

He was particularly grateful to him for having facilitated the inclusion in the Council's agenda of the item on measures to be taken following the floods in Tunisia. He also wished to thank the representative of Madagascar, who had drawn up the draft resolution which had been before the Co-ordination Committee and which it had unanimously adopted, and all the members of the Council who had supported that draft.

21. He pointed out that there had been 50,000 victims of the floods which had ravaged the north of Tunisia at the end of March, and more than 100 deaths. Furthermore, 15,000 homes and a large part of the infrastructure had been destroyed and thousands of acres of cultivated land had been devastated; fortun-

ately, the tourist zones and their network of roads had not been affected by the rain. The damage was provisionally estimated at several million dollars, an enormous burden for a developing country. The Tunisian Government was compiling the necessary data on each damaged sector with a view to obtaining external aid. It was therefore deeply grateful for the assistance offered it by many countries.

22. The PRESIDENT paid a tribute to Ambassador Driss, who had previously presided over the Council with unflinching devotion and efficiency, and recalled the important role he had played in the enlargement of the membership of the Council.

The meeting rose at 11.40 a.m.

1854th meeting

Friday, 4 May 1973, at 11 a.m.

President: Mr. Sergio A. FRAZÃO (Brazil).

E/SR.1854

Tribute to the memory of Mr. Mohammed Saleh Aulaqi, Minister for Foreign Affairs of Democratic Yemen, and other members of the diplomatic corps of Democratic Yemen, and Mr. J. A. Bakker, representative of the Netherlands in the Social Committee

1. The PRESIDENT, speaking on behalf of the Council, paid a tribute to the memory of Mr. Aulaqi, Minister for Foreign Affairs of Democratic Yemen, and other members of the diplomatic corps of that country who had perished with him in a tragic air crash, and that of Mr. Bakker, of the Ministry of Cultural Affairs of the Netherlands and a member of that country's delegation in the Social Committee, who had died suddenly in the Committee room on 2 May.

2. Mr. RABETAFIKA (Madagascar), speaking as Vice-President of the Council and Chairman of the Social Committee, Mr. SCOTT (New Zealand), speaking as Vice-President of the Council and Chairman of the Economic Committee and Mr. BREITENSTEIN (Finland), speaking as Vice-Chairman of the Co-ordination Committee, paid a tribute on behalf of their respective Committees to the memory of Mr. Aulaqi and other members of the diplomatic corps of that country, and of Mr. Bakker of the Netherlands delegation, and asked the representatives of those countries to convey their condolences to their respective Governments and people and to the families of the deceased.

On the proposal of the President, the members of the Council observed a minute of silence in tribute to the memory of Mr. Mohammed Saleh Aulaqi, Minister for Foreign Affairs of Democratic Yemen, and other members of the diplomatic corps of that country, and of Mr. J. A. Bakker, of the Netherlands delegation.

3. Mr. FACK (Netherlands), speaking on behalf of the Netherlands delegation and Mr. Bakker's family, thanked all who had expressed their sympathy. The Netherlands delegation had been deeply touched by the condolences received from many quarters; the Netherlands Mission would transmit all the expressions of sympathy and tributes to Mr. Bakker's memory to his bereaved relatives.

4. The Mission also wished to thank the security guards and medical service personnel who had paid such prompt and meticulous attention to the stricken representative.

5. The PRESIDENT said that he would send telegrams on behalf of the Council to the Governments of Democratic Yemen and the Netherlands expressing the Council's condolences and sympathy.

AGENDA ITEM 2

Permanent sovereignty over natural resources of developing countries

REPORT OF THE ECONOMIC COMMITTEE (E/5305)

6. The PRESIDENT drew attention to the report of the Economic Committee on agenda item 2 (E/5305). Paragraph 9 of the report contained a draft resolution recommended for adoption by the Council.

7. Mr. HEMANS (United Kingdom) said that he would vote against the draft resolution for the reasons that his delegation had stated in its explanation of vote on the draft resolution in the Economic Committee. The views which prompted that position were very strongly held by his delegation.

8. Mr. SANTA CRUZ (Chile), reaffirming his delegation's support for the principle of the permanent sovereignty of developing countries over their natural resources—which the Latin American community had recently reaffirmed as well—expressed the hope that the draft resolution would be adopted by a large majority.

At the request of the representative of Chile, a vote was taken by roll-call on the draft resolution (E/5305, para. 9).

Hungary, having been drawn by lot by the President, was called upon to vote first.

In favour: Hungary, Lebanon, Madagascar, Malaysia, Mali, Mongolia, New Zealand, Niger, Poland, Trinidad and Tobago, Uganda, Union of Soviet Socialist Republics, Zaire, Algeria, Bolivia, Brazil, Chile, China, Finland, Haiti.

