

## **XIII—DISPUTES**

### **Peaceful settlement of disputes—role of the United Nations**

On 17 October 1985 the Minister for Foreign Affairs, Mr Hayden provided the following written answer to a question on notice in the House of Representatives (HR Deb 1985, 2460):

Article 43 of the United Nations Charter requires Member States to make armed forces, assistance and facilities available for the purpose of maintaining international peace and security. Article 43 called for a special agreement or agreements governing these forces to be concluded as soon as possible. However, negotiations on the special agreement(s) failed and the collective security provisions of the Charter have never been implemented.

United Nations Peacekeeping Forces are established on an ad hoc basis by the Security Council, not directly under the collective security provisions of the United Nations Charter. The establishment of peacekeeping forces is in keeping with the purposes and principles of the United Nations Charter.

On 3 May 1984 the Minister for Foreign Affairs, Mr Hayden, provided the following written answer to a question on notice in the House of Representatives (HR Deb 1984, 1839):

(1) It is not possible to state with certainty what kinds of peace-keeping operations and military action the United Nations Charter does, and does not, allow, although of course it does provide for such action in the cases mentioned in the question. The practice of States sometimes has gone beyond the apparent original intention of the drafters of the Charter. The term 'peacekeeping force', for example, appears nowhere in the Charter, and there is a considerable degree of academic discussion and controversy among States, as to the basis in Charter and customary law for some instances of collective military action and so-called 'peacekeeping operations' by States. On some occasions (eg in the Commonwealth) operations relating to peacekeeping have been conducted outside the United Nations.

(2) Various legal bases were given by members of the multinational force which intervened in Grenada in 1983 as the authority for their action. Some of these referred specifically to the United Nations Charter, and I refer the honourable member to the various views expressed in the Security Council debate on Grenada on 27 October 1983.

(3) No United Nations body, as far as I am aware, has made a formal pronouncement in relation to the argument that the military action was '...in response to the appeal of the legal government to release hostages or besieged citizens'.

(4) Under the Charter of the United Nations, the Security Council has primary responsibility for the maintenance of international peace and security. Australia supports proposals to make the Council a more effective instrument for discharging this responsibility, in accordance with the provisions of the Charter and in the interests of its member States. Australia is a candidate for the election to the Council for a two-year term in 1985-86 and if elected will join actively in efforts to improve the Council's work in regard to the specific settlement of disputes and action with respect to threats to the peace, breaches

of the peace and acts of aggression. Initiatives to these ends, however, must be capable of gaining the support of the permanent members of the Security Council, each of which has the power of veto over all decisions of the Council other than those dealing with procedural matters.

#### **Peaceful settlement of international disputes—role of United Nations**

On 4 June 1986 the Minister representing the Minister for Foreign Affairs in the Senate, Senator Gareth Evans, said in answer to a question (Sen Deb 1986, 3340–3341):

The Government continues to believe that the United Nations peacekeeping efforts provide an important element in the maintenance of international peace and security. United Nations peacekeeping forces are stationed in many of the world's trouble spots. UNIFIL, the United Nations Interim Force in Lebanon, is attempting to bring greater calm to that troubled country. The United Nations Disengagement Observer Force, UNDOF, in the Golan Heights is undertaking the critical task of separating Israeli and Syrian forces. UNTSO, the United Nations Truce Supervision Organisation, is performing a valuable observer function in both Lebanon and in the Gulf war. The United Nations Force in Cyprus, in which Australia participates, is discharging its responsibilities in Cyprus, as is the United Nations Military Observer Group in India and Pakistan in the Kashmir region. The Government believes that it is important to maintain the existing structures and to make them more effective.

#### **Peaceful settlement of disputes—Middle East—Lebanon**

On 4 September 1984 the Minister for Foreign Affairs, Mr Hayden, provided the following written answer to a question on notice about Lebanon (HR Deb 1984, 575):

- (1) (i) Israel invaded Lebanon in June 1982.
- (ii) At the request of the Lebanese Government, troops from the United States, together with contingents from France, Italy and the United Kingdom, formed a Multi-National Force which was deployed in Beirut in August 1982. This Force withdrew in February 1984.
- (iii) Syrian forces intervened in the Lebanese civil war in 1976 in support of the government of President Franjeh. They were subsequently merged with the Arab Deterrent Forces (ADF) which was formed at a meeting of the Arab League in Cairo in October 1976.

The ADF comprised troops from Syria, Saudi Arabia, Sudan, the United Arab Emirates and the two Yemens. The purpose of the ADF (which was largely made up of Syrian troops) was to establish and maintain a cease-fire between the various factions in Lebanon. Its presence in Lebanon was with the agreement of the Government of Lebanon.

All elements of this Force, except those of Syria, were withdrawn from Lebanon by mid-1979. The Arab League's last six-month mandate for the ADF expired on 27 July 1982 and the future of the ADF was considered at the Arab League Summit in Fez in September 1982. The summit was informed of the 'Lebanese Government's decision to end the mission of the ADF' and agreed that the Lebanese and Syrian governments should negotiate to end the

mission of the ADF, 'in the light of the Israeli withdrawal from Lebanon'. I understand however that no such formal negotiations have taken place.

(iv) Two United Nations peace-keeping forces are at present in Lebanon, with the agreement of the Lebanese government. They are the United Nations Interim Force in Lebanon (UNIFIL) established under the authority of the Security Council in 1978 and the United Nations Truce Supervisory Organisation (UNTSO).

(v) There are approximately 80 unarmed French observers currently in Beirut. Their role has been to assist the Lebanese Authorities in supervising the cease-fire along the 'Green-Line'. They are in Lebanon with the agreement of the Lebanese government.

(2) The situation in Lebanon has been one of continuing concern since 1975. The UN has sought to play a role through UNIFIL and UNTSO, but without being able to prevent continuing hostilities. The Australian Government has consistently supported the United Nations in this peace-keeping role, and has supported Security Council resolutions calling for all parties to the conflict to cease all military activities within Lebanon. The Government has also, on numerous occasions, expressed its grave concern about the presence in Lebanon of foreign troops, especially since the Israeli invasion in June 1982, and has called for the withdrawal of all foreign forces from Lebanon which are not there at the request of the Lebanese Government.

#### **Peaceful settlement of disputes—Middle East—Australian participation**

On 7 May 1984 the Minister for Foreign Affairs, Mr Hayden, made a statement in the House of Representatives on the Middle East, as follows (HR Deb 1984, 1916–1922):

The history of the Middle East contains a running commentary of conflict. The paradox of the centuries has been that while this region was one of the cradles of civilisation it has been host much longer to bitter and protracted battles among its own tribes and nations; victim of conquest and occupation by outside powers; a timeless backdrop of conflict between them and revolts against them. Few generations have known peace and too many of today's generation sow and reap in this grim, familiar fashion.

Lebanon is being dismembered; Israel is deeply troubled; the Palestinian people remain dispossessed, permanent casualties of the regions most intractable dispute; Syria contrives regional successes but achieves uncertain influence; Iraq reportedly poisons the battlefield with chemical weapons and Iran reputedly litters it with the violently wrecked bodies of unarmed children pressed into service as human land mine decoys. These are deeply cultivated fields of human misery. The two super-powers have profound and varied interests there but as often as not the course of events has been determined not by the super-powers but by their client states, for which narrow national interests are at all times uppermost.

In such conditions peace is an elusive quality. Yet the late President Sadat had the courage and vision to capture it and Prime Minister Begin the inspiration and the commitment to help him keep it. In the midst of such deadly regional conflict and distrust the peace concluded between Egypt and Israel in 1979 as a result of President Sadat's bold initiative 16 months earlier is the sort

of event which sustains faith in the cause of peace against the most hostile odds. Peace conquered 30 years of hostility and suspicion and the aftermath of four wars—1948, 1956, 1967, 1973.

Under the terms of the Peace Treaty, Israel's complete withdrawal from the Sinai, which it had occupied since 1967, and the return of that territory to Egypt, was conditional on the deployment of United Nations forces to monitor the implementation of security arrangements agreed on the Peace Treaty. But, sadly, the United Nations was unable to provide a peacekeeping force for the Sinai, Israel, Egypt and the United States of America then agreed to the creation of a multinational force and observer group, MFO, outside the UN framework. In November 1981 the previous Government agreed to the commitment to this Force of a contingent of 99 military personnel and eight helicopters for the Rotary Wing Aviation Unit based at El Gorah for a period of two years. That period has now expired.

