



CONTENTS

	Page
Agenda items 61 and 62:	
International co-operation in the peaceful uses of outer space:	
(a) Report of the Committee on the Peaceful Uses of Outer Space;	
(b) Report of the Preparatory Committee for the Second United Nations Conference on the Exploration and 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 Special Political Committee	1069
Agenda item 63:	
Comprehensive review of the whole question of peace-keeping operations in all their aspects: report of the Special Committee on Peace-keeping Operations	
Report of the Special Political Committee	
Agenda item 127:	
Twenty-fifth anniversary of the Asian-African Legal Consultative Committee	1070
Agenda item 137:	
Equitable representation in the International Law Commission and enlargement of its composition	1080

President: Mr. Ismat T. KITTANI (Iraq).

AGENDA ITEMS 61 AND 62

International co-operation in the peaceful uses of outer space:

- (a) **Report of the Committee on the Peaceful Uses of Outer Space;**
- (b) **Report of the Preparatory Committee for the Second United Nations Conference on the Exploration and 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 SPECIAL POLITICAL COMMITTEE
(A/36/657 AND CORR.1)**

AGENDA ITEM 63

Comprehensive review of the whole question of peace-keeping operations in all their aspects: report of the Special Committee on Peace-keeping Operations

**REPORT OF THE SPECIAL POLITICAL COMMITTEE
(A/36/690)**

1. Mr. RADOUKOV (Bulgaria), Rapporteur of the Special Political Committee: I have the honour to present to

the General Assembly for its consideration this afternoon two reports of the Special Political Committee.

2. The first report now before the Assembly [A/36/657 and Corr.1] relates to items 61 and 62 of the agenda, which the Committee considered concurrently. The Committee devoted six meetings to the consideration of these issues and heard over 50 speakers during its general debate. Two draft resolutions were introduced by the representative of Austria and both were adopted by the Committee without a vote. The draft resolutions appear in paragraph 10 (f) of the Committee's report. I commend them to the General Assembly for its approval.

3. The second report which I have the honour to present this afternoon relates to item 63 of the agenda [A/36/690]. Four meetings of the Special Political Committee were devoted to this item and nearly 30 delegations took part in the discussion. Here also, the draft resolution that was submitted by the Chairman to the Committee for consideration following informal consultations was adopted without a vote. The text of the draft resolution which the Special Political Committee recommends to the General Assembly appears in paragraph 6 of the report.

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

4. The PRESIDENT: The positions of delegations regarding the various recommendations of the Special Political Committee have been made clear in the Committee and are reflected in the relevant official records.

5. May I remind members that, under decision 34/401, the General Assembly agreed that when the same draft resolution is considered in a Main Committee and in plenary meeting, a delegation should, as far as possible, explain its vote only once, that is, either in the Committee or in the plenary meeting, unless that delegation's vote in plenary meeting is different from its vote in the Committee. May I also remind members that, in accordance with the same decision, explanations of vote should not exceed 10 minutes and should be made by representatives from their seats.

6. I now invite members to turn their attention to the report of the Special Political Committee on agenda items 61 and 62 [A/36/657 and Corr.1]. The Assembly will now take a decision on the draft resolutions recommended by the Special Political Committee in paragraph 10 (f) of its report.

7. The Committee adopted draft resolution I, entitled "International co-operation in the peaceful uses of outer space", without a vote. May I take it that the General Assembly wishes to do likewise?

Draft resolution I was adopted (resolution 36/35).

8. The PRESIDENT: The Special Political Committee also adopted draft resolution II, entitled "Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space", without a vote. May I consider that the General Assembly wishes to do the same?

Draft resolution II was adopted (resolution 36/36).

9. The PRESIDENT: We turn to the report of the Special Political Committee on agenda item 63 [A/36/690].

10. The Assembly will now take a decision on the draft resolution entitled "Comprehensive review of the whole question of peace-keeping operations in all their aspects", recommended by the Special Committee in paragraph 6 of its report. The Committee adopted that draft resolution without a vote. May I take it that the General Assembly wishes to do the same?

The draft resolution was adopted (resolution 36/37).

AGENDA ITEM 127

Twenty-fifth anniversary of the Asian-African Legal Consultative Committee

11. The PRESIDENT: I call on the Deputy Minister for Foreign Affairs of Sri Lanka, the current Chairman of the Asian-African Legal Consultative Committee, who will introduce draft resolution A/36/L.17 and Add.1.

12. Mr. FERNANDO (Sri Lanka): I should like at the very outset to say how happy my delegation is to participate in this meeting to commemorate the twenty-fifth anniversary of the Asian-African Legal Consultative Committee. My happiness is all the greater since my Government holds the office of Chairman of the Committee for the current year.

13. The Government of Sri Lanka, having been one of the seven founding members of the Committee has during the last quarter of a century, enjoyed a very close and mutually beneficial relationship with the Committee and has actively participated in all its programmes and activities. My delegation is therefore in a position to speak at first hand of the very significant contribution the Committee has made in the field of the progressive development and codification of international law.

14. The Asian-African Legal Consultative Committee was established in 1956 as the Asian Legal Consultative Committee, with a view to providing countries in Asia which had then emerged from long periods of colonial rule with an institution—if I may say so—of their own which could be consulted for assistance and guidance with regard to various matters of international law that were of particular concern and interest to those countries in the immediate post-independence period. It is therefore understandable that the Committee's work in its formative years consisted mainly of the preparation of studies on subjects such as citizenship and nationality, succession of States, treatment of foreigners, concession contracts, enforcement of foreign judgements, arbitral awards and so on.

15. Following the emergence of African countries as free and independent States in the late 1950s and the 1960s, the Committee was privileged to accept into its membership several African countries which were similarly placed in regard to a consultative mechanism to ensure that the views and aspirations of their people were

taken into account in the process leading to the progressive development and codification of international law. The Committee then became known by its present name—the Asian-African Legal Consultative Committee—and it now counts among its members as many as 40 States, representing a wide cross-section of the countries of Asia and Africa.

16. Following a decision taken at the annual sessions of the Committee held at Colombo in 1972—at which, incidentally, as a lawyer, I had the privilege of representing my country as a delegate—the Committee's annual sessions are now attended by countries of Western and Eastern Europe, Latin America and the Pacific, thereby enhancing the effectiveness of the Committee's role in the progressive development of international law. It is gratifying to note that neither the membership of the Committee nor the Committee itself lost sight of the fact that if international law is to serve as a vehicle for effecting changes in the fabric of the international legal order, it is imperative that the concerns and views of the international community as a whole should be given due weight and consideration. The participation of the developed countries in the deliberations of the Committee at its annual sessions has facilitated the search for a consensus in regard to emerging principles of international law, as is clearly evident in the Committee's work, especially on the law of treaties and the law of the sea. The significant contribution that the Asian-African Legal Consultative Committee has made to the development of a new branch of international law relating to rights in and the exploitation of maritime resources in the maritime economic zones is deserving of the highest praise.

17. Having contributed in its own way to the evolution of international legal norms relating to the resource jurisdiction of countries in maritime areas, the Committee, I am happy to say, has now turned to finding ways and means of assisting developing countries members of the Committee to implement effectively the new rights acquired through the development of this branch of international law. The Committee has therefore turned its attention now to developing regional mechanisms for the control and prevention of marine pollution and the optimum utilization of fisheries and other resources in exclusive economic zones. The Committee has also in recent years given high priority to the establishment of regional institutions for the settlement of international commercial and trade disputes. The Committee has already established regional centres for the settlement of commercial and trade disputes in Kuala Lumpur and Cairo, and intends to establish similar centres in West and East Africa as well. The two centres already established have entered into arrangements with the World Bank International Centre for Settlement of Investment Disputes in order to enable States in the region to have recourse to those centres for the settlement of investment disputes under the auspices of the Centre of the World Bank.

