



CONTENTS

	Page
Agenda item 15: Election of five non-permanent members of the Security Council (<i>concluded</i>)	865
Agenda items 51 and 52: International co-operation in the peaceful uses of outer space: (a) Report of the Committee on the Peaceful Uses of Outer Space; (b) Report of the Secretary-General Preparation of an international convention on principles governing the use by States of artificial earth satellites for direct television broadcasting: report of the Committee on the Peaceful Uses of Outer Space Report of the Special Political Committee	866
Agenda item 7: Notification by the Secretary-General under Article 12, paragraph 2, of the Charter of the United Nations	867
Agenda item 34: Third United Nations Conference on the Law of the Sea ..	867
Agenda item 129: Observer status for the Agency for Cultural and Technical Co-operation in the General Assembly	875

President: Mr. Indalecio LIEVANO (Colombia).

AGENDA ITEM 15

Election of five non-permanent members of the Security Council (*concluded*)

1. The PRESIDENT (*interpretation from Spanish*): The first item on our agenda this afternoon is the election of the remaining two non-permanent members of the Security Council. As members will recall, three States—Jamaica, Norway and Zambia—were elected non-permanent members of the Security Council at the previous meeting, and therefore two seats remain to be filled. This morning we held the first restricted ballot, which was not conclusive. I should like to reiterate that the first vacancy is to be filled by a candidate from the group of African and Asian States. Since an African State has already been elected, that seat will go to an Asian State. The other vacancy is to be filled by a State belonging to the group of Western European and other States.

2. In accordance with rule 94 of the rules of procedure, we shall now proceed to a ballot restricted to the following candidates: for the Asian States, Bangladesh and Japan; for the Western European and other States, Malta and Portugal.

3. I call upon the representative of Japan.

4. Mr. ABE (Japan): To make this Assembly's work less complicated and difficult, my Government has decided to withdraw Japan's candidature in the election of members of the Security Council.

5. I should like to thank all those delegations that assured us of their support. I hope I have not caused them embarrassment by withdrawing our candidature without consulting them.

6. I should also like to state that the Government of Japan hopes to serve on the Security Council when there is an appropriate opportunity in the future.

7. The PRESIDENT (*interpretation from Spanish*): We shall now hold a ballot restricted to the following candidates: for the Asian States: Bangladesh; and for the Western European and other States: Malta and Portugal. The Secretariat will now distribute the ballot papers.

At the invitation of the President, Mr. Ricardes (Argentina) and Mr. Admina (Gabon) acted as tellers.

A vote was taken by secret ballot.

8. The PRESIDENT (*interpretation from Spanish*): I shall suspend the meeting while the votes are being counted.

The meeting was suspended at 3.45 p.m. and resumed at 4.10 p.m.

9. The PRESIDENT (*interpretation from Spanish*): The result of the voting is as follows:

Number of ballot papers:	142
Invalid ballots:	0
Number of valid ballots:	142
Abstentions:	1
Number of members voting:	141
Required majority:	94

Number of votes obtained:

Bangladesh	125
Portugal	81
Malta	59
Japan	2

Having obtained the required two-thirds majority, Bangladesh was elected a non-permanent member of the Security Council for a two-year term beginning on 1 January 1979 (decision 33/310).¹

10. The PRESIDENT (*interpretation from Spanish*): I call on the representative of Bangladesh.

¹ See also the 50th meeting, para. 31, and para. 21 below.

11. Mr. HUQ (Bangladesh): I am grateful for this opportunity to convey, on behalf of the Government and people of Bangladesh, our deepest appreciation to the Member States for the honour they have done Bangladesh by electing it a member of the Security Council.

12. The confidence reposed in Bangladesh by its sister countries carries with it a great responsibility, which Bangladesh accepts in all humility. I should like to assure our friends that in fulfilling this responsibility Bangladesh will be consistently guided by the principles and purposes of the United Nations Charter. Bangladesh will be unflinching in serving the cause of peace, freedom and justice, as it has been in the past.

13. The decision by Japan to withdraw from this contest is a friendly gesture that is appreciated not only by Bangladesh but, I trust, also by all the other Member States.

14. The PRESIDENT (*interpretation from Spanish*): There remains one seat to be filled. In accordance with rule 94 of the rules of procedure, we shall proceed to a ballot restricted to the two candidates which have obtained the largest number of votes—namely, Malta and Portugal.

15. I would remind representatives that any ballot paper containing the name of any country other than Malta or Portugal will be declared invalid.

At the invitation of the President, Mr. Ricardes (Argentina) and Mr. Admina (Gabon) acted as tellers.

A vote was taken by secret ballot.

16. The PRESIDENT (*interpretation from Spanish*): I propose now to suspend the meeting while the ballots are being counted.

The meeting was suspended at 4.25 p.m. and resumed at 4.45 p.m.

17. The PRESIDENT (*interpretation from Spanish*): The result of the voting is as follows:

Number of ballot papers:	145
Invalid ballots:	0
Number of valid ballots:	145
Abstentions:	1
Number of members voting:	144
Required majority:	96

Number of votes obtained:

Portugal	93
Malta	51

The required majority not having been obtained, no member was elected to the Council.

18. The PRESIDENT (*interpretation from Spanish*): Since the result of the third restricted ballot did not produce a candidate with the required two-thirds majority, we must proceed to an unrestricted ballot in accordance with rule 94 of the rules of procedure.

19. In the unrestricted balloting, any Member State may be a candidate for election—except, of course, the five

permanent members of the Security Council, those which the Assembly has already elected, those whose term as members of the Council is still unexpired and the outgoing members of the Council. The ballot papers will now be distributed.

At the invitation of the President, Mr. Ricardes (Argentina) and Mr. Admina (Gabon) acted as tellers.

A vote was taken by secret ballot.

20. The PRESIDENT (*interpretation from Spanish*): I propose now to suspend the meeting while the ballots are being counted.

The meeting was suspended at 4.55 p.m. and resumed at 5.10 p.m.

21. The PRESIDENT (*interpretation from Spanish*): The result of the voting is as follows:

Number of ballot papers:	146
Invalid ballots:	0
Number of valid ballots:	146
Abstentions:	2
Number of members voting:	144
Required majority:	96

Number of votes obtained:

Portugal	99
Malta	45

Having obtained the required two-thirds majority, Portugal was elected a non-permanent member of the Security Council for a two-year term beginning on 1 January 1979 (decision 33/310).²

22. The PRESIDENT (*interpretation from Spanish*): I congratulate the countries which have just been elected non-permanent members of the Security Council. I thank the tellers for their assistance in this election.

