



President: Mr. Jorge E. ILLUECA (Panama).

### AGENDA ITEM 25

#### Question of the Falkland Islands (Malvinas): report of the Secretary-General (*concluded*)\*

1. Mrs. CARRASCO MONJE (Bolivia) (*interpretation from Spanish*): The people and Government of Bolivia have constantly and faithfully supported the Argentine cause in regard to its claim of sovereignty over the Malvinas Islands. This support does not stem from a mere rhetorical solidarity between two sister peoples linked by geography and history; rather, and above all, it stems from the conviction that there are no legal, political or moral bases for continued possession by the United Kingdom of these islands, which were occupied by the use of force.

2. We maintain that the British occupation of the Malvinas Islands constitutes a vestige of colonialism which must be removed. The Government of Bolivia hopes that the United Kingdom will accept the General Assembly resolution in which the occupation of these islands is declared to be a colonial situation subject to the Trusteeship System and the principles of resolution 1514 (XV) must therefore apply to it. While I am at this rostrum, I take the opportunity of reminding the Assembly that Bolivia worked with the rest of Latin America to ensure the adoption of resolution 1514 (XV), in the preamble to which the General Assembly recognized that "all peoples have an inalienable right to complete freedom, the exercise of their sovereignty and the integrity of their national territory". We maintain that self-determination is thereby granted to the original population of a Territory and that in no case can this be converted into a right of inhabitants, or their descendants, artificially implanted by a Power that removed the original population by force of arms in order to consolidate its territorial aggression. We fully understand the concern of the United Kingdom about the fate of the population of the islands. We are convinced, however, that the well-being and happiness of that population will not be affected by the return of the Malvinas Islands.

3. I do not believe it is necessary at this time to go into the historical and legal background of the problem, since that has been done with great clarity by the representatives who have already spoken.

4. I express my gratitude to the Secretary-General for the efforts he has made in fulfilment of General Assembly resolution 37/9, and I regret that so far, as we note in document A/38/532, the negotiations have not resumed.

5. At the thirty-seventh session [84th meeting], the President of Bolivia stated in this Assembly that the reintegration of the Malvinas Islands into the Argentine Republic was a continental and international cause. I would add that if this dispute is to be solved in accordance with the

principles of the Charter of the United Nations it is essential that the parties involved undertake negotiations aiming at a peaceful settlement. To that end, it is essential to use the good offices of the Secretary-General to enable a constitutional and democratic Argentina to meet at the negotiating table with the United Kingdom.

6. The Organization of American States, in its resolution 595, expressed its support for General Assembly resolution 37/9 and called on the Governments of the Argentine Republic and the United Kingdom to resume negotiations in order to find a peaceful solution to the sovereignty dispute as rapidly as possible.

7. The installation in the Malvinas Islands of military bases with a nuclear potential is a constant concern to Bolivia. We believe that this constitutes an affront not only to the Argentine Republic but also to the Latin American community and is a threat to international peace and security.

8. As a country that is a sponsor of draft resolution A/38/L.12, Bolivia is convinced that the Governments of Argentina and the United Kingdom will reach an agreement that will make it possible to find a just and lasting solution, in conformity with the principles of international law.

9. Mr. ALBÁN-HOLGUÍN (Colombia) (*interpretation from Spanish*): The return to Argentina of effective sovereignty over the Malvinas Islands is a cause supported by all Latin America, including Colombia.

10. It is well known that the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in resolution 1514 (XV), was a basic landmark and a decisive instrument in the decolonization process. In the context of that resolution, the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples considered the question of the Malvinas Islands for the first time in 1964. On that occasion Argentina, with indisputable justification, demanded the re-establishment of its territorial integrity through the return of the Malvinas Islands. It maintained that the indiscriminate application of the right to self-determination to Territories inhabited by nationals of the colonial Power that had occupied those Territories illegally, by force, should not be used to transform illegal possession into full sovereignty. It stated also that it took into particular consideration the material interests and the well-being of the population of the islands.

11. The recommendations and conclusions adopted by the committee on decolonization were repeated by the General Assembly in its resolution 2065 (XX), adopted by an overwhelming majority in December 1965. In that resolution the Assembly reiterated that an end must be put everywhere to colonialism in all its forms; it noted the existence of a dispute between Argentina and the United Kingdom concerning sovereignty over the Malvinas Islands; and it invited the two parties to proceed without delay to negotiations, bearing in mind the provisions and objectives of the Charter of the United Nations and the interests of the population of the islands.

\*Resumed from the 57th meeting.

12. The General Assembly established very clearly the existence of a dispute over the sovereignty of the Malvinas Islands, specified that there were only two parties involved in that dispute, the Governments of Argentina and the United Kingdom, and requested both countries to proceed, without delay, with negotiations as the only way of putting an end to the colonial situation in that territory, setting aside the application of the right to self-determination, bearing in mind paragraph 6 of General Assembly resolution 1514 (XV), which states:

“Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations.”

13. On the basis of that resolution, the two countries agreed to hold conversations, which took place in London in July and November 1966 and continued in 1967. In August 1968, the two delegations drew up the final text of a memorandum of understanding which established the recognition of Argentine sovereignty on the part of the United Kingdom, as soon as the guarantees and safeguards—which the Argentine Government undertook to provide to the island population—were considered satisfactory. The United Kingdom, however, rejected the memorandum, and this rejection brought the negotiations to a standstill for five years.

14. Various resolutions have been adopted since that time. In December 1973, the General Assembly adopted resolution 3160 (XXVIII), in which it stated its concern over the lack of substantial progress, and declared once again the need to accelerate the negotiations between the two Governments. All these documents, in their operative part, recall the respect for the territorial integrity of Argentina.

15. In similar terms, General Assembly resolution 31/49, adopted in 1976, for the first time reflected the decisions taken by the Non-Aligned Movement, a Movement which since 1975 has given its unfailing support to Argentina's claim for the restitution of a territory of which it had been robbed.

16. The opposition to colonialism is a constant element in the foreign policy of Colombia. No substantive reasons, no considerations of defence, no argument, however plausible, could be advanced to persuade modern man that it is acceptable to maintain colonialist enclaves anywhere in the world. Indeed, the logic of the historical and political past has always pointed to and will finally result in their total elimination.

17. The work of the United Nations in the historical process of eliminating colonial empires has been very fruitful. This stems from the letter and the spirit of the Charter and meets one of the great aspirations of the international community. Both in the United Nations and in the regional organization of the American States, Colombia has defended the principle of the non-use of the threat or use of force in international relations, and of the peaceful solution of disputes between States. Our delegation is concerned with the intention to establish permanent military bases and installations in the islands, because this may lead to inadmissible proposals for a prolongation of the colonial situation that will convert these bases into part of a global strategic system and create a further source of East-West confrontation, in open violation of the resolutions of the General Assembly and of international treaties in force for Latin America, and in conflict with the interests, the aims and the wishes of the peoples of Latin America. We are still convinced that a peaceful agreement is possible through constructive negotiations directed to a just, lasting and satisfactory

solution for both parties. But the present situation, originating in and maintained by force of arms, is completely unacceptable.

18. In this legal and political context, and in accordance with the policy established by the United Nations for the decolonization of the Malvinas, all the Latin American countries, in complete solidarity, have sponsored, as they did last year, a draft resolution which reaffirms the relevant resolutions of both the General Assembly and the Security Council [A/38/L.12].

19. The elements contained in this draft resolution seek to put an end to the dispute through negotiation, the only possible way to solve the present claim for sovereignty which exists between Argentina and the United Kingdom. The Secretary-General is requested to continue his renewed mission of good offices in order to assist the parties on the basis of the resolution.

20. The Colombian delegation has listened with keen sympathy to the statement made by the Minister for Foreign Affairs of Argentina on the “peaceful negotiating will of the Argentine people” [54th meeting, para. 68], which constitutes the best reaffirmation of the application of international law and the peaceful and legal procedures it provides for settling all controversies in our time. At the discussion during the 57th meeting, references were made to the statements of the President-elect of Argentina, Mr. Alfonsín, in which he fully supported the views expressed by the Minister for Foreign Affairs. This is a position which fully coincides with the unfailing policy of the Colombian Government on this particular item.

21. The case of the Malvinas Islands is of particular interest, not only for Latin America but for the whole international community, since this is a question of showing that through bilateral negotiations conducted in good faith, it is possible to arrive at a solution based on justice. And if the British delegation so warmly welcomes the unobjectionable democratic process in Argentina, then, to be logical, they should offer the new Government the opportunity of resuming negotiations in order to restore the situation that prevailed in 1968 when the delegations of the United Kingdom and Argentina were indeed negotiating about Argentina's sovereignty over the islands.

22. Thus it cannot be claimed, as the representative of the United Kingdom tried to do, that there are any differences between the statement of Mr. Aguirre Lanari, the Foreign Minister, and the position of the new Government on this fundamental aspect. Legal solutions of bilateral disputes have a demonstration effect for others; they show that the rule of law is indivisible, that is, it can be invoked in all circumstances and in any geographical region of the world. The opposite is true of the use of force, which is in every case a bad precedent in terms of what the international community is seeking. It is not simply a matter of starting the negotiating processes, but also of bringing them to a successful conclusion, of showing that it is possible, through the will of the parties involved, to arrive at viable legal solutions which, as in the present case, reflect the irreversible and universal trend towards decolonization, one of the causes to which the United Nations has given its most vigorous support since it was founded.

23. An agreement on the Malvinas Islands would prevent other problems arising concerning Antarctica, a subject with which we must also deal in the next few days. Let us not forget that those countries that are closest to the Antarctic continent have claims upon that immense territory and the proximity of the Malvinas Islands cannot but convince us that all these matters must be settled, because an act of force, however long ago it took place,

crime against God and humankind. But I cannot but express my dismay that, even after the architects of that Constitution proclaimed their determination that the African majority would never be allowed to participate in the supreme councils of their nations, some Governments argued that this monstrous Constitution could pave the way to evolutionary and peaceful change towards recognition of the sacred rights of the African people.

23. Neither the racist régime nor its indulgent god-fathers, who have resisted all peaceful means provided for in the Charter of the United Nations to put an end to the conflict in southern Africa, can be allowed to wear the mantle of peace. Africa, in concert with the national liberation movement, has pleaded for decades for peaceful international action to avert the conflict in South Africa and to promote a non-racial democratic society for all the peoples of the country, including the so-called white people, for they too are God's children and adopted children of the African continent.

24. We recall many martyrs of all racial origins who have given their lives for peace with justice, for there can be no peace without justice in South Africa. I have no doubt that the people of South Africa will not fail to resist the ungodly Constitution which the racist régime seeks to impose on them. I have every faith that the so-called Coloured people and the people of Asian origin will stand shoulder to shoulder with the African people and all men and women of conscience, for they have pioneered in the struggle against racism in South Africa under the guidance of Mahatma Gandhi, Mr. Abdur Rahman and other eminent leaders.

25. Early in this century, when Mahatma Gandhi was leading the people in South Africa in passive resistance against evil, Leo Tolstoy, the great Russian philosopher, wrote to him as follows:

“And so your activity in Transvaal, as it seems to us at the end of the world, is the most essential work, the most important of all the work now being done in the world, and in which not only the nations of the Christian but of all the world will undoubtedly take part.”

26. In that spirit, I make a special appeal to the Western Christian nations to do their duty to the oppressed people of South Africa, who have borne the cross for too long. I ask them to lend their sincere support to the Programme of Action against *Apartheid* which has been presented to the Assembly by the Special Committee against *Apartheid* [A/38/539].

27. The Special Committee against *Apartheid*, over which I have had the great privilege and honour to preside for the past two years, has always recognized that the problem of *apartheid* represents a great moral and human issue, and it has therefore appealed for action by Governments as well as peoples. I would like to pay a tribute to the many Governments which have made sacrifices in support of the cause of freedom in South Africa. I commend the many entertainers, sportsmen and others who have rejected tempting offers of millions of dollars of blood money from the *apartheid* devil. The Special Committee has stepped up its efforts to mobilize artists, writers, sportsmen, religious personalities and others in the international campaign against *apartheid*. Next week we shall be going to Paris for an exhibition of original works of art contributed by 85 of the greatest creative artists of our time as an expression of concern for the oppressed people of South Africa and in trust for a free and democratic South Africa. I wish to express my utmost gratitude to them.

28. Since this will be my last statement in the General Assembly as Chairman of the Special Committee against

*Apartheid*, I wish to express my great appreciation to all the members of the Special Committee for their devotion to the cause of freedom in South Africa and their loyalty to the principles of the United Nations. The Special Committee has earned the respect of Governments and numerous organizations, as well as of the millions of oppressed people of South Africa and their innumerable friends around the world, by its tireless activities, and I am proud to have been associated with it.

29. I must at the same time express my gratitude to the Secretary-General for his unfailing support and counsel and for his contribution to the cause of peace and freedom in southern Africa.

30. It would be remiss of me not to put on record my admiration for the dedicated services of the staff of the Centre against *Apartheid*, headed by Mr. Reddy, and also to the many other officials of the United Nations, both at Headquarters and abroad. I have no doubt that with their continuing support the Special Committee will remain a powerful symbol of the commitment of the United Nations to the people of South Africa.

31. I should like to conclude with the pledge that I shall continue to make my humble contribution in the struggle against racism and for peace, in Africa and in the world, under the auspices of this great Organization.

32. Finally, may I repeat to the United Nations, in which my country, Nigeria, has great confidence, a statement which I made when I first appeared before the Organization two years ago. I repeat the statement because I believe it is as important today as it was then, if not more important: “The world can never be governed by force, never by fear, even never by power; in the end nothing governs but the spirit, nothing conquers but the mind.”

33. The PRESIDENT (*interpretation from Spanish*): I now invite the Rapporteur of the Special Committee against *Apartheid*, Mr. Gervais Charles, of Haiti, to present the report of the Special Committee.

34. Mr. G. CHARLES (Haiti), Rapporteur of the Special Committee against *Apartheid* (*interpretation from French*): I have the honour to present the annual report of the Special Committee against *Apartheid* [A/38/22], as well as a special report on the recent evolution of relations between Israel and South Africa [A/38/22/Add.1]. These reports are submitted to the General Assembly in accordance with its resolution 37/69 of 9 December 1982. The annual report includes a summary of the work of the Special Committee, and its conclusions and recommendations, as well as an examination of the situation in South Africa during the past year. It also contains a list of documents published during this period by the Special Committee. As to the report on relations between Israel and South Africa, it presents new evidence of collaboration between those two States.

