because of those views of my Government—views that would not seem to be consonant with the thrust of draft resolution A/ES-9/L.1—that we sadly have no alternative but to vote against it. In doing so we should like to reiterate my Government's long-held view that a comprehensive, just and lasting peace in the Middle East can only come about through the withdrawal of Israel from all territories occupied since the 1967 war, the restoration of the Golan Heights to Syria, the right to a homeland of the Palestinian people and the recognition by others of Israel's right to live in peace within secure and internationally recognized boundaries.

97. Miss DEVER (Belgium) (*interpretation from French*): My delegation has taken a clear stand against the decisions of the Israeli Government on Jerusalem and the Golan Heights. We have repeatedly and clearly called upon Israel to comply with the principles of international law in connection with the Arab territories occupied since 1967 and with the relevant resolutions of the Security Council.

98. The vote which we will be casting on draft resolution A/ES-9/L.1 in no way modifies the position that I set forth in my statement of 2 February last [*5th meeting*] and should in no way be interpreted as supporting the illegal act of Israel with regard to the Golan Heights.

99. Consequently, a number of paragraphs of this draft resolution meet with our approval, particularly operative paragraphs 1, 3, 4, 5 and 9. We cannot, however, vote for the draft resolution as a whole for the following reasons.

100. The criticism of a permanent member of the Security Council contained in paragraph 7 is groundless and unacceptable.

101. We are firmly opposed to paragraph 11 of this text because it is aimed at a Member State which, whether we like it or not, is a necessary partner in any negotiations for a comprehensive peace settlement for the Middle East. In this connection, we would like formally to reaffirm our attachment to the principle of the universality of the United Nations.

102. Finally, with regard to paragraphs 12, 13, 14 and 15, we wish to recall that our commitment to the Charter and to the distribution of powers between the Security Council and the General Assembly remains undiminished. We believe that the appeal contained in those paragraphs for sanctions against Israel and for the total isolation of that country can only make the prospects for any negotiations even more remote.

103. We regret that the unanimity displayed by the international community in condemning the Israeli measures regarding the Golan Heights was not reflected in the draft resolution before us. We understand the impatience of the injured party in the face of Israel's failure to comply with the bidding of the United Nations, but, in our view, the Assembly would be better advised to base its action on a consensus which would call upon all States to refrain from any acts or statements that would imply recognition of Israel's decision or would have the effect of supporting that decision.

104. We hope that the search for true consensus of that kind can be continued in the Security Council. In our view, we have not yet exhausted all the means of bringing about our common objective, which is to prevail upon the Israeli Government to rescind its illegal decision.

105. The following countries have asked to be associated with this explanation of vote: Denmark, the Federal Republic of Germany, France, Italy, Luxembourg, the Netherlands and the United Kingdom.

106. Mr. MOSELEY (Barbados): My country finds itself in a position of some difficulty in dealing with the draft resolution before us. We cannot vote against the draft resolution in its entirety since my country sees the actions of Israel as tending dangerously to justify all the accusations levelled against that country by the sponsors of the draft resolution and by so many other speakers in this Assembly. On the other hand, we cannot, by applying any standard of objectivity and integrity, vote in favour of the draft resolution in its entirety since we cannot recognize certain courses of action recommended in the draft resolution, for example in its paragraphs 12, 13 and 15, as tending in any real sense towards achieving peace in the Middle East or even enhancing the reputation of the Assembly for even-handed justice and objectivity.

107. In these circumstances, my country has no alternative but to abstain from voting on the draft resolution A/ES-9/L.1.

108. Mr. HLAING (Burma): My delegation has followed very attentively the important deliberations of the current emergency special session of the General Assembly. It has also examined most carefully draft resolution A/ES-9/L.1. As members of the Assembly are aware, the deep concern felt by the international community over the situation in the occupied Arab territories has been amply reflected in the resolution unanimously adopted by the Security Council, resolution 497 (1981) of 17 December last. It has echoed through this hall where we have been assembled these last few days.

109. The fact is that the recent development with regard to the Golan Heights has greatly compounded the complexity and confusion which have always characterized the over-all issues involved in the questions of Palestine and the Middle East. In the view of my delegation, a just, equitable and lasting solution to the questions of Palestine and the Middle East lies in the strict adherence by all the parties concerned to the basic principles of the Charter of the United Nations, namely, that international disputes should be settled by peaceful means and that all nations should refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State.

110. The corollary that inevitably follows from those Charter principles is that any acquisition of territory by war is inadmissible. For that reason, any unilateral effort to change the status of occupied territories and thereby confront the world with a *fait accompli* is entirely unwarranted. Viewed in this light, as indeed it should be, the new development pertaining to the Golan Heights, which has been the subject of our debate and our deliberations, is without doubt unjustifiable.

111. Dictated by this principled stand then, my delegation will vote in favour of draft resolution A/ES-9/L.1 taken as a whole. However, I hasten to add here that the present draft resolution contains several paragraphs which, in our view, embody many far-reaching measures, generalized and sweeping statements, and some implicit or explicit censures of Member States of the Organization. We do not sincerely believe that those elements envisaged in several paragraphs of the draft resolution will in any way contribute to the promotion of peace and security in the Middle East; they may, on the contrary, complicate even further the already complicated situation.

112. My delegation would therefore like to register its serious reservations about the tenth preambular paragraph and about operative paragraphs 2, 7, 8 and 11 to 15.

113. Mr. DOUNTAS (Greece): I should like to take this opportunity to explain my vote on the draft resolution submitted to the ninth emergency special session of the General Assembly.

114. Greece has on no occasion failed to condemn consistently and in no uncertain words the acts of Israel against the Arab nations. Very recently my delegation had the opportunity of expressing itself strongly and firmly against the decision of the Israeli Government to annex the Golan Heights.

115. Apart from our traditional friendship with the Arab world, our position in this respect is determined by my country's unshakeable attachment to the principles enshrined in Article 2, paragraph 4 of the Charter and in the Final Act of Helsinki.<sup>40</sup> The sensitivity of my Government with regard to the implementation of the principle of the non-use of force against the territorial integrity or political independence of any State has been further enhanced because of our strong concern for, and very special interest in, the well-known case of a sovereign country, a Member of this Organization, which has been the victim of military invasion and subsequent continuing military occupation of a large part of its territory.

116. It is for those reasons that my delegation will vote in favour of the draft resolution A/ES-9/L.1, wherein the Assembly condemns aggression against a sovereign State. However, my delegation is unable to go along with certain paragraphs of this draft resolution. If a separate vote were to be taken, my delegation would abstain on paragraphs 7, 12 (c) and (d), and would vote against paragraph 13.

117. Thus, my delegation dissociates itself from those paragraphs while it will vote in favour of the draft resolution.

118. Mr. DORR (Ireland): While Ireland voted in the Security Council for the resolution requesting the Assembly to meet on this issue [resolution 500 (1982)], we are unable to vote for the draft resolution now before the Assembly. I should like to explain why.

119. In statements in the Security Council on 16 December 1981<sup>38</sup> and 20 January 1982,<sup>2</sup> I set out at some length the position of the Irish Government on Israel's decision to extend its law and jurisdiction to the occupied Syrian territory of the Golan Heights. I do not need to repeat that position here in detail.

120. I will say, however, that we believe that Israel's decision was both wrong and dangerous. It was wrong because it was tantamount to a claim of annexation, and we do not accept the right to such annexation of territory; and it was dangerous because it was a direct challenge to the two basic principles of resolution 242 (1967), namely, that it is inadmissible to acquire territory by war and that there must be respect for the rights and the territorial integrity of all States. We believe these principles to be fundamental if there is ever to be a just and comprehensive peace settlement in the Middle East, although in our view they are not in themselves sufficient. They must be supplemented and completed on a number of points if full account is to be taken of all aspects of the problem, including the legitimate rights of the Palestinian people.

121. Because we believed that Israel's action was wrong, dangerous and, indeed, gratuitous, Ireland condemned it, believing that it had greatly aggravated tensions in the Middle East. As a member of the Security Council, we voted for resolution 497 (1981) on 17 December last. That resolution formally declared the Israeli decision to be null and void and called on Israel to rescind it.

122. Israel has not complied with the demand by the Council. Because Israel declined to rescind its decision, the Council met again in mid-January to consider appropriate measures, as it had undertaken to do in resolution 497 (1981). At those renewed meetings of the Council, Ireland favoured further action to ensure that the Israeli decision would not come to be accepted as a *fait accompli*.

123. As I said in my statement in the Council on 20 January, we believed that the Council should at that stage have, first, reiterated that the Israeli decision is illegal and void; secondly, determined that States must give no recognition, direct or indirect, to it; and, thirdly, decided in a clear-cut way that it would be incumbent on all States to review all their relations with Israel to ensure that no such recognition is given or implied. We also wanted to see the Council keep the matter actively on its agenda.

124. Ireland worked with other like-minded countries for a resolution on these lines. In any event, to our regret the Council did not take the approach we advocated and worked for. Despite our concern about Israeli actions, we were obliged to abstain on the draft resolution eventually presented<sup>1</sup> because we considered it too broad and sweeping. That draft resolution called for very broad measures of a general character which were designed to punish and to deter Israel rather than for specific and precisely focused measures designed to negate the new Israeli claim to the Golan Heights.

125. When that draft resolution failed in the Council, the General Assembly was called into emergency special session at the Council's request [*resolution 500 (1982)*]. As a member of the Security Council, Ireland voted for that request for an Assembly session. We believed that further measures of a suitable kind were indeed required to counter the Israeli decision, and we accept that the Assembly should exercise its functions when the Council, which bears the primary responsibility under the Charter, is unable to take action.

126. After a week of debate, the Assembly now has before it a draft resolution. This draft takes the same approach as the draft resolution vetoed in the Council, but it goes much further than the latter in several respects.

127. I must say frankly that we find this present draft resolution unacceptable and we cannot support it, notwithstanding our condemnation of the Israeli decision and our belief that further measures by the international

community to counter that decision are indeed called for in accordance with Security Council resolution 497 (1981).

128. We find draft resolution A/ES-9/L.1 unacceptable for three main reasons. First, instead of calling for precise measures focused on the Golan decision, the draft resolution seeks to impose broad and sweeping sanctions of a general character on Israel. The aim, as stated in operative paragraph 13, is to isolate Israel completely.