Against: Japan, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Netherlands, Spain, United States of America, France.

The draft resolution was adopted by 20 votes to 2, with 4 abstentions.¹

9. Mr. DUMAS (France) said that he had not voted against the resolution because France fully recognized the sovereign right of States freely to dispose of their natural resources. He had abstained because of certain ambiguities in the text. Paragraphs 2 and 3 could be interpreted in a manner which was unacceptable to his Government, as they negated certain principles of international law to which it attached particular importance. Paragraph 2 was either a simple statement of the obvious or an implicit rejection of the subordination of national regulations to international law.

10. Paragraph 3 could be interpreted as extending the scope of the principle of non-intervention contained in the declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations (General Assembly resolution 2625 (XXV)) much too far. It appeared to prevent States from exercising their right to grant diplomatic protection to their nationals abroad and from having recourse, in case of a dispute with other States, to any existing conventions for the settlement of such disputes. The French courts were competent in matters relating to public policy to determine the juridical effect in France of measures taken by a foreign Government. Paragraph 3 suggested that such judgements might be construed as being detrimental to the inalienable right of another State to exercise its full sovereignty or as coercion to obtain advantages of some other kind. The wording of paragraph 3 also suggested that economic policy measures which were perfectly admissible under international law might be considered to constitute a threat to international peace and security. For that reason, he would have voted against paragraph 3 had a separate vote been taken on it.

11. His delegation also had reservations regarding paragraph 1, which appeared to grant States the right to determine the extent of the territorial waters and the corresponding area of the sea-bed over which they had sovereignty. To avoid the impression of legitimizing every claim to sovereignty, some reference should have been made to international law and to the conclusions which could be expected to emerge from the next Conference on the Law of the Sea.

12. Lastly, with regard to paragraph 4, although his delegation had always supported regional co-operation among developing countries and had no objection to the establishment of producers' groups for the purpose of streamlining production, and improving research and marketing, it considered that the establishment of producers' cartels, even of developing countries, was not a measure which should be encouraged *ipso facto*. Producers and consumers should work together to fix stable and fair prices.

13. Mr. LISOV (Union of Soviet Socialist Republics) said that he had voted in favour of the resolution. The Soviet Union had consistently supported the principle of the sovereignty of States over the natural resources within their boundaries, including the territorial waters,

the continental shelf and subsoil thereof. The Council should not adopt any provision which would prejudice the action to be taken in connexion with sovereignty over the resources of the sea beyond the limits of their territorial waters, a subject which was now under consideration in another forum, in preparation for the Conference on the Law of the Sea.

14. His delegation had voted in favour of the resolution on the understanding that it would be taken in the general context of certain General Assembly resolutions, particularly the relevant paragraphs of resolution 3016 (XXVII). It was on the basis of that understanding, and in accordance with contemporary international law, that it interpreted sovereign rights over natural resources of the sea-bed as extending to the resources of the continental shelf and the subsoil thereof. It interpreted the references to areas within national jurisdiction in paragraphs 1, 3 and 6 in the light of the 1958 Geneva Convention on the Continental Shelf. His delegation considered that territorial waters should not extend beyond a distance of 12 miles.

15. Mr. VALDES (Bolivia) said that his delegation had voted in favour of the resolution but maintained the reservations it had expressed in the Economic Committee. The resolution should not prejudice the results of the forthcoming Conference on the Law of the Sea.

16. Mr. MAHMASSANI (Lebanon) said that his delegation had voted in favour of the draft resolution on the understanding that it was endorsing a general principle and that the adoption of the resolution, particularly paragraph 1 thereof, would in no way jeopardize the outcome of the Conference on the Law of the Sea.

17. Mr. OGISO (Japan) said that his delegation had voted against the resolution. It strongly objected to the words "and in the superjacent waters" in paragraphs 1 and 6, and to the words "in coastal waters" in paragraph 3; it could not agree that the jurisdiction of a State should cover natural resources in the superjacent waters beyond the territorial waters, an implication that would prejudice the deliberations of the Conference on the Law of the Sea. It should be left to that Conference to elaborate a régime harmonizing the numerous conflicting claims of States.

18. Mr. CZARKOWSKI (Poland) said his delegation had voted in favour of the resolution, in keeping with its position on the principle of permanent sovereignty over natural resources. Nevertheless, his delegation wished to place on record its reservations regarding the words "in superjacent waters" in paragraphs 1 and 6.

19. Mr. ZAGORIN (United States of America) said that his delegation's abstention was based on the same reservations as it had expressed in the debate and in its explanation of vote in the Economic Committee.

