



President: Mr. Imre HOLLAI (Hungary).

AGENDA ITEM 33

Policies of *apartheid* of the Government of South Africa (continued):

- (a) Report of the Special Committee against *Apartheid*;
- (b) Report of the *Ad Hoc* Committee on the Drafting of an International Convention against *Apartheid* in Sports;
- (c) Reports of the Secretary-General

1. Mr. AL-HADDAWI (Iraq) (*interpretation from Arabic*): The General Assembly has been debating the policies of *apartheid* year after year for the past three decades with a view to freeing the peoples of South Africa from injustice and oppression and enabling them to exercise their political, social and economic rights.

2. The Assembly usually concludes its discussion by adopting resolutions and perhaps forming committees and convening conferences to implement the contents of those resolutions. The majority of Member States that usually participate in these debates vote in favour of the resolutions, condemn *apartheid*, call for its elimination and sometimes even appeal to the Security Council to impose sanctions on the racist Government of South Africa in accordance with Chapter VII of the Charter. However, we must note regretfully that the detailed and prolonged debates have no practical effect and the objective resolutions are never implemented. Rather, they are added to the many earlier resolutions adopted by the General Assembly since the inception of the Organization.

3. Iraq has, since the creation of the United Nations, supported the struggle of peoples against colonialism in all its forms; it has supported and will continue to support their legitimate right to freedom, dignity and independence. We are constantly strengthening our solidarity with all those who endeavour to ensure the elimination of racism and *apartheid*, whether these efforts are made within the United Nations or within the non-aligned movement.

4. Iraq considers its solidarity with the struggle of the African peoples to be one of the corner-stones of its consistent foreign policy. On the basis of this traditional concern, Iraq always takes care to participate effectively in all the conferences that are convened with the object of dealing with the crime of *apartheid* and doing away with all its causes.

5. It is often asked why the United Nations has not so far succeeded in implementing its resolutions aimed at the elimination of this crime and at putting an end to the inhuman policies that the dominant

minority in Pretoria still practises against the indigenous population. We do not believe that it is difficult to answer this question or that the reason is unknown. It is obvious that it is not simply the obstinacy and intransigence of the Pretoria régime that have prevented the United Nations from putting an end to this human tragedy. What is also certain is that a number of Western capitalist countries, including the United States, are not manifesting the necessary political will or concern regarding the settlement of the question of *apartheid* and the elimination of that criminal policy.

6. Some of the Western and capitalist countries speak in the General Assembly in language which superficially indicates concern and also sympathy with the efforts exerted by others in the task of eliminating *apartheid*. They express enthusiasm at the resolutions denouncing the racist minority and condemning its crimes. Perhaps it would be useful to pause here a moment to consider the nature of the positions of some of these States and assess the sincerity of their intentions with regard to the efforts of the majority, which seek to ensure the fulfilment of the aspirations of the peoples of South Africa and Namibia.

7. Actually, if those Western countries, including the United States, which have expressed good intentions were to show the firm political will that is necessary and to support sincerely the struggle against the injustice and the tyranny of the minority régime, we should undoubtedly be able to take important and effective steps to eliminate *apartheid*. But it is no secret that political, economic, military and commercial interests, the influence of transnational corporations and racial sympathy with the minority in South Africa lead those countries to enunciate positions contradictory to their real practices and policies with regard to the crime of *apartheid*. This makes us suspect that their expressions of support for the majority are just for propaganda purposes and do not really stem from conviction of the necessity of eliminating *apartheid*.

8. Had some of those Western countries and other capitalist countries shown reasonable flexibility, had they had the foresight to look to their future interests and had they sincerely supported the efforts of the majority aimed at eradicating *apartheid*, we would have been able to find a solution to this tragedy a long time ago.

9. It is our belief that the peoples of some of those countries find it hard to understand the contradictory positions their Governments take with regard to *apartheid* and that they are unable to find any connection between the statements their Governments make and the continuing abnormal relations they maintain with Pretoria. They would, we believe, strongly condemn the increasing political, economic

and military co-operation with the Pretoria régime and reject the notion that South Africa should be used as a base for aggression against the peace-loving peoples of Africa, and particularly in view of the fact that the racist régime of South Africa has become an arsenal threatening the other régimes in the area.

10. The overt and covert co-operation between the racist régime in Pretoria and some of the Western capitalist countries has not put an end to the efforts being made to eliminate *apartheid*. It has, however, opened the door to permit the terrorist authorities of South Africa to escalate their policy of oppression, genocide and economic exploitation of the indigenous population, to confiscate their lands, which are their sole means of livelihood, and to deprive them of their basic human rights, while seeking to do away with the population's identity by fragmenting the country into bantustans, such as the Transkei, led by dependent and puppet régimes.

11. It would be unwise to ignore the evil role the Zionist entity is playing in intensifying racism and *apartheid* in South Africa through the strengthening of the Pretoria régime and through increased co-operation between the two régimes in economic, political, trade, cultural and diplomatic relations, especially with regard to military relations, including the exchange of nuclear expertise and the sophisticated equipment needed to develop nuclear arms and to achieve certain military objectives, and involvement in the extraction and manufacture of uranium.

12. These two régimes, in South Africa and in occupied Palestine, are two faces of the same coin, linked together by their policy of aggression as well as by the strategies of and belief in the practice of racism. This has motivated the General Assembly to regard *apartheid* as a crime and zionism as a form of racial discrimination. While the Pretoria régime, with its Nazi roots, carries out steady aggression against the front-line African countries with European and American encouragement, the Zionist Fascist régime also receives similar encouragement in its systematic aggression against the Arab nation. Thus, colonialism has guaranteed for itself bases for intervention and for acts of sabotage which threaten the peace and security of the African and Arab peoples.

13. A few days ago, speaking before this Assembly, the representative of the Zionist entity deliberately attacked the Special Committee against *Apartheid* and criticized its members, accusing them of a lack of objectivity and of dishonesty. He took it upon himself to intervene and interfere in the internal affairs of other countries merely because they had succeeded in unmasking some of the dangerous relations that exist between the Zionist entity and the racist régime of South Africa, as is stated in the addendum of the Special Committee's report [A/37/22/Add.1].

14. While condemning those unethical practices, for which the Zionist entity is notorious, the Iraqi delegation proclaims its appreciation of the Special Committee and praises its members for their sacrifices and for their objective efforts aimed at revealing the truth and enlightening world public opinion with regard to the savage brutality of the crimes perpetrated by the two Fascist régimes of Tel Aviv and Pretoria. Our delegation extends particular thanks to

Mr. Maitama-Sule, Chairman of the Special Committee.

15. The representative of the Zionist entity also said that the Special Committee had relied upon statements that had appeared in the press in order to document its information on the relationship between *apartheid* and zionism, and he claimed that most of those press statements were of no value and could not be depended upon. We would remind representatives that the Special Committee derived its information from such publications as the *International Herald Tribune*, the *Jerusalem Post*, the *Washington Post*, the *Financial Times* of London, the *New York Times*, the *Daily News* of New York and the *Toronto Mail Star*, as well as from dozens of South African newspapers.

16. I do not believe that anyone would differ from our opinion that those newspapers have a worldwide reputation and that most of them were and remain mouthpieces for zionism, unconditionally giving space to its advocates for the purposes of glorifying zionism and the Zionist entity and of attacking the Arab nation and its culture and civilization, as well as for exerting pressure on the Western European and American politicians to align themselves with the Zionist entity and increase their financial and political aid to it. Those newspapers have become an important part of the Zionist lobby that has infiltrated and spread throughout the European and American continents. It is unthinkable therefore, that those newspapers should condemn zionism without any basis in fact.

17. The Zionist representative, however, cannot recognize any fact that contradicts his usual pattern of falsification and distortion, and if he contests the validity of the quotations the Special Committee has drawn from the publications I have just mentioned, I wonder if he had hoped that the Special Committee would turn instead to the *Jewish Chronicle*, *Davar*, *Ha'aretz*, *Haolam Hazeh* and other Israeli newspapers?

18. In his statement, the Zionist representative said that his Government is committed to Security Council resolution 418 (1977), which calls upon countries to refrain from providing the racist régime in South Africa with arms and war material of all types. He did not explain, however, why a *United Press International* report from Jerusalem dated 17 August 1981 mentioned an appeal made by the Zionist Minister of Economy to the United States to refrain from competing with them in exporting weapons to Taiwan, South Africa and various countries in the Caribbean region.

19. How can the Zionist representative explain the Radio Israel announcement from Jerusalem on 12 December 1980 of the conclusion of a financial agreement with South Africa by which the Zionist entity would obtain a loan of 135 million rands over a three-year period in return for allowing the Pretoria régime to invest \$45 million in projects in occupied Palestine? The Zionist entity was able to obtain approval for the selling of shares valued at \$25 million in South Africa. How can the representative of the Zionist entity explain the report by the *Sunday Times* of London in March 1982 that three Israeli authors wrote a book on the production by Israel and South Africa of a rocket with a range of 1,500 miles,

as well as the manufacture of neutron bombs and other, nuclear, weapons? It is common knowledge that one of the authors is Mr. Perlmutter, who worked for four years at the Israeli nuclear centre at Dimona.

20. The Zionist representative attempted to minimize the extent of the economic and trade relationships between the two racist régimes, whereas the figures of the International Monetary Fund [IMF] show that the exports from the Zionist entity to Pretoria in 1979 amounted to \$48 million, without mentioning other figures in relation to petroleum, arms and naval equipment, while the imports of the Zionist entity from Pretoria during the same year amounted to \$53 million, apart from any reference to the export of diamonds and gold.

21. It is common knowledge that the Zionist entity is regarded as the second largest world market for diamonds imported from South Africa, some of which are imported direct and some through a third party.

22. The diamond-cutting and polishing industry is second to the arms industry in the Zionist entity and the Tel Aviv Government has allocated \$100 million to develop that industry in order to enable it to compete with the European and American markets.

23. The volume of trade between the two régimes is not important in itself; what is important is that the Pretoria régime depends on the Zionist entity to defeat the resolutions on boycotting, that the Tel Aviv Government evinces its readiness to get round these resolutions, and that the Zionist entity imports manufactured and semi-manufactured products from South Africa and then processes them and exports them to international markets, including the European Common Market and the United States market. As a result of a number of financial and trade agreements between the two régimes, there is a special arrangement between them governing dual taxation, non-convertible foreign currencies and customs tariffs.

24. It may be useful to point out here that the two régimes own two maritime transport companies through which the Zionist entity can divert oil tankers to South Africa. It is quite apparent that it is a very dangerous way of circumventing the United Nations resolutions aimed at the boycotting of trade relations with South Africa.

25. I must say something about the arms relationships between the two Fascist régimes because they endanger stability and security on the African continent and peace throughout the world. The Institute of Strategic Studies in London and reports in *The Economist*, *The Financial Times* and *The Washington Post* show that the Zionist entity continues to expand the capacity of the Pretoria régime's fleet by providing it with high-speed vessels equipped with Gabriel air-to-air missiles, ground-to-ground missiles, 105-millimetre guns, anti-tank rockets and Scorpion aeroplanes manufactured in occupied Palestine, as well as sophisticated electronic equipment for the purposes of war.

26. The most dangerous aspect of this relationship on arms between the two régimes is the nuclear co-operation and the conducting of nuclear tests in the southern part of the Atlantic. The United States Central Intelligence Agency [CIA] was well aware of those tests. The co-operation continues and as a result

each régime is able to manufacture whatever nuclear weapons, bombs and their carriers it wishes. The Zionist entity obtains enriched uranium from South Africa for use in the reactor at Dimona in occupied Palestine.

27. The danger of this relationship is that it may defeat the desire of the African nations to make of their continent a nuclear-weapon-free zone, and that must be viewed with great concern if we genuinely want to support the United Nations mission which consists of ensuring peace and security in the world. The practical relationship between the two Fascist régimes and their unholy alliance, together with the continuing and escalating criminal co-operation between them, threaten tragedy for the people of Africa and the Middle East and place mankind at the mercy of these two evil régimes. The United Nations must work to end this evil. In our view that will never come about unless the great Powers shoulder their responsibilities, express their intentions and evince the political will necessary to link word with deed.

28. Mr. MOLI (Uganda): It is with great sorrow that I have to add my words to those of other representatives who have spoken before me to mourn the passing of President Leonid Ilyich Brezhnev, General Secretary of the Central Committee of the Communist Party of the Soviet Union and President of the Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics. I wish, on behalf of the delegation of Uganda and personally to express to the delegation of the Soviet Union and through them to the Government and people of the Union of Soviet Socialist Republics, our deep and sincere condolences on this sad occasion.

29. The Union of Soviet Socialist Republics has lost a great and exceptional leader and the world has lost a towering and relentless champion of peace, disarmament, détente and decolonization. We in Africa can never forget the principled and consistent support we received from the USSR, under the leadership of President Brezhnev, in our struggle for freedom and justice. In particular we remember with deep appreciation the enormous contribution that the USSR, under the leadership of President Brezhnev, has made and continues to make towards the total liberation of southern Africa.

30. All peace-loving peoples the world over will miss President Brezhnev. On this occasion we renew afresh our commitment to the pursuit of peace, disarmament, détente and decolonization—the goals to which President Brezhnev dedicated his life.

31. In speaking during this discussion on the perennial question of the policies of *apartheid* of the Government of South Africa, I should like to commend the Chairman of the Special Committee against *Apartheid*, Mr. Maitama-Sule of Nigeria, and all the members of the Committee for their tireless efforts and devotion in mobilizing international action against the pernicious system of *apartheid*.

32. The year 1982 has been proclaimed by this Assembly International Year of Mobilization for Sanctions against South Africa [resolution 36/172 B]. As we draw near the end of this historic and momentous period, Uganda salutes the valiant peoples of South Africa and Namibia in their relentless

and heroic struggle against racism, *apartheid*, colonialism and foreign domination. Theirs is part and parcel of the universal struggle for human dignity, freedom, justice, national independence and world peace. The overwhelming majority of the international community, and particularly the peoples of Africa, are solidly behind them.