18. My delegation is particularly gratified to note that it was at the Committee's twenty-second annual session, held at Colombo from 24 to 30 May 1981, that following a proposal made by my Government, the decision was taken to request that the commemoration of the twenty-fifth anniversary of the Committee should be inscribed as an item on the agenda of the thirty-sixth session of the General Assembly. My delegation takes great pride in having been able to participate actively in all the activities of the Committee over the last quarter of a century and looks forward to strengthening further this close and mutually beneficial co-operation with the Committee in

future. We are confident that the Committee will play an even more effective role in the development of legal norms which reflect the will and aspirations of the peoples in the developing countries of Asia and Africa in the years ahead.

19. My delegation is honoured to introduce, on behalf of its sponsors, draft resolution A/36/L.17 and Add.1, commemorating the twenty-fifth anniversary of the Committee.

20. The PRESIDENT: May I take it that the General Assembly adopts draft resolution A/36.L.17 and Add.1 just introduced?

The draft resolution was adopted (resolution 36/38).

21. The PRESIDENT: I should like to associate myself with the decision just taken and extend to the Asian-African Legal Consultative Committee my best wishes for a continuing constructive contribution in the field of law. As the Assembly has seen in the explanatory memorandum [see A/36/191 and Add.1 and 2], the Committee came into being as a direct result of the famous Asian-African Conference held at Bandung in 1955. Since that date it has made an outstanding contribution in bringing together interregional and national viewpoints across the spectrum of international law and codification, especially in the areas of the law of the sea and international trade law.

22. As members know, by the terms of Assembly resolution 35/2 the Committee was accorded observer status in the United Nations, and as a result of the decision just taken we look forward to continuous constructive co-operation between the United Nations and the Asian-African Legal Consultative Committee.

23. I now call on the Secretary-General.

24. The SECRETARY-GENERAL: Mr. President, I thank you for giving me this opportunity to extend my warm congratulations to the members of the Asian-African Legal Consultative Committee, which recently celebrated its twenty-fifth anniversary. It is most appropriate that this important milestone in the history of the Committee should be commemorated by the General Assembly.

25. The Committee, which emerged as a result of the historic Bandung Conference, as you, Mr. President, have just so rightly remarked, has proved to be a major forum for Asian-African consultation and co-operation in the legal field. It has also been a channel for transmitting knowledge of the rich legal traditions of Asia and Africa to other regions of the world. Over the years the Committee has oriented its activities to complement the work of the United Nations in many spheres. It is gratifying that it has maintained close relations with the legal bodies of the United Nations, particularly the International Law Commission and the United Nations Commission on International Trade Law. Moreover, the Committee has made substantive contributions to various multilateral conventions and other international legal instruments covering very large areas of public and private international law. By virtue of its prestige and influence it has played a major role in facilitating the adoption and ratification of such instruments by Asian and African countries. This has been of great help in promoting the development and wider acceptance of international law in relations among States.

26. The granting of observer status to the Asian-African Legal Consultative Committee by the General Assembly at its thirty-fifth session formally reflects the recognition by the United Nations of the Committee's constructive role.

27. I wish once again to express my deep appreciation of the valuable results achieved by the Committee, which augur well for its work in the years ahead. I am sure that the Committee will continue to maintain close co-operation with the United Nations and will strive with dedication towards the establishment of a more equitable world order based on universally accepted principles of law.

28. The PRESIDENT: I now call on the representative of India, which is the host country of the Asian-African Legal Consultative Committee.

29. Mr. KRISHNAN (India): As the representative of the host country for the Asian-African Legal Consultative Committee, it is a great honour and privilege for me to speak in commemoration of the twenty-fifth anniversary of the establishment of this Committee and to express my satisfaction that resolution 36/38 to this effect, the text of which was sponsored by more than 25 States Members of the United Nations, including India, has just been unanimously adopted by the General Assembly. The essential purpose of this resolution is to recall the substantial contribution that the Committee has made to the promotion of solidarity among the Asian and African States and to the progressive development of international law, which is of concern not only to the States members of the Committee but also to the community of States as a whole. The Committee has also promoted and strengthened the co-operation that exists between these countries and the United Nations in the fields of common endeavour.

30. The Asian-African Legal Consultative Committee was established in 1956 as an outcome of the Bandung Conference, with an original membership of only seven States: Burma, Indonesia, Iraq, Japan, Sri Lanka, Syria and India. With the passage of time it has become the major forum for consultation and co-operation between the member States from the continents of Asia and Africa. In 1981 the Committee has a membership of 40 States. In addition, the Committee's regular sessions have been attended by an increasing number of observer delegations representing Governments and international organizations from all parts of the world.

31. The Committee has promoted effective examination by the member States of questions relating to various aspects of international law, supplied them with the requisite documentation and materials, and developed recommendations and rules which could act as guidelines and provide a legal framework for resolving problems between them as well as promoting co-operation among them. Specifically, the Committee has developed a series of recommendations on international economic relations law, including international trade law, prepared model conciliation and arbitration rules, prepared model contracts for commodities and machinery which are exported or imported by developing countries, and established regional centres for the settlement of commercial disputes. The Committee has also assisted the member States in the fields of the law relating to diplomatic and consular relations, the law of treaties and the law of the sea, apart from other matters such as the law relating to special missions, State succession in respect of treaties, humanitarian law, and environment law.

32. The most significant contribution made by the Committee has been in the field of the law of treaties and the law of the sea. In fact, the emergence of the concept of exclusive economic zones and the promotion of the concept of an archipelagic State owe a great deal to the discussions in the Committee between 1970 and 1974. Its current and future programme is concentrated on the promotion of international economic relations law.

33. It was thus a matter of great satisfaction to the Committee as well as to its member States when the United Nations considered it appropriate in 1980 to grant it observer status. This amounts to recognition not only of the significant contribution made by the Committee in the fields of common endeavour—namely, international law, including international trade law and international economic relations law—but also of its endeavours to promote co-operation in the economic, social and cultural fields. With the adoption of the present resolution, co-operation between the United Nations and the Committee will increase in all these fields, and the objectives of the United Nations and the interests of regional co-operation will be strengthened and promoted.

34. I should also like to make use of this opportunity to pay a special tribute to Mr. B. Sen, the eminent Secretary-General of the Committee, for the significant contribution made by him and for the devotion and efficiency with which he has built up the Committee to its present status.

35. The PRESIDENT: I call on the representative of Benin, who will speak on behalf of the group of African States.

36. Mr. JOHNSON (Benin) (*interpretation from French*): On this memorable day when we are celebrating the twenty-fifth anniversary of the establishment of the Asian-African Legal Consultative Committee it is a great honour and pleasure for me to speak from this rostrum as Chairman of the group of African States at the United Nations to pay a well-deserved tribute to the originators of the Asian-African Legal Consultative Committee, such a fine example of co-operation and solidarity in the sphere of international law.

37. For that reason I wish, first of all, to congratulate very warmly all of the founding countries—Burma, India, Indonesia, Iraq, Japan, Sri Lanka and Syria—which took the noble initiative of convening the Asian-African Conference at Bandung, an historic city, cradle and symbol of our great non-aligned movement. It was that Conference which, one year later, in November 1956, gave birth to the Asian-African Legal Consultative Committee, whose silver wedding anniversary, as it were, we are celebrating today, 18 November 1981. In my humble opinion I hardly need to say here that the wishes of the founders have been fulfilled and that the objectives they set themselves when they established the Committee have been largely achieved.

38. Now, 25 years later, the Committee, which had only seven members when it was established, comprises 40 important member States, all of them in Asia and Africa. The Committee has worked hard to give concrete expression to the objectives assigned to it at its creation. Thus, while performing effectively as a consultative body for judicial co-operation for the benefit of member States, it has organized meetings dealing with major legal issues in which a large number of delegations from non-member countries and international organizations have taken part.

39. Through its dynamism the Committee has also established fruitful co-operation with the United Nations, which conferred upon it observer status in 1980.

40. I should not like to conclude without welcoming the decisive role played by that Committee—born in the context of the spirit of the Bandung Conference, the spirit of the awakening of the peoples of Asia and Africa—in the promotion of a new international legal order for the benefit of mankind as a whole and the peoples of Asia and Africa in particular, peoples that so ardently yearn for a new international order, the sole pledge of genuine peace and security in the world.