20. Mr. TEMBOURY (Spain) said that his delegation supported the concept of national sovereignty over natural resources. However, the reasons which had prompted it to abstain in the Economic Committee were still relevant.

AGENDA ITEM 9

Economic and social consequences of disarmament

REPORT OF THE ECONOMIC COMMITTEE (E/5307)

21. The PRESIDENT drew attention to the report of the Economic Committee on agenda item 9 (E/

¹ Council resolution 1737 (LIV).

5307). Paragraph 5 of the report contained a draft decision recommended for adoption by the Council. Since that decision had been adopted in the Committee without objection, if he heard none in the Council he would take it that it too wished to adopt the draft decision without objection.

The draft decision was adopted without objection.

AGENDA ITEM 15

International co-operation between municipalities

REPORT OF THE SOCIAL COMMITTEE (E/5290)

22. The PRESIDENT drew the Council's attention to the report of the Social Committee on agenda item 15 (E/5290). In paragraph 9 of the report the Committee had recommended a draft resolution for adoption by the Council which had been adopted by the Committee without objection. If he heard none in the Council, he would assume that it too wished to adopt the draft resolution without objection.

*The draft resolution was adopted without objection.*²

23. Mr. DUMAS (France) said that his delegation had endorsed the draft resolution since it favoured international co-operation between municipalities in the form of town twinning. However, he regretted that the resolution did not include provisions for the implementation of international co-operation in that field.

AGENDA ITEM 14

Report of the Council Committee on Non-Governmental Organizations

REPORT OF THE SOCIAL COMMITTEE (E/5300)

24. The PRESIDENT drew attention to the report of the Social Committee on agenda item 14 (E/5300). Paragraph 13 of the report contained two draft resolutions and a draft decision recommended for adoption by the Council.

25. He recalled that draft resolution I had been adopted by the Social Committee without objection. If he heard none in the Council, he would take it that it too wished to do so.

*Draft resolution I was adopted without objection.*³

26. Mr. FACK (Netherlands) said that his delegation would vote in favour of draft resolution II as an expression of support for the contributions of non-governmental organizations to the work of the United Nations. However, the reservations which had prompted it to abstain in the vote in the Social Committee remained valid. The inclusion of the words "and other non-governmental organizations" in paragraph 3 left the way open for co-operation between the Secretariat and any non-governmental organization, thereby sidestepping the objective criteria governing the granting of consultative status, and might lead to complications at the national level. His delegation also had reservations regarding paragraph 4.

27. Mr. DE AZEVEDO (Brazil) said that he would vote in favour of draft resolution II, although he shared the Netherlands representative's reservation regarding paragraph 3.

28. The PRESIDENT put draft resolution II to the vote.

² Council resolution 1738 (LIV).

³ Council resolution 1739 (LIV).

*Draft resolution II was adopted by 24 votes to none, with 3 abstentions.*⁴

29. The PRESIDENT said that if there was no objection he would take it that the Council wished to adopt the draft decision in paragraph 13 of the report (E/5300).

The draft decision was adopted without objection.

AGENDA ITEM 23

Assistance to southern Sudanese returnees and displaced persons

REPORT OF THE CO-ORDINATION COMMITTEE (E/5302)

30. The PRESIDENT drew attention to the report of the Co-ordination Committee on agenda item 23 (E/5302), paragraph 5 of which contained a draft resolution recommended for adoption by the Council. The draft resolution had been adopted without objection by the Co-ordination Committee and if he heard none in the Council, he would take it that it wished to do likewise.

*The draft resolution was adopted without objection.*⁵

31. Mr. HAMID (Sudan), speaking at the invitation of the President, expressed the gratitude of the people and Government of Sudan to the United Nations, its specialized agencies and the international community for helping to obtain a peaceful settlement in the south of his country. The resolution which had just been adopted would give more impetus to the implementation of Council resolutions 1655 (LII) and 1705 (LIII). His delegation wished to thank the delegations which had sponsored the draft resolution in the Co-ordination Committee.

AGENDA ITEM 22

Second United Nations Conference on the Standardization of Geographical Names

REPORT OF THE CO-ORDINATION COMMITTEE (E/5294)

32. The PRESIDENT drew attention to the report of the Co-ordination Committee on agenda item 22 (E/5294), paragraph 7 of which contained a draft decision recommended for adoption by the Council. That decision had been adopted without objection by the Co-ordination Committee, and if he heard none in the Council, he would take it that it wished to do likewise.

The draft decision was adopted without objection.

