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President: Mr. Gaston THORN
(Luxembourg).

In the absence of the President, Mr. Ålgård (Norway), Vice-President, took the Chair.

AGENDA ITEM 30

**Third United Nations Conference
on the Law of the Sea**

1. The PRESIDENT: I call on the representative of El Salvador, who wishes to introduce draft resolution A/L.782.

2. Mr. GALINDO POHL (El Salvador) (*interpretation from Spanish*): The procedural draft resolution before the General Assembly, which was sponsored, among others, by El Salvador, aims to provide in 1976 the necessary assistance from the United Nations, through the Secretary-General, to the Third United Nations Conference on the Law of the Sea.

3. The United Nations conceived, prepared and convened the Third Conference at a time when the theory and practice of the law of the sea and the crisis provoked by the creation of new rules threatened to increase tension, to multiply conflicts and to establish contradictory and antagonistic practices to the detriment of harmonious relations in the international community and with adverse consequences to the world system of peace and security. Besides political and legal interests, important economic interests were at stake, because technology had made it possible to exploit resources which for many years had remained undiscovered or inaccessible, and to use new methods of exploiting traditional resources as, for example, fisheries.

4. The Third Conference will probably be the longest conference of the century, at least among those convened and sponsored by the United Nations. The Third Conference would seem to take up an excessive amount of time and try the patience of Governments and even the physical and moral resistance of delegates, particularly of those who attended the meetings of the Committee on the Peaceful Uses of the Seabed and the Ocean Floor beyond the Limits of National Jurisdiction, one of the preparatory bodies of the Conference. At times, even the most optimistic have been discouraged and the methodical and systematic doubting that has prevailed has cast a sombre shadow over the arduous and intense activities that have been carried out.

5. But it is worth while examining the special circumstances which prevailed when the Conference was conceived and prepared. From the very outset it became an exercise in high-level international politics, since the preparatory committee was made up of Government representatives, and its composition was unusual, since more than two thirds of the States Members of the United Nations were members of that Committee. No working documents prepared by experts were ever made available, in contrast to what occurred in the course of the Conference on the Law of the Sea of 1958; instead proposals and statements of position of Governments were available which ran the whole gamut of possible opinions on each item, ranging from black to white through the entire spectrum, and from the absence of color to the combination of all kinds of colors. It took two years to draw up the agenda of the Conference and by way of subject-matter the Conference was given a prolific catalogue of national positions with so many alternatives, exceptions and variations that it was difficult simply to read it all, let alone to deal with it in a systematic fashion.

6. The Third Conference established new procedures relating to groups of interests and informal consultations, the results of which were drawn up by the Chairman following a gradual process of change and maturity. Perhaps the most interesting method was that of

entrusting the Chairmen of the Committees with the task of drawing up single texts for negotiation. The word "single" in this case means the absence of any alternatives or variations. As for the philosophy governing them, the aim of the single texts was to present a balanced position which might be acceptable as a starting point for seeking an agreement. The single texts are in keeping with the basic documents normally made available to international conferences from the moment of their convening. Indeed, they are usually one of the initial elements which have led to the convening of a conference.

7. What would happen if one were to abandon this effort at the halfway point? What would happen if the Third Conference were to fail? Extremely grave consequences would ensue: coastal States would probably extend their economic zones unilaterally and base their practices and rights on customary law but, in the course of that process, very serious differences would arise as to the nature of those rights and the way to apply them, with the resulting disagreements; land-locked countries would lose the opportunity of achieving recognition of their right of access to the sea and to a fair share of the resources of neighbouring economic zones. A 12-mile broad territorial sea would cause navigational problems in straits. There would still be uncertainty with regard to rights to the continental shelf, because of the ambiguity of the Convention of 1958. The list of uncertainties and sources of friction would thus go on and on.

8. The net loss would be felt in the international seabed area. Its character of common heritage of mankind would for all practical purposes be undermined and possibly even lost. Yet no gain would accrue to the developed countries for what the United Nations has done so far is enough to preclude unilateral use of the resources of the international zone. In fact, General Assembly resolution 2749 (XXV) on the principles governing the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction, is a valuable instrument which can be used in the process of identifying and recognizing the obligatory principles of international law. Today, when public opinion carries increasing weight, peaceful use of those resources is an element that may induce the technologically advanced countries to seek a reasonable agreement in the matter. Between those countries which have law on their side but not the means and those which have the means but defy the law, understanding and co-operation are essential.

9. Thus no one would stand to gain from the failure of the Third Conference. Everyone would stand to lose considerably, some in terms of natural resources and others in terms of a no less important asset, namely organized co-operation and peace. It is on these tangible and intangible factors that one must assess the political costs and benefits. Viewed from an over-all standpoint they seem to tip the balance in favour of compromise and conciliation.

10. Inside experience, through participation, is more subjective, than observation from outside but it comprises elements which do not appear in the documents. Thus the degree of informal consensus achieved in the Third Conference is considerable, perhaps extending to 70 per cent of the decisive issues. However, within the policy of negotiation and over-all agreements,

which make precarious the provisional consent given to each of the separate parts, the questions still outstanding, unless settled, could upset the partial structure which has been so painstakingly erected.

11. We can no longer continue to hold back our cards. The time has come to stop playing this game of chance and trying to draw the most advantage from extreme positions, but rather to come to an understanding on minimum positions. Everyone has already stated and fought for what he believes. The time has come to pass from what is desirable to what is feasible, and that can be done only through concession and compromise, leading to a final equilibrium.

12. The most important issue is to reach a peaceful understanding on the utilization of the resources of the seas, under a sound and stable régime. The time has come for world understanding as expressed through a process of increasing rationalization of international relations based on law. The alternative, instability and irrationality, is bleak enough to warrant negotiations on a realistic basis. In view of the complexity of the interests involved, realistic here means moderate.

13. We are now close to the goal towards which we have been striving for eight years. The possibility of bringing two thirds of the planet under an international law agreed to and negotiated by all States is a source of hope and optimism.

14. Slow progress has characterized the work of the Committee on the Sea-Bed and the Third United Nations Conference on the Law of the Sea, but, despite disagreements, taboos and confrontations, we have gradually come to discover the elements composing original ideas, of necessity somewhat vague, and to understand the need to co-ordinate inter-State interests and those between States and the international community. From texts plagued with confusing alternatives we have gone on to coherent structures.

15. From December 1973 to December 1975, significant progress has been made. Two years ago, we had a voluminous package of national proposals. Today the stage of flowering and fruition is at hand and further improvements may not be far away.

16. The draft resolution before the General Assembly today is aimed at continuing activities carried on over several years on the question of the law of the sea. It seeks to maintain the support of the United Nations for the Third Conference, and avoids polemical questions and value judgements. We hope it will prove to be a useful instrument. That is why, on behalf of my delegation, I would ask delegations to give it favourable consideration and to consider the possibility of adopting it without a vote, as proof of the special understanding they have of the hard work which has been done and still remains to be done.

17. Mr. AMERASINGHE (Sri Lanka): My colleague and friend, Mr. Galindo Pohl of El Salvador, has just introduced draft resolution A/L.782. This draft resolution is essentially of a procedural character in the sense that it seeks provision and facilities to enable the Conference to continue with its work and to complete it. I do not propose to touch on any matter of substance here, but shall confine myself to the procedural aspects of the question.

18. The most important achievement so far, after three sessions of this Conference, was the agreement

reached at the third session, held at Geneva from 17 March to 9 May this year, to the effect that the Chairmen of the three main Committees should each prepare an informal, single negotiating text on the subjects and issues assigned to their respective committees. Those texts were to serve as the basis of negotiations since concentration on a single text would give direction and purpose to negotiations which would otherwise be disjointed and discursive. This was an invidious task, but the Chairmen discharged it with a proper sense of responsibility, and for the first time we have documents on which orderly negotiations can take place. They have placed us in great indebtedness to them by doing so.

19. Opinions may, and in fact do, differ regarding the substance of those texts, but that is not in the least surprising and is precisely the reason why negotiation is necessary. If the texts were acceptable, the Conference would be over in a matter of days, if not hours. As the next session, which is to be held from 15 March to 7 May 1976, will be the first occasion on which the Conference will be in a position to hold negotiations in an orderly and more coherent and effective manner by concentrating on a single set of texts, informal though they may be, some provision has to be made for the contingency of a fifth session being held. This is a decision for the Conference itself to take, and will depend on the course and progress of the negotiations during the fourth session. Operative paragraph 1 of the draft resolution takes into consideration this possibility and this contingency.

20. Although a fifth session is, at this stage, only a possibility, it will be necessary to have some idea of the dates, venue and duration of that fifth session. Much will depend on the facilities available, and the Secretariat would find it easier to plan for the Conference if the preferences of the participants were known to it well in advance. I hope, therefore, to hold consultations with representative groups for the purpose of ascertaining their wishes in this matter.

21. Operative paragraph 3 of the draft resolution requests that provision be made for the efficient and continuous servicing of the Conference in 1976 and of subsequent activities as may be decided upon by the Conference. The secretariat of the Conference must be maintained, and the organization must continue in existence until the entire task is completed. We must bear in mind that this will be the happy day when the treaty is concluded.