41. In conclusion, I express the hope that the Committee will achieve ever greater gains in its noble and exalted mission for the benefit of the peoples of Asia and Africa. Ready for the revolution; the struggle continues.

42. The PRESIDENT: I call on the representative of Pakistan, who will speak on behalf of the group of Asian States.

43. Mr. NAIK (Pakistan): It gives me great pleasure to extend, on behalf of the Asian member States and the delegation of Pakistan, our sincere felicitations and good wishes to the Asian-African Legal Consultative Committee on the occasion of its twenty-fifth anniversary.

44. Established in 1956, following the historic Bandung Conference, as an organization for consultations among Asian and African nations in the field of international law, the Legal Consultative Committee has today become an important forum for interaction among the States of those two continents on major international issues not only concerning international law in all of its aspects, but also in the broader fields of economic co-operation and trade.

45. The Asian-African Legal Consultative Committee has made a significant contribution over the last quarter century to the formulation of international conventions on diplomatic relations and on the law of treaties. Its contribution to the work of the Third United Nations Conference on the Law of the Sea has been widely acknowledged. It is currently engaged on a continuing basis in clarifying the concept of the exclusive economic zone, settlement of disputes in economic transactions and protection of the environment. The Committee has been co-operating closely with the United Nations and its specialized agencies, as well as with other international organizations, and has assisted in a positive manner in the achievement of their aims and purposes. It was in recognition of that role that the General Assembly decided at its thirty-fifth session to accord permanent observer status to the Committee.

46. One of the most important aspects of the Committee's work has been the assistance provided by it to African and Asian States in preparing for major international conferences affecting the legal and juridical rights and obligations of States. It has also equally importantly served as a forum for informal dialogue between the developing countries of the Asian and African continents on the one hand, and the industrialized nations on the other. The Committee has provided texts of model legislation and model bilateral agreements designed to safeguard the interests of individual member States, as well as the countries of Africa and Asia as a whole. This aspect of the Committee's work has been particularly significant for the newly independent States of the two continents in the fields of trade and arbitration of commercial disputes, set-

tlement of conflicts concerning foreign investments and co-operation in the field of maritime transport.

47. The achievements of the Asian-African Legal Consultative Committee over the past 25 years are a cause for deep satisfaction on the part of the Asian States Members of the United Nations. I avail myself of this opportunity to express the Asian Member States' appreciation to the Committee's dynamic Secretary-General, Mr. Sen, for his efforts, which have made the Committee an influential and effective body. We are confident that it will continue to perform its valuable work with even greater vigour and zeal. We wish the Committee every success in its future endeavours and assure it of the continued co-operation of the States of the Asian region.

48. The PRESIDENT: I call on the representative of Poland, who will speak on behalf of the group of Eastern European States.

49. Mr. MICKIEWICZ (Poland): It is with great pleasure that, speaking in my capacity as Chairman of the group of Eastern European States, I associate myself with other members of the Assembly in conveying our sincere congratulations to the Asian-African Legal Consultative Committee on its twenty-fifth anniversary.

50. Established at the initiative of the Indian Prime Minister, Mr. Nehru, in November 1956 in the wake of the historic 1955 Bandung Conference, the Committee was one of that Conference's achievements. The principal purposes of the Committee, to contribute to the promotion of world peace, foster all-round international co-operation and encourage progress through law, are deeply rooted in the famous ten principles of Bandung. These objectives fully correspond with those to which all States Members of the United Nations are committed through its Charter.

51. Reflecting the real needs of the countries of Asia and Africa, the Legal Consultative Committee has rightly selected for its consideration timely and very important issues of contemporary international relations and international law.

52. Among the issues dealt with by the Committee there are not only such legal questions as diplomatic privileges and immunities, dual nationality, treatment of aliens, arbitral and judicial procedure, the law of the sea and international rivers, but also significant political and economic questions—for example, legality of nuclear tests, development of economic zones, regional or subregional co-operation in the field of industrialization, preparation of model agreements for joint ventures or transfer of technology. It is necessary to emphasize the vital importance of those matters for the social and economic development of Asian and African countries.

53. We note with satisfaction the good and fruitful co-operation of the Asian-African Legal Consultative Committee with the International Law Commission and other United Nations organs. To facilitate and develop this co-operation, the General Assembly at its thirty-fifth session accorded observer status to the Legal Consultative Committee.

54. We believe that the constructive activity of the Asian-African Legal Consultative Committee so far is a good augury for its success in the future.

55. The PRESIDENT: I call on the representative of Finland, who will speak on behalf of the group of Western European and other States.

56. Mr. PASTINEN (Finland): This meeting of the General Assembly has been convened in order to commemorate the twenty-fifth anniversary of the Asian-African Legal Consultative Committee. This is indeed an historic date, not only for the Committee itself but also for the international community as a whole. On behalf of the regional group of Western European and other States, I wish to convey our best wishes to the Committee.

57. The basis of orderly conduct of relations between nations is the rule of law. That rule of law must be respected by every nation, whether big or small, aligned or non-aligned or neutral, regardless of geographical location, political order, stage of economic development or legal system. But the rule of law needs instruments for its progress and development. As such an instrument, the Committee has played a crucial role as far as the Asian and African States are concerned.

58. But the importance of the Committee transcends its membership. This can easily be seen, for instance, in connection with the work on the law of the sea. The Committee has placed very particular emphasis on this important sphere of law, which is closely linked with questions of global economic development. Indeed, we are all aware of the efficient work conducted by the Committee in this regard.

59. But the Committee has also been active in various other fields of law. Its role in the over-all development and codification of international law has grown in importance. During the last few years the Committee has become a generally recognized body of legal expertise with increased global interest. That particular role of the Committee was recognized by the international community during the thirty-fifth session of the General Assembly, when the Committee was accorded permanent observer status in the Organization. This arrangement should be instrumental in developing further the relations of the Committee with the United Nations. Already the Committee works closely with the International Law Commission. From the very beginning this co-operation has been one of the primary objectives of the Committee.

60. The Asian-African Legal Consultative Committee has also extended invitations to delegations from outside the Asian-African region, including an invitation to my group, that is the group of Western European and other States, to participate as observers in the Committee's meetings—an opportunity which has been most useful.

61. It gives me particular pleasure as the representative of Finland, which has had a long tradition of such participation, to pay a tribute, on behalf of the group of Western European and other States, to the Committee on the twenty-fifth anniversary of its activities. We are confident that in the years to come the Committee will further inspire and enhance co-operation between States in the elaboration of regional, as well as global, legal rules for the benefit of the international community as a whole and for the benefit of the rule of law among nations.

62. The PRESIDENT: I call on the representative of Mexico, who will speak on behalf of the group of Latin American States.

63. Mr. MUÑOZ LEDO (Mexico) (*interpretation from Spanish*): As chairman of the group of Latin American States during the month of November, I wish to transmit the sincere congratulations of the group to the Asian-African Legal Consultative Committee on the occasion of its twenty-fifth anniversary.

64. The result of the historic Bandung Conference of 1955, the Committee has carried out a whole range of activities ranging from the study of and advice on international law to the active promotion of co-operation among developing countries and the struggle for the establishment of the New International Economic Order.

65. The relationship between the Committee and the United Nations organs, the Governments of Member States and non-governmental bodies has enabled it to acquire vast experience, which it has, in an exemplary fashion, placed at the service of the purposes and principles of the Charter.

66. The work carried out by the Committee eloquently demonstrates the strong traditions of the developing countries. For us, respect for law is the most lasting guarantee of peace and the best instrument available to us to defend the interests of weak countries and to limit the abuses of the powerful, which are often expressed by means of intimidation, pressure and force.

67. The task which lies ahead of organizations such as this one is enormous. While developing countries are essentially united, since we recognize that we have a common historical origin and similar causes to defend, it is also true that in practice the ties that bind us are still very weak. Thus the work of this Committee is naturally part of the context of relations among the countries of the South, which we wish to strengthen.

68. On behalf of the Latin American region, I declare the intention of our countries to strengthen our relations with the Committee and to invite it most cordially to extend its activities in the near future to the Latin American region.