35. The annual report clearly establishes that there is a serious situation in South Africa at present, which has in no way improved during the past year. The *apartheid* régime continues to ignore the legitimate desires of the black population of South Africa for the establishment of a democratic non-racial society based on majority rule and recognizing the right of all to full participation in the life of the nation, regardless of race, colour or national origin. In order to maintain the *status quo*, the *apartheid* régime continues its policy of repression against blacks who, despite the rights conferred upon them by their birth on South African soil, are subjected to a series of prohibitions and appalling discrimination regarding their place of residence, conditions of employment, housing, education and other services. Thus there is no

cannot in any way constitute a right for those that committed it.

24. It is with great happiness, admiration and respect for the great Argentine nation that we have noted the extremely important decision to restore institutions based on the vote of the people in elections in which all opinions were freely reflected.

25. Democracy is negotiation, conciliation. The re-establishment of diplomatic relations desired by the British representative is the first step towards the solution of the problem of the Malvinas, which will increase respect and admiration in Latin America and throughout the world community for the United Kingdom, while creating a new hope with regard to the effectiveness of the United Nations. Argentina is justified in hoping that its decision will help it to find the way to happiness and peace so that it may channel its immense energies and the virtues of its people towards the leadership it deserves.

26. The Government and people of Colombia would like to take this opportunity to congratulate the Government and people of Argentina on this happy development and to assure them of our solidarity as we wish them a glorious and promising future.

27. Mr. URBINA ORTEGA (Costa Rica) (*interpretation from Spanish*): The item which is once again before the General Assembly is a subject of concern within the international community. Over the years the situation in the Malvinas has been considered by the United Nations to fall legally within the category of colonial situations. To be more precise, the ninth Inter-American Conference, held at Bogota in 1948, through its special committee, characterized the British presence in the Malvinas as territorial occupation by an extracontinental Power.

28. The Inter-American Conference attempted to establish an American doctrine of decolonization. In this doctrine a distinction was made between European colonies or possessions in America and occupied territories. The distinction is relevant, since in one case the guiding principle should be the self-determination of the people submitted to colonial domination, while in the other case the guiding principle should be territorial integrity. In accordance with this doctrine, the Americans, at their meeting 35 years ago, considered that the case of the Malvinas was one of territorial occupation, because of the specific circumstances which since 1833 have attended the British presence in these islands: on the one hand the occupation by force of a territory geographically and legally linked to Argentina, and on the other the incontestable fact that in occupying this archipelago by force, England did not consult the local population, but simply expelled it. When the expulsion had been completed, a totally British population was transferred to occupy the islands. Subsequent developments totally excluded the participation of any non-British people. On the basis of these facts the Inter-American Conference described the situation in the Malvinas as territorial occupation.

29. Furthermore, even if we consider this in the perspective within which England has considered this territorial dispute since 1946 and describe the British presence as colonization, the Argentine thesis is correct. It is correct, as endorsed by American international law, because in the context of General Assembly resolution 1514 (XV) the principle of territorial integrity takes precedence over the principle of self-determination, the latter being unacceptable in the case of the Malvinas.

30. For the international community and for Costa Rica it is clear that the peaceful settlement of the dispute must take into account the interests, not the desires, of the inhabitants of the islands. We are sure that the thousands

of millions of pounds which England proposes to pour into the Malvinas in the coming years would be more than sufficient to satisfy those interests. We are also sure that Argentina, especially the democratic Argentina of today, would not be insensitive to the interests of the islanders. What is threatened is not the interests of the islanders but the inalienable rights of the Argentine people and Argentine territorial integrity.

31. For the past 19 months the British Government has emphasized the use of force by Argentina and its own defence of what it considers to be the right of the inhabitants of the islands to determine the future status of the archipelago. It has done so to obscure the inescapable fact that the crux of the dispute that has been going on for a century and a half has always been the sovereign rights over the Argentine territory of the Malvinas Islands.

32. Acceptance of the thesis that the territorial dispute concerning the Malvinas should be solved through self-determination by the islanders would amount to agreeing that the United Nations should appoint British nationals to be the final judges in a territorial dispute between Argentina and the United Kingdom.

33. Eighteen years ago, the international community as represented in the United Nations adopted draft resolution 2065 (XX), in which it characterized the status of the archipelago as a colonial situation and recognized that a dispute concerning sovereignty existed. At the same time it identified Argentina and the United Kingdom as the parties involved and said that they should find a peaceful solution to the dispute.

34. In keeping with what has so far been established and endorsed on various occasions by the international community, the countries which are sponsoring draft resolution A/38/L.12 have reiterated the appeal to the parties to this territorial dispute to resume negotiations to end by peaceful means the dispute. We understand the difficulties involved in trying to forget the painful after-effects of the war last year, but we are convinced that both nations will be wise enough and will find the moral strength to overcome their feelings and fulfil their commitments in accordance with the spirit and the letter of the Charter of the United Nations. I am sure that through dialogue and negotiation they will be able to end the dispute and thus enhance the credibility of the United Nations as an instrument for the promotion of peace and the establishment of a civilized and rational international order.

35. Mr. de PINIÉS (Spain) (*interpretation from Spanish*): The question of the Malvinas Islands, which the General Assembly is once again considering, falls squarely within the framework of decolonization. My Government has had occasion to speak on the item both before the General Assembly and in the Security Council, and its position is well known.

36. There is therefore no need for me to reiterate the historical and legal bases on which Argentina's aspiration to recover its sovereignty over the Malvinas is founded and to which other delegations have made reference. I should merely like to recall that at the very moment it gained independence Argentina inherited, with no break in continuity, the territorial jurisdiction and sovereignty which since the sixteenth century had been exercised by the Spanish Administration. At no time did the new State renounce that right. When the United Kingdom occupied the islands militarily in 1833 the Argentine Administration demanded, as it has continued to do since that time, restitution of its territories.



37. This historical and legal basis is well known, as is the doctrine established by the United Nations to put an end to the colonial situation in the Malvinas Islands.

38. This matter was considered by the committee on decolonization in 1964. Within the framework of the principles of decolonization and the special body established in connection with General Assembly resolution 1514 (XV), Argentina once again called for the re-establishment of its territorial integrity. Argentina invoked paragraph 6 of resolution 1514 (XV) in adducing that it was not possible to implement the right of self-determination in a Territory illegally occupied by force and from which the colonial Power had in fact expelled the indigenous population and replaced it with its own nationals.

39. The Special Committee in the first instance and the General Assembly later echoed that argument. Resolution 2065 (XX), after referring to the content of resolution 1514 (XV), noted the existence of a dispute between the Government of Argentina and the United Kingdom concerning sovereignty over the Malvinas and invited both parties to proceed without delay with negotiations, bearing in mind the provisions and objectives of the Charter of the United Nations and the interests of the population of the islands.

40. Since that time the General Assembly, in various consensuses with regard to the item and in resolutions 3160 (XXVIII), 31/49 and 37/9, has reiterated and consolidated that doctrine, which proclaims, with regard to the Malvinas Islands, the primacy of paragraph 6 of resolution 1514 (XV), namely, the principle of territorial integrity. The Assembly has thus firmly established that the solution to this colonial problem must be found through negotiations on the sovereignty dispute between the two parties, Argentina and the United Kingdom, while respecting the interests of the population.

41. In this context, the Spanish Government, which has always opposed the use of force as a means of settling international controversies, has defended in the Assembly and in the Security Council the need to solve this conflict through peaceful negotiations and on the basis of respect for the territorial integrity of the Republic of Argentina in such a way as to safeguard at the same time the legitimate interests of the inhabitants of the islands, in accordance with the relevant United Nations resolutions.

42. As the Minister for Foreign Affairs of Spain stated at the twelfth meeting of the current session, during the general debate: "In the South Atlantic, in the Malvinas, a source of tension continues to fester, impeding relations of all kinds, not merely between the countries directly involved but also between Western Europe and Latin America." [12th meeting, para. 258.]

43. Spain, at a time when many serious conflicts continue to threaten peaceful co-operation between States, on this continent as on others, believes that the most elementary good sense demands that the parties involved enter as rapidly as possible into negotiations to find a peaceful solution to this sovereignty dispute.

44. The United Nations has clearly established the framework, and today the General Assembly has before it draft resolution A/38/L.12 in which, after recalling the relevant General Assembly and Security Council resolutions, it reiterates its request to the Governments of Argentina and the United Kingdom to resume negotiations in order to find as soon as possible a peaceful solution to the sovereignty dispute relating to the question of the Malvinas Islands.

45. The Spanish delegation will vote in favour of the draft resolution in the hope that the expressed will of the

General Assembly will finally open the door to a genuine negotiating process.

46. At a time when the Argentine people have freely chosen to return to their true democratic tradition it is the duty of the international community to foster that promising process by eliminating the long-standing hotbed of tension created by the undue prolongation of the colonial situation in the Malvinas Islands.

47. Mr. GOLOB (Yugoslavia): The problem of the Malvinas Islands constitutes one of the numerous hotbeds of crisis that remain unsolved, contributing to the present grave deterioration of the international situation. With new crises erupting and existing ones not being extinguished, peace and security in the world suffer.

48. The long-standing unresolved dispute between Argentina and the United Kingdom regarding the question of sovereignty over the Malvinas Islands escalated last year into an armed conflict. The international community was stunned, and until the last moment it hoped that conflagration would be averted.

49. The scars that the conflict left have not been healed and are acutely felt in the relations between those two Member States of the United Nations. The use of force has never solved and does not ever solve the problem.

50. In addition, the tension in the area of conflict continues, providing fertile ground for possible future negative implications for peace and security in the area of the South Atlantic and elsewhere.

51. The urgency and the gravity of the crisis were immediately recognized once the conflict erupted and the international community undertook to maintain peace and to solve the problem. The Security Council adopted resolutions 502 (1982) and 505 (1982), while the General Assembly adopted resolution 37/9.

52. General Assembly resolution 37/9 contains, in the view of the majority of Member States, including Yugoslavia, all the fundamental principles upon which a just and lasting solution to the problem of the Malvinas Islands should be based. Starting from the fact that this territory is on the list of non-self-governing territories of the committee on decolonization, it stresses that the maintenance of colonial situations is incompatible with the United Nations ideal of universal peace. It requests the two Governments to find as soon as possible a peaceful solution to the sovereignty dispute through negotiations, with the assistance of the Secretary-General, taking due account of the interests of the population. Previous relevant resolutions of the General Assembly are recalled, as well as the principles of the Charter of the United Nations concerning non-use of force and peaceful settlement of international disputes.

53. This indeed constitutes the only possible, acceptable and realistic way to solve the problem. Further confirmation of this view was given at the Seventh summit Conference of Non-Aligned Countries, held in March this year in New Delhi, where Heads of State or Government expressed themselves in favour of the same procedure and the same principles. They reiterated their firm support for the right of Argentina to have its sovereignty over the Malvinas Islands restituted through negotiations and they urged that these negotiations between the Government of Argentina and the Government of the United Kingdom be re-opened with the participation and good offices of the United Nations Secretary-General, and they reaffirmed the need for the parties to take due account of the interests of the population of the islands.

54. The report of the Secretary-General [A/38/532], in pursuance of resolution 37/9, shows that in spite of his renewed mission of good offices and the extensive

exchanges that he has had with the two Governments concerned, there has been no resumption of negotiations between Argentina and the United Kingdom.

55. That is indeed regrettable, for my delegation believes that the longer the problem remains without any concrete steps being taken towards its solution, the more difficult it may be to solve it. I have already pointed out some of the negative implications of the prolongation of the existing situation, and I believe that neither country stands to benefit from it. The possibility of the situation becoming part of global strategic designs can only introduce further problems with wider implications to an area where a prompt solution of the basic problem would be in the best interests of both countries.

56. In our view, negotiations between Argentina and the United Kingdom should be resumed as soon as possible. For the negotiating process to be successful it needs to take into account all facts and all interests, particularly the rights of Argentina as well as the interests of the population of the islands. The principles of the Charter and earlier decisions of the United Nations should also be strictly adhered to.

57. Yugoslavia will vote in favour of the draft resolution because, like the resolution adopted last year, it contains both the method and the principles on which a negotiated solution can best be based.

58. Mr. CHAMORRO MORA (Nicaragua) (*interpretation from Spanish*): There are situations and political forms of behaviour which no longer fit in today's constantly changing modern world, where science and technology have made conquests in fields which, only a few decades ago, constituted mere flights of man's fantasy. In keeping with the development of society, we should stamp out from their very roots those attitudes which, not by mere chance, constitute a dangerous and insidious spectre, and which are present in the geo-political atmosphere selected by their advocates and defenders. We refer to colonialism, neo-colonialism, imperialism, zionism and *apartheid*. All these are forms of behaviour that we condemn, and the bitter fruits of which are oppression, subjection, constraints on the freedom and self-determination of peoples and limitations on the sovereignty and territorial integrity of nations.

59. One of the areas of the world where one of these forms of behaviour—colonialism—is apparent is to be found in the Malvinas Islands, the overriding and permanent target of the Argentine nation, which was seized from it in 1833 by the British military forces which expelled the Argentine authorities and population. That violation of its territorial integrity was never accepted by the Argentine Republic which has consistently maintained its claim to recover its usurped territories. This illegitimate possession cannot in any circumstances be converted into full sovereignty. Indeed, if this were possible, in another form of logic the United States could be expected similarly to extend its full sovereignty to the invaded island of Grenada, thus converting occupation by force into a way of acquiring territory and into a source of sovereign rights limited only by the extent to which force is used. This behaviour takes us back to remote historical times and is unworthy of a country which for many reasons has been in the forefront of Western civilization.

60. As we have said, these forms of behaviour usually go hand in hand. Let us go back to 1982. In view of Argentina's position on the restitution of its sovereignty, British colonialism and North American imperialism joined forces, the former by a disproportionate use of force claiming rights it did not have, and the United States by allowing overt and covert use of its installations,

military resources and espionage facilities. A justified attempt at restoration of sovereignty, in every way different from imperialism's action against Grenada, condoned by colonialism, was thus condemned and opposed by imperialism and colonialism.