22. There is one other aspect of this question to which the international community should pay special attention, and I feel that it is my duty to comment on it. At the conclusion of the session in Geneva this year I appealed to all States to refrain from any unilateral action of a type that would imperil or place in jeopardy the attainment of our common objective, which is a generally acceptable treaty on the law of the sea. This appeal was made by me as concern had been voiced in many quarters over proposals, which were being contemplated by some States, to take such unilateral action. I feel constrained to repeat that appeal on this occasion. It is my conviction that unilateral action on the part of a few States for the extension of national jurisdiction over the resources of the sea, however compelling the domestic pressures for such action might be, could not but provide an excuse

or pretext, or even a provocation to others to take similar action. I appreciate the predicament of States whose economies are almost entirely dependent on what can be derived from ocean resources, but there are other States, more fortunately endowed and with much more diversified and powerful economies, which do not have to rely to any appreciable extent on what they can extract from the ocean. The predicament of the few should not, therefore, provide an excuse for others.

23. Should the policy of unilateral action be pursued by an increasing number of nations, the Conference would be aborted, and instead of peaceful co-operation on the ocean we should have conflict and anarchy. The responsibility falls on us all, and most heavily on those nations which have, from the very inception of the Conference, stressed most vehemently the need for, and even insisted on, reaching agreement on a treaty by consensus, to avoid acting in a manner which could only shatter all hope of a consensus.

24. The patience of sovereign States, and especially of special groups within States, is not inexhaustible. In repeating my appeal for restraint, I would also appeal to all groups, including special-interest groups, to come prepared for serious negotiations, with a genuine political will to reach agreement, and to negotiate with one another. Negotiation within groups in isolation from others should not be conducted indefinitely to the exclusion of negotiation between groups, as it is only by this latter process that we can hope to reach agreement on a generally, or better still a universally, acceptable treaty.

25. I should like to join my colleague Mr. Galindo Pohl in appealing to the Assembly to accept this draft resolution without a vote.

26. Mr. INGVARSSON (Iceland): My delegation will support the draft resolution which has been submitted to the General Assembly. I particularly want to emphasize our support for the possibility of holding two sessions of the United Nations Conference on the Law of the Sea next year. The process of preparations for the Conference, and the Conference itself, have already taken many years. The early and successful conclusion of its work is of great importance and is indeed a matter of urgency to the world community as a whole. Many Governments are not prepared to wait much longer before adopting the necessary measures of self-protection which in some cases have been delayed for too long.

27. The Government of Iceland has already taken partial action by extending our fishery limits to 200 nautical miles, effective 15 October 1975. Only the fishery limits as such were extended, and other matters such as measures to prevent pollution, rules concerning the conduct of scientific research and the delimitation of the continental shelf have been left in abeyance for the time being. The action taken is in conformity with the practice of developing States and with the consensus which has by and large emerged from the Conference on the Law of the Sea, and it is therefore lawful.

28. At the same time, my Government has concluded agreements with the Federal Republic of Germany and Belgium, allowing them to fish for specified quantities within our zone. In the case of the Federal

Republic, the agreement is made for a period of two years, whereas the agreement with Belgium may be terminated by either party on six months' notice. Similar agreements with the Faroe Islands and Norway are in preparation.

29. On the other hand, negotiations with the United Kingdom have broken down because of excessive claims from the British side which in fact amounted to the expectation of taking almost one half of the total allowable catch of our most important and most endangered species—cod. Such an arrangement would have resulted in effect in a similar reduction of our own catch. That was completely unacceptable to us. It runs completely counter to the consensus reached on the concept of the exclusive economic zone, wherein the coastal State enjoys sovereign rights over the living and non-living resources of the zone and wherein the coastal State will allow access, on its own terms and conditions, to the surplus of the fish stocks which it cannot itself harvest. In our case, although Iceland has the full capacity to harvest the entire allowable catch within our zone, we were ready to give United Kingdom fishermen access to a reasonable share of the fish stock. But one half of the entire allowable catch of cod can by no means be regarded as fair and reasonable.

30. As is well known, the Royal Navy has been sent to our waters where serious incidents have taken place and further incidents may take place at any time. My Government has protested against these measures and demanded that the warships be withdrawn at once. That would also be in conformity with the fact that the United Kingdom itself has plans for an economic zone of 200 miles and is already claiming the non-living resources in that area.

31. I am not going to elaborate on this matter any further on this occasion. I want only to repeat that my delegation supports the draft resolution before us, and in particular the provision for the possibility of holding two sessions of the Conference on the Law of the Sea next year, so that its work can be completed in the very near future.

32. The PRESIDENT: The Assembly will now take a decision on draft resolution A/L.782. I would draw the Assembly's attention to the fact that the report of the Fifth Committee on the administrative and financial implications of that draft resolution is contained in document A/10490.

33. The representative of El Salvador, supported by the representative of Sri Lanka, has proposed that the decision on this draft resolution should be taken without a vote. If there are no objections, I shall take it that that procedure is acceptable to the Assembly.

The draft resolution was adopted (resolution 3483 (XXX)).

AGENDA ITEM 41

General and complete disarmament (concluded):*

(a) Report of the Conference of the Committee on Disarmament;

(b) Report of the International Atomic Energy Agency
REPORT OF THE FIRST COMMITTEE (A/10438)

34. The PRESIDENT: I would remind the Assembly that the report of the First Committee on agenda

item 41 [A/10438] was introduced orally by the Committee's Rapporteur yesterday [2437th meeting].

35. We shall now vote on draft resolutions A to E, recommended by the First Committee in paragraph 15 of its report. The Fifth Committee's report on the administrative and financial implications of draft resolutions B and D is contained in document A/10488. A recorded vote has been requested.

36. I now put to the vote draft resolution A.

A recorded vote was taken.

In favour: Afghanistan, Algeria, Australia, Austria, Bahrain, Bangladesh, Barbados, Belgium, Bolivia, Botswana, Burundi, Canada, Chad, Chile, Colombia, Costa Rica, Cyprus, Democratic Yemen, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Finland, Gambia, Germany, Federal Republic of, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Haiti, Honduras, Iceland, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Laos, Lebanon, Lesotho, Liberia, Libyan Arab Republic, Luxembourg, Malaysia, Mali, Malta, Mauritius, Mexico, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Portugal, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sudan, Swaziland, Sweden, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Upper Volta, Uruguay, Venezuela, Zaire.

Against: Albania, Bhutan, China, India, Malawi.¹

Abstaining: Argentina, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, France, German Democratic Republic, Hungary, Madagascar, Mauritania, Mongolia, Mozambique, Poland, Spain, Sri Lanka, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Cameroon, United Republic of Tanzania, United States of America, Yugoslavia.

The draft resolution was adopted by 97 votes to 5, with 24 abstentions (resolution 3484 A (XXX)).

37. The PRESIDENT: We shall now vote on draft resolution B.

A recorded vote was taken.

In favour: Afghanistan, Algeria, Argentina, Australia, Austria, Bahrain, Bangladesh, Barbados, Belgium, Bhutan, Bolivia, Botswana, Brazil, Burma, Burundi, Canada, Chad, Chile, Colombia, Costa Rica, Cyprus, Democratic Yemen, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Finland, France, Gambia, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Laos, Lebanon, Lesotho, Liberia, Libyan Arab Republic, Madagascar, Malaysia, Mali, Malta, Mauritania, Mauritius, Mexico, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Portugal, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singa-

* Resumed from the 2437th meeting.

pore, Somalia, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Yugoslavia, Zaire.

Against: Poland,² Union of Soviet Socialist Republics.²

Abstaining: Bulgaria, Cuba, Czechoslovakia, German Democratic Republic, Germany, Federal Republic of, Hungary, Luxembourg,² Malawi, Mongolia, Mozambique, Pakistan, Ukrainian Soviet Socialist Republic, United Kingdom of Great Britain and Northern Ireland, United States of America.

The draft resolution was adopted by 108 votes to 2, with 14 abstentions (resolution 3484 B (XXX)).

38. The PRESIDENT: The Assembly will now vote on draft resolution C.

A recorded vote was taken.

In favour: Afghanistan, Algeria, Argentina, Australia, Austria, Bahrain, Bangladesh, Barbados, Bhutan, Bolivia, Botswana, Brazil, Burma, Burundi, Canada, Chad, Chile, Colombia, Costa Rica, Cyprus, Democratic Yemen, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Finland, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Jamaica, Jordan, Kenya, Kuwait, Laos, Lebanon, Lesotho, Liberia, Libyan Arab Republic, Madagascar, Malawi, Malaysia, Mali, Malta, Mauritania, Mauritius, Mexico, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Portugal, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Cameroon, Upper Volta, Uruguay, Venezuela, Yugoslavia, Zaire.

Against: Bulgaria, Byelorussian Soviet Socialist Republic, Czechoslovakia, German Democratic Republic, Hungary, Mongolia, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United States of America.

Abstaining: Belgium, Cuba, France, Germany, Federal Republic of, Greece, Italy, Japan, Luxembourg, Mozambique, Turkey, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania.

The draft resolution was adopted by 102 votes to 10, with 12 abstentions (resolution 3484 C (XXX)).

39. The PRESIDENT: I now put to the vote draft resolution D.

A recorded vote was taken.

In favour: Afghanistan, Algeria, Argentina, Australia, Austria, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Chad, Chile, Colombia, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Finland, Gambia, German

Democratic Republic, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Israel, Italy, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Laos, Lebanon, Lesotho, Liberia, Libyan Arab Republic, Madagascar, Malawi, Malaysia, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Mozambique, Nepal, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, 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, Venezuela, Yugoslavia, Zaire, Zambia.

