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**President: Mr. Abdelaziz BOUTEFLIKA**  
**(Algeria).**

*In the absence of the President, Mr. Ingles (Philippines), Vice-President, took the Chair.*

**AGENDA ITEM 41**

**Effects of atomic radiation: report of the United Nations Scientific Committee on the Effects of Atomic Radiation**

**REPORT OF THE SPECIAL POLITICAL COMMITTEE (A/9840)**

1. Mr. ABDULDJALIL (Indonesia), Rapporteur of the Special Political Committee: I have the honour to present to the General Assembly the report of the Special Political Committee on agenda item 41 [A/9840].

2. As is indicated in the report, the Special Political Committee examined the item at its 924th and 925th meetings, on 30 and 31 October. It had before it the report of the United Nations Scientific Committee on the Effects of Atomic Radiation [A/9632].

3. At its 925th meeting, the Special Political Committee adopted without objection two draft resolutions which are contained in paragraph 10 of the report as draft resolutions A and B.

4. In conclusion, I wish to express the hope that the recommendations of the Special Political Committee, as set out in paragraph 10 of the report which I have just had the honour to present, will meet with the concurrence of the General Assembly.

*Pursuant to rule 66 of the rules of procedure, it was decided not to discuss the report of the Special Political Committee.*

5. The PRESIDENT: I should like to inform the Assembly that, because of the similarity between draft resolution A and draft resolution B, it is the general understanding that there will be no need to put draft resolution A to the vote. Therefore, draft resolution B is the only recommendation on which the General Assembly will be called upon to take action.

6. We shall now take a decision on draft resolution B recommended by the Special Political Committee in

paragraph 10 of its report [A/9840]. The Committee adopted draft resolution B without objection. May I take it that the General Assembly wishes to do likewise?

*The draft resolution was adopted (resolution 3226 (XXIX)).*

7. The PRESIDENT: I call on the representative of France, who wishes to make a statement in explanation of vote.

8. Mr. SCALABRE (France) (*interpretation from French*): It is rather unusual, at least it is not very logical, for our General Assembly to adopt at the same time, by consensus, two recommendations that cover exactly the same problem.

9. In its report, the Special Political Committee recommended for adoption two draft resolutions, A and B, both relating to item 41. Both were adopted in the Committee by consensus, although one Member State made it clear that it refused to associate itself with the consensus on draft resolution B.

10. In a spirit of co-operation and conciliation, my delegation, considering it desirable that of the two, one single draft resolution should be finally proposed to our Assembly, suggested that draft resolution B of the draft resolutions recommended by the Special Political Committee should be the only one proposed for the Assembly's consideration, and we did not oppose the consensus whereby the General Assembly has just adopted it.

11. My delegation, however, has reservations on operative paragraph 2 of this text. We made these reservations clear in the Committee [*see A/9840, para. 6*], but I should like to reiterate them. We consider that the word "concern" applied to certain references in the Scientific Committee's report is improper because it is exaggerated. We also feel that in the same paragraph the "further radio-active contamination", which we contest, should at least have been described as "light" or even "exiguous".

12. My delegation would also like to make clear its interpretation of an expression used in the same paragraph, namely, "radio-active contamination from nuclear-weapon tests". The definite article, in the French version at least, leaves no doubt on this subject. It is nuclear-weapon tests carried out in all environments, whatever they may be.

13. In conclusion, it remains for me to pay a tribute to the tireless efforts of certain friendly delegations that tried to take the heat out of the debate. We hope that next year the objectivity that ought to mark the study of this technical matter of the effects of radio-activity will prevail on all points and at all times in the work of the Special Political Committee.

14. Mr. ARNELLO (Chile) (*interpretation from Spanish*): The Government of Chile, consistent with its unwavering position on this subject, would like at this time to express its views, which are opposed to test explosions in the atmosphere, in or over the sea or in any other environment. Very briefly, we should like to state that the resolution adopted by the Special Political Committee, which was supported by my country, is a further step towards ensuring that the specialized bodies of this Organization, working thoughtfully and calmly, succeed in their efforts to

avoid what is unquestionably a threat to human life and to the environment.

15. Consequently, my purpose in coming to this rostrum was not to add heat to the debate but merely to express the hope that the efforts made can put an end to those practices.