AGENDA ITEMS 51 AND 52

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

- (a) Report of the Committee on the Peaceful uses of Outer Space;
- (b) Report of the Secretary-General

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

REPORT OF THE SPECIAL POLITICAL COMMITTEE (A/33/344)

23. The PRESIDENT (*interpretation from Spanish*): Before calling on the Rapporteur of the Special Political Committee, I think it would be most timely, in view of the fact that we are taking up an item dealing with international co-operation in the peaceful uses of outer space; to

² See also the 50th meeting, para. 31, and para. 9 above.

take this opportunity to congratulate the Soviet Union on the safe landing of the cosmonauts Vladimir Kovalenok and Aleksander Ivanchenkov, whose sojourn in outer space in the space vehicles "Salyut 6" and "Soyuz" lasted 140 days.

24. Mr. MUBAREZ (Yemen), Rapporteur of the Special Political Committee: I have the honour to present to the General Assembly this afternoon the report of the Special Political Committee relating to items 51 and 52 on the General Assembly's agenda.

25. The Special Political Committee considered these two items simultaneously, devoted seven meetings to their consideration and heard over 50 statements by interested delegations.

26. The Committee adopted by consensus the draft resolution, sponsored by 59 States, that appears in paragraph 8 of its report, now before the Assembly in document A/33/344. I commend it to you for adoption.

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

27. The PRESIDENT (*interpretation from Spanish*): We shall now take a decision on the draft resolution entitled "International co-operation in the peaceful uses of outer space" which has been recommended by the Special Political Committee in paragraph 8 of its report [A/33/34]. The report of the Fifth Committee on the administrative and financial implications of that draft resolution appears in document A/33/357.

28. As the Special Political Committee adopted that draft resolution without a vote, may I take it that the General Assembly wishes to do the same?

The draft resolution was adopted (resolution 33/16).

AGENDA ITEM 7

Notification by the Secretary-General under Article 12, paragraph 2, of the Charter of the United Nations

29. The PRESIDENT (*interpretation from Spanish*): Under item 7 the General Assembly has before it a note by the Secretary-General in document A/33/237. May I take it that the General Assembly takes note of that document?

It was so decided (decision 33/404).

AGENDA ITEM 34

Third United Nations Conference on the Law of the Sea

30. The PRESIDENT (*interpretation from Spanish*): In connexion with this item the Assembly has before it draft resolution A/33/L.3 and Add.1. The Fifth Committee's report on the administrative and financial consequences of this draft resolution appears in document A/33/363.

31. I call on the representative of Nepal, who wishes to introduce the draft resolution.

32. Mr. LOHANI (Nepal): Speaking on behalf of the sponsors and on behalf of my own delegation, I have the honour to introduce draft resolution A/33/L.3 and Add.1 concerning the reconvening of the Third United Nations Conference on the Law of the Sea.

33. In view of the progress made at the previous sessions, especially the seventh session held this year in Geneva and New York, my delegation is convinced that the bold steps taken and the compromises proposed in the various negotiating groups of the Conference have brought us to a point of no return in our deliberations, and we aim to conclude the work of the Conference soon.

34. The self-explanatory draft resolution, therefore, embodies the usual annual decision taken by consensus by this Assembly to facilitate the work of the Conference. As already explained by the Rapporteur of the Fifth Committee in his report to this Assembly [A/33/363], according to the draft resolution the Assembly would approve the convening of the eighth session of the Third United Nations Conference on the Law of the Sea in Geneva for the period from 19 March to 27 April 1979, and empower the Conference, if the progress of its work so warrants, to decide at that stage to hold further meetings under arrangements to be determined in consultation with the Secretary-General; authorize the Secretary-General to make available appropriate facilities to that end; reiterate its authorization originally given in paragraph 4 of General Assembly resolution 31/63, to the Secretary-General to continue to make the necessary arrangements provided under paragraph 9 of General Assembly resolution 3067 (XXVIII), for the efficient and continuous servicing of the Conference in 1979 and of subsequent activities as may be decided upon by the Conference, as well as to take appropriate measures to ensure stability and continuity for the Secretariat personnel recruited for the Conference.

35. In summary, we are requesting the General Assembly to adopt this draft resolution as it has done before, by consensus, in the conviction that the required funds, facilities and measures to ensure stability for the secretariat staff are essential elements for the efficient conduct of the work and the conclusion of a treaty to govern the law of the sea for the good of mankind as a whole.

36. The PRESIDENT (*interpretation from Spanish*): I shall now call on those representatives who wish to explain their vote on draft resolution A/33/L.3 and Add.1 before the vote is taken, as well as on the recommendation of the Fifth Committee appearing in paragraph 13 of its report [A/33/363].

37. Mr. URIBE-BOTERO (Colombia) (*interpretation from Spanish*): Since 20 years have elapsed since the Assembly convened the first United Nations Conference on the Law of the Sea, it is an appropriate moment to review the road travelled by the international community as it moves towards the adoption of common standards to regulate the conduct of States in the light of the growing economic and political potential of the seas and oceans.

38. Someone who is misinformed might feel that two decades is too long in view of the paucity of achievement. However, we do not hesitate to express the view that the

progress nations have made during the years I refer to towards the establishment of a body of international law of the sea is more than what little or nothing was achieved in all the previous centuries.

39. It is to the credit of the United Nations that it has served as a sounding-board for the historic events that have transpired and which, if they had not aroused echoes here, might have evolved much more slowly.

40. The Truman Declaration of 1945, on the ownership of and jurisdiction over the natural resources of the sea-bed and the subsoil of the sea, and its reflection in the Declaration of Santiago of 18 August 1952,³ eliminated the age-old unreliable concepts of the freedom of the high seas and the ownership of coastal waters as far as each State was able to extend its protection, that is within range of a cannon shot.

41. From then on, it can be said that a new concept began to prevail among nations, particularly the less developed countries, with regard to the protection and preservation of the potential of the seas for them. The Declaration of Santiago, a basic forerunner of the new law of the sea, lays particular stress on the duties of Governments to ensure that their people will have what they require to subsist and to provide them with means for their economic development and also reaffirms their duty to protect and take care of their natural resources.

42. Thus, in this fleeting, yet stimulating, overview of the tasks carried out by the United Nations, we come to the work that the International Law Commission has done to prepare a draft convention making it possible to couch in legal terms regulations governing the high seas, the territorial sea, the new concept of the continental shelf and the fisheries régime. All this immediately preceded the First United Nations Conference on the Law of the Sea, convened in 1958, whose achievement we may, with difficulty, characterize as an assessment or approximate definition of the breadth of the territorial sea and the limits of the fishing zones.

43. The Second Conference met in 1960 and once again took up those items, but the only result was the highlighting of the differences among those who abided by traditional principles of international law, those who accepted extremely limited changes, and those countries that were mainly concerned to protect the natural resources of the areas adjacent to their coasts by applying the rough and ready law of the cannon.

44. It is easy to recall that the unusual circumstances of the lack of a single affirmative vote impeded the establishment of the limits of national jurisdiction and that tiny margin made possible a re-evaluation of the complexity of the problem and the inclusion, during its consideration, of the tremendous economic potential brought about by rapid technological evolution and the fact that new countries were taking their place in the international arena.

