



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

### AGENDA ITEM 33

#### Question of Palestine (*continued*):

- (a) Report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People;
- (b) Report of the International Conference on the Question of Palestine;
- (c) Reports of the Secretary-General

1. Mr. BIGOMBE (Uganda): My delegation has studied very carefully the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People [A/38/35] and other documents on this item. I wish to pay a well-deserved tribute to Mr. Sarré, of Senegal, the Chairman, and to the members of the Committee for their untiring efforts aimed at the restoration of the inalienable rights of the Palestinians.

2. For over 36 years, the General Assembly has continued to deliberate on the question of Palestine. Numerous resolutions have been passed calling for the restoration of the inalienable rights of the Palestinians. Considerable efforts have been exerted to find a peaceful solution to the conflict in the Middle East, of which the question of Palestine is the core. All these efforts have been unsuccessful precisely because of Israeli intransigence.

3. General Assembly Resolution 181 (II) of 1947, from which Israel derives its existence, required the establishment of a Palestinian Arab State. Israel was required by the United Nations, as a condition of its creation, to agree to the United Nations partition plan for Palestine. However, right from its inception, Israel deliberately began violating the undertakings it had freely entered into. It has since then pursued a policy of expansion and aggression against the neighbouring Arab States and undertaken a campaign to liquidate the Palestinian people and their cause. The Israeli design has been to swallow up all the lands the United Nations partition plan had earmarked for the Palestinians.

4. Ever since the invasion of Lebanon by Israel last year, the situation in the Middle East and the occupied Arab territories has continued to be tense and turbulent. Taking advantage of the international community's preoccupation with events in Lebanon, Israel has been implementing measures aimed at annexing the territories. The scope and depth of human rights violations by the occupying authorities have increased. There exists a vicious circle in which Israeli repression provokes resistance which, in turn, results in further repressive measures.

5. Israel has launched a total effort to erode the Arab character of the territories. Through expulsion, deportation and other repressive measures, the indigenous Arab population is being forced to abandon its lands, which are then expropriated and used for establishing massive Israeli settlements. The Israeli leaders do not bother to hide their plans for increasing the number of Israeli

settlers in the occupied Arab territories. By the end of 1982, they numbered 140,000. According to existing plans, the population of Israeli settlers will increase to 400,000 in five years and to 1.4 million by the end of the century. This points to a clear intent to annex the Palestinian territories.

6. The lesson of the Israeli invasion of Lebanon is that brute force cannot extinguish the spirit of freedom which inspires the Palestinians in their struggle for their inalienable rights. Despite the ferocious Israeli onslaught, the objective of which was to provide a final solution with regard to the Palestinians and their cause, the struggle spearheaded by the Palestine Liberation Organization [PLO] and supported by all peace-loving States continues unabated.

7. In the past, Israel pretended that it was only holding on to the Arab territories for bargaining purposes. It claimed that it was ready to return the occupied Arab and Palestinian lands in the context of a comprehensive solution in return for recognition and genuine peace. Clearly, the annexation of Jerusalem and the Golan Heights and the current policy of settlement in the West Bank and in the Gaza Strip have unmasked Israel's true designs. Apparently, the only solution Israel desires is one which would confer on Israel title to the lands it has illegally grabbed. The international community can no longer be hoodwinked by Israeli protestations of peace.

8. We meet in the aftermath of a momentous conference in the history of the Palestinian struggle. The International Conference on the Question of Palestine, held in Geneva from 29 August to 7 September 1983, gave a valuable opportunity to the international community to deliberate on all aspects of the problem. The Conference was successful in that it increased international awareness of the plight of the Palestinians and their just cause. It succeeded in keeping the question high on the international agenda. The Geneva Declaration on Palestine<sup>1</sup> and the Programme of Action for the Achievement of Palestinian Rights,<sup>1</sup> both of which were adopted by acclamation, represent an important landmark. They are a clear message to Israel and its supporters that the international community will not countenance its trampling on Palestinian rights. The main decision contained in the Declaration is the convening of an international peace conference on the Middle East in which all the parties concerned, including the PLO, would participate on an equal basis. We believe that this is a positive step. We would build on the momentum created by the Conference to achieve further progress.

9. The Arab countries and the PLO, by adopting the proposals made at the Twelfth Arab Summit Conference at Fez in September 1982,<sup>2</sup> demonstrated courage and their willingness to address the genuine concerns of Israel. Furthermore, other world leaders have put forward proposals for a peaceful settlement. It is to us a matter of deep regret that the response of Israel to the various proposals has been negative and provocative. We believe that the conference called for in the Declaration offers a good opportunity for finding a lasting and just peace.

10. Uganda has always maintained that there are basic elements which must be contained in any settlement. These are: the withdrawal of Israel from occupied Arab territories; the right of the refugees to return to their homeland; and the exercise by the Palestinians of their right to self-determination in a homeland of their own.

11. The PLO is the sole authentic representative of the Palestine people. As the restoration of Palestinian rights is the centrepiece of any Middle East settlement, it follows therefore that the PLO must participate in all negotiations concerning a peaceful settlement. Those that believe that it is possible to achieve a settlement without the participation of the PLO are deluding themselves. Until the inalienable rights of the Palestinian people are restored, it is the duty of the international community to put an end to any further violations of their rights. The Programme of Action for the Achievement of Palestinian Rights, adopted by the Conference at Geneva, provides measures which, individually and collectively, Member States should implement.

12. In conclusion, I wish to reaffirm Uganda's solidarity with and support for the PLO in its just struggle.

13. Mr. RAJAIE-KHORASSANI (Islamic Republic of Iran): The item on the question of Palestine has become a part of the everyday household affairs of the United Nations because the United Nations, under the criminal influence of certain colonial Powers, launched a conspiracy against the entire Muslim world and ignorantly passed resolution 181 (II) in the year 1947. Since the occurrence of that unforgivable mistake, and because the international body is devoid of the necessary minimum of wisdom just to apologize to the Muslim people of the world for that gross mistake, it has been building upon that sinful resolution a sinful historical record.

14. In the old days, when British colonialism and international zionism were spreading in every direction, their ill-omened, sinister union left behind, *inter alia*, two illegitimate children, one in the Middle East and the other in the southern part of Africa. The same sinful and naive minds which simplistically forged international birth certificates for those two entities still think that their acts of sin will be condoned and that their illegitimate babies can live happy lives in the laps of other people. This is all wrong.

15. According to some legends, when such babies grow teeth they start nibbling at the persons in whose laps they have been placed, and gradually eat up and erode others around them, until finally they finish all the living creatures of the entire continent and turn the entire world into a desert full of bones. Our experience of the past 40 years confirms the contention of that old legend. I am sure, Mr. President, that with your fresh memories of Sabra and Shatila you, too, will agree with that legend.

16. The Third Committee has just adopted a draft resolution to eliminate prostitution. It seems that another resolution is badly needed to obligate those that produce children out of wedlock to take their illegitimate offspring back home, not to leave them in the southern part of Africa, in the Arab peninsula, or even at United Nations Headquarters. Such a resolution will soon, by the grace of God, come into effect.

17. The problem is that the United Nations is a secular body and as such is programmed not to make the slightest distinction between the legitimate and the illegitimate, or between the dirty and the clean. It is not, therefore, ashamed of allowing some Irish-born individual with a sweet Irish accent to refer to himself in the Assembly as the president of an illusory State. This joke is not funny

at all. This practice of forging States and presidents must stop and past mistakes must be rectified.

18. The State of Palestine precedes the United States by many centuries. Those who imagine that they can destroy Palestine by crafty diplomatic games in a newly-formed international club or by the deployment in Palestine of many more Zionist agents from different parts of the world are wrong. Despite the stubborn insistence on the preservation of this ill-omened, sinister entity which colonial Powers transplanted to Palestine and which is now, thanks to certain considerations of the United States presidential elections, living under the auspices of the United States, it is not going to live long. Those Irish, English, American, French and whatever other agents who have come to plunder the Muslims of the Middle East will very soon be herded back to their countries of origin.

