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Held at Headquarters, New York,  
on Friday, 25 October 1985, at 10.30 a.m.

- President: Mr. DE PINIÉS (Spain)
- later: Mrs. CASTRO de BARISH (Vice-President) (Costa Rica)
- Report of the International Court of Justice [13]
  - Co-operation between the United Nations and the Organization of the Islamic Conference [24]:
    - (a) Report of the Secretary-General
    - (b) Draft resolution
  - Co-operation between the United Nations and the League of Arab States [26]:
    - (a) Report of the Secretary-General
    - (b) Draft resolution

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The meeting was called to order at 11 a.m.

AGENDA ITEM 13

REPORT OF THE INTERNATIONAL COURT OF JUSTICE (A/40/4)

The PRESIDENT (interpretation from Spanish): The Assembly has before it the report of the International Court of Justice covering the period 1 August 1984 to 31 July 1985.

May I take it that the General Assembly takes note of that report?

It was so decided.

At the invitation of the President, Mr. Nagendra Singh, President of the International Court of Justice, took a place at the rostrum.

The PRESIDENT (interpretation from Spanish): I now call on Mr. Nagendra Singh.

Mr. SINGH (President of the International Court of Justice): Speaking so soon after the conclusion of the momentous celebration of the fortieth anniversary of the founding of the United Nations, may I express my sentiments in three preliminary observations.

First and foremost, every speaker who participated in the anniversary celebration was of the view that the United Nations had utility and great value. That was why the celebration concluded with a universal acknowledgement of the value of the United Nations.

Secondly, there was unanimous appreciation of the meritorious services rendered by the Secretary-General. He is a figure to be respected. The augmentation of the office of the Secretary-General is indeed the augmentation of the United Nations itself. He must be congratulated on all that he has achieved. The success of the celebration is the result of his efforts.

(Mr. Singh, President,  
International Court of Justice)

Thirdly, the speakers who suggested concrete methods of improving the United Nations did so with the aim of genuinely strengthening the United Nations. This reference to the strengthening of the United Nations, including its judicial organ, brings me to the theme of my statement this morning.

While congratulating you, Mr. President, on your election to your high post, which you do adorn with your wisdom, may I say that it has always been a great honour and privilege to address the General Assembly. It is most gratifying therefore to have this opportunity of addressing all the representatives here, and I do so in the name of the International Court of Justice on this unique occasion. It has seemed to the Court that the commemoration of the fortieth anniversary would be incomplete unless, alongside the celebration of the achievements of the United Nations in the social, economic and political fields, attention was also devoted to its notable progress in the field of law. Certain of its organs, such as the International Law Commission, have a permanent mandate to stimulate that progress, while the successive Legal Counsels and the Office of Legal Affairs provide constant and invaluable advice to the Secretary-General. Then the Assembly, through its Sixth Committee, keeps regular watch over legal developments so as to provide the progressive findings of the legal experts with the necessary backing of authority. Furthermore, the General Assembly has adopted resolutions containing declarations of legal principles and, above all, has provided an incomparable framework for the planning and conduct of conferences to promote the adoption of multilateral conventions regulating key aspects of international law and has itself adopted such conventions.

(Mr. Singh, President,  
International Court of Justice)

To all those engaged in these activities I pay a tribute, for they fully merit our appreciation. Without them, confusion and ambiguity would have remained in many an area where the law is now clear, and the principal judicial organ of the United Nations might well feel constrained to apply a law overtaken by events. That organ is, of course, the Court.

Forty years ago the peoples of the United Nations proclaimed themselves determined

"to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained".

Among the fundamental steps which the founders of the Organization took to achieve that end was the revival of a judicial institution which, in 17 inter-war years, had permitted the peaceful resolution of some 30 international disputes, many of them fraught with grave political tension, and had advised the League of Nations and the International Labour Organisation in respect of almost as many significant legal problems.

The operations of that institution, the Permanent Court of International Justice, had largely been confined to Europe, where it had helped to avert many a threat to peace born of post-war traumas - though it could not have been expected to stave off the eventual catastrophe of the Second World War. This geographical emphasis was not intentional, but it was doubtless to be expected while the bulk of two great continents remained under colonial rule. In fact, the vocation of the present Court was from the outset universal, a characteristic which the founders of the United Nations symbolized by making its successor the principal judicial organ of the Organization and welding its Statute to the Charter. In that way, the

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hundred or more peoples that, exercising their right under the Charter to self-determination, have since achieved independence and full membership of the international fraternity became ipso facto parties to the Statute of the International Court of Justice and, no less than the founder Members, are entitled today to appear before it in order to vindicate or to defend their cause.

This universality is reflected in the statistics of the contentious cases dealt with by the present Court, six of which have concerned Africa, five Latin America, five North America, four Asia, and one Australasia. Europe still heads the table with the figure of 12 cases, but more than half of these were submitted before 1960 - that is to say, before the great influx of new Members brought about by decolonization. In that connection, the five advisory opinions concerning Africa also given by the Court are particularly significant. An increasing number of contentious cases are now being brought before the Court by developing countries.

The subjects dealt with by the Court have also broadened considerably. While the proportion of territorial disputes has remained quite large, as also that of cases concerning the treatment of foreigners, and diplomatic or consular law, the Court has also made pronouncements on such diverse matters as asylum, nationality, trusteeship, the right of passage, the status of foreign investments, and even on respect for sovereignty and the non-use of force. It has dealt with alleged breaches of both customary law and treaty obligations. One of the most consistent developments has been resort to the International Court of Justice for the resolution of matters pertaining to maritime jurisdiction. Here the Court's activity has run parallel with that of the International Law Commission and of the codification conferences summoned to consolidate and expand the law. What is particularly striking is how in this field the judiciary and the lawmakers have

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learned from each other, step by step, in what posterity will view as a classic illustration of the symbiosis of diplomacy by the law-maker and adjudication by the Court. It may, however, be emphatically pointed out that the Court, whose sole function is to decide cases in accordance with international law, has all along its career maintained a high sense of its judicial integrity and never deviated in any circumstances of a case from its judicial path, keeping legal objectives exclusively in view.