61. Nicaragua's position and the full support of our people for the cause of the people of Argentina in restoring their full sovereignty over their usurped territory remain unchanged. Similarly, Argentina's claim continues to have the firm support of the peoples of the third world.

62. The non-aligned countries have on various occasions expressed their support for the Argentine Republic in this sovereignty dispute. In Lima, Havana, Colombo, New Delhi, New York and Managua our Movement has always stood beside Argentina in its anti-colonial cause. The summit Conference held at New Delhi last March stated with regard to the item before us:

“The Heads of State or Government reiterated their firm support for the Republic of Argentina's right to have its sovereignty over the Malvinas Islands restituted through negotiations. They urged that these negotiations between the Governments of Argentina and the United Kingdom be reopened with the participation and good offices of the United Nations Secretary-General and reaffirmed the need for the parties to take due account of the interests of the population of the Islands. This would ensure a speedy, peaceful and just solution to the question in conformity with the principles and decisions of the Movement of Non-Aligned Countries on the subject and with United Nations General Assembly resolutions 1514 (XV), 2065 (XX), 3160 (XXVIII), 31/49 and 37/9.” [A/38/132, annex, sect. I, para. 156.]

This was repeated at the meeting of Ministers and Heads of Delegation of the Non-Aligned Countries, held in New York in October this year [A/38/495].

63. We are deeply concerned, and share the pessimism and discouragement of our Argentine brothers, over the lack of will to negotiate on the part of the United Kingdom. The Secretary-General's report on the matter does not need to be long in order to be eloquent. As it suggests, it is important that we note the statements made by the parties in the general debate. In those statements we find a repeated willingness by Argentina to enter into negotiations, and we note the efforts it has made to that end. On the other hand, the United Kingdom has shown by its behaviour a very different attitude. First, with the skill that characterizes its diplomacy, it has continued to advance a series of arguments which at this juncture are seen to be without foundation. It refuses to recognize that the substance of the disagreement is a “sovereignty dispute”, thus taking a stand totally contrary to that adopted by the majority of the international community, set out in various resolutions adopted by the General Assembly and in the statements to which I have already referred. Nor do the alleged rights to self-determination of the population of the islands constitute a valid argument. That argument is based on an erroneous interpretation of resolution 1514 (XV), which states clearly in paragraph 6 that:

“Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations.”

The resolution also makes the exercise of self-determination conditional upon a situation of alien subjugation, domination and exploitation, which is hardly the case in the Malvinas.

64. The persistence of the colonial situation in the Malvinas Islands is not only an affront to the dignity of Latin America but is, as the General Assembly has stated in the past, incompatible with the United Nations ideal of universal peace. The threat to international peace and security represented by this continued illegal occupation can be appreciated if we note that since 1981 the United Kingdom has carried out feverish military activity on the islands. Latin America will not forget that the United Kingdom deliberately violated the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco) [resolution 2286 (XXII)] by introducing and keeping nuclear weapons in the region. We are most concerned by the fact that the United Kingdom has now embarked on the construction in the territory of a huge military base, whose purpose is obviously not the protection of the United Kingdom, which is thousands of miles from the islands, but rather to ensure the continuation of the islands' military association with imperialism and to ensure a powerful, aggressive military presence for use whenever the vital interests of any of those concerned are, in their eyes, threatened.

65. More than 4,000 British military personnel now form part of the military population of the Malvinas, together with a disproportionate number of naval and air personnel. Furthermore, the United Kingdom has invested thousands of millions of dollars in building an airport and a military base to accommodate the whole of this warlike establishment.

66. The British press informs us that in the construction of this base the United Kingdom is counting on the co-operation and agreement of the racist regime of South Africa, with which it seems to be drawing up plans to police the South Atlantic.

67. The non-aligned countries, faced with the alarming British military build-up in the Malvinas Islands, stated:

“the Conference considered that the massive military and naval presence and the activities of the United Kingdom of Great Britain and Northern Ireland in the Malvinas Islands region are a cause for grave concern to the countries of the region and adversely affect stability in the area.” [A/38/132, annex, sect. I, para. 158.]

68. At the Meeting of Ministers for Foreign Affairs and Heads of Delegation of Non-Aligned Countries, held in New York from 4 to 7 October last this concern was reiterated. My Government considers that installations and military manoeuvres such as the threatened deployment of forces and the installation of military bases, constitute acts which should be prohibited in the South Atlantic. Indeed, they should be prohibited in the whole Latin American region, and particularly in our Central America, where imperialism is also seeking to perpetuate its dominion and to defend its strategic interests, imposing its will on Governments which have lost their dignity and which do not think of the future of their peoples.

69. It is quite clear to the international community that there has been a persistent failure on the part of the United Kingdom to comply with General Assembly resolution 37/9, and, to judge by the investments made by the occupying Power in the Malvinas Islands, this attitude is unlikely to change. We think that perhaps the plans of the United Kingdom and its partners contemplate the retention at all costs of this colonial enclave, which appears to have an overwhelmingly tempting range of strategic features. The strategic nature of the military constructions that the United Kingdom is carrying out in the islands compels us to reflect on the difficulty of reconciling the alleged readiness to negotiate with the decision to make long-term military investments.

70. Military activities such as those at present being carried out by the United Kingdom in this Argentine and Latin American territory, far from making any useful contribution, only make it more difficult to obtain the climate needed for a peaceful and negotiated settlement of the matter, and undermine the openness and good faith which should be the basis of any negotiating process. The United Kingdom understands that the restitution of the sovereign rights of Argentina over the Malvinas and the adjacent islands is a cause which remains unaffected by any change of government in this sister Republic, and is closely linked to the very substance of the nationhood not only of the one country of Argentina but of the whole great family of peoples, a cause espoused by the 400 million Latin Americans who inhabit that continent.

71. We would not wish to conclude without reiterating our constant solidarity with the Argentine nation in this just Latin American cause, in which we shall prevail, sooner rather than later.

72. Hence we want to convey to the people of Argentina the great joy of the people of Nicaragua on Argentina's return to the path of democracy. We wish their new leaders and the entire people of Argentina a future of work, peace and prosperity.

73. The PRESIDENT (*interpretation from Spanish*): I shall now call on those representatives who wish to explain their votes before the voting.

74. Mr. JOSEPH (Australia): The main lines of Australia's approach to the Falklands issue were expressed earlier this year in the Special Committee on the situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. Briefly, my country strongly supports the right of the islanders to be consulted about their future. Their views on what should happen to them, and when it might happen to them, are obviously very important. They are views which neither Britain nor Argentina could, or should, ignore.

75. I would also remind the Assembly of Australia's position on the events of April last year. Australia condemned the invasion of the Falklands, and it will continue to oppose any attempt to resolve the dispute by military means.

76. In sum, there has been no change in Australia's strong position of support for the right of the Falklanders to be adequately consulted about their future or in regard to our opposition to the use of force.

77. In turn, these are the measuring rods against which we have sought to test the draft resolution now before the Assembly. We have concluded that it is deficient in both respects. It would seem to brush over, or ignore, the events of 1982. It also reproduces, in our view, the same diffident language devised last year in the General Assembly regarding the rights of the Falkland Islanders to be consulted. It requires only that “due account” be taken of the “interests” of the population.

78. Australia continues to regard this formulation as inadequate. It is one which falls well short of the provisions of Article 73 of the Charter, which require that, in the administration of a dependent territory, the interests of the inhabitants should be paramount. The Falklanders may not be many, but they are not a contrived or ersatz people; they are a people whose roots in their homeland extend back in many cases to five generations or more. Their interests cannot simply be ignored or lightly dealt with. For those reasons, my delegation cannot support draft resolution A/38/L.12.

79. The foregoing notwithstanding, Australia also favours the resumption of contact and co-operation

between the United Kingdom and Argentina at the appropriate time. It is a matter of regret to my country and to my delegation that the climate for such resumption of contacts has been unfavourable. In our view, it now behoves each of the parties concerned to see what contribution each might make to improve the atmosphere.

80. That brings me to the future. We see opportunities here for both sides, largely deriving from the imminent establishment of a new democratically elected government in Argentina. We note that the President elect, Mr. Raúl Alfonsín, was one of the Argentine political leaders who in 1982 spoke out against the Falklands invasion. We note, too, that the British Government is prepared to re-enter a process of dialogue with the Argentine Government. We can naturally understand why the United Kingdom would be concerned about the direct linkage in the present draft resolution between negotiations and sovereignty. There can, of course, be no prejudgement of the results of resumed contacts. Yet, it is also necessary—and the United Kingdom and the Falkland Islanders no doubt have this in mind—that the Islanders should find their place in the South Atlantic in ways that can be accepted by their Latin American neighbours. In any event, it is Australia's hope that contacts between the parties, when renewed, will lead to a fair and just agreement on the future of the islands.

81. I have already said that my delegation cannot support draft resolution A/38/L.12, but nor can we vote against it, given those elements in it that look forward to a resumption of dialogue. It is for this reason that we shall abstain when the vote is taken.

82. Mr. van WELL (Federal Republic of Germany): The Federal Republic of Germany regrets that tensions still prevail between the United Kingdom and Argentina over the Falkland Islands (Malvinas). We have the closest partnership in the Atlantic Alliance and in the European Community with the United Kingdom. We have long-standing ties of friendship and co-operation with Argentina. We attach great importance to progress in their mutual relationship. Unfortunately, there has been no opening towards a settlement of their dispute since the last session of the General Assembly.

83. We hope the adverse effects of this continuing dispute will not cast a shadow over the relations between Latin America and Europe. This hope seems to be well founded, particularly in view of the recent political developments in Argentina.

84. My Government welcomes the establishment of a freely elected government in Argentina. The broadening of the democratic process will give new impetus to the close traditional ties with Western Europe. My Government is ready to develop relations with Argentina further and to co-operate with the new Government on a broad scale.

85. Furthermore, my Government earnestly hopes that determined steps towards a normalization of relations between Argentina and the United Kingdom will take place in the near future. We understand how difficult it may be to create an atmosphere of mutual understanding when the peoples of both countries still remember the tragedy of a recent armed conflict. Confidence-building measures in this phase are of the utmost importance. Therefore we fully support the view of the Secretary-General, set forth in his report [A/38/532], that the adoption of confidence-building measures could contribute to a normalization of the situation in the South Atlantic.

86. My delegation urges both parties in the conflict to give positive signs in order to open a dialogue aimed at

the establishment of negotiations which would lead to an improvement of the situation in that region.

87. However draft resolution A/38/L.12 causes us difficulties. Its text, as compared with last year's resolution on the same issue, remains virtually unchanged. It contains references and notions prejudging the negotiations between the parties directly concerned. The Federal Republic of Germany has never taken a position on the issues underlying the dispute. In the past we have abstained on draft resolutions that would have committed us to doing so. There is no persuasive argument now to change that attitude and to move in the direction of supporting one side of the argument. We shall, therefore, abstain on the draft resolution before us.

88. Mr. KOLBY (Norway): The Norwegian Government has on previous occasions expressed its concern over the dispute between the United Kingdom and Argentina on the Falkland Islands. Norway is deeply committed to the principles of the non-use of force and the peaceful settlement of disputes, as embodied in the Charter of the United Nations. Therefore it was a cause for grave concern when Argentina, one of the parties to the conflict, resorted to the use of force to resolve a dispute which was the subject of negotiations.

89. After the Argentine invasion in April 1982 many things were drastically changed, and we believe it is not possible to proceed as if the invasion had not happened. However, eventually long-term arrangements for the islands must be arrived at through negotiations between the parties concerned. Such arrangements must be in accordance with the Charter of the United Nations and must take full account of the principle of the right of self-determination of the peoples of Non-Self-Governing Territories.

90. Norway has welcomed the election of a democratic Government in Argentina. We regard it as a significant development with prospects for the future for the people of Argentina. It is also our hope that it could lead to a normalization of the situation in the South Atlantic.

91. Unfortunately, the draft resolution before us does not address important concerns which we believe it is essential to deal with in order to resolve the conflict. The draft resolution recommends for negotiation between the parties only the sovereignty dispute and not the many other issues and problems which we believe it is more important to solve at this stage.

92. Furthermore, the draft resolution does not make sufficient reference to the right of the inhabitants to self-determination. The peoples' right to self-determination is, after all, a guiding principle of the United Nations and should be properly reflected in all decisions and resolutions concerning Non-Self-Governing Territories.

93. For these reasons, my delegation will abstain in the voting on the draft resolution before us.

94. Mr. de LA BARRE de NANTEUIL (France) (*interpretation from French*): In the draft resolution submitted to the General Assembly we find some very positive elements. For instance, it insists on the absolute necessity of negotiation, which we believe is the only possible way of resolving the dispute. France believes that in all cases negotiation is preferable to the use of force. We note simply the existence of a sovereignty dispute and hope that the two countries will resume dialogue as soon as possible in order to find a lasting settlement by peaceful means.

95. We also wish to reaffirm our confidence in the Secretary-General. We shall continue to support any efforts he may make in using his good offices with the



parties to bring about the resumption of negotiations and a diplomatic solution of the conflict.

96. However, the text before us is in essence identical with that of last year. At that time I explained the legal reasons which led us to abstain. Those reasons remain valid today and compel us to maintain our position.

97. France, which has traditional ties of friendship with Argentina, welcomed with enormous satisfaction its return to democracy. The holding of completely free elections in a country in which the situation has been troubled for so many years was indeed an historic event and a source of great encouragement for the international community. In a message addressed to the President elect, Mr. Alfonsín, President Mitterrand paid homage to the "maturity and determination of the Argentine people", which "has been able to bring about a return to democracy and freedom". Argentina will thus once again become a land of justice and prosperity, and France will do everything in its power to lend it the support it has every right to expect.

98. My country is convinced that the election of a democratic Government in Buenos Aires can only give renewed hope for the solution, which we all desire, of the dispute we are discussing today.