33. The protracted struggle of peoples against *apartheid* and foreign oppression is long and tortuous, but it will be victorious. The question is not whether or if, but rather how and when victory will be achieved. The peoples of South Africa and Namibia, under the leadership of the liberation movements, are firmly resolved on the strategies of their struggles. Victory is only a matter of time.

34. In the face of the peoples' united and determined opposition to *apartheid* and colonialism, the racist Pretoria régime, in desperation, has further tightened the bolts of the repressive State apparatus; it has continued to buttress and entrench its war machine in the illegally occupied Territory of Namibia and has intensified its wars of aggression and destabilization against the independent neighbouring countries of the region. Hence, the practices and policies of the Pretoria régime are multi-dimensional.

35. Despite its attempts to project an image of change and relaxation of the *apartheid* system, the racist minority régime in Pretoria is relying more and more on barbaric forms of repression, in a futile attempt to halt and subvert the forward movement of the liberation struggle. Trade unions are trampled upon. The indefinite detention without trial of patriots has assumed unlimited dimensions, with hundreds of them languishing and some perishing in prisons.

36. A large number of women and children have been forcibly evacuated from urban areas and dumped into barren and inhospitable parts of the country, where their fate is abject poverty. Through this systematic movement of thousands of the black majority, the racist minority's control over the land and wealth of the country has been consolidated. Communities have been disrupted and their capacity to resist the *apartheid* system undermined.

37. For the victims of *apartheid*, the dislocation of population has serious implications. The enforced moves mean greater distances from work and loss of access to land; for many it means the start of a life as migrant workers; and for large numbers of individuals and families the effects have been poverty and hunger. Under such conditions not only under-nourishment but many types of diseases flourish.

38. The forcible removal and evacuation of large numbers of the population by the *apartheid* régime must be viewed in the context of its policy of transforming South Africa into a white man's country by depriving the entire African people of their citizenship. The removal and resettlement of large numbers of black people has always been bound up with the establishment and maintenance of the system of racial domination in South Africa. The current policies of relocation are closely geared to the régime's desperate but ultimately futile attempts to perpetuate its Fascist rule in the face of growing national resistance and the advancing forces of liberation.

39. In its continuing manoeuvre to hoodwink the international community about racial reforms in South Africa, the racist régime this year announced bogus constitutional changes. The proposals would allegedly promise a full autonomy for Coloured and Indian peoples, and self-determination and participation by the so-called "three peoples" in the executive branch of government, while the vast majority of the South African population would remain excluded from any participation in the affairs of their country.

40. Through its propaganda machine, the *apartheid* régime portrayed to the world that these so-called new constitutional principles would offer the greatest possible devolution of power to the people and that all peoples would now enjoy a new degree of self-determination. However, there is not a shadow of doubt in our minds that the primary aim of this transparent strategy is to co-opt some sectors of South African society into a segregated power structure, with the aim of strengthening *apartheid*, perpetuating exploitation and undermining the thrust of the liberation struggle.

41. There is yet another dimension to the issue before us: that is the continued illegal occupation of Namibia by the racist Pretoria régime, in flagrant violation of the resolutions and decisions of the Security Council, the General Assembly and, indeed, the wish of the entire international community. The prevarication of the *apartheid* régime on the implementation of the 1978 United Nations plan for the independence of Namibia is a rebuff to this body and undermines its very authority and prestige. South Africa is preparing feverishly to plant new puppets in Windhoek. In the wake of this, it has strengthened its repressive and military apparatus in Namibia and continues to mount naked aggression, without any provocation whatsoever, against the front-line States, especially against the People's Republic of Angola.

42. The recent assassination by parcel bomb in Mozambique of Ruth First, one of *apartheid*'s most energetic opponents and a leading member of the African National Congress of South Africa [ANC], was one more sign of South Africa's creeping intervention in those countries. Acts of violence and sabotage, both in the front-line States and against opponents of *apartheid* elsewhere, have intensified. The attacks have increased in scale and intensity. South Africa's destabilization campaign is only one facet of a strategy designed primarily to transform southern Africa into an East-West battleground. The murders of opponents of the *apartheid* system by the Pretoria régime in neighbouring countries and the military and economic destabilization of those countries must be viewed in a broader context. It is not only a well-prepared plan of the Pretoria régime to intimidate those countries that are opposed to *apartheid* and to foment economic hardship in them but also to lend credibility to its persistent propaganda of alleged Communist expansionism. The ill-fated South African-sponsored mercenary invasion of Seychelles in November 1981 was an example of this pattern.

43. It is most regrettable that, in spite of the perpetuation of racism in South Africa, the illegal occupation of Namibia and the waging of wars of aggression against the front-line States, the *apartheid* régime continues to receive support from certain Western

countries. These Western countries, have, in collaboration with South Africa, continued to plunder the natural resources of Namibia in flagrant violation of Decree No. 1 for the Protection of the natural resources of Namibia,¹ enacted by the United Nations Council for Namibia on 27 September 1974. The arms embargo against the racist régime of South Africa has proved ineffective because of the military and economic co-operation between South Africa and its Western allies. By the acquisition of nuclear capability the racist régime can now blackmail anti-*apartheid* forces, perpetuate racism in South Africa and colonialism in Namibia and remain a perpetual aggressor in the southern region of Africa. We cannot but condemn the double standards of some of those Western countries that proclaim their commitment to democratic ideals and yet enter into complicity with the *apartheid* South African régime by committing untold and vicious crimes against not only its own people, but also the peoples of Namibia and the southern African region as a whole. South Africa's relations with its neighbours and its conduct, both internally and abroad, are characterized by persistent threats to peace, breaches of the peace and acts of aggression, thus posing a serious danger to international peace and security.

44. We believe the collapse of *apartheid* and colonialism in South Africa and Namibia demands the intensification of concerted international efforts. As the struggle against the oppressive racist régime heightens, so should international support for the struggle. There is, therefore, an imperative need for the imposition of comprehensive and mandatory sanctions against the racist Pretoria régime so as to compel it to abandon racism in South Africa and colonialism in Namibia. In this connection, we condemn unreservedly the decision of IMF, made a few days ago, to grant a loan of \$1.1 billion to South Africa, since these funds will without any doubt be used to sustain *apartheid* and oil its military machine.

45. The people united shall always win.

46. Mr. MOUSHOUTAS (Cyprus): It is often with pride that we refer to many of the achievements of our civilization in the twentieth century. It is with pride that we review the history of the human race, which has struggled through the centuries to establish equitable large-scale socio-economic and political systems befitting its particular needs in the various parts of the world. And it is with pride that we note the evolvement of value systems oriented towards respect for the dignity of the individual. The human race, as one indivisible unit, despite internal conflicts which have at times resulted in mass catastrophes, has reached the stage where it can look back and appraise the history of civilization as a collective achievement.

47. We, as individual constituent members of the human race and as members of the international community of nations, have every right to feel pride in the progress we have made. At the same time, however, we share a collective responsibility for our failures and the heavy burden of rectifying the evils which mar our past and our present.

48. The evils of our civilization are numerous. But on this particular occasion, in regard to agenda item 33

of the thirty-seventh session of the General Assembly, entitled "Policies of *apartheid* of the Government of South Africa", the evil to which we are referring is that of the abhorrent policy of *apartheid* and its condemnable consequences.

49. It is a source of shame for mankind that the concept of racial or ethnic superiority should today continue to form the ideological basis of a State, whose very existence depends on the forceful application of the corollaries of the theory of *apartheid*. It is utterly unacceptable that in the age of space exploration human beings should be classified by race and deprived of universally accepted human, political and economic rights on the basis of racial or ethnic criteria. And it is deplorable that the South African racist régime has found it possible to disregard the condemnation of the international community, to defy all appeals and to continue, and even intensify, its efforts to apply its racist policies and to eliminate internal opposition to them.

50. In the process, the Pretoria régime is employing brutal repression, imprisonment, torture and murder against the opponents of *apartheid* who have the courage to stand up and fight for freedom and dignity. Millions of people have been uprooted in the process of bantustanization, which is another attempt to deprive the African majority of their citizenship.

51. What is equally abhorrent is that the South African régime has undertaken a campaign of aggression and subversion directed against neighbouring countries and against Angola in particular. In this campaign the racist régime has not hesitated to use Namibia, which it occupies illegally, as a springboard for its acts of naked armed aggression and for its destabilization of neighbouring States.

52. The principles of the Charter of the United Nations affirm the faith of the peoples of Member States in and their commitment to the fundamental human rights which assure the dignity of the human person. Articles 1, paragraph 3, and 55 c of the Charter call for international co-operation in promoting respect for human rights and for fundamental freedoms for all, without distinction as to race or creed. But even those basic provisions are contemptuously violated by South Africa in a way that constitutes an affront to the conscience and dignity of the human race. Moreover, the policy of *apartheid* followed by the South African régime, along with its acts of armed aggression and subversion against neighbouring States, constitutes an indisputable threat to peace and stability in the area and to international peace and security in general.

53. It is lamentable that successive régimes in South Africa have found it possible to follow the racist policy of *apartheid* despite internal resistance and external pressure. It is generally recognized, and regretted, that the South African racist régime has secured the support, and even the assistance and collusion, of a, fortunately, small number of countries.

54. The failure of the Security Council to adopt a decision imposing comprehensive sanctions against South Africa has allowed that racist régime to continue its brutal repression internally and its armed aggression, subversion and destabilization externally. The responsibility of the Governments, whose policies help

to strengthen the racist régime is a grave one. It is high time that those countries realized that the policy of appeasement applied to South Africa only aggravates the situation, and that more determined, detailed measures must be adopted in dealing with the problem. The racist régime of Pretoria must be isolated politically and economically and weakened, so that it is forced to heed the will of the international community.

55. The position of the Government of the Republic of Cyprus on *apartheid* and all forms of discrimination based on race, colour or creed is well known. We have repeatedly condemned *apartheid* and every form of racism or racial discrimination and have consistently supported all international efforts aimed at isolating the South African régime so that it will be forced to abandon its inhuman policies.

56. We believe that the unity and dignity of the human race, the moral strength of our civilization and the determination to eliminate the monstrosity that is *apartheid*, both as a theory and as an active politico-economic system, will prevail in the near future. We believe that the suffering of oppressed fellow human beings in South Africa and Namibia will soon come to an end and that their dignity, as well as ours, will shortly be restored.

57. Mr. EVERINGHAM (Australia): Since the demise of Nazi Germany, few, if any, institutionalized social systems have attracted such international condemnation as the policy of *apartheid* of the Government of South Africa has done. The Australian Government believes that it is right and proper that South Africa should be so condemned for its abhorrent *apartheid* policies. We do not believe that South Africa or anyone else can argue that for the United Nations to consider the policies of *apartheid* is interference in the internal affairs of that country. The practices of the *apartheid* régime are so offensive and their consequences so damaging, not only for the inhabitants of South Africa itself but for the stability of the whole African continent that it is imperative that the United Nations continue to involve itself in the struggle against *apartheid*.

58. But merely to condemn *apartheid* is not enough. Over the years the United Nations has adopted countless resolutions in which it has condemned the Government of South Africa and called on it to cease its policies of *apartheid*, but these have had little or no impact. Few questions so unite the international community. But, in the current régime in Pretoria, the international community is faced with perhaps the most obstinate, blinkered and amoral Government in the world today. We are forced to the unhappy conclusion that the more the international community unites in its condemnation of South Africa, the more the ruling white minority Government seems to unite in thumbing its nose at the rest of the world.

59. The Australian Government fully supports the legal and moral arguments already advanced in this debate against the continuation of the policies of *apartheid*. We wonder, however, whether a slightly different approach to the problem might not find more receptive ears in Pretoria; and if we are to leave open the option of peaceful change in South Africa, we believe we must not ignore those opportunities which present themselves.

60. South Africa is a country of great human and natural resources. Its 25 million people and its abundant natural resources have already made it one of the richest countries in the African continent. But it has grown rich at a terrible price. The white minority has become rich and prosperous on the backs of black labour in a state of virtual slavery. If one were to compare the resources and the total population of South Africa with the resources and population of a very large number of other members of the international community, we would see that in a fair, equitable, multiracial system all South Africans could still enjoy a high standard of living—higher indeed than that enjoyed in many other countries represented here. The country has a potential to become an economic powerhouse for the development of the whole continent. Instead it has chosen the opposite course. It has chosen to set itself against an entire continent and has become an enclave of wealth and privilege set to pursue its policies in social isolation. Occasional forays by the agents of South Africa's Government into the region are not designed to improve friendship and co-operation between countries, but rather are of a military nature designed to appease the paranoia of the régime in Pretoria. The contrast between the potential for co-operative relations and the actuality of confrontation could hardly be more stark.

61. Because of the social, moral and political inequities that are an essential part of *apartheid*, it contains within itself the seeds of its own destruction. The great fear of the Australian Government is that in that destruction not only the people of South Africa will suffer. The potential for bloodshed and strife both within South Africa and between South Africa and its neighbours is frightening. That bloodshed can be to no one's advantage and it is the fervent hope of my delegation that the South African Government can be brought to realize that the course it is now pursuing so obstinately can have no other result. It should also realize that an alternative approach would not be the Armageddon which it apparently fears.

62. The vision of a multiracial South Africa working in harmony with its neighbours could not at the moment be further from reality. But my delegation is convinced that a large number of individuals, including many in the white community in South Africa, are aware of the power of that vision. But because of the political system within that country they have not been able to promote the vision or to help towards its realization. Let us not delude ourselves that the strict application of the policy of *apartheid* has the unquestioning support of the entire white community in that country. It has not.