69. Much time has elapsed since the Bandung Conference, and since then the ties of solidarity between the various regions of the third world have been considerably strengthened. In our day and age there is no reason for exclusivity. What is of interest to the peoples of Africa and Asia also affects the Latin American nations.

70. We therefore wish to take this opportunity to reiterate in the clearest and most emphatic terms our desire to deepen the relationships that exist between us and the countries of Asia and Africa. Be it in the Group of 77, within the non-aligned movement or through the positions that we take at the international level, it is increasingly clear that a new political reality exists, which is typified by the emergence of the third world as an organized and united political entity.

71. No passing circumstance can erode or diminish the degree of unity that exists among the developing countries of Asia, Africa and Latin America. This is an historic alliance which fulfils a structural purpose and flows from a vision of the past and the future that we all share. The third world has taken on the responsibility of changing international relationships that are based on domination, exploitation and inequality, and in that respect we are the conscience and the vanguard of the United Nations.

72. The States members of the Latin American region are happy to congratulate the Committee, through me, on the important tasks it has carried out and to wish it every success in the future for the good of the principles we support and the purposes we pursue.

73. The PRESIDENT: I call on the representative of the Syrian Arab Republic, who will speak on behalf of the group of Arab States.

74. Mr. MANSOURI (Syrian Arab Republic) (*interpretation from Arabic*): On the twenty-fifth anniversary of the establishment of the Asian-African Legal Consultative Committee, which the Assembly is now celebrating, it is an honour for me, on behalf of the group of Arab States and of my country, the Syrian Arab Republic, to salute that Committee.

75. The importance of that Committee is that it is an international organ covering two major continents: Asia and Africa. The creation of the Committee was a landmark in the development of regional and international co-operation between the two continents. The importance of the Committee has certainly been enhanced since it entered into close co-operation with the United Nations in 1960. That is why the United Nations subsequently accorded observer status to the Committee.

76. Throughout its existence the Committee has contributed to co-operation between Africa and Asia in many fields, in the service of law and justice. Its activities have been evident in particular in international law, the law of the sea, trade law and laws concerning refugees, economic co-operation, diplomatic immunity and other matters which the Sixth—the Legal—Committee of the General Assembly is also considering.

77. The Arab countries which belong to the Asian-African Legal Consultative Committee participate seriously in its activities and give it their full support.

78. Let us hope that this anniversary marks the beginning of a new and dynamic period for the Asian-African Legal Consultative Committee, which will make possible the even greater co-operation between the countries of Asia and Africa in every sphere of international law.

79. Mr. CHRISTOPHER (United States of America): The United States, as the host country of the United Nations, wishes to add its voice to the global chorus in celebration of the twenty-fifth anniversary of the Asian-African Legal Consultative Committee.

80. The Preamble of the Charter rightly asserts as one of the major goals of the United Nations the determination "to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained". That which contributes to this goal contributes to the benefit of us all. It is therefore both our felicitations and, most important, our gratitude that we convey to the Asian-African Legal Consultative Committee on this happy occasion.

81. The contributions of the Committee have greatly enriched the work of the International Law Commission and UNCITRAL in particular and the growth and development of international law in general.

82. By working together in the United Nations to strengthen the law, we harmonize our efforts to ensure peace and justice. We commend the Consultative Committee for its commitment and contributions to this process.

83. Previous speakers this afternoon have eloquently brought to our attention the effective history of this Com-

mittee. The United States joins in these tributes with great pleasure. We look forward to another 25 years of positive contributions from the Asian-African Legal Consultative Committee and of co-operation with the Committee in our common effort.

84. Mr. SUCHARITKUL (Thailand): The Thai delegation has asked to speak to express its warmest felicitations on the auspicious occasion of the twenty-fifth anniversary of the Asian-African Legal Consultative Committee.

85. It is indeed most fitting that a commemorative meeting is being held today to celebrate the birth of a unique international organization within the United Nations family. It is unique in that the Committee not only embraces member States from one region or one continent but also is composed of member States from the Asian and African continents combined.

86. It is in this festive spirit that the Thai delegation begs the indulgence of the General Assembly for a brief moment of reminiscence.

87. The Asian-African Legal Consultative Committee was essentially an offspring of the Asian-African Conference of 1955 at Bandung, where it was originally conceived. The Bandung Conference was convened to consider problems of common interest and concern to countries of Asia and Africa and to discuss ways and means by which their peoples could achieve fuller economic, cultural and political co-operation.

88. The Conference adopted a final communiqué¹ on 24 April 1955, consisting of seven parts: economic co-operation; cultural co-operation; human rights and self-determination; problems of dependent peoples; other problems; promotion of world peace and co-operation; and 10 principles in the Declaration on the Promotion of World Peace and Co-operation.

89. It is useful to recall these principles here: respect for fundamental human rights and for the purposes and principles of the Charter of the United Nations; respect for the sovereignty and territorial integrity of all nations; recognition of the equality of all races and of the equality of all nations, large and small; abstention from intervention or interference in the internal affairs of another country; respect for the right of each nation to defend itself, singly or collectively, in conformity with the Charter of the United Nations; abstention from the use of arrangements of collective defence to serve the particular interests of any of the big Powers and abstention by any country from exerting pressures on other countries; refraining from acts or threats of aggression or the use of force against the territorial integrity or political independence of any country; settlement of all international disputes by peaceful means, such as negotiation, conciliation, arbitration or judicial settlement, as well as other peaceful means of the parties' own choice, in conformity with the Charter of the United Nations; promotion of mutual interests and co-operation; respect for justice and international obligations.

90. The Conference declared its conviction that friendly co-operation in accordance with these 10 principles would contribute effectively to the maintenance and promotion of international peace and security, while co-operation in the economic, social and cultural fields would help bring about the common prosperity and well-being of all.

91. It is a source of pride and satisfaction after 26 years to learn that many of the Asian-African yearnings have

been fulfilled. Although not all peoples are yet free, the number of sovereign nations in Asia and Africa in the membership has grown from 29 at the time of Bandung in 1955 to nearly 100 today. Indeed, the very year 1955 witnessed a dramatic burst in the new membership of an enlarged United Nations. The movement towards independence and the process of decolonization started to gather momentum and, by 1960, the General Assembly admitted another large group of new Members and adopted the famous resolution 1514 (XV) on the granting of independence based, in essence, on the expression of the Asian-African wishes as declared in Bandung. More newly independent States from Asia and Africa were admitted to the United Nations in the years that followed.

92. The debate in the Sixth Committee on the principles of peaceful coexistence which began in 1962—and even earlier—culminated in the adoption of resolution 2625 (XXV) on the principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations. The principles thus declared reflected in essence the 10 principles of good-neighbourliness and friendly co-operation of the Asian-African Bandung Conference of 1955.

93. Those are but a few instances of concrete achievements in the field of legal and political development favouring the well-being of humanity, as inspired by the Asian-African Declaration of 1955.

94. In the field of codification and progressive development of international law as well as international trade law, progress is being realized through the efforts of the Sixth Committee, the International Law Commission UNCITRAL and, possibly, the United Nations itself in regard to the law of the sea now under review in various quarters.

95. In all these fields of legal development, the Asian-African Legal Consultative Committee has never ceased to be of service both in terms of consultation and formulation of policies and principles by Asian and African members for international conferences and in terms of consideration and adoption of internal legislation in preparation for a new convention or to give effect to the evolving trends in international customary law.

96. The Committee started off with but a handful of Asian and African members. Thailand became a member in 1961, and attended the fifth meeting held at Rangoon in January 1962. As the first member and leader of the Thai delegation attending sessions of the Committee for various years after 1961, I felt it a great honour to have the opportunity to meet and discuss freely and frankly for the first time legal problems of international, regional and national significance.

97. In January 1965 the representative of Thailand was nominated official observer to represent the Asian-African Legal Consultative Committee at the fifth meeting of the Inter-American Juridical Committee, at San Salvador. In 1966 Thailand hosted the eighth session of the Committee, at Bangkok.