45. During the 1960s there was a sense of remoteness surrounding the consideration of questions of the law of

the sea in our Organization, while the maritime Powers, as they were called at that time, did not hide the fact that they were fighting to assume ownership of the appreciable resources of the sea, and while pollution was destroying this vital environment.

46. The atmosphere was propitious for the initiative of Mr. Arvid Pardo, the representative of Malta,⁴ who referred for the first time to the concept of the common heritage of mankind, a timely notion which led the General Assembly to establish an *Ad Hoc* Committee⁵ to analyse the scope and various aspects of the item which was then entitled: "Examination of the question of the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction, and the use of their resources in the interests of mankind".

47. Ten years ago the General Assembly established a Committee on the Peaceful Uses of the Sea-bed and the Ocean Floor Beyond the Limits of National Jurisdiction, comprising 42 Member States [*resolution 2467 A (XXIII)*]. Since 1971 Colombia has participated actively in this Committee in an effort to arrive at a consensus that has characterized its deliberations. Its achievements are embodied in two declarations that formed the basis for subsequent developments and led to the creation of innovative principles of law that States cannot ignore: first of all, that the resources of the sea-bed beyond national jurisdiction are the common heritage of mankind; and secondly, that no part of this common heritage can be occupied or appropriated, and that the mere fact of possession of technical means for their exploitation confers no legal rights whatsoever.

48. Once this consensus was achieved, the convening of the Third United Nations Conference on the Law of the Sea became appropriate and timely. The General Assembly convened the Conference in 1973 [*resolution 3067 (XXVII)*] providing it with the full agenda, from which we would select for emphasis the items on: the establishment of an equitable international régime; a precise definition of the area; the régime of the high seas; the continental shelf; the territorial sea; international straits; the contiguous zone; fisheries; the preservation of living resources; the preservation of the marine environment; and scientific research. This most comprehensive and complex agenda was supplemented by more than 160 documents prepared by the Committee during its five years of work.

49. This work resulted in the elaboration of two innovative concepts which revolutionized the pre-existing legal system: the concept of the exclusive economic zone and that of an international enterprise for the sea-bed. The latter proposal excluded the idea defended by some Powers, of licences for exploitation upon payment of fees or royalties; or that of those who advocated the splitting up or division of the sea-bed. The proposal was put forward by a group of Latin American countries with the intellectual

⁴ See *Official Records of the General Assembly, Twenty-second Session, Annexes*, agenda item 92, document A/6695.

⁵ *Ad Hoc* Committee to Study the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction (see resolution 2340 (XXII)).

³ Declaration on the Maritime Zone. See *Yearbook of the International Law Commission, 1956*, vol. I (United Nations publication, Sales No. 1956.V.3, vol. I), 362nd meeting, para. 35.

courage which, we think, we must display if we wish to emerge victorious from the difficult conflicts that today threaten international peace and security.

50. This was the encouraging background to the seven sessions of the Conference, which produced results of paramount importance because of the uniqueness of its procedures, a characteristic which prompted a highly qualified expert in these matters to state that: "As a meeting of plenipotentiaries, this Conference is unprecedented in diplomatic history".

51. That is why we supported the retention of the General Committee of the Conference during its next session, as we are aware that tradition and experience in guiding the important work entrusted to this body is a positive factor for the achievement of the best possible results, without prejudice to the full responsibilities borne by the respective officers of the Conference which conferred their mandates upon them.

52. My delegation also gives whole-hearted support to draft resolution A/33/L.3 and Add.1 concerning the convening of the next session of the Conference. This is in consonance with our oft-repeated and consistent intention to contribute to the efforts to establish a single convention on the law of the sea which would harmonize and regulate the manifold interests involved in the marine environment.

53. At the same time, my delegation understands that in no case whatsoever can the Conference serve as a delaying tactic to distract international public opinion while the great Powers are creating legislative instruments that clearly violate the moratorium on the exploitation of marine resources [see resolution 2574 D (XXIV)]. As was stated by our Foreign Minister, Mr. Uribe-Vargas during the general debate:

"... we now hear with alarm the announcement by some Powers of their possible unilateral exploitation of what is regarded as an area reserved for the benefit of all peoples. I wish not only to insist here on the need to protect the moratorium that we achieved on the exploitation of the sea-bed and ocean floor but to warn of the risks of excessive delay in the negotiations within the Conference, which may well thwart our attempts to create a new code of the sea, an instrument that would prevent a new colonization of the seas and oceans." [33rd meeting, para. 159.]

54. This official position of our Government is certainly in accordance with the clear, affirmative attitude adopted by the Group of 77 last September,⁶ which dispels any doubts as to the unanimous rejection by all Member States of any attempt to exploit unilaterally the resources of the sea-bed beyond the limits of national jurisdiction, a claim devoid of any legal basis and hence definitely unacceptable.

55. In conclusion, we are firmly convinced that the spirit manifested in the search for international justice and equilibrium in order harmoniously to achieve together all

that we still lack and to reject opposition using all the means at our disposal is an aim we have nurtured throughout the consideration of the complementary management of the resources of the sea for the benefit of the peoples of the world, which might well serve as a standard in the consideration of other burning issues that generate conflict inimical to the understanding and peace that we so desire.

56. Mr. EL GHARBI (Morocco) (*interpretation from French*): The Moroccan delegation supported in the Fifth Committee draft resolution A/33/L.3, on the convening in 1979 of the eighth session of the Third United Nations Conference on the Law of the Sea. We also supported the draft decision in document A/C.5/33/L.11, continuing the present arrangements regarding the President of the Conference, as well as the full recognition, as is fitting, of his capacity as a high United Nations official for the purposes of the Convention on the Privileges and Immunities of the United Nations.

57. We have no doubt that the General Assembly will endorse by a very large majority both the draft resolution and the draft decision already adopted by the Fifth Committee, for no one can deny that, whatever the growing scale of the budgetary appropriations committed in the past 10 years to the ambitious undertaking of a thorough revision of the legal régime governing the seas and oceans, no effort should be spared, especially in this decisive and even crucial phase of the negotiations on the new law of the sea, to bring those negotiations to a successful conclusion.

58. But, as was particularly emphasized by the Minister for Foreign Affairs of my country and head of the Moroccan delegation during the general debate [20th meeting], it goes without saying that the great hopes and aspirations that the international community pins on these persevering long-term diplomatic efforts allow no room for any complacent sluggishness or dilatory behaviour that might doom the Conference to failure, or indeed any recourse to precipitate unilateral action that would risk nullifying the energetic efforts made to reach the desired over-all conciliation agreement.