63. We would not normally quote with approval the Prime Minister of South Africa, but we endorse his call to the white South African community that it must "adapt or die". But by this we would not mean small adaptations at the margin while the full impact of *apartheid* remains unchanged. What is needed is deep, fundamental change. There has been some indication of slight changes in the right direction. However, when one looks at other policies pursued by South Africa at the same time, one cannot help but think that the small changes have been made for

cosmetic reasons. The Australian Government regards it as unacceptable for the South African authorities, at the same time as they are professing changes in their internal policies, to continue such practices as detentions, bannings and torture. We have in mind cases like those of Nelson and Winnie Mandela, the Reverend Beyers Naudé, Father Smangaliso Mkatshwa and the tragic case of Neil Aggett. Those names are now added to the already too long list of South African nationalists who have been deprived of their civil and political rights. The deaths of so many political detainees, most recently that of Mr. Aggett, raises serious questions in the minds of many Australians. Nor do the South African raids into neighbouring countries suggest sincerity in the small internal changes that have been made.

64. There is a place for South Africa in the international community. For the last 20 years it has forfeited that place. The international community will readmit South Africa to its company only when deep and abiding changes take place within that country. The international community does not enjoy isolating South Africa. Nothing would give the entire international community, and in particular the African continent, greater pleasure than to have a multiracial, egalitarian South Africa sitting in this chamber. My delegation does not wish to see such change brought about by bloodshed. It is within the capacity of the South African authorities themselves to do what is necessary for their readmission. We do not play down the internal difficulties involved. It is probably true that *apartheid* cannot be abolished overnight. But neither can the call for its abolition be satisfied by the sort of changes at the margin which the present authorities in South Africa have deemed sufficient for the moment.

65. The vision of South Africa working in fruitful co-operation with its neighbours is an exciting one. To many here it may seem hopelessly unrealistic. We understand that despair, but we are convinced that there must be an alternative to terrible bloodshed in the region. The onus is on South Africa—not on its neighbours. South Africa needs only to look around its borders to see examples of healthy, working multiracial societies. Zimbabwe is of course the most exciting recent example of this. If South Africa feels that the international community is set against it at the moment, it is because by its actions South Africa has forced the international community into such a stance.

66. Mr. AMECA (Togo) (*interpretation from French*): At the outset I cannot refrain from once again expressing here publicly and forcefully my delegation's and my country's abhorrence at the *apartheid* system, which has been indicted from this rostrum by representatives of peace-loving countries and will continue to be indicted until it has been brought to an end. As an existentialist might say, "I am free only as long as my fellow man is free". Africa cannot consider itself free as long as part of its soil remains wretchedly enslaved.

67. The President of ANC, Mr. Olivier Tambo, was saying precisely that when he said in Paris on 25 May 1982, on the occasion of African Liberation Day: "Southern Africa will not know either peace or stability until *apartheid* has been destroyed."

68. Indeed, peace and stability are unknown not only to those who live under the despicable system of *apartheid* but also to those who brazenly impose it. For more than 30 years now the white racist régime in South Africa has obstinately pursued its policy of racial separation and separate development despite the unanimous obloquy of the international community. It is clear that this system was designed to preserve in the hands of the white minority exclusive control over the wealth of the country while the black majority is herded into homelands, where they are deprived of the very essentials of life. In fact, the white man who has usurped power cannot agree that a black person who was born on the same soil as himself is equal to or should have the same opportunities as himself. He hardly even regards him as a human being. It somewhat recalls the naivety of the philosopher who, with ill-placed waggishness, wondered how God could ever have placed a soul in a black body.

69. This policy, which defies fundamental human rights recognized and accepted by all civilized nations, contains in itself the seeds of violence and hatred. Soweto is a striking proof provided by history, where young black schoolchildren dared to rise up against the wrongs which had been perpetrated against their race. We therefore declare once again that *apartheid* is a crime against humanity, if for no other reason than that it imposes a system of intolerance, domination, exploitation and humiliation, in the name of racism, on the vast majority of the black people of South Africa. The Special Committee against *Apartheid* was therefore quite right to state in its most recent report:

"It has resulted not only in immense suffering of the people of South Africa, but has led to constant breaches of the peace and acts of terrorism and destabilization by the racist régime of South Africa in the whole of southern Africa, in violation of international law and morality. It poses a danger of a much wider and ghastlier conflict and threatens the maintenance of international peace and security and the development of genuine international co-operation." [A/37/22, para. 283.]

70. Furthermore, this policy, which has been imposed by the white racists of South Africa since 1948, is even more scandalous in that it flies in the face of the principles of respect for human rights and fundamental freedoms without distinction as to race, sex, language or religion, principles laid down three years earlier by those who signed the Charter of the United Nations. That is why we affirm that the elimination of racial discrimination in its institutionalized form must be one of the priority goals of the United Nations. *Apartheid*, which is a crime against humanity, represents for peace both inside and outside that country an imminent danger against which the entire international community should be mobilized.

71. The reality of this danger can be seen from certain notorious facts which have been made by the racist authorities into a governmental system since they usurped power in South Africa: the expulsion of the black people from their homes and lands under the ignoble pass laws; the detention of thousands of black people without a trial for varying periods, on the basis of mere suspicion; the inhuman and fatal torture of the inhabitants of that country; the massacre of mil-

lions of defenceless men, women and children; the confiscation of land and the creation of reserves through the policy of bantustanization. The list of the crimes committed by the whites of South Africa in the name of their anachronistic racism, which has been inspired by the ignominious ideology of the Nazis, is a long one.

72. May I here pay a heartfelt tribute to all those who wished only to live free and equal and have fallen under the heels and bullets of the South African racists, all those who are immured alive in the gaols of Pretoria for having fought the good fight, the children of Sharpeville and the schoolchildren of Soweto whose outstanding actions will remain for all freedom fighters an example of duty and sacrifice so that the cause of the people shall triumph. I pay a tribute also to the illustrious personalities in this fight for equality, among whom I would mention Chief Albert Lutuli, a Nobel peace prize laureate, the Iman Abdullah Haron, a respected religious leader, Steve Biko, a founder of the black consciousness group, Neil Aggett, a trade-union official, and the militant pacifist Nelson Mandela, who has been a prisoner of the racists for more than 20 years. Finally, I pay a tribute to all the unknown fighters who, hounded by the South African military, have sacrificed their goods and their families to the cause of equality and justice.

73. It is heartening to see that, so far as the international community is concerned, voices were very soon raised and action was taken to do away with *apartheid*. Thus in 1962 Martin Luther King, an illustrious fighter for peace, launched a campaign against the monstrous Government of South Africa which had unleashed a bloody war against its own black population. In the same year the General Assembly, in resolution 1761 (XVII), requested Member States separately or collectively to take measures to bring about the abandonment of the policies of *apartheid*. The large number of African countries which had achieved independence two years earlier joined their efforts to those of other States in order to bring about the total emancipation of Africa. Since then, under universal attack, the South African Government has been forced to leave its seat in the United Nations. Nevertheless, this act of quarantine, in order to be effective, must be supported by all Member States, but since that was not so the racist régime in South Africa, encouraged in its despicable policies, has escalated internal repression and exported suffering beyond its frontiers by acts of terrorism and destabilization against the front-line States, by organizing the invasion of Seychelles, by a frenzied escalation of warlike preparations and by its efforts to acquire nuclear weapons.

74. The convulsions of a dying régime headed by a racist minority may well lead to a regional conflict with incalculable consequences for international peace and security. The international community will therefore have to act with great composure if the worst is to be avoided.

75. Nevertheless its efforts so far have been constantly thwarted by certain Member States and international companies which would like the system of *apartheid* to continue. It is therefore extremely regrettable to note that the imposition of sanctions has only been half-heartedly applied. Worse still, the Security

Council, the body which bears prime responsibility for maintaining international peace and security, has up to now proved powerless to impose global mandatory sanctions against South Africa. In the circumstances, all that remains for the black population is to resort to arms. As President Kennedy said, those who prevent peaceful revolutions make bloody revolutions inevitable.

76. That is true of those who, in violation of resolutions of the General Assembly and the Security Council, continue to maintain economic and military relations with South Africa. Their defiance of law and justice cancels out the sacrifices made by those States that observe the sanctions and delays the ending of the reign of *apartheid*.

77. In this connection, it is of some importance to note that despite General Assembly resolution 1761 (XVII) of 6 November 1962 and other relevant resolutions subsequently adopted, trade relations between South Africa and its accomplices have greatly increased during the last 20 years.

78. In the military field, co-operation with that country has enabled it to become a world military Power. That co-operation has been increased to a disturbing extent since the visit of Prime Minister Vorster to Israel in 1976. Thus the fact that South Africa has had delivered to it extremely sophisticated military equipment and advanced military technology and that advisers have been sent there have turned that country into a major producer of arms and military equipment and have given it admission into the nuclear club. Therefore it is not surprising that South Africa today boasts of having become the supplier of arms to African States. It would even have taken part in the exposition of arms and military equipment which recently took place in Greece if the Government of that country had not intervened to prevent it.

79. Furthermore, South Africa would have stopped its warlike adventures if Security Council resolution 418 (1977) had not been violated by certain Member States. The concrete measures decreed in that text have therefore remained a dead letter. Three years later the Security Council, in its resolution 473 (1980), attempted—in vain—to recommend steps to overcome the deficiencies of resolution 418 (1977) by strengthening the measures it provided for. Here again selfish interests prevailed and led to increased co-operation with the South African régime, which did not flinch from committing aggression against independent neighbouring States, with the purpose—unadmitted—of testing the arms and equipment which it had manufactured.

80. That behaviour has greatly disappointed the international community and caused new and pointless suffering for the oppressed black majority and greater efforts on the part of their dauntless freedom fighters.

81. All that shows how urgent it is to increase the economic pressure on South Africa by cutting off the lifeline of its factories with an embargo on deliveries of oil. That idea is gaining ground and I understand that a meeting was recently held here at United Nations Headquarters between the Special Committee and the oil-exporting and transporting countries.

82. Also, the embargo should be extended to investment in and loans to South Africa. Unfortunately, the international financial institutions continue to give financial support to South Africa. It is regrettable that General Assembly resolution 37/2 of 21 October this year, which requested IMF not to accede to South Africa's request for a loan of more than \$1 billion had no effect. Here once again selfish interests have made a large contribution to attempts to annihilate the black majority.

83. The embargo should also be imposed on all cultural and sporting co-operation with South Africa. That country which repudiates the ideals of Coubertin, should not be allowed to organize international sporting events. Thus any proposal for a boycott of cultural and sporting events in South Africa and for the elimination of discrimination in sports will gain the affirmative vote of Togo.

84. Those are the views of my Government and the steps that it would like to see taken by the international community to do away with the injustice, the shame and the harassment inflicted on that part of Africa.

85. It is now time to make a choice. The most peaceful political choice would be to apply comprehensive mandatory sanctions against racist South Africa in accordance with Chapter VII of the Charter. We believe that such a step would be a form of specific and realistic assistance which our Organization could provide to the struggle being waged by the oppressed black majority of that country.

86. This year, 1982, has been proclaimed International Year of Mobilization for Sanctions against South Africa, and I therefore draw attention to the fact that, despite the harassment, the murders and the villany of all sorts, the oppressed black majority has constantly called for the establishment of a multi-racial society, of which Zimbabwe is now an enviable example.

87. I conclude by quoting the following message of Mr. Amadou-Mahtar M'Bow, the Director-General of the United Nations Educational, Scientific and Cultural Organization [UNESCO], to the International Conference on Sanctions against South Africa on 25 May 1981:

"Although Africa has been the victim of many acts of aggression and has lived for centuries in servitude, it does not base its life on enslaving others but, rather, on the burgeoning of its own creative genius, on its faithfulness to its essential values and on respect for those of others. That is why the message which it will give to the world as it gradually consolidates its independence and seeks progress will be a message of peace, freedom, justice and solidarity."

88. Mr. SAHNOUN (Algeria): When we look at the world today, we are indeed discouraged by so much misery and injustice and all sorts of conflicts which pit man against man. Yet we are also, as we look back at the history of man, encouraged by the ability he has displayed in facing and overcoming these challenges.

89. Not so long ago, one such challenge, which brought us even to the point of despair, was the phenomenon of nazism, an evil with few parallels in

history. Nazism divided humanity into superior and inferior races and attempted, wherever it managed to impose its rule, to create State institutions which did nothing but recreate, under the credo of fascism, the old system of slavery well known in the dark ages.

90. Nazism rose unchallenged and remained shamefully so for a time, until the rest of Europe came to its senses and with the help of other people on other continents managed to crush that hideous phenomenon.

91. Today, we look at the southern end of the African continent and see nothing but a similar phenomenon in every aspect, in every move, in every intention. The only thing that surprises—I might say astonishes—us is the incredible repetition today of the same blindness displayed by the same people.

92. Is it really necessary to relate what *apartheid* means today to the millions of people who experience it in their daily lives? Is it necessary to talk of the daily humiliation and insults inflicted upon our brethren in South Africa? Eyewitnesses, films, documents, freedom fighters and prisoners who manage to escape have given ample evidence of the horrors of *apartheid* and underlined the analogy with the Fascist régimes. Only people who do not want to see will not see; only people who do not want to hear will not hear.

93. We are shocked when, in view of all we know and have seen of *apartheid*, some of the blind and the deaf talk of so-called positive change, of so-called reform, of so-called constructive dialogue. The monstrosity of the so-called constitutional dispensation is portrayed to us as progress in a display of incredible naïvety, to say the least.

94. In fact, Pretoria's latest proposals, under which the whites, the Coloureds and the Asians will be seated in three separate bodies, is a pungent illustration of the antique system of the stratification of society. In this case, the indigenous African majority are the slaves of history, with new chains called pass laws, and they face the same repression and mass deportation.

95. I should like, on behalf of the Algerian people, to pay a tribute from this rostrum to the heroes and heroines inside South Africa who are attempting to break these chains and who will one day undoubtedly end this inhuman system. I should like to pay a tribute to a symbol of this struggle, the great patriot Nelson Mandela, captured 20 years ago after a visit to a number of African States, including Algeria, and still imprisoned, with many other heroic freedom fighters.