99. Mr. LESETEDI (Botswana): Although we shall vote in favour of draft resolution A/38/L.12, we wish, nevertheless, to state that we do not share the view that the people of the Falkland Islands (Malvinas) are not entitled to exercise their right to self-determination, as suggested by the ninth preambular paragraph, which simply refers to taking due account of the islanders' interests. It is our duty to ensure that the sovereignty negotiations between Argentina and the United Kingdom do not turn out to be a colonialist conspiracy designed to compromise the future of the people of the Falklands (Malvinas). Since they are covered by Article 73 of the Charter, the islanders should be allowed the freedom to decide whether they wish to be on their own or become part of either of the two Powers now quarrelling over the sovereignty of the islands.

100. Our support for the draft resolution is support for the resumption of the negotiations which were disrupted last year by the invasion of the Falklands (Malvinas) by Argentina. Our vote should not in any way whatsoever be construed as encouraging Argentina to re-enact last year's invasion to try to settle by force what we all agree can and must be settled by peaceful negotiation.

101. Mr. HARLAND (New Zealand): New Zealand, like other Members of the United Nations, wants to see the Falklands dispute resolved as soon as possible without further conflict. There are ways in which the Organization could help to achieve that objective. The draft resolution before us is not one of them.

102. The proposal we are about to vote on is very similar to that adopted by the General Assembly twelve months ago. Last year's resolution [resolution 37/9] has achieved nothing. There is no reason to believe that anything more will be achieved if it is adopted again.

103. The draft resolution talks about resuming negotiations in order to find a just solution to the sovereignty dispute between Argentina and Britain. It is sponsored by Argentina, among others, and Argentina has made clear its view that the outcome of negotiations must be the transfer of sovereignty to itself. The draft takes no account of the way in which the armed conflict broke out last year, or of the attitudes of the parties towards their obligations under the Charter of the United Nations. Such a resolution can hardly be expected to lead to real negotiations.

104. But the main objection to the proposal before us is the way it deals with the rights of the people of the Falkland Islands. The draft resolution merely says that due account should be taken of their interests. It does not acknowledge that the Falkland Islands have long been regarded as a Non-Self-Governing Territory within the meaning of Article 73 of the Charter of the United Nations, and that their people consequently have the same rights as those of other Non-Self-Governing Territories, both under the Charter itself and under resolution 1514 (XV) of the General Assembly.

105. What is needed to resolve the Falklands dispute is the re-establishment of confidence between the two parties. It is to be hoped that recent developments will be helpful in this respect. My Government is reassured at the prospect of a return to democratic rule in Argentina and hopes that negotiations will in due course become possible. But it is hard to see how the proposal before us can contribute to that end.

106. For these reasons my delegation will vote against the draft resolution.

107. Miss DEVER (Belgium) (*interpretation from French*): As was the case last year, it was not easy for my delegation to decide how to vote on the draft resolution before us in respect to which the two parties directly concerned defend divergent view-points. Belgium maintains both with Argentina and the sponsors of the draft resolution, on the one hand, and with the United Kingdom on the other, friendly relations of long standing.

108. We can only regret that a compromise acceptable to all has not been achieved. This would have indicated a course of events conducive to the climate of confidence needed for a resumption of negotiations and for an equitable solution taking into account the interests and wishes of the population of the Falkland Islands (Malvinas).

109. We share the view of the Secretary-General in his report on the question which states:

"While it is clear that negotiations cannot begin unless both parties agree, it is my belief that a resumption of dialogue, coupled with the adoption of confidence-building measures, can contribute to a normalization of the situation in the South Atlantic and open the way towards a lasting solution of the problem." [A/38/532, para. 5.]

110. We express the firm hope that the establishment of a Government in the near future, on the basis of the recent elections in Argentina, will lead to a new situation which will favour the resumption of dialogue between the parties.

111. The draft submitted to us, like that of last year, has some points which we cannot support. This is true in particular of the reference in the second preambular paragraph to a colonial situation being linked with universal peace.

112. The third preambular paragraph refers to three resolutions on which my country abstained from voting.

113. Furthermore, the ninth paragraph of the preamble should refer not only to the interests but also the wishes of the population of the islands. Finally, despite our earnest wish for a resumption of negotiations, it seems to us that in the interests of balance, paragraph 1 of the resolution should have included a general reference to the purpose of the negotiations and not to a single aspect thereof.

114. For these reasons, my delegation is forced to abstain from voting on the draft resolution. As now worded, it does not seem to us likely to lead to progress in the negotiations and to a peaceful solution of this dispute,

in conformity with the principles of the Charter of the United Nations.

115. Mr. VAN LIEROP (Vanuatu): On the instructions of the Government of Vanuatu, my delegation will abstain on draft resolution A/38/L.12. For the moment, the Government of Vanuatu does not wish to pronounce itself either in favour of or in opposition to this resolution. It must be obvious, however, that there are some elements of the draft with which we agree and some with which we do not agree. It is, therefore, the desire of the Government of Vanuatu that no hidden implications on the substance of this very important issue be read into our abstention.

116. Mr. LESLIE (Belize): The delegation of Belize congratulates the architects of draft resolution A/38/L.12. The draft speaks very eloquently and conveniently to the concerns of the sponsors—20 of the 33 countries of Latin America. It remains silent, however, on the important elements of the controversy over the Falkland Islands.

117. These elements include recognition of the colonial nature of the situation. However abhorrent colonialism is in the late 20th century, the United Nations has formulated a methodology to deal with colonial situations. The presence of Belize and many other former colonial territories in this Assembly today proves that this methodology is effective.

118. The draft is silent on the future of the inhabitants of the Falkland Islands, who have made it clear that they do not wish to be incorporated into the larger neighbouring country. The Falklanders, in their own wisdom, have indicated that they are prepared to choose their own path to decolonization.

119. The draft is silent on the method employed by Argentina to impose its authority over the Falklanders last year—an invasion by 10,000 troops to subdue a population of 2,000.

120. If the Falkland Islands were some uninhabited rocks in the middle of the South Atlantic, whose only claim to attention were their peripheral geographical proximity to Argentina, Belize would have no difficulty with the draft resolution before us. If there were an Argentine population or a history of Argentine administration of the islands, we would have less difficulty.

121. But that is not the position. The present Falklanders are the sixth generation of people who have settled the islands for over a century. They are white people and they originally came from the United Kingdom. This fact alone cannot disqualify them from exercising their inalienable right to determine their own future by themselves.

122. Before the vote on draft resolution A/38/L.12, the delegation of Belize invites all delegations in the Assembly to reflect on the level of respect we all hold for the Charter of the United Nations to which we have subscribed. On reflection, they might recognize that this very clever draft compromises our commitment to consider the wishes of the people of a colonial Territory as paramount; it compromises our commitment to abjure the use of force as an instrument of policy; it suggests a method of decolonization against the explicit dictates of the Charter.

123. My delegation has reflected and we cannot support the draft resolution before us.

124. Belize cannot reconcile our respect for the Charter and our own valid concerns for our survival with any attempts to deprive another people of their rights. We will therefore vote against the draft resolution.

125. Mr. GBEHO (Ghana): Once again the General Assembly is called upon to direct its attention to the question of the Falkland Islands, and the delegation of

Ghana is happy to associate itself with this action because it affects the lives of people and is directed at an area of tension which has been a cause of anxiety for many States and the international community in general. My delegation is also aware of the importance that the two countries directly concerned—namely, the United Kingdom and Argentina—attach to the problem. We wish therefore to reiterate our pledge to co-operate to the fullest extent in finding a just and viable solution to this vexed question.

126. Exactly a year ago the General Assembly adopted resolution 37/9 on the same question. We note with regret that no progress has been achieved in the matter since the adoption of that resolution. While we do not wish to hold either party responsible for this regrettable impasse, we wish to point out that perhaps it is the nature of the decision that was taken and is again about to be taken at the current session of the General Assembly which has not facilitated the search for a solution.

127. The delegation of Ghana has not departed from its conviction that in this delicate matter it is only a proposal that will serve the interests of both parties, not proposals aimed at asserting the inflexible positions of either side, that will stand a chance of guaranteeing a viable solution.

128. Once again we note that draft resolution A/38/L.12 seeks to bring the two parties together in order to resume negotiations for the purpose of reaching a peaceful solution to their dispute. In so far as no solution will be possible unless the two sides agree to negotiate peacefully, the delegation of Ghana will lend its support to the idea of negotiations. However, we believe that such negotiations, if entered into, should go beyond the sovereignty dispute alluded to in the draft resolution. It is our conviction also that any discussion held must embrace all aspects of the dispute, including the principle of self-determination for the territory, as is the practice in the United Nations.

129. In this regard I wish to state that my delegation has listened very carefully to the arguments presented in the Assembly on how to deal with the matter. We have noted in particular the argument advanced that the Falkland Islands are not subject to the decolonization process and that the only point outstanding as to the future treatment of the territory is to arrange for the transfer of its sovereignty from one country to another. As we have done in the past in various forums, my delegation is unable to accept the notion of the award of a colonial territory to a claimant, however pressing that claim may be. It is our view that once a territory and its people have been subject to colonial domination, with or without exploitation, the decolonization process prescribed in General Assembly resolutions 1514 (XV) and 1541 (XV) should necessarily apply. It is for this reason that we hope that the negotiations to be conducted between the two parties will take into account the interests and wishes of the people of the territory.

130. In spite of our strong views on the matter, we will go along with the present draft resolution—which, in our view, does not confirm that understanding—in the hope that the negotiations will be undertaken under the auspices of the United Nations and within the framework of the provisions and spirit of the Charter. We hope therefore that the two sides will co-operate with the United Nations in finding a lasting solution to the problem.

131. It will be observed in the eighth preambular paragraph that reference is made to “a *de facto* cessation of hostilities”. While we are happy that this represents progress on the war situation that engulfed the area last year,

we must also register our disappointment that it has not been possible to translate the cessation of hostilities into a positive and *de jure* renunciation of the use or the threat of use of force in the area.

132. In pursuance of our abiding interest in the peaceful settlement of disputes, the creation of and increase in international peace and security, we recommend to the two sides to reaffirm their explicit renunciation of hostilities and to seek negotiations in an atmosphere of peace and security.

133. The ninth preambular paragraph alludes to "the need for the parties to take due account of the interests of the population of the Falkland Islands". My delegation could not agree more. We merely wish to note that in our understanding of that paragraph the account to be taken of the interests of the population of the Territory will be in accordance not only with resolutions 2065 (XX), 3160 (XXVIII) and 37/9 but, more importantly, with those resolutions that absolutely guarantee the interests of a population in a colonial situation, such as resolutions 1514 (XV) and 1541 (XV).

134. In sum, therefore, my delegation will vote in favour of the draft resolution although it does not altogether meet our concerns. We will do so because we feel that, in the absence of such a resolution, the situation in the territory could rapidly deteriorate and thereby prejudice international peace and security. We reiterate also that our vote in favour of the draft resolution is an act of faith in the credentials and peaceful intentions of both Argentina and the United Kingdom, as well as a reaffirmation of our belief that the United Nations has no equal as the forum for the settlement of international disputes.

135. Mr. BLAIN (Gambia): In explaining my delegation's vote on draft resolution A/38/L.12, I wish to make it abundantly clear that the Gambian delegation supports in principle the resumption of negotiations between Argentina and the United Kingdom which constitutes the main thrust of the draft resolution before us on the question of the Falkland Islands. By the same token, it is the considered view of the Gambian delegation that the status of the Falkland Islands should be peacefully determined on the basis of the freely expressed wishes of the inhabitants of the Territory.

136. My delegation made this position abundantly clear in its explanation of vote last year. Regrettably, as was our concern with the draft resolution that was submitted during the thirty-seventh session of the General Assembly, the fundamental principle of self-determination is once again inadequately addressed in the draft resolution. To my mind, the interests of the population of the Falkland Islands, as reflected in the ninth preambular paragraph, are certainly not synonymous with their inalienable right to self-determination. In this connection, my delegation fully endorses the views just expressed by the representative of Ghana. Moreover, no reference is made to the tragic events of 1982 in the draft resolution which is before us.

137. For those reasons, the Gambian delegation will be unable to support the draft resolution.

138. Sir John THOMSON (United Kingdom): I wish to explain why my delegation will vote against the Argentine draft resolution in document A/38/L.12.

139. First, I acknowledge that the draft resolution has some attractive phrases in it, but these are outweighed by other phrases and still more by crucial omissions.

140. The Argentine delegation wishes it to be thought that the military regime is now pursuing a peaceful course, yet it has persistently refused to declare the definitive *de jure* end of hostilities. It has also rejected my

Government's attempts to restore normal relations, for example, diplomatic relations. Its response to our initiatives in the commercial and economic fields has been disappointing. This attitude is not well calculated to promote a solution of the differences between our two Governments.

141. Of even greater importance is the fact that the Argentine draft resolution is intended, as the Argentine Foreign Minister has himself made clear, to prejudice the outcome of the dispute. The Foreign Minister has made it clear that for him the only possible result is for Britain to hand over to Argentina sovereignty over the islands together with the people who inhabit them. He has explicitly said that the only possible outcome of decolonization in the case of the Falklands is a transfer of sovereignty. That is why the draft resolution insists upon talking about a sovereignty dispute and only a sovereignty dispute. That is inconsistent with both the doctrine and the practice of the United Nations. Resolution 1514 (XV) for example makes it clear that decolonization must take place in accordance with the "freely expressed will and desire" of the people. That is, the Falklanders must choose.

142. Furthermore the Argentine delegation has made it absolutely clear that it interprets its draft resolution as meaning that the General Assembly thereby removes the inalienable right of self-determination from the Falklanders. By what authority could the General Assembly do this? How could it possibly do this if the right of self-determination is indeed inalienable? Let me repeat, people are people and rights are rights. As I said at the 57th meeting, let no one come to me after this debate and say that he supports both this draft resolution as interpreted by Argentina and the right of self-determination.

143. I have already said that what this draft resolution omits is even more important than what it contains. It omits the basic principles of the Charter of the United Nations which apply to this case. First and foremost it omits the principle of self-determination. Next it omits a recognition that my Government has obligations to the Falklanders and to the United Nations under Article 73 of the Charter. Indeed, it does worse than omit this crucial point. It falsifies the meaning of Article 73. It refers to the "interests" of the population of the Falkland Islands, and the word "interests" appears in Article 73, but it neglects to quote that Article accurately. It should have said that "the interests of the inhabitants of these territories are paramount". Surely it is not for the invaders to decide what are the interests of the people they are trying to subjugate? It is evident that the Charter of the United Nations intends that these paramount interests shall be expressed through the exercise of the right of self-determination.

