



President: Mr. Imre HOLLAI (Hungary).

AGENDA ITEM 30

**Question of the Comorian island of Mayotte:
report of the Secretary-General**

1. Mr. MADI SOILIH (Comoros) (*interpretation from French*): During my statement to the Assembly on 6 October [20th meeting], I referred in advance to the debate that was going to be devoted to the problem of greatest concern to the people and Government of the Comoros, that is, the question of the Comorian island of Mayotte.

2. This question, which we are discussing today, has been on the agenda of the General Assembly since the thirty-first session and each year is the subject of a special debate. This reflects the importance we all attach to the question. It also reflects our concern at the fact that thus far no objective solution is in sight. I should therefore today like to outline the situation to the Assembly and demonstrate once again how a problem which stemmed from an act of injustice has been exploited to the point that it constitutes an obstacle to the reunification of a people, united from its very origin by ties of blood. I should like, with complete objectivity, to endeavour to provide the Assembly with some information, with which, of course, some delegations here are already familiar, in order to shed further light on our discussion.

3. On every occasion when we have spoken in this debate, either in the United Nations or in other international and regional organizations where the question is on the agenda, we have reaffirmed unambiguously and forcefully that Mayotte is and will remain a Comorian land. For more than a century, in fact, since France first colonized our country, it has never challenged nor contested the fact that Mayotte or any other island of our archipelago belongs to the Comorian entity. Furthermore, successive French Governments, basing themselves on history, have on many occasions stressed the need to respect the territorial unity of a country whose homogeneous people shares the same language, the same culture and the same religion.

4. Thus, all French laws and administrative measures taken during the colonial period have specifically confirmed the unity of the Comorian archipelago. In the explanations of the Law of 9 May 1946 on the administrative autonomy of the Comorian archipelago, it is clearly stated: "It is the Muslim religion that gives the archipelago its strong unity, reinforced by a single language, Swahili." That unity was reaffirmed and

even consolidated when, on 3 January 1968, a French law gave the Comoro Archipelago internal autonomy.

5. When, under pressure from the people, France recognized the desire of the Comoros for independence, agreements were signed on 15 June 1973, between the representatives of the French Government and those of the local Comorian Government, that established the means through which the Archipelago would accede to independence. Those agreements provided, *inter alia*, in point number 1, that a popular referendum would be organized in the Comoros and that, if the majority of the population decided in favour of independence, the results for the four islands considered together would give the General Assembly of Deputies in office on that date the powers of the Constituent Assembly and endow the President of the Council of the local Government with the powers and prerogatives of a Head of State.

6. Therefore, in accordance with the agreements of 15 June 1973 and the Law of 23 November 1974 organizing the referendum on self-determination, the population of the Comoros was consulted as regards its future on 22 December 1974. In unison, 95 per cent of the Comorians declared their support for the independence of their country, with a record turn-out of over 97 per cent. The answer was therefore clear. It remained only for the French Parliament and Government to draw the proper conclusions from the results of that referendum and, purely and simply, to implement the agreements of June 1973, which were binding on the two parties.

7. Hence, the initial draft law of the French Government, introduced on 10 June 1975 in the National Assembly, ratifying the referendum on self-determination, complied with the procedures contained in the agreements of June 1973, by providing for the independence of the entire archipelago on the date jointly agreed on by the French Government and the territorial authorities.

8. Unfortunately, just as the wind can suddenly change direction, events took quite a different turn. Instead of complying with its commitments, the French Government of that time enacted, on 3 July 1975, another law which we in the Comoros describe as an ignominious law, since it undermines the original draft law which ratifies self-determination by attempting to attach new and unacceptable conditions to the independence of the Comoros, on the pretext that part of the population of Mayotte had voted against independence. The Comorian people was deeply shocked and indignant at these new provisions introduced by France, which were contrary to its legitimate aspirations.

9. But history teaches us that no country, regardless of its powers, can lastingly impose its law and

its will on another, however small, whose people is united and determined in its struggle to claim its completely legitimate rights. Consequently, in response to the new attitude and the about-face of the French Government, which was renegeing on its commitments, President Ahmed Abdallah, strong in the support and clearly expressed will of the entire Comorian people and with the approval of the local Chamber of Deputies, unilaterally proclaimed the independence of the Comoros on 6 July 1975.

10. Recognition of our independence by the international community was immediate and overwhelming. I would point out, moreover, that my country, the Islamic Federal Republic of the Comoros, was admitted to the United Nations as a State composed of four islands, Anjouan, Grande-Comore, Mayotte and Mohéli, in accordance with General Assembly resolution 3385 (XXX). That resolution, in keeping with the Declaration contained in resolution 1514 (XV) and the programme of action contained in resolution 2621 (XXV), concerning the granting of independence to colonial countries and peoples and which also guarantee their national unity and territorial integrity, thus recognized the unassailable sovereignty of the Islamic Federal Republic of the Comoros over the entire territory as it emerged from the colonial era.

11. Shortly thereafter, however, on 26 October 1975, in defiance of all laws, in defiance of the resolution and of the Charter of the United Nations, the French authorities enacted another draft law which, it is true, recognized the independence of the Comorian State, but a State which had part of its territory amputated, the island of Mayotte. Thus was the question of Mayotte born.

12. A few weeks later, this illegal and unjust stand was crystallized by the sending to Mayotte of several contingents of French legionnaires, which made the military occupation of this island and its separation from the remainder of the Comorian State a reality.

13. This brusque and forced separation of Mayotte from its sister islands was not only a harsh blow against our young State but also, and above all, against entire families which found themselves overnight arbitrarily divided and distanced from one another. Our country, which had always been united, had thus been Balkanized. The French authorities of the day erected an impassable barrier against Comorians from other islands who wanted to visit their friends and relatives in Mayotte. Anyone who wanted to go to Mayotte, a part of his own country, had to obtain a visa. Worse still, supporters of the unity and independence of the Comoros who resided in Mayotte were forcibly expelled and their property was seized, without compensation.

14. An appreciation of the homogeneous nature of the Comorian population and of the blood ties that have always existed between the inhabitants of the different islands makes it easier to understand the pain that was felt and the tragedy that was experienced by people that were so attached to a closely shared social life. The harmful effects of that separation are not felt only at the human level; it has also had serious consequences on the economy of the archipelago. In fact, because of their complementary nature, the four Comorian islands have an economy which

has developed in a state of almost perfect symbiosis based on the various forms of production and activities on each island. The separation of Mayotte is therefore a hindrance to the harmonious development of the entire country. In this context, I should like to stress that, with a view to preserving this complementary nature and guaranteeing a balanced development of our infrastructure, all the major economic projects undertaken by the Comorian Government take the island of Mayotte into account in their studies. This clearly demonstrates the fervent wish of the Comorian authorities to see Mayotte returned to the Comorian State without delay.

15. These are the real, unassailable facts which constitute the painful problem we are discussing once again today. The Assembly will agree with me that this problem is not different from others which, in different parts of the world, hold entire regions in a state of tension, thus creating a climate of violence and deplorable anarchy. We, for our part, have resolutely chosen the course of negotiation and have systematically rejected any resort to violence, in accordance with the resolutions and recommendations of various international organizations. In so doing, we wish to respect the principles of peace and harmony inscribed in the Charter. Of course, our attitude, dictated by the voice of wisdom, should not be seen as weakness, nor must we become the victims of our own desire for reconciliation. As for our people, it continues to believe that a rapid solution to this problem can be found, in the conviction that just causes always triumph in the end. In fact, history is always in a state of flux, and people change with it.

16. This is why the political change which took place in France in May 1981, when the Socialist Party came to power, gave rise to great hopes in the Comoros. It should be recognized that the French Socialist Party has always defended the cause of third-world countries in general and its platform has always included generous ideas on relations between industrial countries and poor countries. In this respect, I should like to quote a brief passage from the Socialist programme for the 1980s where it is stated on page 258:

“The overseas peoples each have their own identity and their own specific aspirations. The Socialist Party intends to defend those aspirations. It thus reaffirms the right of each to choose, through universal suffrage, its own destiny, without any type of blackmail. It intends to ensure the strictest respect for democratic freedoms.”

17. It is in accordance with these principles that, at the time when my country suffered the injustice I have just described, several Socialist representatives, in a letter addressed to the Constitutional Council on 13 December 1975, denounced the law concerning the results of the referendum on self-determination in the Comoros. In fact, the Socialist deputies who signed that letter had quite rightly felt that the French law recognizing the sovereignty of the Comorian State over only three islands of the archipelago but not over the island of Mayotte was unconstitutional. I should like to quote two or three paragraphs of that letter in order to shed more light on the question. Paragraph 2 reads:

“We believe that this law—concerning the consequences of self-determination for the Comorian Islands—is unconstitutional.”

Paragraph 4 reads:

“The first text in this field is the Decree of 9 September 1889. Since that date the political and administrative unity of the Comoro Archipelago has never been challenged by any text, in spite of the many arrangements that have been made on the subject of the Comoros.”

Paragraph 6 reads:

“Hence, it appears that the French Republic has never questioned the territorial unity of the Comoro Archipelago, while international public opinion has always considered the four Comorian islands to be part of a single territory dependent on the French Republic and administered, in the final analysis, under the conditions laid down in article 72 and the following articles of the Constitution.”

The penultimate paragraph reads:

“Therefore, for these various reasons, we have the honour to ask you to declare the law concerning the consequences of self-determination for the Comorian islands unconstitutional.”

18. That was the position that the French Socialist Party rightly took on the question which is the subject of our discussion today. The Assembly will certainly understand the renewed hope felt by the Comorian people because, above and beyond this stand taken by the Socialist Party, the Head of State of France recently declared to his African counterparts at a meeting in Paris that he was not a man to change his position when he changed his situation.

19. Hence, today we can only express the desire that our hopes will not again be dashed, because this problem has persisted far too long and until it is solved the development of our country, I repeat, will be seriously jeopardized. That is why, after the political changes in France, the Comorian Government resumed negotiations with the new French authorities. Those negotiations began under all the more promising auspices since we were familiar with the position taken in the past by the new French leaders.

20. Thus it was in a calm atmosphere that the *Ad Hoc* Committee of Seven on the Comorian Island of Mayotte, established by the Organization of African Unity [OAU], held its second meeting in Moroni, our capital, from 9 to 11 November 1981. As the General Assembly knows, that Committee was especially entrusted by the OAU with following developments on the question and reporting to the General Secretariat of the OAU.

21. As a result of its work, the Committee made a number of recommendations, one being “that a mission of the *Ad Hoc* Committee of Seven on the Comorian island of Mayotte and the General Secretariat of the Organization of African Unity establish contact as quickly as possible with the French authorities in order to consider the practical modalities for the return of the Comorian island of Mayotte to the Islamic Federal Republic of the Comoros by setting a date-line, if possible”. [See A/37/147, para. 4.] Unfortunately, it has not been possible so far for the delegation to visit France, because of problems within the pan-African organization.

22. However, direct bilateral contacts have been made at the highest level between the two countries.

President Ahmed Abdallah has spoken several times with Mr. François Mitterrand, the President of the French Republic, during private or official visits to the French capital. On each occasion, Mr. Mitterrand expressed his readiness to reach a satisfactory solution to the problem of Mayotte. He also recalled that in 1974 and in 1975, as a Member of Parliament, he had taken a position in favour of independence for the Comoros as a whole.