59. The acute procedural crisis which shook the Conference for two or three weeks at the beginning of the seventh session was in many ways inopportune and deplorable. But if, as the saying goes, every cloud has a silver lining, at least that transient crisis will have enabled the Conference to take stock of all the risks of disintegration it so thoughtlessly courted, and will at least have shed light on the exceptional professional and human qualities of its President, Mr. Amerasinghe, who we have no hesitation in saying, more than ever personifies the great cohesive forces of the Conference and, consequently, embodies the best chances for the ultimate success of its work.

60. Moreover, without being over-optimistic, it is reasonable to expect that, while the eighth session will probably not be the last, it will at least be the penultimate session of substantive negotiations, and it is reasonable to hope that the tenth session will merely be a brief return to Caracas for the historic ceremony to sign the single and universal convention on the law of the sea.

⁶ See *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. IX (United Nations publication, Sales No. E.79.V.3), 109th plenary meeting.

61. In any case, it is already possible to expect the Drafting Committee to work more intensively and on a broader basis as from the 1979 session, and we can only welcome the prudent nature of the budgetary forecasts submitted by the secretariat.

62. The Conference, with good reason, at the end of the seventh session recommended once more to the General Assembly that it "should consider measures to ensure stability and continuity for the secretariat personnel" recruited for the Conference.⁷

63. In operative paragraph 3 of draft resolution A/33/L.3 the General Assembly honours that recommendation by authorizing the Secretary-General to take steps which in certain cases are urgently necessary.

64. No one can underestimate the great contribution made by the members of the Secretariat attached to the Conference to the progress of its work. However, we note some regrettable and incomprehensible anomalies and discrimination in the administrative management of their careers: the regular promotion of some, while others remain at a standstill despite their recognized merits and their seniority in the personnel structure of the Conference.

65. We are certain that, in response to the urgent appeal of the General Assembly, Mr. Bernardo Zuleta, the Special Representative of the Secretary-General, will give careful attention to this problem in order to find a just and rapid solution to it, in co-operation with the heads of the other departments concerned. We take this occasion to reiterate our esteem for him and our confidence in his great devotion to the aims of the Conference and the profound conviction which he was able to share with us even before the opening of the Conference in Caracas and when, in his capacity as the representative of Colombia, he presided over the preparatory conference of the Group of 77 in Nairobi—that noble conviction that when it comes to the overriding interests of the international community there is in fact no alternative to the patient quest for a lasting juridical and economic régime to govern the seas and oceans, based on the sensible and solid foundations of co-operation, equity and mutual good faith.

66. Mr. ALBORNOZ (Ecuador) (*interpretation from Spanish*): In my capacity as Chairman of the Latin American group of States for this month and in connexion with operative paragraph 1 of the draft resolution [A/33/L.3] I must reiterate, for the record, the position taken by the Latin American group during the second stage of the seventh session of the Third United Nations Conference on the Law of the Sea concerning the content of this paragraph of the draft resolution now being considered.

67. The consensus of the group was that the next stage—that is, the eighth session of the Conference, which is to begin in March 1979—should consist of informal negotiations for a period of six weeks; and the group could support the convening of a second period of meetings only if the Conference established a time-limit for the conclusion of the informal negotiations. The Latin American group

would have preferred to have its position more clearly reflected in the decision adopted by the Conference itself and in the draft resolution that the General Assembly is asked to adopt in this connexion.

68. I should now like to make a statement in my capacity as representative of Ecuador. The report of the Fifth Committee on the financial and administrative implications of draft resolution A/33/L.3 [A/33/363] contains a paragraph 13 in connexion with which the delegation of Ecuador would like it to be recorded that its views of law relating to the material implicit in those documents were clearly put forward by its delegation at the last meeting of the Conference in Geneva when its seventh session began.

69. The delegation of Ecuador finds no juridical basis which would justify the procedure adopted in arrangements which tend to put in a bureaucratic context—thus creating an alarming precedent—what can only be an elective function among representatives of sovereign States, a function which must necessarily be exercised by representatives.

70. Therefore, the decisions of the Fifth Committee and the contents of paragraph 13 of its report, in view of their complex implications, which would affect the very essence of the non-political character of the international civil service, do not provide a solution acceptable to my country.

71. In this connexion we are making no criticism nor have we any personal motivations whatever; our only desire and intention is to abide by the basic principles on which the soundness and the proper functioning of the United Nations system are based and in which the separation of the functions, powers and duties of its two great and important sectors—those of the political representation of States and those of the non-political international civil service—must be maintained.

72. The delegation of Ecuador will therefore abstain in the vote on the recommendation made in paragraph 13 of the Fifth Committee's report.

73. Mr. BORAD (Uruguay) (*interpretation from Spanish*): Before the draft resolution on item 34 of our agenda is put to the vote, my delegation would like to reaffirm its full support for the convening of the eighth session of the Conference, to be held in 1979. Uruguay hopes that progress will continue to be made in this field, because the peoples and countries of the world have placed high hopes in these negotiations, which have already been going on for five years.

74. We have read carefully the report entitled "Administrative and financial implications of the draft resolution contained in document A/33/L.3" [A/C.5/33/31 and Corr.1]. In the last paragraph, entitled "Other Matters Pertaining to the Conference" it is said that the Advisory Committee on Administrative and Budgetary Questions dealt with another aspect of the budget—in other words, the matter of an honorarium and travel and subsistence expenses for the President of the Conference as a consequence of the decision taken by the Conference on its presidency on 5 April 1978.

⁷ *Ibid.*

75. The Advisory Committee stated that in the light of the special circumstances surrounding that decision it had concurred in the Secretary-General's request for authority to enter into commitments to make such payments during 1978 but indicated that, if it were felt that the President of the Conference should continue to receive an honorarium beyond 31 December 1978, a proposal to that effect should be submitted to the General Assembly at its thirty-third session "for decision both on the question of principle and on the amount involved" [*ibid.*, para. 10].

76. In order to meet that requirement, the General Assembly has before it the recommendation in paragraph 13 of the Fifth Committee's report [A/33/363], in which it is said that the President of the Conference should be deemed to have the status of an official of the United Nations.

77. My delegation cannot accept that recommendation, because it would mean perpetuating an irregular position that violates the principles governing international negotiations as well as rules 6, 9 and 15 of the rules of procedure of the Conference.⁸

78. This is a diplomatic Conference, composed of representatives of States, in which the Secretary-General of the United Nations or a special representative designated by him serves as Secretary-General of the Conference, as decided in paragraph 9 of General Assembly resolution 3067 (XXVIII), and the presidency is to be independent of the Secretariat.

79. Article 97 of the United Nations Charter indicates that the Secretary-General shall be the chief administrative officer of the Organization and in Article 101 it is laid down that he shall appoint staff under regulations established by the General Assembly.

80. In other words, if we accepted, as the Advisory Committee seems to wish us to, that the president of a diplomatic conference was at the same time an international civil servant, a serious precedent would be established which would contravene the norms that govern this Organization and we should have the absurd result that the president of a diplomatic conference would be lower in rank than the Secretary-General of the Organization.