AGENDA ITEM 24

Transport questions:

(a) United Nations/IMCO Conference on International Container Traffic;

(b) Transport of dangerous goods

REPORT OF THE CO-ORDINATION COMMITTEE (E/5295)

33. The PRESIDENT drew attention to the report of the Co-ordination Committee on agenda item 24 (E/5295), paragraph 10 of which contained three draft resolutions recommended for adoption by the Council. He also drew attention to paragraph 6 of the report, which set out the financial implications of draft resolution III.

⁴ Council resolution 1740 (LIV).

⁵ Council resolution 1741 (LIV).

34. He said that draft resolution I had been adopted by the Co-ordination Committee without objection, and if he heard none in the Council, he would take it that it too wished to do so.

Draft resolution I was adopted without objection.⁶

35. The PRESIDENT said that draft resolution II had also been adopted by the Co-ordination Committee without objection; he would take it that the Council wished to follow suit.

Draft resolution II was adopted without objection.⁷

⁶ Council resolution 1742 (LIV).

⁷ Council resolution 1743 (LIV).

36. Mr. LISOV (Union of Soviet Socialist Republics) requested that in paragraph 3 (e) the words "*a takje*" should be replaced by the word "*i*". As it stood, the text placed the Spanish, Russian and Chinese languages in an inferior position.

37. The PRESIDENT said that the Secretariat would make the necessary correction to the text.

38. If he heard no objections, he would take it that the Council wished to adopt draft resolution III.

Draft resolution III was adopted without abstention.⁸

The meeting rose at 12.05 p.m.

⁸ Council resolution 1744 (LIV).

1855th meeting

Wednesday, 16 May 1973, at 10.50 a.m.

President: Mr. Sergio A. FRAZÃO (Brazil).

E/SR.1855

AGENDA ITEM 13

Capital punishment

REPORT OF THE SOCIAL COMMITTEE (E/5298)

1. The PRESIDENT drew attention to paragraph 17 of the Social Committee's report (E/5298), which contained a draft resolution recommended for adoption by the Council.

2. Mr. SANTA CRUZ (Chile) said that his delegation had abstained in the vote on the draft resolution in the Social Committee but now intended to vote for it. Although the legal system in Chile did provide for capital punishment, the relevant legislation was more than 100 years old and had not been applied in recent years. His delegation could support the draft resolution, since it did not call for the abolition of capital punishment and it expressly stated that the main objective to be pursued was that of progressively restricting the number of offences for which capital punishment might be imposed with a view to the desirability of abolishing such punishment. His delegation particularly endorsed the expression of concern in paragraph 4 at the use of harsher methods of execution, a concern which was entirely in keeping with his country's respect for the dignity of human life.

3. The PRESIDENT said that a vote had been requested on the draft resolution.

The draft resolution was adopted by 13 votes to none, with 12 abstentions.¹

AGENDA ITEM 17

Social development:

- (a) Report of the Commission for Social Development;
- (b) Promotion of the co-operative movement during the Second United Nations Development Decade

REPORT OF THE SOCIAL COMMITTEE (E/5328)

4. The PRESIDENT noted that paragraph 24 of the Social Committee's Report (E/5328) contained seven

¹ Council resolution 1745 (LIV).

draft resolutions and five draft decisions recommended for adoption by the Council. He then put draft resolution I to the vote.

Draft resolution I was adopted by 24 votes to none, with 1 abstention.²

5. Mr. EVDOKEEV (Union of Soviet Socialist Republics) said that his delegation had voted for draft resolution I as a whole in the Social Committee for the reasons it had explained in that Committee. His delegation understood the reference to "obligations" in the eleventh preambular paragraph as meaning only obligations assumed by States pursuant to agreements concluded by them. No obligations could be imposed upon a State by virtue of an agreement to which it was not a party.

6. Mr. COUTO (Brazil) said that his delegation had abstained in the vote on draft resolution I in the Social Committee but had cast an affirmative vote on the present occasion as proof of its identification with the broad purposes of the draft resolution. His delegation had abstained initially because of imperfections in the draft resolution which could be attributed to the attempt to combine, in a single text, two different drafts conceived from different points of view.

7. The causes of and the remedies for the problems raised in the draft resolution were not adequately identified, and the notion of "social development" was presented as if measures to improve social conditions could be envisaged in the abstract, without regard for the general framework of development policies.

8. The text was imprecise with respect to the role of national and international efforts in the social development process. National efforts seemed to be ignored, and international efforts were presented in formulations that were far too vague to have the required impact. Moreover, national and international efforts were not related to each other in a mutually supportive manner.

9. The specific wording of the text was also unsatisfactory, in particular the idea of a "working force" conceived of as being separate from the population as a whole. In theory, Brazil regarded its working force as being every man, woman and child in the popula-

² Council resolution 1746 (LIV).