19. It is sometimes argued, ignorantly of course, that if the Arabs had accepted General Assembly resolution 181 (II), the conflict would have been solved. At other times, plans and plots are formulated in order to slaughter the people of Palestine with the dagger of peaceful coexistence, and some others—outsiders of course—make unnecessary comments on the necessity of direct negotiation between "all parties concerned". Of course, Palestinians are not included in "all parties". The racist enemy, which is living actively on the blood of innocent Palestinian children and women, invites Arab States to enter into peaceful negotiation as if the destiny of the Muslim nation of Palestine could be determined by a few puppets who cannot even hold the strings for themselves.

20. First, the international body must understand once and for all that resolution 181 (II) is the problem and not the solution, and that peaceful coexistence with aggression is impossible and morally wrong. Honest people neither recommend it nor accept it.

21. Secondly, occupation of Palestine is not a linguistic problem. It is not Arab or Arabic. It is an Islamic matter and, as such, the concern of all Muslims. The racist enemy, which has always tried to Arabize the problem and solicit the presence of Arab régimes at negotiations, has been banking satanically on the ethnic identity of Arab nationalism in order to dilute the primordial Islamic character of the issue.

22. Nationalism is too rusty a knife to divide the Muslim world any longer. The revival of Islamic awareness all over the Muslim world is eliminating all the illusory differences and restoring unity and solidarity to the entire *Ummah*. Nothing is more pleasant in this regard than the increasing number of speeches which, in this temple of infidelity, commence with the name of Almighty God, a thorn in the side of the enemies of Islam. The enemies of Islam shall soon hear the thundering cries of *Allah-o-Aqbar* from the united Islamic front and they will run away from the Holy Land of Palestine with their tails between their legs. Only then will the item entitled "Question of Palestine" come to an end.

23. United Nations resolutions are not going to liberate any land. Even the Zionist enemy itself, which is indebted for its very presence in the Assembly to United Nations resolutions, does not give a damn for them.

24. I would like to address myself to my Muslim brothers who are supposed to represent the Muslim world in the Assembly, and to recite the following verse from the Holy Koran:

“And whoever turns himself away from the remembrance of the compassionate God, we appoint him a *shaitan* so he becomes his associate.” [Surah XLIII: 36.]

The imperialist base, which has forged for itself the identity of a State, is the very *shaitan* that has established itself in our Holy Land simply because the Muslim *Ummah* turned away from the remembrance of God. We remained silent at the occupation of Palestine because we lost the sense of the verse:

“Glorified be he who carried his servant by night from the inviolable place of worship to the Masjid al-Aqsa, whereof we have blessed, that we might show him our signs.” [Surah XVII: 1.]

25. Deviation from the straight path is our only problem and return to Islam, brothers and sisters, is our only solution. The koranic prescription in this regard is quite clear:

“In the name of God, the Compassionate, the Merciful: Muhammad is the Apostle of God; and those who are with Him are firm and strong against unbelievers, but compassionate amongst themselves. (This means that the Muslim nation, the entire *Ummah*, must be firm and strong against the enemy but compassionate amongst themselves.) Thou wilt see them bow and prostrate themselves in prayer, seeking grace from God and His good pleasure. On their faces are the marks, the traces of their prostration. This is their similitude in the Taurat; and their similitude in the Gospel is like a seed which sends forth its blade, and makes it strong; it then becomes thick and stands on its own stem, filling the sowers with wonder and delight. As a result, it fills the unbelievers with rage at them. God has promised those among them who believe and do righteous deeds forgiveness and a great reward.” [Surah XLVIII: 29.]

26. Muslims must be one compassionate *Ummah*, one united, consolidated, fortified body:

“Verily God loves those who fight in his cause in battle array as if they were a solid armoured structure.” [Surah LXI: 4.]

27. The solid structure that is meant by the Holy Koran is slightly different from sending messages on the International Day of Solidarity with the People of Palestine. Members will remember that a great number of Heads of State or Government sent encouraging messages. I was happy to see so much political and moral support behind our Palestinian brothers and sisters, but I was not very happy to see Muslim countries sending messages that, in spite of all the solidarity and support they conveyed, implied separation, division and “otherness”.

28. Imagine what would be the meaning of a message from some Palestinian residing, for instance, in Kuwait, or a message of solidarity, let us say from Mr. Farouk Kaddoumi, Head of the Political Department of the Palestine Liberation Organization, to Mr. Terzi. No matter how strong the declaration of solidarity in such a message, it nevertheless implies a duality, a separation between the sender and the receiver of the message. To the extent that the message of the Muslim countries indicates that they do not consider themselves an integral part of one socio-political entity, just one part of which is Palestine, those messages, at least to me, are much beneath the degree of integrity that Islam requires of all of us. We must be a “fortified armoured structure” which, regrettably, we have not been. The predominance of this separation and “otherness” has allowed the Zionist racist enemy even to shed crocodile tears for the Arab people of Palestine.

29. We have to give the racist, terrorist aggressors, who have in their endless criminal record many cases like Sabra and Shatila, the assurance that their poisonous, evil, taunting remarks in support of the “Palestinian Arabs” will be duly answered. The criminal usurpers had better know that in our Islamic front we do not have “Palestinian Arabs”; we have the great Muslim nation of Palestine, whose flag will soon be waving over the entire area now under occupation. In the context of Islamic brotherhood, all Muslim countries are indivisible, inseparable parts of an integrated political entity which constitutes *Ummah*.

30. Representatives must also remember that, while they were delivering their messages on 29 November, United States officials were concluding their new strategy of military and technical alliance with the base of imperialism installed in our beloved Palestine. This new alliance indicates that the enemy is so weak and terrified that the United States must publicly demonstrate its full support for the Zionist aggressor, regardless of its economic and political side effects.

31. After the enemy has been harshly slapped by the Muslims of Lebanon, this alliance also shows that it is Islam and the Islamic front that can smash the Zionist enemy of mankind. Therefore, cling only to Islam and consolidate the Islamic front.

32. As the Holy Koran says (all Moslem countries should remember the verse):

“Oh, you who believe, take not for friends and protectors those who take your faith for a mockery or joke, whether among those who received the Scripture before you or among those who reject faith.” [Surah V: 57.]

Remember the verse. Surat Al-Ma’edah goes on to say that whoever takes them for a friend, he is one of them, and God does not guide him because he is unjust and God does not guide the unjust. But there are some who try to find excuses for deviation from the Islamic norm in their foreign policy. As the Holy Koran says:

“But you will see those in whose hearts is a disease, how eagerly they run about amongst them saying ‘We fear lest a change of fortune bring us disaster.’” [Ibid.: 52.]

They can be seen now rushing towards the United States, towards England, towards France, towards Russia, towards every centre of infidelity. Why? Because, devoid of faith in God, they do not hesitate to befriend the enemies of God. They give excuses—that they want Mirages, Super-Etendards, AWACS aircraft, Scud missiles, loans and whatever. They literally depend on them and take them for friends. Therefore, they are of them.

33. God has ordered all the Muslim countries, from Bangladesh to the Western Sahara, to follow the following verse:

“And why should you not fight in the cause of God and those oppressed men, women and children whose cry is: ‘Our Lord! Rescue us from this town, whose people are oppressors, and raise for us from Thee one who will protect and raise for us from Thee one who will help.’” [Surah IV: 75.]

The Islamic duty is explicit and explicitly defined:

“If, then, anyone attacks you, attack him in like manner as he attacked you, fear God and know that God is with those who restrain themselves to His obedience.” [Surah II: 194.]

It means the Zionist enemy has occupied your Muslim land and has forcefully expelled your fellow Muslims from the homeland. The enemy has killed you inside

the occupied land and outside it, not once, not twice, not three times, but continuously for almost 40 years. Then it is our duty to fight back, to return our brothers and sisters to their homeland, to raise the flag of Palestine. Only then can we return to our own business in Bangladesh, Pakistan, Bahrain, Qatar, Oman, Turkey, the Islamic Republic of Iran, Tunisia and elsewhere.

34. On how to fight the enemy, the Koran is clear. As God says:

“Make ready against them whatever forces and horses you can, to terrify the enemy of God and your enemy and others beside them that you know not; God knows them, and whatever you expend in the way of God shall be repaid you in full and you will not be wronged.” [Surah VIII: 60.]