98. Thailand has continued to maintain its close association and co-operation with the Committee, and remains a firm believer in its ideals and a faithful member and supporter of the Committee. Indeed, it is not unnatural that the Committee has grown with the march of time, in close co-operation with the legal organs of the United Na-

tions and fully in keeping with the contemporary world in which we live.

99. On this special occasion of the twenty-fifth anniversary of the Asian-African Legal Consultative Committee, the delegation of Thailand extends its warm greetings and congratulations to the Committee, and, through its able Secretary-General, to all the members of the Committee, present, past and future. May the Committee continue to co-operate fruitfully with the United Nations and its various organs and specialized agencies in all fields of related activities. May there be further success in the Committee's work as well as in its constructive co-operation with other international and regional bodies for the peace, progress and prosperity of mankind.

100. Mr. NISIBORI (Japan): The Government of Japan, as a founding member, takes great pleasure in joining friends from all over the world to celebrate today the twenty-fifth anniversary of the Asian-African Legal Consultative Committee.

101. The Committee, which was established with just seven members in 1956 for the study of technical legal questions common to Asia and Africa, has grown remarkably, its present membership comprising 40 States from the two continents. Such growth clearly reflects the spirit of co-operation among the Committee's members and the untiring efforts of its secretariat. My Government pays a particular tribute to Mr. B. Sen, who has faithfully served as the Committee's Secretary-General ever since it was created a quarter of a century ago. The steady development of the Committee is in large part traceable to Mr. Sen's unflagging enthusiasm and purposeful leadership. His devotion to the work of the Committee has been a source of encouragement to each of its members.

102. In providing a forum for the free exchange of views and the discussion of common legal problems among experts from Asian and African countries having diverse economic and social systems, the Committee has made important contributions to the deepening of understanding and the promotion of friendly relations among countries in the two regions. But it is not only the countries of Asia and Africa that have benefited from the activities of the Committee. I am sure that everyone gathered here today will agree that, through its co-operation with the various organs and conferences of the United Nations, the Committee has contributed to the promotion of peace and prosperity throughout the international community. It has thus developed close co-operative relations with such United Nations bodies as the International Law Commission, the Conferences on the Law of the Sea, UNCITRAL, UNCTAD and UNHCR. Thus, my Government was gratified last year when the United Nations accorded, by consensus, observer status to the Committee.

103. My Government recognizes that the activities of the Asian-African Legal Consultative Committee have significantly enhanced the ability of the United Nations to achieve its purpose of settling international disputes by peaceful means and in conformity with the principles of justice and international law. We are firmly convinced that the Committee will have an indispensable role to play in the future as well, and therefore, welcome the ever deepening relations of co-operation between the Committee and the world Organization.

104. In conclusion, it is my Government's earnest hope that the Committee will continue its valuable work, both

as an advisory body of legal experts and as a forum for the exchange of views and information on legal matters of common concern, in accordance with the purposes envisaged at the time of its creation 25 years ago. I am pleased to have this opportunity to reaffirm the steadfast willingness of my Government to co-operate to the best of its abilities in the ongoing activities of this important Committee.

105. Mr. ABDEL MEGUID (Egypt) (*interpretation from Arabic*): I am pleased to speak on this happy occasion when the United Nations, representing all the countries of the world, celebrates the twenty-fifth anniversary of the foundation of the Asian-African Legal Consultative Committee. The Committee was a result of the work of the Asian-African Conference held at Bandung in April 1955, which constituted an important landmark in the field of non-alignment. Egypt played a very important role at that Conference. Its historic participation was one of the reasons for the Conference's success and for its important work in the field of contemporary international relations.

106. Since speakers before me have made very detailed statements, it is not necessary for me to go into the history of the Committee here or to relate how it has developed. Suffice it for me to mention the broadening of the Committee and the increase of its membership. The Committee began with seven States and today comprises more than 40 States. This is a demonstration of the success which the Committee has achieved in its work and the appreciation and the interest shown by both continents, Asia and Africa, in its work.

107. The importance of this Committee for the international community as a whole can be seen in the active role which the Committee plays in various fields, in the studies and research it conducts, its working papers and its consultative work. The Committee has lent positive and continuous co-operation to international agencies with similar areas of jurisdiction, both within and outside the framework of the United Nations.

108. International recognition of this Committee is demonstrated by the fact that the General Assembly of the United Nations at its thirty-fifth session granted it observer status.

109. The Committee co-operates with specialized legal agencies in several areas of contemporary international law. These include the legal aspects of the new international economic order and the means for their implementation, industrial and economic co-operation and the study of the measures and necessary legal instruments for the optimal realization of co-operation in these areas.

110. It should also be stressed that some of the items which appear on the agenda of this session of the General Assembly and are before the Sixth Committee in which the Consultative Committee could play an important role are, for example, the item on the development of the principles of international law relating to the new international economic order, the work of UNCITRAL, and legal aspects of the new international economic order.

111. The committee has won praise and recognition, as demonstrated by the fact that its services are being requested because of its experience in the preparatory work on the Conference on the Law of Treaties and the Conferences on the Law of the Sea at all stages of those conferences, from the preliminary work until the present.

112. We should also note the role it has played in the area of international trade and humanitarian activities, the protection of the environment and the maritime field, in co-operation with both governmental and non-governmental organizations.

113. Increasing co-operation between the Consultative Committee and the United Nations is to be desired. Interest must be shown in the work of the Committee, especially in the fields which we have already mentioned. Furthermore, this co-operation could extend to the following areas: first, the necessary technical assistance should continue to be lent to African and Asian Governments so that they may study the issues which are submitted to the United Nations and its various bodies as well as those which come before specialized agencies in the legal field in general and with regard both to the legal and economic aspects of those issues. Secondly, assistance must be provided in the area of adherence to and ratification of international conventions adopted by or under the aegis of the United Nations including the necessary publications to maintain theoretical and practical information in that field. Thirdly, efforts must be made to achieve a better knowledge of international law.

114. While the Asian-African Legal Consultative Committee is a regional organization, it has nevertheless implemented its policies and carried out its work at the international level, far beyond any regional considerations. Here I should like to congratulate and express our appreciation to all States members of the Committee, to its Secretariat and, in particular, to Mr. Sen and to express our gratitude to all States and organizations that have co-operated and continue to co-operate with the Committee in its work.

115. Mr. SCHELTEMA (Netherlands): I should like to begin by congratulating the Asian-African Legal Consultative Committee on its twenty-fifth anniversary. The Committee was set up 25 years ago by seven Governments as a follow-up to the Bandung Conference. Since then it has grown into a committee of 40 member States spread out over two continents. The Committee has done an impressive job with respect to legal matters that are of concern to its member States. But speaking as the representative of a non-member State on its twenty-fifth anniversary, I should like to stress the important role of the Committee with respect to matters of worldwide interest.

116. One of the initial tasks assigned to the Committee was to examine the questions under consideration by the International Law Commission in order to ensure that the work of the Commission should adequately reflect the thoughts of the African and Asian countries. The fact that in the past decades the Commission has drawn up a number of important conventions that are now universally recognized and adhered to underscores the importance of this task.

117. One of the priority items in the Committee's programme of work is the law of the sea. When such an important item is under discussion, with its legal, economic and political implications for every country of the world, it is of great importance that all countries come to the Conference of the Law of the Sea well prepared. Without thorough preparation by all countries, a treaty might emerge that would not become universally accepted. The Asian-African Legal Consultative Committee has made many significant studies and made its members aware of the many complicated aspects of the law of the

sea negotiations to the benefit of the negotiations in general.

118. More recently, the Asian-African Legal Consultative Committee has embarked upon studies and work in the fields of economic relations and international trade law. It maintains working relations with such organizations as UNCTAD, UNCITRAL, UNEP, the regional economic commissions, IMCO and FAO. Studies and recommendations of the Asian-African Legal Consultative Committee with respect to the work of these organizations can have a very stimulating effect. We therefore hope that the Asian-African Legal Consultative Committee will continue its work, not only for the benefit of its members but for the world community as a whole.