23. The Comorian Government has taken note of this good will, which we hope will facilitate the search for a rapid solution to the problem. It also reaffirms its determination to do all in its power to recover its territorial integrity. It therefore hopes that the French Government will soon translate into concrete action the statements made by the leaders of France, so that the injustice that has been caused to our country may be ended.

24. It goes without saying that the persistence of the problem disturbs the atmosphere of peace and tranquillity that prevails in our region.

25. The struggle that the people and Government of the Comoros have waged ceaselessly for some years now to recover their most legitimate rights is not their struggle alone. It is also that of all the peoples and countries that cherish peace and justice and respect international law and the Charter of the United Nations. Most major international organizations are regularly seized of the question. Our rights and the justice of our cause are recognized and supported everywhere. I should like to take this opportunity to express the gratitude of the people and Government of the Comoros for the constant support that the General Assembly has given, and continues to give, to their just cause.

26. There can be no doubt that, in restoring law and justice to our country, France, which was praised for its conduct at the time of the decolonization of its former African territories, will emerge with yet greater stature from a problem which is not in keeping with its traditions, above all since we continue to offer it the hand of friendship in order to solve the problem.

27. Moreover, the Comorian people still remembers the following words spoken by the former President of the French Republic, Mr. Valéry Giscard d'Estaing, at a press conference on 24 October 1974:

“It is an archipelago which constitutes one entity. It is a population which is homogeneous, in which there are virtually no people of French origin, or only a very small number ... Is it reasonable to imagine that one part of the archipelago should become independent and that one island, whatever feelings of sympathy we may have for the inhabitants, should maintain a different status?”

“I believe that we must accept contemporary reality. The Comoros are a unity, they have always been a unity, and it is natural that they should share the same fate, even if some of them might wish for ... a different solution.

“On the occasion of the independence of a territory we should not propose to break the unity of what has always been the single archipelago of the Comoros.”

28. In conclusion, I wish to liken my country to a body, one of whose main limbs has been amputated. It is therefore physically and morally handicapped in its efforts to undertake harmonious economic, social and cultural development in the interests of all its inhabitants. Since this is a question of right and justice, our people, with the support of the international community, will struggle ceaselessly until its just cause triumphs.

29. That is why my delegation is submitting to the Assembly a draft resolution [A/37/L.41 and Add.1] in accordance with the relevant resolutions on the question previously adopted by the Organization. It is our earnest hope that it will be adopted unanimously.

30. Mr. SARRÉ (Senegal) (*interpretation from French*): The question of the Comorian island of Mayotte was placed on the agenda of the General Assembly for the first time in 1976, at the thirty-first session.

31. Since then, the international community, which has been following this question with interest at the level of the United Nations, the Movement of Non-Aligned Countries, the Organization of the Islamic Conference and the OAU, has noted with attention over the years, and from one session to the next, the untiring efforts made to reach a just and honourable solution both by the parties involved, that is, France and the Comoros, and by the appropriate bodies of the institutions to which I have just referred.

32. Thus, the *Ad Hoc* Committee of Seven established by the OAU to follow the question of the Comorian island of Mayotte, and of which my country, Senegal, has the honour of being a member, met last year at Moroni to see to what extent it could solve that problem. The open-minded spirit and the manifest willingness of the parties concerned to find a solution to their dispute on the basis of the mutual understanding which prevailed throughout that meeting should, in our opinion, be emphasized and encouraged.

33. Recently, at the thirteenth Islamic Conference of Foreign Ministers, held in August 1982 at Niamey, the Organization of the Islamic Conference examined the various aspects of this question and adopted a resolution similar to the conclusions that were adopted by the OAU Committee [see A/37/567]. The constructive nature of the debates which took place in this respect lead us to believe that a just and lasting solution of the question of the Comorian island of Mayotte is possible, and in the very near future.

34. My delegation feels that we should welcome the fact France and the Islamic Federal Republic of the Comoros, in a joint effort, keeping in mind both the application of General Assembly resolution 1514 (XV) and the need to respect the principle of the immutability of frontiers inherited from the colonial period embodied in the Charter of the Organization of African Unity, have solemnly and resolutely undertaken to resolve the question of Mayotte in a spirit of mutual understanding. We are pleased to note that efforts have continued on both sides and that negotiations are actively under way.

35. The intensification of co-operation in all spheres between France and the Comoros is surely clear proof of the common desire of the parties to overcome what I would call the technical difficulties facing

them. All these positive elements make us confident and optimistic regarding the search for a solution in keeping with the interests of the two countries.

36. The United Nations, one of whose essential tasks is the promotion of peace and mutual understanding among peoples and nations, must encourage those initiatives and, moreover, contribute to the process worked out by common agreement between France and the Comoros in order to find a definitive solution to the problem of Mayotte.

37. My country, which has the advantage of enjoying privileged relations with France and with the Comoros, will spare no effort to contribute within the limits of its ability to the establishment of a just and lasting solution to this problem. The Head of State of Senegal, Mr. Abdou Diouf, has been working towards that end with the parties directly concerned. This position was solemnly reaffirmed here during the general debate in the Assembly a few weeks ago by Mr. Moustapha Niasse, the Minister of State for Foreign Affairs of Senegal [10th meeting].

38. We hope that the dialogue which has begun under such happy auspices will proceed smoothly and lead to a prompt and happy conclusion for the benefit of the French and Comorian peoples who, apart from the historical and cultural ties which link them, remain dedicated above all to the common ideals of international peace and security.

39. Mr. DAVIN (Gabon) (*interpretation from French*): When I spoke at the thirty-sixth session of the General Assembly on the question of the Comorian island of Mayotte [92nd meeting], I expressed the hope that a rapid and satisfactory solution to this problem would be reached as a result of the mutual understanding shown by the two parties concerned, their good will and their stated desire to reach, through negotiation, a definitive solution to the dispute between them.

40. Since then a year has elapsed and we are obliged to note that, notwithstanding the various initiatives which have been taken, the contacts which have been made and the discussions which have taken place, there seem to have been few changes in the situation, a fact which is confirmed by the opening of this debate.

41. While, for one of the parties, the return of Mayotte to the Comorian national entity poses no difficulties and is not open to dispute, for the other party the situation appears to be complicated by the fact that certain political, legal or domestic constitutional requirements seem to continue to pose obstacles to the anticipated implementation of the process leading to the restoration of the territorial integrity of the Islamic Federal Republic of the Comoros.

42. It is therefore desirable that those impediments should be removed promptly so that it would be possible to put an end to a situation which, if it were to continue, would be gravely prejudicial to the territorial integrity of the Islamic Federal Republic of the Comoros and to its sovereignty over the whole of its national territory.

43. The maintenance of the Comorian island of Mayotte outside the national community, which cannot

be justified on the grounds of either geography or history, would be contrary to law, because it is contrary to the will of the Comorian people. The result of the referendum on self-determination carried out in the Comoros in December 1974 by the administering Power showed overwhelmingly and clearly the unambiguous will of the overwhelming majority of the population that was consulted to constitute an independent unitary State, which would replace the former territorial and administrative entity that derived from the colonial period. In the light of that wish for unity, the referendum procedure which was applied had been the subject of an agreement between the administering Power and the local governmental authorities of the period, which stipulated that the results of the consultation of the population would be taken into account not island by island but on an overall basis. After the decisive "yes" to independence by 95 per cent of the voting electorate, the Comoro Archipelago should have acceded to international sovereignty with territorial integrity, in other words, as a national whole composed of the islands of Anjouan, Grande-Comore, Mayotte and Mohéli, as recognized by the OAU and reaffirmed by the General Assembly in resolution 3385 (XXX) of 12 November 1975.

44. Of course, the fact that the island of Mayotte belongs to the Islamic Federal Republic of the Comoros is not disputed. The fact that talks have started on this subject shows that the parties to the dispute agree on the substance of the issue and are seeking a negotiated settlement. What matters is the common determination to maintain and continue the necessary dialogue in order to reach a satisfactory solution to the problem. This, we believe, is the sincere desire of the Islamic Federal Republic of the Comoros and this, we believe also, is the state of mind of the French Government, whose spokesman, addressing the General Assembly in this Hall at its thirty-sixth session, said:

"We hope that the solution will be found as quickly as possible and that it will take into account the geographical, ethnic and historical links between the islands which constitute the Comoro Archipelago.

"... the Government of France has done nothing prejudicial to a rapprochement between Mayotte and the other islands of the archipelago.

"Mayotte's status is a provisional one. The law adopted by the French Parliament on 24 December 1976 granted Mayotte a special status which does not close the door to any evolution." [92nd meeting, paras. 79-81.]

45. That is why Gabon, which holds the chairmanship of the OAU *Ad Hoc* Committee of Seven on the Comorian island of Mayotte, was encouraged to appeal to the French Government to renew its efforts and continue the dialogue which it had begun with the Moroni Government, in order to seek together the most appropriate ways and means of arriving at a definitive settlement, taking into account the legitimate rights and safeguarding the interests of all concerned, in full respect for the total sovereignty of the Comorian State over the whole of the archipelago, including the Comorian island of Mayotte. It is with a view to attaining that objective that the *Ad Hoc* Committee

intends to continue and develop its activities. I cannot fail to emphasize the many initiatives and the tireless efforts made to that end by the Chairman of the *Ad Hoc* Committee, Mr. Omar Bongo, President of the Gabonese Republic.

46. It is fitting, in particular, to recall the decisions adopted by the Committee at its last meeting in 1981. The various contacts required to give concrete effect to those decisions are continuing unrelentingly. This year, unfortunately, the *Ad Hoc* Committee was unable to meet, for reasons beyond its control. However, agreement is expected soon on the date for a future meeting, at which the Committee will submit the results of its previous work and propose new recommendations.

47. Mr. KAPOMA (Zambia): My delegation is participating, as it did last year, in the debate on the question of the Comorian island of Mayotte because we attach great importance to the principle of respect for the independence, unity, sovereignty and territorial integrity of all States. This principle is as relevant and important in the case of the Comoros as it would be in the case of any other State Member of the United Nations.

48. It is important to recall that when the General Assembly admitted the Comoros to the United Nations—and that was a long ago as 1975—it specifically reaffirmed the need to respect the unity and territorial integrity of that country composed of four islands, including Mayotte. Regrettably, seven years later we still have to deal with the question of the full integration of Mayotte with the rest of the Republic of the Comoros.

49. In our statement last year [92nd meeting] my delegation expressed the hope that by the time we considered this item at the current session of the General Assembly we would see meaningful progress in the negotiations between France and the Comoros relating to Mayotte. In this hope and expectation, we were encouraged by what appeared to us as a positive and realistic attitude on the part of the new French Government. We therefore regret that no tangible progress has been made.

50. In the circumstances, my delegation wishes once again to underline the importance of negotiations in earnest and in good faith between France and the Comoros, so that an early solution can be found to this outstanding problem. The Government and people of the Comoros can certainly continue to count on Zambia's full support in their efforts to find a peaceful solution to the problem of Mayotte and ensure full respect for their country's independence, sovereignty, unity and territorial integrity.

51. We support the Comorian position because it is just and also because the issue involved is, in the final analysis, fundamentally important for all States, particularly the small and weak Members of the United Nations. That is why both the OAU and the Movement of Non-Aligned Countries have, at many of their conferences, called for an urgent solution to the problem of Mayotte on the basis of its full integration with the rest of the Islamic Federal Republic of the Comoros.