This means full mobilization of all potential against the enemy. It means the withdrawal of all assets from United States banks. Can it not be seen that the military and technical alliance between the United States and the régime occupying Al-Quds is renewed? It means, therefore, that oil production must be reduced—now. Now that the American Shah, who rendered all our past efforts futile, is gone and our Muslim brothers in the Islamic Republic of Iran are ready to fight alongside us, start it now. Let us reduce oil production; let us restrict our economic relations with all those who support our common enemy. Where is your Islamic *ukhuwah*—your brotherhood?

35. Muslims have no option other than Islam. We must live according to Islamic norms and must solve all our problems—including, indeed, the problem of the occupation of Palestine—with reference to Islam and to Islam alone; otherwise the bunch of racist and Zionist agents will be able to smash us. For without Islam we are nothing.

“Now have come to you from your Lord proofs to open your eyes. If any will see, it will be for the good of his own soul; if any will be blind, it will be to his own harm.” [Surah VI: 104.]

36. Remember that the Israeli enemy did not start its occupation from the United Nations. It occupied and then gained recognition here. We therefore have to defend our land in the area first, and then fight politically here. Let us unite in the field and only then pass resolutions. And unity in the field, as Member States know, means a return to *tawhid*—to submission to God and not to anyone else. Let us implement the covenant that we so often recite every day: “Thus our struggle will embrace victory.”

37. Mr. HASSAN (Djibouti): The head of my delegation to the General Assembly at its current session had the pleasure on a previous occasion to congratulate you, Sir, on your election to the presidency of this body. Let me take this opportunity to express to you my delegation's appreciation for the able manner in which you have been conducting the deliberations of the Assembly.

38. For almost four decades, the Palestinian question has been one of the major concerns of the international community and has become the main generator of tensions, destabilization and conflict in the Middle East region. It has acquired prominence on the agendas of successive sessions of the General Assembly and other international forums, the latest of which was the International Conference on the Question of Palestine, held at Geneva from 29 August to 7 September this year. It has provoked five devastating conflicts since 1948, with their concomitant death, destruction and suffering. Every time, international peace and security were threatened.

39. Surely it was not the intention of the United Nations to inflict such a tragedy on the Middle East when the

Assembly adopted resolution 181 (II) on the partition of Palestine to establish one Jewish and one Palestinian Arab State. Surely it was not the intention of the United Nations to redress an injustice suffered by the Jewish people by committing another injustice against the Palestinian people who on no account had any part, directly or indirectly, in what happened to the Jews during the Second World War. Nor was it the wish of the international community to see the Palestinian people forced into perpetual exile from their ancestral homeland or living under an oppressive occupation.

40. No one questions the noble motives that guided the Member States of the United Nations when they adopted that resolution. But what we want to remind them is that, because of the abuse of that resolution by Zionist warmongers, the very existence of the Palestinian people is at stake. The tragedy that has afflicted the Palestinians is too well known; it is a story that has been told over and over for the last 35 years. Therefore, I need not elaborate on the gruesome details. The pertinent questions are whether the United Nations will enforce the implementation of its own decisions, and whether Member States will fulfil their commitments and discharge their moral responsibility.

41. The main obstacle to a peaceful political solution of the Palestinian question is the mind-set that characterized the proponents of Zionism, who embarked upon their malicious enterprise with a preconceived geopolitical objective of acquiring “vital space”. That implies, *ipso facto*, the negation of inhabitants living within the geographical confines of such a space.

42. It is no wonder, then, that, from the moment they set their minds on winning Palestine, the Zionists began distorting and falsifying everything. For them, Palestine was not uninhabited, or was inhabited by essentially nomadic populations which did not have the qualities necessary to constitute a political entity. Even those nomads were considered to be immigrants from neighbouring Arab countries, and consequently had no rights over Palestine. Although the Palestinian Arabs made up 99 per cent of the population of Mandated Palestine, they were referred to as merely the “non-Jewish population,” a brazen distortion of well-known facts intended to reduce the Palestinian Arabs to the status of a nonentity.

43. From the moment of its creation, Israel embarked on a campaign of terror to liquidate the Palestinian people. The names of Deir Yassin, Kafr Kasseem, Sabra and Shatila testify to the nature of the solution that the Zionists have in mind for the question of Palestine. Prepared wars on provoked pretexts followed one another. Since the war of 1967, the living conditions of Palestinians under occupation has been a matter of great concern. The annual reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories have provided a graphic description of what is happening in those territories. But the heroic Palestinian people, under the leadership of the PLO, have demonstrated an ever-growing determination not to submit to the dictates of the Zionist oppressors.

44. Israel has been frustrated by the failure of all its attempts to liquidate the Palestinian resistance; the invasion of Lebanon and the subsequent massacre of Palestinian civilians in the Sabra and Shatila refugee camps are quite vivid in our memories. But the Palestinian resistance remains more determined than ever. We are confident that the Palestinian leadership will overcome the present difficulties, as it has done in the past.

45. Despite the arrogance and intransigence of Israel, peace-loving nations have spared no effort to find a just

and lasting solution to the Palestinian problem. In September 1982, the Twelfth Arab Summit Conference put forward in its peace plan<sup>2</sup> political guidelines which provide a sound basis for a just and lasting solution of the Palestinian question. The International Conference on the Question of Palestine, held at Geneva from 29 August to 7 September this year offered concrete and positive recommendations which we hope the General Assembly will endorse at its current session.

46. Any peace initiative in the Middle East must take into account that the root cause of the tension and conflicts there is the question of Palestine. Any peaceful solution must be based on the attainment by the Palestinian people of its inalienable rights, including the right of return, the right to self-determination, and the right to establish its own independent state in Palestine. Such a peace initiative must also take into account the right of the PLO, the representative of the Palestinian people, to participate, on an equal footing with other parties, in all efforts, deliberations and conferences on the question of the Middle East. The peace process itself must begin with the unconditional and total withdrawal of Israel from the occupied Arab territories, including Jerusalem.

47. Mr. MOUSHOUTAS (Cyprus): Foremost in our minds when we consider the item entitled "Question of Palestine" is the perpetuation of a gross injustice perpetrated against a proud, historical, neighbouring people, an injustice which has been repeatedly condemned by the international community because of the profound suffering which it has caused to millions of innocent people and also because of the great principles involved.

48. The problem of Palestine has been one of the primary and urgent concerns of the United Nations almost since the inception of the Organization, because it constitutes a grave threat to international peace and security and because it is an issue of justice and freedom, as well as morality, which the world community cannot ignore.

49. And yet today, 36 years after the United Nations first addressed itself to this problem, after decades of debating it and of adopting resolutions, we are no nearer to a solution. Nor has the suffering of the Palestinian people lessened. Most of them are now living in exile, scattered around the world as refugees or living under Israeli occupation. Only just over a year ago, the international community witnessed with horror the brutal attack launched by Israel against Lebanon and the massacres at the Sabra and Shatila Palestinian refugee camps. Those tragic events shocked the world and highlighted the plight of the Palestinian people and the urgent need to find a just and lasting solution to the question of Palestine.

50. The international community has repeatedly called for a comprehensive, just and lasting peace in the Middle East. Such a peace cannot be established, however, without the total and unconditional withdrawal of Israel from all Palestinian and other Arab territories occupied since 1967, including Jerusalem. Moreover, it is absolutely necessary that a just solution to the problem of Palestine be achieved, on the basis of the attainment and exercise in Palestine of the inalienable rights of the Palestinian people, including the right of return, the right to self-determination without outside interference and the right to national independence and sovereignty, including the right to establish the Palestinian independent State in that people's homeland, Palestine.

51. This has been the position of the Movement of Non-Aligned Countries, a position fully shared by the Government of the Republic of Cyprus, which has spared no effort in extending all possible support to the

Palestinian people and to the PLO, its sole legitimate representative.

52. Cyprus, itself the victim of foreign aggression and military occupation, a country with one third of its population displaced from their ancestral homes and lands and living as refugees in their own country, has all along, with consistency, supported the just cause of the brotherly people of Palestine.