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International Court of Justice)

May I also say a word about that higher diplomacy which the climate of the United Nations uniquely fosters and enables to blossom. For, however legitimate and necessary, diplomacy which is solely directed to the protection and promotion of the interests of the individual State, or group of States, is unlikely ever, by itself, to create a harmonious world. It may achieve agreements, even resolve specific conflicts, and lead to cordial understandings. But all this can be only temporary, or restricted to a limited measure. There is however, a broader, more farsighted diplomacy, to which the United Nations has opened new doors of opportunity, and that is the diplomacy which fortifies and expands the law, for law alone can bring everlasting success.

Today, thanks to the framework of international institutions provided by the United Nations family, the restricted diplomatic conference of old has become a well-nigh universal gathering of ministers and jurists dedicated to expanding the rule of law. For, no less than in each national community, it is only by the rule of law that good conduct may prevail among nations. Yet, since good news is no news for the sensationalism of today, how inadequate is the realization, even by jurists and politicians, of the degree to which international law is effective, respected and obeyed! Only the breaches are reported, while day by day the intercourse of nations, their commerce, communications, transport by sea or air, exchanges and collaborations, proceed for the most part in such calm routine that the very participants are scarcely aware of themselves as law-abiding citizens of the world.

What, then, are the means by which that rule of law, or the rules of that law, have been developed so as to be manifestly effective in relation to so much of the intense traffic of modern international relations? I will not detain the Assembly with a detailed answer. But I must mention, among those means, two which are considered to be very important to this Organization.

(Mr. Singh, President,  
International Court of Justice)

One I have already mentioned. It is the multilateral codification conference, to which this Organization offers an unrivalled framework. The successes scored by the United Nations in this field are among its most durable and beneficial contributions to mankind, and a direct fulfilment of the purposes set forth in the Charter. It would be false modesty to conceal the fact that many of the judges of the International Court had played a significant role at those conferences before joining the bench.

The second means which I wish to mention is derived from the process of the application and interpretation of law, commonly known as jurisprudence or case law. While the International Court of Justice is not the only body to hand down decisions embodying the principles of international law, it is certainly the most representative of the world community in all its diversity. It is indeed the duty of those who elect its Members to ensure that this is so. Its decisions belong to the Organization no less than those of the other principal organs, and as the judicial arm of the United Nations it is also the most authoritative propounder of the law. The Court does not, however, make, still less anticipate, the law. Its members are not, like poets, the unacknowledged legislators of mankind. At most they may declare which litigant speaks the more authentic legal prose.

However that may be, the decisions of the Court are systematically combed through by scholars in order to glean the state of the law. In that way, those decisions have a ramification scarcely apparent to the general public. Hence, however, in spite of the relative under-use of the Court, the number of cases brought before it gives no inkling whatsoever of the enduring contribution made by the Court's decisions to the establishment and explicitation of international law.



(Mr. Singh, President,  
International Court of Justice)

And so the law of international relations grows in strength and scope by a symbiosis of diplomacy and adjudication which nobody can properly appreciate if he or she remains mesmerized by the simplistic notion of politics and law as antipoles. On the contrary, the law made by treaties is a law made by political decisions, the law codified in conventions is a law confirming the opinio juris of political entities; while the law of custom registers the regularity of State conduct. But in all three the keynotes are balance and reconciliation, tolerance and mutual regard: in a nutshell, the evidence that politics can, and must, transcend the partisan, the provisional and the parochial.

To achieve peace and progress, in other words, States have to rise above their immediate ambitions and, it may be, sacrifice not their sovereignty - not that at all - but some transient self-interest in order to promote the common interest of all. Where they fail in this, they must also fail to create the law on which harmony must rest. But I may be told that it is not for the International Court of Justice to tell States how to set about their legislative business; that the Court need only wait for disputes to be referred to it, and then must make use of the legal tools at its disposal, whatever their provenance or mode of manufacture; that with a string of good judgements, success will breed success, and to turn to the Court will then become a matter of course.

However that may be, the trade-off or the package deal is more than ever the favoured method of resolving disagreements. And who is to complain if all parties are satisfied? Yet, evidently, in such bargaining, and even in the bargaining of a legislative conference, the legal merits of issues may go by the board. If, therefore, the parties to the Statute of the Court wish to enhance the usefulness of that institution, I would urge them to isolate the legal issues which divide them from their interlocutors and refer those issues to the Court, instead of

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waiting for the opportune moment which they imagine will help them to impose their view - for that propitious moment may never come, or it may come first for their opponent. Of course, going to court always implies a risk of losing, but also a chance of winning. Moreover, even the losing will be mitigated, since both sides will be the gainers by having one dispute the less and by having strengthened the machinery of international adjudication. A gain to justice is indeed a gain to all.

Let me now say a few words about the apparent difficulties of access to the Court's jurisdiction. Of course, those difficulties disappear for any two States capable of concluding a Special Agreement. Nor do they exist for parties to treaties providing for the Court's jurisdiction that find themselves in disagreement with another signatory. I may add that the number of such treaties runs well into three figures. But there remains a mode of access about which disappointment has sometimes been expressed, namely, the declaration of acceptance of compulsory jurisdiction, an optional expression of confidence in the Court which only less than one-third of the United Nations membership has as yet given, in spite of the resolution unanimously adopted at the San Francisco Conference, together with the Charter and the Statute of the Court.

(Mr. Singh, President,  
International Court of Justice)

In reality this may not be as portentous as it seems. Of all the contentious cases brought to the Court in the past, a few only have been founded solely or mainly upon such optional declarations. In contrast, the latest trend indicates that most of the cases have been brought by means of a special agreement. This illustrates not only the fact that the Court will have cases without such optional declarations but that the States need not have any apprehension that to make a declaration would render them a frequent target of unwelcome litigation. It may, however, be wondered, conversely, whether States have fully appreciated the positive aspects of making the optional clause declaration. For a State to refrain from making a declaration is to renounce certain possibilities of obtaining redress for wrongs suffered at the hands of other sovereign States. To make an optional declaration is, on the other hand, to enhance the rule of law within the fraternity of nations and hence to make a real contribution to collective security, for the reason that the effective authority of the Court is to be measured not only by the vigour or frequency of its decisions but also by the scope of its jurisdiction.