96. If some are still blind enough not to see how this evil system operates inside the frontiers of South Africa, no one can claim ignorance of the large-scale aggression and State terrorism against neighbouring countries. No one can claim ignorance of South Africa's illegal and repressive occupation of Namibia. No one is oblivious of South Africa's military adventures in Angola, mercenary invasion of Seychelles and subversive activities in Mozambique and Zimbabwe.

97. The parallel with the Nazi régime is only too clear when we consider the massive military machine

which the *apartheid* régime has created for itself. Pretoria's military budget has increased enormously from \$40 million in 1960 to over \$3 billion now, including a nuclear capability which, in the hands of fanatical racists, could blow up large areas of our continent and cause a serious threat to international peace and security.

98. Against this background, our call for effective action to eliminate *apartheid* is indeed an appeal for peace, an appeal for justice, an appeal for progress in southern Africa. International action is today as justified and necessary as it was in the 1930s and 1940s against the Nazi and Fascist régimes.

99. International action under the auspices of the United Nations will, in our opinion, bring about the political and social changes which the *apartheid* régime will never be able to initiate on its own. Experience in the past three decades has shown us that appeasement of the Pretoria régime is in no way a constructive course, therefore the correct strategy is the one which will compel the Pretoria régime to choose between isolation and change.

100. Regrettably, a few States Members of the United Nations do not want to rally in support of our endeavours. They do not seem to have learned a lesson from their own recent history. Procrastination will only make it more painful for them to extricate themselves from the morass of *apartheid*. By being selfish, short-sighted and, I hate to say, also cowardly, they are impeding change and encouraging aggression.

101. Their selfish interests lead them to increase every year their investments in South Africa and Namibia, because of the high profits derived from the slave system run by *apartheid*. The international community must impose comprehensive and mandatory sanctions against the Pretoria régime, including an effective embargo on military and nuclear co-operation with South Africa, if we are seriously to express our abhorrence of and opposition to *apartheid*. The mandatory arms embargo against South Africa imposed by Security Council resolution 418 (1977) has had little effect in preventing the supply of military equipment to South Africa. Israel, for instance, has totally ignored this resolution and has supplied large quantities of sophisticated equipment, including missile-carrying vessels.

102. The continued supply by major Western Powers of so-called dual-purpose equipment, technology and components has enabled South Africa to continue to use equipment it acquired earlier and to develop and manufacture new military equipment.

103. As I stated in the Security Council last month,² the reinforcement and effective monitoring of the arms embargo is imperative. The Committee established by the Security Council in its resolution 421 (1977) must be reactivated and provided with all necessary services and support by the Secretariat, under the guidance of the Secretary-General himself, since the 1977 resolution was the first ever adopted under Chapter VII of the Charter.

104. We attach equal importance to an effective oil embargo against South Africa as a complement to and, indeed, as an integral part of the arms embargo. The commitment of almost all major oil-exporting countries to prohibit the supply of their oil to the racist

régime has created the conditions for effective action in this field. Embargoes already imposed by some oil-exporting States after decisions taken at the Sixth Arab Summit Conference held at Algiers in 1973 and later by the Organization of African Unity [OAU] had an immediate and visible effect, in that the Pretoria régime has had to resort to the spot market and to seek secret deals at a heavy price. However, because of the collaboration of a number of corporations and interests involved in the sale and transport of oil, the Pretoria régime has been able to circumvent the embargo to some extent. It is imperative that the Security Council impose without further delay a mandatory oil embargo. To prepare the ground for such action by the Security Council, we, together with a number of other delegations, particularly delegations of oil-exporting countries, shall be submitting a draft resolution to the General Assembly. We will explain the important content of this draft when it is put forward within the next few days.

105. *Apartheid* is not only a violation of human rights: it has been declared a crime against humanity. It is a threat to international peace. It must be eliminated by the utilization of all the means available under the Charter and the active mobilization of world public opinion. We should encourage writers, artists, sportsmen, religious leaders and other personalities to join in the campaign against *apartheid*. There has already been a tremendous increase in world awareness of and solidarity with those waging the liberation struggle. But this solidarity must be further strengthened, particularly through effective assistance to the victims of *apartheid* and to their national liberation movement in its legitimate struggle for freedom, for this struggle is also ours, for our own freedom.

106. The PRESIDENT: We have now heard the last speaker in the debate on agenda item 33. The Assembly will take decisions on all the draft resolutions submitted under this item as soon as their administrative and financial implications have been established and considered by the Advisory Committee on Administrative and Budgetary Questions and the Fifth Committee.

107. The representative of the Union of Soviet Socialist Republics wishes to make a statement and I now call upon him.

108. Mr. ISSYNALYEV (Union of Soviet Socialist Republics) (*interpretation from Russian*): I should like, on behalf of the delegations of the Union of Soviet Socialist Republics, the Ukrainian Soviet Socialist Republic and the Byelorussian Soviet Socialist Republic, to express our deep gratitude to representatives who have expressed their sincere condolences on the passing of the General Secretary of the Central Committee of the Communist Party, and the President of the Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics the eminent fighter for peace, Comrade Leonid Ilyich Brezhnev.

AGENDA ITEM 122

Peaceful settlement of disputes between States

109. Ms. BERBERI (Sudan), Rapporteur of the Sixth Committee: It is my great honour and privilege

to present to the General Assembly the report of the Sixth Committee on agenda item 122 [A/37/590].

110. Members will recall that at its thirty-sixth session the Assembly decided to include the item in the provisional agenda of the thirty-seventh session and mandated the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization to finalize the draft Manila declaration on the peaceful settlement of international disputes with a view to its consideration and adoption in accordance with paragraphs 4 and 6 of General Assembly resolution 36/110 of 10 December 1981.

111. In connection with the item, the Sixth Committee had before it section II of the report of the Special Committee [A/37/33], entitled "Draft Manila declaration on the peaceful settlement of international disputes", which was submitted by the Special Committee for consideration and adoption.

112. In paragraph 10 of its report, the Sixth Committee recommends to the General Assembly the adoption of the draft resolution contained therein and the Manila Declaration on the Peaceful Settlement of International Disputes annexed thereto, which was initially sponsored by 40 Member States. I have just been informed by the delegation of Panama that it wishes to join the sponsors of that draft resolution.

113. In its preamble, the draft resolution provides that the adoption of the Manila Declaration should enhance the observance of the principle of peaceful settlement of disputes in the relations between States and contribute to the elimination of the danger of recourse to force or to the threat of force, to the relaxation of international tensions, to the promotion of a policy of co-operation and peace and of respect for the independence and sovereignty of all States, to the enhancing of the role of the United Nations in preventing conflicts and settling them peacefully and, consequently, to the strengthening of international peace and security.

114. In the operative part of the draft resolution, the Manila Declaration on the Peaceful Settlement of International Disputes is approved; appreciation is expressed to the Special Committee on the Charter for its important contribution to the elaboration of the text of the Declaration; the Secretary-General is requested to inform the Governments of the States Members of the United Nations or members of the specialized agencies, the Security Council and the International Court of Justice of the adoption of the Declaration; and, finally, it is urged that all efforts be made so that the Declaration becomes generally known and is fully observed and implemented.

115. The text of the Manila Declaration on the peaceful settlement of international disputes appears as an annex to the draft resolution. In the preamble, the principles of the Charter of the United Nations relating to the peaceful settlement of disputes, the non-use of force in international relations and the equal rights and self-determination of peoples are reaffirmed, as well as the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations.

116. In section I, it is solemnly declared that all States shall act in good faith and in conformity with the principles enshrined in the Charter of the United Nations with a view to avoiding disputes among themselves likely to affect friendly relations; that every State shall settle its international disputes exclusively by peaceful means in such a manner that international peace and security and justice are not endangered; that international disputes shall be settled on the basis of the sovereign equality of States and in accordance with the principles of free choice of means in conformity with obligations under the Charter of the United Nations and with the principles of justice and international law; that States parties to a dispute shall continue to observe in their mutual relations their obligations under the fundamental principles of international law concerning the sovereignty, independence and territorial integrity of States; and that States shall seek in good faith and in a spirit of co-operation an early and equitable settlement of their international disputes by any of the means mentioned in Article 33 of the Charter, namely: negotiations, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements or other peaceful means of their own choice, including good offices. In seeking such a settlement, the parties shall agree on such peaceful means as may be appropriate to the circumstances and the nature of their disputes. It is further declared that, in the event of failure of the parties to a dispute to reach an early solution by any of the above means, they shall continue to seek a peaceful solution and shall consult forthwith on mutually agreed means to settle the dispute peacefully; and that neither the existence of a dispute nor the failure of a procedure for peaceful settlement of disputes shall permit the use of force or threat of force by any of the States parties to the dispute.

117. Section II of the operative part of the Declaration provides, *inter alia*, that: first, Member States reaffirm the important role conferred on the General Assembly by the Charter of the United Nations in the field of peaceful settlement and stress the need for it to discharge effectively its responsibilities; secondly, Member States should strengthen the primary role of the Security Council in the area of settlement of disputes or of any situation the continuance of which is likely to endanger the maintenance of international peace and security; thirdly, States should be fully aware of the role of the International Court of Justice; their attention is drawn to the facilities offered by the Court for the settlement of legal disputes, especially since the revision of the rules of the Court; and, fourthly, the Secretary-General should make full use of the provisions of the Charter of the United Nations concerning the responsibilities entrusted to him; he should perform such other functions as are entrusted to him by the Security Council or by the General Assembly.

118. Finally, the Declaration urges all States to observe and promote in good faith the provisions of the declaration in the peaceful settlement of their international disputes and stresses the need, in accordance with the Charter of the United Nations, to continue efforts to strengthen the process of the peaceful settlement of disputes through progressive

development and codification of international law, as appropriate, and through enhancing the effectiveness of the United Nations in this field.

119. The Sixth Committee is of the opinion that the question of the peaceful settlement of disputes between States deserves the continuous attention of the General Assembly and its Member States and that all additional steps which may be taken to contribute further to the strengthening of that question should always be welcomed. Guided by these considerations, the Sixth Committee further recommends, in paragraph 11 of its report, that the Assembly include the item in the provisional agenda of its thirty-eighth session.

120. It is my sincere hope that the General Assembly will be able to adopt by consensus the draft resolution recommended by the Sixth Committee in paragraph 10 of its report, as well as the recommendation in paragraph 11 of the report.

121. The PRESIDENT: The General Assembly will now proceed to take a decision on the draft resolution recommended by the Sixth Committee in paragraph 10 of its report [A/37/590]. This draft resolution, to which is annexed the text of the draft Manila Declaration on the Peaceful Settlement of International Disputes, was adopted by consensus by the Sixth Committee. May I take it that the General Assembly wishes to do the same?

The draft resolution was adopted (resolution 37/10).

122. The PRESIDENT: I now draw the attention of the General Assembly to the recommendation of the Sixth Committee contained in paragraph 11 of its report. May I take it that the General Assembly decides to include in the provisional agenda of its thirty-eighth session the item entitled "Peaceful settlement of disputes between States"?

It was so decided (decision 37/407).

123. The PRESIDENT: The adoption by consensus of the Manila Declaration on the Peaceful Settlement of International Disputes will no doubt be recorded as an important contribution to promoting international co-operation in the political field and encouraging the progressive development of international law and its codification, in pursuance of Article 13 of the Charter of the United Nations. The Manila Declaration fully corresponds to the major requirement contained in Article 2, paragraph 3, of the Charter, according to which all Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered. It is firmly based on one of the basic principles of the Charter, and contains a comprehensive set of provisions on this subject-matter.

124. It is significant that the Manila Declaration reaffirms the principle of the non-use of force in international relations, reiterates the principle of non-intervention in the internal affairs of any other States and, last but not least, underlines again the paramount importance of the principle of the equality and the right of self-determination of peoples.

125. I should like to express my sincere conviction that the adoption of this Declaration will be ranked among the major decisions of the General Assembly

as one similar in importance to the political and legal instruments adopted by this body in the past, such as 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] and the Declaration on the Strengthening of International Security [resolution 2734 (XXV)], both adopted in 1970, the Definition of Aggression [resolution 3314 (XXIX), annex], adopted in 1974, the Declaration on the Deepening and Consolidation of International Détente [resolution 32/155], adopted in 1977, and other declarations and resolutions conducive to the maintenance of international peace and security.

126. I shall now call on those representatives who have requested to speak in connection with the adoption of the Manila Declaration, the first of whom is the Minister for Foreign Affairs of the Philippines, Mr. Carlos P. Romulo, a former President of the General Assembly.

127. Mr. ROMULO (Philippines): My delegation extends its sympathy to the people of the Soviet Union on the passing of their great leader, Leonid I. Brezhnev. The First Lady of the Philippines, Mrs. Imelda R. Marcos, has travelled to Moscow and attended the funeral of the late leader, and we join the rest of the world in expressing our condolences to the people of the Soviet Union.

128. The Philippines and, I am sure, all those who believe in the potential of the United Nations, rejoice that the General Assembly has today approved the Manila Declaration on the Peaceful Settlement of International Disputes. In our view, this Declaration marks an important step forward for the United Nations and the international community generally in our efforts to enhance the capacity of the United Nations for peace-making. As we have found too often, it is all very well for the United Nations to achieve a cease-fire between adversaries but that may mean little if the United Nations is unable to resolve the dispute by peaceful means. This incapacity marks most of the unresolved disputes in the major trouble spots of the world and is something for which the United Nations has been blamed.

129. The Manila Declaration may be regarded as a step, but only a step, towards the improvement of the situation, a signpost on the road that we must travel if we are to achieve peace with justice in this world. It is a beginning, not arrival at the destination. The Declaration will serve to underscore to governmental and public opinion that this Assembly, the most representative body in the world, believes that renewed emphasis, attention and energy must go into perfecting the means for peaceful settlement of international disputes.