53. Cyprus acted as host to the Extraordinary Ministerial Meeting of the Co-ordinating Bureau of the Non-Aligned Countries on the question of Palestine, held at Nicosia from 15 to 17 July 1982, and has served on the nine-member Ministerial Committee on Palestine established by the Bureau. Moreover, as a member of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, Cyprus has participated constructively in all efforts to promote the Palestinian cause.

54. It is regrettable that despite the fact that the overwhelming majority of the international community recognizes the gravity of the problem of Palestine, despite the fact that resolutions concerning this issue are adopted year after year by overwhelming majorities, we have failed to make any substantial progress in solving the problem.

55. It was in the light of those sad facts that the Seventh Conference of Heads of State or Government of Non-Aligned Countries, held at New Delhi from 7 to 12 March 1983, "demanded [that] the United Nations Security Council invoke the powers vested in it with a view to imposing on Israel the relevant sanctions prescribed in the Charter of the United Nations until Israel withdraws from all occupied Palestinian and Arab territories, demolishes all Israeli settlements established in these territories and complies fully with the relevant decisions of the Security Council". [See A/38/132 and Corr.1 and 2, annex, sect. I, para. 87.]

56. Since 1974, when the General Assembly adopted resolution 3236 (XXIX), in which it reaffirmed the inalienable rights of the Palestinian people in Palestine, including their right to self-determination without external interference, their right to national independence and sovereignty, and their inalienable right to return to their homes and property, numerous other resolutions have been adopted aiming at a comprehensive, just and lasting settlement of the problem. In 1975, by resolution 3375 (XXX), the General Assembly called for the PLO to be invited to participate in all efforts aimed at achieving peace under the auspices of the United Nations, on an equal footing with other parties. Also in the same year, and in order to ensure implementation of its recommendations, the General Assembly, by resolution 3376 (XXX), established the Committee on the Exercise of the Inalienable Rights of the Palestinian People. My delegation wishes to express its satisfaction with the way that Committee is fulfilling its mandate and its deep appreciation to its officers, and in particular to the Chairman, Mr. Massamba Sarré, of Senegal, for his dedication and tireless efforts in carrying out his important and onerous duties.

57. The International Conference on the Question of Palestine, which took place at Geneva from 29 August to 7 September 1983 and for which the Committee on the Exercise of the Inalienable Rights of the Palestinian People acted as the Preparatory Committee, was the most recent collective effort of the international community to promote the Palestinian cause. In the Geneva Declaration on Palestine,<sup>1</sup> adopted by the Conference, it reaffirmed that a just and lasting solution to the question of Palestine is the crucial element in a comprehensive, just and lasting political settlement in the Middle East.

58. Among the guidelines adopted for concerted international efforts to resolve the question of Palestine were the following: first, the attainment by the Palestinian people of its legitimate inalienable rights, including the right of return, the right to self-determination and the right to establish its own independent State in Palestine; secondly, the right of the PLO, the representative of the Palestinian people, to participate on an equal footing with other parties in all efforts, deliberations and conferences on the Middle East; thirdly, the need to put an end to Israel's occupation of the Arab territories, in accordance with the principle of the inadmissibility of the acquisition of territory by force, and, consequently, the need to secure Israeli withdrawal from the territories occupied since 1967, including Jerusalem; fourthly, the need to oppose and reject such Israeli policies and practices in the occupied territories, including Jerusalem, and any *de facto* situation created by Israel as are contrary to international law and relevant United Nations resolutions, particularly the establishment of settlements, as these policies and practices constitute major obstacles to the achievement of peace in the Middle East; fifthly, the need to reaffirm as null and void all legislative and administrative measures and actions taken by Israel, the occupying Power, which have altered or purported to alter the character and status of the Holy City of Jerusalem, including the expropriation of land and property situated thereon, and in particular the so-called "Basic Law" on Jerusalem and the proclamation of Jerusalem as the capital of Israel; sixthly, the right of all States in the region to existence within secure and internationally recognized boundaries, with justice and security for all the people, the *sine qua non* of which is the recognition and attainment of the legitimate inalienable rights of the Palestinian people, as stated in the first guideline to which I have referred.

59. The Conference considered that an essential element for achieving a comprehensive, just and lasting solution to the Arab-Israeli conflict was the establishment of an independent Palestinian State in Palestine.

60. The Government and people of the Republic of Cyprus will continue to lend their full support to these guidelines and to the just cause of the Palestinian and Arab people until Israel withdraws unconditionally from all Arab and Palestinian territories occupied since 1967, until the Holy City of Jerusalem is returned to Arab sovereignty and until the Palestinian people are allowed to exercise their inalienable and fundamental rights to self-determination and national independence in their homeland, Palestine.

61. The PRESIDENT (*interpretation from Spanish*): In accordance with General Assembly resolution 477 (V), I now call on the Observer of the League of Arab States.

62. Mr. EL-FARRA (Observer, League of Arab States) (*interpretation from Arabic*): The Assembly's deliberations on the Palestinian question at this session are approaching their conclusion. I wish to express on behalf of the general secretariat of the League of Arab States our gratitude and appreciation to you, Mr. President, and to the members which have chosen to champion justice and fairness on an issue that represents, without exaggeration, the most complex and acute problem of our time. It is a tragedy of the twentieth century that was inherited by the United Nations at its inception.

63. Allow me also to put forward some points, with regard to the deliberations on the Palestinian question, in which I have participated throughout many successive years, which are drawn from the lessons of the long history of this question.

64. The first point is that the question of Palestine is a pivotal issue in all the tension that has existed and all

the bloody conflicts that have been raging for decades in the Middle East. No matter how diverse the problems in this region, how divergent their offshoots or how many forces and parties are involved, and regardless of the attempts by some to shroud them in a dense fog of generalizations or to squander efforts on non-essential matters, the core and essence of all these problems and issues remains the question of Palestine, namely, the cause of a struggling people seeking all means available under international law to secure their inalienable national rights and to return to their homeland, exercise self-determination and establish their independent, sovereign State in their own land, Palestine, like all other peoples that have fought colonialism and won their right to self-determination.

65. Secondly, all the efforts made by the Zionist forces before or after the establishment of Israel to obliterate the national character of the Palestinian people and the identification of their homeland with the Arab nation and to deny them their rights have not weakened their determination or destroyed their will and aspiration to lead a free and decent life. All the Israeli practices—and the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories [A/38/35] is full of examples—which are altering the legal status, geographic nature and demographic character of the Palestinian territories and other Arab territories occupied since 1967, are designed to enable the Zionists to attain their expansionist goals in the region to create the "Greater Israel" and consequently to impose the kind of peace that Israel wants, the peace which denies the legitimate inalienable rights of the Palestinian people and rules out every possibility for the achievement of a comprehensive, just and lasting peace in the Middle East. Despite their escalating violence and ferociousness, these policies and practices cannot weaken the determination of the Palestinian people or their ability to resist. They are capable of making splendid sacrifices in their struggle and their determination to maintain their Arab identity and to exercise their right to self-determination. In the occupied territories, there are examples every day of this determination and of these sacrifices.

66. Thirdly, the Palestinians, who number today 4.6 million and whose number, according to estimates, is expected to reach 6.9 million to 7 million by the year 2000, in spite of the horrors and suffering of dispersion and the challenges with which they are faced, have an entity that represents them, that is, the PLO, their sole legitimate representative, the reflection of their independent will. They continue to declare their adherence to that Organization and its legitimate leadership. The Palestinian people also have their own public and private institutions, which serve political, educational, cultural and social purposes, as well as their scientific and technical experts, who lead their struggle in all fields. Such institutions prove beyond doubt that the flame of the Palestinian people's struggle has not been and never will be extinguished, no matter what challenges they are confronted with, until their aspirations to freedom and independence are fulfilled.

67. Fourthly, the persistence of Israel and the Powers that support its expansionist policy in denying the inalienable rights of the Palestinians will undoubtedly lead to the escalation of the conflict and tension in the Middle East, thereby posing a threat to peace and security in that region and in the world. The best indication of such a threat is provided by the events witnessed recently in the region. Conversely, the restoration of the rights of the

Palestinian people would contribute immensely to the achievement of peace and stability in the region.