Against: None.

Abstaining: Belgium, Canada, Denmark, France, Germany, Federal Republic of, Ireland, Japan, Luxembourg, Netherlands, New Zealand, Nicaragua, United Kingdom of Great Britain and Northern Ireland, United States of America.

The draft resolution was adopted by 115 votes to none, with 13 abstentions (resolution 3484 D (XXX)).

40. The PRESIDENT: Finally, the Assembly will proceed to vote on draft resolution E.

A recorded vote was taken.

In favour: Afghanistan, Algeria, Argentina, Australia, Austria, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Canada, Chad, Chile, Colombia, Costa Rica, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Finland, Gambia, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Laos, Lebanon, Lesotho, Liberia, Libyan Arab Republic, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, 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, Yugoslavia, Zaire, Zambia.

Against: None.

Abstaining: Cuba, France.

The draft resolution was adopted by 126 votes to none, with 2 abstentions (resolution 3484 E (XXX)).

41. The PRESIDENT: I now call on the representative of the United States in explanation of vote.

42. Mr. HAUGH (United States): With the termination of voting on general and complete disarmament, the General Assembly has finished its consideration of First Committee items. My delegation wishes to take this opportunity to express very briefly but very sincerely our admiration for the extremely effective leadership which the representative of Lebanon demonstrated in exercising his stewardship of the First Committee's complex and difficult deliberations.

43. In connexion with the General Assembly's consideration of First Committee items, I also wish to state that during the voting in plenary on the resolution concerning the implementation of the Declaration on the Strengthening of International Security [*resolution 3389 (XXX)*], my delegation's vote was inadvertently recorded as an abstention. It was my delegation's intention to vote against that resolution, as we had done in the First Committee.

AGENDA ITEM 88

Question of Territories under Portuguese administration: report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

REPORT OF THE FOURTH COMMITTEE (A/10426)

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

44. The PRESIDENT: The draft resolution recommended by the Fourth Committee in connexion with this item is contained in paragraph 32 of its report [A/10426].

45. I shall now call on those representatives wishing to explain their votes before the vote.

46. Mr. VARGAS SABORIO (Costa Rica) (*interpretation from Spanish*): The delegation of Costa Rica cannot be indifferent to the *de facto* situation created in the Territory of Portuguese Timor, and is greatly concerned at the violation of Timor's territorial integrity through outside intervention, in disregard of the principles of the Charter of the United Nations, and the resolutions of the General Assembly, especially resolution 1514 (XV).

47. It should be recalled that resolution 1514 (XV) establishes ways and means whereby the process of decolonization of Non-Self-Governing Territories can be carried out, and my delegation recognizes that those principles of decolonization cannot be literally and fairly implemented when there is no regard for the inalienable right of all peoples to self-determination and to independence through the democratic exercise of that principle of self-determination, which is the highest expression of the people's will.

48. The delegation of Costa Rica has always condemned military or other intervention with the aim of

seizing territories by force, in violation of the provisions of the Charter. But the situation in Portuguese Timor is a delicate one, and we believe that we still lack sufficient information to be able to voice our opinion on this question which is now before the Assembly.

49. In the Fourth Committee we pointed out that the current situation in Portuguese Timor is delicate and that this is no typical decolonization matter on which the General Assembly would have the last word, but that we have here a problem which goes beyond that process, and even though the General Assembly can adopt recommendations, the Security Council is necessarily involved because of the existence of a situation capable of endangering peace and security in the region.

50. Since there has been a request for the Security Council to take up the situation in Portuguese Timor, Costa Rica, as a member of the Council, reserves its position on the substance of the matter until such time as the question is taken up. Consequently, we shall abstain from voting on the draft resolution.

51. Mr. BISHARA (Kuwait): The delegation of Kuwait voted in favour of the draft resolution when it was put to the vote in the Fourth Committee. The draft resolution in fact emphasizes and highlights certain principles of paramount importance to Member States assembled here, since these principles emanate from and reflect the Charter of the United Nations. Reaffirmation of the principle of self-determination and independence for Territories under foreign rule is vital to all States represented in this body. Interference in domestic affairs by foreign Powers is not only contrary to the Charter but is also detrimental to the cause of stability and peace in any area. Because of the fact that the draft resolution emphasized and highlighted those principles, my delegation was able to cast an affirmative vote in the Fourth Committee.

52. However, my delegation has certain reservations not on the general sense of the draft resolution recommended by the Fourth Committee, but on the formulation of some paragraphs. In the view of the delegation of Kuwait, there is no need at all for operative paragraph 4. In fact, we find it inflammatory. It strongly deplores events in Timor, but the essence of that paragraph does not contribute to the stability of the area. My delegation would have been happier if improved and milder language had been used in the draft resolution under consideration. We are always of the view that when tension is high and passions are involved and aroused, restraint becomes imperative and is recommended. It would have been advisable for improved and milder language to be formulated and incorporated, particularly with regard to operative paragraph 4 of the draft resolution.

53. My delegation is in agreement with the general thrust of the draft resolution, but it still maintains its reservation on the linguistic aspect of the draft. In view of the above, I seek the indulgence of the General Assembly to request a separate recorded vote on operative paragraph 4 of the draft resolution.

54. Mr. HARRY (Australia): Australia regrets that the Assembly is faced today with a draft resolution on Timor adopted in the Fourth Committee with

substantial opposition from countries in the region concerned and with a very large number of abstentions.

55. In the Committee there were two draft resolutions before us when voting began. The draft resolution in document A/C.4/L.1132 was sponsored by India and six other States, a draft resolution which Australia would also have supported had it not been withdrawn just before the vote.

56. When explaining our positive vote in the Fourth Committee on the other draft resolution, document A/C.4/L.1131, the Australian delegation indicated that it would pursue efforts to negotiate amendments to operative paragraphs 4 and 5 in the hope of producing a generally acceptable text here in the plenary meeting.

57. We still feel that those paragraphs of the draft resolution as adopted by the Committee appear to prejudice the careful assessment relating to the intervention of Indonesia in the eastern end of the island of Timor, an assessment which can only be made by the Security Council after it has considered the facts and the circumstances in which elements from the Indonesian forces landed in the Dili area in support of the parties now in control there. Again, it is primarily for the Security Council, in our view, to determine the precise nature of the mission which it would be appropriate to send to the Territory in existing circumstances. Because of the evacuation of the Portuguese administration several months ago, apart from the tiny symbolic element on the island of Atauro—and even this has recently been reduced to a shadow—it will clearly be difficult to arrive at the most appropriate form of United Nations action, including the precise steps to be taken by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. It may be that the first step would be for a representative of the Secretary-General to visit the Territory to gather information and to report back to the Security Council on the situation on the spot so that the Council and the Special Committee on decolonization may determine the kind of mission which could best help in preparations for self-determination and any other action which the situation may require, including, if necessary, the conditions necessary to enable acceleration of the withdrawal of any foreign armed forces which may still be in the Territory.

58. The Australian delegation regrets that the draft resolution recommended by the Committee, as it is drafted, seems to prejudice some of these complex issues. It is unfortunate that our efforts to secure an improved text have not met with success. None the less, Australia does agree with the main principles set out in the draft resolution. It calls for respect of the principle of self-determination in accordance with the Charter and the Declaration on the Granting of Independence to Colonial Countries and Peoples, the fifteenth anniversary of which the General Assembly commemorated this morning. It also calls upon Portugal to exercise its responsibilities as administering Power to continue to make every effort to find a solution by peaceful means.

59. It is indeed the duty of the Assembly to stress the need for talks, for a peaceful solution, for an end to the strife, for an orderly exercise of the right of self-determination. We also deeply regret the use of force,

whether by the political factions in the Territory or by outside Powers. We shall therefore vote for the draft resolution. We shall also seek to make some suggestions to the Security Council for prompt and appropriate action, taking into account not only the legal responsibility of Portugal and the recent history of Portuguese Timor under its colonial régime but also the realities of the existing situation.

60. Mr. PAQUI (Benin) (*interpretation from French*): In the opinion of the delegation of Benin the consideration of the question of Timor must necessarily take into account two important facts: first, that the independence of the country has been proclaimed, and that no distinction can be drawn between good and bad independence; and secondly, that Indonesia has carried out military aggression against and occupation of independent Timor. Benin condemns any act of aggression and any military occupation of whatever kind and from whatever source: the super-Powers, the great Powers, the medium-sized or the small Powers.

61. The draft resolution before us does not seem to take all these things into account. What is now going on in Timor falls within the framework of the specific interpretation that certain States think they can give now to resolution 1514 (XV), especially where the decolonization of small States is concerned. This is a situation which should be of concern to the international community, because if we do not deal with it promptly, the decolonization of small States may well, in the light of the territorial claims that are increasingly being made, become a threat to international peace and security. Certain contradictory resolutions adopted in this Assembly only a few days ago are sufficient evidence of this point.

62. My delegation will no longer be associated with the tendentious notions calculated to distort certain facts. In the specific case of Timor, the draft resolution does not reflect the facts, and my delegation is accordingly obliged to vote against it.

63. The PRESIDENT: We shall now proceed to vote on the draft resolution recommended by the Fourth Committee in paragraph 33 of its report. A separate recorded vote has been requested on operative paragraph 4.

A recorded vote was taken.