52. My delegation has, as in previous years, co-sponsored the draft resolution to be considered by

the Assembly on the question of the Comorian island of Mayotte. We hope the Assembly will adopt it by an overwhelming majority of votes, so that once again the United Nations will, in a clear and unambiguous manner, be seen to be on the side of justice, through a demand for respect for the independence, sovereignty, unity and territorial integrity of the Comoros, one of its Member States.

53. Mr. RAMADAN (Egypt) (*interpretation from Arabic*): Today we are discussing the question of the Comorian island of Mayotte. Egypt has close, age-old bonds of friendship with both France and the Comoros.

54. The General Assembly has been considering this question since 1976, but no solution has been found thus far, despite the fact that the parties concerned have on more than one occasion expressed their will to arrive at a peaceful settlement through negotiations. The Egyptian delegation wishes to make the following points.

55. First, the sovereignty of the Islamic Federal Republic of the Comoros over the island of Mayotte has been confirmed by the relevant resolutions of the General Assembly.

56. Secondly, we pay a tribute to President Mitterrand for the statements he has made confirming his position regarding the territorial unity of the island of Mayotte within the Republic of the Comoros—a position which he reaffirmed during the Franco-African Conference held in Paris last year.

57. Thirdly, we wish to pay a tribute to France for the commitments that it made following the referendum of 22 December 1974 on self-determination for the archipelago, which include respect for the unity and territorial integrity of the Comoros.

58. Fourthly, the Egyptian delegation invites the two parties to continue their negotiations with a view to the effective return of the island of Mayotte to the Comorian entity as soon as possible.

59. Fifthly, we wish to draw the attention of Member States to the recommendations of the *Ad Hoc* Committee of Seven of the OAU, adopted at the meeting of the Committee in November 1981 [*see A/37/147*]. We consider those recommendations to be a practical and logical framework for a peaceful settlement of the problem.

60. Sixthly, we are pleased to note that the Comorian Government is continuing its bilateral negotiations with France. The note verbale of the Comorian Government sent to the Secretary-General on 11 October 1982 [*ibid.*] indicates that President Ahmed Abdallah of the Islamic Federal Republic of the Comoros, during his official and private visits to France, discussed this question with President Mitterrand.

61. Seventhly, we welcome the measures taken by the French Government to promote friendly relations and permit the movement of persons between Mayotte and the other Comorian islands. We hope that this will be done in accordance with the wishes of the Comorian Government.

62. Once again, the Egyptian delegation wishes to stress the special relations between Egypt and the two parties. That is why we hope to see a peaceful solution reached in the near future so that the territorial unity of the Comoros will be achieved and in order to

mobilize every possible effort for the development of the Comorian people through fruitful co-operation with the French Government.

63. Mr. KHAN (Pakistan): Pakistan maintains close and fraternal relations with both France and the Islamic Federal Republic of the Comoros, and it is for this reason that we desire to see a speedy resolution of the question of Mayotte, which remains the outstanding issue between the two countries. We view the question of Mayotte in the light of the following factors.

64. First, on 13 December 1974, the General Assembly, by virtue of resolution 3291 (XXIX), affirmed the unity and territorial integrity of the Comoros and emphasized that the archipelago comprised the islands of Anjouan, Grande-Comore, Mayotte and Mohéli.

65. Secondly, General Assembly resolution 1514 (XXV), on the granting of independence to colonial countries and peoples, clearly maintains that the principle of self-determination should apply to a colonial entity as a whole.

66. Thirdly, the Government of France is ready to engage in a dialogue with the Comoros in a constructive spirit. In this context, we particularly welcome the willingness expressed by the President of France to seek actively a solution to the problem of Mayotte.

67. Fourthly, we note the efforts of the OAU, which set up an *Ad Hoc* Committee of Seven to undertake mediation efforts to achieve a rapid, just and satisfactory settlement of the problem of Mayotte. The Movement of Non-Aligned Countries and the Organization of the Islamic Conference have also adopted decisions emphasizing the same objective.

68. It is in the light of these factors that we hope that the Governments of France and the Comoros will intensify their efforts through negotiations to bring about a solution of the question of Mayotte consistent with the decisions of the United Nations. We feel that the adoption of draft resolution A/37/L.41 would serve as a reminder by the General Assembly to this end and hence contribute to expediting the process of negotiations. In supporting this draft resolution, our primary desire is to encourage the process started by France and the Comoros with a view to finding a definitive and early solution to the problem.

69. Mr. de La BARRE de Nanteuil (France) (*interpretation from French*): On 22 September, in the General Committee [*1st meeting*], my delegation expressed regret that this year again the inclusion in the agenda of an item on the island of Mayotte had been proposed.

70. France believes that consideration of this question is prejudicial to the application of paragraph 7 of Article 2 of the Charter, which provides that "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 ...".

71. Moreover, all of us here know that today's debate is hardly likely to bring us any closer to the just and lasting solution to the problem of Mayotte which we all want. Indeed, it is generally acknowledged that no solution will be just or lasting unless it meets the wishes of the inhabitants of all the islands

of the archipelago. It is this objective that we all, and primarily the two Governments involved, must strive to promote.

72. For its part, France has resolutely embarked upon a constructive dialogue with the Islamic Federal Republic of the Comoros. The links of friendship and co-operation which bind the two countries have been strengthened. Contacts between Moroni and Paris have never been more intense, including those taking place at the highest levels of State. For example, since the last session of the General Assembly, the President of the Republic and the Head of the Comorian State have again met, and other meetings at different levels have followed.

73. Moreover, France has done nothing—far from it—that could prevent Mayotte and the other islands of the archipelago from drawing closer together. The law passed by the French Parliament on 24 December 1976, just after the Mahorais people had expressed their choice, endowed Mayotte with a particular status which did not close the door to any possible developments. That status was renewed by the law of 22 December 1979.

74. France desires the development of relations of all sorts between Mayotte and the other islands of the Comoros. Within the framework of its constant thinking on the subject and showing its determination to reach a successful outcome, the French Government has just appointed a high-level envoy to study concretely the practical problems posed for the populations concerned. My country is convinced that it is only through agreement that a just and lasting solution can be found to this matter.

75. In the same constructive spirit, France is prepared to provide the Comorian State with the support necessary to enable the archipelago to develop harmoniously. The French Government naturally expects that the Comorian authorities will, for their part, make all necessary arrangements to bring the four islands closer together.

76. Thus, President Mitterrand said one year ago that "France has undertaken actively to seek a solution to the problem of Mayotte with respect for its national law and for international law". No one can challenge the sincerity or determination of the French Government in this matter.

77. I wish to recall to those who are impatient at the slowness of certain developments that it is the fate of tens of thousands of men and women which is at stake. History teaches us that hasty solutions often engender lasting conflicts. France cannot be expected to follow such a course and disregard a principle which it holds sacred—the principle of self-determination.

78. My delegation can only oppose the draft resolution which is before us today. But the French Government will, steadfastly and patiently, continue its friendly and constructive dialogue with the authorities of the Islamic Federal Republic of the Comoros.

79. The PRESIDENT: The Assembly will now take action on draft resolution A/37/L.41 and Add.1. A recorded vote has been requested.

A recorded vote was taken.

In favour: Albania, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Finland, Gabon, Gambia, German Democratic Republic, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ivory Coast, Jamaica, Kenya, Kuwait, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Sweden, Syrian Arab Republic, Thailand, Togo, Tunisia, Turkey, 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, Yugoslavia, Zambia.

Against: France.

Abstaining: Australia, Austria, Belgium, Canada, Denmark, Germany, Federal Republic of, Greece, Iceland, Ireland, Israel, Italy, Japan, Lebanon, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America, Zaire.¹

The draft resolution was adopted by 112 votes to 1, with 22 abstentions (resolution 37/65).²

AGENDA ITEM 28

Third United Nations Conference on the Law of the Sea

80. Mr. KOH (Singapore): The Assembly has before it a draft resolution contained in document A/37/L.13/Rev.1. We also have before us an amendment contained in document A/37/L.15/Rev.1. The report of the Fifth Committee on the administrative and financial implications of the draft resolution is contained in document A/37/687. I should also draw the attention of representatives to the notes by the Secretary-General contained in documents A/37/561 and A/37/566 and Corr.1.

81. I have been requested by the sponsors to introduce draft resolution A/37/L.13/Rev.1. I shall confine my introductory remarks to the operative paragraphs of the draft resolution.

82. In paragraph 1, the Assembly welcomes the adoption of the United Nations Convention on the Law of the Sea and the related resolutions. As representatives are aware, the Third United Nations Conference on the Law of the Sea embarked in late 1973 on its ambitious task of adopting a convention covering every aspect of the uses and resources of the sea. Throughout its nine years of negotiations, the Conference had been guided by the goal of adopting

a convention by consensus in order that it might be universally accepted. Unfortunately, this goal was not reached because on 30 April 1982 one delegation—that of the United States—insisted that the Convention and the related resolutions be put to the vote. The Convention “package” was adopted by 130 votes in favour to 4 against. In a few days’ time, on 10 December, the Convention will be open for signature in Montego Bay. We are confident that the Convention will be signed there by many States. We note there are a few States which at the moment have either a negative attitude towards the Convention or are undecided. Some of these States include countries which have traditionally supported the role of international law. We appeal to them to re-examine their position on the Convention carefully, in the light of both their specific interests in relation to the law of the sea and their general position of support for international law and the rule of law in relations between States.

83. Paragraphs 2 and 3 of the draft resolution are hortatory in character. Paragraph 2 calls upon all States to consider signing and ratifying the Convention at the earliest possible date. That is, of course, an exhortation and States are naturally free to respond as they wish. Paragraph 3 appeals to the Governments of all States to refrain from taking any action directed at undermining the Convention or defeating its object and purpose. It is also in the nature of an appeal. It does not purport to assert the proposition that States which have not signed the Convention have a legal duty to refrain from taking any action directed at undermining the Convention or defeating its object and purpose.

84. I turn now to paragraphs 4 and 5. In paragraph 4, the Assembly would accept with appreciation the invitation of the Government of Jamaica for the Conference to hold its final meeting at Montego Bay from 6 to 10 December 1982 for the purpose of signing the Final Act and opening the Convention for signature. Paragraph 5 authorizes the Secretary-General to enter into the necessary agreement with the Government of Jamaica concerning the defrayment of the additional costs incurred by the United Nations in holding the final meeting of the Conference in Jamaica, in accordance with General Assembly resolution 2609 (XXIV). The question of the costs involved in holding the final meeting of the Conference in Jamaica has been misused by some segments of the American media opposed to the Convention, in order to discredit the United Nations in general and the Convention on the Law of the Sea in particular. I wish to state that the merits and demerits of the Convention are questions on which reasonable people may reasonably disagree. I have to respect the point of view of those who say that the demerits of the Convention outweigh its merits.

85. However, it is unacceptable to me—and I trust unacceptable to the Assembly—that the critics of the Convention should distort the facts in order to generate opposition to it. For example, the cost of the meeting in Jamaica to be borne by the United Nations is \$175,000. That is the amount which would be incurred if the meeting were to be held in New York instead of in Montego Bay. Any additional expenses involved in holding the meeting in Jamaica will be borne by the Jamaican Government. On 8 November 1982, a

well-known columnist of *The New York Times*—and incidentally a friend of mine—Mr. William Safire, had this to say in his column:

“The most expensive junket in world history will be voted upon at the United Nations this week: \$20 million is being proposed to enable diplomats and their families to sojourn on the sunny island of Jamaica, where they will set up a permanent pool-side bureaucracy to berate the United States for refusing to sign the Law of the Sea Treaty.”