68. Fifthly, any settlement of the problems of the region in which the national rights of the Palestinian people are overlooked or denied, and in whose negotiations the PLO is not involved on an equal footing with other parties, will not lead to a just, lasting and comprehensive peace in the region and will ultimately not lead to a genuine peace for all the peoples of the region under which all will enjoy peace, security and stability.

69. Sixthly, in the light of its record, Israel had proved beyond any doubt that it is not a peace-loving Member State. Israel does not honour its obligations under the Charter of the United Nations, nor does it comply with United Nations resolutions, which it constantly seeks to evade. Furthermore, Israel continues to reject international resolutions that condemn its conduct, at a time when its acts of aggression and threat to the security and sovereignty of neighbouring nations have escalated. These acts make it imperative to take positive and deterrent measures against Israel under Chapter VII of the Charter and to call upon the United States, which supplies Israel with military, economic and political aid, to stop this assistance.

70. That hope might be impossible to realize in view of the fact that, while Israel is continuing its acts of aggression and continued defiance of United Nations resolutions, and while the Arab States are looking to the great Powers that have special responsibilities for the maintenance of peace, suddenly the United States has entered into new agreements with Israel that represent a serious turn in United States policy in the Middle East. These agreements assure Israel of unlimited United States support in the economic, financial, military and political fields and were concluded after Mr. Shamir's visit to Washington. They include the establishment of a new Israeli-American axis. In this connection, Mr. Chedli Klibi, Secretary-General of the League of Arab States, made an announcement in which he emphasized the following:

"These new agreements, which include the providing of Israel with cluster bombs and the establishment of a new Israeli-American military axis, demonstrate to anyone in doubt that the United States Administration does not seek peace in the region. It seeks to maintain Israel as the dominant Power in the region. This new turn in American policy establishes the United States Government's total support for Israel and its acts of aggression. Such a biased position is bound to cause the United States loss of the role which it hoped to play as a conciliator to achieve peace and security in the region."

71. These new agreements and this lethal equipment, to which the Secretary-General of the League of Arab States alluded and which are aimed at threatening the security of our region, have the impact of implanting increased prejudice and bitterness instead of implanting peace, friendship and love in the hearts of all. No Arab can view these agreements except as revealing the true intentions of the United States. They make the United States an accomplice of Israel in all its acts of aggression against us. It is bound to result in a loss of credibility for the United States, credibility that had formerly enabled it to take peace initiatives in the region and play an intermediary role in this connection. This serious turn in American policy, the acts of aggression and provocation in Arab air space in pursuance of the Israeli invasion aims, the encouragement given to Israel to further its expansion in Arab territories, the strategic agreements, the establishment of a joint military committee to plan

these acts, and the explicit statement made the other day by Under-Secretary of State Eagleburger that the United States depends on Israel to guarantee stability in the region and to protect United States interests—these will not bring stability to the area but will bring more bloody repercussions. The lessons of the events in Viet Nam are still remembered by all, and the Organization must prevent by every means at its disposal a repetition of those events.

72. These conclusions and findings are undoubtedly clear to all who have observed and followed the situation in the Middle East. Furthermore, all the resolutions pertaining to this issue, whether adopted by the Assembly or by other organizations and agencies, contain these very same conclusions to one degree or another. Nevertheless, these resolutions have not yet been implemented, for reasons that we all know. In addition to Israeli intransigence and arrogance, there is, as I have mentioned, the support extended to the aggressor by one of the super-Powers, a super-Power that assumes special responsibilities for maintaining peace and security in the world.

73. Today, however, we have at hand another opportunity to establish a just, durable and comprehensive peace in the region and thereby to realize the national rights of the Palestinian people. Based on the constructive proposals they have reached at the Twelfth Arab Summit Conference, held at Fez, the Arab States have provided the international community with new evidence of their constructive position with regard to the settlement of the problem. Moreover, the Geneva Declaration on Palestine<sup>1</sup> and the Programme of Action for the Achievement of Palestinian Rights,<sup>1</sup> adopted by the International Conference on the Question of Palestine, are regarded as a great contribution in this respect.

74. The guidelines contained in that Declaration, which enjoy the support and endorsement of the international community and which are in line with the principles of the Arab peace plan,<sup>2</sup> should be used, as provided for in the Declaration as a basis for concerted and intensified international efforts to settle the problem. The Security Council, which assumes the primary responsibility for the maintenance of security, should play an effective role in the implementation of the Declaration.

75. Before concluding my statement, I should like to read out a quotation from Chaim Weizmann, the first President of Israel, in which he rejected the right to self-determination and supported the partition resolution. He said:

"A separate national community could not be forcibly subjected to another people in the name of majority rule.

"In Palestine, there was a Jewish community of 700,000 people with its own distinctive social outlook, its own scientific, industrial, agricultural and artistic achievements, its own schools and universities. That community was profoundly democratic: it had its own distinctive organization.

"It was confronted with another group which had reached a different stage of development, which was numerically superior and which had no characteristics in common with the Jewish community. The Assembly had to decide who was to govern that community, and who was to regulate its life."

76. The General Assembly recommended the establishment of a State for that Jewish minority and another State for the Palestinian majority in Palestine. The Palestinian State was not established, and Israel occupied by force of arms the whole of the Palestinian land. You have heard the leaders of Israel saying "no" to the State

of the Palestinian majority. Subsequently, it became evident that all of the manoeuvres of Israel since the partition were but a ruse to hold on to all Palestinian land. For this reason, wars have been waged together with campaigns for the usurpation of land, the destruction of homes, the expulsion of inhabitants, the establishment of settlements on the soil of the Palestinian people and the annexation of its territories.

77. Will the General Assembly that recommended the establishment of one State for the Jewish minority and another one for the Palestinian majority now stand idly by, watching its resolutions being totally disregarded? Or is it high time that the General Assembly and the Security Council put an end to Israeli arrogance, expansion, and denial of the rights of the majority? If Weizmann rejected the secular State in Palestine because, as he claimed, it would not achieve justice for 700,000 Jews, most of whom came illegally to the land of Palestine, will the international community and the States with special responsibilities in the Security Council consent to the subjection of millions of Palestinians to oppression, injustice and terror? Will the Security Council refuse to shoulder its primary responsibility for maintaining international peace and security, or is it time for it to embark on the implementation of resolutions and of the Programme of Action for the Achievement of Palestinian Rights?

78. It is necessary to take clear positions in the implementation of this Program, otherwise anarchy will prevail in the region, more hatred will be sown, and the region will remain subject to violent convulsions that will lead to instability and ramifications the extent of which we cannot know. For the challenges and acts of aggressions to which the Palestinian people is subjected will only strengthen its faith, solidarity and determination in its struggle.

79. The implementation of the Programme of Action adopted at Geneva on 7 September 1983 is an opportunity that we all hope not to lose so that a just, durable and comprehensive peace may be achieved in this region which has suffered for so long and endured many tragedies and much pain.

### AGENDA ITEM 10

#### Report of the Secretary-General on the work of the Organization

80. The PRESIDENT (*interpretation from Spanish*): In previous years, the Assembly has customarily taken note of the report of the Secretary-General on the work of the Organization. The report submitted to this session [A/38/1] has been referred to with great interest on several occasions in the course of the session. If I hear no objection, may I consider that the Assembly wishes to take note of that report?

*It was so decided (decision 38/410).*

### AGENDA ITEM 13

#### Report of the International Court of Justice

81. The PRESIDENT (*interpretation from Spanish*): May I take it that the General Assembly takes note of the report of the International Court of Justice covering the period from 1 August 1982 to 31 July 1983 [A/38/4]?

*It was so decided (decision 38/411).*

### AGENDA ITEM 24

#### Co-operation between the United Nations and the Asian-African Legal Consultative Committee: report of the Secretary-General

82. The PRESIDENT (*interpretation from Spanish*): I now call on the Under-Secretary-General for Legal Affairs, Mr. Carl-August Fleischhauer.