129. Secondly, although the draft resolution does not seek to suspend Israel or to expel it from the United Nations, the draft contains language which clearly seems to foreshadow such a decision at a later date.

130. Thirdly, the draft also contains a paragraph criticizing a permanent member of the Security Council for exercising its right under the Charter to vote against, and thus to veto, the particular proposals that were before the Council on 20 January. We ourselves considered those proposals too broad and sweeping to support. We believe, therefore, that the criticism contained in operative paragraph 7 is unwarranted.

131. For our part, we consider the Israeli actions wrong and we have said so clearly. But it is one thing to condemn Israel and to seek to couple that condemnation with concerted measures to ensure that the annexation is not accepted internationally. It is quite another matter to call for sweeping sanctions designed to isolate Israel in all fields and to prepare the way, through a decision of the Assembly, for what could be a later attempt to move towards suspension or expulsion of Israel from the Organization. We favour the former course. We simply do not accept the latter. We believe that adoption of a draft resolution that takes that latter course would be damaging to the Organization and to any hopes that may exist of an eventual negotiation of a comprehensive peace settlement in the Middle East.

132. We are well aware that this draft resolution has been the subject of considerable pressures on delegations coming, on the one hand, from those intent on severe action against Israel and, on the other, from those who oppose any such course. For delegations like mine who believe that some further measures, as foreshadowed in Security Council resolution 497 (1981), are indeed called for but believe also that the draft resolution before us is out of proportion and wrong, the issue is a particularly difficult one. We face the dilemma that our position of principle could easily be misunderstood.

133. Let me therefore conclude by summarizing that position very clearly. First, Ireland condemns the Israeli decision and believes that it should be rescinded.

134. Secondly, we understand fully that that decision has evoked a strong reaction from the international community as a whole, and particularly in the Middle East.

135. Thirdly, Israel has always had in its own hands the possibility of toning down that reaction and obviating the need for this emergency special session by rescinding its original unjustified and gratuitous decision. It has declined to do so.

136. Fourthly, Israel is therefore seriously at fault and deserving of censure on this issue. Certain further measures by the international community are called for, in our view.

137. Fifthly, in the first instance, such measures should be taken by the Security Council. But failing action by the Council, the Assembly, having been convoked by decision of the Council, is in our view entitled to take appropriate measures.

138. Sixthly, these measures must, however, be proportioned to the event that occasioned them; they should be calculated to ensure that the purported annexation does



not become accepted, and they should be helpful—or at least not damaging—to such hope as there may be of progress towards a comprehensive peace settlement in the Middle East.

139. Seventhly, the present attempt to impose sweeping measures designed to isolate Israel totally does not meet these concerns. In our view it is unwarranted and misguided; it is likely to have wider damaging consequences in the Middle East region and outside it; and it may affect the ability of the United Nations to help in keeping the peace in the region and in promoting efforts towards a comprehensive peace settlement, to which we are strongly committed.

140. Eighthly, accordingly we are obliged to vote against the present proposal, while maintaining our criticism of Israel's decision in effect to annex the Golan Heights as both wrong and dangerous.

141. Ninthly and finally, in taking this position, I should emphasize our wish to associate ourselves with the position on the draft resolution stated here by the representative of Belgium.

142. Mr. KAMANDA wa KAMANDA (Zaire) (*interpretation from French*): As we have so often stated, most recently during the last series of meetings of the Security Council, the organ entrusted with the taking of decisions relating to the maintenance of international peace and security, as well as in our statement before the General Assembly at this session [8th meeting], the delegation of Zaire would like to reaffirm its full support for the Arab-Palestinian cause in the Middle East conflict and, in this case, for the cause of the Syrian Arab Republic as a non-aligned, third-world country which has been the victim of Israeli annexation.

143. We persist in our belief that Israel should withdraw from all occupied Arab territories, that it should rescind its decision to annex the Golan Heights in accordance with resolution 497 (1981) of the Security Council, and that it should help to create a favourable atmosphere for the negotiations called for in Security Council resolution 338 (1973) by respecting the letter and the spirit of United Nations resolutions, particularly Security Council resolution 242 (1967), which proclaims the inadmissibility of the acquisition of territory by force.

144. Moreover, we continue to believe that all Member States should abide by the provisions of Security Council resolution 497 (1981), refrain from any act which might imply recognition, support or encouragement of the Israeli measure of annexation, and that all acts of Israel to support that decision should be considered null and void. The status of the occupied Arab territories cannot be modified unilaterally, as that would only exacerbate tension and contradictions in the area and prolong the conflict.

145. It is the duty of the international community to adopt new measures so as to ensure a comprehensive, just and lasting settlement of the Middle East conflict, in the interest of international peace and security.

146. In the light of what I have just said, the delegation of Zaire would like to dissociate itself from all those who think they should or may wish, directly or indirectly, to abet and encourage Israel in its unilateral acts that run counter to Charter provisions and principles of international law and from the intransigence of any other parties to the Middle East conflict.

147. There are States represented here which, on principle, speak on these major problems only when it is time to vote. We say that it is the duty of all Member States to co-operate in the work of the United Nations by actively participating in its deliberations, consultations

and negotiations, in particular, and not to wait, each time a problem arises, until it is time to vote before taking a stand, without having made any positive contribution to the efforts of others to find solutions in the interest of international peace and security. We consider this as a new form of disdain for the work being done by the Organization and that it is far from the spirit of co-operation called for by the principles of the Charter.

148. We think that disputes that are likely to threaten international peace and security are not a matter of concern to one country or group of States alone, and not to others. Every one should have a clear idea of the contribution that it can make. This should be stated, as we must all be ready to make concessions, since reason and right are not the monopoly of one State or group of States, or of the great Powers.

149. Draft resolution A/ES-9/L.1, which is before us, includes provisions for which we voted in the Security Council and which cause us no problems. None the less, we have serious doubts and explicit reservations about some of the new provisions, which we do not think will encourage the efforts to find a comprehensive, just and lasting solution to the Middle East problem. We consider that these new provisions might even lead to a more serious deterioration of the situation in the region.

150. For all these reasons, although we reaffirm our support for the Arab Palestinian cause in general and are ready and willing to co-operate in the search for a comprehensive, just and lasting solution to the conflict, we will abstain in the vote on the draft resolution. Our vote does not reflect any change in our fundamental position on the substance of the problem nor in our traditional support for the Arab-Palestinian cause.

151. Mr. CASTILLO ARRIOLA (Guatemala) (*interpretation from Spanish*): The delegation of Guatemala will abstain in the vote on draft resolution A/ES-9/L.1 on the situation in the occupied Arab territories, sponsored by several Member States. We shall abstain, despite some of the amendments made to the original text that was distributed informally, since those amendments do not suffice to convince my delegation that that text can make a positive contribution to the solution of a problem which, whatever its implications may be, is in our view none the less closely connected with the general and complex problem of peace in the Middle East. Therefore, it is not feasible to seek partial or political solutions except within the context of a peaceful settlement and negotiation of the entire problem among the interested parties which, in our opinion, must seek around the table of dialogue and negotiation a settlement that would take into account the concerns, rights and obligations of all.

152. My delegation and my Government have followed with great attention the debates on the various items that have been held on this subject in the Security Council and in the General Assembly. We have also followed with interest the bilateral and other negotiations that represent positive efforts towards the whole negotiation on all aspects of the overall problem.

153. Guatemala is a founding Member of the United Nations and once again declares its faith in the Organization, in its great capacity to achieve peace and the peaceful settlement of disputes. We have faith in the fundamental principles of the Charter and other provisions that have contributed to the development and codification of international law. We believe in the principles of international law that establish the right of States to existence and assured sovereignty and of peoples to self-determination and the integrity and independence of their territories, and, above all, to those principles established to

maintain peace, justice and friendship among States of the international legal community.

154. That is why we believe that action and negotiation within the United Nations system, as well as direct negotiations, are the most suitable way to proceed, because in that way the solution may be found to all the problems connected with peace in the Middle East. We do not consider that the sanctions that are requested against one of the parties involved in the problem are likely to achieve a complete solution for all the concrete aspects of the problem we are considering today, nor of the overall situation in the Middle East.

155. Our abstention implies an honest and serious appeal to all the parties to seek this comprehensive settlement of the situation, a settlement which all States Members of the Organization should energetically promote.

156. Mrs. DORSET (Trinidad and Tobago): Trinidad and Tobago condemns any acquisition of territory by force and any annexation of territory pursuant to such acquisition. As such, that fundamental principle, as enunciated in the draft resolution A/ES-9/L.1, has the support of the Government of Trinidad and Tobago.

157. Trinidad and Tobago is already on record as having supported General Assembly resolution 36/226 B of 17 December 1981, which, *inter alia*, declared that Israel's decision to apply Israeli law to the occupied Syrian Arab Golan Heights is null and void and has no legal authority.

158. There are, however, some elements in the draft resolution now under consideration which the Government of Trinidad and Tobago does not support. In view of those elements, and despite my Government's support for the principle to which my delegation has already referred, Trinidad and Tobago will abstain in the vote on the draft resolution.

159. Mr. GARCÍA MORENO (Colombia) (*interpretation from Spanish*): Colombia, which prides itself above all on being a law-abiding State, believes that the international community today is based on the acceptance of certain basic rules without which it becomes impossible to maintain international peace and security. Among such rules we have the following: the sovereign equality of all nations, the self-determination of peoples, the prohibition on intervention in affairs which are essentially within the domestic jurisdiction of States, the obligation to settle international disputes by peaceful means, and the prohibition on undertaking any action harmful to the integrity or political independence of any State.

160. Faithful to and consistent with those principles which govern its conduct in international affairs, my country rejects as an act which violates the basic norms of international law and the principles underlying the United Nations the decision of the Government and Parliament of Israel to apply to the Golan Heights the legislation, jurisdiction and administration of the State of Israel by the use of force. The principle that annexation or the acquisition of territory by force does not create rights is firmly established.

161. Draft resolution A/ES-9/L.1 which is before us, however, contains elements which are not relevant or essential. We would have preferred a better balanced context, which would have promoted the indispensable atmosphere of peace and dialogue and goodwill among all the parties concerned, an atmosphere which is necessary for finding a constructive solution to this delicate problem and, in general, to the crisis in the Middle East.