Let me now turn, however, to a promising development of the last few years. Two of the special agreements to which I alluded a moment ago have served to inaugurate what may prove to be a new era in recourse to the Court. I refer to the submission of particular cases to Chambers, a possibility which enables the Court to ascertain the views of the parties on the composition of the Bench while still preserving their right to choose an ad hoc judge. The effect is to combine to a certain extent the flexibility of arbitration with a decision that, according to the Statute, is to be considered a judgement of the International Court of Justice. One case concerning North America was submitted in this way and led to the resolution of a serious maritime dispute between Canada and the United States. I am happy to say also that early this year two African countries, Burkina Faso and Mali, likewise submitted a boundary dispute to a Chamber of the Court.

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Furthermore, the United States of America has recently announced its intention to submit a third dispute to a Court Chamber. All this augurs well for the Court and the rule of law. Thus, while referral to the full Court must surely remain the norm, developments have lately suggested that there is no reason why States should not consider whether they wish to submit disputes to the plenary Court or to a Chamber, having due regard not only to practical advantages and preferences but also to the underlying character and importance of the subject-matter concerned.

I would recall, further, that the machinery of the Court remains permanently available to all those organs of the United Nations and international organizations which have been authorized by or in consequence of the Charter to request its advisory opinion on legal questions. The advisory jurisdiction epitomizes the Court's integration into the United Nations family and its status as a principal organ of the parent Organization, and will surely continue to offer considerable scope for action. The international community will always have legal riddles to resolve and need the help of the Court. A request for an advisory opinion may then be the favoured recourse, especially as it is always possible to ask that it be dealt with as a matter of urgency.

May I, on this anniversary, be permitted to remind members of the fundamental contributions already made by the Court through its advisory opinions to the progress of the United Nations and the development of a law of international organizations.

In 1948 the Court interpreted the conditions of admission of a State to membership in the United Nations, and it enlarged upon that subject in 1950. In 1949 it established the principle of reparation for injuries suffered in the service of the Organization and in so doing confirmed the international personality of the United Nations. In four opinions it dealt with the status and administration of what is now Namibia, endorsing in the fourth the Assembly's

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withdrawal of the Mandate. It has similarly expressed its view on the status of Western Sahara. In another four opinions it has dealt with matters, some of them crucial and sensitive, concerning the international civil service. It has given its opinion on the obligation of Member States to pay their share of the expenses of United Nations operations and, finally, it has treated the legality of reservations to the anti-genocide Convention. Some of the problems covered by these opinions remain unresolved, but for that fact the Court cannot be blamed. It has at all events defined the areas of legality within which it is up to statesmen to find their solutions.

The International Court of Justice has proved to be one of the successful organs of the United Nations. Yet for certain periods of its history it has been regrettably under-used. This has been formally recognized by this Assembly, and here I need only cite resolution 3232 (XXIX), adopted in 1974, and the Manila Declaration, approved in 1982, both of which devote lengthy paragraphs to exhorting States to take a positive and active attitude to the role of the Court in the peaceful settlement of disputes. The same concern is evident in the recent valuable study on the role of the Court produced by the Asian-African Legal Consultative Committee, which has been circulated to the Assembly. What all these exhortations call for, in fact, is that States make the possibility of judicial settlement a constant of their diplomacy.

But why not go to the root of the matter and recall what Chapter VI of the Charter, which deals with the pacific settlement of disputes, lays to the charge of States in regard to the Court? Article 36 presents it as an axiom that legal disputes should as a general rule be referred by the parties to the International Court of Justice. And do not all States in contention claim to have law on their side? Why then should they not test that claim before the Court and why do they not, "as a general rule", refer legal issues to the Court?

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International Court of Justice)

Of course, I shall not over-simplify matters, but the principles of international law and of international adjudication are consecrated by the Charter. Therefore, while I salute the first 40 years of the United Nations - today with this address, and later with a gift which I shall have the honour to present to the Organization on behalf of the Court - allow me to express the profound hope that well before another 40 years have passed these admonitions of the Charter will be consistently honoured in the observance. The Court will then feel happily privileged to be playing its full part by serving the community of nations through the judicial settlement of legal disputes.

The PRESIDENT (interpretation from Spanish): We have concluded our consideration of agenda item 13.

## AGENDA ITEM 24

## CO-OPERATION BETWEEN THE UNITED NATIONS AND THE ORGANIZATION OF THE ISLAMIC CONFERENCE

- (a) REPORT OF THE SECRETARY-GENERAL (A/40/657)
- (b) DRAFT RESOLUTION (A/40/L.5)

The PRESIDENT (interpretation from Spanish): I call upon the representative of Yemen, who will introduce draft resolution A/40/L.5.

Mr. BASENDWAH (Yemen) (interpretation from Arabic): It is a great pleasure for me to introduce, on behalf of the group of Islamic States, draft resolution A/40/L.5, on co-operation between the United Nations and the Organization of the Islamic Conference.

The draft resolution contains nothing new, either as regards its scope or its substance. The text is based on the traditional one which has been submitted each year to the General Assembly. It is aimed at promoting co-operation between the United Nations and the Organization of the Islamic Conference, which comprises 45 members, representing more than 1 billion human beings.

Since its foundation the Organization of the Islamic Conference has respected the principles and purposes of the United Nations Charter and has endeavoured to contribute to the best of its ability to all efforts aimed at preserving international peace and security, defending and bringing about respect for human rights, fighting racial discrimination and eliminating colonialism and foreign domination everywhere in the world.

The States members of the Organization of the Islamic Conference are also Members of the United Nations; it is thus quite natural that the Islamic organization's activities should form part of the broader activities of the United Nations. In resolutions adopted at all its meetings, our organization has consistently reaffirmed its commitment in that regard. Since it was granted Observer status in the United Nations in 1975, our organization has made sustained

(Mr. Basendwah, Yemen)

and patient efforts to broaden co-operation with the mother Organization, the United Nations.