83. Mr. FLEISCHHAUER (Under-Secretary-General for Legal Affairs): I have the honour to introduce agenda item 24, on co-operation between the United Nations and the Asian-African Legal Consultative Committee. This item was included for consideration by the General Assembly at its thirty-sixth session in response to the request of 25 members of the Committee<sup>3</sup> on the occasion of the commemoration of the twenty-fifth anniversary of the Asian-African Legal Consultative Committee. On that occasion, the Assembly, in resolution 36/38, recognized the Committee's highly commendable work in promoting interregional and international co-operation supportive of the efforts of the United Nations. The Assembly requested the Secretary-General to carry out consultations with the Secretary-General of the Asian-African Legal Consultative Committee with a view to further strengthening the co-operation between the two organizations and widening the scope of that co-operation.

84. At its thirty-seventh session, the General Assembly, in resolution 37/8, noted with deep satisfaction the ongoing and effective co-operation between the United Nations and the Asian-African Legal Consultative Committee in the field of progressive development and codification of international law and other areas of common interest, and requested the Secretary-General to submit to the Assembly's thirty-eighth session a report on the state of their co-operation. In response to this request, the Secretary-General has prepared a report which is contained in document A/38/491.

85. As referred to in that report, on the basis of consultations between the Asian-African Legal Consultative Committee and various offices of the Secretariat, and in the light of the Committee's expertise and interests, a framework has been established covering such aspects as representation at meetings and sessions, exchange of documentation and information, and co-ordination of work programmes. This framework would ensure that the Committee will continue to take part in the work and activities of the various bodies and organs of the United Nations and the specialized and related agencies.

86. Close and valuable co-operation has been carried out particularly between the Asian-African Legal Consultative Committee and the Office of Legal Affairs, as well as the Office of the Special Representative of the Secretary-General for the Law of the Sea. The scope and content of the co-operation are described in paragraphs 5, 6 and 7 of the Secretary-General's report. Continued efforts are being made to identify additional areas of common interest so as to strengthen and widen our co-operation. It is clear that all these efforts will ensure the continuation of a fruitful relationship between the Asian-African Legal Consultative Committee and the United Nations in furthering the work of the Organization.

87. The PRESIDENT (*interpretation from Spanish*): In accordance with General Assembly resolution 35/2 of 13 October 1980, I now call on the Secretary-General of the Asian-African Legal Consultative Committee, Mr. B. Sen.

88. Mr. SEN (Secretary-General of the Asian-African Legal Consultative Committee): Please permit me, Sir,



on behalf of the Asian-African Legal Consultative Committee, to offer you our felicitations on your elections to the high office of President of the General Assembly. It is only fitting that so distinguished a representative of his country should preside over this body in this bicentenary year of the birth of Simón Bolívar, the great statesman and liberator. I would like to take this opportunity to pay our humble homage to the memory of that illustrious soldier in the cause of freedom, who has been a symbol of faith and hope to mankind all over the world.

89. The report of the Secretary-General [A/38/491] sets out succinctly the state of co-operation that has existed and continues to exist between the United Nations and the Asian-African Legal Consultative Committee. I will therefore confine myself to placing before the Assembly some of the matters relating to our future work, supportive of the efforts of the United Nations, which we propose to take up with a view to further strengthening the co-operation between the two organizations as envisaged in General Assembly resolution 36/38. These activities, which relate, *inter alia*, to the law of the sea, international economic co-operation and the progressive development of international law, have already been initiated in the light of my consultations with the Secretary-General and members of the Secretariat at the beginning of this year. The Secretary-General, in his message to me on the occasion of the session of the Asian-African Legal Consultative Committee held at Tokyo from 16 to 20 May 1983, was pleased to observe:

“the consultations between the two of us and our respective secretariats, called for by General Assembly resolution 36/38 of 18 November 1981, have ensured continuous and active co-operation and will continue to ensure that both our potentials are utilized when dealing with major issues in the field of law. We have already made progress and it is this progress that must serve as a catalyst for all the unfinished work to which we have dedicated ourselves.”

We fully share these views and sentiments, which will continue to guide relations between the United Nations and the Asian-African Legal Consultative Committee in future years.

90. Turning now to specific topics, I would like to begin with the law of the sea, an area in which our contribution during the progress of the Third United Nations Conference on the Law of the Sea is widely known and acknowledged. We welcomed the adoption of the United Nations Convention on the Law of the Sea<sup>4</sup> by an overwhelming majority on 30 April 1982, and it was indeed a matter of satisfaction that the Convention was signed at Montego Bay by as many as 119 States immediately after the adoption of the Final Act of the Conference,<sup>5</sup> thus paving the way for the establishment of the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea, which held its first session at Kingston from 15 March to 8 April 1983.

91. The conclusion of the United Nations Convention on the Law of the Sea has not, however, brought to an end the work of the United Nations, and much still needs to be done to usher in the new order of the oceans reflected in the Convention, which represents a package that emerged out of an arduous process of negotiations spread over a period of 11 years. We therefore regard the continuance of the Office of the Special Representative of the Secretary-General for the Law of the Sea at United Nations Headquarters at this juncture to be a vital link in that process.

92. Apart from the efforts needed to promote accession to and ratification of the United Nations Convention on

the Law of the Sea, there is a need to offer assistance to Governments in the matter of interpretation and application of the provisions of the Convention, particularly those relating to national jurisdictions. This could include making available technical expertise in the formulation of national legislations, possibly through the preparation of guidelines or model frameworks, and also in working out modalities through which the provisions of the Convention could be implemented in practice, especially where the texts are not sufficiently explicit, such as the provisions on delimitation of maritime zones or the rights and interests of land-locked States.

93. The work programme of the Asian-African Legal Consultative Committee, on the law of the sea, as adopted at the Tokyo session, covers these matters, which we hope to undertake in close co-operation with the Office of the Special Representative of the Secretary-General for the Law of the Sea.

94. In addition, we remain interested in the work of the Preparatory Commission on the formulation of draft rules and regulations, as also in regard to preparations for the Enterprise, as contemplated in resolutions I and II, annexed to the Final Act of the Third United Nations Conference on the Law of the Sea.

95. It appears to us that, given the present circumstances, the most effective and expeditious means through which the Enterprise could commence its operations soon after the coming into force of the United Nations Convention on the Law of the Sea might be a system of co-operative arrangements with the pioneer investors, and it is in this regard that we hope to put forward some tentative proposals when the Preparatory Commission takes up the matter.

96. Before I go on to another topic, I would like to express our deeply felt sorrow at the passing of the Special Representative of the Secretary-General for the Law of the Sea, Mr. Bernardo Zuleta, at the peak of his career. Mr. Zuleta was closely associated with the process of co-operation between the United Nations and the Asian-African Legal Consultative Committee. He represented the Secretary-General at the Committee's session, held at Tokyo in May of this year, as he had at almost every session since 1975. We regard him as the principle architect of the United Nations Convention on the Law of the Sea, and I would like to pay our humble tribute to his memory for his outstanding contribution in steering us through the process of negotiations as the representative of his country, as the Chairman of the Group of 77 and, later, as a principal official of the United Nations. He will be sadly missed when the international community most needs his guiding hand to bring the Convention into force. We deeply mourn his loss.

97. Another important area of the work of the United Nations in which our organization has been actively involved is in regard to international economic co-operation for development. This has been particularly so since our participation in the work of UNCTAD, and in the context of the decision taken at the eleventh special session of the General Assembly in September 1980 [see decision S/11-24], concerning global negotiations on a wide range of interrelated issues. Even though the global negotiations have not got off the ground as yet, a good deal of clarity has emerged in the process of discussions and negotiations during the past 12 months in such forums as the Seventh Conference of Heads of State or Government of Non-Aligned Countries, held at New Delhi from 7 to 12 March 1983, the Fifth Ministerial Meeting of the Group of 77, held at Buenos Aires from 28 March to 9 April 1983, and the sixth session of UNCTAD, held at Belgrade from 6 June to 2 July 1983, as to what items

and issues could be usefully tackled at a global level and the priorities to be attached as a matter of practical reality, devoid of ideological controversies or hard bargaining positions.

98. Furthermore, the deteriorating trend in the world economy that has occurred during the past two or three years has amply demonstrated the interdependence of nations, both developed and developing, in the confluence of economic factors, and has focused attention on the rapid changes in the pattern of the world economy, to which the strategies of the 1960s and 1970s are no longer suited.