The Australian Labor Party expressed major reservations about Australian participation in the MFO at the time it was initially mooted. The ALP's general preference is that the commitment of Australian troops overseas in any multinational military force should be under United Nations sponsorship. The ALP was concerned that a multinational force sponsored by a major power—in this case the United States—might come to be perceived as an extension of the foreign policy of that power and the participants as no more than client states of the major power.

There was also some anxiousness at possible links between the MFO and the United States Rapid Deployment Force, particularly as some force in the United States contingent to the MFO were drawn from an integral division of the Rapid Deployment Force. We were worried about the physical vulnerability of the MFO and feared that it might be sucked into the vortex of some sort of regional military conflict, with grave implications for international stability.

The ALP also had serious reservations about the fact that while there had been progress on the Egypt-Israel settlement tracks of the Camp David process, the Palestinian issue—central to any settlement of the Arab-Israel dispute—which the Camp David Agreement also addressed, was stuck in a dead end and Israel provocatively continued its settlement program on the West Bank. Many Arab countries resentfully concluded that the Egypt-Israel Peace Treaty represented a 'separate peace'. There was genuine apprehension that the security Israel gained on her southern border with Egypt according to the provisions of the peace settlement would enable her to redeploy her forces and take military action elsewhere with greater confidence. Israel's invasion of Lebanon in June 1982 is sometimes invoked as justification of this view.

In all of the circumstances it was proper for a new government to assess rigorously the genuinely held anxieties I have mentioned against practical experience of the peace settlement in the Sinai. It was accordingly that the Prime Minister (Mr Hawke) directed that I should visit the Middle East earlier this year. In particular I was directed that I should assess the role and effectiveness of the Sinai MFO and Australia's participation in it. As well as visiting the Australian contingent at El Gorah and talking with the then force Commander, General Bull-Hansen, I visited Egypt, Israel, Syria and Jordan

where I held wide-ranging discussions. Regrettably, circumstances did not permit me to visit Lebanon as I had earlier intended.

I now set out my general conclusions about the MFO's operation and our participation in it. First, I found that the MFO is performing its task effectively and has contributed to stability in an otherwise turbulent region. The peace between Egypt and Israel has by no means been flawless, and there are several outstanding border issues and currently a distinct lack of warmth in bilateral relations. Incontestably, however, both Egypt and Israel are committed to peace and have observed the Peace Treaty. The earlier fear of conflict which might draw in the MFO, has not materialised. There has not been a single breach of the ceasefire since the MFO began operations. Monitoring by the MFO of the Treaty arrangement in the various zones in the Sinai, I am assured, guarantees that neither party can launch a surprise attack on the other. Experience has shown that the MFO as a whole, and the Australian contingent in particular, has not been the subject of any direct threat.

Egypt has clearly gained advantage as a result of the Peace Treaty. It has regained its territory and has gained significant economic benefit. It has been able to reallocate some of its military expenditure to civilian development.

Significant elements of the armed forces are being used in development programs, for example, land reclamation, road and bridge building and housing construction. Efforts to achieve self-sufficiency in food production for the Army will eventually help to ease the demand for imports in Egypt and lessen the strain on Egypt's balance of payments.

There is no doubt that the security established on Israel's southern border has given it greater confidence and enabled it to redeploy its forces in other areas. I am convinced, however, that it was not the—or even a—precondition for Israel's invasion of Lebanon. It is a dubious argument—one contrary to historical experience—that Israel would not have gone into Lebanon had there been no peace with Egypt. Israel has always had to maintain a state of readiness on all fronts and is still acknowledged as having this capability.

In 1967, Israel fought a war on three fronts, and likewise, the Israeli incursion into Lebanon in 1978 took place in the absence of the MFO. Israeli military authorities made clear to me their belief that, if it was necessary to fight a war on all fronts concurrently to defend Israel, Israel had the capability to do so and do so successfully. I believe that to be true.

It is clear that the opportunity for direct and early linkage between movement on the Egypt-Israel aspects of Camp David and on the Palestinian issue, if ever it did exist, has regrettably come and gone. It is, nevertheless, important to acknowledge that with the Egyptian-Israeli accord there has been a settlement of at least one aspect of a complex problem. For its part, Egypt has restored its relations with most of the Arabs in all but the formal sense and has been exploring possibilities for an initiative on the Palestinian issue exploring with France, Jordan and the Palestine Liberation Organisation Chairman Yasar Arafat. Egyptian leaders made the point to me that their peaceful relationship with Israel strengthened their position in this respect as it could open the way for negotiations on the Palestinian issue that would not otherwise be available to them.

Although the United States makes a large contribution to the MFO both in manpower and financial terms, the MFO Commander, General Bull-Hansen of Norway, said emphatically that United States participation in the Force was not geared to training for an eventual rapid deployment force. He said that sort of role would require the functioning, and in particular the training, of an integrated assault unit. The United States military forces in the Sinai MFO did not meet—were not designed to meet—such criteria, he assured me.

The Government remains firm in its support for the role of the United Nations in the maintenance of international peace and security including its peacekeeping function. It is a melancholy fact, however, that in some circumstances it may not be possible for a peacekeeping force to be formed under UN auspices. In these circumstances should the cause of peace be surrendered, as an article of faith, because an alternative, no matter how demonstrably acceptable to the principal parties and provenly workable, is doctrinally unacceptable? Egyptian leaders and the MFO Force Commander stressed the importance of maintaining the multinational character of the MFO, emphasising that Australia is regarded as an objective participant acceptable to both Egypt and Israel, and highly respected in the region. The governments of both Egypt and Israel expressed great satisfaction with Australia's participation in the MFO and commended the performance of the Australian contingent. They and the MFO Secretary-General have formally asked us to renew our commitment.

As for the attitude of other Arab states, I should note that, since the establishment of the MFO, there have been no repercussions on our commercial or other relations arising from our participation. Nor were any adverse comments about our participation expressed to me in discussions in Amman and Damascus. I might add that in both capitals I initiated quite specific discussion on this matter and it was directly addressed by both sides to each discussion.

The Australian Government does not see its participation in any peacekeeping operation as being open-ended. Reviews are clearly necessary from time to time to ensure that our participation is in fact necessary. In the case of the MFO, the Government would hope that the development of a relationship of mutual trust and confidence would, in due course, enable Egypt and Israel to sustain the peace between them without its presence.

In the course of my discussions with the MFO, both with General Bull-Hansen in El Gorah and with the last Director-General Leamon R. Hunt in Rome last year, I investigated the possibility of the recruitment of other national forces to replace the Australian contingent. The advice I received was that it would take a minimum of 18 months to find, and conclude negotiations and related arrangements with, a suitable replacement. In these circumstances, the Government has agreed to a limited extension of the participation of the Australian contingent in the MFO for a maximum period of two years. The purpose of this extension is to maintain stability in the MFO's area of responsibility while a replacement is found.

The precise timing of Australia's withdrawal within the two-year period will be the subject of further negotiation with the MFO. The Government has informed the MFO and the Governments of Israel, Egypt and the United States of its decision.

I turn now to discuss briefly my impressions of the situation in the Middle East generally, focusing on three main areas of conflict—the Arab-Israel dispute, Lebanon and the Iran/Iraq war.

### **Arab-Israel Dispute**

There was a hope that the example of the Camp David process in the Sinai of peaceful withdrawal from occupied territory through negotiation could be followed elsewhere, leading eventually to a comprehensive settlement of the Middle East dispute. As I mentioned earlier, there was also a hope that the other strand of the Camp David agreement—negotiations on Palestinian autonomy—would lead towards a comprehensive settlement of Israel's legitimate security concerns and her territorial rights as well as a settlement of the legitimate claims of the Palestinian people.

Sadly, this has not happened and the chances of a settlement of the long-standing Arab-Israel dispute remain as elusive as ever. None of the peace proposals currently on the table are accepted by all sides as a basis for negotiation. President Reagan's initiative of September 1982, which raised hopes of starting a negotiating process, foundered because of the breakdown of efforts by King Hussein and PLO leader Yasser Arafat to reach a joint negotiation position on it and the Israeli Government's rejection of it.