## AGENDA ITEM 72

Financial reports and accounts for the year 1973 and reports of the Board of Auditors:

- (a) United Nations;
- (b) United Nations Development Programme;
- (c) United Nations Children's Fund;
- (d) United Nations Relief and Works Agency for Palestine Refugees in the Near East;
- (e) United Nations Institute for Training and Research;
- (f) Voluntary funds administered by the United Nations High Commissioner for Refugees;
- (g) Fund of the United Nations Environment Programme

## REPORT OF THE FIFTH COMMITTEE (PART I) (A/9823)

## AGENDA ITEM 76

Joint Inspection Unit:

- (a) Reports of the Joint Inspection Unit;
- (b) Report of the Secretary-General

## REPORT OF THE FIFTH COMMITTEE (A/9838)

## AGENDA ITEM 79

Scale of assessments for the apportionment of the expenses of the United Nations: report of the Committee on Contributions

## REPORT OF THE FIFTH COMMITTEE (A/9850)

## AGENDA ITEM 80

Appointments to fill vacancies in the membership of subsidiary organs of the General Assembly:

- (a) Advisory Committee on Administrative and Budgetary Questions

## REPORT OF THE FIFTH COMMITTEE (A/9831)

- (c) Board of Auditors

## REPORT OF THE FIFTH COMMITTEE (A/9833)

- (e) United Nations Administrative Tribunal

## REPORT OF THE FIFTH COMMITTEE (A/9835)

16. Mr. OSMAN (Egypt), Rapporteur of the Fifth Committee: I have the honour to present to the General Assembly part I of the report of the Fifth Committee on agenda item 72, entitled "Financial reports

and accounts for the year 1973 and reports of the Board of Auditors" [A/9823]. In paragraph 10 of that report, the Fifth Committee recommends to the General Assembly the adoption of seven draft resolutions on the financial reports and accounts of the United Nations, the United Nations Development Programme, the United Nations Children's Fund, the United Nations Relief and Works Agency for Palestine Refugees in the Near East, the United Nations Institute for Training and Research, the voluntary funds administered by the United Nations High Commissioner for Refugees and the Fund of the United Nations Environment Programme.

17. I should now like to present the report of the Fifth Committee on agenda item 76, on the Joint Inspection Unit [A/9838]. In paragraph 5 of the report, the General Assembly is requested to adopt the recommendation of the Fifth Committee as set out in that paragraph.

18. Next, I should like to introduce the report of the Fifth Committee on agenda item 79, regarding the scale of assessments for the apportionment of the expenses of the United Nations [A/9850]. In paragraph 19 of the report, the Fifth Committee recommends to the General Assembly the adoption of the draft resolution contained therein. It is my hope that that draft resolution will be adopted by the Assembly.

19. Finally, I should like to introduce the reports of the Fifth Committee on agenda items 80 (a), (c) and (e) regarding appointments to fill vacancies in the membership of subsidiary organs of the General Assembly. The Fifth Committee recommends to the General Assembly the adoption of the draft resolutions contained in documents A/9831, paragraph 5, A/9833, paragraph 5, and A/9835, paragraph 5, relating to appointments to the Advisory Committee on Administrative and Budgetary Questions, the Board of Auditors and the United Nations Administrative Tribunal respectively.

20. I hope that the Assembly will act favourably on the aforementioned draft resolutions and decisions.

*Pursuant to rule 66 of the rules of procedure, it was decided not to discuss the reports of the Fifth Committee.*

21. The PRESIDENT: First, I invite members to turn to part I of the report of the Fifth Committee on agenda item 72 [A/9823]. Since no one wishes to speak in explanation of vote, we shall now take a decision on the seven draft resolutions, A to G, recommended by the Fifth Committee in paragraph 10 of its report. The Fifth Committee adopted these draft resolutions without objection; may I take it that the General Assembly wishes to do likewise?

*Draft resolutions A to G were adopted (resolutions 3227 A-G (XXIX)).*

22. The PRESIDENT: May I also take it that the General Assembly adopts the recommendation contained in paragraph 11 of the report of the Fifth Committee [A/9823]?

*The recommendation was adopted.*

23. The PRESIDENT: We shall now consider the report of the Fifth Committee on agenda item 76, entitled "Joint Inspection Unit", contained in document A/9838.

24. Since no one wishes to speak in explanation of vote we shall now take a decision on the recommendation of the Fifth Committee in paragraph 5 of the report. The Fifth Committee approved that recommendation without objection. May I therefore take it that the General Assembly wishes to do likewise?

*The recommendation was adopted.*

25. The PRESIDENT: We shall turn now to the report of the Fifth Committee on agenda item 79, entitled "Scale of assessments for the apportionment of the expenses of the United Nations", contained in document A/9850. I call on the representative of Kuwait, who wishes to make a statement in explanation of vote.

26. Mr. BISHARA (Kuwait): I come here to dwell on item 79. In the course of the discussions in the Fifth Committee, on 22 October last,<sup>1</sup> I expressed the views of my delegation on the report of the Committee on Contributions [A/9611]. It is obvious that the Committee on Contributions based its recommendation for the abolition of the *per capita* ceiling principle on the principle of capacity to pay and the consequences of the reduction in the maximum contribution to 25 per cent.

27. I should like to point out that the reduction in the maximum contribution to 25 per cent was taken on the understanding that the contributions of other Member States should not increase as a result of that reduction. We believe that *per capita* income should not be the main criterion for the assessment of contributions. The emphasis on this principle is inconsistent with the economic factors that determine the nature of the economy of a certain country. It is one of many factors that shape the character of an economy.