We should note here that a representative of the Secretary-General has usually been present at the ministerial conferences of the Organization of the Islamic Conference; that was the case at the most recent ministerial conference, held in 1984 at Sanaa. The Secretary-General himself attended the fourth Islamic summit conference, held at Casablanca early last year, and I should like to take this opportunity to thank him for his close co-operation with the Organization of the Islamic Conference and for his interest in intensifying co-operation between our two organizations.

The Organization of the Islamic Conference has also established positive and constructive co-operation in various areas with many of the specialized agencies and other subsidiary bodies of the United Nations, including the United Nations Educational, Scientific and Cultural Organization, the World Health Organization, the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees, the Food and Agriculture Organization of the United Nations, the United Nations Development Programme, the United Nations Fund for Population Activities, and all the various agencies whose work is aimed at strengthening technical co-operation for development.

In the sphere of international peace and security, our organization has been making patient efforts to bring an end to the war between Iran and Iraq, to find a peaceful solution to the Afghan problem, to contribute to the recovery of the Holy City of Jerusalem, to liberate Palestine, and to enable the South African people to regain its legitimate inalienable rights.

With regard to international economic problems, our organization is striving to co-operate with developing countries. At the Islamic conference of Finance Ministers, support was expressed for all the recommendations made by the Group of 77 with a view to meeting goals in this area.



(Mr. Basendwah, Yemen)

Our organization also co-operates in specific areas with the Non-Aligned Movement, the Organization of African Unity and the League of Arab States.

The draft resolution I have the honour of introducing today is an expression of the desire of the Organization of the Islamic Conference to intensify and expand co-operation with the United Nations in order to find just solutions to international problems in all spheres.

I wish in conclusion to express the hope that the draft resolution before the Assembly will meet with support, and that it will help to expand the fruitful and constructive co-operation between the United Nations and the Organization of the Islamic Conference, in the interests of the international community and of mankind as a whole.

The PRESIDENT (interpretation from Spanish): In accordance with resolution 3369 (XXX) of 10 October 1975, I call now on His Excellency Mr. Syed Sharifuddin Pirzada, Secretary-General of the Organization of the Islamic Conference.

Mr. PIRZADA (Organization of the Islamic Conference): I am grateful for the opportunity to address this Assembly, in my capacity as Secretary-General of the Organization of the Islamic Conference, during its consideration of the agenda item entitled "Co-operation between the United Nations and the Organization of the Islamic Conference".

Allow me to begin, Sir, by extending to you my warmest congratulations on your unanimous election to the presidency of the General Assembly at this historic fortieth session. Your election is a tribute to your vast experience, your ability and wisdom, and your long association with the United Nations, as well as recognition of the constructive role that Spain has played in the affairs of the United Nations.

(Mr. Pirzada, Organization of  
the Islamic Conference)

I should like also to avail myself of this opportunity to express our profound appreciation to His Excellency Mr. Paul Lusaka, who presided over the General Assembly at its thirty-ninth session with great distinction.

Mr. Javier Perez de Cuellar, the Secretary-General, in his forthright and frank report on the work of the Organization, has made a number of important proposals for enhancing its effectiveness. I should like to add my voice to the numerous expressions of appreciation and thanks that have been addressed in this forum to the Secretary-General for his devotion to the cause of humanity and for his untiring efforts to promote a climate of international peace, security and co-operation.

(Mr. Pirzada, Organization  
of the Islamic Conference)

The commemoration of the fortieth anniversary of the United Nations provides the world community with an opportunity to take stock of the situation and to recall the origins of the Organization, the ideals that gave birth to it, the principles that were enshrined in the Charter, the objectives that it set out to achieve and the hopes that were vested in its future. The world was pulling itself out of the debris of a devastating war that had brought death and disillusion for millions of families. The survivors of the war believed that humanity should never again be exposed to such destruction and decided to create an Organization to ensure that peace and security would henceforth prevail, that exploitation of the weak and defenceless would cease and that right and justice would reign supreme. Nations wanted to build a world where respect for each others' sovereignty and territorial integrity would replace aggression and in which suspicions would give way to relationships of mutual trust, co-operation and assistance.

The experience of the past four decades and the developments on the international scene since the establishment of the United Nations have belied the vision of a world free of strife that inspired the founding Members. We live in a world torn by conflicts and tensions and characterized by an escalating arms race and the accumulation of nuclear weapons of awesome capacity that can destroy the world many times over. We stand as silent and indifferent witnesses to a large section of humanity being crushed beneath the burden of extreme poverty, disease and hunger. There is a growing retreat from multilateralism on the part of the most developed, advanced and powerful countries of the world because they have not been able to impose their will on the democratic process in international forums.

It is clear that the fault does not lie with the principles and purposes of the Charter, which are universally recognized and accepted. They are as relevant and important today as they were at the time of their adoption. Nor can the

(Mr. Pirzada, Organization  
of the Islamic Conference)

Organization be held to blame because it merely provides a framework for co-operative and united action. The credit for its success or the odium of its failure must fall to the share of those Members that have not placed their confidence in the United Nations and have not demonstrated the necessary political will to abide by its principles, while paying vociferous lip-service to the same principles whenever it suits their interests. The inevitable inference is that narrow and short-term interests hold sway as the dominant factor in determining national policies, and the United Nations comes off a poor second whenever there is a conflict between the larger good and the self-interest of a powerful nation.

The situation, however, must not give rise to despair. We must recognize that, despite the limitations imposed upon it, the United Nations has on occasion been successful in defusing tensions and preventing armed conflicts. It has assisted in the process of decolonization resulting in the independence of almost 100 nations, its voice has been raised against racism and the denial of human rights and it has brought about a greater awareness of the critical economic plight of the peoples of the developing world.