119. Mr. DJALAL (Indonesia): It is a great honour and a privilege for me to participate today on behalf of my delegation in commemorating the twenty-fifth anniversary of the Asian-African Legal Consultative Committee. I should also like to express my delegation's appreciation to the Secretary-General of the Committee, Mr. Sen, for his untiring efforts and dedication in carrying out his responsibilities during all these years. His contribution to the work of the Committee has really been remarkable and outstanding. The Committee, under his long years of guidance, has grown into an important body in the development of international law, particularly for the Asian and African countries. I should also like to pay tribute to all his assistants and staff at the Committee Secretariat for their devotion and hard work to achieve the ideals of the Committee.

120. As the host country of the Asian-African Conference at Bandung in April 1955, it is a source of great satisfaction for my country to see that the Committee came into being in November 1956 as a follow-up of that Conference. Indonesia is proud to be one of the founding nations of the Asian-African Legal Consultative Committee. The Committee is an embodiment of the spirit of the Bandung Conference, whose principles are the promotion of the freedom, independence and equality of States, as well as peace and stability in the world.

121. The Committee was established to meet specific needs dictated by history. Immediately after the Second World War, particularly after the Bandung Conference, the international community embarked upon a process of progressive development of international law. For the developing countries of Asia and Africa, regional co-operation and consultation in the field of law was perceived to be one of the best approaches to reflect and protect their interests in developing international law. Since then the Committee has proven its ability to adapt to new circumstances and the demands of a fast-changing world. From the very beginning the Committee has been rendering advisory opinions on legal problems submitted to it by its member States, as well as co-ordinating the views and activities of its members in international forums, including the study of the work of the International Law Commission.

122. The effectiveness of this regional forum can be discerned from the fact that at the beginning there were only seven original members, whereas today there are some 40. Its annual meetings in various capitals of Asian and African countries have been attended by a great number of observers from various international organizations and States within and outside the Asian-African region. The major increase in membership and in observers came about in the 1970s when the Committee took the initia-

tive to discuss and co-ordinate the views of its members on major current issues in international law such as the law of treaties, law of the sea, environmental law, trade law, a new international economic order and many other fields. I am particularly proud to recall that, noting the substantial contribution of the Committee to the United Nations Conference on the Law of Treaties in 1969, Indonesia took the initiative in 1970 to propose that the law of the sea should be given a priority in the discussion within the Committee for the next several years. It was also during this period that the Committee began closer co-operation with the United Nations and other international organizations. The Committee has therefore been able to contribute a great deal to the development of international law in various fields. It has now developed into an important forum that enjoys the respect of the international community.

123. One of the purposes of this commemoration is to reflect on the work of the Committee over the last 25 years. There are many good reasons to be proud of the achievements of the Committee. By establishing important positions in the international community, the organization has been able to project Asian and African views and aspirations on various issues in international law, thus contributing to the development of legal order in the world. On the basis of the progress over the past 25 years, my Government is convinced that the Committee will be able to project itself into the future with greater confidence and that it will meet the expectations of the Asian-African community of States by continuing to promote the development of international law on the basis of the principles established in Bandung, thus contributing to the promotion of peace and stability in the world.

124. Mr. MENDOZA (Philippines): It has become somewhat distinctive of lawyers that they are not easily able to get organized. Perhaps that is because there is truth to the observation that there are as many viewpoints on any question as there are lawyers. Thus it is a source of wonder that the Asian-African Legal Consultative Committee, which has brought together legal experts of countries from the two most populous regions of the world, Asia and Africa, was ever founded and beyond that has become a cohesive and effective vehicle for 25 years, during which the wisdom and concerns of its members have been reflected in several areas of international legislation.

125. As a representative of my Government, as well as on a personal basis, it has been a privilege for me to have attended many meetings of the Committee. The meetings have become valuable forums for the exposition of various positions and have also proved fertile ground for nurturing possible ways of accommodating disparate and conflicting views. A host of subjects has been dealt with, the principal among which have been the law of treaties, the law of the sea, rules on arbitration and diplomatic relations.

126. While those who participate in the work of the Committee are generally lawyers, they are usually of diverse experience—diplomats, lawyers whose responsibilities are to defend State acts, such as attorneys-general or solicitors-general, lawyers in the judiciary, professors of law and so on. But since law is not a mere set of rules that governs the conduct of men and nations, but must reflect the concerns and aspirations of peoples or nations, the assemblies of the Committee have indeed produced fairly balanced views and proposals.

127. Today, then, it is both a privilege and an honour that I value to extend, on behalf of the Philippine delegation and of my Government, warmest felicitations to the Committee, as well as to its untiring Secretary-General, Mr. B. Sen, on the occasion of its silver jubilee. We know even now that we can already look forward to another 25 successful and productive years of service to its members and to the international community in bringing about understanding and making valuable proposals to resolve the difficult and, at times, formidable legal problems of our world.

128. The PRESIDENT: It gives me pleasure to call now upon Mr. B. Sen, Secretary-General of the Asian-African Legal Consultative Committee.

129. Mr. SEN (Secretary-General, Asian-African Legal Consultative Committee): On behalf of the Asian-African Legal Consultative Committee, I feel privileged, Sir, to offer to you our felicitations on your election to the high office of President of this Assembly and to express our profound gratification at your presiding over this meeting. This is especially so since your country is one of the seven founding members of our organization.

130. I am deeply grateful to you for giving me this opportunity to speak on the agenda item concerning the twenty-fifth anniversary of the Asian-African Legal Consultative Committee. I would also like to express our gratitude to the delegations that have spoken on this occasion for their appreciative remarks and for the sentiments they have expressed, which will, I feel sure, remain a lasting source of inspiration for the future growth and progress of our organization.

131. We are indebted to Mr. Kurt Waldheim for all the encouragement he has so graciously given us over the years and for his inspiring message. On an occasion such as this it is but appropriate that I should pay our humble homage and a tribute to our founding fathers at Bandung whose foresight and vision conceived of a forum essentially regional but, at the same time, oriented towards promoting co-operation with other regions in matters of global importance and concern.

132. Established in 1956 as a tangible outcome of the historic Bandung Conference and with a membership of seven participating Governments, the Asian-African Legal Consultative Committee has grown over the years into a major forum for interregional co-operation embracing the two sister continents of Asia and Africa. Originally conceived as an advisory organ to its own membership in the field of international law to assist Governments in the formulation of their domestic and foreign policies, the Committee gradually expanded its activities to meet the needs of a growing membership, which now comprises 40 States in the Asian-African region. The global impact of its work on major issues of international concern has attracted the attention of the international community, as evidenced by the attendance of an increasing number of observer delegations, representing Governments and international organizations from all parts of the world, at the Committee's annual sessions. This has indeed contributed to projecting Asian-African thoughts and aspirations in world affairs, and has at the same time led to a closer understanding of the viewpoints of other regions, with its lasting impact on the Committee's deliberations.

133. Consistent with its origin as a result of the Bandung Conference and with the basic objectives of its founders, the Committee, almost from its very inception,

oriented its activities in a manner that would be supportive of the work of the United Nations. As a matter of fact, the Committee's statutes clearly foresaw a link with the International Law Commission, the principal law-making organ of the United Nations, and this was achieved through the establishment of official relations between the Commission and the Committee in 1961. In the same year the Committee was invited to Vienna to attend as an observer the United Nations Conference on Diplomatic Intercourse and Immunities, and its recommendations on the subject, adopted a few months earlier, were circulated as a Conference document. This helped to establish a pattern for our involvement and co-operation in plenipotentiary conferences convoked by the United Nations in subsequent years.

134. With the gradual expansion of our activities in various fields within the work programme of the United Nations, a close working relationship was built up with the Office of Legal Affairs and with such organs and agencies as UNHCR, UNCITRAL, UNEP, FAO, IMCO and the regional economic commissions of the United Nations. In 1968 the Committee was accorded the status of a participating intergovernmental organization in the work of UNCTAD. The decision of the General Assembly adopted last year at its thirty-fifth session to invite our organization to participate as an observer has been an important landmark in the growth of our organization, which is bound to lead to closer and more fruitful co-operation in future years.

135. I should like to say a special word of thanks to Mr. Erik Suy, the Legal Counsel, and to Mr. John Scott of the Office of Legal Affairs for their continued help, guidance and co-operation in bringing about the close collaboration that so happily exists today between the United Nations and our organization.