81. I should like to make it clear that our position on this issue is not a reflection on the personal qualities of the President. Rather, it is directed towards ensuring that the rules of the Organization are respected.

82. As was pointed out by our delegation in its statements in plenary meetings of that Conference, and by the Head of our delegation to this session of the General Assembly, Mr. Adolfo Folle Martínez, in his statement on 29 September 1978 [15th meeting], what Uruguay cannot support because of its traditional respect for law is a resolution which ignores the rules of procedure of the Conference and the general principle of international negotiation that a diplomatic conference made up of the representatives of States cannot be presided over by someone who does not

have a mandate from and does not represent one of the participating Governments.

83. Finally, we shall vote in favour of draft resolution A/33/L.3 on the understanding that its provisions do not envisage the payment under the budget of an honorarium and travel and subsistence expenses to the President of the Conference, as pointed out to us by the Advisory Committee in the last paragraph of its report [A/33/7, para. 15].

84. Mr. DIAZ GONZALEZ (Venezuela) (*interpretation from Spanish*): The first thing that can be noted in the draft resolution and the Fifth Committee's recommendation on the Third United Nations Conference on the Law of the Sea, introduced for our consideration by the Fifth Committee, is the fact that they do not coincide.

85. Draft resolution A/33/L.3 speaks exclusively of measures to ensure stability and continuity for the Secretariat personnel recruited for the Conference, and this provision appears in both the preambular and the operative part.

86. In the Fifth Committee's recommendation [A/33/363, para. 13], however, there is no mention of personnel of the Secretariat but, rather, of "the President of the . . . Conference . . .". This document, as we know, refers to the administrative and financial implications of draft resolution A/33/L.3.

87. One might therefore wonder whether the President of the Conference is part of the personnel recruited by the Secretariat. If that were the case, then a precedent would be established which might lead to serious consequences such as, for example, that a conference of sovereign States might appoint a member of the Secretariat to serve as its President. It is obvious that it could be argued that in this case, the President was not appointed by the Secretariat but elected by the Conference itself. We shall take up the matter of juridical status later on.

88. It is of utmost importance that a sound distinction be maintained between the functions, especially the administrative functions, given to the Secretariat and those reserved for the main and subsidiary organs of the General Assembly, in which the Member States are represented by governmental delegations.

89. The Conference can, if it so wishes, appoint or elect a president who is not a member of a delegation. What it cannot do is name plenipotentiaries. In a conference having such specific characteristics as the Conference on the Law of the Sea, in which the political character predominates, the duties of the President have to be politically supported. The President is an arbiter and co-ordinator of the negotiations that have to be carried out before any motion can be submitted to the Conference for its consideration. Therefore, he must have the political support that would enable him to act with sufficient authority so that he can discharge his duties successfully. If he is a member of the Secretariat, he will be restricted by the instructions that he receives from the Secretary-General; if he is not, he will be acting in his personal capacity, without any political support whatsoever, and will then be expressing only his

⁸ Third United Nations Conference on the Law of the Sea, Rules of Procedure (United Nations publication, Sales No. E.76.I.4).

personal opinion. His authority in either case would be restricted.

90. In accordance with rule 1 of the rules of procedure of the Third United Nations Conference on the Law of the Sea, "the delegation of each State participating in the Conference shall consist of accredited representatives..."⁹ In accordance with rule 3, the credentials of these representatives must be issued either by the Head of State or Government or by the Minister for Foreign Affairs. The first question we must ask ourselves, therefore, is what is the nature of the credentials that accredit the elected President.

91. It could be stated, we repeat, that the Conference had elected him. But that election would have been conducted in violation of the rules of procedure, as the provision that a consensus be used would not have been observed. Similarly, it could be argued that the Conference is the master of its own procedure and that it can amend its rules of procedure or even violate them. Such an argument is extremely dangerous because it could lead to similar action in cases that are of vital importance and would give grounds for a narrow vote falling outside the context of the rules of procedure. It could be argued that, when the President was elected the Conference was implicitly amending its rules of procedure. This would not be accurate, because in order to amend the rules of procedure a two-thirds majority is required and not an absolute majority of 12 votes, as was the case in the election of the President.

92. In fact, unless the systematic violation of the rules of procedure continues, various situations might arise, such as the following.

93. First, the geographical distribution governing the election of the members of the General Committee would be upset. A Member State would lose its vote on the General Committee. Indeed, in accordance with rule 12 of the rules of procedure of the Conference, the President or a Vice-President acting as President shall not vote but shall designate another member of his delegation to vote in his place. It is obvious that in plenary meetings this question would not arise, because there is always a delegation of the country of which the President is a national. But in the case of meetings of the General Committee—and this is covered by rule 15—if the President, the Rapporteur-General, or the Chairman or Rapporteur of a Main Committee finds it necessary to be absent during a meeting of the General Committee, he may designate a member of his delegation to sit and vote in the Committee. This would not be possible in the case we are discussing because the President would not belong to any delegation, and therefore the vote would be lost both to his country as well as to the regional group to which he belonged.

94. What is more, under rule 55 (a), the Chairmen of the General Drafting and Credentials Committees and the chairmen of subsidiary bodies may exercise the right to vote. This provision of rule 55 is consistent with rule 38. In other words, the understanding is that each State represented at the Conference shall have one vote. The vote that is cast is the vote of a participating State acting as a State.

⁹ *Ibid.*

It must then be asked to what State would the vote of the president of the Conference be attributed.

95. The functions of the Secretariat are clearly defined in chapter IV of the rules of procedure of the Conference, and beside the powers generally granted to the Secretariat, under rule 20, paragraph 2, the Secretary-General is authorized to appoint an Executive Secretary of the Conference, who is the only high-ranking staff member of the Secretariat whose appointment is provided for in the rules of procedure.

96. The delegation of Venezuela expressed its view on this question in the Fifth Committee and analysed the serious consequences of such a precedent.

97. Before voting on draft resolution A/33/L.3, we must clarify the scope of paragraph 10 of document A/C.5/33/31. The delegation of Venezuela would therefore like to hear the authoritative opinion of the Secretariat, through the Legal Counsel, in this connexion.

98. It is obvious that that paragraph itself refers to the "special circumstances surrounding that decision". Later, it states:

"... if it were felt that the President of the Conference should continue to receive an honorarium beyond 31 December 1978 a proposal to that effect should be submitted to the General Assembly at its thirty-third session for a decision both on the question of principle—I repeat, on the question of principle—"and on the amount involved."

99. For its part, in paragraph 15 of its first report on the programme budget for the biennium 1978-1979 the Advisory Committee clearly indicates that:

"The Advisory Committee bore in mind that the payment of honoraria to the full-time Chairman of the International Civil Service Commission and the Advisory Committee was governed by specific decisions of the General Assembly, but that, by contrast, the proposed payment of an honorarium to the President of the Third United Nations Conference on the Law of the Sea did not derive from a decision to that effect by the Assembly." [A/33/7, para. 15.]