There has never been any doubt that the United Nations provides the ideal framework for the peaceful settlement of disputes and conflicts and for co-operation among nations. However, the objectives of the United Nations will remain unattainable without the co-operation and united action of all States and regional and international organizations.

It is in the perspective of international co-operation that the Organization of the Islamic Conference views its relationship with the United Nations. The Organization of the Islamic Conference was established, and its charter was based, on the noble principles preached by Islam of peace, harmony, tolerance, brotherhood and equality of all human beings. The preamble of the charter of the Organization

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of the Islamic Conference)

of the Islamic Conference reaffirms the commitment of its members to the Charter of the United Nations. It has therefore, since its establishment, set for itself as a primary task the realization of the principles and purposes of the United Nations and has striven to play a positive role in the maintenance of international peace and security. The perceptions of the members of the Organization, all of whom are also Members of the United Nations, are identical to those of the vast majority of the United Nations membership on important international issues.

At the four Islamic summit meetings and 15 annual session of the Islamic Conference of Foreign Ministers, as well as at its extraordinary sessions, the Organization of the Islamic conference has adopted numerous resolutions on important global issues relating, inter alia, to international peace and security, human rights, the social situation and economic issues, including the establishment of the new international economic order and the restructuring of international economic relations.

The Islamic Conference has made sustained efforts to find a comprehensive, just and lasting solution to the Middle East conflict and the problem of Palestine. In this context the Islamic Conference has given support to the decisions of the United Nations to hold an international conference on the Middle East. We have, as has the General Assembly on numerous occasions, supported the right of the people of Palestine to return, to self-determination and to an independent State in Palestine. We have called for the withdrawal of Israel from the occupied Arab and Palestinian territories, including the Holy City of Jerusalem.

The Islamic Conference has also given support to the efforts of the Secretary-General of the United Nations to find a peaceful and comprehensive settlement of the situation in Afghanistan through the process of proximity talks under the auspices of his personal representative. The Islamic Conference has

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of the Islamic Conference)

ceaselessly striven to resolve the conflict between Iran and Iraq through the mediatory efforts of the Islamic Peace Committee established at the Head-of-State-level by the thired Islamic summit meeting in 1981.

The members of the Islamic Conference have offered full support to the national liberation movements and peoples suffering under the yoke of colonialism, racial discrimination and apartheid. That support stems from the fact that many of the Islamic States themselves suffered under colonialism and imperialism and achieved their independence after a protracted struggle. The Conference is on record as having condemned the illegal occupation of Namibia by the racist minority régime of Pretoria in violation of the will of the international community expressed through the decisions of the United Nations. The Islamic countries have also participated generously in international efforts to assist the drought-stricken and famine-stricken people of Africa in their battle for survival against the forces of nature.

Islamic countries are located in sensitive strategic regions of the world, and great-Power rivalries have a direct bearing on their security. As peace-loving nations, they are deeply concerned over the escalation of the arms race, particularly in nuclear weapons, and have adopted many resolutions calling for nuclear disarmament as well as general and complete disarmament.

(Mr. Pirzada, Organization of  
the Islamic Conference)

In the economic field, the Islamic Conference has taken a number of concrete decisions on international economic issues as well as on the development of economic co-operation among Islamic countries and the developing world. We are deeply concerned at the stalemate in North-South negotiations and believe that the industrialized countries must co-operate with the developing countries in finding long-term solutions to the problems confronting the toiling masses of the third world.

I have given a brief review of the activities of the Islamic Conference to underline the extent of co-operation and co-ordination in the work of our two organizations. It is our belief that the active participation of the Organization of the Islamic Conference in the work of the United Nations will further the attainment of the objectives cherished by both organizations. It is therefore extremely gratifying that the two organizations have been working closely to promote co-operation in various fields, particularly since 1975, when the Organization of the Islamic Conference was granted Observer status by the United Nations.

Constructive co-operation has been developed with the specialized agencies and other bodies of the United Nations system such as the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Health Organization (WHO), the United Nations Children's Fund (UNICEF), the Office of the United Nations High Commissioner for Refugees (UNHCR), the Food and Agriculture Organization of the United Nations (FAO), the United Nations Development Programme (UNDP), the United Nations Fund for Population Activities (UNFPA), the United Nations Conference on Trade and Development (UNCTAD) and the bodies concerned with technical co-operation for development.

The comprehensive report prepared by the Secretary-General contained in document A/40/657 of 19 September adequately describes the range of co-operative

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the Islamic Conference)

activities undertaken by the two organizations to promote and strengthen their relationship. The second general meeting between the two organizations planned for 1986 to review the progress achieved and to decide upon ways of further cementing the relationship between the two organizations will, I am confident, result in tangible measures to promote our shared objectives of social and economic well-being for peoples of the world in an environment of international peace and security.

The draft resolution regarding this agenda item has been ably introduced by the Permanent Representative of the Yemen Arab Republic and is a reflection of the firm determination of the two organizations to co-operate closely in the search for solutions to the problems that beset the international community.

I trust that the draft resolution will be adopted by consensus by the Assembly, as has been the case in previous years.

The PRESIDENT (interpretation from Spanish): We shall now proceed to the vote. The Assembly will take a decision on the draft resolution contained in document A/40/L.5. The Secretary-General considers that implementation of the draft resolution contained in A/40/L.5 on Co-operation between the United Nations and the Organization of the Islamic Conference (OIC) will not give rise to expenses over and above those already provided for under the proposed programme budget for the biennium 1986-1987.

May I take it that the Assembly wishes to adopt draft resolution A/40/L.5?

Draft resolution A/40/L.5 was adopted (resolution 40/4).

The PRESIDENT (interpretation from Spanish): I call on the representative of the Philippines, who wishes to explain his position.

Mr. MORENO-SALCEDO (Philippines): The Philippine delegation has taken note of the report of the Secretary-General on Co-operation between the United Nations and the Organization of the Islamic Conference (OIC) within the context of



(Mr. Moreno-Salcedo,  
Philippines)

the principles embodied in the Charter of the United Nations, particularly Article 2 thereof.