For most of last year the issue of the future of the West Bank and Gaza and the rights of the Palestinian people was submerged beneath the welter of preoccupation with the blood-drenched quagmire in Lebanon. Earlier this year, optimism was aroused by Jordanian and Egyptian efforts, supported by previously hard-line Iraq, to form an alliance of moderate Arabs and to include PLO chief Yassar Arafat, which would work out a plan for movement towards a negotiated settlement with Israel. This was dampened by the apparent reluctance of Arafat to take any early initiatives and more recently by King Hussein's expressed loss of confidence in the ability of the United States to act as a mediator to the Arab-Israel dispute because of what he declared to be its one-sided support for Israel. Thus prospects for any significant movement towards a settlement remain dim.

The continued refusal of the PLO and Arab states other than Egypt to recognise explicitly Israel's right to exist is one major obstacle which continues to raise doubts in the minds of Israelis about the security of their country. Israel's continued occupation of the West Bank and Gaza, and its refusal to recognise the rights of the Palestinian people is another obstacle, reinforcing Arab suspicions about Israel's intentions on the West Bank. In particular, the ideological conviction of some influential members of the Israeli Government that the West Bank is an integral part of 'Eretz Israel'—the biblical land of Israel—and the declared goal of increasing the Jewish population there from its present number of 25,000 to 30,000 to 100,000 in the next two to four years through its entitlement program has been discouraging for many influential Arab moderates. West Bank Palestinian leaders of a more pragmatic mould—for whom the settlement policy is an immediate and visual issue—have urged recognition of Israel and the opening of direct negotiations with Israel before the incorporation of the West Bank with Israel becomes so complete as to leave nothing to negotiate about. This view—which I heard put most convincingly from several West Bank leaders during my visit—was

expressed persuasively by Major Freij of Bethlehem on his recent visit to Australia.

As a country distant from the Middle East it would be inappropriate for Australia to issue prescriptions for a solution to the Middle East dispute. Nevertheless, there are principles which guide our policy towards this dispute. Fundamental is our recognition of the need to achieve a just, comprehensive and lasting settlement; our commitment to the security of Israel and its right to live within secure and recognised boundaries, and our recognition of the central importance of the Palestinian issue for any settlement. The Government believes that there are a number of elements involved in achieving a settlement. The Arabs should follow Egypt's example and negotiate with Israel directly. They should extend formal recognition to the State of Israel. Israel, for its part, should withdraw from the occupied territories in accordance with UN Security Council resolutions 242 and 338, which Israel herself accepts. We must also recognise that the future of Israel cannot be considered without also considering the fate of the Palestinian people.

The Australian Government acknowledges the right of the Palestinian people to self-determination, including their right, if they so choose, to independence and the possibility of their own independent state. While the government maintains its refusal to recognise the PLO so long as it maintains its denial of Israel's right to exist, the Government also believes that, as the PLO represents a significant portion of the Palestinian people, it should be included in the process of seeking a comprehensive settlement. But its opportunity to engage productively in that process will be severely limited while it persists in denying Israel's right to exist.

The Government calls on Israel to freeze its settlement program on the West Bank as it considers these settlements illegal and a significant obstacle to peace efforts. There is a tendency among Westerners, distant from the problem, to demand instant solutions. I am under no illusion that a solution to the Arab-Israel dispute can be attained quickly; there is no 'quick fix' in the Middle East. There are generations of fears and suspicions to be overcome. The only way progress has come in the past and will come in the future, is through a process of direct negotiations between the principal parties to the dispute and a willingness to compromise on all sides.

My final observation on the Arab-Israel dispute is the need to involve all relevant parties in the peace process. Syria has demonstrated on more than one occasion that it can act as a spoiler of arrangements that exclude it. Syria wants a clear role in any comprehensive settlement—after all, part of its territory is in question—and all will seek to ensure that no moves on the Palestinian issue which do not have its concurrence are successful. So far, Syria has argued that an Arab strategic balance with Israel is a necessary precondition for negotiations that may lead to a settlement. Syria is sometimes characterised as simply an agent of the Soviet Union. This is an inaccurate perception, despite the unprecedented degree of Soviet involvement in Syria's defence program. Syria is a strong-willed state led by a Syrian nationalist who uses, much more than he allows himself to be used by, his state's superpower patron. President Assad manages this relationship on this basis in spite of the critical importance of Soviet support with military equipment, training and specialist skills



### **Lebanon**

Over the last year, the Lebanon crisis has overshadowed events in the Middle East and has been a major focus of American foreign policy. For all parties involved, except Syria, Lebanon has proved to be a tragedy. Israel's invasion of Lebanon in 1982 was to be a quick and successful operation, designed to provide long term security for northern Israel, cauterize the PLO contagion in Lebanon and bolster a friendly government there. Few would believe that these aims have been achieved. The invasion has proved to be an engagement which has yielded no lasting dividend for Israel. Lebanon collapsed into continuing civil war, the Gemayel Government eventually deferred to Syria, not Israel, and Yasser Arafat remains the leader of the PLO.

For Israel with its army mired in southern Lebanon, the cost in human lives lost in conflict has been high. In comparative terms, Israel has lost lives at the front at five times the rate per annum at which United States troops were killed in action in Vietnam. The harrowing and troubling impact that experience makes on a society like that of Israel which deeply cares about its people takes little imagining. The United States unsuccessfully sought an honourable peace. Tragically, Lebanon has had no peace to offer. Confessional differences were inflamed as the country balkanised itself along age old lines of religious hostilities.

The best that one can forecast at this stage is that the prospects for a lasting settlement are uncertain. What one can say with certainty is that just as it would be a tragedy to witness Lebanon permanently partitioned according to confessional lines, the cause of national reconciliation will not be well served by demands for power sharing according to demographic claims based on outmoded and irrelevant facts. Syria emerged as a clear winner—at least in the short term—witnessing the abrogation of the Israel-Lebanon agreement, the withdrawal of the MNF, and a dominant role in Lebanon. However, Syria has yet to show it can produce a long term solution for the problem of Lebanon.

The Australian Government deplores the continuation of conflict and division within Lebanon. We continue to urge the withdrawal of foreign forces and the return of sanity and order. We call on the various militias to lay down their arms and enter into negotiations so that the independence, sovereignty and unity of Lebanon may be re-established.

### **Iran-Iraq War**

There is a matter of equal concern in the Middle East; that is, the Iran-Iraq war. Australia has important commercial relationships with both Iran and Iraq. Iran displays remarkable resilience in spite of the strains of revolution and now of war. Iraq had undertaken conscientious efforts to modernise its society. Both are ground down and denied the opportunity of achieving many of their domestic goals, because of the burden of prolonged and bitter conflict between them.

The Iran-Iraq war drags on into its fourth year with little prospect of resolution or of a decisive victory by either party. Despite the efforts of international mediators, Iran has continued to insist on preconditions to negotiations which include not only the return of all territory it has lost, but

also the trial of Saddam Hussein as a war criminal and payment of massive reparations. Iraq has agreed to resolve its differences with Iran peacefully, but rejects Iran's preconditions. The debilitating economic effects of the war and a desire to generate increased international pressure on Iran to find a settlement have led Iraq to threaten to destroy Iranian export facilities and shipping carrying Iranian oil in the Gulf. In response Iranian spokesmen have threatened to stop all oil exports from the Gulf if their infrastructure is substantially destroyed.

\* Iraq has the capacity to disrupt seriously, if not cut off altogether, Iran's oil exports, almost all of which are shipped from Kharg Island. In the absence of signs of imminent military and economic collapse in Iraq it seems unlikely at present that it will run the considerable risk of military escalation that a concerted attack on Kharg Island would bring. Iran, for its part, seems unlikely to try to close the Straits of Hormuz unless Iraq stops all Iran's oil exports first. Even then, the technical difficulty of closing the Straits and the certainty of a vigorous United States military response make it unlikely that Iran would sustain this action for any length of time.

The Government has examined the implications of a temporary closure of the Straits of Hormuz for Australia's oil supply and concluded that our energy supplies would not be seriously affected if the Strait was closed for a short time. The Australian Government is appalled by the great loss of life and human suffering which have resulted from this prolonged conflict. We reiterate our calls to both parties to agree upon a ceasefire and to start negotiations to resolve their differences.

### **The Super-powers**

Intruding into this complex of regional problems and tensions which I have described is rivalry between the super-powers. For both the United States and the Soviet Union, the Middle East has long been a focus of attention. The United States is compelled by strategic interests including the Western reliance on Gulf oil as well as localised but influential domestic pressures to maintain a close interest in developments in the Middle East. Because of the geographical proximity of the region, the Soviet Union regards the Middle East as an area of security importance. It sees the region as fertile ground for fostering anti-Western regimes and movements. As a super-power, the Soviet Union also considers that it has a role to play in the resolution of major problems in the region.