144. Although one of the documents before us is the report of the Fourth Committee [A/38/584], the Argentine draft resolution makes no reference to the statements made before it by the elected representatives of the Falklanders. We welcome the elections which have recently taken place in Argentina and accept the consequences. Is it not reasonable to ask that the Argentines should welcome self-government and free elections in the Falklands and similarly accept their consequences? The elected representatives of the Falklanders have made it clear that they do not accept the Argentine claims or offers. They have made it clear that for the time being they wish to stay as they are and only to alter their status if and when they freely choose to do so in accordance with their right of self-determination.

145. It has been alleged that the electors of the Falklands have been kept in ignorance of Argentine claims and offers. How ridiculous can you get? The Argentines

occupied the islands for ten weeks and forcibly took the opportunity to present their claims and offers to the Falklanders. The Falklanders gave their response with unmistakable clarity. In addition, there is democracy in the Falklands and the statements made by representatives of the Government of Argentina and their supporters even after the invasion have been widely publicized. Mr. Cheek and Mr. Blake made a point of explaining this to the Fourth Committee at its 16th meeting on Monday, 14 November. The fact is that the Falklanders have chosen in a way the Argentines do not like. Surely the Argentines should now accept the decision of the people and make it clear that they do so in the spirit laid down in the Charter of the United Nations.

146. The barrenness of the Argentine draft resolution is displayed by a further remarkable feature of the debate we have just had. A large part of the speech of the Argentine Foreign Minister was devoted to charges of militarization and provocation against Argentina. He spoke at length about the so-called military base and referred in this context to the United Kingdom's membership of the North Atlantic Treaty Organization [NATO]. Obviously he did this to attract the support of the Soviet bloc and the bloc has responded by giving him handsome support in numerous speeches during the debate. He himself drags in the East-West conflict in order to accuse my Government of doing so. Equally obviously he omitted this point from the draft resolution because he knew that such nonsense would drive away potential non-aligned votes. I need say no more about this fantasy of militarization, which comes ill from a military regime that launched an invasion only last year.

147. In conclusion, my delegation will vote against this draft resolution because it is contrary to the Charter of the United Nations and because in this day and age it shows an unacceptable contempt for the wishes of the people concerned.

148. The PRESIDENT (*interpretation from Spanish*): Before proceeding to the voting I have to inform the Assembly that the Secretary-General has indicated that he does not foresee financial implications in the implementation of draft resolution A/38/L.12 and that should a change in circumstances require the incurring of expenditure he would, with the concurrence of the Advisory Committee on Administrative and Budgetary Questions, seek the necessary provision of funds under the resolution on unforeseen and extraordinary expenses.

149. The Assembly will now take a decision on draft resolution A/38/L.12. A recorded vote has been requested.

*A recorded vote was taken.*

*In favour:* Afghanistan, Albania, Algeria, Angola, Argentina, Austria, Benin, Bolivia, Botswana, Brazil, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Gabon, German Democratic Republic, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ivory Coast, Japan, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Madagascar, Malaysia, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Nicaragua, Nigeria, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Romania, Rwanda, Spain, Suriname, Syrian Arab Republic, Togo, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Cameroon, United Republic of Tanzania, United States of America, Upper Volta, Uruguay,

Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

*Against:* Belize, Dominica, Gambia, Malawi, New Zealand, Oman, Solomon Islands, Sri Lanka, United Kingdom of Great Britain and Northern Ireland.

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

*The draft resolution was adopted by 87 votes to 9, with 54 abstentions (resolution 38/12).*

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

151. Mr. La ROCCA (Italy): From the beginning, Italy has followed with regret and concern the dispute on the question of the Falkland Islands (Malvinas), bringing into opposition two great countries to which we are linked by ancient and profound ties.

152. With the United Kingdom, whose ideals of freedom and democracy we share, we co-operate closely both in the European Economic Community and in the Atlantic Alliance, which represent the fundamental choices of our foreign policy.

153. With Argentina, we share strong fraternal bonds and a common cultural heritage. In this context, we trust that Argentina's return within the great family of democratic nations will render even closer and more fruitful this relationship to which we attach particular importance.

154. Within the framework of these bonds of friendship and co-operation with both countries, the Italian Government has stated its position on the issue of the Falkland Islands (Malvinas), within and outside the Assembly, with the respect due to both parties, but also with the necessary clarity and frankness.

155. We condemned, at the appropriate time, the use of force to solve the problem, as we condemn and deplore the threat and use of force for the settlement of international disputes, in violation of the principles of the Charter of the United Nations.

156. We were instead in favour of a negotiated settlement to be reached through an open and constructive dialogue between the parties. We have constantly expressed this view, and we have worked, whenever possible, to help to bring closer the British and Argentine positions. May I add that our support of the negotiations is dictated to us not only by a concern to avoid the perpetuation of a bitter dispute between two countries which are both our friends, but also by our deep respect for the principles of the Charter of the United Nations, by which the Italian Republic, in its 37 years of existence, has scrupulously abided.

157. That position was recently reaffirmed in this Assembly by the Italian Minister for Foreign Affairs, Mr. Andreotti, when, in referring to the question of the Falkland Islands (Malvinas) in his statement during the general debate on 2 September, he stated that Italy "continues to favour a resumption of the dialogue between London and Buenos Aires, without any pre-conditions regarding the subject of the dispute. This dialogue should



take place within the framework of the United Nations and with the valuable assistance of the Secretary-General.” [11th meeting, para. 219.]

*Miss Dever (Belgium), Vice-President, took the Chair.*

158. We note with appreciation that the Secretary-General included in his report to the General Assembly on the question of the Falkland Islands (Malvinas) [A/38/532] a renewed appeal for dialogue.

159. We therefore regret to note that—as the Secretary-General himself pointed out in his report—no real progress has been made in the course of this year towards the resumption of such a dialogue. Let me stress that in this situation it is more than ever necessary to renew an appeal to the parties concerned, asking them to make an effort of good will and responsibility which the international community expects from both of them.

160. The Italian delegation, while expressing last year its support for the negotiating option, abstained in the vote on resolution 37/9 introduced by Latin American countries. Our decision to abstain was taken mainly with a mind to the future, with the purpose of keeping intact, through a balanced position, the possibility for Italy to pursue effectively its efforts aimed at re-establishing a dialogue between the two parties.

161. This position is even more valid today. It reflects not only Italy's attitude towards a great nation to which we are linked by profound ties that we intend to strengthen further, but it also reflects the possibility for Italy to play a determined role within the European Community, thus rendering more effective the action that the Community as a whole must pursue in order to co-operate with the new Government of Argentina.

162. Some days ago, an event of considerable importance took place: the return of Argentina to the practice of democracy through the holding of free elections. Interpreting the unanimous feeling of the Italian people, the President of the Council of Ministers, Bettino Craxi, stressed the great meaning of this event which opens new hopes for the great nation of Argentina.

163. In the context of the deep and fraternal bonds between our two peoples and countries, Italy sincerely hopes that the establishment of a democratic Government in Buenos Aires will also favour the resumption of an open and sincere dialogue with the United Kingdom, aimed at normalizing relations between the two countries, without pre-conditions, and at finding a peaceful settlement to their dispute through negotiations and in the light of the principles of the Charter of the United Nations.

164. Within its means and possibilities, Italy remains ready to make its full contribution to this end, at any time.

165. Mr. SALEEM (Maldives): While my delegation abstained in the vote on draft resolution A/38/L.12, I wish to place on record the following remarks. As a firm believer in the need to refrain from the use or threat of force in international relations, and always faithful to the principles and purposes of the Charter of the United Nations, my delegation is of the view that a peaceful solution to the current conflict in the South Atlantic can be found only through peaceful means.

166. In this regard, while Maldives regrets the fact that force was found to be necessary at the beginning of the present conflict, it sincerely hopes that the necessary efforts will soon be made to create conditions aimed at resolving this dispute. Although the draft resolution contained a number of elements which my delegation welcomes, it also lacked certain principles which, in our view, are necessary for finding a just and peaceful solution to the conflict.

167. Mr. FISCHER (Austria): Austria has voted in favour of draft resolution A/38/L.12. We have decided to do so after a very careful examination of the issues involved, being motivated by a desire to express our support for a peaceful and just solution of the conflict.

168. Our positive vote is based on the understanding that the draft resolution is founded on fundamental principles of international conduct, such as the inadmissibility of the threat or use of force and the right of peoples to self-determination. We also wish to stress that the resolution in no way prejudices the question of sovereignty and takes account only of the fact—recognized by both sides—that diverging views exist on this matter.

169. The events in the South Atlantic have clearly demonstrated the grave danger resulting from any departure from the basic principles of the Charter of the United Nations, not only for the parties directly involved but for the international community as a whole. We therefore support the call for negotiations, without prejudice to their possible outcome, and confidently expect that future efforts to solve the conflict in the South Atlantic will be guided by the principles contained in the Charter of the United Nations. In this connection, we would hope that appropriate confidence-building measures, such as an official declaration on the cessation of hostilities, might pave the way for such negotiations.

170. Ms. MAUALA (Samoa): We believe that the parties to any dispute should be encouraged to negotiate settlements of their difficulties. However, we abstained last year in the voting on the Falklands resolution because we did not feel that the negotiations envisaged in that resolution took sufficient account of issues we consider to be of major importance. We refer in particular to the need to assess the genuine wishes of the people of the Falklands with regard to their future.

171. We have abstained again this year for the same reasons and with even greater reservations on this score.

172. Mr. KURODA (Japan): The basic position of the Government of Japan with respect to the question of the Falkland Islands (Malvinas) can be summarized in the following three points: first, the parties concerned should seek a peaceful settlement of the conflict through negotiations; secondly, the principle of non-use of force should be observed; and thirdly, my Government is not in a position to make a judgement on the claims of territorial rights.

173. My Government supported the draft resolution which was just put to the vote because, like last year's resolution on this issue, it accords with Japan's fundamental position that any international conflict should be settled through peaceful means.

174. Japan strongly believes, however, that the attempt made in April last year to settle the sovereignty dispute concerning the Falkland Islands (Malvinas) by force must never be repeated. Japan thus attaches particular importance to the latter part of the eighth preambular paragraph and the tenth preambular paragraph of the resolution, and on this occasion once again strongly appeals to Argentina to respect the principle of non-use of force.

175. Resolution 38/12 calls for the settlement of the dispute through negotiations. Japan recognizes, however, that if these negotiations are to be genuinely fruitful, it will be necessary to create a more favourable atmosphere in which the parties to the dispute can hold their talks peaceably. We hope that the parties concerned will work in good faith towards this end.

176. Mr. AL-SABAH (Kuwait) (*interpretation from Arabic*): My delegation abstained in the voting on draft

resolution A/38/L.12 because of Kuwait's well-known position on this question—a position we maintain—and because there have been no new developments to warrant a change in our attitude.

177. In this regard, my delegation reaffirms Kuwait's commitment to the principle of the non-use of force in international relations and to negotiations as the best means of settling international problems. We repeat that we respect the rights of all peoples to self-determination and we affirm once again the need for respect for the sovereignty and territorial integrity of all States.

178. Mr. MEESMAN (Netherlands): The Netherlands abstained in the voting on draft resolution A/38/L.12. My country abstained also in the voting on the virtually identical draft resolution that became resolution 37/9, adopted by the General Assembly on 4 November 1982. Then and on this occasion the Netherlands could not support a text in which the outcome of the negotiations between the parties to the conflict is described in a prejudicial manner. We would have preferred the neutral wording of Security Council resolution 502 (1982).

179. I wish to make it clear, however, that the Netherlands welcomed the statement by the future President of the Republic of Argentina, Mr. Raúl Alfonsín [A/38/578], in which he stressed that his Government will use "all the diplomatic means at its disposal" in order to resolve its dispute with the United Kingdom over the Falkland Islands. Furthermore he declared that negotiations between the two Governments, with the good offices of the Secretary-General, constitute the proper way of settling this dispute on a fair and permanent basis. The reaffirmation of the principle of non-use of force and peaceful settlement of disputes underscores what we assume to be the firm intention of the freely elected Government of Argentina to seek a diplomatic solution to its differences with the United Kingdom.

180. The time has come for both parties to make a fresh attempt to settle their conflict over the islands peacefully. In the light of Argentina's stated recognition that hostilities in the area have come to a close, my Government feels entitled to turn to the other party to the dispute and ask the Government of the United Kingdom to be prepared to negotiate seriously with Argentina with a view to reaching a diplomatic solution to the differences, in the spirit of the Charter of the United Nations.

181. In this regard my Government welcomes the report of the Secretary-General, in which he clearly reiterates his readiness to assist both parties to resume a dialogue that can contribute to a normalization of the situation in the South Atlantic, thus opening the way to a lasting solution of the problem.

182. We do recognize, however, that the people of the Falkland Islands should be able to exercise, at an early stage, their right of self-determination in accordance with the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV). The Charter of the United Nations and the Declaration provide the only authoritative guidance on the process of decolonization. In this respect my Government welcomes Argentina's readiness to include in the draft a reference to the interests of the islands' population.

183. The Netherlands looks forward to reconciliation between two countries with which we entertain close and deep-rooted bonds of friendship.

184. Mr. JAMAL (Qatar) (*interpretation from Arabic*): The State of Qatar firmly believes in the principle of non-use of force in international relations, a principle that has a direct bearing on the maintenance of international peace

and security. This principle has been affirmed in international instruments adopted in recent years, and particularly in the Declaration on Principles of International Law Concerning Friendly Relations and Co-operation Among States in Accordance with the Charter of the United Nations [*resolution 2625 (XXV), annex*]. We maintain that force should never be used as a means to settle disputes among States.

185. The State of Qatar also supports without any reservations the right to self-determination, freedom and independence of peoples that have been denied this right by force, especially the peoples chafing under the yoke of colonialism, racism and zionism, or any other form of foreign domination. We affirm the right of those peoples to carry out struggles to achieve that goal, in accordance with the principles of the Charter of the United Nations.