100. There can be no doubt whatever that, until the General Assembly has adopted a decision on the matter of principle and the amount of the honorarium, the draft budget submitted by the Secretary-General in document A/C.5/33/31, paragraph 10, cannot be voted upon. In other words, before that draft can be voted upon, first, the General Assembly must adopt a decision on the matter of principle; and, secondly, if the decision of the Conference is confirmed, it must discuss the payment of fees; and, thirdly, in the latter case, this matter must be referred once again to the Advisory Committee on Administrative and Budgetary Questions so that it may express its views.

101. *Inter alia*, it must be decided whether the Vice-Presidents are also to be paid honoraria, if the other members of the General Committee are to be considered

representatives of States or staff members contracted by the Conference, and if they also should receive fees.

102. My country has always been ready to co-operate to reach understanding and to find solutions acceptable to the international community in the interests of the necessary harmonious coexistence.

103. In questions of principle affecting international uses and practices in relations among States it seems to us to be appropriate to appeal to representatives to avoid committing a legal error and creating a dangerous and undesirable precedent.

104. Finally, I wish to reiterate my country's reservations as to the legitimacy of resolutions and agreements that may be adopted at a conference in which the fundamental legal principles governing the plenipotentiary character of its members have been violated.

105. For those reasons we shall cast an affirmative vote on the draft resolution A/33/L.3 and we unambiguously oppose the recommendation of the Fifth Committee contained in paragraph 13 of document A/33/363.

106. Mr. BUJ FLORES (Mexico) (*interpretation from Spanish*): My delegation has carefully considered draft resolution A/33/L.3 and the report of the Fifth Committee in document A/33/363. In this connexion I should like to make this explanation of vote before the vote by reiterating the reservations and objections my delegation put forward at the 90th plenary meeting of the seventh session of the Third United Nations Conference on the Law of the Sea, held in Geneva on 12 April 1978, when we indicated that the solution that was adopted by a majority relating to the presidency of the Conference could be criticized as a matter of principle as well as a matter of law. Nevertheless, Mexico's great interest in the work of the Conference and in its rapid progress in drafting a universal treaty on the law of the sea is its reason—and its only reason—for not continuing to press this matter of the presidency.

107. Now, at the 26th meeting of the Fifth Committee during this session of the General Assembly, my delegation had an opportunity to express its views concerning the substantive question involved in the payment of fees to the president of an international body who did not officially represent any country whatsoever. This constitutes not only a dangerous precedent that we hope will not have a negative impact on the United Nations budget in the future, but also it unduly gives the President of the Third United Nations Conference on the Law of the Sea a status that is inappropriate because of agreements signed with the host country and is a breach of the Staff Regulations of the United Nations.

108. In this connexion, my delegation would like to recall statements that were publicly made at the seventh session of the Third United Nations Conference on the Law of the Sea, taken from the summary record of the 86th plenary meeting of the Conference, held on 5 April 1978. The representative of Mexico stated:

"The delegation of Mexico will vote against the proposal"—in reference to one of the groups of Asian

States, which supported continuation of the presidency—"primarily to see whether Mr. Amerasinghe would keep his word. Indeed, at one point he agreed that he would step down from the presidency if a single delegation opposed the extension of his term of office. Then, later, he said that he would withdraw if a group of States opposed having him continue to serve as President."

109. It is a fact known to all here that the Latin American group of States unanimously opposed having Mr. Hamilton S. Amerasinghe serve as President since he was not an official representative of any State Member of the United Nations and he therefore should not continue to occupy the presidency of the Third United Nations Conference on the Law of the Sea.

110. My delegation believes that the matter of principle has not been properly solved and, therefore, even though it will vote in favour of draft resolution A/33/L.3, it nevertheless opposes the recommendation of the Fifth Committee in paragraph 13 of the Rapporteur's report [A/33/363].

111. Mr. URQUIA (El Salvador) (*interpretation from Spanish*): The delegation of El Salvador would be the last not to recognize the undoubted merits of the person who was elected President of the Third United Nations Conference on the Law of the Sea or to fail to appreciate his outstanding services to the international community in that high office and also as President of the General Assembly.

112. This distinguished international personality has acted as few others could have done in the Conference on the Law of the Sea, with constant devotion, exemplary diligence and an admirable capacity for negotiation and conciliation. No one who remembers or considers his work objectively could fail to commend him or to be grateful to him, since he was able positively and effectively to make the work of the Conference move forward especially with regard to the formulation of the Informal Negotiating Text,¹⁰ which is still used in meetings designed to conclude an international convention on the law of the sea.

113. While we would be the last not to recognize the merits or to applaud the work of the former President of the General Assembly, at the same time we would be the last to recognize the rightness of his retention in the highest office of a plenipotentiary conference where he cannot legally be a participant because he represents no State and therefore cannot sign the convention that may be drawn up as a result of his efforts.

114. Although, in our view, he cannot assume the presidency of the Conference on the Law of the Sea, he can none the less be a member of the Secretariat as an adviser to the President and the Secretariat. It seems quite unacceptable to us that he should be at the same time both a dignitary and a staff member.

115. If he were to be given the post of special adviser so as to take advantage of his inestimable services and ex-

¹⁰ See *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. VIII (United Nations publication, Sales No. E.78.V.4), documents A/CONF.62/WP.10 and Add.1.

perience, we would be the first to approve resolutions that would allow for an honorarium and travel and subsistence expenses.

116. But in the present state of affairs, for reasons of principle we have decided to vote against paragraph 13 of the report of the Fifth Committee in document A/33/363 both because of its budgetary implications and because of the grave anomaly of recommending that the President of the United Nations Conference on the Law of the Sea should be considered a member of the Secretariat for a specific purpose.

117. We should ask whether the President of the Conference would as from today be subordinate to the Secretary-General, as are all other staff members, or whether the Staff Regulations of the United Nations allow the existence of a staff member on an *ad hoc* basis at a higher level than the Secretary-General because these are the only alternatives.

118. As we see it, the rules are being violated and long-standing international practices are being disregarded by the establishment of a precedent that might be extremely harmful.

119. Furthermore, by resorting to that procedure, the prestige of our Organization is being demeaned because we are not working in the business-like fashion that is expected of us. This would give many reason to think that here in the United Nations we are flouting legal principles and the application of our regulations and bypassing them for the sake of political expediency.

120. Mr. GARRIDO (Philippines): The Philippine delegation wishes to reiterate the position it took at the 26th meeting of the Fifth Committee regarding the question of principle involved in the payment of an honorarium to the President of the Third United Conference on the Law of the Sea.