In favour: Albania, Algeria, Barbados, Botswana, Brazil, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Chad, China, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Ecuador, El Salvador, Equatorial Guinea, Ethiopia, Gabon, Gambia, German Democratic Republic, Greece, Grenada, Guinea, Guinea-Bissau, Guyana, Hungary, Iceland, Ivory Coast, Jamaica, Kenya, Laos, Lesotho, Madagascar, Malawi, Mali, Mexico, Mongolia, Mozambique, Niger, Peru, Poland, Portugal, Romania, Rwanda, Senegal, Sierra Leone, Somalia, Swaziland, Sweden, Togo, Trinidad and Tobago, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Upper Volta, Venezuela, Zambia.

Against: Benin, India, Indonesia, Iran, Japan, Malaysia, Morocco, Philippines, Qatar, Saudi Arabia, Thailand.

Abstaining: Afghanistan, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Belgium,

Bhutan, Bolivia, Canada, Chile, Colombia, Costa Rica, Denmark, Egypt, Fiji, Finland, France, Germany, Federal Republic of, Ghana, Guatemala, Haiti, Iraq, Ireland, Israel, Italy, Jordan, Kuwait, Liberia, Luxembourg, Mauritania,³ Mauritius, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Singapore, Spain, Sri Lanka, Sudan, Syrian Arab Republic, Turkey, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United States of America, Uruguay, Yugoslavia, Zaire.

Operative paragraph 4 was adopted by 59 votes to 11, with 55 abstentions.⁴

64. The PRESIDENT: We shall now vote on the draft resolution as a whole. A recorded vote has been requested.

A recorded vote was taken.

In favour: Albania, Algeria, Australia, Bahrain, Bangladesh, Barbados, Bolivia, Botswana, Brazil, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Chad, China, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Ecuador, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, Iceland, Ivory Coast, Jamaica, Kenya, Kuwait, Laos, Lesotho, Liberia, Madagascar, Malawi, Mali, Mexico, Mongolia, Mozambique, Nepal, Niger, Nigeria, Pakistan, Peru, Poland, Portugal, Romania, Rwanda, Senegal, Sierra Leone, Swaziland, Sweden, Togo, Trinidad and Tobago, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Venezuela, Zambia.

Against: Benin, India, Indonesia, Iran, Japan, Malaysia, Philippines, Qatar,⁵ Saudi Arabia, Thailand.

Abstaining: Afghanistan, Argentina, Austria, Bahamas, Belgium, Bhutan, Canada, Chile, Colombia, Costa Rica, Denmark, Egypt, Finland, France, Germany, Federal Republic of, Guatemala, Iraq, Ireland, Israel, Italy, Jordan, Luxembourg, Mauritania, Mauritius, Morocco, Netherlands, New Zealand, Nicaragua, Norway, Oman, Panama, Paraguay, Singapore, Spain, Sri Lanka, Sudan, Syrian Arab Republic, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Yugoslavia, Zaire.

The draft resolution as a whole was adopted by 72 votes to 10, with 43 abstentions (resolution 3485 (XXX)).

65. The PRESIDENT: I shall now give the floor to those representatives who wish to explain their vote after the vote.

66. Mr. PAVIČEVIĆ (Yugoslavia): We are following with concern the developments regarding East Timor. We have repeatedly emphasized that it is the inalienable right of the people of East Timor to decide its own destiny. In this sense we deem it indispensable that the people of East Timor should be enabled to exercise its right to self-determination, to liberate itself from colonial rule, and to achieve independence.

67. The Yugoslav delegation is prepared to support all initiatives aimed at effectively creating conditions in which the people of East Timor will be in a position to express its will freely without any foreign intervention or interference.

68. Mr. BANDARANAYKE (Sri Lanka): Yesterday, in the Fourth Committee, my delegation voted in favour of the resolution which we have just adopted, although my delegation would have preferred the language of the draft resolution to be more moderate and realistic so as to gain the support of the Indonesian delegation itself in bringing about a peaceful solution to the problem. Since then we have been given reason to believe that it is the Indonesian Government's definite policy and intention to leave the people of Portuguese Timor free to decide for themselves their political future, and that it would welcome the joint supervision of any process to that end, whether it be by plebiscite or referendum, by the Government of Portugal and the United Nations.

69. We also recall the assurances given by the Indonesian representative to the Fourth Committee before the closure of the debate on this item: that the invasion was not intended for the purpose of annexation of the Territory by Indonesia, and that Indonesia firmly supports the principle of self-determination for the people of the Territory. My delegation views the principle of self-determination as a *sine qua non* of the process of decolonization. We see the Indonesian position within this context, and feel that nothing should be done which would interfere with the realization of our common purpose: that is, the determination of their own future by the people of the Territory without duress or any external interference.

70. My delegation believes that whatever means are adopted to ascertain the genuine will of the people of Portuguese Timor, whether a referendum or a plebiscite, this process should be supervised by the administering Power with the assistance of the United Nations, and without a semblance of any foreign interference. In these circumstances, we decided to abstain in the voting.

71. Mr. SAITO (Japan): My delegation voted against the resolution. We did so for a number of reasons which we stated in the Fourth Committee yesterday afternoon. Therefore I shall not elaborate on these reasons.

72. We remain convinced that this proposal does not fully reflect the causes which have led to recent developments in Portuguese Timor, and is not well balanced. We are aware that, in the absence of a responsible administration in the Territory, the armed strife between rival parties there has caused bloodshed and grievous suffering, which has resulted in the flight of many refugees into Indonesia. The administering Power should have taken effective measures to restore peace and order and to safeguard the right of the people of the Territory to self-determination. This situation should not be allowed to continue indefinitely.

73. We should take into account the concern of the closest neighbouring countries in these circumstances that if this situation continues it might endanger peace and security in the area, which would jeopardize the exercise of the right of the people of the Territory to self-determination.

74. My delegation is convinced that every effort should be made to expedite the restoration of peace and order, which will permit the withdrawal of outside forces from the Territory without delay and allow the people of Portuguese Timor to decide their own future by an act of self-determination in accordance with the relevant United Nations resolutions.

75. I wish to take this opportunity to reiterate the consistent position of the Government of Japan that all international disputes should be settled by peaceful means. Our negative vote should be construed as a deviation from this firmly held position.

76. Mr. JAIPAL (India): India voted against the resolution on the question of Timor because, while it reaffirms the right of the people to self-determination, it does very little that would in practice help the people to exercise that sacred right. For one thing, it condemns Indonesia but it expects Indonesia to co-operate. And that is as absurd as anything can be. I know of many instances here in which in similar situations the Assembly has neither deplored nor condemned. Secondly, the resolution seeks to restore to power an Administering Authority of a colony that has left the Territory. This too is unparalleled in the history of decolonization.

77. India, together with other countries, put forward a draft resolution in the Fourth Committee [A/C.4/L. 1132] which, without condemning either Portugal or Indonesia, would have introduced the United Nations into the Territory and permitted the withdrawal of the Indonesian armed forces and also the free exercise of the right to self-determination by the people of the area. It is regrettable that our draft did not find adequate support. We did not withdraw it. As the report says, we simply did not insist that it be put to the vote.

78. Mr. ABDULDJALIL (Indonesia): The plenary Assembly is now ending the discussion of the last item assigned to the Fourth Committee, the question of Territories under Portuguese administration. This question has already been exhaustively examined in the deliberations of that Committee. In the course of those deliberations various views were expressed. Indonesia several times explained its position on the latest developments in Timor in great detail and has nothing of substance to add to what has already been said in the Committee.

79. I have no wish unnecessarily to prolong the proceedings of the Assembly on this item. However, for the record, my delegation wishes to reiterate the following points.

80. First, Indonesia's presence in Portuguese Timor was in response to an urgent request made by the four political parties, APODETI, UDT, KOTA and Trabalhista. They represent the largest majority of the population of Portuguese Timor. This request was made most recently in the joint statement of the parties on 30 November 1975 and circulated to Members in document A/C.4/808 and Corr. 1. The leaders of those parties are at present in New York, attending the meetings of the Assembly and waiting to be heard by the United Nations.

81. Secondly, Indonesia's presence in the Territory is solely intended to prevent additional bloodshed and suffering. Indonesia never wished to impose a deci-

sion concerning the political future of Portuguese Timor upon its people. On the contrary, it is Indonesia's sincere hope that all the people of Portuguese Timor will exercise their right to self-determination in a free and democratic manner and in an atmosphere of peace and order.

82. Thirdly, Indonesia has nothing whatever to hide with respect to Portuguese Timor. Consequently we would welcome a United Nations role to assist the people further in their implementation of the process of decolonization and the exercise of their sacred rights.

83. Fourthly, there is no evidence to justify FRETILIN's claim that it represents the majority of the people of Portuguese Timor. Despite the fact that it possessed more and better arms than its opponents, largely provided by members of the colonial administration, its forces had suffered a number of reverses in the field even before they were driven out of Dili. These defeats support the view that FRETILIN represents in fact only a small part of the population and has no support among the broad masses of the people. The majority is represented by the four parties whose leaders are now here, as I have mentioned, waiting to acquaint the members of the international community with the true facts of the situation in Portuguese Timor.

84. It is for the foregoing reasons that my delegation could not accept the draft resolution and therefore voted against it.