On the following day, 9 November, *The Wall Street Journal*, in its editorial, picked up the figure of \$20 million invented by Mr. Safire. The editorial stated:

“As the chill November winds blow across the East River, United Nations officials are eagerly readying themselves for a big bash in Jamaica next month to mark the signing of the Law of the Sea Treaty. Sparing no expense, the United Nations is expected to lay out up to \$20 million celebrating this attempt to tax Western mining companies and to steal their technology.”

I ask you, Mr. President, and other representatives to judge whether it is fair for Mr. Safire of *The New York Times* and the editor of *The Wall Street Journal* to misrepresent the costs of the forthcoming meeting in Jamaica in order to stir up the opposition of their readers to the Convention. If you agree with me that it is indeed unfair, do you not think that these two great newspapers of this country owe to us, and to themselves, an ethical duty to print a correction?

86. Paragraph 7 of the draft resolution would approve the assumption by the Secretary-General of the responsibilities entrusted to him under the Convention and the related resolutions. It would also approve the stationing of an adequate number of secretariat staff in Jamaica for the purpose of servicing the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea, as required by its functions and programme of work.

87. I should like to take a few moments to explain the responsibilities entrusted to the Secretary-General under the Convention and the related resolutions. I should also like to explain why we have come to the conclusion that it is necessary to station an adequate number of Secretariat staff in Jamaica.

88. The Secretary-General’s note [A/37/561], to which I have already referred, contains a detailed exposition of the responsibilities entrusted to him under the Convention,³ as well as under resolutions I and II of the Conference.⁴ Under the Convention, the responsibilities of the Secretary-General may be classified under five headings. First, he has the function of a depositary. Secondly, he has been given the function of receiving the submission by coastal States of all charts and lists of geographical co-ordinates for the purpose of establishing the limits of their jurisdiction. Thirdly, the Secretary-General has a reporting function. Fourthly, the Secretary-General has been entrusted with certain administrative functions, such as calling for invitations for nominations and convening meetings of States parties. Fifthly, the Secretary-General can render a valuable service to Member States, especially developing coastal States, by

providing them with information, advice and assistance regarding the new legal régime established by the Convention.

89. Under resolution I of the Conference, the Secretary-General is required to service the Preparatory Commission in its task of preparing draft rules, regulations and procedures. This is an extremely important task because, among other things, a viable system for mining the resources of the deep sea-bed will comprise the provisions of the Convention and its annexes, as well as detailed rules, regulations and procedures which will have to be drafted by the Preparatory Commission.

90. Resolution II of the Conference was a major concession by the developing countries to the developed countries. Under this resolution, the Conference has taken note of the existence of a number of pioneer investors in the field of sea-bed mining. The resolution has entrusted to the Preparatory Commission a number of executive functions in relation to such pioneer investors. The Preparatory Commission is empowered to register the pioneer investors, to allocate to them specific mine sites for the purpose of exploration, and to choose one of the two mine sites offered by the pioneer investors for the Authority.

91. Under resolution I, the Conference agreed that the Preparatory Commission shall meet at the seat of the International Sea-Bed Authority if facilities are available. As delegations know, Kingston, Jamaica, has been chosen as the seat of the Authority. We have been told by the representative of Jamaica that facilities are already available for the Preparatory Commission to meet at Kingston. In view of this and in view of the fact that the Preparatory Commission has been invested with certain executive functions in relation to pioneer investors, it is therefore necessary to station an adequate number of Secretariat staff in Kingston.

92. During the past month, I have conducted extensive consultations on the draft resolution as a whole and on paragraphs 7 and 8 in particular. I should like to state for the record a number of important understandings that were arrived at in these consultations. First, in the interest of economy and in order not to create any disincentive for States to sign and ratify the Convention at an early date, the law of the sea secretariat shall be kept at its present level of staff and grades, that is to say, 18 professional substantive officers for 1983. As much as possible the expenses of the secretariat will be kept within the existing level of expenses. Secondly, the law of the sea secretariat will be a unified secretariat. Thirdly, the secretariat will have two duty stations: one in New York and the other in Kingston. Initially, each duty station will have nine professional staff. The grades of staff at each duty station shall be determined, on a fair and equitable basis, by the Secretary-General. The Secretary-General will also be given the discretion to vary the apportionment of staff between the two duty stations in the light of their functions and the demands for their services. Fourthly, the staff assigned to the two duty stations will be mutually reinforcing. Fifthly, the law of the sea secretariat will continue to depend upon the other departments of the United Nations and its specialized agencies for experts in carrying out the responsibilities of the Secretary-General.

93. Paragraph 8 of the draft resolution authorizes the Secretary-General to convene the Preparatory Commission and to provide it with the services required. If 50 or more States sign the Convention on 10 December 1982, the first session of the Preparatory Commission will be held in Kingston between 60 and 90 days later, that is to say, in February or March 1983. As a result of the consultations I have conducted, agreement has been reached on the programme of meetings for 1983. The first session of the Preparatory Commission will last for a period of four weeks, but the Commission will be given the power to extend its session by two additional weeks or to hold a second session of two weeks' duration. The Preparatory Commission can establish a number of working groups not exceeding four. The working groups can meet for a maximum period of four weeks in 1983. If possible the working groups shall meet simultaneously. The Preparatory Commission shall decide, after taking all relevant considerations into account, whether the working groups should meet in Kingston or in New York.

94. Paragraph 9 approves the financing of the expenses of the Preparatory Commission from the regular budget of the United Nations. This is in accordance with the decision taken by the Conference as contained in paragraph 14 of resolution I of the Conference. I have to explain that the decision of the Conference was based in part on a trade-off concerning defraying the expenses of the Preparatory Commission from the United Nations regular budget and allowing States which will sign the Final Act but not the Convention to take part in the work of the Preparatory Commission as observers. The amendment contained in document A/37/L.15/Rev.1 proposes that the expenses of the Preparatory Commission shall be borne by the States which sign the Convention. That proposal is not consistent with the agreement contained in resolution I of the Conference. The proposal contained in the amendment was in fact put to the Conference and was not found acceptable. It should therefore not be resurrected here. On behalf of the sponsors of the draft resolution, I should like to address an appeal to the sponsors of the amendment not to insist on their amendment. If, however, the amendment were pressed to a vote, we would, of course, have no alternative but to vote against it.

95. In the consultations which I have conducted on the draft resolution, I suggested at the outset to all the participants that our consultations should be conducted on the basis of four common assumptions. I was pleased that all the participants accepted them. First, since the Convention and the related resolutions have entrusted certain responsibilities to the Secretary-General, it is our shared concern that the General Assembly should provide the Secretary-General with adequate financial and administrative resources to enable him to carry out those responsibilities. Secondly, in making available to the Secretary-General such administrative and financial resources, strict regard must be paid to economy and to efficiency. Thirdly, we must avoid creating a deterrent or a disincentive for States which are in the process of making up their minds whether or not to sign and ratify the Convention. Fourthly, we must take into account the depressed economic conditions in most if

not all Member States and consequently the need to be prudent and responsible in making any request for additional resources from the Organization.

96. Guided by those four shared concerns, we have been able to agree on a modest package consisting of staff salaries, conference servicing costs and other operating costs for 1983 amounting to \$4,234,600. I am satisfied that we have been faithful to the need to be economical, to be efficient, to be prudent and to be responsible.

97. For these reasons and on behalf of the sponsors, I therefore commend draft resolution A/37/L.13/Rev.1 to the Assembly and hope that it will receive the support of the members.

98. Mr. BEAUGE (Argentina) (*interpretation from Spanish*): On 30 April of this year, the Third United Nations Conference on the Law of the Sea adopted as a whole, at the proposal of its President, the text of the Convention and of four resolutions. Argentina voted in favour because of the commitment made by the Group of 77 that the text of the Convention should be adopted as soon as possible. On that occasion, Argentina expressed its formal reservation concerning draft resolution III and reiterated an earlier reservation made at the informal plenary meeting of the Conference on 31 March 1982. We indicated that that draft resolution was unacceptable and that had it been put to a separate vote, we would have voted against it.

99. At the meeting when the texts were adopted, the President presented the texts of the Convention and of the draft resolutions together as a package which could not be voted on separately, and his view was supported by the Conference after a proposal to that effect had been made. Argentina was therefore unable to ask for a separate vote on draft resolution III.

100. The text of draft resolution III,⁴ in particular subparagraph (b) of paragraph 1, completely nullifies the principles contained in paragraph 2 of the former transitional provision at the end of the informal composite negotiating text of the Convention, concerning territories whose sovereignty is disputed. Argentina wishes to state for the record that draft resolution III does not in any way affect the question of the Malvinas Islands, which is governed by special provisions of the General Assembly, adopted in the framework of the decolonization process.

101. In view of the foregoing considerations and taking into account the link that would be established between the text of the Convention and the declaration contained in draft resolution III, in particular subparagraph (b) of paragraph 1, Argentina will not be able to sign the Convention or the Final Act so long as this circumstance remains and therefore will not participate in the vote on the draft resolution which is before us today. This does not imply a negative position on the part of my country on the text of the Convention, which is the result of many years of efforts on the part of many countries, including my own, to create a balanced international system to regulate the law of the sea.

102. Mr. ROSENNE (Israel): At the 53rd meeting of the Fifth Committee yesterday, my delegation voted against the recommendations concerning the financial implications adopted by the Fifth Committee. Our

representative explained that we did so because at the 182nd meeting of the Conference on the Law of the Sea, on 30 April last, my delegation voted against the Convention as a whole and the four resolutions directly related to it and forming an integral whole with the Conventions—a qualification which we also explained at the time we could not accept for all of them, since some of those resolutions have nothing to do with the law of the sea and have no place in any instrument adopted by the United Nations Conference on the Law of the Sea. The reasons for this position have been stated on many occasions during the Conference. I do not need to repeat them here, and it is enough for me to reiterate that they still govern our whole approach to the new Convention on the Law of the Sea, to be ceremoniously opened for signature on 10 December, next week.

103. I should now like to add that the difficult report of the Advisory Committee on Administrative and Budgetary Questions [A/37/7/Add.10] only reached us during the course of yesterday morning's meeting of the Fifth Committee and it has been impossible for us to give it the close attention it requires. As the Secretary-General's equally difficult statement on the financial implications of the draft resolution now before us [A/C.5/37/58/Rev.1] makes clear, the report of the Advisory Committee and the Secretary-General's own statement must be read not only in the light of the Convention itself, of which the final text, as amended on the basis of this summer's heavy report of the Drafting Committee, has only just become available, but also in the light of other documentation of the Conference, notably the study on the future functions of the Secretary-General under the Convention and on the needs of countries, especially developing countries, for information, advice and assistance under the new legal régime.⁵ That study was prepared at the request of the Conference and of the General Assembly in its resolution 35/116 of 10 December 1980, but so far as I am aware has not been examined in depth either by the Conference or by the Assembly. Moreover, that study, which is fuller than any of the documentation submitted to the current session of the General Assembly, may itself require to be brought up to date in the light of the final text of the Convention itself.