28. In the Fifth Committee, I said that the major factors universally recognized as the mainstay of a sound economy are: technology, industry, infrastructure, agriculture, literacy, number of professionals, technocrats, technicians, skilled and semi-skilled labour. It happens that none of these factors is applicable to the economy of my country.

29. Kuwait is a developing country whose economy is dependent solely and entirely on one source of income. The nature of this source of income is finite, depletable and non-renewable. The structure of the economy of certain countries like mine was overlooked by the Committee on Contributions. The report of the Committee has, in our view, departed from the normal criteria followed and observed in assessing the nature of the economy of any country.

30. Other factors that determine the character of the economy of countries were not taken into account by the Committee. *Per capita* income is one principle among many which should be the basis for the assessment of the economy of countries. My delegation therefore finds the procedure followed by the Committee on Contributions alien to the norms usually observed and in many ways discourteous to logic.

31. There is no justification for the recommendation of the Committee to invite some Member States to pay more simply because the Committee finds itself dazzled and dazed by the income of these Member States, regardless of the applicability of the recognized criteria in assessing the contributions to these Member States. I feel that the report of the Committee on

Contributions betrays indeed a sense of pre-ordained conclusions. I do not come here to make a plea for an exemption from an additional contribution, but I come to advocate the principle of taking into account all the economic factors in assessing the nature of the economy of a certain country. It is wrong to highlight the principle of *per capita* income while regarding other principles as unimportant; it is equally wrong to stress other principles and ignore the *per capita* income.

32. All those factors are interconnected. They are sound if taken together, counterproductive if isolated from each other.

33. My delegation has always objected to the undue emphasis that is placed on *per capita* income. I ask a simple question: With the abolition of the *per capita* ceiling principle, where will the contributions of countries like mine stop? What is the limit to contributions? I come from a country whose *per capita* income is remarkably high, but whose economy is a developing one.

34. The second principle that my delegation abhors and detests is the principle of capacity to pay. It is true that Kuwait's capacity to pay at the moment is unquestionable. But it is true also that our economy is of a transient nature, dependent on external factors rather than on the immutable features of a sound economy.

35. My delegation is therefore not anxious to lend its support to the recommendation of the Committee on Contributions, whose members were apparently influenced by the flood of exaggerated and mendacious reports about the *nouveaux riches* in the oil-producing countries. We are unhappy with the mechanics used by the Committee on Contributions in laying down the basis for assessments.

36. Hence, my delegation requests that a recorded vote be taken on the draft resolution in paragraph 19 of the report of the Fifth Committee [A/9850].

37. Mr. BENKHAYAL (Libyan Arab Republic) (*Interpretation from Arabic*): I have asked to speak in order to explain my delegation's vote on the draft resolution recommended by the Fifth Committee in its report [A/9850] on agenda item 79, entitled "Scale of assessments for the apportionment of the expenses of the United Nations".

38. My delegation will vote against the draft resolution recommended by the Fifth Committee, which would have the Assembly decide to abolish the *per capita* ceiling principle in the formulation and establishment of rates of assessment in the budget of the United Nations. That does not mean, however, that my delegation is in favour of the *per capita* ceiling principle. My country's assessment for the years 1974, 1975 and 1976 constitutes a tremendous increase, owing to the application of the *per capita* ceiling principle. As we know, that principle is based on a comparison between total income and number of inhabitants. It does not take into consideration other factors such as a comparison of the number of inhabitants with the country's size, development and construction needs, and so forth, as well as with other elements applicable to developing countries such as mine.

39. A country's capacity to pay—which is the alternative to the *per capita* ceiling principle—should not be measured by its wealth, which constantly decreases. Rather, it should be measured by the stage of industrial and technological progress the country has reached. Hence, in my delegation's view the principle of a country's capacity to pay requires further study.

40. There are some who say that there are countries that have become wealthy in a very short time. They would have those countries assume a responsibility equal to that assumed by the rich countries. My delegation would like to point out to those who hold that view that the countries in question have not become wealthy at the expense of other peoples or nations. The progress they have made is the result of the efforts of their peoples and of their exploitation of their natural resources for the welfare of mankind. Hence, it is not appropriate to regard those countries in the same way as one regards the developed and advanced countries. They should not be asked to assume responsibilities equal to those of the developed and advanced countries.

41. No criterion, no matter what its nature, can be just or logical if it does not take into consideration all the factors applicable to developing countries, which are struggling and spending great sums of money to overcome the underdevelopment that they have suffered because of colonialism.

42. My delegation must therefore repeat what it said at the previous session of the Assembly,<sup>2</sup> namely, that it rejects any increase in its assessment, no matter what criterion is applied, since the factors relevant to developing countries have not been taken into account.

43. I hope that my delegation's views will not be misunderstood and that members will bear in mind the objections we have expressed. The Libyan Arab Republic is not shirking its international responsibilities. It requests that just and realistic principles be applied in assuming this responsibility.