Many regional states consider that the super-powers look at the region primarily in terms of East-West competition and have criticised this attitude. Both super-powers have clients in the region but as I mentioned earlier, in many situations they have proved unable to control those clients or to control events in the region generally. Hitherto the United States has been the major external power able to influence the course of events in the Middle East. Soviet attempts to gain influence in the region have met with particularly limited success.

The Arab-Israel dispute provides the Soviet Union with its main point of leverage, though it also exposes the limits of Soviet power and influence. Syria has indicated that it does not see any negotiations towards a peace process taking place without the Union of Soviet Socialist Republics, and

most Arab states now express support for Soviet participation. At present this does not appear to be a realistic proposition. Both Israel and the United States, major parties to any settlement, are opposed to Soviet involvement in negotiations, or to the convening of an international conference. If these circumstances were to change and the Soviet Union showed itself to be prepared to play a positive and constructive role in a settlement Australia could then see grounds for its involvement.

The picture I have painted of the Middle East is a grim one. But there is another side. The Middle East is also a region of tremendous vigour. Traditional Arab monarchies have launched themselves into the twentieth century; Middle Eastern societies have met the challenge of modernity and have prospered; states have joined together in pursuit of common goals—the Gulf Co-operation Council is perhaps the most outstanding example. Seemingly intractable differences have been overcome, as evidenced in the Egypt-Israel peace settlement.

A resolution of the conflicts I have described at present seems elusive. Solutions will not be found either easily or quickly. If they are to be produced, they will require moral courage, generosity of spirit and greatness of vision on all sides. Most of all they will require a willingness to talk and compromise. That represents a daunting list of qualities and conditions, difficult to mobilise in less hostile circumstances prevailing elsewhere—an extraordinarily difficult task in the circumstances that prevail in the Middle East.

Over the years, Australia's interests in the region have developed. We have large and well established communities of Middle East origin or connections in Australia. We have built strong commercial relationships with many Middle Eastern countries. Our involvement in various peacekeeping exercises in the region has raised our political profile.

On my recent visit I found that Australia is generally respected and regarded as an impartial and sympathetic observer of events. As a middle ranking power, fairly remote from the region, we do not overestimate the role we can play in bringing about solutions to these conflicts. Within these limits, however, we will do what we can to encourage progress.

### **Peaceful settlement of disputes—United Nations Interim Force in Lebanon**

On 17 April 1985 Australia's representative in the Security Council made a statement on UNIFIL, part of which is as follows (S/PV2575, 6–8):

Australia has been a strong supporter of the peace-keeping role of the United Nations. It has been a generous and willing contributor of funds for UNIFIL operations. That support will continue.

We recognize the dangers and difficulties under which UNIFIL operates. These difficulties have been outlined clearly in the report of the Secretary-General issued on 11 April (S/17093) and in the letter to him from the troop-contributing countries (S/17067).

We deplore all acts of violence in Lebanon, especially those which make difficult the effective operation of UNIFIL and which endanger civilian lives.

...

It remains Australia's hope that the parties concerned can create the conditions necessary for the effective operation of UNIFIL. In this context we look forward to Israel's complete withdrawal from Lebanon and the return of the sovereignty of the Lebanese Government over its territory, both of which Australia holds as important objectives.

#### **Peaceful settlement of disputes—United Nations Disengagement Observer Force**

On 21 May 1985 Australia's representative in the Security Council, Mr Woolcott, made a statement on UNDOF, part of which was as follows (S/PV2581, 6):

As the Secretary-General pointed out in his report, the Force has, with the co-operation of the parties, performed its functions most effectively. Pending the negotiation of a just and durable peace settlement in the region, Australia agrees that UNDOF should continue to perform these functions.

My country is, Sir, as you know, an active supporter of the concept of peace-keeping under United Nations auspices. Australian servicemen and policemen have served with a number of peace-keeping operations over the past four decades and continue to do so in a number of areas and theatres today. It is against this background that Australia readily joined in the adoption of the Council's resolution 563 (1985).

#### **Peaceful settlement of disputes—Lebanon—Australian role**

On 31 May 1985 the Minister for Foreign Affairs, Mr Hayden, provided the following written answer to a question on notice in the House of Representatives (HR Deb 1985, 3354):

Australia is not a party principal to efforts to promote a solution to the problems of Lebanon. It approaches the question, however, in a spirit of concern and goodwill, and with a willingness to contribute to the greatest extent possible towards the objective of securing peace and reconciliation.

To this end Australia, through its Permanent Representative to the United Nations in New York and Ambassador to Lebanon, has maintained an active interest in the search for a solution to the tragic events in Lebanon. Earlier this month our Permanent Representative in New York held discussions with his Lebanese counterpart as well as with a senior member of the United Nations Secretariat, to explore the scope for action in the Security Council. At the same time the Ambassador in Lebanon called on the Secretary-General of the Lebanese Foreign Ministry.

These discussions indicated that the Lebanese Government would not favour action in the Security Council until Israeli forces had completed their withdrawal from Lebanese territory. It was expected that the Security Council might then consider the situation. Australia would support such consideration and would participate actively in it.

There is considerable concern in the United Nations about the continued violence in Lebanon and the tragic loss of life. On 22 May the Secretary-General issued a statement expressing his deep concern and appealed to the Lebanese Government and to all concerned to make every possible effort to put an end to

violence and to recognise the vital necessity for a determined move towards conciliation. Our Permanent Representative in New York is shortly to call on the Secretary-General of the United Nations to discuss the scope for action in the Security Council and/or by the Secretary-General to promote the cause of peace in that country.

On 10 October 1985 Australia's representative in the Security Council, Mr Woolcott, made a statement as follows (S/PV2620, 46-50):

Australia, like all Members of the United Nations, wishes to see a just and lasting peace in the Middle East. For too long this elusive goal has been thwarted either by accident or by design. At times, it has seemed, the difficulties involved have had as much to do with procedures as with substance. Often when goodwill has been evident in some quarters, malevolence has surfaced in others.

Australia does not, of course, profess to tell the parties to the conflict how to settle their differences, other than to abide by their Charter responsibilities. We do not have rigid views on the many proposals which have been advanced for negotiations between the parties. Nor do we exclude a suitably prepared international peace conference as part of the process. What we do believe, quite firmly, is that peace cannot come to the Middle East without a negotiated agreement. Any such agreement, however arrived at, will need to take proper account of the rights and legitimate aspirations and concerns of all peoples of the region.

Ultimately, in our view, a comprehensive settlement will prove possible only on the basis of a series of related compromises. These include Israel's withdrawal from occupied Arab territories, the recognition by the States of the region and the Palestine Liberation Organization of Israel's right to exist and their acceptance of all elements of Security Council resolutions 242 (1967) and 338 (1973), and the acknowledgment of the right of self-determination for the Palestinian people, including their right, if they so choose, to independence and the possibility of their own independent State. A durable settlement in the Middle East is possible only with the involvement of all interested parties. At the core of the Middle East problem is the future of the Palestinians. In our view, it is necessary to remove the barriers to direct discussions with representatives of the Palestinian people erected by the parties involved.

Such changes and compromises will require flexibility; they will require political will; and, we acknowledge, they will not be without their dangers. But a new beginning must be made. The vicious circle of violence and inflexibility must be broken. The alternative of rigidity and continuing animosity will not service the long-term interests of the country of the Middle East region, nor indeed of anyone else.

In recent months we have had reason to believe that developments might have been heading in a positive, even hopeful, direction, at least partly as a result of the initiative of King Hussein of Jordan. This initiative had seemed to offer the promise of progress. My delegation very much hopes that the recently darkening shadows of terrorism and violence will not be cast permanently over this initiative and the cause of peace.

Recent incidents have shown clearly the futility of killing based on

vengeance, on retaliation or on the desire to terrorize. Violence by one side has not prevented violence by others but, on the contrary, seems to have engendered it. The hijacking of the *Achille Lauro* in recent days and the Israeli raid on headquarters of the Palestine Liberation Organization in Tunisia are not isolated incidents of violence. It is obvious, however, that none of these many acts has brought peace to the region or advanced the cause for which the perpetrators claimed to be fighting. Terrorism and violence of the type so prevalent in the Middle East at present can only remain matters of profound concern to the international community and a threat to the peace.

At this point, I should like to express my delegation's condolences to the relatives of Mr Klinghoffer, who is yet another unfortunate and innocent victim of the cycle of violence that is afflicting the Middle East.