85. Mr. TSHERING (Bhutan): Yesterday in the Fourth Committee my delegation voted in favour of the resolution we have just adopted. While explaining the position of my delegation I said:

"The wording of operative paragraphs 4 and 5 goes beyond the present situation. However, we are delighted to learn from the representative of Australia that suitable wording is being formulated with a view to making the draft resolution more balanced when it goes to the plenary Assembly. We look forward to such an amendment with a view to making the draft resolution more compatible with the prevailing situation."⁶

86. However, the language of operative paragraphs 4 and 5 remained unchanged and in view of this, my delegation decided to change its position and abstain in the voting.

AGENDA ITEM 60

Food problems:

- (a) Report of the World Food Council;
- (b) Report of the Secretary-General

REPORT OF THE SECOND COMMITTEE (A/10394)

AGENDA ITEM 64

Charter of Economic Rights and Duties of States

REPORT OF THE SECOND COMMITTEE (A/10458)

AGENDA ITEM 65

Mid-term review and appraisal of progress in the implementation of the International Development Strategy for the Second United Nations Development Decade

**REPORT OF THE SECOND COMMITTEE
(A/10469)**

AGENDA ITEM 123

Development and international economic co-operation: implementation of the decisions adopted by the General Assembly at its seventh special session (continued)*

**REPORT OF THE SECOND COMMITTEE
(A/10344/ADD.1)**

87. Mr. KARIM (Bangladesh), Rapporteur of the Second Committee: I have the honour to present to the General Assembly the reports of the Second Committee on agenda items 60, 64, 65 (part I) and 123 (part II).

88. In connexion with item 60, in paragraphs 9 and 10 of its report [A/10394] the Committee recommends to the General Assembly the adoption of a draft resolution and a draft decision which the Committee adopted without a vote.

89. In connexion with item 64, in paragraph 7 of its report [A/10458] the Committee recommends to the General Assembly the adoption of a draft resolution which the Committee adopted by 85 votes to 3, with 12 abstentions.

90. In connexion with item 65, in paragraph 17 of part I of its report [A/10469] the Committee recommends to the General Assembly the adoption of draft resolutions I to IV. The Committee adopted draft resolutions I, II and IV without a vote and draft resolution III by 101 votes to 1, with 14 abstentions.

91. In connexion with item 123, in paragraph 26 of part II of its report [A/10344/Add.1] the Committee recommends to the General Assembly the adoption of draft resolutions I to IV and in paragraph 27 of the same document, the Committee recommends to the Assembly the adoption of the draft decisions I and II. The Committee adopted draft resolutions II, III and IV and the two draft decisions without a vote. Draft resolution I was adopted by the Committee by 91 votes to none, with 21 abstentions.

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

92. The PRESIDENT: The positions of delegations were made clear in the Second Committee itself in respect to the various recommendations of the Committee to the General Assembly on items 60, 64, 65 and 123, and those positions are reflected in the relevant summary records of the Second Committee.

93. I should like to inform the Assembly that the reports of the Second Committee on agenda items 60 and 123 will not be considered this afternoon, since the report of the Fifth Committee on the financial implications of the recommendations contained in

those reports is not ready. We shall therefore now turn to the report of the Second Committee on agenda item 64.

94. Several delegations have asked to explain their votes before the vote. I now call on the representative of Mexico in explanation of his vote before the vote.

95. Mr. GARCÍA ROBLES (Mexico) (*interpretation from Spanish*): It is just a year ago today since at its twenty-ninth session the General Assembly, on 12 December 1974, gave enthusiastic endorsement to the Charter of Economic Rights and Duties of States [resolution 3281 (XXIX)]. The result of two years' persistent efforts by the international community within the Organization, on the basis of the proposal made by the President of Mexico and which he had the privilege of introducing at the Third United Nations Conference on Trade and Development, that Charter has already, in the 12 months since its adoption, made its beneficial influence felt on many occasions as an instrument that helps "to eliminate injustice and inequality which afflict vast sections of humanity and to accelerate the development of developing countries", to put it in the words of resolution 3362 (S-VII) which was unanimously adopted at the seventh special session.

96. It is obvious that the new international economic order, the foundations and general guidelines of which are set out in that Charter, cannot be built overnight but must be the fruit of a constant and sustained effort. Among other things, it will require far-reaching structural changes in international trade and in world financial and monetary systems. Consequently the implementation of the provisions of the Charter of Economic Rights and Duties of States should be regarded as a part of an historical process which is only just now starting. Hence special importance attaches to the resolution which is at present before us, which entrusts the Economic and Social Council, the body which at the San Francisco Conference some 30 years ago was given the co-ordinating role in the economic and social fields, with the task of reviewing the implementation of the Charter of Economic Rights and Duties of States with a view to preparing adequately, for 1980, its systematic and comprehensive consideration which, as Article 34 of that Charter provides, should cover "both progress achieved and any improvements and additions which might become necessary", taking into account the evolution of all the economic, social, legal and other factors related to the principles upon which that Charter is based and to its purpose.

97. My delegation is convinced that the resolution on which we shall be voting very shortly will represent another step towards the consolidation of the new international economic order, an order which is based on that Charter itself and on the Declaration and Programme of Action on the Establishment of a New International Economic Order adopted at the sixth special session of the General Assembly [resolutions 3201 (S-VI) and 3202 (S-VI)], and which is an imperative and irreversible order.

98. Moreover we are convinced that, as has already occurred in the year since its adoption, there will be an ever-increasing understanding of the truth of what we have been saying from the outset, that the Charter of Economic Rights and Duties of States should be,

* Resumed from the 2405th meeting.

as indeed it is, a balanced instrument, whose faithful observation will be to the benefit equally of developing and developed countries. For we are now in the process of a structural change in human society, and, as the President of Mexico, Mr. Luis Echeverría, said here on 7 October last, "From its first working hypothesis onwards, this Charter was designed to find a point of world agreement" [2377th meeting, para. 23], having been conceived to facilitate the transition from "today's unreasonable confrontations towards the historical negotiations that the world requires" [*ibid.*, para. 46].

99. Mr. RAMPHUL (Mauritius): One year after the General Assembly adopted the Charter of Economic Rights and Duties of States, we are already in a position to state that the Charter has proved to be one of the most important documents of our time.

100. The Charter, together with the Declaration and Programme of Action on the Establishment of a New International Economic Order, lays down the foundations of the new world economic order. The seventh special session of the Assembly rightly stressed that their consolidation and development were imperative for the strengthening of international security and friendly relations and co-operation among States.

101. A new world economic and political order is not an option for any one of us: it is an objective requirement of the present stage of development of human society. The draft resolution contained in document A/10458 aims at measures to implement the provisions of the Charter. It is precisely its article 34 which entrusted the Organization with the great responsibility of carrying out, periodically, a systematic and comprehensive consideration of the implementation of the Charter, covering both progress achieved and any improvements and additions which may become necessary, taking into account all the economic, social, legal and other factors related to the principles and purposes of the Charter.

102. My delegation's vote in favour of the draft resolution in document A/10458 should be interpreted as an indication of full support for all measures aimed at implementing the provisions of the Charter. And while remembering that it was the President of Mexico, Mr. Echeverría, who put forward the proposal to elaborate the Charter, we should recall that it was the current President of the General Assembly who was the main architect of the Convention of Lomé that took material form as an instrument of outstanding importance in its spirit.

103. As the representative of a country which is an associate member of the European Economic Community, I consider it a happy coincidence that the first anniversary of the Charter of Economic Rights and Duties of States should fall at a time when Mr. Gaston Thorn of Luxembourg is President of the thirtieth session of the General Assembly.

104. I take this opportunity to remind the Assembly of the considered view of my Government that a similar charter, covering the political rights and duties of States, should be elaborated to complete the foundations of the world of tomorrow.

105. I should like to emphasize that no arguments can convincingly explain reservations *vis-à-vis* the Charter or the measures aimed at its implementation,

and that failure to act in its spirit would mean abdication by the States concerned of their international responsibilities.

106. I should like to conclude by expressing a well-deserved special tribute to my colleague and friend, Mr. García Robles, for his dynamic leadership in the cause of justice for the developing countries in the United Nations.

107. Mr. OLIVERI LÓPEZ (Argentina) (*interpretation from Spanish*): Through a happy coincidence, today is the first anniversary of the day on which the General Assembly solemnly adopted the Charter of Economic Rights and Duties of States. Resolution 3281 (XXIX) which contains that Charter is clearly an historic decision, representing as it does a transcendental effort towards the systematization of general principles recognized by international economic law. It also institutes rights and duties in this field which, though they may seem somewhat novel for general documents in this sphere, are firmly rooted in past resolutions and documents adopted by the United Nations in the field of economics and finance.

108. Months before the adoption of that resolution, in 1974, which will doubtless be regarded as a fundamental landmark in international economic relations, the Member States of the United Nations also solemnly adopted a Declaration on the establishment of a new international economic order. The Programme of Action adopted at that time and the Charter constitute, as has been recognized by the United Nations, the foundations of this new order which should be permanently enriched and which will thus, we trust, win an ever-increasing measure of consensus as a better understanding is achieved by certain advanced developed market-economy countries of the inevitable need for the structural changes that will promote that end.

109. For the purpose of maintaining this process, which, as resolution 3281 (XXIX) says in its preamble, is directed towards and constitutes a first step in the work of codification and progressive development of principles of universal application for the development of international economic relations on a just and equitable basis, the draft resolution which we are to consider today—and which has my delegation's full support—entrusts the Economic and Social Council, by virtue of the functions that are proper to it, with the task of reviewing the implementation of the Charter of Economic Rights and Duties of States with a view to preparing adequately its systematic and comprehensive consideration by the General Assembly, as provided for in article 34 of the Charter, that would take place at the end of the present decade.