162. My delegation would therefore like to record its reservations with respect to the tenth paragraph of the preamble and particularly to operative paragraphs 11, 12 and 13, which are unacceptable and do not have our

support because they are contrary to the Charter of the United Nations and involve actions which are within the competence of other organs and encroach on areas which are within the exclusive sovereign competence of States.

163. With these reservations, my delegation will abstain in the vote on the draft resolution.

164. Mr. BELTRAMINO (Argentina) (*interpretation from Spanish*): The Argentine delegation wishes to set forth clearly its position on draft resolution A/ES-9/L.1, both with respect to its consideration by the Assembly and with respect to its content.

165. My delegation believes that the draft resolution on which we are about to vote should have been the subject of more extensive and thorough consultations and debate in the General Assembly. That would have made it possible to produce a balanced and effective consensus text.

166. We are keenly aware that we are faced with a situation in which the essential principles of international law are at stake. The inadmissibility of the acquisition of territory by force and respect for the territorial integrity of States are essential principles of the Charter of the United Nations. This was clearly reflected in the opinions expressed and the positions taken in the 2329th meeting of the Security Council when resolution 497 (1981) was adopted on 17 December last. Nevertheless, we believe it necessary to reaffirm our position, namely, that there should be strict respect for the fields of competence of the principal organs of the Organization and that it should be borne in mind that the Security Council alone is authorized to apply broad and binding sanctions against a Member State.

167. The additional action that may be taken by the General Assembly when meeting in emergency special session in accordance with General Assembly resolution 377 (V) does not imply that it has discretionary and unlimited power, to the detriment of the clear terms of reference assigned by the Charter to the Security Council with regard to its competence as to imposing comprehensive and binding sanctions.

168. I believe that there is unanimity in this Assembly, as indeed there was in the Security Council, to the effect that Israel's decision is entirely null and void. However, other methods should be used—methods which are well known in international practice—to prevail upon Israel to comply with the decisions of the Organization with regard to the acquisition of territory by force. For that reason, my delegation rejects and does not consider itself bound by the provisions of the relevant paragraphs of the draft resolution on sanctions, particularly operative paragraphs 12 and 13.

169. Another question of the greatest importance and on which the position of the Argentine delegation is well-known is that raised in operative paragraph 11. There is no point in trying to convince us that there are no implications in that paragraph, because it would be naive to believe that no preparations are in progress for the adoption of measures aimed at the suspension of a Member State or the rejection of the credentials of its representatives by the General Assembly at a subsequent stage. My delegation has rejected and continues to reject that type of decision, which in no way contributes to the fulfilment of the objectives for which the Organization was founded.

170. Had there been separate votes on the paragraphs I have mentioned, my delegation would have voted against them. But we shall abstain in the vote on the draft resolution as a whole, and to this we must add our reservations on the operative paragraphs I have just mentioned.

171. Mr. AUGUSTE (Saint Lucia): Any draft resolution that purports to relate to the question of international peace and security must be viewed with gravity and concern. Draft resolution A/ES-9/L.1, which is before us, is one of that kind.

172. Every State is obligated to deal with its sister States in a manner that respects the norms and standards enshrined in international law. The principle of the inviolability of territory, which is foremost among these norms, is none the less reduced as a result of conquest. When a State which has acquired territory through force of arms adopts legislative action in order to place the said territory in the context of its paternal homeland, and in one action negates any consideration that there is or ever was any intent to return to the *status quo ante*, it is not surprising that the affected State will not only view this action as an act of war but also assume that any hope of peace has disappeared with it.

173. If it wishes to be taken seriously, the international community cannot stand idly by and permit a total flouting of the principles that it has sworn to defend. To compromise would be to give the green light to any interpretative action of this nature, which would eventually lead to international anarchy. Each member State of the community is obligated to defend the principle of inviolability of territory and shares the guilt of any State that abandons that principle should there be no action as a result on the part of the community.

174. My delegation is concerned at the fact that a just and lasting settlement will continue to elude the Middle East. We are of the view that all States in the Middle East, including Israel, have the right to exist within secure and internationally recognized boundaries. We are totally aware of the strategic and political implications of the Golan Heights. But, while these Heights are tactically important, particularly Mount Hermon and the row of extinct volcanoes running from north to south, the continued militarization of the area is not conducive to peace in the Middle East and constitutes a grave and continuing threat to the more than 18,000 inhabitants of the area.

175. While the question of Palestine remains at the very heart of this conflict in the Middle East, the enactment of Israel's Golan Heights law 5742 constitutes one more obstacle to the achievement of a comprehensive, just and lasting peace in the region.

176. A draft resolution that seeks to chastise a State for its misdeeds and provide for redress of the wrong done must in itself possess the germ—the absolute germ—that will decidedly produce appropriate remorse and action on the part of the recalcitrant State. If it does not, then it is a mere paper tiger and will only serve to underline the sheer impotence of the organ from which it emanated. The strictures contained in the draft resolution before us may well be deserved. They are based, in a sense, on a deliberate decision to introduce the most punitive sanctions in order to give Israel a lesson and secure compliance. If it fails to be effective, or if its effectiveness is negated by a non-compliance of a large section of the community, it will only lead Israel to be more brazen in its future actions. In short, it will have served little or no real purpose, apart from a moral condemnation.

177. It is a very real world that we live in. To ostracize Israel so completely—and the draft resolution aims at achieving exactly this objective—would mean to cut out the dialogue, however little, and leave Israel so terribly stranded and aloof from the very States it must meet and negotiate with that a greater consideration would be nullified. To that extent this draft resolution fails—and it is an important failure, one that might leave all of us with a sense of belittlement, anguish and despondency.

178. In denouncing the Israeli annexation of the Syrian Golan Heights, and in expressing its regret that the draft resolution before us does not fully lend itself to a consensus and leaves an important segment of the international community in disagreement with its terms, my delegation remains convinced that no comprehensive settlement of the situation in the Middle East—whether it be the annexation of the Golan Heights or Palestinian autonomy in east Jerusalem—can be achieved without the participation on an equal footing of all the parties to the conflict, including the Palestine Liberation Organization as the representative of the Palestinian people.

179. Israel stands condemned by friend and foe for the effrontery of this act, however much one may wish to understand and appreciate the argument for the action. It raises the perennial question that continues to plague the world: can a State do evil with impunity that good may come? History continues to respond with a solemn negative.

180. My delegation understands the nature of the dilemma that is produced both by Israel's intransigence and by the failure of the draft resolution to bring about the desire of the community for an appropriate remedy to the situation. In order to address both parties on the need to keep every possibility for action open for future consideration, my delegation must, to its regret, abstain in the vote on the draft resolution as a whole.

181. Mr. MOUSSA (Egypt): The General Assembly has been called upon to meet in an emergency special session to discharge its responsibilities in the area of the maintenance of international peace and security. We therefore view this session with the seriousness commensurate with the situation that has been brought before us by Security Council resolution 500 (1982).

182. It will be recalled that Egypt has on many occasions and in various forums unequivocally expressed its total and unconditional rejection and condemnation of the imposition of Israeli laws, jurisdiction and administration to the occupied Syrian Golan Heights. The Government of Egypt—I wish to emphasize—considers itself a full member of the international consensus against this illegal decision. Egypt, together with other members of the international community, considers the Israeli action as null and void and having no legal validity or effect whatsoever. By the same token, we firmly believe that all actions taken by Israel to give effect to this decision relating to the occupied Syrian Golan Heights are illegal and invalid and that they will not be recognized, since they violate the basic norms and principles of international law, in particular the principle of the inadmissibility of the use of force or the acquisition of territory by force. The Syrian territory of the Golan Heights continues to be occupied territory. It follows, therefore, that the regulations annexed to The Hague Convention of 1907<sup>15</sup> and the Geneva Convention of 12 August 1949<sup>14</sup> continue to apply to the Syrian territory occupied by Israel since 1967. We join in calling upon Israel to respect its obligations under those instruments in all circumstances.

183. On 17 December 1981, the Security Council, in discharging its responsibilities, unanimously adopted its resolution 497 (1981), in which it demanded that Israel, the occupying Power, should rescind forthwith its decision concerning the Syrian Golan Heights and declared it considered the Israeli action null and void and without international legal effect. That resolution, adopted by the Security Council as a reflection of the collective will of the international community, has been disregarded by Israel, to the detriment of the establishment of an atmosphere conducive to the comprehensive peace to which we all aspire and for which we all long.

184. The failure of the Security Council to adopt a further reasonable and effective decision on the subject, as called for in its unanimously adopted resolution 497 (1981), in the light of the Israeli position as reported by the Secretary-General,<sup>11</sup> casts doubt on the Organization's credibility and effectiveness. That is unfortunate and regrettable.

185. The situation in the Middle East should not be allowed to deteriorate further through actions such as the decision taken by Israel on the occupied Golan Heights or that taken in regard to Jerusalem. We believe that the ultimate solution of the Middle East problem must be effected through negotiation. It is through negotiations conducted in good faith that the parties can mutually ensure their security, redress their grievances and restore their rights.

186. The Israeli action imposes a *fait accompli* and can hardly be described as an expression of good faith. It threatens the chances of progress towards a negotiated comprehensive settlement in accordance with the principles of international law, the provisions of the Charter and the relevant United Nations resolutions, in particular Security Council resolution 242 (1967).

187. The principle of the inadmissibility of the acquisition of territory by force should be fully respected. The right of the Palestinian people to self-determination should be upheld. The sovereignty and territorial integrity of all countries should be strictly respected, and the right of all the States of the area to live in peace within secure and recognized boundaries should be guaranteed. Those are the fundamental pillars of a just peace in the Middle East, which the international community, as represented here in this Assembly, has already resolved and repeatedly affirmed.

188. Having stated our position, and while we fully sympathize with and subscribe to the just Syrian cause, it is our view that the draft resolution before us includes provisions which would not contribute to resolving the complex problem in the Middle East. The draft resolution, which would have certain far-reaching consequences, cannot in our opinion be an optimally practical or practicable avenue leading to that end. Therefore, upon instructions from my Government, the delegation of Egypt will not be able to cast a positive vote on the draft resolution that is about to be adopted.

189. Mr. BLUM (Israel): We are celebrating these days throughout the world the centennial of the birth of an illustrious son of the Jewish people, Franz Kafka. With uncanny clairvoyance, Kafka identified the malaise of the twentieth century, so much so that his name is even used as an adjective to describe what we now term Kafkaesque situations. And nowhere have his predictions become more relevant than in this building, which reeks of a Kafkaesque atmosphere *par excellence*. Indeed, such works of Kafka as *The Castle* and *The Trial* should be made compulsory reading for representatives here so as to enable them better to understand the workings of the Organization.