130. Peace-making, peace-keeping and disarmament form the three-legged stool of a world free of strife—a stool that must rest on a foundation of economic equity and justice. Only minor progress can be made along any course without equal and parallel progress along the others. The Manila Declaration is the first major and tangible fruit of the labours of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization. Both I and the Philippine delegation are honoured

that the name of the capital city of the Philippines, Manila, attaches to it. This results from the holding of the session of the Special Committee at Manila in January and February 1980, when the Declaration first began to take form. The Chairman at that session was the former Chairman of the Sixth Committee, Mr. Estelito P. Mendoza, currently the Solicitor-General and one of the legal luminaries of the Philippines.

131. In my remarks welcoming the Special Committee to the International Convention Centre at Manila, I declared that many have come to believe that it is better to strengthen themselves and their capacity for war than to think of strengthening the United Nations. I also stated that a "viable international community has certain irreducible requirements, among which are the requirement of peaceful settlement of disputes, the requirement of commonly agreed peace-keeping machinery, the requirement of fair and equitable representation in all the decision-making processes of the community and the requirement of equity and justice in the economic and political rights of the community."

132. The adoption of the Manila Declaration will unquestionably strengthen the first of these requirements, which has also been the most neglected. Just as we have adopted major and important elaborations of the provisions of the Charter in the Definition of Aggression and 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, among others, so this Declaration before the Assembly can assist in promoting peace-making and providing the necessary emphasis in that area. We anticipate further progress in this area in the Special Committee and in other forums. Indeed, the Declaration itself stresses the need to continue efforts to strengthen the process of the peaceful settlement of disputes through progressive development and codification of international law and through enhancing the effectiveness of the United Nations in this field.

133. For these reasons, the delegation of the Philippines is particularly glad to be able to commend the General Assembly for having adopted the Manila Declaration on the Peaceful Settlement of International Disputes, to express appreciation to the Special Committee, to request the Secretary-General to inform the Governments of the States Members of the United Nations, the specialized agencies, the Security Council and the International Court of Justice of its adoption and to urge that all efforts should be made so that the Manila Declaration will become generally known and fully observed and implemented.

134. As States resort increasingly to negotiation or to assistance through the United Nations and its associated bodies, trust in and reliance on peaceful settlement procedures will grow and eventually, if followed in good faith, become the norm, as they already are within all of our domestic societies. I can see no alternative if this world is to avoid eventual cataclysmic disaster. I believe that the Manila Declaration is very much in the spirit of the appeal made to us by the Secretary-General in his magnificent report on the work of the Organization [A/37/1]

to enhance the capacities of the United Nations in the present inter-State affairs of its Members.

135. We thank you, Mr. President, for the important statement you have made this afternoon, which underscores the importance of the resolution just adopted by the Assembly. The Manila Declaration on the Peaceful Settlement of International Disputes is a milestone in our efforts to help the Organization to attain its goal of peace and world security.

136. Mr. MARINESCU (Romania) (*interpretation from French*): On behalf of the delegation of the Socialist Republic of Romania, I should like to say how very pleased we are that the General Assembly has adopted by consensus the Manila Declaration on the Peaceful Settlement of International Disputes.

137. The adoption of this Declaration is of extraordinary significance in the efforts of Member States to ensure respect for the purposes and principles of the United Nations, to strengthen international legality and, above all, to eliminate the use or threat of force and promote the peaceful settlement of all disputes between States—which constitute the central problem facing the Organization and the crux of its activities. Meeting as it does the concerns reflected in the report of the Secretary-General—concerns with which a large number of delegations associated themselves during the general debate in the General Assembly—this document is of particular importance in the present international situation. This situation is characterized by an increase in and sharpening of tensions and open conflicts, by the continuance of the policy of the use and threat of force, and by a growing tendency to resort to violence to settle international problems.

138. The initiative taken by Romania in 1979 concerning inclusion in the agenda of the General Assembly at its thirty-fourth session of the problem of the peaceful settlement of disputes between States and the preparation of a universally acceptable international document, the logical outcome of a longstanding preoccupation of the foreign policy and the consistent endeavours of Romania and its President, Nicolae Ceausescu, has become even more timely in the grave international situation now confronting the Organization and mankind. The resolute position adopted at the highest level, and the efforts of Romania and its President, to ensure that all disputes and situations of tension and conflict between States would be resolved exclusively by political means, through negotiations, in order completely to exclude the policy of force and interference, are well known.

139. The adoption by consensus of the Manila Declaration on the Peaceful Settlement of International Disputes, an extremely important document because of its content and, even more, because of the significance it acquires in the light of the present world situation, leads us to hope that the norms which it solemnly proclaims and the courses of action that it defines will be effectively followed in the conduct of States, and that the future activities of the Organization aimed at preventing and settling peacefully disputes and conflicts will become more firm and more effective, thus fulfilling conditions for international peace and security and meeting the expectations of peoples.

140. The evolution of procedures for the settlement of disputes as an integral part of the quest for peace, despite setbacks and shortcomings, demonstrates the clear need to continue efforts and actions aimed at guaranteeing the full implementation and the perfecting of the system of norms defining the obligations of States in this field, as well as of the network of mechanisms aimed at facilitating the peaceful settlement of all international disputes. The decision we have just taken to keep the question of the peaceful settlement of disputes between States on our agenda as a central concern of the United Nations responds to that need. What we must do, in fact, is make full use of the ways and means for the peaceful settlement of disputes available to the United Nations and envisaged in the Manila Declaration, and ensure their steady improvement.

141. As an important stage in the work of Member States in this field, the adoption of this Declaration should be followed by stronger measures aimed at reinforcing the obligations of States and the action of the United Nations and, hence, respect for and the effective application of the principle of the peaceful settlement of disputes between States, with strict respect for the sovereignty and independence of States, their equality before the law, non-interference in the internal affairs of other States and the right of peoples to self-determination.

142. The preparation and adoption of the Manila Declaration on the Peaceful Settlement of International Disputes, which is one in a long line of major legal and political documents adopted by the Organization since the signing of the Charter, would not have been possible without the efforts and co-operation of the delegations of a great many countries.

143. The Romanian delegation, which was responsible for this initiative, takes this opportunity to thank warmly the delegations of the countries that sponsored the draft Manila declaration, the sponsors of draft resolutions on the peaceful settlement of disputes between States adopted since 1979, and all the delegations which, in a spirit of co-operation, played an active and constructive role in this process.

144. The preparation of the Declaration and its adoption by consensus proves once again that when we work in a spirit of co-operation, inspired by a desire to arrive at generally acceptable solutions, in the interest of the maintenance of peace and of international co-operation, and with full respect for the legitimate rights and interests of all peoples, agreement is possible on the most difficult of problems.

145. We hope that the implementation by all States of the provisions of the Manila Declaration on the Peaceful Settlement of International Disputes will contribute to strengthening world peace and security and give new impetus to United Nations efforts to fulfil its supreme mission, that of saving present and future generations from the scourge of war.

146. Mr. WABUGE (Kenya): The Charter of the United Nations bears testimony to the sad fact that the scourge of two successive world wars in the first half of this century brought with them numerous deaths and untold human suffering. It also contains an unqualified renunciation of war as a means of settling disputes between States, save and except in the

manner provided therein, that is to say, in collective self-defence.

147. However, conscious of the grim reality that conflicts and disputes would inevitably arise in the many dealings among States, the founders of the Organization not only made it a prerequisite that any State that wished to join the United Nations be peace-loving, they also provided, in Article 33 of the Charter, machinery for the peaceful settlement of disputes between States. Regrettably, despite a clear enjoiner against the use or threat of use of force and a mandatory obligation under the Charter for all States to settle their disputes by peaceful means, the history of the world since the establishment of the United Nations has continued to be characterized by wars in various regions.

148. These wars, although localized, have caused almost as many deaths and no less human suffering than the two world wars. Similarly, the wars we have witnessed and continue to see have come about not because the United Nations does not provide adequate and suitable ways and means for settling disputes between States, but rather because States have tended to prefer recourse to the use or threat of use of force. It is therefore time that we remind ourselves that whatever institutions States may create can only be as efficient and effective as the States themselves make them.

149. Accordingly, it gives me great pleasure today to address this Assembly, on behalf of the group of African States, on the very important question of the peaceful settlement of international disputes. The General Assembly has met today in order solemnly to adopt the Manila Declaration on the Peaceful Settlement of International Disputes. This is an important milestone in the history of the United Nations. We recall the establishment of the United Nations and the principles underlying its foundation, as enshrined in the Charter. It will be recalled that refraining from the threat or use of force as a way of resolving conflicts between States and the settlement of all disputes or conflicts exclusively through peaceful means are two cardinal principles of the Charter.

150. In 1970, we adopted the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, which also calls for the peaceful settlement of disputes. The United Nations has also already adopted principles governing good neighbourly relations. The Manila Declaration is an important reaffirmation of those principles, and we expect it will serve to foster peaceful coexistence among States.

151. For their part, the African States—many of which have been victims of the use or threat of use of force, contrary to the letter and spirit of the Charter—have given the principle of the peaceful settlement of disputes between States high priority in their international relations. Thus, under the Charter of the Organization of African Unity, States members of that organization are called upon to settle their disputes through peaceful means. To this end, the OAU has established a Mediation, Conciliation and Arbitration Commission under the terms of its charter. The

Commission has proved to be a very helpful device for defusing situations that might otherwise erupt into active conflict.

152. The group of African States therefore congratulates the representatives of Romania and of the Philippines on their initiative and on the contribution that culminated in the timely drafting by the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization of the Declaration the Assembly has just adopted. The group of African States would also like to recall with appreciation the efforts of the non-aligned group in the formulation of the Declaration. As indicated in the report of the Secretary-General, there is a need for Member States to make greater use of the machinery outlined in the Charter for the maintenance of international peace and security. The group of African States believes that a demonstration of greater willingness to settle disputes by peaceful means would constitute a significant step towards strengthening the role of the United Nations in the maintenance of international peace and security.

153. The Manila Declaration on the Peaceful Settlement of International Disputes reaffirms an important principle of the Charter of the United Nations; we welcome its adoption by consensus by the Assembly.

154. Mr. ZACHMANN (German Democratic Republic), Chairman of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization: It is an honour for me to speak on the occasion of the adoption of the Manila Declaration on the Peaceful Settlement of International Disputes. I regard it as a chance to express special appreciation for the efforts made by all the members of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, who, after more than three years of intensive work, were able to present to the General Assembly at its thirty-seventh session a very positive result of their activities.

155. For the first time since the Special Committee came into being, a substantive result of its work could be submitted to the Assembly in the form of a draft declaration. An essential pre-condition for the completion of that remarkable document has been the willingness of all members of the Special Committee to work together constructively, on the basis of the Charter, to adopt a realistic approach to the problems facing them and to make necessary compromises while respecting the legitimate interests of all groups of States. It was thus possible, despite the tense international situation, to find solutions to complicated questions which were acceptable to all parties.

156. I have already had occasion in the Sixth Committee cordially to thank all delegations for the constructive spirit which marked the work of the Special Committee and for the seriousness, energy and imagination, as well as good will, with which they endeavoured to overcome the serious difficulties standing in the way of agreement. I take the opportunity today to pay a special tribute to the delegations of Romania and the Philippines, to the Special Committee's Vice-Chairman and Rapporteur, as well as to the experienced and well-qualified representatives of the Secretariat for the untiring efforts they

deployed in this process and for assisting me in the discharge of my duties as Chairman of the Special Committee.

157. The peoples expect the United Nations, especially in the present complicated international conditions, to meet its great responsibility and to make the contribution incumbent upon it to the preservation of world peace and the strengthening of international security. At this session, the General Assembly therefore has the primary task of contributing to curbing the threat of a nuclear catastrophe, ending the arms race, bringing about agreements on arms limitation and disarmament and a return to détente in international relations, eliminating international conflicts and finding lasting solutions to them by peaceful means.

158. The adoption of the Manila Declaration is therefore of topical interest and comes at the right moment. It is precisely at the present time that the Declaration can play an important role in reducing international tensions, strengthening the security of all States, removing existing hotbeds of conflict and helping to prevent the emergence of new sources of disputes between States. There is no doubt that a businesslike discussion of questions relating to the peaceful settlement of disputes is closely related to the strengthening of the role of the Organization and the enhancement of its effectiveness, so that it is able to save succeeding generations from the scourge of war, as stipulated in the Charter.

159. The Manila Declaration is in full conformity with the provisions of the Charter of the United Nations. It elaborates the international duty of States, enshrined in the Charter, to settle all international disputes exclusively by peaceful means and takes into account the provisions of other important international legal instruments. It is indeed highly significant that, after complicated negotiations, formulations reflecting a consensus were reached on such crucial matters as the principles to be observed in the peaceful settlement of disputes; the role of the General Assembly, the Security Council, the International Court of Justice and the Secretary-General in the peaceful settlement of international disputes; the question of national liberation movements; and the question of the further codification of the principles of international law relating to the peaceful settlement of disputes.

160. Moreover, it is gratifying to note that the discussion within the Sixth Committee on agenda items 122 and 127 centred on an effort to reach agreement in principle on the content of the draft Manila declaration on the peaceful settlement of international disputes, and, in this connection, to pay a tribute to all the members of the Special Committee on the work done. I take sincere pleasure in expressing warm thanks to all representatives for the words of appreciation they have found for our work.

161. I should now like to add a few words as the representative of the German Democratic Republic.

162. I wish to place on record our satisfaction that the Manila Declaration has just been adopted by consensus. My delegation was among the large number of sponsors of the draft resolution, taking part in the elaboration and adoption of the Declaration as a logical outflow of the policy of its country, which is aimed at peace, security, détente and disarmament.