104. As I have said, my delegation voted against the Convention and the four formally related resolutions last April. We were not in any way associated with the negotiations from which emerged the text of resolution I. Paragraph 14 of that resolution lays down that the expenses of the Preparatory Commission shall be met from the regular budget of the United Nations, subject to the approval of the General Assembly—as is required, indeed, under Article 17 of the Charter. We have never agreed to that provision, and we do not agree with it now. We see no reason why the normal practice should not be followed here, and why the expenses of the Preparatory Commission should not be met by the States most directly concerned—namely the signatories of the Convention or those that have expressed their consent to be bound by it. For that reason we support the amendment contained in document A/37/L.15/Rev.1.

105. I turn now to draft resolution A/37/L.13/Rev.1. While we recognize that it is a considerable improve-

ment on the initial text, we still have difficulties with paragraphs 2 and 3, which we cannot support. We consider that both those paragraphs go beyond the existing requirements of international law applicable in the case of a treaty which by its own terms, as is the case here—I refer to article 206—requires a signature to be followed by ratification before it can impose any legal obligations. Nor do we think that this type of provision can be justified by the circumstances of the new Convention. In our view, they cannot impose any obligations, whether legal or other, upon States which do not sign the Convention.

106. Having thus made clear our position on the cardinal aspects of this draft resolution, concentrated in paragraphs 2, 3 and 9, we shall cast our votes accordingly, and if those provisions are retained unchanged shall not be able to vote for the draft resolution as a whole. In adopting this position, we nevertheless wish to express our full support for paragraphs 4, 5 and 6, and to express our great appreciation to the Government of Jamaica for its gracious invitation to hold the concluding session of this long Conference at Montego Bay.

107. The PRESIDENT: I call on the representative of the United States of America to introduce the amendment contained in document A/37/L.15/Rev.1.

108. Mr. ADELMAN (United States of America): My delegation has co-sponsored an amendment, A/37/L.15/Rev.1, to draft resolution A/37/L.13/Rev.1. Our amendment is simple in content and straightforward in concept. It does not address the many serious objections we have to other parts of the draft resolution. Instead, it points to objections we would have regardless of the merits of this draft resolution. The draft resolution violates our commitment to fiscal restraint, and it does so not only by the extent of the expenditures but also, and even more seriously, by attempting to convert the expenditures of the Preparatory Commission into expenses of the United Nations itself and assess them against the membership of the Organization.

109. As negotiations on the law of the sea wound down in April of this year, the issue of funding the Preparatory Commission was dealt with hurriedly and with insufficient reflection. Rather than further protract the process, the Conference adopted resolution I, which states in part that: "The expenses of the Commission shall be met from the regular budget of the United Nations, subject to the approval of the General Assembly". However, we believe that if Members carefully reflect upon the nature of the Preparatory Commission established by the Convention on the Law of the Sea and upon the proper limits of the financial obligations undertaken by States by virtue of adherence to the Charter of the United Nations, they will agree that the proposal to finance the Preparatory Commission from the regular United Nations budget is ill advised. Our amendment is designed to correct this potentially serious mistake.

110. The Preparatory Commission is a temporary commission to formulate the rules and regulations of the two specialized agencies contemplated under the Law of the Sea Convention: the International Sea-Bed Authority and the International Tribunal for the Law of the Sea. The Authority and Tribunal are

entities independent of the United Nations and will be funded outside the United Nations budget. The Preparatory Commission is also an entity distinct from the United Nations. Full participation in the Commission is not a prerogative of Members of the United Nations. It is not a right of parties to the Charter of the United Nations. Instead, to be entitled to participate in the taking of Commission decisions, States must sign an entirely distinct treaty, the Convention on the Law of the Sea. Since these rights are not rights of States by virtue of membership of the United Nations, the obligations should not be.

111. This is not merely a question of fairness or reasonableness. The consent of States is fundamental to the international obligations of States pursuant to treaties. It is potentially damaging to the United Nations to attempt to impose upon all its Member States responsibility for the expenses of a separate entity, established under a distinct treaty régime. Consent to such a financial obligation might be presumed if the expenses to be funded through the regular United Nations budget were pursuant to a consensus. However, consent cannot be presumed where, as here, there is and will be no consensus on the activities or funding methods contained in the resolution.

112. The second serious error is that this draft resolution calls for extravagant and unjustified expenditures. It provides for conferences and secretariat support, which for 1983 will cost \$4 million in total. Because these meetings will be held away from United Nations Headquarters, the United Nations can expect to pay a higher amount than if the existing resources at Headquarters could be efficiently utilized. To ask the United Nations to pay for a preparatory commission of a separate treaty organization is wrong. To ask it to pay for an expensive conference away from established headquarters is doubly wrong and an additional violation of the principle of fiscal responsibility. The United States, as the largest contributor to the United Nations budget, is deeply concerned that this principle be defended and respected in practice. For the General Assembly to ask States to succumb to such a request is to abandon that principle.

113. In conclusion, my delegation is convinced that the fiscal approach taken by this draft resolution is a departure from both the spirit of the Charter of the United Nations and acceptable international practice. Further, it ignores current economic conditions and pays little heed to fiscal restraint. The United States amendment would correct these defects. The United States reserves its legal rights and intends to examine carefully its legal obligations relevant to this draft resolution, within the framework of the Charter, should the draft resolution be adopted without our amendment.

114. My delegation urges all Member States to support this amendment. We hope that each will objectively analyze the grave concerns presented by the draft resolution and give careful and responsible consideration to the vital issues that my delegation and the co-sponsors have identified.

115. Mr. KIRCA (Turkey): Turkey will vote against draft resolution A/37/L.13/Rev.1, and in particular against paragraphs 2, 3 and 9.

116. We are also opposed to paragraph 1, since Turkey cast a negative vote when the draft law of the sea convention was put to the vote during the last session of the Third United Nations Conference on the Law of the Sea, for reasons explained in detail and put in the official records with our numerous other statements.

117. We consider paragraph 2 to be unacceptable, since the Turkish Government has decided not to sign and not to become a party to the Convention on the Law of the Sea.

118. Paragraph 3 violates one of the basic principles of customary international law accepted by all States, namely that only the States signatories to a treaty are bound to refrain from taking any action directed at undermining that treaty or defeating its object and purpose until they express a clear and definite will to refuse to ratify it. Paragraph 3 overlooks that basic principle of international law and seems to assume that even those States that are not signatories to the Convention on the Law of the Sea are expected to refrain from taking action directed at undermining the Convention or defeating its object and purpose. We should like to place on record that, by accepting paragraph 3, the General Assembly would, in our opinion, seriously violate that basic principle of international law. This paragraph also violates the very basis of international law, which is the well-known principle *pacta sunt servanda*, by ignoring that the consent of a State is fundamental to the international obligations of the State pursuant to treaties.

119. Finally, we consider paragraph 9, which approves the financing of the expenses of the Preparatory Commission from the regular budget of the United Nations, to be contrary to the general principles of law, for it foresees the financing of the expenditures of the machinery set up in accordance with the relevant provisions of the Convention on the Law of the Sea being met also by those States that are not signatories to it, thus making participation in its implementation mandatory even for the States that refuse to accept it. For those reasons, we urge the General Assembly to accept the amendment that we, together with the United States, have presented in document A/37/L.15/Rev.1. We once again put it on record that, if that amendment is not adopted, the Turkish Government reserves its right to refuse to contribute to payments for expenditures originating from the implementation of the Convention on the Law of the Sea.

120. It is for the reasons I have stated and because the Government of Turkey has decided not to sign or become a party to the Convention on the Law of the Sea that the draft resolution is totally unacceptable to us.

121. The PRESIDENT: I shall now call on those representatives who wish to explain their vote before the voting on draft resolution A/37/L.13/Rev.1 and on the amendment contained in document A/37/L.15/Rev.1.

122. Mr. ADELMAN (United States of America): The General Assembly is about to embark on a course which my delegation feels is ill-advised and one which we cannot support.

123. We view the Convention on the Law of the Sea with mixed emotions. On the one hand, it contains many positive provisions consistent with our interests and in the interests of all those who use the seas. But, as the President of the United States has publicly stated, it also contains a deep-sea-bed mining régime which we cannot support, for the following reasons.

124. First, it would deter development of deep-sea-bed mineral resources. The production provisions would limit the availability of minerals for global consumption. In addition, there would be a discriminatory limit on the number of mining operations that could be conducted by any one country.

125. Secondly, it would not ensure national access to sea-bed resources by current and future qualified entities. Applicants would not be granted contracts based exclusively on whether they satisfied objective qualification standards. Further, the Convention would create a system of privileges operating against private mining companies. As a party to the Convention, the United States, through its private companies, could be denied access to deep-sea-bed minerals, and the supranational "Enterprise", a sea-bed mining arm to be established by the Convention, could gain a monopoly.

126. Thirdly, it would not provide a decision-making role in the deep-sea-bed régime that fairly reflects and effectively protects the political and economic interests and financial contributions of participating States. As the largest potential consumer of sea-bed minerals, as a country whose private firms could invest substantial amounts in sea-bed mining, and as potentially the largest contributor to the International Sea-Bed Authority and the Enterprise, our political and economic interests are far-reaching. The decision-making system in the Sea-Bed Authority would not reflect those realities. For example, the Convention would make American access to sea-bed resources dependent on the voting power of competitors and on those countries that do not wish to see the resources produced.

127. Fourthly, it would allow for amendments to come into force through the review process without the approval of all the participating States, including, in our case, the advice and consent of the United States Senate.

128. Fifthly, it would set undesirable precedents for international organizations. In addition to the practical problems raised by the provisions setting artificial production limits and mandatory transfer of proprietary technology to competitors of United States companies, those provisions also create undesirable precedents for future international negotiations. Many other provisions also create such precedents.

129. In addition to the financial aspects, the draft resolution now before us contains other features to which the United States cannot agree. I would note, as an example, that the draft resolution refers to the entry into force of the new legal régime for the uses of the sea and its resources. While the Convention contains new legal elements, notably the régime for the deep-sea-bed, much of the Convention is not new but rather reflects existing international law and the long-established practice of States, such as the right to

passage through, over and under straits used for international navigation.

130. We believe it is important to make clear the position of the United States on a further specific point. As we have stated on previous occasions, deep-sea-bed mining is a lawful use of the high seas which any State has a right to carry out subject to reasonable regard for the interests of other States. The United States continues to enjoy the right to carry out sea-bed mining. That right will not be affected by the United States decision not to sign the Convention on the Law of the Sea.

131. The United States takes this opportunity to state once again that it will not sign the Convention or participate in the deep-sea-bed régime. Therefore, we will vote "no" on the entire draft resolution.

132. The PRESIDENT: The Assembly will now proceed to take a decision on draft resolution A/37/L.13/Rev.1 and on the amendment contained in document A/37/L.15/Rev.1. The report of the Fifth Committee on the administrative and financial implications of the draft resolution is contained in document A/37/687. In accordance with rule 90 of the rules of procedure, I shall first put to the vote the amendment contained in document A/37/L.15/Rev.1. A recorded vote has been requested.

A recorded vote was taken.

In favour: Israel, Turkey, United States of America.

Against: Algeria, Angola, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Canada, Cape Verde, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Dominica, Dominican Republic, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Finland, France, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, 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, Viet Nam, Yugoslavia, Zaire, Zambia, Zimbabwe.