186. My delegation abstained in the voting on draft resolution A/38/L.12, because we believe that the population of the islands must be given an opportunity of expressing their wishes and their views and of determining their future in accordance with the Charter of the United Nations. We believe that during the future negotiations between the two parties to the dispute the interests of the population must be taken into account.

187. In conclusion, we earnestly hope that negotiations between the United Kingdom and Argentina will be initiated as soon as possible, so that this problem may be solved peacefully and so that there may be security and stability in the region involved.

188. Mr. TANC (Turkey): We have voted on a matter which is of deep concern to two countries, Argentina and the United Kingdom, with whom Turkey has friendly relations and co-operation in many fields. Turkey attaches great importance also to its friendly relations with Latin American countries as a whole. On the other hand, the two parties to this question have enjoyed fruitful and friendly relations and co-operation between themselves in the past. Ever since the issue of the Falkland Islands (Malvinas) was first considered in the United Nations, Turkey has supported the solution of this important problem through negotiations. Turkey has voted in favour of all, but the last, resolutions on this subject, resolutions encouraging the two parties to settle their differences through negotiations. During the unfortunate and painful escalation of the crisis in the South Atlantic last year, we maintained our strong support for the holding of urgent negotiations between Argentina and the United Kingdom. For that reason, my delegation hoped last year that a consensus text could be found which would have facilitated the resumption of necessary negotiations, and we abstained when it was not possible to do so.

189. We continue to believe that a resolution which invites consensus would go a long way towards forming a basis for the resumption of fruitful negotiations between the two sides. On the other hand, we have noted with satisfaction the statement made by the newly elected President of Argentina, Mr. Raúl Alfonsín, concerning his desire to do everything he can in this direction. We would have preferred at the same time to see a resolution adopted by consensus at this important moment. We have therefore abstained on the draft resolution before us. However, we wish to reiterate our sincere desire to see the settlement of the critical dispute between the two parties as soon as possible, through the negotiating process.

190. Mr. Tan Sri ZAINAL ABIDIN (Malaysia): My delegation voted in favour of draft resolution A/38/L.12 because we support its main thrust, that the two parties should resume dialogue and negotiate in the search of a

fair, just and peaceful solution to the problem in the South Atlantic, consistent with the principles of the Charter of the United Nations.

191. The resolution, in our estimation, is also an expression of the international community's confidence in the Secretary-General, in that it renews his mandate to continue his mission of good offices. In supporting the resumption of the dialogue between them, Malaysia hopes that the two countries could find the means to adopt confidence-building measures that would pave the way towards the normalization of the situation in the South Atlantic, which in turn could lead to a lasting and fair solution to the problem.

192. Both Argentina and the United Kingdom are Malaysia's traditional and close friends. It is our hope that through this resolution they will be able to resume the dialogue and co-operate with the Secretary-General by giving him their support and encouragement in his efforts to find a fair and just solution acceptable to both countries.

193. Mr. DOUNTAS (Greece): My delegation has abstained on draft resolution A/38/L.12. I should like to make it clear that the abstention of my Government does not reflect, in any way, its position on the substance of the dispute between Argentina and the United Kingdom. It should be stressed that my Government, consistent with its condemnation of the use of force or threat of force in international relations and, particularly, as a means to solve international disputes, fully supports the principle of a negotiated solution to the dispute on the Falkland Islands (Malvinas). These negotiations should be held as soon as practically possible without prejudice to their outcome.

194. My Government's abstention should be construed as reflecting our desire to see a negotiated settlement of the dispute. It should also be assessed in relation to the similar position adopted by other members of the European Community who are not members to the dispute.

195. Mr. RAM (Fiji): My delegation expressed its position on the question of the Falkland Islands earlier this year in the committee on decolonization. We are of the view that two basic principles of the Charter of the United Nations are involved here: the principle that all Member States should resolve international disputes by peaceful means, and the principle that the wishes of all Non-Self-Governing Territories should be fully respected. My delegation is aware of the competing territorial claims over the Falkland Islands and therefore welcomes the call in the resolution for negotiation to settle this dispute. Indeed, this course of action should not have been abandoned by Argentina in the first place, in favour of a military solution.

196. However, the question of the Falkland Islands is not merely one of peaceful settlement of a dispute; it is also a colonial question and as such comes within the purview of appropriate provisions of the Charter and resolutions of the United Nations, in particular resolution 1514 (XV). In view of the universally recognized principle of the inalienable right to self-determination of all colonial people, it is unfortunate and regrettable that there is no explicit reference in the operative paragraphs of the resolution to the applicability of resolution 1514 (XV), and in particular to the wishes of the inhabitants.

197. My delegation is therefore of the view that the resolution addresses itself only partially to the important question before us and therefore we abstained.

198. Mr. SINCLAIR (Guyana): The events which lie at the root of the question just concluded, to wit, the action by the armed forces of Argentina on 2 April last

year, and the development which took place in the South Atlantic following that action, have all had the most profound effect involving, as they do, certain principles, respect for which is of cardinal importance if international peace and harmonious relations between States are observed, and if these relations are to be placed on a basis of law.

199. My delegation did stress last year—and I wish to reiterate it now—the need for a constructive approach to the question of the Falkland Islands (Malvinas) and for urgent action to be taken to facilitate the creation of a climate which will restore confidence and lead to the satisfaction of the interests of all concerned and of the interested parties.

200. The essential elements of the decision adopted by the General Assembly last year [resolution 37/9] were that Argentina and the United Kingdom should engage in negotiations, and that such negotiating process should take full account of the interests of the people of the islands. A fundamental aspect of that decision was the reaffirmation of the principle of the non-use of force, or the threat of use of force in international relations, either to influence negotiations or to determine their outcome and the peaceful settlement of international disputes.

201. My delegation's approach this year to the consideration of the question was characterized by an attempt to identify those actions which, on both sides, can be said to indicate a constructive approach and which contribute to creating the climate of confidence which we all recognize is so necessary if a peaceful solution, acceptable to both parties, were to be found.

202. My delegation is pleased to note recent changes whose impact on the development of the situation promises to be positive. We have also listened with interest to the reiteration by Argentina of its willingness to co-operate in the search for a negotiated solution to all its problems with the United Kingdom.

203. The invasion of Grenada, still fresh in our minds, has served, however, to sharpen our sensitivity to the need for strictest respect for the principle of non-intervention, and naturally has had its effect on the spirit in which we approach this question. Therefore, while we have taken note of the Argentine assertion that for the past 16 months there has been an effective cessation of hostilities and of its reiteration of its intention not to renew these hostilities, Guyana would wish to see a *de jure* end to hostilities. Argentina could take no credit for the *de facto* cessation of hostilities. It does not therefore suffice to assert that there is such a cessation and that there is no intention to renew them. A *de jure* cessation of hostilities would contribute immeasurably to the creation of a feeling of confidence that any future use of force is ruled out as an option in the settlement of outstanding problems. We believe that such a *de jure* cessation of hostilities could therefore be helpful to a climate for negotiations, as called for most recently in General Assembly resolution 37/9. Guyana would lend its support to any process which would achieve that end.

204. The resolution just mentioned was not the first that called for negotiations between Argentina and the United Kingdom. Resolution 2065 (XX) of 1965 made such a call as did resolution 3160 (XXVIII) of 1973.

205. In fact, negotiations between the two sides had begun, and continued until they were abruptly terminated in the early part of 1982. My delegation sincerely regrets the circumstances which led to that interruption and to the resort to the use of force. The goal of this Assembly is, and must be, therefore, to have those negotiations resumed

as quickly as possible, and under circumstances which are propitious and will, we hope, lead to a successful outcome.

206. Our Secretary-General in his report indicated that in his belief "a resumption of dialogue, coupled with the adoption of confidence-building measures, can contribute to a normalization of the situation in the South Atlantic and open the way towards a lasting solution of the problem." [A/38/532, para. 5.]

207. In thanking the Secretary-General both for his report and for the expression of his readiness to be of help to both parties, my delegation fully shares his belief. We urge both parties actively to seek modalities for recommencing dialogue.

208. It is out of our profound desire to sustain and to help give effect to the call for this process that Guyana, recognizing as the Non-Aligned Movement determined in 1975 that the Falkland Islands (Malvinas) represent a special and particular case, voted in favour of the draft resolution. We hope that the thirty-ninth session of the General Assembly will be able to record the resumption of negotiations between Argentina and the United Kingdom with a view to finding a settlement acceptable to both parties.

209. Mr. LOHIA (Papua New Guinea): The Government of Papua New Guinea has followed the Falkland Islands issue very closely because of our commitment to the principles of self-determination as defined by the Charter of the United Nations and by our concern for the place our small island countries have in the world today.

210. This is the only forum in the world today where small countries and small peoples can be heard with dignity and respect. It is the policy of the Government of Papua New Guinea that all colonized peoples be allowed to exercise their inalienable right to self-determination in conformity with all the relevant United Nations resolutions applicable to non-self-governing territories. In this connection, my delegation would like to point out that the resolution before us does not meet this important requirement. My delegation does, however, support mutual negotiations, negotiations for the purpose of achieving what the Falkland Islanders generally wish to gain eventually.

211. My delegation also regrets that no progress in the dispute has been made by the two parties, as called for by General Assembly resolution 37/9. In fact this was one of the doubts that led my delegation to vote against the resolution last year. Because of the conflicting positions taken by the two countries, the role of the Secretary-General as envisaged in resolution 37/9 has been a difficult one to follow through. Much can be achieved by both parties, however, from now until the thirty-ninth session of the General Assembly next year.

212. My delegation also notes that a democratic Government has just been elected in Argentina, and I believe that time is necessarily required for it to establish itself and review the situation in the Falkland Islands before taking a firm and positive line for negotiations with the Government of the United Kingdom. Under these circumstances, my delegation has voted for draft resolution A/38/L.12.

### AGENDA ITEM 37

#### Question of peace, stability and co-operation in South-East Asia (*concluded*)

213. The PRESIDENT (*interpretation from French*): The Assembly will now resume its consideration of agenda item 37.

214. Mr. Tan Sri ZAINAL ABIDIN (Malaysia): The situation in South-East Asia in recent years has demonstrated the dire need for countries in the region, regardless of their ideological orientation, to address themselves seriously to the question of peace, stability and co-operation in the region. Indeed, we should learn from the bitter experiences of the past and plan for the future with vigilance and care. The countries belonging to ASEAN have time and again not only expressed their desire to live in peace and harmony with their Indo-Chinese neighbours but in 1971 they even went so far as to call for the establishment of a zone of peace, freedom and neutrality in the region which would create conditions conducive to peace and stability for all. The countries of Indo-China eventually also expressed a similar desire to coexist and co-operate with the rest of South-East Asia, but thus far these expressions have not been substantiated by deeds.

215. The item entitled "Question of peace, stability and co-operation in South-East Asia" which was included in the agenda on the initiative of Viet Nam and which we have been considering for the past several years, should have been regarded as an important item with profound and lofty objectives. My delegation would have no difficulty in supporting these objectives because we all aspire to and dream of lasting peace in our region. There could be no objection to the principles and ideals clearly enunciated in the Charter of the United Nations.

216. Who could object, for instance, to the principle of respect for the independence, sovereignty and territorial integrity of each country in South-East Asia and for non-aggression, equality, co-operation and coexistence among them? It is when one scrutinizes the situation in South-East Asia today, particularly the situation in Kampuchea, and how these principles are being applied in practice, that difficulties arise. For can we honestly now talk of peace, security and co-operation in the region when the sovereignty, independence and territorial integrity of a sovereign State among us have been violated? Can we be genuine in our desire for stability and co-operation when the people of Kampuchea have been deprived of their fundamental rights to choose freely their own form of government and their own domestic and foreign policies? Indeed, if we all seriously desire to discuss the question of peace, stability and co-operation in South-East Asia realistically, then the situation in Kampuchea resulting from foreign aggression and continued foreign military occupation, which are the root cause of the present tension and instability, would have first to be removed.

217. The goals of peace, stability and co-operation in South-East Asia lie at the heart of the proposal of the countries members of ASEAN for the zone of peace, freedom and neutrality. Such a zone of peace, in our view, would eliminate super-Power rivalry for spheres of influence, thereby preventing the region from being embroiled once again in conflicts which are not of our own choosing, and would provide for the region the necessary framework for national and regional security and for progress and development. But before this could be achieved there must be readiness on the part of all to live up to the lofty ideals and principles of international relations, *inter alia*, the security of national sovereignty, territorial integrity, the non-use of force and peaceful settlement of disputes. These are fundamental ingredients necessary to facilitate the development of mutual trust and confidence among ourselves. The invasion of Kampuchea by Viet Nam delivered a set-back for such trust and confidence and undermined directly the basic tenets enshrined in the concept of peace, freedom and neutrality.



It adversely affected the atmosphere of good-neighbourliness and, in its stead, generated fear and suspicion. At the same time it provided a pretext to Powers extraneous to the region to involve themselves in our regional affairs, making us all prey to their respective strategic designs.

218. The communiqué on South-East Asia contained in the Political Declaration issued by the Seventh Conference of Heads of State or Government of Non-Aligned Countries, held at New Delhi from 7 to 12 March 1983, recognized the deteriorating situation and urged the States in the region to undertake a dialogue which would lead to the resolution of differences among themselves. It should however be clearly recalled that the Heads of State or Government also urged the withdrawal of foreign forces and the right of self-determination of the Kampuchean people [A/38/132, *annex, chap. I, paras. 112-113*]. If the recommendation of New Delhi is implemented *in toto* we would have removed the main impediment to peace, stability and co-operation in South-East Asia. We therefore urge Viet Nam to implement this communiqué in its entirety. We cannot ignore the existing source of tension in South-East Asia which emanates from the continued presence of foreign forces in Kampuchea.

219. Recently the ASEAN Foreign Ministers, in their desire to restore peace and stability in our region, issued an appeal for Kampuchean independence [A/38/441, *annex*] in which they stressed that the central issue in the Kampuchean problem is the survival of the Kampuchean nation and the restoration of its independence and sovereignty. ASEAN has called upon Viet Nam and other interested parties to join it in intensifying efforts to achieve a just solution and has proposed possible initial steps that could be taken in pursuit of such a comprehensive political settlement. This appeal, which constitutes a realistic framework within which a durable solution to the Kampuchean problem can be worked out, has been well received by the Kampuchean people and by the international community at large.