163. The German Democratic Republic has at all times, both within and outside the United Nations, been guided by the purposes and principles of the Charter. It is well known that the *raison d'être* of the German Democratic Republic is to make every effort so that peace can be secured on a lasting basis and so that war and a threat to other peoples can never again emanate from German soil. This is our unshakable position. As the General Secretary of the Central Committee of the Socialist Unity Party of Germany and Chairman of the Council of State of the German Democratic Republic stated at the fourth session of the Party Central Committee, "German peace policy is an integral part of the world-wide aspiration no longer to regard war in the nuclear age as a continuation of politics by different means, but instead to do everything possible to prevent it from breaking out." This goes in particular for Europe, where a successful conclusion of the review session of the Conference on Security and Co-operation in Europe, being held at Madrid, and agreement on a European disarmament conference would be the next appropriate step towards averting the threat of nuclear war and strengthening *détente*.

164. The lessons which my country has drawn from the German and European history of this century include the realization that the ensuring of international security is inseparably connected with the duty to settle all international disputes solely by peaceful means.

165. The Manila Declaration takes its place among the large number of documents adopted by the Organization, such as the Declaration on the Strengthening of International Security, the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, the Declaration on the Deepening and Consolidation of International *Détente*, and others, all of which aim at consolidating and reinforcing the political and legal foundations of peaceful coexistence. We emphatically support the urgent call on all States in the Manila Declaration to observe and promote in good faith the provisions thereof. This would contribute to strengthening the only real basis for the settlement of accumulated international problems, that is, negotiations on the basis of mutual respect for the independence, sovereignty, equality and legitimate interests of all countries. In this way, solutions could be found in conformity with the Charter that would enhance the effectiveness of the United Nations.

166. Mr. ABDEL MEGUID (Egypt) (*interpretation from Arabic*): The General Assembly celebrates today the adoption of the Manila Declaration on the Peaceful Settlement of International Disputes, an important historical event for the consolidation of the principles of peace and justice in the contemporary world. It is also a positive step towards achieving the objectives of this international Organization, especially those embodied in the provisions and principles of Chapter VI of the Charter of the United Nations. The Declaration is a real expression of the desire—in fact, of the political will—of all States to halt the deterioration in international relations which we are experiencing at this time. It is also a declaration of the good faith of States and peoples and their desire

to resolve contemporary problems on the basis of the principles of justice, law and the non-use or threat of use of force.

167. The Declaration launches an appeal for peace in the world. It is undoubtedly a constructive contribution, as has already been said, towards fulfilling the purposes and principles of the United Nations, improving international relations, preserving world peace and security and developing co-operation among nations in the political field. It also represents a tangible development as regards international law and Article 13 of the Charter, for the Declaration expresses what is contained in the Charter as well as the established principles of international law in more detail.

168. The main and most effective factor in respect for any international legal or political instrument, which underlies the committed application of its provisions, is the political decision of the Member States and their genuine determination to comply with those provisions. Such implementation and commitment must be within the framework of the established principles of international law, especially the principle of "good faith". This is what really determines whether such a declaration will be effective and internationally respected.

169. We must remember and bear in mind the experience within the framework of the League of Nations and draw the necessary lesson from the fate of the agreements and instruments of that Organization. Today the world could no longer withstand the dangers of war, whether limited or unlimited, especially in the light of tremendous technological progress and its use in the development of arms and military equipment whose destructive capacities have gone beyond any imaginable scope. There are no longer any limits or parameters to a war that may be termed limited or regional; therefore any war, no matter how limited, can have unlimited international repercussions. That has been proved throughout human history.

170. In the view of my delegation, the text of the Manila Declaration is a balanced one and justifies the consensus of the international community. It is in itself a great achievement, especially if we take into consideration present international circumstances.

171. Despite our satisfaction at the adoption of the Declaration with its present form and content, we are firmly convinced of the need to develop and reinforce it in accordance with future needs and international circumstances and requirements, so that it may become more binding and consequently complement one of the main aspects of international law.

172. The delegation of Egypt, as a member of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, has followed and participated in all the efforts that have resulted in the adoption of the Declaration in its present form. We extend our deepest thanks and appreciation to the Government and delegation of Romania, which requested the inclusion of an item on the peaceful settlement of disputes on the agenda of the thirty-fourth session of the General Assembly. This came at a time when the international community felt the urgent need for such an initiative, and throughout the various phases co-ordination has been achieved through the efforts of the Special Com-

mittee, especially during its session held at Manila early in 1980 at the invitation of the Government of the Philippines. It is therefore only right that the Declaration should be associated with Manila, where the item crystallized in the form of a draft declaration. Egypt's delegation takes this opportunity to extend its deepest thanks and appreciation to the Government of the Philippines, and especially to its Minister for Foreign Affairs, Mr. Romulo, for the untiring and continuous efforts exerted by that country to ensure the strengthening of the Charter, respect for its provisions and the achievement of its objectives.

173. The Manila Declaration contains all the principles for and outlines all the ways and means of resolving international disputes, and we feel that we should stress the following points. First, in its international relations, Egypt adopts the policy of non-alignment and opposes all forms of hegemony, colonialism and racism. It is firmly convinced of the need to ensure justice and equality for all peoples. Hence, Egypt has always been careful to maintain a policy of non-intervention and the non-use of force in its international relations and has implemented both in spirit and in action the principle of the peaceful settlement of disputes which we are celebrating today. Secondly, Egypt attributes great importance to the right of self-determination, in accordance with the Charter and other international agreements, such as the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations. We appeal to all countries to settle all international disputes by peaceful means, through negotiation, mediation and arbitration, and so on. The ways and means stipulated in the Manila Declaration are examples. It is also important to highlight and emphasize that this does not affect the right of peoples to fight for self-determination and the necessity of continuing to give them support and aid in accordance with the established principles of the Charter. Thirdly, Egypt is convinced of the importance of the role entrusted to the General Assembly in the field of the peaceful settlement of disputes, in accordance with the provisions of the Charter, and the necessity of its discharging that responsibility in a more effective manner. Fourthly, Egypt also considers it important to strengthen the role of the Secretary-General so as to make use of all the powers mandated to him within the provisions of the Charter and to revitalize his role within the framework of the General Assembly and the Security Council, as required by the letter and the spirit of the Charter. Perhaps the Secretary-General's report [A/37/1] submitted to the Assembly at the beginning of this session is the best evidence of the importance of strengthening this role in order to help the United Nations carry out its political tasks more effectively and overcome the huge obstacles which now face it, dealt with by the Secretary-General frankly and in detail in his report. For this he deserves our appreciation and encouragement. Fifthly, the Manila Declaration has established a suitable balance between the role of the Security Council, which is the main body responsible for the maintenance of world peace and security, and the role of the General Assembly, which is the democratic body representing all nations, large and small, on an equal footing.

174. The people and Government of Egypt have supported and will continue to support the United Nations and its Charter and the important role it is playing in our contemporary world, and attach great importance to the work of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization.

175. Today, as we witness this important achievement of the Special Committee, the delegation of Egypt has great pleasure in expressing its deepest thanks and appreciation to all the members of the Special Committee and its secretariat. We wish the United Nations all prosperity and continued success in achieving its noble objectives.

176. Mr. HELSKOV (Denmark): I speak on behalf of the 10 member States of the European Community. In joining the consensus on the Manila Declaration on the Peaceful Settlement of International Disputes, the members of the Community wish to state that they consider the adoption of the Declaration a concrete and positive step which the Special Committee was able to take as a result of careful negotiations. This result, which was generated by a growing consensus in the Special Committee on the important subject of the peaceful settlement of disputes should encourage it to pursue the same path in its efforts in this and other fields of its mandate.

177. In our view, the Declaration just adopted serves in the first place as a reaffirmation and reminder to States of their obligations under international law. It is our hope that States will use the provisions of the Manila Declaration as guidance in their efforts to settle international disputes by peaceful means.

178. Mr. GONZÁLEZ GÁLVEZ (Mexico) (*interpretation from Spanish*): The difficulties encountered in any attempt to strengthen the means of the peaceful settlement of disputes in general, or any one means in particular, are directly related to the problems which the international community has had to face in participating in the drafting of international law. Year after year we have witnessed an interdependent world still governed in important areas by rules drawn up on the basis of doctrines supported by a small number of countries, that is, those countries that have represented Western thought. The consequence of that has been a kind of rebelliousness on the part of those countries that have not taken part in that process, which took forms ranging from direct action to affirm their international existence or their rights, to the traditional rejection of mandatory means of settling disputes. But I should like, with great respect, to put it to this Assembly that that situation has changed.

179. The process of codification since the post-war period, and especially since the 1960s, has been very significant—I would even say of surpassing importance. Now it can be said that there are important areas of activity governed by universal conventions of general application. Regrettably, that important change has not been reflected in the position of the majority of countries. They have forgotten the axiom that the strengthening of the means of settlement is the best defence—some would even say the sole defence—of the territorial integrity and political independence of those countries that do not have armed

forces. For that reason we cannot say on this occasion that we are satisfied with the contents of the Manila Declaration; we consider it only as an important step in the process of the codification of a principle, which is still one of all the principles on which the United Nations system is founded which most needs strengthening.

180. Therefore, my delegation, together with others, has insisted that the subject of the peaceful settlement of disputes should be kept on the General Assembly's agenda.

181. At the 1978 session of the Special Committee, when Mexico, together with the Philippines and Romania, proposed the adoption of a declaration on this subject, my country listed a number of conditions required for the adoption of a document of that kind. Now, four years later, I should like to remind the Assembly of some of them: first, the reaffirmation of the commitment to settle all disputes by peaceful means; secondly, the inclusion of a clause specifying the exclusion from the application of the declaration of all matters already governed by other agreements on the peaceful settlement of disputes; thirdly, an express proviso that the order of procedure set forth in the declaration to be adopted does not imply any particular order of priority, and the parties may adopt whatever order of priority they deem most appropriate; fourthly, the proposal that when there is disagreement among the parties to a conflict as to whether a matter is one of internal jurisdiction, the question shall be referred to the International Court of Justice; fifthly, the reaffirmation of the validity of the Calvo doctrine, mentioning the need not to make diplomatic representations to protect nationals or to invoke international jurisdiction for that purpose, especially when the said nationals have means of recourse to competent national courts available to them; and, lastly, a reference to all the options set forth in Article 33 of the Charter of the United Nations, with a note that in the opinion of my delegation that is one of the requirements for any further progress. It is regrettable that many of those requirements have not been fulfilled. For that reason, we should like to repeat what we said at the beginning of the whole process, namely, that the Declaration is only a first step towards the possible codification in the form of a treaty of the rules applicable in this area.

182. The Declaration that we have just adopted is an important step if it is compared, for example, to the definition of the principle of the peaceful settlement of disputes which is set forth in the annex to General Assembly resolution 2625 (XXV), entitled "Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations". In addition, it has certain features that should be mentioned. First, it opens the way for the Security Council to deal not only with matters which might endanger peace, but also, as paragraph 4 (b) of section II says, "any dispute or any situation which might lead to international friction or give rise to a dispute". Secondly, it includes good offices as one of the means of the peaceful settlements of disputes, although they are not specifically recognized in the Charter. Thirdly, it outlines certain specific areas towards which the General Assembly should direct its

attention now, as in paragraph 3 (c), which mentions utilizing the subsidiary organs established by the Assembly in the performance of its functions under the Charter in the settlement of disputes, and in paragraph 5 (b) (iii), which mentions the possibility of identifying those cases in which use may be made of the International Court of Justice. Fourthly, the last paragraph of part II stresses the need to continue efforts to strengthen the process of the peaceful settlement of disputes through progressive development and codification of international law.

183. Having said all this, I should now like to say that, as Mr. Schwarzenberger said in his *Manual of International Law*³—and this is one of the few areas where we agree with the author—the United Nations has achieved moderate success in perfecting machinery to freeze disputes, but it has been a complete failure in developing means to resolve those disputes. And here we have a basic area for future work.

184. If representatives do not agree with this, they have only to read the important report of the Secretary-General on the work of the Organization, where he speaks of the Organization's central role and its present inability to maintain peace and serve as a forum for negotiations.

185. Mr. GOLOB (Yugoslavia): We have just adopted the Manila Declaration on the Peaceful Settlement of International Disputes. My delegation welcomes the adoption of this Declaration.

186. Since the inception of the United Nations, Yugoslavia has attached the greatest importance to the efforts of the international community to implement effectively the principles of peaceful settlement of international disputes and to implement the provisions of the Charter defining the rights and duties of States as well as those of the Organization. Yugoslavia has always endeavoured to enable the United Nations to carry out the task of peaceful settlement of international disputes and thus make the Organization a stable pillar of international and collective security. We have always proceeded from the belief that all international disputes, no matter how complex, can be solved through negotiations, provided there is political will on the part of the parties to the dispute and of all other responsible elements of the international community.

187. The adoption of the Manila Declaration represents an important achievement by the Assembly at its thirty-seventh session. It is the result of a long and arduous process of negotiation. We feel it is a step forward in the strengthening of active peaceful coexistence as it entails a new commitment by all Members of the United Nations to the political solution of disputes.

188. Now, the peaceful solution of international disputes is one of the basic principles of the policy of non-alignment. We see it as being most pertinent to the strengthening of equitable international relations. It was at the Second Conference of Heads of State or Government of Non-Aligned Countries, held at Cairo in October 1964, that the obligation of peaceful settlement of disputes was elaborated. This text was one of the sources of inspiration for the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accor-

dance with the Charter of the United Nations. The non-aligned countries made an important contribution towards the preparation and adoption of the Manila Declaration. The Meeting of the Ministers for Foreign Affairs and Heads of Delegation of Non-Aligned Countries, held in New York from 4 to 9 October 1982, called for the adoption of the Manila Declaration at this session of the Assembly.

189. We deem it very important that, in the present adverse international political and economic situation and at a time when an increasing number of channels of multilateral negotiation are unproductive, sincere efforts effectively to apply the principles of the Charter of the United Nations on the peaceful solution of international disputes have yielded a tangible result. For us, this is proof that no matter how difficult the international situation is, positive results can be attained if there is the real political will to do so.