136. One of the major areas in which the contribution of our organization to the work of the United Nations appears to have been most tangible and fruitful relates to the negotiations on the law of the sea. Representatives may recall that during the general debate a number of foreign ministers expressed their deep concern about the urgent need to bring about a successful conclusion of those negotiations and the adoption of a convention at an early date. We fully share that concern. Over the past decade we have closely followed and assisted in the negotiations and have made our forum readily available for a continuing dialogue between the developing countries and the industrialized nations on a number of crucial issues. In fact, some of the major concepts, such as the exclusive economic zone and archipelagic States, owe their origin to the deliberations within our organization. Furthermore, on several occasions, when the United Nations Conference on the Law of the Sea was faced with difficulties in proceeding with the negotiations, the Asian-African Legal Consultative Committee proved to be an important forum which afforded opportunities for informal consultations to resolve the differences. Thus, following upon the situation of uncertainty and confusion which had prevailed at the beginning of the tenth session of the Conference, the Asian-African Committee succeeded in promoting a dialogue at its Colombo meeting, held in May of this year with the participation of all major States, with the objective of finding ways and means for continuing the negotiations on the outstanding issues during the resumed session of the Conference. We therefore retain a special interest in the successful outcome of the negotiations and welcome the decision of the Conference on the conclusion of the convention during the coming year.

137. It may, however, not be out of place to mention that the Conference on the Law of the Sea, unlike most other conferences, has conceived of a procedure for the adoption of a convention through consensus—a convention that would emerge as a package out of the negotiations and that would reflect the interests of both developed and developing nations. The long drawn-out negotiations over the years have been directed towards achieving that balance and adjustment of interests. The developing countries have given their full co-operation in this process, notwithstanding the heavy strain on their manpower and other resources. We consider it to be of fundamental importance that the concept of a package to be adopted by consensus is kept in perspective so that the convention becomes an effective instrument not only of regulatory norms, but of economic growth in a viable and practical fashion. The participation of all States in the convention is essential to that end, and I venture to add that no avenues should be left unexplored or any effort spared to achieve that objective.

138. Another subject I should like to touch on, which figured prominently in the general debate, is the global negotiations on economic issues in the context of the Declaration on the Establishment of a New International Economic Order [*resolution 3201 (S-VI)*] and the Charter of Economic Rights and Duties of States [*resolution 3281 (XXIX)*]. Our organization has been engaged in certain practical areas of economic co-operation ever since the establishment of the First Development Decade, in view of the close inter-linkage of economic and legal issues in the integrated process of negotiations. At the outset the emphasis in our work was on the field of commodities, and the Asian-African Legal Consultative Committee model contracts for sale transactions in agricultural goods and minerals have already been published in the documentation of the Economic and Social Council. This was followed by our efforts to evolve a scheme for the settlement of disputes in economic and commercial transactions through procedures that would be fair, speedy and inexpensive—a system that would be in tune with the principles and norms of the new economic order and conducive to the resolving of North-South economic conflicts.

139. This is what I hope we have been able to provide through the establishment of our regional centres for arbitration at Kuala Lumpur and Cairo. During the past year we have been closely involved in the field of industrialization. The Lima Declaration adopted by the Second General Conference of UNIDO, held at Lima from 12 to 26 March 1975,² conceived of industry as a dynamic instrument of growth, and contemplated a target of 25 per cent as the share of the developing countries in world manufactures by the year 2000. The progress of negotiations concerning the industrial growth of developing countries and marketing arrangements for their products has, however, been particularly slow. It is obvious that in the present state of negotiations the achievements of the developing countries are bound to fall far below that target for two reasons in particular, namely, the lack of available capital and of the transfer of technology in an effective fashion.

140. In the context of the world economic situation, there has now been an increasing awareness in the countries of our region about the need to promote co-operation amongst them through the harnessing of their resources, which could not only contribute in an effective and practical fashion towards their industrial growth but also supplement efforts at the global level. A ministerial meeting held under our auspices at Kuala Lumpur in December

1980 on the initiative of the Prime Minister of Malaysia and the following ministerial meeting at Istanbul under the chairmanship of the Minister for Industry and Technology of Turkey in September this year accordingly recommended that a programme of co-operation between the countries of the region should be pursued in a concerted fashion and should have as its objective the harnessing of their resources in the shape of capital, raw materials, manpower and technology to the extent available within the region.

141. If I may venture to express a personal view, what needs to be emphasized is the interdependence of the North and the South in planning any development strategy for the benefit of all nations. In the economic situation prevailing in some of the developed countries themselves it would be unrealistic to expect assistance of the type and extent required by the developing countries, and any position of confrontation between the developed and developing nations might not bring about practical results. This is exactly what was expressed at our Kuala Lumpur ministerial meeting. It has also been observed that if the resources of the developing countries of our region could be harnessed in an appropriate manner the developed countries themselves might feel inclined to employ their technology in industrial projects in the third world, in view of the continuing recession and high rate of inflation in their own countries.

142. In almost every field of economic co-operation, legal, economic and political considerations are so inextricably interwoven that any reasonable and effective solution of the problems can be achieved only through a judicious blending of all three elements. While political will remains the paramount factor in all negotiations, economic easibility determines the substance, and a legal framework is an essential instrument for giving effect to the political will and determination of nations. It was in this context that our ministerial meetings at Kuala Lumpur and Istanbul recommended the constitution of an informal group of experts in the legal and economic fields to assist the developing countries in the preparation and examination of proposals that might be put forward in the course of the expected global negotiations within the United Nations. We are actively pursuing these suggestions with a number of Governments in our region.

143. During the coming years we hope to contribute in a meaningful way towards the work programme of the United Nations, more particularly in the field of law, as also in areas where economic and legal issues are closely interrelated. Today a great deal of the work in the United Nations in the field of codification relates to economic issues which are of vital concern to the countries of our region. It would be our endeavour to provide opportunities for dialogue on these issues not only at our annual sessions but also through informal meetings in New York which could be co-ordinated by our permanent observer mission. In addition, we might also be in a position to lend our good offices to bring about wider acceptance and ratification of treaties and conventions adopted under the auspices of the United Nations, and to collaborate in training programmes in the field of international law and trade law.

144. In conclusion, Mr. President, I should like to assure the Assembly of our fullest and continued co-operation in the work of the United Nations. I might add that this meeting today under your presidency provides us with the incentive needed to pursue that goal.

AGENDA ITEM 137

Equitable representation in the International Law Commission and enlargement of its composition.

145. The PRESIDENT: I call on the representative of Pakistan, who will introduce draft resolution A/36/L.16/Rev.1.

146. Mr. NAIK (Pakistan): On behalf of the delegations of Benin and Mexico and my own I have the honour of formally introducing draft resolution A/36/L.16/Rev.1 regarding equitable representation in the International Law Commission and the enlargement of its composition. Permit me to explain that the three co-sponsoring delegations have inscribed their names as co-sponsors not in their individual capacity but in their capacity as chairman for the month of November of the group of African States, the group of Latin American States, and the group of Asian States, respectively. Thus, the draft resolution before us enjoys the full support of all the Member States of those three regional groups.

147. The main objective of the draft resolution is to seek enlargement of the composition of the International Law Commission from its present 25 members to 34 members. It may be recalled that the initiative for the enlargement of the International Law Commission came jointly from the Member States of the three groups I have just mentioned. The basic considerations which led the Member States of those three regional groups to take that initiative are fully described in the explanatory memorandum [A/36/244/Add.1] submitted at the time the request for the inscription of this item was made to the General Committee.

148. Briefly stated, the considerations were these: first, the last decision to enlarge the membership of the International Law Commission was taken 20 years ago, in 1961. Secondly, since 1961 there has been a remarkable growth in the membership of the United Nations; thus, increased interest has been shown by the Member States, particularly from the third world, in participating in the work of the International Law Commission. Thirdly, since 1961 a very large number of topics of international law has emerged, thus bringing forth other trends of thought and, indeed, other juridical systems different from those represented in the Commission since its inception.