I must say frankly that the Australian delegation has been concerned about the course of this and other recent debates in the Security Council. We are concerned for two reasons:

First, the standing and potential effectiveness of this Council are being eroded by its misuse as a smaller General Assembly. That is a view that I know is shared by a number of other members of the Council. The Security Council does not exist simply to provide a forum for countries, however strongly they may feel on a particular subject. It has a particular responsibility for the maintenance of international peace and security, and that responsibility extends to promoting peace. This Council could work in a number of ways towards the achievement of a negotiated settlement in the Middle East, but it can contribute effectively only by adopting a co-operative approach. We have to wonder whether the timing of the current debate will in fact promote the peace we all seek.

Secondly, the Council seems to have become increasingly an arena of confrontation rather than a forum for conciliation. A series of statements criticizing one side or the other, blaming one side or the other, often in particularly harsh language, does not in our view advance the cause of peace in the Middle East. My delegation hopes that all statements made in this Council will be constructive and helpful rather than polemical.

The Security Council can play a useful role in this and, indeed, any other dispute only if the world community, acting through the Council, puts aside questions of violence and vengeance and turns instead to calm and conciliation. We hope that the parties most directly involved will also choose that path.

On 29 November 1985 the Minister for Foreign Affairs, Mr Hayden, provided the following written answer to a question on notice in the House of Representatives (HR Deb 1985, 4062):

In my statement to the Parliament of 7 May 1984, in which I announced the Government's decision to agree to a limited extension of the participation of the Australian contingent on the Multinational Force and Observers, I noted that the Australian Labor Party had expressed major reservations about Australian involvement at the time it was initially mooted in 1981. My visit to the Middle East in January 1984 was particularly intended to assess the role and effectiveness of the MFO and Australian participation in it. I found

that the MFO was performing its task effectively and had contributed to stability in the region; and that both Egypt and Israel appeared to be committed to peace. While there had been a settlement of one element of the Middle East problem, other aspects, in particular the Palestinian issue, remain unresolved.

**Peaceful settlement of disputes—United Nations Interim Force in Lebanon (UNIFIL)—death of Fijian soldiers**

On 21 November 1986 the Minister for Foreign Affairs, Mr Hayden, issued the following statement (Comm Rec 1986, 2154):

The Minister for Foreign Affairs, the Hon Bill Hayden, today expressed his deep regret at the death of three Fijian soldiers serving in the United Nations Interim Force in Lebanon (UNIFIL) who were killed yesterday when a car bomb exploded in the south of Lebanon. He extended to the families of the soldiers and the Government of Fiji his condolences and those of the people of Australia.

Mr Hayden drew attention to Security Council resolution 587 of 23 September which condemned in the strongest terms attacks committed against UNIFIL. The resolution also called for all military forces present in Lebanon without the invitation of the Lebanese authorities to withdraw and requested the Secretary-General of the United Nations to make the necessary arrangements for the deployment of UNIFIL to the southern border of Lebanon.

Mr Hayden noted that Israel's refusal to withdraw all of its forces from Lebanon clearly prevented UNIFIL from fulfilling its mandate. Israel had decided to maintain a security zone in the southern border region of the country to the exclusion of UNIFIL and in disregard of the protests of the Lebanese Government. Mr Hayden said that recent attacks on UNIFIL were indicative of the widespread frustration with the situation in southern Lebanon. The resident community would like to see the restoration of law and order in the region, and be permitted to return to normal life under the jurisdiction of the Lebanese Government. Mr Hayden called on all parties directly involved to co-operate in permitting UNIFIL to fulfil its mandate.

Mr Hayden said that this incident had underlined the necessity for the measures being undertaken by the Secretary-General to improve the safety of the personnel of UNIFIL. He said that he wished to pay tribute to Fiji and to the other UNIFIL contributing nations for the courageous manner in which they were serving the cause of peace-keeping in Lebanon.

**Peaceful settlement of disputes—Middle East—Lebanon**

On 4 June 1986 the Minister representing the Minister for Foreign Affairs in the Senate, Senator Gareth Evans, said in part in answer to a question (Sen Deb 1986, 3340–3341):

The Government has frequently expressed its deep concern over the serious tensions and conflicts which afflict so many of the nations of the Middle East. We have been particularly concerned over the Gulf war, the conflicts in Lebanon, the tensions which persist over the Arab-Israeli dispute and, of course, the increase in terrorist incidents emanating from the region. The

tensions and conflicts which continue to plague these nations are indeed a threat, as Senator Elstob says, to international as well as regional security and do demand the urgent efforts of all nations.

The answer to Senator Elstob's question so far as the Government is concerned is that the most useful role that Australia believes it can play as the kind of nation we are is, essentially, through the United Nations. As a member of the United Nations Security Council we played an important role in recent times in the deliberations of the Council on many of these disputes, and most recently in the efforts over the Gulf war and the situation in Lebanon. We continue to believe that it is through international efforts that solutions to many of the problems of the Middle East can be found. Certainly we will be maintaining our efforts in that respect.

On 25 February 1987 the Minister representing the Minister for Foreign Affairs in the Senate, Senator Gareth Evans, said in part to a question (Sen Deb 1987, 594-595):

The Australian Government has stated often enough before that all foreign forces in Lebanon should withdraw except those who are there at the request of the Government of Lebanon and whose presence is necessary to allow the development of conditions which can allow social, economic, and political stability to be re-established within Lebanon and the authority of the Lebanese Government to be asserted. We are obviously still very concerned, as everyone is, about the violence which has continued on various levels in Lebanon. We do not see any solution as being likely to be found unless and until all groups recognise the rights of all Lebanese to coexist side by side. We are not a party principal to efforts to promote a solution to the problems of Lebanon; we have simply urged in the past, and will go on urging, all parties involved to exercise maximum restraint and to enter into negotiations aimed at national reconciliation and a peaceful settlement.

On 19 February 1987 the Prime Minister, Mr Hawke, said in the course of a statement on his recent overseas visit (HR Deb 1987, 362-363):

On its election to office, my Government undertook a review of policy towards the Arab-Israeli dispute and reaffirmed the basic principles which have guided Australian policy.

These principles are:

Recognition of the urgent need to achieve a just, comprehensive and lasting settlement to the Middle East dispute.

Fundamental commitment to the security of Israel and its right to exist within secure and recognised boundaries.

Recognition of the central importance of the Palestinian issue for any settlement.

Acknowledgment of the rights of self-determination of the Palestinian people, including their right, if they so choose, to independence and the possibility of their own independent state.

During my visit to the region, I presented this policy to all my interlocutors, as an integrated whole. It was accepted by them all as a credible, principled, balanced and legitimate position.

...

A central obstacle to progress in resolving the Middle East dispute, I



believe, is that factual realities are not fully reflected in formal positions. It is clear that there is no organisation at this point which speaks for the Palestinians more than does the Palestine Liberation Organisation, not just in the West Bank and Gaza but more broadly in what can be thought of as the Palestinian Diaspora. The PLO may not have an exclusive representative status but it does have a representative status. This is not a value judgment about the PLO but simply a statement of fact. I believe that this fact is understood in Israel.

It is equally clear that Israel's antagonists, including surely the PLO or at least the more sane elements of the organisation, now accept that Israel exists and will continue to exist as an independent and viable state in the Middle East. They know this as a fact. But these realities are not yet explicitly recognised in the stated policies of those parties involved. Progress towards peace in the region could be made if both sides were to issue a simultaneous statement acknowledging each other's existence—if in effect each was explicitly to state what at present it tacitly believes.

What I believe is required is for the PLO, for its part, to issue a formal statement of position which would entail (i) acceptance of resolutions 242 and 338 as a basis for negotiations and thus (ii) recognition of Israel and (iii) renunciation of terror in favour of the process of negotiation. For its part, Israel would be required, in the context of such a formal statement of position, to recognise the PLO as a party appropriately to be included in the negotiating process.

...

On Lebanon, I put Australia's view that all foreign forces should be withdrawn except those which are in Lebanon at the request of the Lebanese Government and whose presence is necessary to allow the development of conditions which can allow social, economic and political stability to be re-established within Lebanon and the authority of the Lebanese Government to be asserted. I made the point that the presence in Australia of a large and valuable Lebanese community, with close links to their country of origin, brought the tragic situation in Lebanon home to our national consciousness in a very graphic way.