44. Mr. SAMHAN (United Arab Emirates) (*Interpretation from Arabic*): My country's representative in the Fifth Committee clearly expressed our views on the item now before the Assembly.<sup>3</sup> I should like to confirm here our previous position.

45. We share the views expressed a few moments ago by the representative of Kuwait. The considerations he set forth with regard to Kuwait apply equally to the United Arab Emirates. We are a developing country that will have to spend a great deal of effort and money in order to reach the level of the developed countries.

46. In fact, my country's contributions have been very large. Last year we contributed \$1 million to the United Nations budget. We also donated in the same year \$10 million to the fund to assist countries affected by the world economic crisis. In addition, the United Arab Emirates has given bilateral assistance to developing countries.

47. In view of the foregoing, we cannot but vote against the draft resolution recommended by the Fifth Committee.

48. The PRESIDENT: We shall now vote on the draft resolution recommended by the Fifth Committee



in paragraph 19 of its report [A/9850]. A recorded vote has been requested.

*A recorded vote was taken.*

*In favour:* Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Barbados, Belgium, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Canada, Central African Republic, Chad, Chile, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Finland, France, German Democratic Republic, Germany (Federal Republic of), Greece, Guatemala, Guyana, Honduras, Hungary, Iceland, India, Indonesia, Ireland, Israel, Italy, Ivory Coast, Japan, Jordan, Kenya, Khmer Republic, Laos, Liberia, Luxembourg, Madagascar, Malaysia, Mali, Malta, Mauritius, Mexico, Mongolia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Romania, Rwanda, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sudan, Swaziland, Sweden, Thailand, Togo, Trinidad and Tobago, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United Republic of Tanzania, United States of America, Upper Volta, Uruguay, Yugoslavia, Zaire, Zambia.

*Against:* Bahrain, Kuwait, Libyan Arab Republic, Oman, Qatar, United Arab Emirates, Venezuela.

*Abstaining:* China, Colombia, Democratic Yemen, Gambia, Ghana, Iran, Iraq, Malawi, Mauritania, Morocco, Nigeria, Tunisia, Yemen.

*The draft resolution was adopted by 101 votes to 7, with 13 abstentions (resolution 3228 (XXIX)).<sup>4</sup>*

49. The PRESIDENT: We turn now to the reports of the Fifth Committee on agenda items 80 (a), (c) and (e), regarding appointments to fill vacancies in the membership of subsidiary organs of the General Assembly. The Assembly will now take a decision on the draft resolutions recommended by the Fifth Committee.

50. The first report, under agenda item 80 (a), relates to the vacancies in the membership of the Advisory Committee on Administrative and Budgetary Questions. The draft resolution recommended by the Fifth Committee appears in paragraph 5 of document A/9831. May I take it that the General Assembly adopts that draft resolution?

*The draft resolution was adopted (resolution 3229 (XXIX)).*

51. The PRESIDENT: We turn now to the draft resolution dealing with a vacancy on the Board of Auditors, which appears in paragraph 5 of the Fifth Committee's report [A/9833]. May I take it that the Assembly adopts that draft resolution?

*The draft resolution was adopted (resolution 3230 (XXIX)).*

52. The PRESIDENT: We turn now to the draft resolution recommended by the Fifth Committee relating to the vacancies in the United Nations Administrative Tribunal, which appears in paragraph 5 of document

A/9835. May I take it that the General Assembly adopts that draft resolution?

*The draft resolution was adopted (resolution 3231 (XXIX)).*

## AGENDA ITEM 93

### Review of the role of the International Court of Justice

#### REPORT OF THE SIXTH COMMITTEE (A/9846)

## AGENDA ITEMS 96 AND 97

### Declaration on Universal Participation in the Vienna Convention on the Law of Treaties

**Question of issuing special invitations to States which are not Members of the United Nations or members of any of the specialized agencies or of the International Atomic Energy Agency or parties to the Statute of the International Court of Justice to become parties to the Convention on Special Missions**

#### REPORT OF THE SIXTH COMMITTEE (A/9837)

53. The PRESIDENT: The next two reports relate to the discussion in the Sixth Committee on agenda items 93, and 96 and 97. I request the Rapporteur of the Sixth Committee, Mr. Joseph A. Sanders of Guyana, to present the reports.

54. Mr. SANDERS (Guyana), Rapporteur of the Sixth Committee: I have the honour to submit to the General Assembly the reports of the Sixth Committee on agenda items 93, and 96 and 97.

55. The report on agenda item 93 [A/9846] concerns the review of the role of the International Court of Justice. The Sixth Committee devoted eight meetings to that review and, as a result of its discussions, the Committee recommends to the General Assembly the adoption of the draft resolution that appears in paragraph 8 of the report. The Sixth Committee approved that draft resolution without a vote, and I hope that it will so be adopted by the General Assembly.