220. The appeal called upon the international community, and particularly Viet Nam and the five permanent members of the Security Council, to make concerted efforts to seek expeditiously for a just solution to the Kampuchean problem so that that country could once again emerge as a truly independent and sovereign nation. In the appeal the ASEAN Foreign Ministers urged all countries concerned to refrain from all interference, direct or indirect, in the internal affairs of Kampuchea, which is essential and relevant to the legitimate security concern of all countries in the region. It is only through this approach that peace, stability and co-operation in South-East Asia can become a reality. We hope that Viet Nam and Laos will examine this appeal and recognize its constructive elements.

221. We are all aware of the formation of the Coalition Government of Democratic Kampuchea under the leadership of Prince Norodom Sihanouk. The Coalition is significant for a number of reasons. It signalled the unity of the Kampuchean people in liberating their country from foreign invaders. It nullified the claim that the régime of Heng Samrin is in complete control of Kampuchea. But, more importantly, it set up the basis from which co-operation and compromise between the different political groups in Kampuchea can be encouraged to work towards the goal of national reconciliation. This fact is recognized by a large majority of nations, to the extent that the credentials of Democratic Kampuchea to the thirty-eighth session of the General Assembly were for the first time unchallenged. We see this as a positive sign indeed.

222. Let us recall the statement of Prince Norodom Sihanouk in the Assembly when, on behalf of the Coalition Government of Democratic Kampuchea, he solemnly declared that he would welcome as a patriot, regardless of his or her past, any Kampuchean who, having been forced to serve the Vietnamese aggressors, would join the national community as a simple citizen or as a combatant for the cause of the liberation of the motherland [35th meeting]. Prince Norodom Sihanouk recalled that the problem is not whether one should prefer Democratic Kampuchea to the administration installed in Phnom Penh but rather whether to decide on the return of Kampuchea and its people to independence, sovereignty, freedom and peace. Let all concerned ponder deeply these words, and let us not allow his call to be in vain. A larger cause for the independence, sovereignty and integrity of Kampuchea is at stake, and I am sure every Kampuchean patriot, wherever he may be, would respond willingly and positively.

223. In conclusion, I should like to reiterate the points I made at the beginning of this statement. Nobody could disagree with the principles and objectives of peace, security and co-operation in South-East Asia. It is only when we examine the substance and the details that agreement erodes and disagreement begins. In order to emerge from the present impasse, the ASEAN Foreign Ministers have issued the appeal for Kampuchean independence. We believe that once the problem of Kampuchea is resolved peace, stability and co-operation among countries of the region could be restored. Before that is done it would be illusory to talk of peace, let alone stability and co-operation. It is in this context that my delegation would like to appeal to Viet Nam and Laos to heed and respond positively to the call of ASEAN.

224. Mr. OTT (German Democratic Republic): A far-sighted policy is always accompanied by constructive proposals and well-considered measures aimed at consolidating peace, understanding and international co-operation. In view of the present tense world situation, it is particularly imperative to promote all and any initiatives capable of lessening tension and furthering mutual comprehension.

225. Increasing importance attaches to efforts directed towards safeguarding peace at the regional level. Regional measures are indispensable links in the structure of international security.

226. These general observations indicate the significance of the debate on peace, stability and co-operation in South-East Asia. It is precisely under this item, included in the agenda on the initiative of Viet Nam and with the support of non-aligned and socialist countries, that constructive paths can be mapped out for the achievement of a healthy and harmonious co-operative relationship between the partner States in the region.

227. During four decades of exposure to aggression the peoples of South-East Asia, particularly those of Indo-China, had to bear indescribable suffering. Imperialist wars, the most bloody of which was the aggression of the United States against Viet Nam, caused irreparable damage. Even after its disgraceful defeat in Indo-China, American imperialism did not bury its expansionist designs in South-East Asia. The United States responded to the victory which the peoples of Indo-China won over the aggressors with a policy of confrontation and blockade. They are still seeking, though in vain, to recarve the political map of Indo-China against the will of those who live there.

228. As in Grenada, where a brutal show of military strength was unscrupulously staged to recover lost ground, we are witnessing a bid to restore a military presence and

regain a position of hegemony in South-East Asia. To achieve this end, independent States, in the latter just as in the former region, are being pressured into confrontation and dangerous adventures. This imperialist course of fuelling tensions and massively building up armaments is diametrically opposed to the peoples' desire to live in peace and to co-operate on a basis of independence. This expansionist policy of defining so-called zones of vital interest also hampers South-East Asia's efforts to follow its own road in conditions of peace and stability.

229. This policy is doomed to failure. Yet it imposes great sacrifices upon the peoples of that region. And it is fraught with the danger that the conflict might develop into another shooting war, with incalculable risks.

230. The attempts aimed at linking the as yet abnormal status of relations between the countries of Indo-China and the member States of ASEAN with events in Kampuchea almost five years back are completely unjustified and only too transparent.

231. Since the dark years of Pol Pot's terror ended, the People's Republic of Kampuchea has successfully embarked on the difficult road of national and social reconstruction. The Government of the People's Republic of Kampuchea exercises effective power and control in the country. Increasing economic and political stability and progress in meeting the supply needs of the population and establishing educational and health care systems testify to the successes of this young State. In its endeavours the Government of the People's Republic of Kampuchea has the support of the widest sections of the people.

232. The Paris newspaper *Le Monde diplomatique*, in a report from the capital of the People's Republic of Kampuchea, Phnom Penh, wrote a few weeks ago:

"The will of the people to live is evident everywhere and every minute. They want to overcome the hated past as quickly as possible, although, when speaking with citizens in the towns or in the paddy-fields, the conversation invariably turns to the subject of what life was like in the Pol Pot era."

233. The United Nations can play an important and positive role in Kampuchea's reconstruction. The Kampuchean people need humanitarian assistance in order to be able to continue successfully along the road of recovery. Such assistance, extended both bilaterally and by international organizations, has proved its value in the fight against hunger and for the complete rebuilding of the ruined economy. In this connection, I call attention to the extensive assistance which the people of the German Democratic Republic, in a spirit of solidarity, have rendered to the People's Republic of Kampuchea.

234. In its pursuit of economic and social development the people of Kampuchea, like all other peoples in the region, require most of all peace and security. Here is another field where the United Nations can make its contribution. This presupposes, above all, recognition of the realities and the removal of unfounded distrust and of ignorance and hostility. In order to remedy the situation it is imperative to adopt an approach based on the legitimate interests of all the States and peoples in the region.

235. Regrettably, the world Organization has failed to measure up to this task so far. In the United Nations the Government of the People's Republic of Kampuchea is still denied the possibility of taking its rightful seat as the sole legitimate representative of Kampuchea.

236. The continued participation of the representatives of a reactionary coalition in the General Assembly marks the memory of the millions of victims of Pol Pot's terror.

The so-called Coalition Government—this must be said here very clearly—has no title whatever to legitimacy. It is a Government without people or territory, and the attempts by some States to win international prestige for that artificial construction and to back it up economically and militarily cannot change matters in the least.

237. The renewed attempts made recently in the Assembly to misuse the United Nations to interfere in the internal affairs of the People's Republic of Kampuchea is also far removed from realism and common sense. It should be clear to every reasonable thinking human being that the process in the People's Republic of Kampuchea is irreversible. Nothing will stop this sorely tried people from following its chosen road—the road of independence and the construction of a new society. The sooner this is also understood by those who still refuse to recognize the objective political realities, the sooner will all the prerequisites be met for co-operative and good neighbourly relations in South-East Asia. Only when this is achieved will the region's peoples at last be able to live under the conditions of peace and security which they so ardently desire and so sorely need.

238. Normalizing the situation in South-East Asia requires first and foremost an end to outside interference in the affairs of the region and to the fomenting of confrontation between the two groups—the member countries of ASEAN and the nations of Indo-China. Only dialogue between them can produce a solution to the problem, and that solution must be based on non-interference in internal affairs, mutual recognition and respect for sovereignty, not on having one side dictating to the other.

239. The three States of Indo-China have for years now been taking many constructive and responsible initiatives pointing the way to such a policy of dialogue and improved relations between the neighbouring States. This is evidenced by their proposals for the establishment of a zone of peace, stability and co-operation in South-East Asia. These initiatives are aimed at decreasing tension in the area and creating an atmosphere of mutual trust.

240. At their Summit Conference, held on 22 and 23 February of this year at Vientiane, Laos, Kampuchea, and Viet Nam put forward detailed proposals on the gradual withdrawal of the Vietnamese volunteers from the People's Republic of Kampuchea [A/38/98, annex]. A first partial pull-out took place in May. At the Extraordinary Conference of their Ministers for Foreign Affairs held on 12 April at Phnom Penh, the States of Indo-China renewed their proposal to create a security zone along the border between Kampuchea and Thailand [A/38/157, annex]. All these steps bear witness to a sense of realism, flexibility and readiness to compromise. They have provided a broad range of avenues for corresponding negotiations, notwithstanding different views on both fundamental issues and questions of detail. They offer indeed good starting points for solving the region's problems, in the interests of the peoples and in accordance with the Charter of the United Nations. The policy for peace pursued by the Lao People's Democratic Republic, the Socialist Republic of Viet Nam and the People's Republic of Kampuchea has the German Democratic Republic's wholehearted support. It is a reasonable alternative to the course of confrontation in that region.

241. If a sense of patience, realism and responsibility prevails on all sides, this policy is capable of leading to the establishment of a zone of peace, stability, friendship and co-operation in South-East Asia.

*Mr. Illueca (Panama) resumed the Chair.*

242. Mr. AL-ALFI (Democratic Yemen) (*interpretation from Arabic*): The South-East Asia region has suffered for many years from devastating wars, the worst of which was the American aggressive war against the peoples of Indo-China, who lost hundreds of thousands of worthy sons. The countries of Indo-China are still suffering from the repercussions of that war, in which American imperialism resorted to sophisticated weapons, including chemical weapons, the effects of which are still being felt in the environment and the agricultural areas.

243. Because of the suffering of peoples in South-East Asia, particularly the peoples of Indo-China, who underwent massacres, dispersion and the destruction of their land and property at the hands of the Americans, the dearest wish of the peoples of the region is for peace and security. The people of the People's Republic of Kampuchea, Laos and Viet Nam, who have suffered from American aggression, are eagerly awaiting the day when they enjoy peace and stability in the region and can reconstruct their countries destroyed by war. That is why those countries are constantly asking that the differences between them should be solved through negotiations, on a footing of equality, with no question of a diktat by one party on another, and on the basis of mutual respect for the legitimate interests of the parties concerned.

244. In order to attain that objective, the States of Indo-China have presented a series of constructive proposals, foremost of which is the proposal of the Vientiane Summit Conference held in February 1983. These proposals define the framework for a comprehensive solution to all the problems of South-East Asia.

245. These constructive proposals, which were reaffirmed at a succession of meetings at the ministerial level between Kampuchea, Laos and Viet Nam, and which were confirmed by the Minister for Foreign Affairs of Viet Nam in his statement to the General Assembly at the current session [24th meeting], are proof of a position of principle and continued interest, as well as of the goodwill expressed on many occasions by the States of Indo-China in their desire for peace and stability in South-East Asia.

246. In recent years there has been a series of positive factors favouring peace and stability in South-East Asia. A dialogue between the States of Indo-China and the member States of ASEAN has begun. We appeal to the ASEAN States to enter into the negotiations with the countries of Indo-China in order to strengthen mutual understanding and help to solve the differences between the two groups. We believe that the resolutions adopted at the summit Conferences of the Non-Aligned Movement and accepted by the two groups of countries continue to represent a basis for the solution of the problems of South-East Asia.

247. Furthermore, we invite all States Members of the United Nations to work towards lessening tension and to encourage dialogue in South-East Asia. We believe that the best way to help the States of South-East Asia to begin negotiations on the basis of the resolutions of the Non-Aligned Movement and the principles of equity and mutual respect for the interests of all parties is to uphold the right of the people of Kampuchea to self-determination, thus putting an end to all attempts to deny its inalienable right to life, true peace and independence.

248. The people of Kampuchea has chosen its cause by ridding itself of those that perpetrated crimes against it. Today this people has established the People's Republic of Kampuchea as well as its legitimate Government, which reflects its legitimate aspiration to independent social and economic development, peace and stability.

249. It does not help the interests of the peoples and of the States of Indo-China to continue to oppose the people of Kampuchea, hinder its rebirth and interfere in the internal affairs of the People's Republic of Kampuchea; nor does it serve the cause of peace and stability in South-East Asia. The seat of Kampuchea in the United Nations is still occupied by the Pol Pot clique, which was rejected by the people of Kampuchea after it committed bloody massacres which claimed thousands of victims among the sons of Kampuchea. The international community, which acknowledges the massacres committed by the Pol Pot gang, cannot impose this Fascist clique on the people of Kampuchea and compel it to be represented by that clique in the United Nations. The international community is ignoring the will of the people of Kampuchea and its legitimate Government.

250. Recognizing these facts, the summit Conferences of the Non-Aligned Movement have since 1979 decided to leave the seat of Kampuchea vacant. This decision was reaffirmed at the Seventh Conference of Heads of State or Government of Non-Aligned Countries, held in March of this year at New Delhi.

251. Democratic Yemen recognizes the Government of the People's Republic of Kampuchea as the sole legitimate representative of the people of Kampuchea. The people chose this Government freely after they got rid of the Pol Pot gang. The Government of the People's Republic of Kampuchea has effective, legal authority over all the territories of Kampuchea. The remaining members of the Pol Pot gang cannot be imposed on the people of Kampuchea, which rejected that gang after it had carried out large-scale massacres against the people and caused widespread material destruction.

252. We believe that the international community should give all necessary and possible support to the Government of the People's Republic of Kampuchea to carry out the task of reconstruction in Kampuchea and ensure that that Government takes its rightful place at the United Nations. This would contribute to the establishment of peace and stability in South-East Asia and to solving all the disputes between the States concerned in their common interest.