110. We attach the greatest importance to that consideration and that preparatory work, which is designed to assess on a permanent basis the progress made by the members of the international community in the application of the principles and other provisions of this Charter. In this way we shall merely be giving impetus to a process which, as the President of Mexico, Mr. Echeverría, said, is, in the final analysis, intended to reduce the gap between peoples and to give real life to the principles of the United Nations.

Mr. Thorn (Luxembourg) took the Chair.

111. Mr. VARGAS SABORIO (Costa Rica) (*interpretation from Spanish*): The delegation of Costa Rica

wishes to express its views on the report of the Second Committee on the Charter of Economic Rights and Duties of States.

112. First and foremost, my delegation believes that the presence here of the Mexican Secretary for External Relations, Mr. Rabasa, is a very high honour which we are happy to share with all, and we are happy to welcome him to the discussion of this item of which he has been such an advocate.

113. Costa Rica attaches all the more importance to the issue because we think it is one of the most important instruments adopted by the Organization. The revolutionary idea launched by the President of Mexico has now been transformed into an international instrument that will not only promote the economies of developing countries, but will also serve as a tool to harmonize relations between developing and developed countries.

114. Endorsing the idea proposed by the President of Mexico, the Minister for External Relations of Costa Rica, Mr. Facio, said in the General Assembly on 2 October 1973:

“Such a charter must include the duty of the industrialized States to give more equitable treatment to the underdeveloped nations in their trade relations, because trade among the wealthy and the poor nations should be the best instrument for uniform world development.”

“ . . .

“As long as international trade accentuates the impoverishment of the underdeveloped nations, it is indispensable that we continue to compensate for the imbalance by means of so-called foreign aid. Even if the terms of trade were to improve, it would still be necessary to give financial assistance to the developing countries to compensate them for the drain on their wealth during centuries of commercial exploitation.”

115. A year has passed since the initiative of Mexico on a Charter of Economic Rights and Duties of States was solemnly adopted. This is why we attach particular importance to this date. Even before its final formulation, we viewed the possibility of such an instrument with great optimism, since we felt that thanks to such a tool a more just stable and equitable international order could be created, within the framework of a global policy of equality of treatment among States and full participation by all.

116. We also view with satisfaction the endorsement given by the General Assembly to the Declaration and Programme of Action on the Establishment of a New International Economic Order, since those documents complement the Charter of Economic Rights and Duties of States, thus laying the foundations of that new order and strengthening international peace and security, which will make possible the strengthening of friendly relations and co-operation among all States.

117. My delegation, in an optimistic frame of mind, having faithfully respected the provisions of those instruments, believes that although the actual goals set out in the Declaration on the Establishment of a New International Economic Order have not yet been fully achieved, the path to be followed should not be

too difficult, since we have already traced the necessary guidelines for a better future. On the basis of the will expressed by the signatory States we shall be able to achieve those goals; but it is action and not the simple expression of good intentions that can accomplish this, and here the developed countries must give us proof not simply of good will, which might create an artificial climate of understanding and confidence, but also engage in actions which will reflect their true desire to co-operate and achieve understanding.

118. All States represented here must understand that a new political situation has emerged with regard to relations between States; therefore, within an appropriate framework, international economic relations must be changed. That process must be carried out on a reciprocal basis and, as we cannot repeat too often, it must be on the basis of mutual exchange, although we believe that the burden of responsibility lies on the developed countries since they have the necessary means for achieving a change in their internal organization and then in their relations with other countries.

119. My delegation believes that the common desire for development and assistance can be fulfilled only through co-operation and not through confrontation. All States represented here have rights and duties. Those rights and duties must not be applied or understood merely selectively. There must be a consensus, and the broader the participation the greater the possibility of solving the problems at present affecting international relations.

120. Costa Rica is optimistic and we believe that, through the implementation of the Charter of Economic Rights and Duties of States, a new world will emerge, in harmony with the true nature of mankind, in which there will be new structural patterns, new international relations, which will change the very existence of mankind, ensuring peace, security and stability for man within the framework of justice and equality.

121. Mr. DRISS (Tunisia) (*interpretation from French*): Two days ago we celebrated International Human Rights Day, commemorating the adoption in 1948 of the Universal Declaration of Human Rights. This morning we held a special meeting to commemorate the fifteenth anniversary of the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples. Now we come to consider the Charter of Economic Rights and Duties of States, which was adopted exactly a year ago by the Assembly. My delegation sees in the adoption of those three documents a logical sequence and a happy evolution in the concerns of the international community. In 1948 the Assembly proclaimed the Universal Declaration of Human Rights because the world had just emerged from a war characterized by the most extreme disregard for human rights. Man's dignity had to be restored and his freedom guaranteed. Very soon the international community realized that many thousands of men were being denied their individual rights and subjected to colonial rule, and the Declaration on the Granting of Independence to Colonial Countries and Peoples [*resolution 1514 (XV)*] greatly helped the political emancipation of the colonial peoples.

122. Last year, after numerous meetings of the United Nations Conference on Trade and Development, the United Nations Industrial Development Organization, the Third United Nations Conference on the Law of the Sea and the sixth special session of the General Assembly, where the countries of the third world in particular gradually came to a greater awareness of the importance of economic and technical matters, and after the Assembly had taken decisions concerning national sovereignty over natural resources and other important matters, the need for the codification of rights and duties in the economic sphere became clear.

123. The adoption of the Charter—let us admit it—was difficult. The negotiations were lengthy, many reservations were expressed and a lack of understanding of the desires of the third world was often shown. The third-world countries were seeking to provide a better foundation for their co-operation with the developed countries, whereas the latter often regarded the Charter as a long list of demands that were being imposed on them by the developing countries. However, the long and difficult negotiations last year, which were conducted with sincerity by both sides, not only made it possible for the Charter to be adopted but also created the necessary conditions for the successful holding of the seventh special session of the General Assembly and the definition of a new international economic order. The Charter of Economic Rights and Duties of States is not an immutable body of principles. Its article 34 provides for its adaptation to the changing economic international situation, stating that every five years the General Assembly shall carry out a systematic and comprehensive consideration of the implementation of the Charter, with a view to improving and adding to it where necessary.

124. In order to help the Assembly to perform this task, the Second Committee recommends to the Assembly to entrust the Economic and Social Council with the task of handling this matter and to request the Secretary-General to give the widest dissemination to the Charter of Economic Rights and Duties of States in order to make its contents known and its principles respected.

125. A new age in relations among States is opening up, an age of hope despite the anxiety it brings. Much remains to be done by all concerned so that true co-operation can come into being among States and so that the Charter of Economic Rights and Duties of States may come to have real meaning.

126. In casting an affirmative vote for the draft resolution contained in document A/10458, the Tunisian delegation is giving expression to its faith in the process of international co-operation for development in which the Charter of Economic Rights and Duties of States is an important landmark along the long road which we have to travel in our efforts to ensure economic and social security for our peoples and peace in harmony and prosperity for all, that is, in our efforts to achieve the exercise of human rights, the rights of men and women, in a balanced society.

127. Mr. SAKO (Ivory Coast) (*interpretation from French*): Before the adoption of the draft resolution in document A/10458 on agenda item 64 entitled "Charter of Economic Rights and Duties of States",

we would like to pay a fervent tribute to the author of that very happy initiative. Mr. Luis Echeverría Alvarez, President of Mexico, in his historic address on 19 April 1972 at the third United Nations Conference on Trade and Development at Santiago, Chile, declared that the international economy should rest on solid legal foundations, and proposed the principles of the Charter of Economic Rights and Duties of States.

128. Since then much progress has been made; that same year, the Assembly established a working group to prepare the final draft of the Charter on the Economic Rights and Duties of States, and on 12 December last year, one year ago to the very day, this important document was adopted. It is important in two ways: because it had the support of the overwhelming majority of members of the international community, on the one hand, and because, like the Charter of the United Nations and other documents, it is another expression of encouragement to men of goodwill who seek to establish international relations on a basis of equity, sovereign equality and the interdependence of the interests of the developed and developing countries, who are fated to collaborate to bring about that new international economic order to which all States aspire, particularly the countries of the third world in their quest for social, cultural and political justice, in accordance with the will of their peoples.

129. We take this opportunity, the anniversary of the adoption of the Charter to express renewed confidence in the work of the United Nations in this sphere. We hope that all of us will be able to see beyond our own interests and assume the responsibility of carrying out the commitments undertaken when the Charter of Economic Rights and Duties of States was adopted, thus ensuring that the objective of a better world will be attained at the earliest possible opportunity.

130. Mr. QADRUD-DIN (Pakistan): My delegation will vote in favour of the draft resolution in document A/10458. The Charter of Economic Rights and Duties of States, which was adopted by the Assembly a year ago, was an important step in the progress the international community has been able to make in the promotion of co-operation among States in the economic sphere since the creation of the Organization. My country takes this occasion to pay a tribute to Mexico for having taken the initiative that led to the adoption of the Charter of Economic Rights and Duties of States.

131. The crisis in the world economic system that has developed over the past two years has, among other things, placed greater responsibilities on the United Nations in the field of international economic relations. The debates in the Assembly and the series of sessions, including the two special sessions that had as their main theme the promotion of international economic co-operation for development of the developing countries, underlined the importance the international community attaches to these issues and, at the same time, to the central role of the Organization.