190. The United Nations of 1982 has become a workshop for the semanticist and simultaneously his despair. In this building, words have either lost any meaning or have been assigned one diametrically opposed to the regular meaning given them in the real world. In this building, Southern Yemen, East Germany or Afghanistan are democracies. In this building, Libya, Viet Nam and Iraq are peace-loving States. In this building, Cuba is a non-aligned country. In this building, the Soviet Union is the leader of an alleged peace camp, and any challenge in this regard is always readily refuted by the representatives of Budapest, Prague, Kabul and Warsaw, who can

well testify to the Soviet Union's peaceful intentions. In this building, the Arab aggressors who have been ganging up on my country since its establishment as an independent State, and who openly profess their desire to see it disappear from the face of the earth, are proclaimed the victims of aggression, while Israel, the target of their sinister designs, is branded as an aggressor. In short, in this building the warmongers are declared the aggressed-upon and the victims become the aggressors.

191. Small wonder that as a result the outside world is no longer even amused by what is going on here and watches these proceedings with the contempt and disgust they justly deserve.

192. In this organization, as so often throughout history, the treatment of my people has become the litmus test against which to ascertain the moral and intellectual standards of the time. Throughout its long and tortuous history, the Jewish people has always been the target of hatred, harassment and persecution by all those who have been opposed to the values which my people first proclaimed and then bequeathed to the world and which are inextricably associated with it, namely the equality and brotherhood of man, the intrinsic value and dignity of the human being, social justice, the abolition of war among nations, and universal peace. It is thus not surprising that my country has in this organization become the target of all those who, while paying lip-service to the Charter, are actively at work to destroy those principles as well as the Organization based on it. Ever since this organization was taken hostage by the anti-democratic and totalitarian forces of the world, they have turned their fury against my people, which represents in their eyes, and rightly so, the ideals of freedom and equality which they detest and which they seek to destroy.

193. Israel is in no need of certification of its love for peace by Cuba, Viet Nam, Libya, Iraq, Syria and their ilk. The shameless document before us—and I will not dignify it by calling it a draft resolution—does not reflect on Israel's love of peace, which is ingrained in our very existence. Rather, it does reflect the moral degeneration and intellectual decay of all those who have participated in the preparation of this despicable concoction. They are the same countries that in recent years have been modelling this organization in their own shape by gradually converting it into an anti-peace and anti-human rights organization, their hypocritical pontifications notwithstanding.

194. The accomplices in the drafting of this shameless document—and I will not dignify them by calling them sponsors—seek to isolate my people. Many tyrants throughout history have tried to do this before them. They are all gone and forgotten, while my people has returned to its land and restored its sovereignty there after 19 centuries of exile and dispersion. This organization cannot and will not isolate the people of Israel. But it can and does increasingly isolate itself from enlightened mankind, which will not countenance endlessly the paroxysms of collective frenzy being exhibited here at regular intervals and with increasing frequency.

195. Stripped of all bigoted rhetoric and artificial encumbrances, the cause of the Arab-Israel conflict is a simple one: our Arab enemies begrudge us our very existence, despite the fact that we are one of the smallest countries on Earth. In fact, Israel's size is considerably smaller than that of such small States as Switzerland, Belgium or Denmark. If the Organization were less topsyturvy than it is—if it were truly dedicated to the purposes and principles enshrined in the Charter—it would long ago have condemned the criminal designs of Israel's enemies to destroy it—designs which are fuelled by outsiders

who are feeding on Arab obsessions in order to exploit them for their own selfish purposes. The shameless document before us does not contain any reference to the ongoing aggression of Syria and other Arab States against my country. It does not enjoin them to refrain from the use or threat of force against Israel. It does not call on them to solve their dispute with Israel in a peaceful manner, as is required by the Charter. It ignores the repeated expressions of Israel's willingness to negotiate with Syria without any prior conditions, as well as with other Arab States, in conformity with Security Council resolutions 242 (1967) and 338 (1973), and the persistent rejection of our offers by Syria and other Arab States.

196. In view of the degeneration and perversion of the Organization by the forces of international lawlessness, it is an affront to common decency that the words of a great visionary of peace—Isaiah the prophet of Israel—should be permitted to continue gracing the wall across the street from this building. In order to avoid further insult to the memory of this great son of the Jewish people, we appeal to the City of New York to consider removing the Isaiah inscription and thus to give expression to the sentiments of abhorrence of civilized mankind at the systematic debasement of the Organization by the bigots, hypocrites and liars who manipulate the United Nations of 1982.

197. As is common after votes of this kind, I may be approached again by many delegates who wish to express to me their regrets for their vote. In addition to Government instructions, they usually invoke on such occasions alleged bloc solidarity, Arab blackmail and similar worthy considerations. I wish to tell them publicly that I release them in advance from the need to go through this sickening and dishonest ritual.

198. This shameless document will not contribute to the advancement of peace in the Middle East. Nor is this its intention. Similarly, it will not deter Israel from doing everything necessary to ensure its existence and security. If the shameless document will be remembered at all, it will stand as a monument to the moral degeneration and intellectual corruption of its authors as well as to the moral bankruptcy to which they and their like have reduced the Organization.

199. There are moments when there is no room for equivocation or evasion, or for considerations of expediency. This is such a moment for States to stand up and to be counted.

200. The PRESIDENT: Before proceeding to the vote I wish to inform the Assembly that Guinea-Bissau and Malaysia have become additional sponsors of draft resolution A/ES-9/L.1.

201. I have received a request for five separate votes: on operative paragraph 1, on operative paragraphs 3, 4 and 5, on operative paragraph 7, on operative paragraph 9 and on operative paragraphs 11 to 15 inclusive. This is governed by rule 89 of the rules of procedure, which reads as follows:

"A representative may move that parts of a proposal or of an amendment should be voted on separately. If objection is made to the request for division, the motion for division shall be voted upon. Permission to speak on the motion for division shall be given only to two speakers in favour and two speakers against. If the motion for division is carried, those parts of the proposal . . ."

202. I have received an objection to the division and therefore I can allow only two speakers to speak in favour of the division and two speakers against the proposal for division, following which the proposal for division will be put to the vote.

203. Mr. LENNUYEUX-COMNENE (France) (*interpretation from French*): The explanations of vote which we have heard have convinced my delegation that delegations will vote differently on the text before us depending on the provisions in the document. In view of this fact and because we are in favour of some of the provisions of draft resolution A/ES-9/L.1, I should like the Assembly to take a separate vote on the operative paragraphs which you, Mr. President, have just mentioned, under rule 89 of the rules of procedure.

204. Mr. NUSEIBEH (Jordan): The draft resolution before us, A/ES-9/L.1, is coherent, balanced and logical. There is not a word in it that does not come from the Charter or from General Assembly or Security Council resolutions.

205. The condemnations of Israeli acts are too numerous to recount, but they have all been dismissed by the aggressor as exercises in futility. If there is a crime, there must be credible deterrents; otherwise it encourages the aggressor to persist in his appalling and genocidal record of aggression.

206. After consultations with all the sponsors of the draft resolution and with all due respect to my colleague the representative of France, on behalf of the sponsors we request a vote on the draft resolution as a whole and oppose a separate vote being taken on any paragraph.

207. The PRESIDENT: I shall put to the vote, in accordance with rule 89 of the rules of procedure, the proposal for a separate vote on paragraphs 1, 3-5, 7, 9 and 11-15 of the draft resolution.

*The proposal was rejected by 76 votes to 39, with 19 abstentions.*

208. The PRESIDENT: I shall now put to the vote draft resolution A/ES-9/L.1 as a whole. A roll-call vote has been requested.

*A vote was taken by roll call.*

*Denmark, having been drawn by lot by the President, was called upon to vote first.*

*In favour:* Afghanistan, Albania, Algeria, Angola, Bahrain, Bangladesh, Benin, Bhutan, Botswana, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, China, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Djibouti, Ethiopia, Gambia, German Democratic Republic, Ghana, Greece, Grenada, Guinea, Guinea-Bissau, Guyana, Hungary, India, Indonesia, Iran, Iraq, Ivory Coast, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Peru, Poland, Qatar, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Somalia, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Togo, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

*Against:* Australia, Belgium, Canada, Denmark, Fiji, Finland, France, Germany, Federal Republic of, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

*Abstaining:* Argentina, Austria, Bahamas, Barbados, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, Egypt, El Salvador, Gabon, Guatemala, Haiti, Honduras, Liberia, Malawi, Panama, Papua New Guinea, Paraguay, Saint Lucia, Saint Vincent and



the Grenadines, Samoa, Singapore, Spain, Swaziland, Thailand, Trinidad and Tobago, Turkey, Uruguay, Venezuela, Zaire.

*The draft resolution was adopted by 86 votes to 21, with 34 abstentions (resolution ES-9/I).*

209. The PRESIDENT: I now call on those representatives who wish to explain their votes after the vote.

210. Mr. FRANCIS (New Zealand): Although New Zealand voted against this draft resolution, there are many of its provisions with which we agree. New Zealand condemns the step which Israel took on 14 December last year of extending its laws, jurisdiction and administration to the Syrian Golan Heights, a step which amounts to annexation. We consider that that decision deserves censure. I have already affirmed that we fully subscribe to the view of the Security Council, expressed in its resolution 497 (1981) of 17 December 1981, that Israel's decision is null and void and without international legal effect.

211. We believe that Israel must cease its provocative and illegal actions and start to act in ways that demonstrate its readiness to become an acceptable neighbour in the region. At the same time, we believe that it is only if all other parties are prepared to recognize Israel's right to exist that the prospects of worthwhile negotiations towards a comprehensive and durable peace will improve. The draft resolution that has just been voted on does not in our view take us closer to that goal.

212. One of the difficulties my delegation has with the resolution is that it seeks to have the General Assembly assume responsibilities that the Charter entrusts to the Security Council. Another is that it departs from the balanced principles of Security Council resolution 242 (1967), which we continue to uphold. It calls for measures against Israel which, for that reason among others, we are unable to support. The resolution also implies that future action could be taken to limit Israel's participation in the Organization. That is a step we would not support, not least because we have always upheld the principle of universality of membership in the Organization.