253. Mr. VONGSAY (Lao People's Democratic Republic) (*interpretation from French*): For four years now the General Assembly has considered the question of peace, stability and co-operation in South-East Asia. The solution of this question of such great concern to the world community would, of course, have an impact on international peace and security. It was quite clear that the predominant theme in this year's general debate in the General Assembly was the strengthening of peace and security throughout the world, since they are increasingly threatened by the unbridled arms race, including the nuclear arms race, and the fanning of hotbeds of trouble and tension in the various parts of the world in which those in imperialist, hegemonist circles have feverishly engaged.

254. Hence, South-East Asia, because of its geopolitical and strategic situation and its immense human and natural resources, has been the object of the imperialism and hegemonism of the great Powers. It is not without interest to recall that the history of South-East Asia, like that of other parts of Asia, Africa and Latin America, has always been that of the heroic struggles of peoples against colonial and imperialist Powers to recover their freedom and their national independence.

255. Of these unfortunate peoples, those of Laos, Viet Nam and Kampuchea have been and remain by far the most seriously affected physically and morally by foreign colonialist and imperialist adventures. After their total

liberation from aggressive American domination in 1975, the peoples of Indo-China wished only to live and cooperate in peace and friendship with the other peoples of the world, and more specifically with their neighbours, without distinction as to the political and social régimes the latter adopted.

256. Unfortunately, this new-found era of peace, friendship and understanding did not last very long: another misfortune befell the unfortunate peoples of Laos, Kampuchea and Viet Nam. The reason for this was that the political and social system adopted by these three countries immediately following their resounding victory over American imperialist aggression was not at all to the liking of the Chinese hegemonist expansionists. Hence the immoral collusion of the latter with American imperialists bent on revenge in order to destabilize and possibly even topple the new régimes set up in Laos, Viet Nam and Kampuchea.

257. My delegation, like other delegations, has already had occasion to describe to the Assembly the scenario which the Chinese expansionists have adopted in opposition to the countries of Indo-China, and their "trump card" then and still is none other than the genocidal Pol Pot-Ieng Sary-Khieu Samphan clique, camouflaged under the name "Coalition Government of Democratic Kampuchea". That is the fundamental cause of the instability and tension prevailing in South-East Asia. There are of course other causes, all equally important, which I shall come to later.

258. It is significant that the expansionists of Peking, in collusion with the American imperialists, have tried all possible manoeuvres and subterfuges to deceive the members of ASEAN and persuade them that the so-called "situation in Kampuchea", not the expansionist, hegemonist policy of China, is the principal cause of tension and instability in South-East Asia. Thus, whether one likes it or not, there are in fact two different schools of thought, two divergent points of view, in this respect.

259. For the countries of Indo-China as well as for other countries throughout the world that cherish peace and justice, tension and insecurity prevailed in that part of the world long before the Pol Pot adventure. Who can deny that the long-term Maoist strategy of expansion and domination, for which the local pseudo-revolutionaries constituted and still constitute the Trojan horse, has engendered a threat to the peace and security of numerous countries of South-East Asia? The world is perfectly well aware of the new tactic that the Peking expansionists have adopted which, for the purpose of gaining the confidence of the leaders of those countries, involves giving only political and moral support to so-called "insurgents". That is only a deception or an "offensive of smiles", directed at the leaders of the countries concerned. It is comforting to note that the leaders of certain countries of the region have not let themselves be taken in completely. They thought—and they were quite right—that this expansionist strategy was moderated only temporarily, the first priority having been given to the destabilization operation against Kampuchea, Laos and Viet Nam. As for the pseudo-revolutionaries, their essential task was to conduct an ideological agitation campaign within the student masses in anticipation of a "more or less peaceful change" of the régimes of the countries concerned.

260. Certain countries of the region, as I pointed out a few moments ago, are quite right to be wary of the Peking expansionists. The events that occurred in Indonesia in 1965, for instance, as well as the bloody conflicts between Chinese and Malaysians which occurred following the general elections of 1969 in Malaysia, were symptomatic in that respect. The former Prime Minister

of Malaysia, Mr. Rahman, affirmed in his memoirs, entitled *May 13—Before and After*, that the incident was fomented by Chinese communists alone. Even today the Malaysian leaders fear the Chinese threat. Thus, the Malaysian Foreign Minister, Tan Sri Muhammad Ghazali Shafie, recently stated the following before the Royal Commonwealth Society in London: "This does not mean China has abandoned her dreams for regional hegemony. She has merely postponed them to another day when she would be better able to pursue it."\*

261. Also prominent among the causes of tension and regional instability is the Asian and global strategy of United States imperialism, with regard to South-East Asia as well as other parts of the world. This strategy, which is essentially aggressive and interventionist, is even more likely to be implemented in the region by persons or countries acting as intermediaries. This explains why, in spite of its smarting defeat in Indo-China in 1975, the United States imperialists not only have kept their troops and bases in certain countries of the region but are seeking also, especially to strengthen and develop them. Worse still, they are trying every means possible to convert ASEAN into a military alliance. In a spirit of revenge, they have looked for and found an appropriate opportunity for entering into collusion with their new allies—their former enemies—for the purpose of destabilizing the three countries of Indo-China and bleeding them white. The peoples of the region all want to live and coexist in peace, friendship and independence. They have had enough of the state of insecurity and instability which has been prevailing in the region and which severely hampers their noble task of economic and social development. Some among them clearly see that foreign intervention and the presence of imperialist bases and troops upon their soil merely provoke trouble and tensions and aggravate poverty, in addition to the fact that they damage their prestige and tarnish their image and their dignity as sovereign and independent countries. Hence the organized anti-American demonstrations which took place not long ago in certain countries of the region.

262. Those are the principle causes of tension and instability which at present prevail in South-East Asia. Clearly the expansionists, the imperialists and perhaps even our neighbours of ASEAN are of a different opinion. In their eyes so-called "situation in Kampuchea" or the "presence of Vietnamese troops" in that brother country constitutes the essential cause of instability in the region. My delegation does not wish to dwell upon that allegation, for the simple reason that we have already explained our views in the course of the debate on this question at the 35th meeting, on 25 October.

263. Regardless of the validity or lack of validity of the arguments invoked by some in support of their respective views on this question, my delegation wishes to propose that the debate on this question of peace, stability and co-operation in South-East Asia should be dealt with in a constructive spirit exempt from any political motives. How can peace and stability in that region be restored? That is the fundamental problem we should attempt to solve. In this connection the three countries of Indo-China have put forward a series of proposals which demonstrate their goodwill and their sincere desire to bring about a political settlement of the questions of peace, stability and co-operation in that region. To demonstrate their goodwill and their sincerity, the People's Republic of Kampuchea, the Socialist Republic of Viet Nam and the Lao People's Democratic Republic have proposed, for instance, that between the countries

\*Quoted in English by the speaker.



of Indo-China, on the one hand, and the countries of ASEAN and China, on the other hand, bilateral or multilateral treaties of mutual non-aggression and peaceful coexistence should be signed. This seems to us to be entirely logical, inasmuch as our neighbours seem to doubt our peaceful intentions. However, it has been suggested to us that such treaties are not necessary, and Thailand has even said that there would be no threat of aggression coming from Viet Nam. This being so, we have a right to wonder whether this refusal to sign such agreements with us could have a contrary interpretation, namely that our neighbours have aggressive designs against us.

264. Two years ago we also proposed the convening, first, of a regional conference on South-East Asia, that being the first option, and then an international conference, the second option. In 1981, Mr. Phoun Sipraseuth, Vice-President of the Council of Ministers and Minister for Foreign Affairs of Laos, proposed in this General Assembly the seven principles which could govern relations of good-neighbourliness and co-operation among the countries of the region.<sup>1</sup> A year later, that is, last year, our Foreign Minister, acting on behalf of the three countries of Indo-China, addressed a message to his counterparts of the countries of ASEAN in which he developed and explained the modalities with regard to the convening of and participation in such an international conference on South-East Asia. It is hardly necessary to recall that the three countries of Indo-China are still anxious to ensure respect for the legitimate interests of each side and of the principle of equality and mutual respect and non-imposition of the views of one party upon the other. To meet the entirely legitimate concerns for security on the part of Thailand, the People's Republic of Kampuchea even proposed the establishment of a "security zone", instead of a "demilitarized zone", along the Thai-Kampuchean border, a zone in which only the armed forces of Kampuchea and those of Thailand would be authorized to be stationed. Unfortunately, all the proposals to which I have just referred, however constructive and realistic they may have been, have been rejected one after the other by the other side. On the other hand, a one-way solution was chosen—in other words, one which quite clearly goes against the legitimate aspirations of the martyred Kampuchean people. This flawed solution is contained, as everybody knows, in the so-called Declaration on Kampuchea, adopted by the International Conference on Kampuchea, held in New York from 13 to 17 July 1981 under the auspices of the United Nations.

265. Members will recall that the three countries of Indo-China rejected the so-called Declaration for the simple reason that the Conference from which it emerged was held in spite of the protests and without the participation of the parties directly concerned.

266. Past and recent experience has demonstrated that any solution or proposed solution of any problem that does not have the prior agreement of the parties directly concerned, is, unfortunately, doomed to encounter obstacles or to failure. This is the case with that famous Declaration of the so-called International Conference on Kampuchea. In other words, no proposal of the diktat type advanced by one of the parties can be accepted by the other. This explains why the three countries of Indo-China, more particularly, the Socialist Republic of Viet Nam and the People's Republic of Kampuchea, have declared unacceptable the recent proposal by Thailand and the other countries of ASEAN that Viet Nam remove its troops 30 kilometres from the Thai-Kampuchean border or withdraw its troops to a so-called "territorial

base", while the Pol Pot troops, helped by China, could freely engage in their hostile activities. This proposal takes no account whatsoever of the legitimate security interests of the People's Republic of Kampuchea and Viet Nam.

267. As for the three countries of Indo-China, they still continue to demonstrate realism and political good will in their efforts to contribute to normalization and to the development of good-neighbourly relations with their neighbours in the region. Thus it was, for instance, that a certain number of important decisions were taken on the morrow of the first Summit Conference of the three countries of Indo-China, which was held last February at Vientiane. One of these decisions concerned the annual partial withdrawal of volunteers of the Vietnamese army from the People's Republic of Kampuchea. In pursuance of this decision, the second withdrawal of large contingents of Vietnamese volunteers took place last May, with numerous foreign journalists as observers, the first withdrawal having taken place in July 1982. The Minister for Foreign Affairs of my country, in his statement here on 5 October [20th meeting], said that this "is a token of the seriousness of our intent and demonstrates the consistent position of Viet Nam in respect of the independence and sovereignty of that country". [20th meeting, para. 78.]

268. As for the total withdrawal from Kampuchea of volunteers of the Vietnamese army, this was also the subject of discussions, during the Summit Conference of the three countries of Indo-China, between the Socialist Republic of Viet Nam, the People's Republic of Kampuchea and the Lao People's Democratic Republic; and it will take place as soon as peace and security are assured in the People's Republic of Kampuchea.

269. These are the principal proposals believed by us to be constructive and realistic—put forward by the three countries of Indo-China for the purpose of settling the problems of peace, stability and co-operation in South-East Asia. As for the method of settling these problems, it was reaffirmed at the Summit Conference of the three countries of Indo-China, which said that

"relations of friendship and co-operation among the countries of Indo-China and of the ASEAN are an important factor for preserving peace and stability in South-East Asia. They should settle all differences through negotiations in a spirit of good-neighbourliness, [and] coexist in peace and co-operation in friendship with one another. They should not let outside countries interfere and divide them or use the territory of one against another . . ." [A/38/98, annex I].

270. It is worth mentioning here that in the course of their seventh Conference, held in July at Phnom Penh, the Foreign Ministers of Laos, Kampuchea and Viet Nam once again reiterated their proposals concerning the restoration of peace and co-operation in South-East Asia and invited the countries of ASEAN and China to begin without delay the process of dialogue and negotiation [A/38/316], in keeping with the spirit and the letter of the Political Declaration on South-East Asia of the Seventh Conference of Heads of State or Government of Non-Aligned Countries, which was held in March 1983 at New Delhi. The countries of Indo-China are ready, on the basis of the New Delhi Declaration, which was reaffirmed by the Foreign Ministers of non-aligned countries here in New York in October [A/38/495], to begin discussions with their neighbours without any pre-conditions. To demonstrate their good will they even accepted the ASEAN proposal concerning the zone of peace, freedom and neutrality in South-East Asia as a basis for dialogue.

271. As for the problem of the participation of the two groups of countries—those of Indo-China and ASEAN—as mentioned by my Minister for Foreign Affairs in his statement before the Assembly on 5 October [20th meeting]—the agenda of the meeting must be the subject of agreement between the two countries. In this respect, the People's Republic of Kampuchea has clearly indicated that it has no intention of making its participation a precondition of or obstacle to the initiation of such a dialogue. We hope most sincerely that our neighbours share our view that only through peaceful means, such as dialogue and negotiations, can peace, stability and co-operation be re-established in South-East Asia. Military means, armed confrontation or the test of strength can only lead us to chaos and the destruction and the ruin of the rich and beautiful region of South-East Asia. We must listen to the voice of our peoples, which is the voice of reason, friendship, understanding and peaceful coexistence, not to that of outside Powers which harbour only imperialist, hegemonist ambitions.

272. My delegation wishes to pay a tribute to the Secretary-General for the personal, patient and tenacious efforts that he persistently makes to promote the opening of a dialogue and constructive negotiations between the countries of Indo-China and those of ASEAN. At the same time, we appeal to all the States Members of the United Nations to encourage between the two groups of

countries the trend towards dialogue which has clearly emerged, a dialogue which we sincerely hope will soon contribute to making South-East Asia a zone of peace, stability, friendship and mutually advantageous co-operation, because this is what the peoples of this region ardently desire.

273. The PRESIDENT (*interpretation from Spanish*): We have heard the last speaker in the debate, and no draft resolution has been submitted under this item. It has been proposed, after consultations, that in pursuance of the efforts to bring about peace, stability and co-operation in South-East Asia, consideration of the item entitled "Question of peace, stability and co-operation in South-East Asia" be adjourned and that the item be included in the provisional agenda of the thirty-ninth session of the General Assembly. If I hear no objection, it will be so decided.

*It was so decided (decision 38/406).*

*The meeting rose at 7 p.m.*

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NOTE

<sup>1</sup> *Official Records of the General Assembly, Thirty-seventh Session, Plenary Meetings, 16th meeting, paras. 96-111.*