132. The Charter of Economic Rights and Duties of States made a signal contribution to the dialogue and discussion by means of which we are trying to intensify the process of international co-operation. Along with the Declaration and Programme of Action adopted at the sixth special session, the Charter has

laid the foundation on which the new international economic order can be built.

133. Since the adoption of that Charter, the aims and objectives outlined at the sixth special session of the General Assembly and in the Charter of Economic Rights and Duties of States have been given impetus by the successful conclusion of the seventh special session of the General Assembly. By its very nature, the process of development is a dynamic concept, and it is in the continuation of a progressive dialogue between the developing and developed countries that we see the most effective means whereby development can be accelerated. Both the Declaration on the Establishment of a New International Economic Order and the Charter of Economic Rights and Duties of States emphasize the close interrelationship between the prosperity of the international community as a whole and the prosperity of its constituent parts. The recognition of this reality by all members of the international community does indeed form the most durable foundation upon which we can build for the future.

134. Indeed, the continued economic prosperity of all States is increasingly recognized as an essential prerequisite for stability, peace and security. The economic development of the developing countries, which would enable their peoples to share in the prosperity and progress of our globe, and the progressive elimination of the imbalance between the developing countries and the developed countries would indeed be the most durable foundation upon which we could base the universally shared objective of peace and security.

135. Miss GARCÍA DONOSO (Ecuador) (*interpretation from Spanish*): Precisely one year ago the General Assembly solemnly adopted the Charter of Economic Rights and Duties of States as an instrument of international economic law incorporating the basic norms which should govern economic relations universally and systematically, on the basis of fundamental principles recognized by all Member States of the Organization, namely, equity, sovereign equality, interdependence, the common interest and co-operation among all countries, irrespective of economic or social systems.

136. On this first anniversary of the adoption of that instrument, the Government of Ecuador would reiterate once again its full support for that document in the same terms as those used at the twenty-ninth session of the General Assembly and subsequently repeated in all of the various economic forums.

137. At the same time, I am pleased to state that my Government is particularly glad to note and applaud the welcome initiative of Mexico, in the person of its illustrious President, designed to produce a universal instrument with which to build an economy for peace by strengthening an economic order that will be less unjust and unfavourable to those sectors of humanity that have been at a disadvantage because of existing defective economic structures, the product of a traditional imbalanced economic order.

138. Bearing such considerations in mind, and aware of the importance of that document in speeding up the establishment of a new international economic order, which is the just aspiration of all progressive

peoples, my delegation sponsored in the Second Committee the draft resolution now before this Assembly for adoption. My Government believes that this draft resolution, when adopted, will fully implement article 34 of the Charter of Economic Rights and Duties of States, which calls for a systematic and comprehensive consideration of the implementation of the Charter, covering both progress achieved and any improvements and additions which might become necessary, taking into account developments in the field of international economic co-operation. Furthermore, my Government is satisfied that this task has been entrusted to the Economic and Social Council, which, in accordance with the Charter of the United Nations, is the body competent to carry out tasks of this sort.

139. In conclusion, I wish to state that Ecuador will vote in favour of the draft resolution in document A/10458, in the firm hope that the principles and provisions incorporated in the Charter of Economic Rights and Duties of States will be observed by all members of the international community in a spirit of genuine co-operation so as to fulfil the common aspiration, which is the well-being of mankind, a condition which can be achieved only through the elimination of all forms of dependence, economic inequality and injustice. This, in turn, will contribute to the strengthening of international peace and security.

140. Mr. RABETAFIKA (Madagascar) (*interpretation from French*): At the sixth special session of the General Assembly resolutions 3201 (S-VI) and 3202 (S-VI) of 1 May 1974, relating to the establishment of a new international economic order, defined the Charter of Economic Rights and Duties of States as an effective instrument for bringing about a new international system of economic relations based on equity, sovereign equality and the interdependence of the interests of developed and developing countries. The adoption of resolution 3281 (XXIX) by an overwhelming majority in the Assembly exactly one year ago today was an expression of the importance of that instrument for countries of the third world.

141. The Malagasy delegation has always given its full support to initiatives of such significance, and we did not hesitate for a moment to become a sponsor of the draft resolution now before the Assembly. Indeed, we are convinced that the Charter represents part of a systematic approach which will gradually be supplemented by further contributions. It is in this spirit that we interpret article 34 of the Charter as a fundamental basis for the systematic and complete evaluation of the implementation of universally accepted principles.

142. The purpose of the draft resolution before us is to recall the role of the Economic and Social Council in the examination of the implementation of the Charter of Economic Rights and Duties of States, in the context of the role already given to it in connexion with the implementation of the Programme of Action on the Establishment of a New International Economic Order. The sponsors also wish the Secretary-General to make known to as wide a section as possible of the general public the principles and scope of the Declaration and of the Programme of Action on the establishment of that new economic order.

143. There are many who question the legal value of this Charter. True, it may not have the same legally binding force as an international convention, but neither is it a mere statement of intent involving no obligations for Member States of the Organization.

144. The resolutions of the United Nations are having increasing influence on the conduct of States, and their basic principles should be strengthened and brought together as a coherent whole. In this respect, the Charter is a step towards the codification of standards which should govern economic and social relations among States.

145. For many years economic relations among States were at the mercy of blind forces which were indifferent to the aspirations of the weakest and were dominated by those which had the historical advantage of being the first to control the centres of power. The countries of the third world reject and repudiate that situation, which is why, on the initiative of the President of Mexico, they undertook to draw up a body of concepts, principles and standards which would be an expression of the balance of interests of the various members of the international community.

146. It is unfortunate that the results of those efforts, represented by the Charter whose anniversary we are observing today, have not been welcomed in the same spirit by developed and developing countries. The developed countries see a threat to their own interests in our efforts to preserve and promote the independent development of the young States of Asia, Latin America and Africa. We are very much afraid that the refusal of the developed countries to accept all the provisions of the Charter is the result of that mistrust and may, in the final analysis, be a psychological and political rather than a juridical response to the principles incorporated in it.

147. Resistance to change has rarely been a good policy, and the democratic will which underlies the Charter will prove, in the short or the medium term, the vanity of the reservations of the Western countries in that respect. We hope that the negative votes shortly to be cast will merely represent a stage in the process of consultation and negotiation which we are determined, for our part, to continue until the advent of a just and equitable international economic order.

148. These are the main thoughts that I felt it essential to share with the General Assembly in my capacity as Chairman of the Group of 77.

Mr. Driss (Tunisia), Vice-President, took the Chair.

149. Mr. CAMACHO (Venezuela) (*interpretation from Spanish*): One year after the adoption of the Charter of Economic Rights and Duties of States, the General Assembly returns to consider and ratify that Charter as one of the fundamental instruments of the United Nations adopted in recent years. Venezuela has attached due importance to that instrument, as indeed it has to other instruments which embody the principles governing the aims of the third world. A review of that Charter is being initiated at a time when the international community as a whole has put into practice a series of mechanisms which seek solutions to the serious problems confronting the developing world.

150. There is only one path open to us, namely, the one embarked upon at the sixth special session, which marked the beginning of a new stage in international economic relations and established a new order in which all countries will find real opportunities to develop their economies and to offer to their people a standard of living worthy of human beings. It is here that the implementation of the provisions of the Charter of Economic Rights and Duties of States should play a most important role on the international scene, although there may still be some countries that refuse to recognize this fact.

151. As stated in article 34 of the Charter, we believe that the review of the aforementioned instrument is essential. My delegation has therefore joined in sponsoring the draft resolution which invites all Member States to adopt suitable measures for the prompt achievement of the aims set out in the Charter. The text also decides to entrust the Economic and Social Council with the task of reviewing the implementation of the Charter of Economic Rights and Duties of States with a view to preparing adequately its systematic and comprehensive consideration.

152. We have great expectations with respect to the Conference on International Economic Co-operation which will open in Paris next week and the fourth session of the United Nations Conference on Trade and Development, which are very important events. We hope that the implementation of the very important provisions contained in such a transcendental instrument as the Charter of Economic Rights and Duties of States and the results of the aforementioned conferences will enable the developing countries and the developed countries to join in an intelligent form of co-operation that will enable the former to ensure the economic and social well-being of their people, a condition which they deserve and are entitled to enjoy.

153. Mr. GARCÍA BELAÚNDE (Peru) (*interpretation from Spanish*): Exactly a year after the adoption of the Charter of Economic Rights and Duties of States, the Assembly is about to adopt a draft resolution which confirms the importance of that very significant document and allows us to keep it alive and up to date.

154. The happy initiative of the President of Mexico at the third session of the United Nations Conference on Trade and Development has now been given concrete form in an instrument which, together with the resolutions of the sixth special session, constitutes the basis for a new international economic order. The Assembly has to its great credit the fact that in 1974 it provided the international community with two instruments intended radically to change existing international economic structures.

155. Poverty, under-development and injustice cannot be eradicated unless the system which had condemned two thirds of mankind to poverty and made possible the accumulation of vast amounts of wealth and the irresponsible squandering of resources by the remaining third, is put right.

156. We are aware of the difficulties encountered in getting the Charter of Economic Rights and Duties of States adopted, and of the attempts to deny that it serves as a corner-stone for the new system of economic relations that we are in the process of structuring. The draft resolution on which we are about

to vote confirms the belief of my delegation that, notwithstanding the opposition of certain States to this document, we can say, *ad id Galileo*, "nevertheless it is moving". This Charter is a vital step on the road towards achieving a new international economic order.