213. Mr. KUEN (Austria): In our statement on 1 February in the general debate [3rd meeting], I had the opportunity to state Austria's position on the decision of the Israeli Government to extend its law, jurisdiction and administration to the occupied Syrian Golan Heights. Austria condemns that decision, as it constitutes a clear violation of international law and of the principles contained in Security Council resolutions 242 (1967) and 338 (1973). It furthermore aggravates tensions in the area and gravely endangers the prospects for achieving a peaceful solution of the Middle East conflict.

*Mr. Kravets (Ukrainian Soviet Socialist Republic), Vice President, took the Chair.*

214. Austria's vote on the resolution just adopted rests on the conviction that the Israeli action cannot be condoned or left uncontested by the international community. We therefore approve of the paragraphs in the resolution which condemn that action, declare it null and void and decide not to grant any recognition to its implementation. On the other hand, elements have been introduced into the resolution that are highly controversial in nature and pose very serious problems with regard to their legal and political implications on the instruments governing the Organization and on the distribution of competences between its main organs.

215. At this moment, and especially in light of the vote just taken, I do not wish to hide our deep concern that our vote on the resolution has failed to express the unanimous rejection of the *de facto* annexation of the Golan Heights which became evident in this debate as well as in

the debate in the Security Council. We are still convinced that, in proper consultations with all interested members of this Assembly, it would have been possible to arrive at a draft resolution that would have found the broadest support. As has been proved so often before, the real strength of this Assembly and of its positions derives from consultations, mutual give-and-take and the widest possible participation in drafting. We very much regret that on an issue of such importance that procedure was not followed.

216. In addition, Austria would have preferred to see as the outcome of this debate a resolution that would have been oriented towards positive action and, through a call for negotiations between the parties most directly concerned, would have contributed to promoting a process towards peace, dialogue and the settlement of disputes by peaceful means.

217. Mr. del ROSARIO (Dominican Republic) (*interpretation from Spanish*): The foreign policy of my Government is based on absolute respect for international law and its principles of self-determination of peoples, non-intervention, juridical equality of States, non-admissibility of the threat or use of force, and the peaceful settlement of disputes.

218. For these reasons, my Government supported resolution 497 (1981), which was unanimously adopted by the Security Council 17 December last, and General Assembly resolution 36/226 B of the same date.

219. My delegation would have liked the draft resolution to be voted on paragraph by paragraph, which would have enabled it to reaffirm once again the principles contained in a number of them. But the Dominican delegation did not support the second and tenth preambular paragraphs, since the first involves a permanent representative of the Security Council whose sovereignty cannot be questioned, and the second would establish bases for the possible expulsion of Israel from the Organization, whose universality is something that we should preserve.

220. Similarly, my delegation is against operative paragraphs 7 and 8 because once again they involve a Member State, a friend of ours, and attribute to it direct responsibility for the situation in the Middle East. Likewise, we are against operative paragraph 11 for reasons previously stated, as well as paragraphs 12 and 13 on sanctions. We do not agree with the measures contained therein and we support the view that they should be left to the sovereignty of each State.

221. For the foregoing reasons, my delegation abstained in the vote.

222. Before concluding, I should like to repeat the wish of my Government and people that we may achieve through dialogue and respect for international law a definitive peace in the Middle East, a region very dear to our people because among our most eminent citizens there are descendants of the various peoples that inhabit that part of the world.

223. Mr. COUTURIER (Peru) (*interpretation from Spanish*): Peru voted in favour of the resolution that has just been adopted by the Assembly. In doing so, it voted in favour of the principle of respect for the norms of international conduct enshrined in the Charter of the United Nations. Similarly, Peru recognizes the value of constructive dialogue and negotiation as a means which can lead to a comprehensive, peaceful and lasting solution of that conflict.

224. Likewise, Peru declares that it is morally and politically indispensable that all the foreign Powers to whose influence and interests the deterioration of peace and security in the region of the Middle East is largely due

should share responsibility with the parties directly involved in the conflict.

225. Without prejudice to our support for the Palestinian cause and our condemnation of the illegal annexation of the Syrian territory of the Golan Heights, the Peruvian Government has reservations concerning the tenth preambular paragraph and operative paragraphs 11, 12 and 13 of the resolution that has just been adopted. The terms in which they are couched are not consonant with international practice and the extreme measures for which they provide do not contribute to a dialogue between all the parties directly involved, which Peru has always promoted.

226. Mr. BLOMBERG (Finland): The position of the Government of Finland with regard to the recent act of Israel concerning the Syrian Golan Heights was clearly expressed in our statement of 3 February [7th meeting]. Finland fully concurs with the unanimously adopted Security Council resolution 497 (1981), in which the Council unequivocally declared the Israeli decision to be null and void and without international legal effect and demanded that Israel forthwith rescind it. It is most deplorable that Israel has chosen to ignore that resolution in defiance of the whole international community. It is our strong conviction that the Israeli decision is not only illegal but constitutes a serious new obstacle to efforts towards peace in the Middle East.

227. We would have wished this emergency special session of the General Assembly to produce a resolution adequately reflecting the international community's unanimous rejection of the Israeli decision. We regret that this was not the case. Several paragraphs in the draft resolution just adopted created serious difficulties for us. I refer in particular to operative paragraph 11, which runs counter to the principle of universality, a principle which Finland considers to be basic to the Organization. Furthermore, under the Charter only the Security Council has the authority to impose sanctions on Member States. Operative paragraphs 12, 13, 14 and 15 therefore go beyond the competence of the General Assembly.

228. It is for these reasons that Finland felt compelled to vote against the draft resolution as a whole.

229. Mr. ORTIZ SANZ (Bolivia) (*interpretation from Spanish*): The delegation of Bolivia wishes to reaffirm here in the Assembly the traditional and steadfast international position of our country, namely, that the occupation of the territory of other countries by force of arms or annexation of that territory by that or other means is entirely unacceptable. We know that the peaceful coexistence of States is rooted in total respect for the basic attributes of a State, and one of the most important of them is the inviolability of its territorial integrity.

230. In the light of this, and bearing in mind our historical experiences, Bolivia was ready to vote in favour of any resolution which would uphold the unquestionable rights of the Syrian Arab Republic over the territory of the Golan Heights.

231. What has happened, however, is that the draft resolution on which we have voted specifies, as its central point, sanctions which, in accordance with the Charter of the United Nations, are within the exclusive purview of the Security Council, and the resolution has therefore been distorted. It is a document which neither in terms of its language nor of its objectives is likely to contribute to bringing us any closer to a peaceful and just solution of the problem.

232. Operative paragraphs 7, 8 and 11 to 15 are particularly unacceptable because of the element of interference in the sovereign decisions of States which they

imply. To seek the total international isolation of a Member State is also not a procedure which the General Assembly can adopt without prejudicing its very essence, which is based on the principle of universality.

233. Bolivia considers that the United Nations, if it is to perform its primary role of maintaining peace and promoting harmony among peoples, must act fairly and with discretion—both of which qualities are lacking in this resolution. That is the background against which Bolivia abstained in the vote.

234. Mr. NISIBORI (Japan): Japan has repeatedly made known its steadfast position that it strongly condemns and will never condone the recent measures taken by Israel in the occupied territory of the Golan Heights. It is extremely regrettable, therefore, that Japan was obliged to vote against the draft resolution, as it contains several paragraphs which are incompatible with some of the fundamental beliefs of my Government, in particular that the United Nations must be a universal organization, that any and all conflicts must be resolved peacefully through talks, and that the isolation of a particular country does not necessarily contribute to the solution of a question.

235. None the less, my country cautions Israel, in the strongest terms, not to make the mistake of interpreting this vote as in any way condoning its actions.

236. Mr. MARINESCU (Romania) (*interpretation from French*): Romania, from the very beginning and with total clarity, in terms authorized by its Government as well as in statements by the Romanian delegation in the General Assembly, the Security Council and this emergency special session [6th meeting], has set out its firm position on the decision of the Israeli Parliament to annex the Syrian Golan Heights. We have declared that the Romanian Government considers that act illegal and invalid, a flagrant violation of the principle of the inadmissibility of the annexation of occupied territories by force, national sovereignty and the territorial integrity of an independent State. At the same time, as we have made clear, this act is in direct contradiction to the relevant Security Council resolutions accepted by Israel, among others, which specify Israel's obligation to withdraw from the Arab territories occupied in 1967.

237. As the Romanian Government expressed it on 17 December last,<sup>18</sup> the decision of the Israeli Parliament to annex the Golan Heights has led to a complication of the situation in the region and has created further obstacles to a comprehensive settlement of the Middle East conflict and helped to increase tension in the area—all of which has been amply demonstrated in the debates in the Security Council and at this emergency special session.

238. We repeat our profound conviction, based on our experience of international life, that recourse to force and expansion, the violation of the independence, sovereignty and territorial integrity of other States—as was the case with the annexation of the Golan Heights—constitutes a constant source of insecurity and further complicates the situation, with the gravest consequences for the peoples in question and indeed all peoples of the world.

239. At the same time, we should like to stress once again the overriding necessity of continuing efforts to bring about without further delay a comprehensive, just and equitable solution to the present conflict in the Middle East, one that would lead to Israel's withdrawal from the territories occupied by it since the 1967 war, including the Golan Heights, and a solution to the problem of the Palestinian people, ensuring respect for their legitimate national rights, including their right to self-determination and the creation of their own independent State.

240. The Romanian Government is convinced that that is the only basis for ensuring the necessary conditions for the peaceful coexistence of all the States in that greatly troubled part of the world.

241. Romania has adopted a consistent position, one often reaffirmed: it has declared itself in favour of intensifying efforts to resolve by peaceful means, by negotiations and with the participation of all the parties directly concerned, the whole series of problems raised by the conflict in the Middle East. In this context, as we have stated in this debate and elsewhere, the Romanian Government believes that it is particularly important to convene an international conference within the framework of the United Nations, with the participation of all interested parties, including the Palestine Liberation Organization as the sole representative of the Palestinian people, the Soviet Union, the United States of America and other States which could make a positive contribution to solving the Middle East conflict. We wish to express our conviction that within such a negotiating framework all the complicated problems that have existed for so long in this area, including that of Israel's withdrawal from the Golan Heights, can be solved.