On the Iran-Iraq war, Australia has maintained a position of strict neutrality. Neutrality is not, of course, disinterest. On the contrary, we have tried wherever possible, notably at the United Nations, to contribute to a solution. We shall continue to do so.

Australia has long proven its credentials as a country sincerely concerned for peace in the Middle East. To the extent possible we have been involved in measures to achieve it: We have for instance contributed personnel to peace-keeping activities in the region and we have used multilateral forums and bilateral links to advance the cause of peace wherever possible. However, it would be idle to pretend that easy solutions exist in the region, or that Australia has any direct role in the peace process itself.

**Peaceful settlement of disputes—role of UN Secretary-General—Cyprus**

On 12 February 1986 the Minister for Foreign Affairs, Mr Hayden, provided the following answer to a question on notice (HR Deb 1986, 418):

(1) The Secretary-General of the United Nations is continuing his mediation mission on the Cyprus question. He is in contact with both sides in an attempt to reach agreement on proposals to settle the problems between the two communities of Cyprus. Representatives of the Secretary-General met officials of the Turkish Cypriot side in London on 18–19 November and the Greek Cypriot side in Geneva on 30 November–1 December. A further round of discussions is expected to take place early in the new year. The Australian Government is giving the Secretary-General its full support.

(2) Australia has participated in the Commonwealth Action Group (CAG) on Cyprus. The CAG fully supports the Secretary-General's proposals and efforts to bring both sides to negotiations as the best prospect for resolution of the dispute. Australia's longstanding and active concern for a solution to the complicated tragedy of Cyprus is well known, and is demonstrated not only by the Government's participation in the CAG but also by the contribution to UNFICYP.

Australia has consistently upheld the sovereignty and territorial integrity of the Republic and has given its support to the search for a just and durable settlement. It will continue to do so in the expectation that all parties will exercise restraint, moderation and flexibility. Australia supports negotiations and dialogue in the search for an early settlement.

**Peaceful settlement of disputes—role of Secretary-General of UN—France and New Zealand—the sinking of the "Rainbow Warrior" in New Zealand—reference to UN Secretary-General**

On 20 June 1986 the Acting Minister for Foreign Affairs, Senator Gareth Evans, issued the following statement (Comm Rec 1986, 998):

The Acting Minister for Foreign Affairs, Senator the Hon Gareth Evans, said today that the Australian Government welcomed the move by New Zealand and France to seek a resolution to their differences arising from the *Rainbow Warrior* affair.

New Zealand and France have agreed to refer the matter to the Secretary General of the United Nations in order to arrive at a resolution of the differences between them. Senator Evans said that the willingness of both Governments to submit themselves to an independent and objective ruling was commendable and Australia shared their confidence that the Secretary General would arrive at a decision which was equitable and in accordance with UN principles including those on the peaceful settlement of disputes.

**Peaceful settlement of disputes—Sinai—Multilateral Force and Observers—Australian participation**

On 12 March 1986 the Minister for Foreign Affairs, Mr Hayden, provided the following written answer to a question on notice (HR Deb 1986, 1258):

In my statement to the Parliament of 7 May 1984, in which I announced the Government's decision to agree to a limited extension of the participation of the Australian contingent on the Multinational Force and Observers, I noted

that the Australian Labor Party had expressed major reservations about Australian involvement at the time it was initially mooted in 1981. My visit to the Middle East in January 1984 was particularly intended to assess the role and effectiveness of the MFO and Australian participation in it. I found that the MFO was performing its task effectively and had contributed to stability in the region; and that both Egypt and Israel appeared to be committed to peace. While there had been a settlement of one element of the Middle East problem, other aspects, in particular the Palestinian issue, remain unresolved.

The reasons for the Government's decision regarding Australia's contribution to the MFO were outlined in my statement of 7 May 1984.

### **Peaceful settlement of disputes—Central America—Contadora Process**

On 21 September 1984 the Minister for Foreign Affairs, Mr Hayden, issued the following statement (Comm Rec 1984, 1828):

Speaking in Honduras at the conclusion of his discussions in Central America, the Minister for Foreign Affairs, the Hon Bill Hayden, called for the implementation of the Contadora Revised Treaty as a basis for developing a peaceful negotiated solution to the problems of Central America.

Mr Hayden said that he had assessed from his discussions with the Foreign Ministers of Mexico, Nicaragua, El Salvador, Costa Rica and Honduras that there was a common desire to seek non-military solutions and that the Contadora countries had formulated the Revised Treaty following extensive consultations with the Central American countries. Signature of the Treaty would be a major step towards putting into effect the arrangements proposed by Contadora to reduce tensions, control levels of armaments and to develop regional economic co-operation.

The Contadora countries had appealed for international support for the signature of the Treaty. Mr Hayden said that Australia had decided to lend early support to the initiative to assist to develop a consensus in favour of the implementation of the Revised Treaty.

Mr Hayden added that support for the Contadora initiative was an important element of Australian policy towards Central America. His visit to the region had confirmed the need for a dialogue among the Central American countries to restore peace and stability in the area.

On 9 May 1985 Australia's representative in the Security Council, Mr Woolcott, made a statement on the Situation in Central America, part of which was as follows (S/PV2578, 61–63):

We are considering today developments in a region with a long history of violence and insecurity. It is a region with serious economic, social and political problems stemming from centuries of exploitation and injustice.

The problems of the region may not be new, but they are serious, and the international community has an obligation to take a responsible interest in developments in Central America, as well as doing what it can to help better the lot of the peoples of that region.

My country is situated far from Central America, but our membership of the Security Council places upon us an obligation to play a constructive and

responsible role in the search for peaceful solutions to those issues which come before the Council.

Australia's views on the situation have been clearly expressed on a number of occasions over the last year or so. We have pointed to the existence of unjust economic and social situations as the basic source of the region's problems, and we have urged that the East-West conflict be kept out of Central America.

We have called on all countries to support the actions of the Contadora Group, which is seeking a peaceful and negotiated solution to the conflicts of the region. We have noted the concern of the Contadora countries themselves and of others with close ties to the region—such as Canada, Peru, Brazil, Argentina and Mexico—that this process should not be placed in jeopardy. Solutions to the problems of the region can come only from the people of the region themselves; they cannot be imposed from outside.

The Security Council should do all it can to support this process of negotiation. While it is the Contadora Group which is doing the hard work, the Council can support it by pointing to the principles and practices which should guide all States involved. Most importantly, all States should fulfil, in good faith, their obligations under the United Nations Charter, including the obligation to settle international disputes by peaceful means in such a manner that international peace and security and justice are not endangered.

Applying these general principles to the particular case of Central America, we can make certain observations.

All Central American countries have the right to live in peace and security, free from outside interference. This principle was restated in Security Council resolution 530 (1983) and remains valid today.

Nicaragua has the right to choose its own form of Government, without outside interference.

The use of force to resolve disputes is to be deplored, no matter who uses it. The cycle of violence in Central America must be stopped.

The Contadora process should be fully supported by all States, not just in their rhetoric, but also in their actions.

Trade sanctions in this case will not, in our opinion, achieve the end they are supposed to achieve, but are likely to have the opposite effect—that is, to increase tensions and thus hinder the Contadora process.

My delegation listened attentively to the statements of preceding speakers. Australia understands United States concerns in the region, and does not deny that the United States has a right to be concerned about what is happening so close to its own borders. It is natural for all countries to be concerned about what is happening in their neighbourhood. It is in this context that the Australian Prime Minister and Foreign Minister have made clear that they do not consider the imposition of trade sanctions to be an appropriate action in the circumstances. The Australian Government regrets that this step was taken.

To conclude, I make a plea to all countries involved to refrain from violence or the support of violence in Central America. Australia calls on all parties to avoid provocative actions which may increase tensions or complicate the search for a peaceful solution to the problems of the region.

Australia expresses the solemn hope that all parties will embrace the process of dialogue and negotiation in the conduct of their relations. By such means they can work together for political, economic and social reforms, as necessary steps towards the emergence of stable Governments, supported by democratic choice throughout the region, and for a much-desired improvement of human rights. That is the objective to which all parties should dedicate themselves. That is the objective which all parties should strive to achieve. Australia hopes that this debate in the Security Council will play some part in the achievement of those objectives.

On 21 July 1985 the Minister for Foreign Affairs, Mr Hayden, said in the course of a speech on the Australian Government's policy on Central America (Comm Rec 1985, 1151):

Exactly two years ago, the then newly-elected Australian Government declared a more direct policy towards Central America and conditions there. Until this stage, Australian policy had been based on the premise that the area was none of our business. We had no urgent political or commercial stake there. It had no direct impact on our security, though we knew that persistent tension anywhere was cause for concern.