Abstaining: Belgium, Ecuador, Germany, Federal Republic of, Italy, Luxembourg, Spain, United Kingdom of Great Britain and Northern Ireland.

The amendment was rejected by 134 votes to 3, with 7 abstentions.

133. The PRESIDENT: The Assembly will now take a decision on draft resolution A/37/L.13/Rev.1. Separate recorded votes on paragraphs 2, 3 and 9 have been requested. As I hear no objection to separate votes on those paragraphs, we shall proceed accordingly. I shall first put to the vote paragraph 2 of draft resolution A/37/L.13/Rev.1.

A recorded vote was taken.

In favour: Algeria, Angola, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Canada, Cape Verde, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Dominica, Dominican Republic, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Finland, France, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, 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, Viet Nam, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Israel, Turkey, United States of America.

Abstaining: Belgium, Ecuador, Germany, Federal Republic of, Italy, Luxembourg, Spain, United Kingdom of Great Britain and Northern Ireland.

Paragraph 2 was adopted by 134 votes to 3, with 7 abstentions.

134. The PRESIDENT: The Assembly will next vote on paragraph 3 of draft resolution A/37/L.13/Rev.1.

A recorded vote was taken.

In favour: Algeria, Angola, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Canada, Cape Verde, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Dominica, Dominican Republic, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Finland, France, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana,

Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, 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, Viet Nam, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Israel, Spain, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Belgium, Ecuador, Germany, Federal Republic of, Italy, Luxembourg.

Paragraph 3 was adopted by 134 votes to 5, with 5 abstentions.

135. The PRESIDENT: I now put to the vote paragraph 9 of draft resolution A/37/L.13/Rev.1.

A recorded vote was taken.

In favour: Algeria, Angola, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Canada, Cape Verde, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Dominica, Dominican Republic, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Finland, France, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, 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, Viet Nam, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Israel, Turkey, United States of America.

Abstaining: Belgium, Ecuador, Germany, Federal Republic of, Italy, Luxembourg, Spain, United Kingdom of Great Britain and Northern Ireland.

Paragraph 9 was adopted by 134 votes to 3, with 7 abstentions.

136. The PRESIDENT: I now put to the vote draft resolution A/37/L.13/Rev.1 as a whole. A recorded vote has been requested.

A recorded vote was taken.

In favour: Algeria, Angola, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Canada, Cape Verde, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Dominica, Dominican Republic, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Finland, France, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, 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, Viet Nam, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Turkey, United States of America.

Abstaining: Belgium, Ecuador, Germany, Federal Republic of, Israel, Italy, Luxembourg, Spain, United Kingdom of Great Britain and Northern Ireland.

The draft resolution as a whole was adopted by 135 votes to 2, with 8 abstentions (resolution 37/66).

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

138. Mr. ORDZHONIKIDZE (Union of Soviet Socialist Republics) (*interpretation from Russian*): The Soviet delegation voted in favour of draft resolution A/37/L.13/Rev.1. It did so in the belief that the adoption of a comprehensive Convention on the Law of the Sea and its prompt entry into force would be a substantial contribution to the strengthening of peace and co-operation between States in regard to the seas. We are convinced that the Convention, which is the outcome of lengthy and complex negotiations, and is based on the principle of sovereignty, equality and mutual advantage, is generally in keeping with the interests of all States of the world. Its adoption is convincing evidence of the possibility of

solving, around the negotiating table, important and complex global problems. It was on that basis that the Soviet Government took the decision to sign the Convention. We appeal to all other States to sign the Convention also in order that it may enter into force as soon as possible.

139. We also wish to emphasize that any attempts to undertake separate unilateral actions in circumvention of the Convention would be considered by us—and undoubtedly by the great majority of other States—as a gross violation of contemporary international law and as a challenge to the United Nations, and would meet with a decisive rebuttal.

140. At the same time, my delegation wishes to express regret that, in violation of the agreement reached in consultations between the interested parties relating to the financial implications of the resolution which took place with the participation of responsible officials of the Secretariat, the Secretariat none the less proceeded to make an unwarranted increase in the outlay on staff and services in connection with activities in this matter.

141. The work of the Secretariat generally, including its work in the matter of the implementation of the recommendations of the Conference, must be as effective and economic as possible. This activity must be carried out in strict compliance with the principle of economy and avoiding any waste of financial and material resources.

142. Mr. HATTINGA van't SANT (Netherlands): My delegation wishes to explain its vote with regard to paragraph 2 of the resolution just adopted.

143. The Kingdom of the Netherlands has decided to sign the Convention on the Law of the Sea at Montego Bay on 10 December 1982. The Netherlands will take a decision on ratification of the Convention at a later stage when more clarity exists on a number of points, including, first, the elaboration of the international régime for the exploration and exploitation of the resources of the sea-bed, which will be one of the main tasks of the Preparatory Commission; secondly, the financial obligations arising therefrom, which cannot be assessed at this time; and, thirdly, the decisions of other countries whether or not to become parties to the Convention.

144. In the meantime, the Netherlands will exert all possible efforts, particularly in the Preparatory Commission, to make the Convention generally acceptable to all countries.

145. Mr. PIRIS (France) (*interpretation from French*): First of all, the French delegation would like to inform the General Assembly of the decision that was reached on 1 December 1982—the day before yesterday—by the Council of Ministers of the Government of France.

146. In a few days France will sign, in Jamaica, the United Nations Convention on the Law of the Sea—*inter alia*, because it considers that that Convention constitutes important progress towards the establishment of a new international economic order. It is precisely because we are going to sign the Convention that we attach great importance to the scope of the resolution that has just been adopted and to the effectiveness of the delicate work that

will be done in the near future by the Preparatory Commission.

147. In spite of a few reservations about the wording of paragraphs 2, 3 and 7 of that resolution, the French delegation was able to vote in favour. None the less, we must recall that we did abstain during the voting in the Fifth Committee on the financial implications of the same text. It does not seem to us, in fact, that the report of the Advisory Committee on Administrative and Budgetary Questions [A/37/7, Add.10], as adopted by the Fifth Committee, accurately reflects the spirit of the negotiations recently conducted by the President of the Third United Nations Conference on the Law of the Sea, Mr. Koh, which led to a compromise which was acceptable to my delegation and which Mr. Koh recalled very precisely a few moments ago.

148. First of all, the report of the Advisory Committee seems to neglect the functions of the Secretary-General as regards the law of the sea. Those functions are extremely important, as was stated by the Secretary-General himself in documents A/37/561 and A/C.5/37/58/Rev.1 and also by Mr. Koh during his statements both at the 52nd meeting of the Fifth Committee and in this Hall this afternoon. The importance of those functions clearly justifies, we believe, the presence of permanent secretariat services in New York, the Headquarters of the Organization.

149. Secondly, if we understand correctly, the report of the Advisory Committee suggests to the Secretary-General that 37 posts be created in Jamaica. As we know, this is a matter of the technical support which the Preparatory Commission may need when it meets for a four-week period—or six weeks at the most—in 1983. The French delegation wonders what those 37 persons would do throughout the year. We would recall that it is clearly for the Secretary-General, and the Secretary-General alone, to distribute the human resources available according to actual needs and the tasks to be accomplished, with a view to the greatest possible effectiveness.

150. Thirdly, the report indicates that additional allocations would be envisaged if the working groups that the Preparatory Commission might decide to create were to meet in Kingston rather than in New York. The French delegation wishes to recall that it is for the Preparatory Commission to take a decision in this respect. In our view, the need for effectiveness and savings, for the Secretariat as well as for delegations, should induce the Commission to keep New York as the site of working group meetings. These would then benefit from the support of the competent Secretariat services and of the Missions of Member States to the Organization.

151. It was with these reservations, which we fervently hope will be taken into account by the Secretary-General and the Preparatory Commission, that the French delegation voted in favour of draft resolution A/37/L.13/Rev.1, once again expressing our pleasure at the successful conclusion of the Third United Nations Conference on the Law of the Sea.

152. The French delegation hopes that the Preparatory Commission, with the support of all the competent Secretariat services, will quickly and effectively get to work, keeping the Organization's expen-

ditures as low as possible, to prepare the regulations concerning the exploration and exploitation of the deep sea-bed, with a view to the effective establishment of the International Sea-Bed Authority.

153. Mr. BALETA (Albania) (*interpretation from French*): The Albanian delegation did not participate in the voting on the draft resolution because it did not participate in the voting on the adoption of the text of the Convention on the Law of the Sea on 30 April last. The text of this resolution contains certain provisions that do not enjoy our support, particularly those contained in paragraphs 1 and 2.

154. Mr. JANNUZZI (Italy): I should like to explain briefly the reasons for my delegation's abstention in the voting on the draft resolution and on the separate votes on its paragraphs 2, 3 and 9.

155. First of all, as a country which did not concur in the affirmative vote on the Convention on the Law of the Sea last April, Italy could not, for reasons of consistency, approve paragraph 1 of the resolution. However, this attitude should not be interpreted as a lack of interest on the part of the Italian Government in the Convention as a whole. On the contrary, my Government considers the Convention to be a legal document of extreme importance which should—and perhaps could—have been improved in some substantive ways but which still contains quite a large number of well-balanced and satisfactory provisions. As a matter of fact, right now the Italian Government is in the process of carefully examining the various parts of the Convention with a view to taking a final decision on this matter. Consequently, we considered that, at the present stage, it would have been premature for us to accept the call to States to sign and ratify the Convention at the earliest possible date, as stated in paragraph 2 of the resolution.

156. The Italian delegation has some reservations also on paragraph 3. In fact, such a paragraph, which is normally not included in General Assembly resolutions endorsing the texts of conventions, seems to us out of place in the present context, taking into account, on the one hand, that the Convention on the Law of the Sea was not adopted by consensus and, on the other, that article 18 of the Vienna Convention on the Law of Treaties⁶ obviously does not apply in the present circumstances. The use in paragraph 3 of language that is similar in part to that of article 18 of the Vienna Convention could certainly be a source of confusion.

157. Finally, in conformity with the stand taken in the Fifth Committee at this session and while expressing its full appreciation and gratitude for the efforts made by Mr. Koh, the Italian delegation still maintains reservations on the financial implications of the present resolution. The Italian Government believes that expenses involved in the follow-up of the Conference should be kept to a minimum and that convening meetings of the Preparatory Commission and its working groups at United Nations Headquarters, in New York, would involve lower expenses. Detailed remarks on this point have just been made by the representative of France, and we entirely agree with him.

158. However, I wish to make it clear that the position of the Italian delegation applies only to the

preparatory work and certainly does not in any way imply any challenge to the decision taken by the Conference on the location of the International Sea-Bed Authority and the International Tribunal for the Law of the Sea.

159. Sir John THOMSON (United Kingdom): My delegation abstained in the voting on the draft resolution which has just been adopted, having previously abstained in the voting on the amendment to it. We also abstained in the separate votes on paragraphs 2 and 9 and voted against in the separate vote on paragraph 3. I should like to explain these votes.

160. The decisions taken in the General Assembly today will be regarded as of historic significance. There is no doubt that the negotiations on the Convention on the Law of the Sea, which is the subject-matter of the resolution just adopted, were amongst the longest and most complex in the history of the United Nations. There is also no doubt of the great importance of the very wide range of issues with which the Third United Nations Conference on the Law of the Sea has been confronted over the past 12 years. Because of the importance of those issues, the Government of the United Kingdom always played its part to the full in those negotiations. Our principal aim throughout has been to achieve consensus on new arrangements which would satisfactorily safeguard the vital interests of all States. It was a very great disappointment to us that, in the event, consensus was not achieved on the draft convention which was adopted at the Conference last April. That lack of consensus is reflected in the proceedings in the Assembly today.