242. We believe that the Assembly would have been well advised to set up a committee composed of representatives of States Members to try to bring about eventually a comprehensive settlement of the Middle East conflict, in the interest of the peoples concerned and of the cause of peace and security in the area and throughout the world.

243. It is precisely in this spirit that the Romanian delegation acted at this emergency special session of the General Assembly, in its desire to bring about the adoption of a resolution that could enlist the support of the vast majority of Member States and thus constitute an effective instrument for opening up new avenues for solving the Middle East conflict.

244. Since it was not possible to achieve a resolution acceptable to the great majority of Member States, the Romanian delegation found itself unable to participate in the vote. At the same time, my delegation wishes strongly to stress that the position of principle of the Romanian Government on the unacceptability of the annexation of the Golan Heights by Israel and the fact that we consider that measure illegal, null and void, remains unchanged.

245. Mr. KOLBY (Norway): The Norwegian delegation voted against the resolution just adopted.

246. The Norwegian Government's position on the Israeli decision of 14 December 1981 to impose its laws, jurisdiction and administration in the occupied Syrian Golan Heights has been stated on two earlier occasions before the General Assembly. Norway deplores that action. In our opinion, that act amounts to an annexation which will create additional problems for the peace efforts in the Middle East. Norway does not accept any acquisition of territory by force.

247. The Norwegian Government therefore supports those paragraphs of the present resolution which declare the Israeli decision to be null and void.

248. The Norwegian delegation was, however, compelled to vote against the draft resolution because of our strong reservations concerning a number of paragraphs, in particular operative paragraphs 2, 7, 8, 11, 12 and 13. Those paragraphs are totally unacceptable to my delegation and constitute, in our view, an obstacle to a peaceful and negotiated solution of the Middle East conflict rather than a contribution towards that goal. Norway strongly objects to any language that serves to cast doubt on the

rights of any Member State to continue as a Member of the United Nations. We also believe that the call for international or unilateral sanctions against Israel is wrong and counter-productive. In our opinion, such measures will only serve to heighten tension and bitterness in the Middle East.

249. Mr. LUNDAVIK (Sweden): The position of my Government with regard to the item before us was spelt out in the statement made by the Permanent Representative of Sweden last Monday [3rd meeting]. In particular, it was stated that Sweden condemns Israel's decision to apply Israeli law, jurisdiction and administration to the occupied Syrian Golan Heights. That decision is a clear violation of international law and of Security Council resolution 242 (1967). It is also prejudicial to the search for a peaceful solution to the conflict in the Middle East. My Government fully endorses Security Council resolution 497 (1981) of 17 December 1981, in considering the Israeli action null and void and in demanding that Israel should rescind it forthwith. Israel's refusal to comply with that decision is an unacceptable defiance of the authority of the Council.

250. It is therefore with deep regret that my Government has found itself unable to associate itself with the adoption of the resolution, although it contains paragraphs that are in accord with the view that I have summarized. If there had been a separate vote on those paragraphs, Sweden would have supported operative paragraphs 1, 3, 4, 5 and 9.

251. Unfortunately, however, the resolution contains a whole series of provisions which cause serious concern to my delegation, as they are unacceptable either from the point of view of the Charter of the United Nations, or from that of substantive content. Faced with the present text, my delegation had no choice but to vote against the draft resolution as a whole.

252. Mr. HEPBURN (Bahamas): The Bahamas delegation has consistently supported measures calling for peace in the Middle East and, indeed, in all regions of the world. My delegation's support of General Assembly resolutions 36/226 A and B attests to its conviction that Israel's annexation of the Golan Heights is illegal and invalid.

253. Thus, it follows naturally that my delegation fully supports the relevant condemnations contained in the preambular and operative paragraphs of the resolution just adopted.

254. However, at the same time, my delegation attaches great importance to the Organization as an unparalleled institution for the promotion of international peace and co-operation, and to the requirement that the Organization be seen to act with honesty and fairness, for it is only by so doing that it will create confidence in the peoples it represents that its decisions and follow-up actions will really foster peace and stability.

255. My delegation has serious doubts about this requirement being met by the resolution the Assembly has just adopted, given the implications of and the requests in its operative paragraphs 11, 12, 13 and 14, in particular. Those implications and requests are: the expulsion of Israel from the Organization or suspension of its membership, which disregards Articles 5 and 6 of the Charter; the severing of all ties with Israel—diplomatic, military, economic, financial, technical, trade and cultural—and finally, its total isolation in the world community.

256. My Government cannot go along with such extreme measures, which experience in other similar situations has shown to be unrealistic and non-productive of a solution. Rather, they have encouraged intransigence and polarization.

257. It was for those reasons that my delegation was constrained to abstain in the vote on the resolution which has just been adopted.

258. Mr. VELLOSO (Brazil): The Brazilian Government believes that a comprehensive settlement of the situation in the Middle East necessarily includes recognition of the right of all countries in the region to exist within their own borders. While we have always insisted upon the withdrawal of the occupying forces from the Arab territories and upon the right of the Palestinian people to an autonomous and independent state of their own, we believe, on the other hand, that the prospects of attaining those objectives should not be curtailed as a result of the diplomatic isolation of one of the parties to the conflict, even if that party is behaving in a manner incompatible with international law and with countless General Assembly and Security Council resolutions. We emphatically condemn such behaviour. We do not wish, however, that, out of a feeling of total isolation from the international community, the Israeli Government be given any pretext to act with still greater contempt for the rule of law and for the principles of a mutually respectful relationship among the peoples of the world. Israel must understand once and for all that the path it is pursuing leads neither to peace nor to its own security. As long as Israel fails to respect the security and the territorial integrity of its neighbours, no action, let alone an illegal action, will bring Israel what it proclaims to be its goal: the right to live in peace.

259. Mr. ROSALES RIVERA (El Salvador) (*interpretation from Spanish*): El Salvador, faithful to its obligations under the Charter of the United Nations, condemns the acquisition of territory by force, whatever the excuse or reason put forward for it. Hence we censure Israel's annexation of the Golan Heights, which is under Syrian sovereignty. It would therefore be logical to vote in favour of a draft resolution containing such a condemnation. However, the resolution which has just been adopted contains a series of elements and concepts going beyond a resolution of this kind, and for that reason my delegation abstained in the vote. Had it been voted on paragraph by paragraph, El Salvador would have been in favour, among others, of those paragraphs referring directly to the annexation. In this connection, we fully support Security Council resolution 497 (1981), which declared that act of annexation null and void. We would also have voted against other paragraphs because we find them to be excessive and because they certainly do not contribute to the cause of peace.

260. There is no doubt that this act of annexation increases the difficulties of finding a just and lasting solution of the problem of Palestine, a key element in the problem of the Middle East, and we wish here to reiterate our support for Security Council resolutions 242 (1967) and 338 (1973), which continue to be the basis for the desired solution.

261. It is also relevant to reaffirm that full respect for the sovereignty and territorial integrity of States, the peaceful settlement of disputes between States and the inadmissibility of the acquisition of territory by force continue to be the bases for peoples to live together in rectitude and harmony.

262. Mr. ANDRESEN GUIMARÃES (Portugal): The Portuguese Government has clearly stated its condemnation of the decision of the Government of Israel to extend its laws, jurisdiction and administration to the occupied territory of the Golan Heights.

263. My delegation had the opportunity to speak on this issue on 12 January last in the Security Council,<sup>32</sup> where it defined its position. I wish to reiterate, however, that

in our opinion the Israeli decision of 14 December 1981 is without international legal effect. Moreover, we consider it unwarranted on any pretext and a serious obstacle on the road to peace, to which we are firmly attached.

264. We deeply regret that the draft resolution that was voted upon did not reflect a consensus of the whole international community condemning Israel's action but that, by the introduction of elements that were clearly unacceptable to many members of the Assembly, it became a controversial draft resolution. This point was underlined by the procedural vote which did not allow my delegation and others to clarify their position in respect to some of the paragraphs of the draft resolution.

265. Unfortunately, the resolution just adopted was deprived of the undisputed authority it would have had if it had reflected a unanimous condemnation of Israel's decision by the international community.

266. Mr. KIRCA (Turkey): Turkey has always called for the peaceful settlement of the Middle East question through the achievement of a just, lasting and comprehensive solution. In our view, the essential requisites for such a solution are the withdrawal of Israel from all Arab and Palestinian territories occupied in 1967, including Jerusalem, and the exercise of the inalienable rights of the Palestinian Arab people, including the right to establish their own independent State. We also believe that any search for a peaceful settlement should involve all the parties to the problem, including the Palestine Liberation Organization. If the States of the region are to live in peace, all parties must demonstrate their will and readiness for negotiation.

267. That is basically how we view the situation in the Middle East; and that is why we are deeply disturbed by Israel's intransigence, arrogance and imperviousness. Israel's latest act of practically annexing the Syrian territory of the Golan Heights has introduced a new and serious variable of regression into the Middle East situation. Israel's policy of annexation, aggrandizement, illegal settlements and usurpation of the rights of others does not at all attest to the sincerity of Israel's appeals for peace and negotiation with its neighbours.

268. The just cause of the Arab nation will ultimately prevail; the sooner Israel accommodates itself peacefully to this elementary truth, the better. There is still time for Israel to take the path of reason. For Israel to rescind its decision on the Golan Heights would be a step in the right direction, particularly in the light of the universal condemnation of its act by the international community.

269. Turkey abstained in the vote on the resolution just adopted. We abstained not because we disagree in any way with the condemnation of Israel for this act and with the call to take appropriate measures against it. On the contrary, we are in agreement with the overall thrust of the resolution. Even in the absence of any resolution, Turkey would not fail to do what is necessary and appropriate in accordance with its established foreign policy. Israel knows this and our Arab friends know it as well.

270. Turkey abstained because we feel that the resolution just adopted contains certain elements which do not enhance its fundamental political force. Moreover, some of them are not useful in the search for a just, lasting and comprehensive settlement in the Middle East.

271. More specifically, the delegation of Turkey believes that the presence of the second preambular paragraph and operative paragraph 7 is neither useful nor functional. Moreover, Turkey has consistently objected to the singling out of third Governments, either by name or by designation, for condemnation in United Nations resolutions. Our objection remains even in cases such as this

one, where Turkey follows policies different from the third Government to which reference is made.