56. The second report I am submitting today, contained in document A/9837, deals with both agenda items 96 and 97. These relate to the Declaration on Universal Participation in the Vienna Convention on the Law of Treaties<sup>4</sup> and the question of issuing special invitations to States which are not members of the United Nations or members of any of the specialized agencies or of the International Atomic Energy Agency or parties to the Statute of the International Court of Justice to become parties to the Convention on Special Missions.<sup>4</sup>

57. The two items were considered together by the Sixth Committee during three meetings and there emerged the draft resolution that appears in paragraph 6 of the report. The draft resolution was adopted without a vote in the Committee and, again, I hope that it will be so adopted by the General Assembly. The draft resolution, which is relatively short, states that all States should be invited to become parties to the Convention on Special Missions, its Optional Protocol

concerning the Compulsory Settlement of Disputes and the Vienna Convention on the Law of Treaties.<sup>6</sup>

*Pursuant to rule 66 of the rules of procedure it was decided not to discuss the reports of the Sixth Committee.*

58. The PRESIDENT: We shall now consider the report of the Sixth Committee on agenda item 93, entitled "Review of the role of the International Court of Justice" [A/9846]. I call on those representatives who wish to explain their vote.

59. Mr. CLAROS (El Salvador) (*interpretation from Spanish*): When a vote was taken in the Sixth Committee on the draft resolution on the review of the role of the International Court of Justice, which now appears in paragraph 8 of document A/9846, many delegations agreed to the consensus on the draft resolution in view of the efforts made and the spirit of compromise shown by all the countries that worked to produce a generally acceptable text. In due course, however, several countries stated that in adhering to the consensus they had sacrificed many of their original viewpoints and opinions, and that if the text had been put to a vote their comments and reservations would have been reflected in a vote other than a vote in favour of the draft resolution.

60. My delegation, like those countries which approved the draft resolution in a spirit of understanding, did not object to the form in which it was approved, and we will not do so now. None the less, we should like to state that El Salvador had several reservations and comments, but that out of that spirit of co-operation that has always reigned in the Sixth Committee we refrained from making them. However, we should like to state that if the draft resolution had been put to a vote we should have abstained.

61. Mr. PRIETO (Chile) (*interpretation from Spanish*): As was stated in the Sixth Committee<sup>7</sup> when we dealt with agenda item 93—the item now under consideration—the delegation of Chile did not oppose the consensus on the draft resolution contained in document A/9846 regarding the review of the role of the International Court of Justice, although it is stated in the eighth preambular paragraph of the draft resolution:

"... that the development of international law may be reflected, *inter alia*, by declarations and resolutions of the General Assembly which may ... be taken into consideration by the International Court of Justice."

62. My delegation would like to place on record that we believe that declarations and resolutions of the General Assembly can never be considered as sources of law—because, unfortunately, there is an increasing tendency for these declarations and resolutions to take on a clearly political content, which obviously, by their very nature, are often inconsistent with law. Furthermore, the rising tide of politicization we see in the Assembly has gone even further, to the point where, as a consequence of such anomalies, we have even adopted resolutions or declarations that run counter to the very Charter of the United Nations. I refer in particular to Article 2, paragraph 7, which states:

"Nothing contained in the present Charter shall authorize the United Nations to intervene in matters

which are essentially within the domestic jurisdiction of any State or shall require the Members to submit such matters to settlement under the present Charter."

63. What I have stated is sufficient to make clear the reservations of the delegation of Chile on the matter before us; accordingly, if the draft resolution had been put to a vote the delegation of Chile would have been compelled to abstain. We wish our clear and resolute position on this point to be placed on record.

64. In conclusion, I should like to add that we did not oppose the adoption of this resolution, nor did we request any vote upon it, prompted solely by our constructive desire not to oppose the consensus so traditional in the Sixth Committee.

65. The PRESIDENT: The Assembly will now take a decision on the draft resolution recommended by the Sixth Committee in paragraph 8 of its report [A/9846]. Since the Sixth Committee adopted the draft resolution by consensus, may I take it that the General Assembly wishes to do likewise?

*The draft resolution was adopted (resolution 3232 (XXIX)).*

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

67. Mr. JEANNEL (France) (*interpretation from French*): My delegation wishes merely to point out that we did not oppose the consensus that has just emerged, but if there had been a vote, we should have abstained.

68. Mr. FERGUSON (United States of America): My delegation concurred in the adoption of the draft resolution contained in document A/9846, even though we should have preferred a resolution that more strongly urged States to have greater recourse to the International Court of Justice. However, in the interest of adopting a resolution with the widest possible appeal, my delegation was willing to view favourably this draft resolution, which does make a significant contribution to the enhancement of the Court.

69. My delegation understands the second preambular paragraph as affirming the utility of past General Assembly discussions of this item, and the utility of the General Assembly's reviewing this issue as appropriate in the future.

70. We fully endorse the view contained in the third preambular paragraph, that States should seek to settle their disputes by peaceful means. We believe that serious application of the terms of operative paragraph 1, that is, acceptance, with as few reservations as possible, of the compulsory jurisdiction of the Court, will aid immeasurably in safeguarding the rule of law in the international community.