121. The terms of reference of the Conference do not provide for the payment of emoluments to the President of the Conference. The General Assembly will therefore be setting a dangerous precedent, should the proposal be approved, of paying an honorarium to a private individual, not a member of his country's delegation, who has been recruited as president of an intergovernmental meeting of limited duration. This unprecedented action would trigger a chain-reaction for other bodies to follow and thereby aggravate the unstable financial situation of the United Nations with expenditures of doubtful legality, such as the one being presented to the General Assembly for approval:

122. My delegation will vote for draft resolution A/33/L.3 on the understanding that operative paragraph 3 does not include the financial arrangements for the President of the Conference. On this point we agree with the positions taken by previous speakers regarding the problem relating to the presidency of the Conference.

123. Therefore, we will vote against the recommendation of the Fifth Committee contained in paragraph 13 of document A/33/363.

124. Mr. PALMA (Peru) (*interpretation from Spanish*): The delegation of Peru would like to reiterate its unreserved support for the convening of the eighth session of the Third United Nations Conference on the Law of the Sea. None the less, we should like to indicate that we oppose, and indeed will vote against, the recommendation of the Fifth Committee contained in paragraph 13 of document A/33/363, in accordance with the views and principles that we have put forward previously and also for the juridical reasons that have been explained by preceding speakers.

125. The PRESIDENT (*interpretation from Spanish*): I should like to ask representatives to turn to the decision contained in paragraph 11 of the report of the Fifth Committee [A/33/363]. May I consider that the General Assembly takes note of that decision?

It was so decided.

126. The PRESIDENT (*interpretation from Spanish*): We shall now take a decision on the recommendation of the Fifth Committee in paragraph 13 of its report.

127. Mr. CAMPS (Uruguay) (*interpretation from Spanish*): The delegation of Uruguay would like the Secretariat to indicate clearly to members the implications of casting an affirmative vote, a negative vote or an abstention on paragraph 13 of the report of the Fifth Committee.

128. The PRESIDENT (*interpretation from Spanish*): I call on the Under-Secretary-General for Political and General Assembly Affairs.

129. Mr. BUFFUM (Under-Secretary-General for Political and General Assembly Affairs): In response to the request of the representative of Uruguay, in order to ensure that members understand the implications of this vote, I will read the full text of paragraph 13 of the report of the Fifth Committee, as follows:

"The Committee recommends that the General Assembly should continue the existing arrangements for the President of the Third United Nations Conference on the Law of the Sea for the year 1979 and that, in order to enable the President to discharge his functions properly, he should be deemed to have the status of an official of the United Nations for the purpose of the Convention on the Privileges and Immunities of the United Nations."

130. An affirmative vote would endorse that recommendation of the Fifth Committee; a negative vote would reject the recommendation; and an abstention is self-explanatory.

131. The PRESIDENT (*interpretation from Spanish*): Having heard that explanation, the Assembly will proceed to vote on paragraph 13 of the report of the Fifth Committee concerning the administrative and financial implications of draft resolution A/33/L.3 [A/33/363].

A recorded vote was taken.

In favour: Algeria, Australia, Austria, Bahamas, Bahrain, Barbados, Belgium, Benin, Bhutan, Burma, Canada, Chad,

China, Colombia, Comoros, Congo, Cyprus, Democratic Kampuchea, Democratic Yemen, Denmark, Fiji, Finland, France, Germany, Federal Republic of, Ghana, Greece, Guinea, Guinea-Bissau, Guyana, Iceland, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Kenya, Kuwait, Lesotho, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Morocco, Nepal, Netherlands, New Zealand, Norway, Oman, Pakistan, Panama, Portugal, Qatar, Rwanda, Samoa, Sao Tome and Principe, Senegal, Singapore, Spain, Sri Lanka, Swaziland, Sweden, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United Republic of Tanzania, United States of America, Viet Nam,¹¹ Yemen, Yugoslavia, Zaire, Zambia

Against: Cuba, Dominican Republic, El Salvador, Guatemala, Mexico, Peru, Philippines, Uruguay, Venezuela

Abstaining: Argentina, Bolivia, Burundi, Costa Rica, Ecuador, Equatorial Guinea, Ethiopia, Gabon, Haiti, Honduras, Ivory Coast, Lebanon, Niger, Papua New Guinea, Paraguay, Sierra Leone, Suriname, Upper Volta.

Paragraph 13 was adopted by 86 votes to 9, with 18 abstentions (decision 33/405).

132. The PRESIDENT (*interpretation from Spanish*): We shall now take a decision on draft resolution A/33/L.3 and Add.1 entitled "Third United Nations Conference on the Law of the Sea". A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Algeria, Argentina, Australia, Austria, Bahamas, Bahrain, Barbados, Belgium, Benin, Bhutan, Bolivia, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Canada, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Dominican Republic, Ecuador, Equatorial Guinea, Ethiopia, Fiji, Finland, France, Gabon, German Democratic Republic, Germany, Federal Republic of, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Samoa, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Singapore, Spain, Sri Lanka, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United Republic of Tanzania, United States of America, Upper Volta, Uruguay, Venezuela, Viet Nam, Yugoslavia, Zaire, Zambia

Against: None

Abstaining: El Salvador.

The draft resolution was adopted by 127 votes to none, with 1 abstention (resolution 33/17).

133. The PRESIDENT (*interpretation from Spanish*): I shall now call on those representatives who wish to explain their vote after the vote.

134. Mr. ZEGERS (Chile) (*interpretation from Spanish*): The delegation of Chile vote in favour of the draft resolution and, in general, of its financial implications as well. However, it did not take part in the vote on the Fifth Committee's decision on paragraph 12 and its recommendation to the Assembly in paragraph 13 of document A/33/363, for strictly legal reasons that we share with some of the preceding speakers and which we also share with others who were unable to support this recommendation. They relate to the confirmation or the election as President of a plenipotentiary conference of an individual who does not represent his country. This is a matter of principle with respect to which we reiterate in all respects the reservations which Chile made at the Third United Nations Conference on the Law of the Sea.

135. Mr. Amerasinghe deserves all our appreciation and respect, and his ability and inestimable services to the Conference are unquestionable.

136. Mr. ROSENNE (Israel): My delegation very much regrets that it was necessary to bring the recommendation of the Fifth Committee contained in paragraph 13 of document A/33/363 to a recorded vote.

137. As we explained at the 86th plenary meeting of the Conference on 5 April last, and then at the 26th meeting of the Fifth Committee last week, we consider that it would have been more in accordance with the practice of the Conference for this matter to have been resolved through the procedures of consultation and consensus which the Conference has adopted for itself, and for that reason we have not participated in the recorded vote taken on the recommendation of the Fifth Committee.

138. At the same time, my delegation wishes to express its satisfaction that this difficult question has now been satisfactorily settled by the clear decision of the General Assembly, a decision which in our view is clearly limited to the very special circumstances of this Conference.

139. We were pleased to vote in favour of the draft resolution, and we share the hope which has been expressed by many other delegations that this Conference can be brought to a successful conclusion in the year 1979.