272. In regard to the tenth preambular paragraph and operative paragraphs 11 and 15, the delegation of Turkey is of the view that, as the intent, eventual purpose and nature of these paragraphs are not precise or clear enough, Turkey cannot give them its approval. Had they been put to separate votes, Turkey would have abstained. Furthermore, we believe in this context that the United Nations has an important role to play in the search for a settlement in the Middle East and, consequently, that the United Nations should not deprive itself of the means to play such a role in future.

273. Turkey's abstention in the vote must not be misinterpreted as a change in its position on Israel's decision regarding the Golan Heights. Turkey has categorically condemned that decision, regarding it as null and void and without any legal effect. We have on three occasions already explained our position on this issue in detail, first at the thirty-sixth session of the General Assembly, then in the Security Council and, finally, only yesterday, here at the ninth emergency special session [9th meeting]. Our abstention is not aimed in any way at the elements of the resolution which are specifically related to Israel's decision on the Golan Heights. We would certainly have voted in favour of this draft resolution had those elements to which we have made particular reference been excluded from the text.

274. Even though it abstained in the vote, Turkey will not fail to do its best to be guided by the overall thrust of the resolution by constantly evaluating its other provisions in the context of the objectives and framework of its general foreign policy and in particular its well-known policies in the Middle East.

275. Mr. LENNUYEUX-COMNENE (France) (*interpretation from French*): As we indicated in the Security Council on 28 January last,<sup>6</sup> France was in favour of a broad debate in the General Assembly on the question of the Golan Heights. We believed that such a debate could be constructive if, with due respect for the respective competence of the Security Council and the General Assembly, it succeeded in underlining the fact that the Israeli measures concerning the Golan Heights were null and void and in defining the implications of that fact for the relationships between Member States and Israel as far as the occupied Syrian Golan Heights were concerned.

276. We also felt that this debate might help towards establishing a lasting peace in the area which would put an end once and for all to this constantly deteriorating situation.

277. That is, however, not true of the draft resolution that was submitted to the General Assembly and on which we have just voted. On the contrary, in its general philosophy and in some of its language, the text is aimed at ostracizing and isolating a Member State in the international community, in particular in the specialized agencies, which is recommended in its operative paragraphs 12, 13 and 15.

278. In terms of scope, this provision is unprecedented, and it is particularly unacceptable to France inasmuch as it is inconsistent with the necessary negotiations that we have always advocated for settlement of the conflict between the Israelis and the Arabs.

279. For those fundamental reasons, the French delegation had no choice, much to our regret, but to vote against the draft resolution.

280. Mr. AMEGA (Togo) (*interpretation from French*): My delegation voted in favour of the resolution in order to protest the blatant violation of the principles of the

Charter of the United Nations and Israel's refusal to remedy the violation.

281. As regards operative paragraph 11, we should like to say that it should be interpreted in the strictest possible manner. It is limited to making an observation without for the time being going beyond that. My delegation hopes that Israel will disprove the allegation contained in operative paragraph 11 by creating a climate favourable to the implementation of Security Council resolutions 242 (1967) and 338 (1973), which in my delegation's view provide the best basis for a just and lasting solution of the Israeli-Arab conflict.

282. Mr. CARÍAS ZAPATA (Honduras) (*interpretation from Spanish*): Honduras has always and will always support the principle of the inadmissibility of the acquisition of territory by force. We stated our position on the specific question of the recent Israeli legislation regarding the Golan Heights by voting in favour of the General Assembly resolution 36/226 B.

283. The text of the resolution that has just been adopted goes beyond the objectives and recommendations that Honduras could have supported. That is why we abstained in the vote. Had there been a separate vote, Honduras would have voted against the second and tenth preambular paragraphs and operative paragraphs 7, 11, 12 and 13, the contents of which we are unable to accept.

284. Mrs. CASTRO de BARISH (Costa Rica) (*interpretation from Spanish*): Costa Rica, like the overwhelming majority of Member States, has always upheld the principle that territorial integrity is an essential right of a sovereign State. As Latin Americans we are particularly proud of the emergence in the past century of the *Sucre* doctrine, which was quite rightly referred to this morning by the representative of Ecuador. Victories by force of arms do not confer rights. That is reflected in Security Council resolution 242 (1967), one of the most important paragraphs of which sets forth the inadmissibility of the acquisition of territory by force.

285. My delegation therefore deplores the decisions adopted by Israel on 14 December 1981 which led to the imposition of its laws, jurisdiction and administration in the occupied Syrian Golan Heights. Our position was made clear when we voted in favour of General Assembly resolution 36/226 B of 17 December 1981. However, we share the concerns expressed by many of the delegations that have already spoken. We feel that the resolution on the situation in the occupied Arab territories—the item before this emergency special session of the General Assembly, which was introduced by a group of delegations, contains certain substantive provisions and elements involving questions of competence and legality which are incompatible with the treatment of this subject by the General Assembly.

286. For that reason, my delegation abstained in the vote on the draft resolution. We would reiterate our belief that a settlement of the conflict in the Middle East must be based on a comprehensive negotiated settlement based on accepted principles such as those set forth in Security Council resolutions 242 (1967) and 338 (1973), which should be applied by all the parties involved.

287. Costa Rica believes that all the States of the area, in particular, and the Member States of the United Nations, in general, have the duty to promote the peaceful settlement of disputes, thereby strengthening the role of the Organization in the maintenance of international peace and security in accordance with the Charter of the United Nations.

*The President resumed the Chair.*



288. Mr. THIOUNN PRASITH (Democratic Kampuchea) [*interpretation from French*]: The position of Democratic Kampuchea in the Arab-Israeli problem is well known. It is one of constant and total support for the just Palestinian Arab cause. The delegation of Democratic Kampuchea has proclaimed it at all international gatherings and has supported all resolutions on the subject, particularly those condemning and declaring null and void the annexation of the occupied Syrian territory of the Golan Heights by Israel.

289. However, the presence among the sponsors of the draft resolution of Viet Nam, which is exterminating the Kampuchean people and nation in order to annex the whole of Kampuchea to an Indo-Chinese federation under Vietnamese domination, has not enabled my delegation to participate in the vote. This position on the part of my delegation does not at all change its constant and unswerving support for the just Palestinian Arab cause until a Palestinian State is established on Palestinian territory, with the Palestine Liberation Organization as the sole authentic representative of the Palestinian people, and until the total withdrawal of Israel from all the Arab territories it has been occupying since 1967, including the occupied Syrian territory of the Golan Heights, is achieved.

290. The struggle of the people of Kampuchea for the total liberation of its own country is identified with the struggle of the Palestinian and Arab peoples.

291. The PRESIDENT: I call on the representative of the Soviet Union on a point of order.

292. Mr. FILEV (Union of Soviet Socialist Republics) [*interpretation from Russian*]: In connection with the fact that the names of the delegations of some countries were not called out in the roll-call voting on the resolution which we have just adopted, the Soviet delegation would like to state the following.

293. The Under-Secretary-General for Political and General Assembly Affairs, Mr. Buffum, had no reason to act in such an arbitrary manner. In accordance with the Charter of the United Nations, only the General Assembly is competent to decide on matters connected with the right of States Members to take part in a vote of the General Assembly.

294. The PRESIDENT: I think that was a statement on procedure rather than on a point of order.

295. The representative of the Syrian Arab Republic, the Foreign Minister, has asked to make a statement at this juncture and I call on him to do so.

296. Mr. KHADDAM (Syrian Arab Republic) [*interpretation from Arabic*]: I wish with all my heart to thank the representatives of Governments who participated in ensuring the adoption of this historic resolution and who have therefore contributed to a great event in the life of the Organization.

297. We have accomplished the following today: first, it has been confirmed that the overwhelming majority of States support peace and freedom; secondly, it has been confirmed that the majority of States reject all practices, policies and acts that violate the rights of peoples, their sovereignty and dignity, and the majority of States have confirmed that such acts cannot take place without deterrence by the Organization; thirdly, hegemony, domination and racism have failed, the will of the people has triumphed and their right to freedom and sovereignty has been confirmed.

298. I also wish to extend my thanks to those who abstained in the vote. They have refused to be on the side of oppression and aggression; we understand the reason for their abstention and we appreciate it.

299. I wish to express my gratitude and thanks for the great support provided by the United Nations to my country in its struggle to liberate and recover its sovereignty over its occupied land. I also want to express my thanks for its defence of Arab rights, and to wish the Organization further success in strengthening its Charter and its principles.

### AGENDA ITEM 3

#### Credentials of representatives to the ninth emergency special session of the General Assembly (*concluded*)\*

##### (b) Report of the Credentials Committee

300. Mr. MAHMOOD (Pakistan): Consistent with our principled position in respect of the situation in Afghanistan, my delegation wishes to place on record its reservations concerning the credentials of the Kabul representatives participating in the ninth emergency special session. In that regard, we share the views contained in paragraphs 12 and 13 of the report of the Credentials Committee [A/ES-9/6]. Furthermore, the fact that my delegation has not objected to the participation of the Kabul representatives does not imply acceptance of the régime in Kabul or acquiescence in the continuing foreign intervention in that country.

301. The PRESIDENT: The General Assembly will now take a decision on the draft resolution recommended by the Credentials Committee in paragraph 18 of its report [A/ES-9/6]. May I take it that the General Assembly wishes to adopt that draft resolution?

*The draft resolution was adopted (resolution A/ES-9/2).*

302. Mr. SANGSOMSAK (Lao People's Democratic Republic) [*interpretation from French*]: While we join in the consensus on the adoption of the report of the Credentials Committee on the representatives to the ninth emergency special session of the General Assembly on the situation in the occupied Arab territories, the delegation of the Lao People's Democratic Republic, together with the delegations of the non-aligned countries which recognize the People's Republic of Kampuchea as the sole authentic and legitimate Government of Kampuchea, would like to express its firm and formal objection to the presence of individuals claiming to represent Democratic Kampuchea, which is not to be found on the political map of the world.

303. We expressly request our position to be duly entered in the record of the General Assembly.

304. Mr. FILEV (Union of Soviet Socialist Republics) [*interpretation from Russian*]: On behalf of the delegations of Bulgaria, the Byelorussian Soviet Socialist Republic, Czechoslovakia, the German Democratic Republic, Hungary, Mongolia, Poland, the Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics, my delegation would like to make the following statement on the report of the Credentials Committee.

305. The States named, as well as many other countries, hold the view that the only legitimate representative of the people of Kampuchea is the People's Republic of Kampuchea, and only delegates appointed by the constitutional bodies of that country are authorized to and should represent it in the United Nations, just as they should in other international forums. No one else is authorized to speak on behalf of Kampuchea in the international arena.