71. Similarly, operative paragraph 2 draws our attention to the advantage of submitting to the Court disputes that may arise from interpretation or application of bilateral or multilateral treaties.

72. My delegation finds that the remainder of the draft resolution, particularly the reaffirmation contained in operative paragraph 6 that recourse to the Court is not an unfriendly act, contains views worthy of our consideration and application.

73. Mr. ALVAREZ TABÍO (Cuba) (*interpretation from Spanish*): The delegation of Cuba, in keeping

with the position of principle that it has always maintained, holds to the view that only strict observance of the Charter and the Statute of the International Court of Justice constitutes the most effective means for increasing the effectiveness of the Court. The success of the Court in the great mission entrusted to it lies basically within the Court itself.

74. There will be greater resort to the Court as States develop greater confidence in judicial settlement. No action of the General Assembly except simple analysis of a question can contribute to any strengthening of confidence in judicial settlement, and no attempt to extend the compulsory jurisdiction of the Court or to modify its Statute so as to broaden its jurisdiction can in any way whatsoever contribute to such strengthening of confidence.

75. The mission of the International Court of Justice consists in resolving disputes between States when those States agree to submit their disputes to its consideration. The United Nations Charter leaves States free to exercise their sovereign power freely to choose the means for resolving their disputes. To make the jurisdiction of the Court compulsory would be to establish a supranational body in contravention of the principle of the sovereignty of States.

76. Consistent with this position, we are not insisting on a vote with respect to this subject, so as not to destroy the consensus that was reached. However, we wish to have it recorded that, if the draft resolution recommended by the Sixth Committee on this matter had been put to a vote, we should have abstained.

77. Mr. SIEV (Ireland): Ireland agreed to the adoption by consensus of the draft resolution on the review of the role of the International Court of Justice, appearing in paragraph 8 of document A/9846. However, we should have abstained had it been put to a vote. This is owing to the fact that my Government has certain reservations, in particular concerning the implications of the eighth preambular paragraph of the resolution. My Government considers that that paragraph was not necessary, as Article 38 of the Statute of the International Court of Justice makes proper and appropriate provision in regard to the function of the Court in deciding disputes submitted to it, and the sources of law the Court should apply in deciding such disputes. Ireland does not accept the idea that that preambular paragraph can imply an expansion of Article 38 of the Statute, nor that declarations and resolutions of the General Assembly develop international law.

78. Mr. NYAMDO (Mongolia) (*interpretation from Russian*): My delegation did not object to the adoption, by consensus, of the draft resolution contained in the report of the Sixth Committee [A/9846], since the text of the draft was agreed upon as a result of the unstinting efforts and great goodwill displayed by the various groups of States. However, the Mongolian delegation does have reservations on certain points and paragraphs in the preamble and the operative part of the draft resolution just adopted.

79. The second preambular paragraph should not be interpreted as binding the General Assembly to consider in the future the question of the role of the International Court of Justice. My delegation shares the

view of many members of the Sixth Committee that the declarations and resolutions of the General Assembly are not sources of international law. Under the United Nations Charter they do not have binding legal force. By virtue of their legal nature they are recommendations. It is precisely in this sense that we interpret the eighth preambular paragraph. The Mongolian delegation has always supported the settlement of international disputes by peaceful means, as provided for in Article 33 of the United Nations Charter. Every State, in accordance with its principles of sovereignty, enjoys the right freely to choose the means of peacefully settling international disputes, and therefore the Mongolian People's Republic does not recognize as binding the decisions of the International Court of Justice. Therefore, we have certain reservations with regard to operative paragraphs 1, 2 and 5 of the draft resolution we have adopted.

80. If the paragraphs I have referred to had been put to the vote, my delegation would not have been able to support them.

81. Mr. KOLESNIK (Union of Soviet Socialist Republics) (*interpretation from Russian*): I have taken the floor merely to say that the Soviet delegation agreed to the adoption by consensus of the draft resolution on the question of the role of the International Court of Justice [A/9846, para. 8] in view of the fact that its reservations on the text of the resolution had been expressed in the course of the debate in the Sixth Committee. I do not want to repeat them now, speaking as I am in explanation of vote. Nevertheless, I request that this statement of mine be viewed as confirming those reservations in their full import.

82. Mr. TAYLHARDAT (Venezuela) (*interpretation from Spanish*): During the debate in the Sixth Committee on agenda item 93, the Venezuelan delegation expressed the view that consideration of the functions of the International Court of Justice in order to enhance its role and convert it into an instrument that could be used more often in the peaceful settlement of disputes among States should not lead to the compulsory jurisdiction of the Court being imposed on any State. Although the resolution adopted unanimously today contains no provisions calling for the compulsory jurisdiction of the Court on States that do not accept it, undue stress is placed on the desirability of seeking formulas in favour of acceptance of such jurisdiction, as well as on the advantages to be derived from the inclusion in treaties of clauses providing for the submission of disputes to the Court. Operative paragraphs 1, 2 and 6 are couched along these lines.