149. The sponsors of draft resolution A/36/L.16/Rev.1 believe that the proposed size of the International Law Commission, that is, 34 members, fully responds to those basic considerations. It represents a balanced and equitable representation in the International Law Commission, and provides a broad-based representation of the different juridical systems. Furthermore, the enlarged composition will certainly enrich the deliberations of the International Law Commission.

150. In paragraph 3 the draft resolution indicates the allocation of the proposed 34 members according to the following pattern: eight nationals from African States, seven nationals from Asian States, three nationals from Eastern European States, six nationals from Latin American States, and eight nationals from Western European or other States. It further indicates that one national from African States or Eastern European States in rotation shall be elected, with the seat being allocated to a national of an African State in the first election which will be held after the adoption of the present draft resolution. Likewise, it indicates that one national from Asian States or

Latin American States in rotation shall be elected, with the seat being allocated to a national of an Asian State in the first election held after the adoption of the present draft resolution.

151. Lastly, paragraph 4 of the draft resolution requests the Secretary-General—and, I must emphasize, by way of exception and in consequence of the enlargement of the Commission—to include in the list of candidates for the election to be held at the current session, in addition to the nominations already received, such names as shall have been communicated to him in writing before 21 November 1981.

152. Draft resolution A/36/L.16/Rev.1 has evolved after prolonged and intensive consultations among all of the regional groups represented in the General Assembly. On behalf of the sponsors—and I am sure that I am speaking also on behalf of the entire General Assembly—I take this opportunity to express to you, Mr. President, our deep appreciation for your conducting personally these consultations on such an important item, despite your other preoccupations.

153. It is the sincere hope and wish of the sponsors that the draft resolution will receive the full support of the entire membership of the General Assembly.

154. Finally, it is the wish of the sponsors that I should stress that, after the resolution is adopted, the elections to the enlarged International Law Commission should be held by the General Assembly as scheduled, on 23 November. Any delay in the holding of these elections would not find favour with a large majority of the members of the General Assembly.

155. The PRESIDENT: I call upon the representative of Finland, who will speak in his capacity as chairman of the group of Western European and other States for the month of November.

156. Mr. PASTINEN (Finland): I have asked to be allowed to speak in my capacity as chairman of the group of Western European and other States for the month of November.

157. The General Assembly is called upon to take a decision on the question of equitable representation in the International Law Commission and enlargement of its composition, as proposed in draft resolution A/36/L.16/Rev.1.

158. The International Law Commission is one of the principal legal organs of the United Nations. The group of Western European and other States attaches great importance to the role and the efficient functioning of the Commission for the progressive development of international law and its codification.

159. The possible enlargement and changes in the composition of United Nations organs such as the International Law Commission have traditionally been effected on the basis of a consensus of all the regional groups, arrived at after adequate consultation and negotiation among the groups, with a result that has satisfied the basic demands of everyone. On behalf of the group of Western European and other States, I have to note with profound regret that that is not the case with the enlargement of the International Law Commission, as proposed in the draft resolution before us. This has not been achieved despite the President's very enlightened leader-

ship and assistance in the consultations. Nor does this draft resolution, in our opinion, guarantee equitable representation in an enlarged International Law Commission. In the circumstances, the group over which I have the honour of presiding will have to oppose the draft resolution. This outcome is without precedent; its implications are most unfortunate.

160. The reasons behind my group's position can be listed briefly as follows.

161. First, originally the group of Western European and other States saw no compelling reason for any enlargement of the membership of the International Law Commission.

162. Secondly, to accommodate the wishes of certain other groups, the group of Western European and other States gave its consent to a consensus designed to enlarge the Commission to 32, that is, by seven members. These were to be divided in accordance with the wishes of those regional groups which originally sought an enlargement of the International Law Commission. In our opinion, the resulting consensus represents equitable representation in the Commission.

163. Thirdly, in the process of further negotiations—which, from the point of view of the Western European and other States, did not accord with the original understanding reached on the basis of an increase in the membership to 32—the membership was further increased to 34, without taking into consideration the views and interests of the Western European and other States. Its request for further consultations and negotiations was to no avail.

164. Fourthly, one of the benefits of the original understanding of an enlargement to 32 members was the elimination of the so-called floating seats. As the Assembly is aware, that practice has at times created confusion at the election of members to the International Law Commission. In contrast, the proposal in draft resolution A/36/L.16/Rev.1 perpetuates and compounds that difficulty by increasing the number of floating seats.

165. Fifthly, while the consultations and negotiations were still under way, draft resolution A/36/L.16/Rev.1 which is now before us was formally submitted, without the knowledge of the group of Western European and other States. The position of the Western European and other States on it had been conveyed to the proper quarters.

166. Therefore, to register its position on both the substance and the procedure leading to draft resolution A/36/L.16/Rev.1, the group of Western European and other States will vote against it.

167. Mr. ROSENNE (Israel): We understand that, despite the long tradition of consensus in all matters concerning the International Law Commission to which the representative of Finland has just referred, this matter is not agreed, and if draft resolution A/36/L.16/Rev.1 is brought to a vote we will, with regret, have to abstain, as we did in the vote on the financial implications at the 42nd meeting of the Fifth Committee.

168. In particular, we regret that operative paragraph 3 again envisages shared or floating seats. Experience shows that this is not a satisfactory method of determining the pattern of representation of the legal systems of the world in the Commission. In the original explanatory

memorandum by which the sponsors requested the inclusion of this item in the agenda of this session of the General Assembly, the expression "carefully designed membership" [see A/36/244/Add.1, para. 4] is used. That is the gloss on the title "Equitable representation . . .".

169. It is our understanding now, as it has always been, that the carefully designed membership of the International Law Commission means that there should be a controlled rotation both of individual members of the Commission and of countries and legal systems represented on the Commission, and that the intention is that all States and all legal systems are entitled to their fair share of representation on the Commission. Furthermore, as we understand it, membership of the Commission and the right to put up candidates is not and cannot be proscribed simply by virtue of formal membership in one or other of the regional groups which now exist and which, moreover, as history has demonstrated, may not be fixed for ever. The essence is fair representation of the world's legal systems in the Commission, membership in which is open to all States.

170. We appreciate the sentiment which has inspired the amendment to article 9, paragraph 1, of the Commission's statute. However, for the amendment to be consistent with article 2, the expression "each regional group" must be given an appropriately flexible interpretation, article 2 of the statute being the dominant statement of principle.

171. My delegation wishes to recall that Article 8 of the Charter is applicable to the International Law Commission. Under that Article,

"The United Nations shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs".

We all know that there are many talented women jurists who certainly meet the requirements of the statute of the International Law Commission. Some of these personalities are active above all in the Sixth Committee of the General Assembly and have been throughout the history of the United Nations. A woman jurist of world-wide renown is President of the United Nations Administrative Tribunal, and there is a woman judge on the European Court of Human Rights. We therefore would like to urge that when the regional groups come to decide upon their preferred candidates within the agreed allocation to the legal systems of places in the Commission, they should make every effort to include duly qualified women jurists meeting the professional requirements of article 2 of the Commission's statute.

172. The PRESIDENT: We shall now take a decision on draft resolution A/36/L.16/Rev.1, entitled "Enlarge-

ment of the International Law Commission: amendments to articles 2 and 9 of the Statute of the Commission". The administrative and financial implications of the draft resolution appear in the report of the Fifth Committee [A/36/686]. A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Gabon, Gambia, German Democratic Republic, Ghana, Grenada, Guatemala, Guinea, Guyana, Honduras, Hungary, India, Indonesia, Iran, Iraq, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saint Lucia, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Federal Republic of, Greece, Iceland, Ireland, Italy, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Israel, Turkey.

The draft resolution was adopted by 122 votes to 21, with 2 abstentions (resolution 36/39).³

The meeting rose at 5.55 p.m.

NOTES

¹ See *Asian-African Conference, April 18-24, 1955, New Delhi*, Government of India Press, pp. 25-38.

² See A/10112.

³ The delegation of Kuwait subsequently informed the Secretariat that it had intended to vote in favour of the draft resolution.