In this connection, my delegation would like to place on record that, had draft resolution A/40/L.5 been put to a vote, the Philippine delegation would have been constrained to abstain because of the possible implications of the draft resolution, which cannot be foreseen at this stage.

The PRESIDENT (interpretation from Spanish): We have now concluded consideration of agenda item 24.

#### AGENDA ITEM 26

#### CO-OPERATION BETWEEN THE UNITED NATIONS AND THE LEAGUE OF ARAB STATES

- (a) REPORT OF THE SECRETARY-GENERAL (A/40/481 and Corr.1 and Add.1)
- (b) DRAFT RESOLUTION (A/40/L.7)

The PRESIDENT (interpretation from Spanish): The Assembly has before it a draft resolution contained in document A/40/L.7. I call on the representative of Kuwait, who wishes to introduce the draft resolution.

Mr. ABULHASAN (Kuwait) (interpretation from Arabic): On behalf of the Arab Group, over which I am presiding this month, I have the honour to introduce to the Assembly, on behalf of the co-sponsors, the draft resolution contained in document A/40/L.7. It concerns the agenda item entitled Co-operation between the United Nations and the League of Arab States.

By a happy circumstance, we are discussing this question of co-operation between the United Nations and the League of Arab States on the day following the commemoration of the fortieth anniversary of the United Nations. The commemoration was a successful one, and we trust that it will help to renew the commitment of the peoples and Governments of the world to the principles of the United Nations and to its Charter, and to the need to preserve international peace and security.

(Mr. Abulhasan, Kuwait)

As is known, co-operation between the United Nations and the League of Arab States is not just something transitory. In point of fact it derives from the belief of the League of Arab States and the United Nations that concerted international action is needed to establish the basis for a new world in which the principles of law and justice can prevail and in which there will be a greater desire for dialogue and co-operation among nations - and, indeed, between organizations - in their efforts to serve the international community in various areas and to overcome all obstacles that hamper our progress towards prosperity and well-being.

With regard to co-operation between the League of Arab States and the United Nations, it is clearly based on the profound conviction of both organizations that dialogue and co-operation between them should be strengthened so that ways and means can be found of co-ordinating their efforts aimed at promoting their noble objectives.

(Mr. Abulhasan, Kuwait)

The draft resolution is before the Assembly in document A/40/L.7. Its wording is clear and requires no further explanation or comment. Hence I shall confine my remarks to just a few of its paragraphs.

The preamble confirms the desire of the League of Arab States to consolidate and develop the existing ties with the United Nations in all areas relating to the maintenance of international peace and security. Similarly, it confirms that the General Assembly, representing all Member States, is aware of the vital importance for the countries members of the League of Arab States of achieving a just, comprehensive and durable solution to the Middle East conflict and the question of Palestine, the core of the conflict.

The operative part takes note with satisfaction of the report of the Secretary-General in documents A/40/481 and Corr.1 and Add.1 and expresses its appreciation to the Secretary-General, as well as to the specialized agencies and other organizations of the United Nations system, for their efforts to implement the proposals of the joint Tunis meeting, held from 28 June to 1 July 1983.

In order to intensify their co-operation in various fields, our two Secretariats, in co-operation with each other and with the specialized agencies and their sub-agencies, would first consider bilateral and multilateral suggestions and recommendations in keeping with the priorities set in paragraphs 61 and 62 of the Secretary-General's report.

Paragraph 7 requests the Secretary-General to continue follow-up action to facilitate the implementation of the multilateral proposals adopted at the Tunis meeting in 1983, and take appropriate action regarding the multilateral proposals relating to social development adopted at the Amman meeting in 1985.

The countries concerned attach particular importance to paragraph 7 (c), which reads as follows:

(Mr. Abulhasan, Kuwait)

"Consultation with the Secretary-General of the League of Arab States regarding the convening in 1987 of the joint sectoral meeting on development of human resources in the Arab region."

That is why I appeal to you, Mr. President, and through you to the members of the Assembly to lend support to the recommendations and proposals contained in the draft resolution before us.

In conclusion, I should like to reaffirm at this historic session the determination and resolve of the Arab States within the framework of the League of Arab States to continue co-operating with the United Nations in order to ensure respect for the purposes and principles of the Charter and to give full effect to its objectives, to which both the United Nations and the League of Arab States aspire, thereby building a new world in which co-operation, justice and law will prevail, in the interests of mankind as a whole.

The PRESIDENT (interpretation from Spanish): In keeping with General Assembly resolution 477 (V) of 1 November 1950, I now call on Mr. Clovis Maksoud, Permanent Observer of the League of Arab States.

Mr. MARSOU (League of Arab States) (interpretation from Arabic): I should like to congratulate you warmly, Sir, on your election as President of the General Assembly at this commemorative session. You are known as a militant diplomat who fully respects principles. You have always endorsed the noble objectives of the United Nations and sought to implement the resolutions it has adopted. This reflects not only your moral convictions but also the legacy inherent in and the policies followed by your great country which have consolidated the understanding and friendship between the Spanish people and the Arab Nation.

I wish to take this opportunity sincerely to thank the Secretary-General, Mr. Javier Perez de Cuellar, for his tireless efforts in the exemplary discharge of

(Mr. Maksoud, League of Arab States)

his mandate, especially in respect of co-operation between the League of Arab States and the United Nations.

As the Ambassador of Kuwait just said, it is most appropriate that, following upon the commemoration of the fortieth anniversary of the United Nation, co-operation between regional organizations and this Organization should be the first agenda items taken up. This reflects the importance the international community attaches to the regional organizations and their role, which very often complements the role of the United Nations as well as the work done by the specialized agencies. This sustained co-operation has indeed offset many of the difficulties that have been encountered and helped us to avoid the many misunderstandings that frequently occur when such co-operation is lacking.

The League of Arab States has always kept the Secretariat informed of its priorities in the political, economic and social areas, and the Secretariat has always responded most favourably to all of our communications. It has also entered into a dialogue with us, so as to keep us informed of its priorities and its own difficulties. Hence there has always been very close co-operation between us in our actions, which has promoted a complementarity and led to better results.