83. My delegation considers that the United Nations Charter, in establishing the principle of peaceful settlement of disputes, permits States to select the methods that, in their view, are most appropriate for the settlement of specific disputes, and therefore recourse to the Court is only one of a number of courses of action open to States in their peaceful settlement of international disputes.

84. In relation to the eighth preambular paragraph, we would point out that we cannot consider that the resolutions of the General Assembly constitute sources of international law within the meaning of Article 38 of the Statute of the Court.

85. For the reasons set out above, if the draft resolution contained in document A/9846 had been put to the vote, the Venezuelan delegation would not have voted for it.

86. Mr. IKOUÉBÉ (Congo) (*interpretation from French*): In a spirit of co-operation my delegation associated itself with the consensus whereby the draft resolution was adopted. However, we should have abstained if it had been put to a vote, because of our reservations on operative paragraphs 1 and 2.

87. Mr. MALDONADO AGUIRRE (Guatemala) (*interpretation from Spanish*): Guatemala did not want to disturb the consensus achieved regarding the report of the Sixth Committee [A/9846], but we should like to make it clear that if the draft resolution contained in paragraph 8 of that report had been put to the vote we should have abstained. We should like to have this statement placed on record.

88. Mr. WISNOEMOERTI (Indonesia): In a spirit of compromise the Indonesian delegation went along with the consensus in adopting the draft resolution of the Sixth Committee on the review of the role of the International Court of Justice, contained in document A/9846. However, my delegation would like to stress its reservations concerning operative paragraphs 1 and 2 of the draft resolution.

89. It is the position of the Indonesian Government that States cannot be compelled in any way to recognize the compulsory jurisdiction of the International Court of Justice. The Indonesian delegation would have abstained had the draft resolution been put to the vote.

90. Mr. BOOH BOOH (United Republic of Cameroon) (*interpretation from French*): My delegation also had the opportunity of expressing its views in the Sixth Committee when the item on the review of the role of the International Court of Justice was considered. Therefore, it does not think it necessary to return to the subject here.

91. I should like to state, however, that, if the draft resolution contained in document A/9846, adopted by consensus, had been put to the vote, my delegation would have abstained.

92. The PRESIDENT: We shall now take a decision on the draft resolution recommended by the Sixth Committee in paragraph 6 of its report [A/9837]. Since the Sixth Committee adopted the draft resolution by consensus, may I consider that the General Assembly wishes to do likewise?

*The draft resolution was adopted (resolution 3233 (XXIX)).*

93. The PRESIDENT: I shall now call on those representatives who wish to make statements in explanation of vote.

94. Mr. BRUNA (Chile) (*interpretation from Spanish*): The delegation of Chile went along with the consensus on the draft resolution contained in document A/9837 relating to the Declaration on Universal Participation in the Vienna Convention on the Law of Treaties, and on the question of issuing special invitations to States which are not members of the United Nations or members of any of the specialized agencies or of the International Atomic Energy Agency or parties to the Statute of the International Court of

Justice to become parties to the Convention on Special Missions.

95. The words of the draft resolution just adopted are: "Decides to invite all States". In this connexion we believe that when the Sixth Committee adopted this draft resolution and another on the forthcoming Vienna Conference, some delegations interpreted the term "all States" differently. We should like to state what our understanding of the term was when we went along with the consensus. For the delegation of Chile "all States" includes Members or non-members of the United Nations, members of the specialized agencies, of IAEA, and the parties to the Statute of the International Court of Justice which are subject to international law. But this universality cannot, and should not, be extended so as to include groups or organizations or alleged Governments that claim, or are disputing, control of a State, an interpretation some delegations wished to convey.

## AGENDA ITEMS 32 AND 33

**International co-operation in the peaceful uses of outer space: report of the Committee on the Peaceful Uses of Outer Space**

**Preparation of an international convention on principles governing the use by States of artificial earth satellites for direct television broadcasting: report of the Committee on the Peaceful Uses of Outer Space**

## REPORT OF THE FIRST COMMITTEE (A/9812)

96. Mr. DA COSTA LOBO (Portugal), Rapporteur of the First Committee (*interpretation from French*): I have the honour of introducing the report of the First Committee on agenda items 32 and 33 entitled, respectively, "International co-operation in the peaceful uses of outer space" and "Preparation of an international convention on principles governing the use by States of artificial earth satellites for direct television broadcasting". The report on these two items, which were considered together in the First Committee, is contained in document A/9812. In paragraph 14 of the report, the First Committee recommends to the General Assembly the adoption of two draft resolutions: draft resolution I, entitled "International co-operation in the peaceful uses of outer space", and draft resolution II, entitled "Convention on Registration of Objects Launched into Outer Space".

*Pursuant to rule 66 of the rules of procedure, it was decided not to discuss the report of the First Committee.*

97. The PRESIDENT: I shall now call on those representatives who make statements in explanation of vote.

98. Mr. OBAME (Gabon) (*interpretation from French*): The explanations of my delegation will be confined to an expression of reservations dictated by a concern that we were unable to express in the Committee.