\*Resumed from the last meeting.

306. The people who come to the United Nations as representatives of so-called Democratic Kampuchea have been deprived of any right to represent the Kampuchean people, which long since ended the criminal Pol Pot régime responsible for the policy of genocide against the population of Kampuchea.

307. Mr. THIOUNN PRASITH (Democratic Kampuchea) (*interpretation from French*): Following the adoption of the report of the Credentials Committee, my delegation would like to make the following statement.

308. The delegation of Democratic Kampuchea wishes to express its most formal objection to the participation of the delegation of the Socialist Republic of Viet Nam at this ninth emergency special session of the General Assembly for the following reasons. First, since 25 December 1978, Viet Nam has been waging a war of invasion and aggression against Democratic Kampuchea. At the present time, 250,000 Vietnamese soldiers and 50,000 Vietnamese administrative personnel are in the process of devastating my country. That Vietnamese aggression against Kampuchea is indeed known to everyone. It is in flagrant violation of the Charter of the United Nations, the principles of international law and the relevant resolutions of the United Nations.

309. Secondly, since their invasion began, the Vietnamese hordes have massacred more than 2,500,000 Kampucheans using conventional weapons of all kinds, chemical weapons and, in particular, the weapon of starvation; they are currently pursuing the most heinous crimes in order to exterminate the people, the nation and the civilization of Kampuchea so as to satisfy the expansionist ambitions of one State at the expense of its neighbours. Never in history have such crimes of genocide been committed. At the same time, they have driven the Kampuchean peasants from their lands and have already sent close to one million Vietnamese to establish settlements in Kampuchea in the place of the Kampuchean peasants.

310. Thirdly, this war of aggression and genocide, which has been pursued for more than three years by the regional expansionists of Hanoi, cannot continue without the assistance of the major expansionist Power which is now known to everyone. The Hanoi authorities cannot continue to defy with scorn the resolutions of the United Nations and the Declaration on Kampuchea, adopted by the International Conference on Kampuchea of 17 July 1981,<sup>41</sup> to ride roughshod over the Charter of the United Nations and arrogantly to pursue their policy of aggression and expansion in South-East Asia without the military, political, economic, financial and technological assistance of the Soviet Union—aid amounting to up to six million dollars a day.

311. It may also be recalled that the two vetoes cast by the Soviet Union in January and March 1979 made it impossible for the Security Council to adopt resolutions demanding the complete withdrawal of Vietnamese forces from Kampuchea in order to allow the people of Kampuchea to exercise their right to decide their own affairs. Those improper vetoes paralysed the Security Council, the supreme body of the Organization, responsible for the maintenance of international peace and security.

312. All those facts show that Viet Nam is the main direct threat to peace, security and stability in South-East Asia and is, under the terms of General Assembly resolution 3314 (XXIX), responsible for a crime against international peace. Viet Nam's deeds and activities clearly confirm that that country is not fulfilling its obligations under the Charter of the United Nations.

313. For all those reasons, my delegation believes that Viet Nam has no place here until it has halted its war of aggression and genocide against Democratic Kampuchea and withdraws all its forces from Kampuchea in accordance with the resolutions of the United Nations and the Declaration on Kampuchea.

#### *Statement by the President*

314. The PRESIDENT: Before closing the ninth emergency special session, I should like to take this opportunity to inform the membership of the present situation regarding the resumption of the thirty-sixth session of the General Assembly. I do so in order to assist delegations in planning their future schedule of work.

315. After consultation with the Chairman of the Working Group on the Financing of the United Nations Relief and Works Agency for Palestine Refugees in the Near East [UNRWA] and the President of the Security Council, it appears that the most appropriate time to reconvene the thirty-sixth session, in accordance with decision 36/461, would be Tuesday afternoon, 16 March 1982.

316. On Friday, 19 March, the General Assembly and the Security Council will meet concurrently to fill the vacancy in the International Court of Justice caused by the death of Judge Abdullah El-Erian of Egypt.

317. In addition, the Fifth Committee will meet at the resumed session to consider further the question of the formulation, presentation, review and approval of programme budgets in connection with agenda item 100 and in conformity with section XX of General Assembly resolution 36/235, of 18 December 1981.

318. I should like to take this opportunity to express my sincere gratitude to the Vice-Presidents for their valuable assistance to the President in the conduct of the proceedings of this ninth emergency special session.

319. I should like also to express my satisfaction at seeing our new Secretary-General, Mr. Pérez de Cuéllar, participating in the work of the General Assembly for the first time.

320. I should like once again to thank the entire staff, beginning with its most visible representative, Mr. Buffum. Special thanks are due to the Office he heads, the Office of the Under-Secretary-General for Political and General Assembly Affairs, as well as to all the conference officers, interpreters, translators and other staff members who have made the completion of our work possible.

#### **AGENDA ITEM 2**

##### **Minute of silent prayer or meditation**

321. The PRESIDENT: I now invite representatives to stand and observe one minute of silence, dedicated to prayer or meditation.

*The representatives, standing, observed a minute's silent prayer or meditation.*

##### **Closure of the session**

The PRESIDENT: I declare closed the ninth emergency special session of the General Assembly.

*The meeting rose at 6.50 p.m.*

# NOTES

<sup>1</sup> *Official Records of the Security Council, Thirty-seventh Year, Supplement for January, February and March 1982*, document S/14832/Rev.1.

<sup>2</sup> *Ibid.*, Thirty-seventh Year, 2329th meeting.

<sup>3</sup> See Security Council resolution 500 (1982), of 28 January 1982.

<sup>4</sup> A Framework for Peace in the Middle East agreed at Camp David, and Framework for the Conclusion of a Treaty between Egypt and Israel, signed in Washington on 17 September 1978.

<sup>5</sup> See *Official Records of the Security Council, Thirty-sixth Year*, 2316th to 2319th meetings; and *ibid.*, Thirty-seventh Year, 2322nd to 2329th meetings.

<sup>6</sup> *Ibid.*, Thirty-seventh Year, 2330th meeting.

<sup>7</sup> *Ibid.*, Thirty-seventh Year, Supplement for January, February and March 1982, document S/14852.

<sup>8</sup> *Official Records of the Security Council, Fourth Year, Special Supplement No. 2*.

<sup>9</sup> *Official Records of the Security Council, Twenty-ninth Year, Supplement for April, May and June 1974*, document S/11302/Add.1, annex 1.

<sup>10</sup> See *Official Records of the General Assembly, Second Session, Supplement No. 11*, vol. II, annex 19.

<sup>11</sup> See *Official Records of the Security Council, Thirty-sixth Year, Supplement for October, November and December 1981*, document S/14821, para. 3.

<sup>12</sup> *Ibid.*, Thirty-seventh Year, Supplement for January, February and March 1982, document S/14829, annex.

<sup>13</sup> *Ibid.*, Twenty-fourth Year, Supplement for October, November and December 1969, document S/9460.

<sup>14</sup> United Nations, *Treaty Series*, vol. 75, No. 973, p. 287.

<sup>15</sup> Regulations annexed to the Hague Convention IV of 1907 (Carnegie Endowment for International Peace, *The Hague Conventions and Declarations of 1899 and 1907* (New York, Oxford University Press, 1915), p. 100).

<sup>16</sup> See *Official Records of the Security Council, Thirty-seventh Year, Supplement for January, February and March 1982*, document S/14849, annex.

<sup>17</sup> See note 15.

<sup>18</sup> See *Official Records of the Security Council, Thirty-sixth Year*, 2318th meeting.

<sup>19</sup> *Ibid.*, Thirty-seventh Year, 2324th meeting.

<sup>20</sup> *Ibid.*, Thirty-sixth Year, 2316th meeting.

<sup>21</sup> *Ibid.*, Thirty-seventh Year, 2322nd meeting.

<sup>22</sup> *Ibid.*, 2323rd meeting.

<sup>23</sup> *Ibid.*, Thirty-fifth Year, Supplement for April, May and June 1980, document S/14009.

<sup>24</sup> See *Official Records of the General Assembly, Thirty-first Session, Supplement No. 35*, part two.

<sup>25</sup> See *Official Records of the Security Council, Thirty-seventh Year*, 2328th meeting.

<sup>26</sup> *Ibid.*, Thirty-sixth Year, Supplement for October, November and December 1981, document S/14796, annex.

<sup>27</sup> *Ibid.*, Thirty-sixth Year, 2319th meeting.

<sup>28</sup> *Ibid.*, Thirty-first Year, 1969th meeting, para. 41.

<sup>29</sup> M. M. Whiteman, *Digest of International Law* (Washington, D.C., U.S. Government Printing Office, 1964), vol. 3, p. 179.

<sup>30</sup> *Ibid.*, pp. 184-185.

<sup>31</sup> *Official Records of the Security Council, Thirty-sixth Year, Supplement for October, November and December 1981*, document S/14797.

<sup>32</sup> *Ibid.*, Thirty-seventh Year, 2326th meeting.

<sup>33</sup> *Ibid.*, 2327th meeting.

<sup>34</sup> *Ibid.*, Thirty-sixth Year, Supplement for October, November and December 1981, document S/14791.

<sup>35</sup> *Ibid.*, Thirty-seventh Year, 2325th meeting.

<sup>36</sup> *Official Records of the General Assembly, Fourth Session, Special Political Committee, Annex*, vol. II, document A/927, annexes A and B.

<sup>37</sup> Eight-point plan proposed by Prince Fahd Ibn Abdul-Aziz of Saudia Arabia in a radio interview broadcast by Riyadh Domestic Service on 7 August 1981. For a transcript of the interview, see Foreign Broadcasting Information Service, *Daily Report*, FBIS-MEA-81-153, of 10 August 1981, vol. V, No. 153, p. C.3.

<sup>38</sup> See *Official Records of the Security Council, Thirty-sixth Year*, 2317th meeting.

<sup>39</sup> *Ibid.*, Thirty-sixth Year, Supplement for October, November and December 1981, document S/14815.

<sup>40</sup> Final Act of the Conference on Security and Co-operation in Europe, signed at Helsinki on 1 August 1975.

<sup>41</sup> *Report of the International Conference on Kampuchea*, New York, 13-17 July 1981 (United Nations publication, Sales No. E.81.I.20), annex 1.