161. A statement on the new Convention on the Law of the Sea was made in Parliament in London yesterday. That statement drew attention to the fact that, under its article 305, the Convention on the Law of the Sea will remain open for signature for two years from 10 December, and indicated that the United Kingdom has decided against early signature of the Convention.

162. I should like to emphasize two points in that connection. The first is that that decision is not a final decision about signature. It is a decision against early signature and a decision in favour of continuing the search for consensus. The final decision will be taken by my Government at the appropriate time.

163. Secondly, my Government recognizes that parts of the Convention—for example, those relating to navigation, the continental shelf and pollution—are helpful and, so far as we are concerned, uncontroversial. As regards deep sea-bed mining, including the transfer of technology, however, the provisions of the Convention are unacceptable to the United Kingdom in their present form. This view is held in common with other major industrialized countries. We need to obtain significant and satisfactory improvements in these provisions, and wish to explore with others the prospects for such improvements. Meanwhile, the view of my Government is that the Convention must not be used to divide States and that the search for consensus must continue.

164. In these circumstances, it will be understandable to all that my delegation was not in a position to vote in favour of a resolution containing para-

graphs 1, 2 and 3 of the present text. We voted against paragraph 3 because it mistakes the nature of the Convention as a treaty instrument. It seeks to extend, without justification, a principle which, under the Vienna Convention on the Law of Treaties, is specifically directed at the position of States which have signed a treaty but not yet decided whether or not to ratify. Our vote against this paragraph does not of course mean that the United Kingdom has any intention of undermining the Convention. That is already implicit in what I have said about continuing the search for consensus. But for the Assembly to make an appeal in the form taken by paragraph 3 sets a bad precedent and one which we do not wish to see followed in future cases.

165. We abstained on paragraph 2 because, as I have already explained, the United Kingdom has not yet taken a decision about signature of the Convention, let alone about eventual ratification, which in the United Kingdom, as in many other countries, is a process in which the constitutional prerogatives of the national Parliament may also be involved. We do not therefore consider it appropriate for the General Assembly to call upon States to consider early signature and ratification; nor do we accept the implicit value judgement in the latter part of paragraph 2.

166. Had a separate vote been taken on paragraph 1, my delegation would have abstained on this paragraph as well: inasmuch as it was a major policy objective of the United Kingdom to achieve consensus on the adoption of a new Convention on the Law of the Sea, we are not able to welcome the adoption of the Convention at the Conference by a divided vote in which the United Kingdom delegation was obliged to abstain because of the absence of consensus.

167. But the resolution is by no means confined to the adoption, signature and ratification of the new Convention. It also makes important provision for the future duties of the Secretary-General in relation to the law of the sea and for the establishment and functioning of the proposed Preparatory Commission provided for in a resolution of the Conference.

168. All of this has major financial and organizational implications. They have been the subject of intensive negotiation, and my delegation wishes to pay a tribute to the representative of Singapore, the President of the United Nations Conference on the Law of the Sea, for the part which he played in these negotiations, as so often in the past.

169. During the course of these negotiations, my delegation made it clear that it would be unable to vote in favour of the administrative and financial paragraphs of the draft resolution to be put before the Assembly. We made it clear at the same time, however, that we recognized the importance of the Preparatory Commission and its functions and that the United Kingdom intended to play a full part in the functioning of the Preparatory Commission. I confirm that today.

170. The conclusion we draw is that the efficiency and cost-effectiveness of the Preparatory Commission and of the new Office of the Special Representative of the Secretary-General for the Law of the Sea, at United Nations Headquarters, is a matter of prime concern to us all. This is particularly so in view of

the substantial provision, of the order of nearly \$4.5 million for the year 1983, recommended in the Fifth Committee's report. It is normal practice that the costs of administering a multilateral treaty should be borne by the parties. We recognize that the present case is rather unusual and we shall play a full part in the workings of the Preparatory Commission. An entirely suitable compromise in these special circumstances would have been a solution by way of a loan from the United Nations regular budget. Unfortunately, this solution was rejected. Equally, while opposing any growth in the United Nations regular budget in the present economic circumstances, the United Kingdom has never opposed spending on United Nations activities which are regarded as necessary and important. The corollary is, however, that compensating savings should be found elsewhere. To our regret, this also has not been done in the present case.

171. For those reasons, The United Kingdom abstained in the voting on the amendment to the draft resolution, on operative paragraph 9 and on the resolution as a whole.

172. Mr. JELONEK (Federal Republic of Germany): My delegation abstained in the voting on the resolution just adopted. We also abstained in the separate votes on paragraphs 2, 3 and 9. Had there been separate votes on paragraphs 4, 5, 6 and 10, we would have voted in favour of those paragraphs, whereas we would have abstained on paragraphs 1, 7 and 8 had they been voted on separately.

173. The Government of the Federal Republic of Germany has not yet decided whether or not it will sign the Convention on the Law of the Sea. Its position remains open. Consequently, my Government cannot agree to any decision by the General Assembly that is prejudicial to its position. The resolution in general and its paragraphs 1, 2, 3, 7, 8 and 9 in particular would have had precisely that effect. In particular, with regard to Secretariat services for the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea, we wish to state that the costs involved should be limited, in accordance with the principle of fiscal responsibility, to the minimum necessary, in order to avoid any further burden on the regular budget of the United Nations.

174. Miss DEVER (Belgium) (*interpretation from French*): The Belgian delegation was not able to vote for the draft resolution. I should like to make it clear that this vote does not in any way reflect a hostile attitude towards the Convention on the Law of the Sea, which covers spheres as vast as they are important. As far as the overall Convention is concerned, the position of the Belgian delegation is one of expectation. These stakes are so important that a thorough evaluation is needed, and that requires time. Therefore, the Belgian delegation was not able to associate itself with the provisions of the first three operative paragraphs. In particular, paragraph 3 is unacceptable, for reasons that have already been put forward by the Italian and United Kingdom delegations. Paragraphs 7, 8 and 9, as well as the administrative and financial implications, were carefully studied by my delegation. We agree with what was said in this respect by the French delegation. In spite of the

intensive negotiations that accompanied their drafting, Belgium is not convinced that expenditures will be restricted as much as possible. We wonder whether such sizeable expenditures are justified at a time when budgetary austerity measures are part and parcel of our national policies. Therefore, it should not be an adequate number of staff, as the resolution provides, but the essential number that should be put at the disposal of the Preparatory Commission. Furthermore, we believe that the division of the secretariat of the Commission is not only a facile solution, but a particularly onerous one.

175. For all those reasons, my delegation abstained on the draft resolution.

176. Mr. LACLETA (Spain) (*interpretation from Spanish*): The Spanish delegation abstained in the voting on the draft resolution. It also abstained in the voting on the amendment and in the separate votes on paragraphs 2 and 9 of the draft resolution. It voted against paragraph 3. Let me explain very briefly the reasons for our position.

177. The Spanish delegation voted against paragraph 3 essentially for legal reasons. Although the text does not coincide exactly, it is a transposition of article 18 of the Vienna Convention on the Law of Treaties.⁶ In the opinion of my delegation, it is not appropriate that the General Assembly should transplant into a resolution clear provisions of international convention law, still less when the transplant is intended to extend the legal effects of these international norms to purposes other than those originally intended. That is why the Spanish Government has most explicit reservations on this paragraph, which it cannot accept, especially as the paragraph might be invoked in the future foreseeable discussion on which aspects of the Convention of the Law of the Sea constitute a reflection of customary law and which do not. Just before the vote, one delegation expressed certain convictions in this regard which are not shared by my delegation, in particular when it is said that the right of passage through, over and under straits, as reflected in the Convention, is a projection of customary law. The Spanish Government certainly does not think that that is so.

178. However, we abstained when the draft resolution as a whole was put to the vote because we do not wish to create difficulties concerning the holding of the meeting in Jamaica for the signature of the Final Act of the Convention. If a separate vote had been taken we would certainly have voted in favour of paragraphs 4, 5 and 6.

179. The Spanish delegation abstained on paragraph 9 because, notwithstanding our intentions, we are concerned lest the financial implications of the resolution should prove greater than is necessary. My delegation is disturbed over the steady growth of the United Nations budget and we seek to ensure that expenditures are reduced to the minimum necessary. We abstained on the amendment contained in document A/37/L.15/Rev.1 for that same reason—to show our concern at the increase in the expenditures of the Organization.

180. Mr. AL-ATASSI (Syrian Arab Republic) (*interpretation from Arabic*): Today the General Assembly realized a great hope by adopting the draft

resolution concerning the Third United Nations Conference on the Law of the Sea. In expressing our gratitude to all those who collaborated in the success of that Conference, in particular the Group of 77, the group of socialist countries and others, we note that one super-Power refused to adopt the Convention because it does not serve its interests. Israel, for its part, refuses to sign the Convention on the pretext that the United Nations Conference decided to make it possible for national liberation movements, in particular the Palestine Liberation Organization, to enjoy the status of observers and sign the Final Document. This is not surprising on the part of a State that is well known for its racism and its rejection of anything that meets the aspirations of peoples to secure their rights and their independence.

181. We voted for the draft resolution in solidarity with the Group of 77, and on this occasion we want to confirm the importance of paragraph 3 in which the Assembly

“*Appeals to the Governments of all States to refrain from taking any action directed at undermining the Convention or defeating its object and purpose.*”

This is a very important paragraph, especially in view of the fact that some countries are attempting to undermine the Convention. The note signed in Washington on 20 September 1982 by the United States, France, the United Kingdom and the Federal Republic of Germany concerning the resources of the seabed and ocean floor is merely an attempt to create a new *fait accompli* and is completely contrary to the spirit of the Convention, which was adopted by an overwhelming majority. Regardless of the terminology used about the exploitation or exploration of the seabed and ocean floor, my country considers it comes down to the same thing, and the sole aim is to hinder the implementation of the Convention. My delegation deplores attempts of this kind because the benefits that the Convention guarantees would profit the whole of mankind.

182. The PRESIDENT: I call now on the representative of Israel, who wishes to speak in right of reply.

183. Mr. ROSENNE (Israel): The statement in explanation of vote just made by the representative of the Syrian Arab Republic was, most of it, of no relevance at all to the matter under discussion. My delegation voted as it did in April, in September and again today for one reason: namely, that it was in our national interest to vote the way we did on all those occasions.

AGENDA ITEM 10

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

184. Mr. GOLOB (Yugoslavia): I would like to introduce, on behalf of the sponsors, draft resolution A/37/L.39/Rev.2, on the report of the Secretary-General on the work of the Organization [A/37/1]. In preparing this draft resolution, we are conscious of our responsibility in these difficult times and inspired by the singularly important report of the Secretary-General. Mr. Javier Pérez de Cuéllar has

identified the main obstacles to an effective functioning of the United Nations, as envisaged by the Charter.

185. In view of the dramatic aggravation of international relations, which was stressed by all participants in the debate, a more effective functioning of the United Nations has become imperative and is the only alternative to the atmosphere of hopelessness. In these circumstances, the report of the Secretary-General has aroused even greater attention.