(Mr. Maksoud, League of Arab States)

But this level of co-operation would not have been sufficient if it had not been given tangible form, yielding positive and fruitful results. An example is the results of the joint meeting of the League of Arab States and the United Nations held in Amman, Jordan, in August this year. That meeting dealt with social development and was indeed a model of co-operation between the two parties. We hope that these results will be followed up, for the Amman meeting demonstrated the co-ordination and complementarity of our two organizations in regard to the social development of the Arab region.

This co-operation is taking place at a time when the League of Arab States has just finished defining several strategies for social and economic development. That lends very great importance to such co-operation and requires that it be continued and developed. Hence, it is proposed that the theme of the next joint meeting, to be held in 1987, should be the development of the human resources of the Arab region. That is a subject to which the Arab side gives the highest priority, particularly in the light of the strategy for joint Arab action that was approved at the Arab Summit held in Amman, Jordan, in 1980, as well as the strategy for global social development. Those two strategies proclaim that the Arab individual is the linchpin of development, its object and its instrument. He is the very basis of all economic and social development. That development must be based on four principles: first, unity of action as opposed to fragmentation; secondly, global economic and social development to combat underdevelopment; thirdly, complete liberation from colonial and settler occupation; and, fourthly, pride in the Arab heritage and emphasis on its role in the enriching of human civilization and development.

Economic co-operation is becoming more and more evident now that joint Arab economic action is at the stage of national global planning, which requires the

(Mr. Maksoud, League of Arab States)

preparation of plans and programmes for joint Arab undertakings to strengthen integration and ensure the achievement of the aims of security and national development, as well as to reduce the differences in the development of various countries of the Arab family. Those countries desires close and fruitful co-operation with the United Nations so that they can choose, evaluate and follow up the projects for integration which organically link the Arab economies.

The League of Arab States hopes, too, that there will be an increase in co-operation between Arab experts and United Nations experts in order to ensure the achievement of many of the objectives of the development of the infrastructure of various bodies and agencies of the League of Arab States.

The importance of co-operation between the League of Arab States and the United Nations is very clear from the development that has already been achieved in various sectors, which has in turn contributed to the achievement of the noble objectives of the Charter. But there is constant obstruction of development and progress, as factors in a long-term plan, if the development programmes cannot be carried out in a political climate of security guaranteeing continuity for the plans. Hence, there must be conditions propitious to the making of the necessary changes and the establishment of the sense of community in which citizens can enjoy the dignity that results from equality and freedom.

In that light, we feel that, because of the crises afflicting the Middle East region, the United Nations at this very stage must concentrate its efforts on regaining credibility and effectiveness for its resolutions, so that this international Organization can remain the refuge to which peoples and Governments turn to resolve their problems and their disputes. That is why the League of Arab States is absolutely convinced that the international resolutions adopted by the General Assembly must be implemented. So long as they remain unimplemented, this

(Mr. Maksoud, League of Arab States)

Organization's authority will suffer and finally there will be no difference, so far as legitimacy is concerned, between those submitting the resolutions and those defying them. A corollary to this is the need to codify the way in which these resolutions are implemented, so that the international community may be able to ensure that the objectives are attained - that is, security, peace and the right of peoples to self-determination.

We believe that the commemoration of the fortieth anniversary of the founding of the United Nations, which has brought so many Heads of State and Government here, proves that the eyes of the world are still on this international Organization as the best framework - in some ways, the ideal framework - for dealing with the problems of man's fate and the many challenges he has to face.

Within the League of Arab States we have constantly supported and made efforts to ensure the convening of an international peace conference under the auspices of the United Nations, as called for by the resolutions of the Arab Summit held in Fez in 1982. Those resolutions demonstrate, above all, our attachment to the option of peace and our conviction that the United Nations, which is the expression of an international consensus, is the framework and the machinery through which that contributions should be made to the strengthening of peace, not only in the Middle East region but throughout the world.

We are working within the framework of the United Nations to ensure that peace prevails. That is clearly reflected in the resolutions of the Fez Summit. We believe that the so-called obstacles can be removed if the summit conference to be held between Mr. Gorbachev and Mr. Reagan succeeds in establishing the propitious climate for the convening of the international peace conference. If the obstacles to the convening of that conference are removed, then every effort must be exerted



(Mr. Maksoud, League of Arab States)

in preparing for the conference, in order that it may achieve fruitful and beneficial results. The conference should give concrete form to the consensus of the international community on such obvious and elementary truths as the right of the Palestinian people to self-determination and to establish its own independent State on its national territory, as well as the necessity for full Israeli withdrawal from all the occupied Arab territories, including Jerusalem.

Those elementary truths are not simply legitimate Arab demands: they are the demands of the international community, given concrete form in United Nations resolutions. Hence, Arab legitimacy and international legitimacy coincide, which is full confirmation of our respect for international legitimacy and international legitimacy's respect for our legal rights, both at the national level and at the level of the Arab nation.

We fervently hope that we shall have an opportunity to make full use of this moral capital based on the renewed recognition by the international community of the need for and importance of the United Nations. The League of Arab States and its specialized bodies must co-operate with the United Nations in ways that give concrete shape to the provisions of the Articles of the Charter. The League of Arab States is committed to that goal, and we hope that the adoption by the Assembly of the present draft resolution will be a positive element in ensuring the complementarity of responsibilities under the charter of the League of Arab States and the Charter of the United Nations.

The PRESIDENT (interpretation from Spanish): I call on the representative of Israel, who wishes to explain his vote before the voting.

Mr. BEIN (Israel): In past years the Assembly has adopted resolutions regarding co-operation between the United Nations and the Arab League. Those resolutions mention co-operation concerning the realization of the purposes and principles of the Charter. My delegation believes, however, that the Arab League's activities are in direct contradiction of the Charter. The Arab League's call to strengthen its co-operation with the United Nations will, in fact, only weaken the principles upon which the Charter is based.