99. Although my country is ready to agree to the most modern forms of international co-operation, my delegation cannot refrain from stating here its reserva-



tions concerning the constant increase in the number of texts governing special co-operation, without there being any clear definition, by codification, of the law of space, as is being done now in the case of the law of the sea. International co-operation related to the peaceful uses of outer space is, of course, very important and provides a wide range of solutions to our development problems. Many are specifically mentioned in the two draft resolutions before us. Nevertheless, all the countries that should benefit from them, and they are in the majority, can only do so as far as their technological level—or their lack of technology—allows them to take part effectively in the programmes.

100. We therefore see—because of a certain mentality which tends to take the place of morality—that dangers exist, which unfortunately may serve to increase the reprehensible methods that are already being used. That is why my delegation would much have preferred to have precise standards of international law guaranteeing the sovereignty of our States, to serve as a global framework and a form of recourse, and preceding all present and future data on such co-operation.

101. This is particularly true because the Chicago Convention<sup>8</sup> dealing with this field is incomplete.

102. With respect to draft resolution II, on the Convention on Registration of Objects Launched into Outer Space, it would appear, in the view of my delegation, that any object launched into space which, because of some technical defect, might fall on people somewhere—for example, a school, a stadium, a hospital or a factory—constitutes a potential danger to all subjacent States. Hence, any launching of objects into space presupposes risks the gravity of which is obvious to everyone and in view of which the determination of eventual responsibility should not be the subject of any delay or confusion.

103. In the light of these considerations, the drafting of the first sentence of paragraph 1 of article II of the document before us is not satisfactory to my delegation because, read in French, this sentence means that the object must be launched before being registered. That obviously suggests that if the launching State is going to keep a chronological register of objects launched, the objects launched will not bear any external markings that would allow, in so far as they are regarded as aircraft, identification of their nationality of origin or make it possible to determine responsibility rapidly in case of a catastrophe.

104. These are matters that worry us and that would have dictated our reservations if the draft resolution had been put to the vote.

105. The PRESIDENT: We shall now vote on the draft resolutions recommended by the First Committee in paragraph 14 of its report [A/98/2].

106. Draft resolution I is entitled "International co-operation in the peaceful uses of outer space". The report of the Fifth Committee on the administrative and financial implications of the draft resolution is contained in document A/9851. The First Committee

adopted draft resolution I unanimously. May I take it that the General Assembly wishes to do likewise?

*Draft resolution I was adopted (resolution 3234 (XXIX)).*

107. The PRESIDENT: Draft resolution II is entitled "Convention on Registration of Objects Launched into Outer Space". Draft resolution II was adopted unanimously by the First Committee. May I take it that the General Assembly wishes to do likewise?

*Draft resolution II was adopted (resolution 3235 (XXIX)).*

## AGENDA ITEM 8

### Adoption of the agenda

### THIRD REPORT OF THE GENERAL COMMITTEE (A/9750/ADD.2)

108. The PRESIDENT: The General Assembly will now take up the third report of the General Committee, dealing with the organization of the work of the twenty-ninth session. The report is contained in document A/9750/Add.2.

109. If the session is to be concluded on 17 December 1974, the date set by the General Assembly, the work of the plenary Assembly and the Main Committees will have to be accelerated. To that end, may I consider that the General Assembly approves the recommendations in paragraph 2 of the Committee's report?

*The recommendations were approved.*

110. The PRESIDENT: I am confident that all delegations will do their utmost to comply with the recommendations just adopted so that the General Assembly can conclude its work on schedule. I wish to thank the delegations and the Secretariat in advance for their co-operation.

*The meeting rose at 12.30 p.m.*

## NOTES

<sup>1</sup> See *Official Records of the General Assembly, Twenty-ninth Session, Fifth Committee*, 1647th meeting, paras. 27-29.

<sup>2</sup> *Ibid.*, Twenty-eighth Session, Fifth Committee, 1584th meeting, paras. 48-49.

<sup>3</sup> *Ibid.*, Twenty-ninth Session, Fifth Committee, 1647th meeting, para. 42.

<sup>4</sup> The delegation of Ecuador subsequently informed the Secretariat that it wished to have its vote recorded as having been against the draft resolution.

<sup>5</sup> See *Official Records of the United Nations Conference on the Law of Treaties, Documents of the Conference* (United Nations publication, Sales No. E.70.V.5), document A/CONF.39/26, p. 285.

<sup>6</sup> *Ibid.*, document A/CONF.39/27, p. 287.

<sup>7</sup> See *Official Records of the General Assembly, Twenty-ninth Session, Sixth Committee*, 1492nd meeting, para. 42.

<sup>8</sup> Convention on International Civil Aviation, signed at Chicago on 7 December 1944 (United Nations, *Treaty Series*, vol. 15, No. 102).