99. With this new awareness, we venture to hope that it might be possible to conceive of negotiations taking place within the United Nations on some of the inter-related economic issues which require solution on both an urgent and a long-term footing. It will perhaps be necessary to reorient the thinking on and approach to such negotiations in order to enhance the chances of success. New strategies will have to be worked out, oriented to the needs of the 1980s, which could usher in a concept of partnership between the North and the South and between the countries of the South *inter se*.

100. If a trend in favour of such negotiations on a selected number of issues could be brought about, it would be our endeavour to contribute to such efforts through preparation of background studies and papers in association with our sister organizations, such as the Latin American Economic System. In the mean time, we would continue our efforts to improve the climate for investments both in traditional areas and in new areas, such as those relating to the vast resources, both living and non-living, of the exclusive economic zone, through promoting wider acceptance of the concept of investment protection, partnership in the form of joint ventures and an adequate system for settlement of disputes. We are also planning to organize seminars in association with UNCITRAL, for promoting the United Nations Convention on Contracts for the International Sale of Goods,<sup>6</sup> and on commercial arbitration, in implementation of General Assembly resolution 36/32 on the work of UNCITRAL, adopted on 18 November 1981.

101. In the field of the codification and progressive development of international law, we have continued our collaboration with the International Law Commission, and have endeavoured to promote wider interest in our member countries in the matters before the General Assembly's Sixth Committee, through preparation of notes and comments on the more important agenda items and also by providing opportunities for consultations during the Assembly session. By way of a new initiative to focus attention on the work of the United Nations in the legal field, we arranged for a meeting of legal advisers of member Governments of the Asian-African Legal Consultative Committee at a high level, which was held here at Headquarters from 25 November to 1 December. The meeting had under consideration, among other things, the question of promoting wider acceptance and ratification of the major conventions concluded under the auspices of the United Nations, and possible improvements in the modalities for consideration of work before the Sixth Committee, the International Law Commission and conferences of plenipotentiaries.

102. Another major item which was taken up at the meeting of legal advisers was the question of the possible wider use of the adjudication machinery of the International Court of Justice, under its revised rules, in the context of General Assembly resolutions 3232 (XXIX) of 12 November 1974 and 37/10 of 15 November 1982. We envisage that the Court might have a wider role in

the future, particularly in the context of maritime disputes referred by parties under special agreements. We are encouraged in this belief by the fact that, during the past two years, three such matters have been referred to the Court under special agreements, and in two of them one of our member states is a party.

103. Another item of importance in the context of our co-operation with the United Nations is the decision of our Tokyo session to take up for study certain aspects of the question of the treatment of refugees, at the suggestion of the United Nations High Commissioner for Refugees. The Asian-African Legal Consultative Committee had considered the subject in earlier years, and this had culminated in the adoption of a set of principles, known as the "Bangkok Principles", at its eighth session, in 1966. The Bangkok Principles largely contributed to the adoption by the General Assembly, on 14 December 1967, of the Declaration on Territorial Asylum [*see resolution 2312 (XXII)*]. The two aspects in regard to treatment of refugees which we propose to study initially are the principle of burden-sharing and the concept of voluntary return, taking note of General Assembly resolution 35/124 of 11 December 1980. The main purpose of our study would be to assist the efforts of the High Commissioner in the humanitarian task of dealing with the problem of refugees by possible incorporation in a set of legal principles, for application in the practice of States, of the norms and practices which have gradually emerged.

104. Before I conclude, I should like to mention one significant development of considerable importance to the Asian-African Legal Consultative Committee—the decision of the Government of the People's Republic of China to participate in the Committee as a full member. China has been taking part in our work through observer delegations since the Jakarta session, held in 1980, when we celebrated the twenty-fifth anniversary of the historic Asian-African Conference, held at Bandung in 1955. It had also participated in our subsequent sessions and in informal meetings and consultations. The formalization of China's membership of the Asian-African Legal Consultative Committee will help to fill a long-felt gap in our membership, which will now embrace almost all the major States in the Asian-African region. This will indeed enhance our role in general, and also in the context of our efforts supportive of the activities of the United Nations.

105. The PRESIDENT (*interpretation from Spanish*): I call on the representative of Japan to introduce draft resolution A/38/L.32 and Add.1.

106. Mr. KURODA (Japan): I wish first to thank Mr. Sen, the Secretary-General of the Asian-African Legal Consultative Committee, for his useful introductory statement, which I listened to with great interest. I am also grateful to the Secretary-General of the United Nations for his informative report [*A/38/49I*], which was introduced a few minutes ago by Mr. Fleischhauer.

107. As one of the founding members, Japan attaches great importance to the work of the Asian-African Legal Consultative Committee. My Government had the distinct pleasure of hosting the Committee's twenty-third session, held at Tokyo from 16 to 20 May 1983. We believe that fruitful discussions were held on a number of issues at that session.

108. The Asian-African Legal Consultative Committee was established with just seven members in 1955 for the study of technical questions common to Asia and Africa. It has grown remarkably since then, with its present membership comprising 41 States from the two continents. Such growth clearly reflects the spirit of

co-operation among the Committee's members and the untiring efforts of its Secretariat. I pay a particular tribute to Mr. Sen, who has faithfully served as the Committee's Secretary-General ever since it was created. Indeed, the steady development of the Committee is in large part due to his unflinching enthusiasm and purposeful leadership, which have been a source of encouragement to each of the Committee's members.

109. In providing a forum for the free exchange of views and the discussion of common legal problems among experts from Asian and African countries having diverse economic and social systems, the Asian-African Legal Consultative Committee continues to make important contributions to the deepening of understanding and the promotion of friendly relations among countries in the two regions. In this connection, the Government of Japan sincerely welcomes the recent participation of China as a new member of the Committee.

110. But it is not only the countries of Africa and Asia that have benefited from the activities of the Committee. As evidence of the global interest in the Committee, an increasing number of observers from outside the Asian-African region attend the Committee's annual sessions. In fact, more than 30 countries from outside the region participated in the session held at Tokyo. Moreover, through its co-operation with the various organs and conferences of the United Nations, the Committee has clearly contributed to the promotion of peace and prosperity throughout the international community. In particular, the Committee has developed close co-operative relations with such United Nations bodies as the International Law Commission, UNCITRAL, UNCTAD and UNHCR. It should also be recalled that the Committee played a very constructive role in the elaboration of the United Nations Convention on the Law of the Sea.

111. As some of the Asian and African members of the Sixth Committee of the General Assembly have noted with appreciation in their statements, the secretariat of the Asian-African Legal Consultative Committee again this year provided very carefully prepared background material to assist the Consultative Committee's member States in their work during the current session of the Assembly. In addition, the secretariat of the Committee recently organized meetings of legal advisers from the Foreign Ministries of the Committee's States members and conducted a useful exchange of views on various issues of common concern. We are convinced that the Committee will have an indispensable role to play in the future as well, and we therefore welcome its ever-deepening relations of co-operation with the United Nations.

112. Accordingly, on behalf of the sponsors, I have great pleasure in presenting draft resolution A/38/L.32 and Add.1. I commend it to the General Assembly for adoption by consensus.

113. The PRESIDENT (*interpretation from Spanish*): I now call on the representative of India, the host country of the Asian-African Legal Consultative Committee.

114. Mr. AIYAR (India): We are grateful to the Secretary-General for his report on co-operation between the United Nations and the Asian-African Legal Consultative Committee, and we are also grateful to the Secretary-General of the Asian-African Legal Consultative Committee for his statement on the subject. That report and that statement have not only delineated the areas where extensive co-operation is already taking place between the United Nations and the Asian-African Legal Consultative Committee, but have also indicated areas of future promise where such co-operation could be further intensified to the mutual benefit of both organizations. We

would therefore urge adoption by consensus of draft resolution A/38/L.32 and Add.1, of which India is a sponsor.

115. The Asian-African Legal Consultative Committee is a unique intergovernmental organization, which was established as a tangible outcome of the historic Asian-African Conference, held at Bandung in 1955. It is an organization which brings together the Asian and African continents to co-operate and collaborate, essentially in international legal matters. Over the years, it has evolved into a major forum for Asian-African leaders and jurists to exchange and consolidate views and programmes, not only on legal matters, but also on economic matters. As envisaged by its founding fathers, the Committee has been rendering valuable service to Asian and African countries by organizing annual sessions, inter-sessional meetings, workshops, seminars and training programmes dealing with the various aspects of law and economic relations. By organizing and projecting not only the views and interests of Asian and African countries but indeed those of all developing countries, it has contributed significantly to the process of the codification and progressive development of international law.