The entire history of the Arab League is made up of continuous dedication to the idea of united Arab action aimed at the eradication of Israel. From its inception in 1945 the Arab League has consistently encouraged and directed the active negation of Israel's very existence and advocated an approach contrary to the principles of peace and security enshrined in the Charter.

I advise all representatives to read very carefully a publication they found today on their desks: The United Nations at Forty: An Arab Perception. It is an official publication of the League of Arab States and there is no better example and proof of its ideology: dissemination of hatred against my country and my people as a basic policy of the Arab League.

In striving to become the overall spokesman of the Arab countries, the Arab League has consistently nipped peace in the bud and strangled, at every opportunity, any attempt that might lead to peace in the region. Instead, it promotes intransigence and openly sanctions terrorism against the civilian population of Israel, including women and children. In fact, the Arab League offers its own facilities to terrorists seeking to carry out their operations against my country. It is no coincidence that the headquarters of both the Arab League and the PLO are found in the same city.

(Mr. Bein, Israel)

In addition to all this, the role of the Arab League in initiating an economic boycott against my country is well documented.

The thousands of dollars that are spent by the United Nations, first in pursuing so-called co-operation and then in organizing seminars and conferences to justify it, could surely be put to better use in other areas of need.

In view of the Arab League's complete and utter disregard of the fundamental principles of peace and security upon which this Organization is based, my delegation will vote against draft resolution A/40/L.7. It is bad enough that the draft resolution calls for United Nations co-operation with the Arab League. It is even worse that its intent is to strengthen that co-operation.

The PRESIDENT (interpretation from Spanish): The Assembly will now take a decision on draft resolution A/40/L.7.

A recorded vote has been requested.

A recorded vote was taken.

In favour: Albania, Algeria, Argentina, Australia, Austria, Bahrain, Bangladesh, Belgium, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Fiji, Finland, France, Gabon, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe

Against: Israel, United States of America

Abstaining: Ethiopia, Grenada

Draft resolution A/40/L.7 was adopted by 133 votes to 2, with 2 abstentions (resolution 40/5).\*

The PRESIDENT (interpretation from Spanish): I shall now call on those representatives who wish to explain their vote.

Mr. RUSI (Finland): I have the honour to speak on behalf of the five Nordic countries - Denmark, Finland, Iceland, Sweden and Norway.

The Nordic countries voted for the resolution just adopted, on the understanding that the elements with political implications, in particular, operative paragraph 4, are not relevant to the issue and obviously cannot prejudice the positions of the Nordic countries on the substantive matter referred to.

Mr. IMMERMAN (United States of America): The United States voted against the draft resolution because paragraph 4 requests efforts by the Secretary-General to implement previous General Assembly resolutions which the United States voted against. We cannot fail to vote against a draft resolution that includes a paragraph that is totally inconsistent with, and in fact opposed to, many of the fundamental policies of the United States Government.

My delegation also notes the concern of the United States that the costs of the joint sectoral meeting on human resources development envisaged for 1987, referred to in paragraph 7 (c), need to be absorbed within existing United Nations financial resources.\*\*

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\* Subsequently the delegation of Honduras advised the Secretariat that it had intended to vote in favour.

\*\* Mrs. Castro de Barish (Costa Rica), Vice-President, took the Chair.

Mr. PHILIPPE (Luxembourg) (interpretation from French): The 10 members of the European Community voted in favour of the resolution just adopted. However, we should like to take this opportunity to make some general comments.

During the past few years the General Assembly has had to face an increasing number of increasingly complex resolutions relating to co-operation between the United Nations and various organizations with observer status. The Ten are well aware of the advantages of such co-operation and were happy to associate themselves with words of support and encouragement for it within the context of the Charter.

(Mr. Philippe, Luxembourg)

The Ten prefer resolutions of this nature to deal with co-operation in terms that avoid divisive elements.

In connection with paragraph 4 of draft resolution A/40/L.7, relating to co-operation between the United Nations and the League of Arab States, the Ten drew the Assembly's special attention to the fact that we should not prejudice the role of the Secretary-General and would recall that we have not supported all the resolutions referred to in that paragraph.

Mr. SEIFU (Ethiopia): If the draft resolution on this item had not been put to the vote, the Ethiopian delegation would have gone along with its adoption. Since it was put to the vote, however, we were compelled to abstain, owing to our difficulties with the League of Arab States.

As is well known, Ethiopia is not a member of that organization, but, at the instigation of one of its members and in spite of the strong reservations of some of its members, that organization has on a number of occasions adopted resolutions that are detrimental to the national unity and territorial integrity of Ethiopia.

This situation gave my delegation no alternative but to express its reservations on the co-operation between the United Nations and the League of Arab States by abstaining in the vote on the resolution just adopted.

Mr. POTTS (Australia): Australia is a strong supporter of instruments of regional co-operation and of co-operation between such bodies in the United Nations. We have been pleased to see from the report of the Secretary-General before us the wide-ranging co-operation between the League of Arab States and the United Nations. For these reasons we voted for the draft resolution before the Assembly.

I wish, however, to place it on record that the wording of paragraph 4 causes difficulties for my delegation.

Ms. GERVAIS (Canada) (interpretation from French): Canada voted in favour of draft resolution A/40/L.7. However, my delegation would like to state that it has reservations on paragraph 4, because we did not support all the resolutions referred to in that paragraph as requiring implementation.

Mrs. HALLIDAY (New Zealand): We voted in favour of the draft resolution because of our support for the promotion of co-operation between the League of Arab States and this Organization. We have reservations about some aspects of the resolution, however - in particular paragraph 4. I want to place it on record that our vote does not signify any change in our position on matters that are not relevant to this resolution.

Mr. ASHUR (Libyan Arab Jamahiriya) (interpretation from Arabic): My delegation's vote in support of the draft resolution does not mean recognition of the Zionist entity. We have reservations on paragraph 4.

Mr. CLOUDEN (Grenada): My delegation abstained in the vote on the draft resolution by virtue of difficulties we have with the provisions of paragraph 4.

The PRESIDENT (interpretation from Spanish): We have completed our consideration of agenda item 26.

The meeting rose at 12.35 p.m.