Significant barriers stood in the way of commercial relations: distance, poor sea and air links, the smallness of the economies of the region, the poverty of their condition, the lack of complementarity between their economies and ours. Our cultural and historical links were limited.

The new Government reacted differently to these facts simply because it was a Labor government, a democratic socialist government. The new policy, therefore, was influenced to a definitive extent by the ALP's fundamental interest in human rights, greater influence for all classes over their social, economic and political conditions, and freedom for all nations from external threats to their peace and stability. The bases for the new policy were:

- that Australia wished to see human rights improved and conditions created for social and economic reform as necessary steps towards stable, democratic government
- that Australia considered that military action would not solve Central America's problems, creating instead an environment inimical to reform and reconciliation
- that Australia supported the Security Council's affirmation that all countries in the region had the right to live in peace, free of foreign interference
- that Australia endorsed the Contadora initiative to promote dialogue so as to bring about political solutions to the problems of the region
- that Australia looked to the United States to balance its legitimate right to worry about the region's security with a concern for the promotion of human rights, social reform, stability and democracy there.

Nothing has changed in these two years to cause the Government to reshape this policy.

On 30 October 1985 the Minister for Foreign Affairs, Mr Hayden, made a further statement in support of efforts by the Contadora countries (Colombia, Mexico, Panama, and Venezuela) to encourage a negotiated solution to Central

American problems: see Comm Rec 1985, 1947, and a statement in Parliament on 27 November 1985, see HR Deb 1985, 3772-3773.

**Peaceful settlement of disputes—Central America—Nicaragua—United States—International Court of Justice—Contadora process**

On 19 January 1986 the Minister for Foreign Affairs, Mr Hayden, issued the following statement (Comm Rec 1986, 14):

The Minister for Foreign Affairs, the Hon Bill Hayden, today welcomed indications of progress in the Contadora process resulting from talks held by Latin American representatives attending the inauguration of the Guatemalan President on 14 January.

The five Central American countries had agreed to subscribe to a declaration issued by Contadora and Support Group foreign ministers in an earlier meeting in Venezuela. The declaration called for a renewal of Contadora negotiations, which had been stalemated since November 1985, and covered issues which had previously been stumbling blocks in talks. While the issues had not been resolved, the undertaking to renew negotiations on them represented a step forward in the search for a peaceful solution to Central American conflicts.

Mr Hayden said that Australia's support for the Contadora process was well known and recognised by the countries involved and needed no elaboration. He urged the Central American countries to consolidate the gains made in Guatemala City and not to allow the opportunities for further progress to slip.

The Contadora and Support Group countries had additional proposals in their declaration aimed at improving prospects for a successful outcome to the Contadora process. He called upon governments outside the region to respect the wishes of this broad grouping of Latin American countries and to facilitate the implementation of their proposals.

On 12 March 1986 the Minister representing the Minister for Foreign Affairs in the Senate, Senator Gareth Evans, said in part in answer to a question (Sen Deb 1986, 865-866):

Australia has been very closely watching developments in Central America and continues to believe that military action will not solve the problems of the region. The supply of military aid to the Contras, in addition to the non-lethal aid they already receive, can in our view only increase tension there and add an unwelcome complication to the difficult task of the Contadora countries and their supporters in working towards a negotiated solution of conflicts in the region.

On 18 March 1986 the Minister for Foreign Affairs, Mr Hayden, said in answer to a question (HR Deb 1986, 1469):

There are certain basic principles which we have followed in our attitude towards Central America and developments there. The first and the most important is that all countries of the region should be able to conduct their own affairs free from outside interference and that the sovereign territorial borders of all countries of Central America should therefore be respected. Secondly, we believe that the best prospects for a settlement are for wholehearted support to be provided for the Contadora processes. We are

pleased that the Contadora processes continue; they exist. We are a little disappointed, however, that they have flagged a little badly in recent times. Thirdly, I would have to say, on the record of evidence available, that the Contra movement is not an organisation I care to give any comfort, support or encouragement to.

On 20 March 1986 the Prime Minister, Mr Hawke, said in part in answer to a question (HR Deb 1986, 1699):

We have consistently indicated, both at the level of Prime Minister to President and that of Foreign Minister to Secretary of State, that we understand the concern of the United States about any possible destabilisation of the countries in its immediate vicinity. That is a perfectly understandable concern. However, we have pointed out that we do not believe that it is an appropriate response to arms groups and individuals in that situation. Our statements have been consistently put, understood and, I believe, accepted by the United States.

On 30 April 1986 the Minister for Foreign Affairs, Mr Hayden, provided the following answer to a question on notice (HR Deb 1986, 2827–2828):

Australia has not received a request to contribute to or support any peace keeping activities in the Nicaragua-Honduras border. Following an incursion by Nicaraguan troops into Honduran territory in the third week of March, the Nicaraguan Government called for the establishment of an international force for supervision and control of the Nicaragua-Honduras border. I am not aware of any response to this proposal from Honduras or from the Contadora countries.

I note that the current draft of the Contadora Treaty, which is still under negotiation, contains provisions for a Verification and Control Commission whose duties would include investigating border incidents and whose area of responsibility would cover all five Central American countries. Establishment of such a commission would depend on signature and ratification of a Treaty.

There have been several low-key and tentative approaches from Latin American countries seeking to gauge Australian interest in some unspecified form of participation in such a commission if it were set up.

If a formal request were received, the Government would consider it in the light of its policies towards Central America and peacekeeping activities as well as financial and other foreign policy considerations. I would not wish to speculate on the outcome of such consideration.

On 2 July 1986 the Minister for Foreign Affairs, Mr Hayden, issued the following statement (Comm Rec 1986, 1078–1079):

The Minister for Foreign Affairs, the Hon Bill Hayden, said today that disputes between Nicaragua and the United States would be considered by the UN Security Council this week. However, recent events left few grounds for optimism that any real improvement in the situation was in prospect.

Mr Hayden said today that the vote in the United States House of Representatives on 25 June to approve US\$100m in military aid to the Nicaraguan Contras would do nothing to promote a peaceful settlement of Central America's problems. Nor, he said, was it likely to encourage the Sandinista Government in Nicaragua to improve political freedoms, or to

negotiate with the Contras. Mr Hayden said the aid would escalate tensions in Central America.

Over the past three years, the Australian Government had made its views clear about the trend of events, but had repeatedly been disappointed. The decision to provide aid to the Contras and the subsequent Nicaraguan decision to close down the opposition newspaper *La Prensa* were each to be regretted. They left little ground for optimism.

Mr Hayden noted that the United States maintained diplomatic relations with, and had a resident Ambassador in, Managua, and that the Government of Nicaragua was elected and had popular support. United States military assistance to the Contras, who were lacking much support, would raise serious questions of principle about the conduct of relations between sovereign states. These were underlined by the findings of the International Court of Justice, announced on 27 June, that certain actions already taken by the United States against Nicaragua had contravened international law. Australia remained committed to the role of the International Court in settling international disputes and to the observance of international law.

Emphasising that he had made the point before, Mr Hayden said that the Contadora process presented the most positive prospect for peace in Central America. The Contadora countries had shown infinite patience and resilience in negotiating and redrafting the terms of an agreement. It was now up to the Central American countries themselves and others with interests in the region to make reciprocating concessions and to exercise tolerance to give life to the peace process.

On 7 May 1987 the Acting Minister for Foreign Affairs, Senator Gareth Evans, said in answer to a question, in part (Sen Deb 1987, 2490):

The Australian Government believes that the countries of the region have a right to conduct their affairs without foreign interference and that the best hope for peace in Central America lies with diplomatic negotiations and through the Contadora process rather than in military action. Australia remains committed to the role of the International Court of Justice in settling international disputes and to observance of international law.

### **Peaceful settlement of disputes—Argentina and Chile—Beagle Channel Treaty**

On 3 May 1985 the Minister for Foreign Affairs, Mr Hayden, issued the following statement (Comm Rec 1985, 601):

The Minister for Foreign Affairs, the Hon Bill Hayden, today welcomed the ratification in Rome on 2 May of a treaty of peace and friendship between Argentina and Chile.

The treaty had as its centrepiece settlement of the 100 year old dispute between the two countries over conflicting territorial claims in the Beagle Channel. The dispute had almost led to war on several occasions since 1881, most recently in 1978, subsequent to which the Vatican offered to mediate.