116. Its work in such areas as the law of treaties, State succession, the new international economic order, the environment, and space law has been of great relevance to the work of the United Nations. The Committee has also forged close links with various United Nations bodies, such as the International Court of Justice, the International Law Commission and UNCITRAL. Ever since the Committee was admitted as an observer at the United Nations, in 1980, it has been participating actively in the work of the General Assembly, particularly in the work of the Sixth Committee. In this regard, the Asian-African Legal Consultative Committee has rendered valuable assistance to its member States by providing them with briefs and with opportunities for consultations on various agenda items before the Sixth Committee.

117. In addition, during the current session of the General Assembly, the Committee organized consultations among legal advisers from the Foreign Ministries of its member States on some important matters of concern both to Asian and African States and to the United Nations. These consultations dealt with questions of sovereign immunity; the role of legal advisory services in member Governments on international law problems; the role of the International Court of Justice, with particular reference to the possibility of seeking advisory opinions on certain questions and to the wider use of its jurisdiction; the promotion of wider acceptance and ratification of major conventions concluded under the auspices of the United Nations; and modalities for the consideration of work before the Sixth Committee, the International Law Commission, and United Nations conferences of plenipotentiaries.

118. We are grateful for the excellent documentation provided to legal advisers by the Committee's secretariat to enable them to discuss these matters in depth. The Secretary-General of the Committee, Mr. B. Sen, and the Under-Secretary-General and Legal Counsel of the United Nations, Mr. Carl-August Fleischhauer, have also contributed greatly to the dialogue of legal advisers by providing them with useful information, helpful clarifications and stimulating ideas. Although these consultations were short in duration, they yielded a wealth of information and ideas. The consultations were commendable, and a typical example of the close and effective co-operation between the United Nations and the Asian-African Legal Consultative Committee that has grown

in the field of the progressive development and codification of international law and other areas of common interest. We look forward to more such opportunities for consultations and co-operation in the future.

119. Before I conclude, let me take this opportunity to welcome the People's Republic of China as a new member of the Asian-African Legal Consultative Committee. We look forward to its participation in the Committee's work. With the admission of the Republic of Cyprus in 1981, and now of China, the membership of the Asian-African Legal Consultative Committee has grown to 41.

120. Mr. KAHALEH (Syrian Arab Republic) (*interpretation from Arabic*): My delegation takes a keen interest in the question of co-operation between the United Nations and the Asian-African Legal Consultative Committee in the field of the progressive development and codification of international law. The Committee has already participated in the activities of various bodies and organs of the United Nations and of other committees. In particular, it has taken part in the work of the International Law Commission and UNCTAD. It has assisted in the endeavours to define the work of the United Nations in the field of the progressive development of international law and the settlement of economic and commercial disputes through the application of the UNCITRAL Arbitration Rules. It has also taken part in laying the foundations for the new international economic order and in promoting the work on the United Nations Convention on the Law of the Sea.

121. My delegation is proud to recall the past achievements of the Asian-African Legal Consultative Committee, and particularly its effective contribution to the work of important United Nations conferences that were responsible for the conclusion of international conventions on diplomatic relations, the law of treaties, State succession, and the international sale of goods, as well as the law of the sea. My delegation also pays a tribute to the Committee for its efforts to encourage States to accede to and ratify various United Nations conventions and treaties, and for its organization of training programmes and seminars on issues of general concern.

122. We would refer in particular to the useful meetings, held here at United Nations Headquarters from 25 November to 1 December by the Committee's legal advisers, who discussed very important legal issues. Foremost among those issues was the current application of the 1976 United States law concerning privileges and immunities, the organization of legal consultations on questions of international law among member States, the encouragement of the signing and ratification of particularly significant international conventions, the simplification of the procedure for requesting advisory opinions of the International Court of Justice, and the rationalization of the work of the Sixth Committee and the International Law Commission, as well as conferences of plenipotentiaries.

123. In conclusion, my delegation thanks you, Mr. President, for giving us this opportunity to speak on this item. We extend our thanks also to the Secretary-General of the Asian-African Legal Consultative Committee, Mr. Sen, for his efforts in the field of co-operation with the United Nations for the development of international law, and especially for his efforts in the preparation of legal studies on items on the agenda of the General Assembly, as well as other questions.

124. Mr. WAHEED (Pakistan): My delegation has read with great interest the report of the Secretary-General and has listened to the comprehensive statement made by the Secretary-General of the Asian-African Legal Consultative Committee, Mr. Sen.

125. Ever since the establishment of the Asian-African Legal Consultative Committee in 1956, with the primary objective of assisting the Asian and African countries in the field of international law, we have seen the evolutionary development of its fruitful relationship with the International Law Commission and the United Nations. It is gratifying that this has resulted in a network of mutual co-operation—both between the Asian and African countries themselves and between them and the International Law Commission and the United Nations. In other words, the Committee has been instrumental in promoting both interregional and international co-operation in the field of international law. In doing so, it has maintained close co-operation with the United Nations and its various organs and agencies covering the fields of law, economic relations, the environment, the problem of refugees, the resources of the ocean and outer space. Moreover, on the basis of systematic studies prepared by its secretariat the Committee has been deliberating on subjects which were or are on the agenda of the International Law Commission, UNCTAD and other bodies. These studies are very helpful to States members of the Committee in obtaining background information and in the formulation of their respective policies. My delegation would like to avail itself of this opportunity to thank the Committee for its worthy contribution.

126. It was thus fitting that the Asian-African Legal Consultative Committee was formally accorded observer status in the General Assembly three years ago. We believe that this was a just appreciation of the fruitful efforts the Committee had been making in the past. We hope that, in the same spirit, we shall see a further constructive contribution by the Committee in the future.

127. The Asian-African Legal Consultative Committee, which is a manifestation of the aspirations of peoples of Asia and Africa to assert their sovereignty and independence on the basis of principles of international law and justice, had previously not been fully representative of the entire peoples of the two continents because of the absence of China from its membership. This serious shortcoming has now been redressed, as China has become a full member of the Committee. We wholeheartedly welcome China to the Committee as a fraternal country with which Pakistan has enjoyed traditional ties of close friendship and co-operation. China's participation will bring with it the benefit of the wisdom and the unique experience of a great and ancient civilization, which will undoubtedly enrich the Committee and promote its objective of universal co-operation in the field of the progressive development of international law.

128. Pakistan has been taking a keen interest in the work and deliberations of the Asian-African Legal Consultative Committee. We would like the co-operation between the Committee and the United Nations to expand and prosper further. In order to underline our interest in the furtherance of this co-operation, my delegation has decided to sponsor draft resolution A/38/L.32 and Add.1. We hope that the draft resolution will meet with the approval of all delegations.

129. The PRESIDENT (*interpretation from Spanish*): May I take it that the General Assembly adopts draft resolution A/38/L.32 and Add.1?

*The draft resolution was adopted (resolution 38/37).*

*The meeting rose at 1.15 p.m.*

## NOTES

<sup>1</sup>See *Report of the International Conference on the Question of Palestine, Geneva, 29 August-7 September 1983* (United Nations publication, Sales No. E.83.I.21), chap. I.

<sup>2</sup>See *Official Records of the Security Council, Thirty-seventh Year, Supplement for October, November and December 1982*, document S/15510.

<sup>3</sup>See *Official Records of the General Assembly, Thirty-sixth Session, Annexes*, agenda item 127, document A/36/191 and Add.1 and 2.

<sup>4</sup>*Official Records of the Third United Nations Conference on the Law of the Sea*, vol. XVII (United Nations publication, Sales No. E.84.V.3), document A/CONF.62/122.

<sup>5</sup>*Ibid.*, document A/CONF.62/121.

<sup>6</sup>*Official Records of the United Nations Conference on Contracts for the International Sale of Goods, Vienna, 10 March-11 April 1980* (United Nations publication, Sales No. E.82.V.5), p. 178.