AGENDA ITEM 129

Observer status for the Agency for Cultural and Technical Co-operation in the General Assembly

140. The PRESIDENT (*interpretation from Spanish*): In this connexion, the Assembly has before it draft resolution

¹¹ The delegation of Viet Nam subsequently informed the Secretariat that it wished to have its vote recorded as an abstention.

A/33/L.8 and Add.1. I shall call first on the representative of Tunisia, who wishes to introduce the draft resolution.

141. Mr. MESTIRI (Tunisia) (*interpretation from French*): By placing on its agenda an additional item to confer observer status on the Agency for Cultural and Technical Co-operation, the General Assembly is responding to an objective of the United Nations in respect of the development between nations of friendly relations based on the principles of equality and the achievement of international co-operation in the economic, social, humanitarian, cultural, educational and public health fields.

142. The Agency for Cultural and Technical Co-operation, consisting of 26 member States, including Tunisia, of two associated States and two participating Governments, all using the French language, was created on 20 March 1970 by the Niamey Convention. As with other bodies and associations set up at the same time, it resulted from the initiative taken by several French-speaking Heads of State, such as President Bourguiba of Tunisia and President Senghor of Senegal. The purpose of the structures they inspired is to deal, on a sectoral or global basis, with problems arising from the use of the French language by 200 million human beings, in a spirit of equality, solidarity and complementarity.

143. Indeed, the Agency is an original framework unique of its kind since, while all member countries use French to some extent, the Agency is nevertheless a body open to all cultures and languages. Indeed, the Agency does not confine its activities to the use of French. Not only do we admit the use of the national languages of member countries for the events that it subsidises, such as Arabic and other African languages, but it also encourages a number of activities in the artistic, cinematographic and literary fields. The range of its activities is very broad since, apart from promoting national cultures and languages, the Agency devotes its activities to development, education and scientific and technical co-operation.

144. In accordance with the provisions of its charter, the Agency discharges its mission in co-operation with various international and regional organizations. Thus it has already established firm links with the United Nations system. It co-operates with FAO, UNESCO, UNIDO, UNDP, WHO and the Office of Technical Co-operation of the United Nations. In addition, it has requested and obtained in 1976 special observer status to the Economic and Social Council of the United Nations.

145. That is why we hope that the General Assembly will confer on the Agency for Cultural and Technical Co-operation the status of observer in the United Nations, as an expression of renewed solidarity and an additional means of rapprochement between peoples.

146. We hope that the draft resolution before you will be unanimously endorsed by the General Assembly. We consider that closer relations between the two organizations cannot but enhance their efforts in the field of international co-operation. We think in particular that it will enable the Agency to contribute even further, in the areas of concern to it, to the achievement of the purposes and principles of the United Nations Charter.

147. Mr. THIEMELE (Ivory Coast) (*interpretation from French*): It was in its capacity as President of the General Assembly of the Agency for Cultural and Technical Co-operation that the Ivory Coast supported the draft resolution, submitted on behalf of the member countries of this Agency, on the granting of observer status to the Agency for Cultural and Technical Co-operation.

148. The Agency consists of 32 States and Governments spread over four continents. It has a single medium of expression, the French language, and pursues purposes similar to those of the United Nations; that is, to bring about real rapprochement and better understanding among peoples, to enhance the development of those peoples through genuine technical and cultural co-operation.

149. To attain those goals, which are the same as those that appear in the Charter, the Agency, which gathers together many different peoples and civilizations, is founded on the following basic principles: equality, solidarity, complementarity. These are the great principles which underlie all international relations at the end of the twentieth century.

150. In order to enable that framework for consultation and co-operation to develop its activities in perfect conditions of understanding, my country associated itself with the sponsors of draft resolution A/33/L.8 and Add.1, and we thus call for the support of Member States to grant observer status in the General Assembly to the Agency for Cultural and Technical Co-operation.

151. Mr. POISSON (Niger) (*interpretation from French*): In asking to be allowed to speak on item 129 of the agenda, my delegation did not intend unduly to prolong the debate on a matter which everyone considers to be a foregone conclusion, given the nature of the request made by the Agency for Cultural and Technical Co-operation for observer status and given the complete harmony between the objectives of this Agency and those defined in the United Nations Charter.

152. We simply wish energetically to support the statements made by Mr. Mestiri of Tunisia and the delegations which have spoken in support of draft resolution A/33/L.8.

153. The Niger is a founding member of the Agency for Cultural and Technical Co-operation and we welcomed the initiative taken in March 1970 in the Niamey Convention for the establishment of fresh co-operation between peoples coming from different countries and from different cultures. Thus far we have had nothing but commendation for the results obtained which benefit all Members, great and small, in this Organization. A good tool proves its worth with use. Thus, the Agency has shown itself to be flexible and effective in the field of co-operation, which is not the case of all international bodies working in this field.

154. As was underscored in the explanatory memorandum annexed to the request for observer status, its founders, without losing time, quickly got down to the work of giving effect to "the expression of a new solidarity and an additional instrument for the rapprochement of peoples", which "has as its main purpose the affirmation and development among its members of multinational co-

operation in sectors pertaining to education, culture, science and technology" [see A/33/242, annex, para. 2].

155. Mine was one of the many countries which benefited from this timely co-operation in the very sensitive economic and cultural sectors.

156. Other projects are being carried out in various areas in connexion with this co-operation having a new dimension.

157. These are reasons which can escape no one and which confer on the Agency for Cultural and Technical Co-operation the rank of one of the most highly appreciated world organizations in the field of human solidarity.

158. The list of international organizations with which the Agency collaborates is long and very varied. Because of the nature of its goals and its specific concerns in matters of co-operation any link with the United Nations can only be enriching. That is the view of my delegation and of all those who believe in this type of co-operation. We are persuaded that draft resolution A/33/L.8 and Add.1 will give greater meaning to the intellectual stirrings of mankind which our Organization endeavours to express in its quest for co-operation and solidarity.

159. Mr. LAPOINTE (Canada) (*interpretation from French*): The delegation of Canada is happy to join previous representatives in supporting the request of the Agency for Cultural and Technical Co-operation for observer status in the General Assembly.

160. Through its own participation, and that of its two provinces, Quebec and New Brunswick, in the Agency, Canada has been able to appreciate highly the effectiveness of the Agency's action in such diverse fields as education, culture, science and technology. We go along with what has been said by the representatives of Tunisia, the Ivory Coast and Niger, and we hope that the General Assembly will unanimously endorse the request before us in the draft resolution we are considering.

161. The PRESIDENT (*interpretation from Spanish*): The General Assembly will now take a decision on draft resolution A/33/L.8 and Add.1 entitled "Observer status for the Agency for Cultural and Technical Co-operation with the General Assembly". May I consider that the General Assembly adopts the draft resolution?

The draft resolution was adopted (resolution 33/18).

The meeting rose at 7 p.m.