The treaty was, however, more than an instrument for the settlement of one dispute. It bound both parties to seek peaceful settlement of all bilateral disputes and established mechanisms for conciliation and arbitration should negotiations fail. The treaty also called for the establishment of a standing



bilateral commission to encourage co-operation and physical integration between the two states.

The ratification of the treaty was a significant advance for harmony in South America and both Argentina and Chile deserved compliments for their willingness to compromise on sensitive issues of national sovereignty. Mr Hayden also praised the patient and untiring efforts of the Vatican in mediating between the parties on this difficult issue.

It was particularly fitting that the Treaty should be ratified in the lead up to the International Year of Peace, 1986.

### **Peaceful settlement of disputes—Kampuchea**

On 14 May 1985 the Minister representing the Minister for Foreign Affairs in the Senate, Senator Gareth Evans, said in answer to a question without notice (Sen Deb 1985, 1871):

The governments of the South East Asian region, including the ASEAN group, are considering a range of ideas on Cambodia. The Malaysian proposal for proximity talks has been publicly welcomed both by the Minister for Foreign Affairs, Mr Hayden, and the Minister for Immigration and Ethnic Affairs, Mr Hurford. While Australia is not involved in this proposal, we welcome any positive steps by the parties to the Cambodian problem towards a negotiated settlement. It is true that proximity talks would involve contact with representatives of the PRK authorities. Such contacts would not imply any form of recognition of the legitimacy of the PRK Government of Mr Heng Samrin. It is well understood in international law that dealings with such authorities need carry no such implication if that is not the intention of the other government or governments concerned.

Australia believes that, in the pursuit of a peaceful negotiated settlement of the Cambodian problem, it is desirable to hear the views of the principal parties concerned. Prince Sihanouk visited Australia in February this year. Mr Son Sann—who leads the other non-communist group opposing the PRK—visited Australia in 1983, and we have had frequent discussions with both leaders in New York and Bangkok. This has never implied any Australian recognition of the Coalition Government of Democratic Kampuchea which, of course, includes the Khmer Rouge. Nor does the Australian Government have any intention of recognising the PRK. Australia believes that a legitimate Cambodian Government can emerge only from a negotiated settlement in Cambodia and the exercise by the Cambodian people of their right to self-determination.

### **Peaceful settlement of disputes—Kampuchea**

On 18 November 1987 the Minister for Foreign Affairs and Trade, Mr Hayden, said in part in answer to a question (HR Deb 1987, 2265–2266):

I repeat: I sincerely trust that what we are now seeing will result in formulas being brought together which can bring about the essential and sustainable ingredients to bring about, in turn, a peaceful settlement of the situation in Kampuchea. But it must be understood that a peaceful settlement must involve as a *sine qua non* the withdrawal of Vietnamese forces, the setting up of a freely and independently selected system of government by

the people of Kampuchea, and guarantees for the security of countries of the region.

**Peaceful settlement of disputes—civil disputes—Burma—Karen rebellion**

On 29 November 1985 the Minister for Foreign Affairs, Mr Hayden, provided the following written answer to a question on notice in the House of Representatives (HR Deb 1985, 4195):

The leaders of the Karen ethnic minority did not sign the Panglong agreement of 1947, by which the other ethnic minorities joined the Burman majority in forming the Union of Burma. Many Karens rebelled in 1949 in support of an independent Karen state between Burma and Thailand, and the rebellion has continued at varying levels of intensity since then. The rebel cause is now actively supported by only a small proportion of the Karen population in Burma, mainly in the border region. The majority lives at peace with the government in other parts of Burma. The Australian Government hopes that a settlement of the differences between the Government of Burma and the Karen rebels can be negotiated by the parties concerned.

I am aware of reports that Australians are allegedly assisting or have allegedly assisted Karen rebel forces. I am not able to substantiate these reports. Australian legislation imposes severe penalties on Australian citizens and residents who enter foreign countries to engage in hostile activities against the governments of those countries.

**Peaceful settlement of disputes—civil disputes—Indonesia—East Timor**

On 12 September 1985 the Minister representing the Minister for Foreign Affairs in the Senate, Senator Gareth Evans, said in answer to a question without notice (Sen Deb 1985, 509):

The Australian Government hopes that a just and lasting solution to the problems of East Timor will be found which will reflect the wishes of at least the majority of the people of East Timor. It is to be hoped that a peaceful way will be found to enable those people actively opposing the Indonesian Government to join the majority of the population of East Timor in working creatively and constructively for the further development of their province.

As I stated in my reply here to Senator McIntosh on 22 August, the Australian Government supports the activities of the United Nations Secretary-General in seeking a peaceful solution to the residual problems of East Timor. The Government's primary concern remains to ensure that Australia does all that it properly and reasonably can to help the East Timorese. Australia has supported the continued access of the International Committee of the Red Cross to the people of East Timor and has provided aid worth \$9m since 1975 in food and humanitarian relief. Further, the Australian Ambassador, Mr Morrison has recently raised again at ministerial level the question of human rights in East Timor and Australia will continue to monitor closely the human rights situation in that province.

**Peaceful settlement of disputes—Ethiopia—Eritrea**

On 17 March 1987 the Minister for Foreign Affairs, Mr Hayden, provided the following answer to a question on notice in the Senate (Sen Deb 1987, 836):

The government is aware of the seven-point referendum proposal put forward by the Eritrean Peoples' Liberation Front in November 1980 for an internationally supervised referendum to bring about a peaceful solution to the civil war in the Eritrean region of Ethiopia. The Government is concerned by the human suffering caused by the continuing civil war, and will support any formula for a peaceful solution to the unrest acceptable to parties to the conflict.

The Government's major concern is to remain responsive to the humanitarian needs of all Ethiopians. In matters relating to possible political solutions to the civil war, we are influenced by the position and deliberations of the Organisations of African Unity and the United Nations. We will continue to monitor closely debate in these international bodies and will lend our support where appropriate to initiatives designed to bring peaceful resolution to the conflict.

On 1 June 1987 the Minister for Foreign Affairs, Mr Hayden, provided the following written answer to a further question on notice in the Senate (Sen Deb 1987, 3338):

Resolution 390A(V) was adopted by the Fifth General Assembly of the United Nations by a vote of 46 in favour, ten against with four abstentions. Australia voted in favour of the resolution.

Australia joined the large majority of UN members in voting in favour of the resolution because it was the agreed result of lengthy negotiations between all parties principally involved in the Eritrean question at the time.

UN Resolution 390A(V) provided for the establishment of the Federation of Eritrea with Ethiopia. The option of full integration was not specifically precluded under the Resolution.

The decision to dissolve the Federation was made by the Eritrean National Assembly in 1962. The Australian Government is not in a position to comment on the legality of the decisions of that Assembly.

**Peaceful settlement of disputes—national sovereignty—Australian constitution**

On 4 September 1984 the Minister for Foreign Affairs, Mr Hayden, provided the following written answer to the respective question on notice in the House of Representatives (HR Deb 1984, 550–551):

(1) Has his attention been drawn to the recognition of the danger of national military sovereignty by the constitutions of (a) France, preamble, paragraph 15, (b) West Germany, articles 24 and 25, (c) Denmark, article 20 and (d) Japan, article 9.

(2) Will he seek amendments to the Australian Constitution to provide for progressively pooling Australia's military forces and belligerency powers under international auspices along with those of other nations ascribing to the need for comprehensive obligatory international arbitration of international disputes within a system of international law binding on inhabitants of Australia and having precedence over federal law

as a requirement for lasting collective security and increased international cooperation; if not, why not.

(1) Yes, I am aware of the foreign constitutional provisions cited by the honourable member.

(2) No. The Government does not intend to initiate moves for constitutional amendment to provide for the progressive pooling of Australia's military resources under an international body, for Australia's further accession to compulsory arbitration of international disputes, or for self-execution of international law in Australia.

On the first point it is the Government's policy to maintain Australia's involvement in the security system administered by the United Nations, based on principles of national sovereignty and participation by consent.

On the second point, since 1954 Australia has been party to the Optional Clause of the Statute of the International Court of Justice [Art 36(2)], providing for the compulsory jurisdiction of the Court in international legal disputes.

On the third point, while customary rules of international law may, in some circumstances, become a part of Australian common law, the usual practice is for the Federal parliament, where desirable, to incorporate rules of international law by Statute.