186. An overwhelming number of Member States have found in the report of the Secretary-General an additional incentive for consideration of existing problems and a call for action aimed at their solution.

187. Aware of the need to provide for the undisturbed functioning of the United Nations and conscious of the responsibility of Member States in strengthening the role of the United Nations, a number of Member States readily and with great dedication participated in the preparation of the draft resolution before the Assembly. Its sponsors entered into consultations with numerous delegations, including those of the permanent members of the Security Council. The remarks and suggestions made during these consultations were taken into account in preparing the draft resolution. All those who contributed to the drafting hoped that consensus would be reached on the draft resolution and they pursued this goal in a constructive and responsible way. We believe that the result offers good opportunities for further efforts in that direction. During the whole procedure of drafting, we have consulted with the Secretary-General.

188. We consider the search for an effective functioning of the United Nations to be a permanent process. The draft resolution does not therefore purport to offer definite solutions, but rather seeks to launch the process of searching for those solutions. The draft resolution leaves enough room for action by Member States, all United Nations organs and the Secretary-General. It reflects the agreement which it was possible to achieve in the existing circumstances. We hold that the opportunity for action thus created should not be missed and that the existing scope of agreement among Member States should be further expanded and action more precisely determined.

189. This is what I wanted to say on behalf of all the sponsors of the draft resolution. I should like to add some observations on the subject which reflect both the position of my country and the impression that we have gathered from this year's debate in this Hall and from the wide-ranging consultations on this draft resolution.

190. Thirty-seven years after the creation of the United Nations, its effective role in maintaining international peace and security and in solving world problems is yet to be fulfilled. It has been repeatedly stressed that the United Nations is in crisis. Yet, we believe it is not the United Nations that is in crisis. The foundation on which it was built is as strong as ever. Its purposes and principles enshrined in the Charter have lost none of their validity. This Organization and no other is the global instrument for international co-operation and the preservation of peace. In fact, the need has never been greater for the United Nations to be an effective centre for the harmonization of the actions of nations in the attain-

ment of common goals. The cumulative effect of 37 years of ideals not fulfilled and expectations not met with regard to the overwhelming majority of mankind certainly plays a role.

191. However, there is a crisis in the existing system of international relations which is based in large part on premises entirely different from the principles of the Charter. In the name of the professed right to protect social systems or special interests, the global confrontation is intensifying. The resulting uncontrolled arms race is assuming awesome proportions. The use of force is becoming ever more frequent and so is the denial of the right of countries and peoples to free social development and to self-determination. The United Nations, the mirror of the world if ever there was one, faithfully reflects this. The only role it can play is the one that Member States entrust to it, bearing in mind that the Organization was created and rests on the faith of peoples.

192. As the climate of international relations improves, so will the effectiveness of the United Nations. Yet it is unavoidable that efforts to improve the international situation should be made within the United Nations, for it is the only Organization the world has with the ability not only to mitigate the impact of realities but to effect change in order to strengthen peace, security and co-operation.

193. Many Member States have time and again insisted that the role of the United Nations be strengthened and the Organization be made more effective. The non-aligned countries have consistently endeavoured to bring this about.

194. We are aware that without the joint efforts and understanding of all countries, particularly of the permanent members of the Security Council, there can be no significant success in the work of the Organization. The improvement of the effectiveness of the United Nations is a process demanding much patience, effort and sense of responsibility. Therefore, we consider that a general consensus on the draft resolution before the Assembly would be of the greatest value, since without such agreement there is little possibility of improvement. It is our earnest hope that all of us will continue to engage in a serious and creative process of strengthening the United Nations.

195. The PRESIDENT: The Assembly will now take a decision on draft resolution A/37/L.39/Rev.2. May I take it that the General Assembly wishes to adopt this draft resolution by consensus?

The draft resolution was adopted (resolution 37/67).

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

197. Mr. ABOUL-NASR (Oman) (*interpretation from Arabic*): We have all welcomed the report of the Secretary-General on the work of the Organization. We support the remarks, viewpoints and proposals in it aimed at increasing the effectiveness of the United Nations, especially in view of the decrease in its effectiveness over the years in such important fields as the solving of disputes by peaceful means and the maintenance of international peace and security.

198. Like others, we expressed the hope at the beginning of the session that this important report would mark the start of serious work and sincere

efforts to fulfil the hopes placed by Member States in the Organization and to restore some faith and confidence that it will do what was expected of it when our peoples expressed in the Preamble to the Charter their determination to save succeeding generations from the scourge of war, to reaffirm faith in fundamental human rights, to establish conditions under which justice and respect for law can be maintained.

199. Today, as the current session nears the end of its work, we have taken a decision on draft resolution A/37/L.39/Rev.2. The draft resolution was sponsored by a number of friendly States which we are sure share our hope of strengthening the Organization.

200. While we thank the sponsors for their efforts in preparing the draft resolution and appreciate the difficulties they encountered in their consultations in order to guarantee a consensus, we nevertheless consider it our duty to express our opinion frankly. The resolution in its present form does not fulfil the hopes we expressed at the beginning of the session when we welcomed the report of the Secretary-General. We considered the report a courageous step along the right path and we hoped that it would be followed by others from the General Assembly and other organs of the United Nations towards our desired objective.

201. The resolution adopted by the General Assembly now belongs to that category of resolutions of a general nature which are limited to a vague and timid reference to some problems from which the Organization suffers. The resolution does not present anything new or make any specific request, as we had hoped it would, and there is no reference in its operative paragraphs to the implementation of Security Council resolutions, whereas we place great emphasis on the need to make serious efforts to ensure respect for and implementation of them. Nor does it include remedies for the problems referred to by the representative of Yugoslavia in his introduction of the draft resolution. We had hoped that we would be able to discuss this subject with realism, frankness and care and that together we would reach agreement on how to attempt to apply a real remedy, so that the ills suffered by the Organization would not become chronic problems and there would not be a continuance of what the Organization has suffered this year and in past years, namely—and this was stated in the Secretary-General's report—neglect and rejection in cases where it was imperative for the United Nations to play an important and constructive role. We also wanted to undertake, as urged by the Secretary-General, serious consideration of practical means to increase the Organization's capacity and use it as the fundamental institution in a troubled and anxious world.

202. Unfortunately, we do not think that the resolution, in view of its very general formulation, will fulfil the hopes expressed at the beginning of the session. We are stating our opinion in the hope that at the next session, as stated a few minutes ago by the representative of Yugoslavia, we shall endeavour to work seriously, following wider consultations and courageous discussion, to achieve agreement on strengthening the United Nations in the manner desired by all those who believe in the Organization. Had there been an open debate on the draft resolution,

as we had hoped, we should have dealt in detail with those shortcomings.

203. There is no need to repeat that we must respect the principles of the Charter, for that goes without saying. Had there been a debate, we would have explained why the absence of adherence to those principles engenders the problems which we are now facing. The fact that we did not object to the consensus does not mean that we unconditionally approve the resolution or the method used in preparing and presenting it.

204. Sir John THOMSON (United Kingdom): The report submitted this year by the Secretary-General on the work of the Organization is markedly different from the reports of previous years. It is an original, stimulating and important document. We are pleased that it has been widely welcomed by Member States. My Secretary of State for Foreign and Commonwealth Affairs commended it in his statement to the Assembly at the 9th meeting.

205. Speaking personally, as a newcomer to this Organization I have been struck by many of the failures and difficulties identified by the Secretary-General in his report. There are others which he did not mention. One is the tendency to substitute words for constructive action, or even for an attempt to move towards constructive action. Another is the use of words as slogans without seeking to reach a common understanding of what they mean. Yet another is a proliferation of resolutions, often layer upon layer of them, all dealing with the same subjects and all overlapping one another, and in the process often obscuring the main issues. The very resolution that we have been considering today is not immune to such faults.

206. As regards the report itself, the Secretary-General deserves the encouragement of Member States to pursue the ideas outlined in it in whatever way he judges best.

207. Many of the points addressed by the Secretary-General lie within the province of the Security Council. I am sure that the members of the Security Council will wish to give these matters their full consideration. My delegation, for one, would welcome this. I am also confident that the Secretary-General will keep the General Assembly informed of what the Security Council is doing in this regard.

208. The present resolution, which, happily, has been adopted by consensus, essentially takes note of the steps which would naturally flow from the Secretary-General's report. As such, it is acceptable to us. However, that is not to say that we regard it as perfect or that every turn of phrase in it meets with our approval. Many of the phrases used are good, referring to real international problems of our day—the recourse to the threat or use of force, global economic problems, breaches of human rights, and decolonization, for example. We could ourselves have proposed amplifying and expanding some of those phrases. However, the resolution is not the proper place to pursue particular international problems which are being dealt with under other items on our agenda.

209. I conclude by commending the Secretary-General's report once again and, like him, looking forward to practical steps towards a realization of the

ideas contained in it. That would help to make the Organization more efficient and more effective, to the benefit of us all.

210. Mr. BALETA (Albania) (*interpretation from French*): The delegation of Albania did not object to the adoption by consensus of the resolution on the report of the Secretary-General on the work of the Organization. But that should in no way be interpreted as meaning that we are completely satisfied with the resolution. On the contrary, we have reservations about it.

211. It is true that the resolution makes some points which are correct. It also reminds us of what needs imperatively to be done if we want to see the United Nations change for the better. The text expresses wishes and hopes that are acceptable and reaffirms some well-known principles. But we feel that that is not enough to enable us to say that the resolution is a success.

212. We feel that what is included in the resolution is not the most important or essential points in relation to what is not included. It avoids the main aspect of the problem. It wants to cure the illness without having diagnosed it. It remains strictly within limits and hopes, without tackling, as it should, the harsh and complicated realities of the international situation and the ineffectiveness of the Organization. We believe that when one undertakes this kind of work, the most important task is to establish the basic reasons for the ineffectiveness of the United Nations and for the events and situations to which we want to put an end. But the resolution that we have just adopted does not say a word about that. We believe that that is its great shortcoming.

213. Perhaps we shall be told—to counter our view—that the technique and practice of preparing and

drafting United Nations resolutions make it impossible to go too far, to be too direct, and that the search for compromise in such cases prevails over certain other considerations. Perhaps the same factors that have reduced the United Nations to extreme ineffectiveness have hampered all the efforts which would have made it possible to adopt a stronger resolution. But that does not convince us that there are any grounds for not analysing or even simply mentioning the causes of the dangerous situation persisting in the world and the unsatisfactory state of affairs regarding the role that the United Nations should play. Moreover, the resolution does not advocate, as it should, the methods to be used and the course to be followed to achieve our goals and redress the present situation of the Organization.

The meeting rose at 6.30 p.m.

NOTES

¹ The delegation of Zaire subsequently informed the Secretariat that it had intended to vote in favour of the draft resolution.

² The delegations of the Central African Republic and Solomon Islands subsequently informed the Secretariat that they had intended to vote in favour of the draft resolution.

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

⁴ *Ibid.*, document A/CONF.62/121.

⁵ *Ibid.*, vol. XV (United Nations publication, Sales No. E.83.V.4), document A/CONF.62/L.76.

⁶ See *Official Records of the United Nations Conference on the Law of Treaties, First and Second Sessions, Vienna, 26 March-24 May 1968 and 9 April-22 May 1969* (United Nations publication, Sales No. E.70.V.5), p. 287.