190. The consensus on the Manila Declaration bears witness to the fact that the membership of the United Nations is aware of the overriding importance, indeed urgency, of the problem of international disputes. It is obvious that by the adoption of this Declaration we have reaffirmed that international disputes are the cancer in the body of world peace and stability, and that it can be healed by all means of peaceful settlement contained in the Declaration.

191. Much has been said, and rightly so, about the weakening of the role of the United Nations in international affairs. It is significant that the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization has submitted the text of the Manila Declaration at this precise moment. Thus, we are provided with a substantive instrument for strengthening the role of the United Nations in the field of international peace and security. The value of this should not be underestimated and the Declaration will, we believe, be applied in the years to come with the same vigour and determination with which it was formulated and adopted by consensus.

192. The adoption of this Declaration should be an incentive for this world body to give, by a seemingly strictly legal instrument, an impetus to the solution of burning political problems. We find this an extremely useful pattern that should be followed at a time when it is increasingly difficult to reach consensus in other Committees and bodies.

193. The basic message for us goes beyond the mere substance of the Declaration. It represents the general feeling that peaceful solution should be the order of the day in international relations if we are not to be faced with an endless string of unsolved disputes which continuously increase and culminate in threats to the peace. In our opinion, the peaceful solution of disputes is not meant to be a lifeless scheme. It is a component and an integral part of the whole range of principles of conduct in international relations. This encompasses non-use of force or threat of force, non-intervention and non-interference in the affairs of States and jealous safeguarding of the independence, sovereignty and territorial integrity of nations.

194. That should be the point of departure if we are to achieve the peaceful settlement of each international

dispute. We believe that the Manila Declaration testifies to an increased awareness of the indispensability of respect for all the principles of the Charter of the United Nations. These principles are interconnected, they are intertwined and they do constitute an indivisible whole.

195. Mr. JOHNSTON (United States of America): The United States is privileged to have participated actively from the beginning in the elaboration of the Manila Declaration on the Peaceful Settlement of International Disputes. From the Alabama Claims Arbitration of more than a century ago to the judicial settlement of boundary issues today, the United States has been in the forefront of the effort to seek the peaceful settlement of disputes. We shall continue to follow these practices and seek opportunities to build on these traditions. We are consequently particularly pleased to participate in the celebration of the adoption of the Manila Declaration.

196. It is for this reason that Article 2, paragraph 3, of the Charter of the United Nations speaks to the peaceful settlement of disputes; paragraph 4 of that Article deals with the prohibition of the threat or use of force. The Secretary-General in his annual report indicated that rededication to the standards of the Charter should commence with the peaceful settlement of disputes.

197. The Manila Declaration represents an important and timely reaffirmation of the principle that disputes must be settled by peaceful means. More importantly, it describes means by which States should implement that principle. It sets forth the means by which States give effect to the obligations, machinery and goals of the United Nations.

198. The Declaration's call upon States to be aware of their obligation to refer disputes to the Security Council; the reaffirmation of the role of the International Court of Justice; the stress on the importance of fact-finding and the encouragement to the Secretary-General to make full use of his authority are but a few striking examples of the Declaration's responsiveness to the needs described in the annual report of the Secretary-General. Of course, the Declaration contains compromises. It is not, therefore, as forceful and explicit as we would like in some areas, such as judicial settlement and the need for the Security Council to be involved at an early stage of a potentially serious dispute. A consensus embracing large States and small, East and West, North and South, requires compromise from all concerned, and the spirit of compromise that led to the final elaboration of the Declaration should itself be recognized as an example of the spirit of co-operation which should inform the conduct of us all.

199. We must not fail to express our gratitude to the Special Committee, which identified the suggestion of a Declaration as one meriting priority consideration and which patiently elaborated the text we adopt today. We are confident that these qualities of perceptiveness, patience, compromise and co-operation will, if carried forward in the Special Committee, lead to comparable positive results in other areas of concern to it. A particular debt of gratitude for the Declaration is owed to the delegations of Mexico, the Philippines and Romania for the initial

suggestion of a Declaration and for the impetus which launched and sustained the effort.

200. Our statements today and the ceremony surrounding the adoption of the Declaration are propitious. But our real task is commenced rather than concluded by the adoption of the Manila Declaration. Its adoption should be taken as a renewed commitment to future action. States should weigh their actions, by the norms contained in the Declaration and seek to execute policies by the means described in it. Let us hope that it will become a rule for conduct and action and not merely a Declaration. Let us all strive to make it so.

201. Mr. KOROMA (Sierra Leone): The Manila Declaration on the Peaceful Settlement of International Disputes, which has come before this Assembly for consideration and has just been adopted, represents yet another milestone in man's perennial quest to live in peace—a peace based on justice—with his fellow man and to unite the collective strength of all States represented here to maintain international peace and security.

202. Hence, the act of approving and adopting this Declaration should in itself constitute important and significant progress in achieving the aims and objectives of the Organization. For, in the Charter, it is postulated that it is the Organization's determination to save succeeding generations from the scourge of war and to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used save in the common interest. The acceptance of principles and the institution of methods for the peaceful settlement of international disputes which this Declaration constitutes therefore represent not only fulfilment of man's yearning for peace but also the path towards the attainment of the supreme objective, the *ultima ratio regnum*, of the Organization, namely, the desire to prevent the outbreak of another war. Thus, if the Manila Declaration succeeds in contributing to that objective, it may turn out to be the most important document adopted during this session of the Assembly.

203. Sierra Leone, faithful to its commitment to the Organization, its principles and objectives, and to the charter of the Organization of African Unity, warmly welcomes the adoption of this Declaration. In doing so, we are imbued with the conviction that in existing circumstances the outbreak of another world war would result in incalculable consequences for humanity. For in the wake of such a war there could be no victors. We would all be losers. On the other hand, a condition of peace will enable us to devote time and to harness our national and human resources for the social and economic development of our peoples and to co-operate on a regional and world-wide scale. Furthermore, the Sierra Leone delegation is convinced that it is only when peace reigns that we can devote our collective efforts to the removal of the economic impediments which afflict all nations today, particularly the developing countries. The fact that, in tandem with the increased heightening of global tension, the world's economy has continued to deteriorate can only underscore the important relationship which exists between economic development and world peace. My delegation is therefore convinced that in order to reinforce our commitment to the

maintenance of international peace and security and the development of our human and natural resources, we should further elaborate the principles of the Organization and strengthen its institutions.

204. In expressing its support for the Manila Declaration, the Sierra Leone delegation would also like to extend its cordial congratulations to the Government and people of the Philippines for consenting to give the name of their capital to this Declaration. It is indeed salutary that this latest Declaration on the peaceful settlement of disputes should bear the imprint of Manila, the capital of a country which itself has experienced the pangs of war, but which has nevertheless continued in the tireless pursuit of peace.

205. My delegation would also like to express its acknowledgement and appreciation to all those delegations and members of the Secretariat who worked so assiduously—in particular, the delegation of Romania—in the preparation of this document.

206. Not only is it fitting that this Declaration should bear the name of Manila but, given the present state of the world, it is both appropriate and propitious that the Declaration should have come before the Assembly at this time. It is timely and propitious because it is our hope and, indeed, our expectation that it will help in arresting the descent into international lawlessness to which the Secretary-General referred in his report on the work of the Organization. As I stated earlier, the overriding motive which led to the creation of the Organization was and remains the desire to prevent the outbreak of another war and, with that in mind, nations were forbidden to use force save in the common interest. As the Minister for Foreign Affairs of Sierra Leone stated when he addressed this Assembly on 29 September this year:

“Regrettably, over the years we have strayed from the goals and ideals that inspired the efforts culminating in the founding of the United Nations, a fact which has contributed to the increasing and heightening of global tension and insecurity on an unprecedented scale

“Today there is a recrudescence of resort to unilateral force by States ... in total disregard of the scheme and provisions of the Charter and the Organization.” [10th meeting, paras. 137 and 138.]

207. It is this massive betrayal of the principles and purposes of the Organization that has brought about a crisis of confidence in the ability of the Organization to maintain the peace. Indeed, the Secretary-General, in his annual report, bemoans the fact that procedures and methods collectively agreed upon are blithely ignored and set aside in pursuit of national parochial interests and that the process of peaceful settlement of disputes is often brushed aside.

208. My delegation, therefore, welcomes this renewed effort, represented by the Manila Declaration, towards the prohibition of the use of force by States and the settling of all international disputes exclusively by peaceful means. It was in this context that the Government of Sierra Leone felt impelled to seek the inscription on the agenda of the thirty-seventh session of the Assembly of an item entitled “Imple-

mentation of the collective security provisions of the Charter of the United Nations for the maintenance of international peace and security". The Declaration reaffirms and further elaborates the fully accepted doctrine of international law as contained in numerous legal instruments, including the Charter, that the principle of the peaceful settlement of disputes excludes the use of force to settle them. It also reaffirms the important principles of the sovereign equality of States, equal rights and self-determination of peoples. Thus it would be incompatible with the principle of the peaceful settlement of disputes to apply pressure, be it military or any other kind whatsoever, against States in international relations.

209. The Manila Declaration encourages the Security Council and the General Assembly fully and effectively to discharge their responsibilities in the area of the settlement of disputes or of any situation the continuance of which is likely to endanger the maintenance of international peace and security. The Secretary-General is also encouraged to become more active in performing his functions in the area of dispute settlement and the attention of Member States is drawn to the facilities offered by the International Court of Justice for the settlement of legal disputes.

210. Over the years, regional organizations such as the OAU have come to play an increasing role in the maintenance of international peace and security and in the pacific settlement of disputes in their respective regions. The Declaration gives recognition and encouragement to such regional bodies for their efforts.

211. In short, under the Declaration, States may resort to any of the pacific means for the settlement of their disputes with due regard to their mutual interests and in conformity with the principles of justice and international law. The Declaration is therefore an important useful legal instrument which not only reaffirms the high principles of the Charter but should help to bring about international peace and stability, given the present tempo of international life.

212. In conclusion, my delegation would like to propose that, given the importance of this Declaration, which is a reaffirmation of the high principles underlying the Charter, and the solemnity of its adoption, the Manila Declaration should be open for signature as evidence of our determination to abide by it.

213. Mr. SINCLAIR (Guyana): In approving the Manila Declaration on the Peaceful Settlement of International Disputes, the General Assembly has taken a step of profound and historic importance. Coming after the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of Their Independence and Sovereignty [resolution 36/103, annex] and other related instruments, the adoption of the Manila Declaration represents a landmark in the contributions to the efforts of the Organization to maintain and strengthen international peace and security and to develop friendly relations among States.

214. It is particularly timely and appropriate that, at a moment when there is increased resort by States to the threat or use of force in the settlement of their international disputes, the Assembly should adopt this instrument which specifically provides that international disputes should be settled exclusively by peaceful means. The Manila Declaration not only sets out a number of principles which should guide States parties to disputes in their search for a peaceful settlement of those disputes, it also sets forth steps which should be taken by those States in that search.

215. My delegation wishes to place on public record on this occasion its endorsement of the provisions of the Manila Declaration. We believe that if it is faithfully and scrupulously observed, its adoption today could represent a positive and most significant contribution to the cause of peace. My delegation is fully committed to the principles and objectives of the Manila Declaration. We sincerely urge that all States observe and promote the provisions of this Declaration in good faith in the settlement of their international disputes.

AGENDA ITEM 124

United Nations Conference on Succession of States in respect of State Property, Archives and Debts: report of the Secretary-General (*concluded*)*

216. Ms. BERBERI (Sudan), Rapporteur of the Sixth Committee: I have the honour to present to the General Assembly the report of the Sixth Committee on agenda item 124 [A/37/593].

217. Representatives will recall that, at its thirty-sixth session, the General Assembly, by its resolution 36/113 of 10 December 1981, decided to convene a conference of plenipotentiaries in 1983 to consider the draft articles on succession of States in respect of State property, archives and debts adopted by the International Law Commission at its thirty-third session, and to embody the results of its work in an international convention and such other instruments as it might deem appropriate. At its present session, therefore, the General Assembly was to consider various questions relating to the organization and convening of the conference.

218. Paragraph 9 of the report of the Sixth Committee, contains a draft resolution, originally sponsored by 38 Member States, which the Committee adopted by consensus and recommends for adoption by the General Assembly. In the draft resolution, the invitation extended by the Government of Austria to hold the conference at Vienna is noted with appreciation, and it is decided that the conference shall be held there from 1 March to 8 April 1983. The draft resolution refers to the United Nations Conference on Succession of States in Respect of State Property, Archives and Debts, as the basic proposal for its consideration, the draft articles adopted by the International Law Commission. It also deals with various organizational questions, such as the States and entities to be invited to attend the conference, and contains various requests addressed to the Secretary-General, including one for the submission of the

* Resumed from the 61st meeting.

relevant documentation to the conference. In that connection, paragraph 5 of the report of the Sixth Committee is relevant.

219. I have just mentioned that the Sixth Committee was able to adopt the draft resolution by consensus. I hope that it will receive the approval of the General Assembly too by consensus.

220. The PRESIDENT: I call on the representative of the United States of America to introduce the amendment contained in document A/37/L.25.

221. Mr. SORZANO (United States of America): Document A/37/L.25 contains an amendment proposed by the United States to the draft resolution now before the Assembly. Specifically, the United States proposes an additional operative paragraph, paragraph 7, which reads as follows:

"7. Authorizes the Secretary-General to implement the activities approved under the present resolution only to the extent that they can be financed without exceeding the level of resources approved in the programme budget for the biennium 1982-1983 (General Assembly resolution 36/240 A)".

222. We do not take lightly the step of offering this amendment, especially as we agree with the sponsors of the draft resolution on the desirability of convening a plenipotentiary conference to adopt a treaty on the succession of States in respect of State property, archives and debts. However, we believe that the objective of this proposed amendment has an import going far beyond the particular draft resolution now before us and that our amendment must be put forward at this time.

223. As many delegations here may already know, the ever-expanding budget of the United Nations has been and continues to be a matter of profound concern to my Government. In the last five years, assessments have risen by 81 per cent, well above the rate of inflation. The speed of this increase is at least as much cause for concern as the absolute size of the budget. If the rate of increase does not slacken, expenditures for the programme budget of the United Nations will approach \$3 billion by the year 1990. At such a level of expense, Member States from every region and every group in the Organization would find the cost of their membership unreasonable. Despite numerous recommendations from this or that committee or study group or Secretariat official, the programmes and budgets of the United Nations continue to expand as though Member States believe that either the financial resources of the United Nations are drawn from limitless sources that can never go dry or that new programmes can somehow continually be established without financial consequences.

224. We wish this were true, but unfortunately the real situation is quite different. We are living in a world in which a great many Governments, ours included, are making every effort to maintain fiscal responsibility—and perhaps in some cases even fiscal survival—by cutting back or by not undertaking a great many programmes which would otherwise be desirable. The United Nations cannot continue to act as though it can vote new programmes and enlarge its budget year after year. Neither can the United Nations remain isolated from the economic situation in which its Member States find themselves by routinely increasing

its budget to meet ever-expanding programmes. Rather, we must take stock of the difficult budgetary constraints under which we are all operating and determine and shape programmes so as to fall within a predetermined level of fiscal resources. My delegation believes that the level of expenditures approved in General Assembly resolution 36/240, which established the programme budget for the biennium 1982-1983, constitutes a generous level. My Government has the absolute conviction that in the present economic circumstances an increase in the budget of the United Nations would constitute an unwise act inconsistent with the needs of the Organization and unmindful of the budgetary stringencies of its Member States.

225. I certainly do not mean to imply that the costs associated with the conference in question in the draft resolution now before the Assembly are a special target of my delegation. Indeed, in other, more economically comfortable times, we would not have offered an amendment to this draft resolution and would have been pleased to see the draft resolution adopted by a consensus. But fiscal responsibility cannot wait until next year or next month or even tomorrow. Thus our amendment is by no means intended to single out the draft resolution before us; it is part of a far broader effort.

226. As representatives in the Sixth Committee are aware, the United States, reflecting our deep conviction of the importance of international law, has supported the United Nations Conference on Succession of States in Respect of State Property, Archives and Debts and hence joined the consensus in that Committee. Yet in the Fifth Committee the United States delegation voted against the recommendation of the Advisory Committee on Administrative and Budgetary Questions for an additional appropriation because the Secretariat found itself unable to absorb the costs of the draft resolution in question from within existing resources.

227. My delegation does not want to vote against this draft resolution today and we have therefore formulated an amendment which, if adopted, would permit us to join again in a consensus for adoption of the draft resolution as a whole. The operative paragraph, paragraph 7, which the United States proposes to add to the draft resolution is intended precisely to ensure that the Organization—that is to say, we ourselves—finally says "no" to the continuing upward spiral of its expenses. The paragraph authorizes the Secretary-General to implement the activities approved in the draft resolution "only to the extent that they can be financed without exceeding" the level of resources approved in the 1982-1983 programme budget. That, let me recall, provided for expenditures of over \$1.5 billion.

228. We do not wish to be misunderstood. Our amendment is not intended to say "no" to new or additional activities, but rather to highlight the necessity to manage the resources of the United Nations in a rational, effective and responsible way. In essence, it is a mandate to forgo or reduce activities which are superfluous, completed, obsolete, of marginal utility, or ineffective, and to find and make other economies in the organization, staffing, and management of the Secretariat. All these and other methods must be tried before throwing up our hands and

saying that the only alternative is more money. If the United States amendment is adopted, we do not see the result to be the elimination of funding for all conferences. The 1982-1983 programme budget already provides a sizeable sum for conference costs. Nor would the result be the elimination of every new programme in the Organization. Rather, decisions will have to be made—ideally at the committee level—as to how to implement the programmes of the United Nations so as to remain within existing appropriations.

229. There will be those who will find problems with the text of our amendment. While we have sought to draft it so as to accomplish our goal, it is possible that our text could be refined, improved, and sharpened. We are quite ready to entertain improvements—true improvements in that text and will welcome suggestions along that line. On the other hand, we could not countenance changes which will vitiate its intent.

230. We look forward to the adoption of our amendment so that my delegation will be able to join in the adoption of this draft resolution by consensus. As I noted previously, we favour the convening of the Conference at hand. However, if the proposed amendment, or an improved version, is not incorporated into the draft resolution before us, my delegation will call for a vote on the draft resolution as a whole and vote against it, because the fiscal integrity of the Organization must be accorded a far higher priority than it has thus far received.

231. Mrs. VALDÉS PÉREZ (Cuba) (*interpretation from Spanish*): My delegation, on behalf of the non-aligned movement, wishes to put on record the position of that group of countries with respect to the amendment proposed by the United States [A/37/L.25]. The non-aligned countries, at a meeting held this morning, decided that the amendment was not acceptable to our delegations because it creates difficulties both of a technical and political nature.

232. As representatives know and as has been said in this hall today, at its thirty-sixth session the Assembly adopted by consensus resolution 36/113, whereby it was decided that an international conference of plenipotentiaries should be convened in 1983 to consider the draft articles of succession of States in respect of State property, archives and debts, prepared by the International Law Commission. By the same token, the Sixth Committee adopted by consensus during the present session draft resolution A/C.6/37/L.3, by which it decided that that Conference would take place at Vienna beginning on 1 March 1983. Moreover, the Fifth Committee approved, by 62 votes to 3, with 10 abstentions, the additional appropriation that would be required for the Conference [see A/37/603, para. 3].

233. There is therefore no justification for the amendment proposed by the United States. Indeed, it would only create technical difficulties for the work of the Secretariat, which is bound by the constraints of time, documentation and resources, generally speaking, to such an extent that the holding of the Conference cannot be ensured in these conditions. It is obvious that this amendment revokes what is approved in the rest of the draft resolution. Obviously, the amendment also creates political difficul-

ties for us, since, if it is adopted, national liberation movements would be deprived of participation in a conference of plenipotentiaries, should it finally be held. That is contrary to United Nations practice in this area and would set a dangerous precedent unacceptable to us.

234. In the case before us, it is known that with respect to conventions on the succession of States these matters are of particular interest to national liberation movements, which will have a right to claim protection under such conventions once they gain independence.

235. For the aforesaid reasons, the non-aligned countries have decided to vote against the amendment and to ask that it be rejected by the General Assembly.

236. The PRESIDENT: The Assembly will now proceed to take a decision on the draft resolution recommended by the Sixth Committee and the amendment thereto. The report of the Fifth Committee on the administrative and financial implications of the draft resolution appears in document A/37/603. In accordance with rule 90 of the rules of procedure, I shall first put to the vote the amendment which has just been introduced by the United States of America [A/37/L.25]. A recorded vote has been requested.

A recorded vote was taken.

In favour: Israel, United States of America.

Against: Afghanistan, Albania, Algeria, Angola, Argentina, Austria, Bahamas, Bahrain, Bangladesh, Benin, Bhutan, Brazil, Burma, Burundi, Central African Republic, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Democratic Yemen, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Finland, Gabon, Greece, Grenada, Guatemala, Guinea, Guyana, Iceland, India, Indonesia, Iran, Iraq, Ireland, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Liberia, Libyan Arab Jamahirriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Peru, Philippines, Qatar, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Abstaining: Australia, Barbados, Belgium, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, Czechoslovakia, France, German Democratic Republic, Germany, Federal Republic of, Hungary, Italy, Ivory Coast, Luxembourg, Netherlands, New Zealand, Papua New Guinea, Paraguay, Poland, Portugal, Spain, Togo, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Uruguay.

The amendment was rejected by 103 votes to 2, with 26 abstentions.

237. The PRESIDENT: The Assembly will now take a decision on the draft resolution recommended by the Sixth Committee in paragraph 9 of its report [A/37/593]. A recorded vote has been requested.

A recorded vote was taken.

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

Against: United States of America.

Abstaining: None.

The draft resolution was adopted by 136 votes to 1 (resolution 37/11).⁴

238. The PRESIDENT: I shall now call on those representatives who wish to explain their vote.

239. Mr. APRIL (Canada) (*interpretation from French*): My delegation abstained in the vote on the amendment proposed by the representative of the United States. I should like to explain why in a few words. Generally speaking, the delegation of Canada shares the budgetary objectives underlying the United States amendment. However, my delegation has serious reservations of a substantive as well as a formal nature, with respect to the presentation of the amendment. On the one hand, this amendment raises basic questions with regard to the financial practices of the United Nations. Those questions require examination and discussion in greater depth. On the other hand, the presentation of this amendment in these circumstances has had the practical effect of destroying the consensus achieved as a result of a great deal of effort by the sponsors of the draft resolution. My delegation cannot but regret the fact that that consensus could not be maintained, despite the further efforts made to that end following the submission of the amendment.

240. Mr. ORDZHONIKIDZE (Union of Soviet Socialist Republics) (*interpretation from Russian*): The Soviet delegation abstained on the United States amendment for the following reasons. We based our reasoning on the fact that adoption of that amendment could make it possible for the Conference to be held with the minimum of financial expenditure. This would make it possible to cut down on expenditure from the United Nations budget and thus avoid its further growth. In accordance with our position of principle, the Soviet Union advocates strict economy in budgetary matters. At the same time, however, we should remember that the draft resolution was adopted by consensus in the Sixth Committee and that the document on financial implications was submitted to the Sixth Committee before the decision on the draft resolution was taken. For those reasons, the Soviet delegation did not wish to change its position on this draft resolution and voted for it.

241. Mr. TUERK (Austria): I should like to explain briefly my delegation's vote on the amendment to the draft resolution.

242. The Austrian delegation is, of course, happy to note that the General Assembly has now adopted the draft resolution, as recommended by the Sixth Committee, although we certainly regret that it has not been possible to maintain the consensus achieved in that Committee. In that connection, I should like to express the gratitude of my delegation to the Chairman of the Sixth Committee for the efforts he made in this respect.

243. Austria is sympathetic to all efforts aimed at enhancing the efficiency of the United Nations system and limiting the financial burden placed upon Member States. We do not doubt that this was also the goal underlying the amendment submitted by the United States delegation. We recognize that these are worthy endeavours which merit careful consideration. The amendment in question has, however, raised a problem of a general nature, going far beyond the scope of the item under consideration.

244. The idea contained in that amendment thus, in our view, requires further detailed study in the appropriate United Nations organ. The adoption of such an amendment would furthermore have had the effect of merely conditional acceptance by the United Nations of the invitation extended by the Austrian Government to hold the Conference at Vienna. The holding of such a conference, however, requires preparations well in advance of the scheduled date of the conference. The Austrian Government thus needed an unequivocal decision by the General Assembly in order to be able to make the necessary arrangements.

245. For these reasons, the Austrian delegation felt compelled to vote against the amendment.

AGENDA ITEM 16

Elections to fill vacancies in subsidiary organs and other elections:

(f) **Election of seventeen members of the United Nations Commission on International Trade Law**

246. The PRESIDENT: The General Assembly will now proceed to the election of 17 members of the

United Nations Commission on International Trade Law to replace those members whose term of office expires on 23 May 1983. The 17 outgoing members are the following: Australia, Austria, Burundi, Chile, Colombia, Egypt, Finland, France, German Democratic Republic, Ghana, Indonesia, Japan, Nigeria, Singapore, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland and United Republic of Tanzania. Those members are eligible for immediate re-election.

247. I should like to remind Members that after 24 May 1983 the following States will still be members of the United Nations Commission on International Trade Law: Cuba, Cyprus, Czechoslovakia, Germany, Federal Republic of, Guatemala, Hungary, India, Iraq, Italy, Kenya, Peru, Philippines, Senegal, Sierra Leone, Spain, Trinidad and Tobago, Uganda, United States of America and Yugoslavia. Those States are therefore not eligible for election.

248. Under rule 92 of the rules of procedure, all elections must be held by secret ballot and there shall be no nominations. May I, however, recall paragraph 16 of General Assembly decision 34/401, which has been reproduced as annex VI of the rules of procedure, whereby the practice of dispensing with the secret ballot for elections to subsidiary organs when the number of candidates corresponds to the number of seats to be filled should become standard, unless a delegation specifically requests a vote on a given election.

249. In the absence of such a request, may I take it that the Assembly decides to proceed to the election on that basis?

It was so decided.

250. The PRESIDENT: I shall now read out the names of the candidates nominated by each regional group. There are five candidates nominated by the group of African States—Algeria, the Central African Republic, Egypt, Nigeria and the United Republic of Tanzania; three from the group of Asian States—China, Japan and Singapore; two from the group of Eastern

European States—the German Democratic Republic and the Union of Soviet Socialist Republics; two from the group of Latin American States—Brazil and Mexico; and five from the group of Western European and other States—Australia, Austria, France, Sweden and the United Kingdom of Great Britain and Northern Ireland.

251. Since the number of candidates endorsed by each group corresponds to the number of seats to be filled in that group, I declare those candidates elected members of the United Nations Commission on International Trade Law for a six-year period beginning 24 May 1983.

The following States were elected members of the United Nations Commission on International Trade Law for a six-year period beginning 24 May 1983: Algeria, Australia, Austria, Brazil, Central African Republic, China, Egypt, France, German Democratic Republic, Japan, Mexico, Nigeria, Singapore, Sweden, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania (decision 37/308).

252. The PRESIDENT: I congratulate the countries that have been elected members of the United Nations Commission on International Trade Law.

The meeting rose at 7.10 p.m.

NOTES

¹ *Official Records of the General Assembly, Thirty-fifth Session, Supplement No. 24, vol. I, annex II.*

² *See Official Records of the Security Council, Thirty-seventh Year, 2398th meeting.*

³ *Manual of International Law*, Theodor Schwarzenberger and D.E. Brown, 6th edition, Milton, Oxon Professional Books, 1976.

⁴ The delegations of Samoa and Solomon Islands subsequently informed the Secretariat that they had intended to vote in favour of the draft resolution.