157. Mr. TUKAN (Jordan): A year ago today, on 12 December 1974, the Charter of Economic Rights and Duties of States was adopted by the General Assembly. In our view, one year after its adoption the Charter remains to complement and perhaps crown the efforts made over the last few years to create a new intellectual framework for the way in which international economic relations must develop. It expresses the conviction that a new world economic order must come about. It defines the theoretical basis on which the new restructured economic relations among nations is to be founded. In its main themes and broad outlines it is the formula for an irreversible process of evolution.

158. Article 34 of that Charter provides for a periodic, systematic and comprehensive consideration of its implementation. In pursuance of the provisions of that article, the draft resolution contained in the report of the Second Committee seems to my delegation to be an important and timely document. We shall be happy to give it our support when it is put to a vote.

159. In our statement of 12 December 1974, at the 2316th meeting, after the adoption of the Charter, we expressed the hope that in the fulfilment of article 34, a continuous dialogue and reappraisal of our course and future achievement would be maintained. We reiterate today the same hopes. This continuous process has, in our view, been facilitated by the positive developments in the field of international economic co-operation since the adoption of the Charter. In particular the consensus of the seventh special session illustrates, in our view, the positive results that could come about through constructive dialogue among all States.

160. On this occasion my delegation would like to express once again its sincere gratitude and appreciation to President Echeverría of Mexico for his timely and genuine initiative, as well as to the Government of Mexico, and in particular to the delegation of Mexico to the United Nations, for their untiring efforts, which have indeed been successful in developing a noble idea into a comprehensive set of principles which, if adhered to by all Member States, will undoubtedly promote the welfare of all mankind.

161. Mr. UPADHYAY (Nepal): Exactly a year ago today the General Assembly adopted resolution 3281 (XXIX) which contained the Charter of Economic Rights and Duties of States. With the Declaration on the Establishment of a New International Economic Order, the Charter could easily be mentioned as among the most important documents adopted by the General Assembly in recent years. The Charter has given concrete expression to the desire of the international community for the establishment of a new international economic order based on the principles of equity, sovereign equality and the interdependence of countries, developed as well as developing. The Charter envisages *inter alia* the establishment of more rational and equitable economic relations with a view to bridging the gap between the rich and the poor nations of the world.

162. The fundamental principles and the objectives of the Charter are too well known to need any elaboration of repetition at this stage. What I wish to express here at this moment is the full support of my delegation for the objectives of the Charter. It is gratifying to note that since the adoption of the Charter by the Assembly last year there has been some progress towards the attainment of the objectives of the Charter. This can be seen in the positive response by various governments in connexion with implementing some of the principles and objectives of the Charter. It is also a matter of satisfaction to my delegation that the number of countries lending their support to the Charter has increased, so as to make support almost universal. However, it goes without saying that continuous and systematic efforts have to be made in order to achieve and enjoy the results of the implementations of the objectives of the Charter.

163. It is for that reason that my delegation deems the provisions of operative paragraph 3 of the draft resolution in document A/10458 very appropriate. By entrusting the Economic and Social Council with the task of reviewing the implementation of the Charter we shall ensure, on the one hand, the systematic and comprehensive review of the Charter on a continuous basis and, on the other, adequate preparatory work for the five-year review envisaged in article 34 of the Charter.

164. In conclusion, my delegation would like to express our appreciation of the tireless efforts of the Mexican delegation in preparing the Charter, and we should also like to pay a tribute to President Echeverría of Mexico for his timely initiative.

Mr. Thorn (Luxembourg) resumed the Chair.

165. Mr. MARTÍNEZ ORDÓÑEZ (Honduras) (*interpretation from Spanish*): My delegation is of the view that it must take part in the discussion on the report of the Second Committee in document A/10458, in particular because my country fully agrees with its objectives and was one of the sponsors of the draft resolution submitted to the Second Committee and now before the General Assembly for consideration. In that draft resolution, the international community reiterates its political will to establish the new international economic order, which is imperative for the world as a whole, and decides to implement the provisions of the Charter of Economic Rights and Duties of States.

166. On many occasions we have heard that the world is faced with a choice: it must choose between confrontation and co-operation. It is obvious that the virtually unanimous desire here, as expressed at this rostrum, is for co-operation. But it is equally obvious that had there not been a certain degree of confrontation we should never have reached the stage of co-operation.

167. And here we see the particular importance of the brilliant, courageous and revolutionary initiative taken by President Echeverría of Mexico when he proposed the Charter of Economic Rights and Duties of States. That proposal galvanized the developing world into unanimous action and had international echoes in the decisions adopted at the sixth and seventh special sessions of the General Assembly which focused attention on something we all realize, that just as there

can be no peace in a country when there is too great a difference between the rich and the poor, so, whilst inequality exists in the world, there can be no true basis for ensuring international peace and security, which is a primary function of the United Nations.

168. It is with pride that we welcome this initiative of Mexico as though it were our own, and it is with pride that we shall vote in favour of the draft resolution.

169. Mr. SENEVIRATNE (Sri Lanka): Exactly one year ago today, the General Assembly adopted resolution 3281 (XXIX), on the Charter of Economic Rights and Duties of States. On that occasion my delegation, along with a large majority of the Member States of the United Nations, gave its complete support to the adoption of the Charter. We did so out of the conviction that it represented a significant step forward in the establishment of a new international economic order.

170. To the many developing countries striving for economic and social progress, a just and equitable economic order is an indispensable condition for the achievement of the goals and objectives they have set themselves to bring contentment and well-being to their peoples. Such an order will assist us in pursuing our development plans with a greater degree of confidence and self-reliance than is possible under existing conditions.

171. The adoption of the Charter of Economic Rights and Duties of States was the culmination of two years of arduous negotiations. It will be recalled that the Government of Mexico, under the leadership of President Echeverría, played a vital role in the drafting of the Charter and worked tirelessly for its adoption. My delegation is happy to note that the Mexican Government is showing the same perseverance and zeal as regards the action required to ensure universal adherence to the Charter as it displayed in securing its adoption.

172. Article 34 of the Charter provides for a systematic and comprehensive consideration of the implementation of the Charter periodically by the General Assembly. We have created a certain momentum and we must maintain it so that through gradual improvement and refinement the Charter of Economic Rights and Duties of States will finally assume a form in which it will be universally accepted and will serve as a binding code of ethics and practice in international economic relations.

173. The new international economic order would then be not only a dream but a reality.

174. Mr. GONZÁLEZ ARIAS (Paraguay) (*interpretation from Spanish*): My delegation considers that the Charter of Economic Rights and Duties of States is the basis on which development and international economic co-operation should be constructed. My delegation attaches tremendous importance to the implementation and application of this document, which is of such relevance today.

175. Nevertheless I wish it also to be known that our support for the Charter does not imply that we accept the general view contained in its article 3. We have explained our position on that article frequently. It would require thorough analysis and a proper set of arrangements in order to be applicable.

176. We also would hope that other relevant principles of the Charter will be taken into account in this respect so that where natural resources are concerned the permanent sovereignty and juridical equality of States are fully protected. Equity in the application of rules among States between which there is clear inequality should be interpreted accordingly. On that understanding we shall support the draft resolution now before us.

177. Mr. MARTÍNEZ (Cuba) (*interpretation from Spanish*): The draft resolution we are about to adopt was co-sponsored with great interest by Cuba when it was submitted in the Second Committee. We should like to make a few remarks within the obviously restricted limits allowed by our very heavy agenda. This draft resolution was submitted under the agenda item entitled "Charter of Economic Rights and Duties of States", and it is on this item that we should like to speak.

178. Today, 12 December, is the first anniversary of the adoption by the General Assembly, at its 2315th meeting, of the Charter of Economic Rights and Duties of States, after a long and laborious drafting process and discussion which took up the energies of a Working Group composed of 40 States and then, finally, of the Assembly as a whole, since it became the most important draft resolution on economic issues produced by the twenty-ninth session.

179. Many very significant comments could be made with regard to the Charter, but perhaps it is sufficient to say that since its adoption, together with the Declaration and Programme of Action adopted at the sixth special session of the General Assembly, it has become the basic document used by the Group of 77 as their platform for the new international economic order.

180. However, it would not be fair to continue referring to the relevance and merits of the Charter without mentioning the processes which culminated in its adoption on 12 December 1974. In Chile, in 1972, under the chairmanship of Clodomiro Almeida, the Minister for Foreign Affairs of the People's Republic headed by Salvador Allende, the third session of the United Nations Conference on Trade and Development was held at Santiago. In the course of that Conference, there were a few remarkable events, among which particular importance was given to the statement made by President Echeverría, the President of Mexico, calling for the drafting of a Charter of Economic Rights and Duties of States which would help to fill the existing gap by drawing up a body of principles and rules which would serve as the basic guidelines for the economic activities of States.

181. From its inception the idea was obviously constructive and useful because of its intrinsic value and because of the international prestige of Mexico and its leader who launched the initiative. It acquired even greater importance as it gradually reached its ultimate objective thanks to the determination of the Mexican delegation which prevented the stagnation of the work which could have resulted from the intransigent attitude of certain delegations—an attitude which was reflected in the final vote. Thanks to this initiative on the part of President Echeverría and thanks to the tenacity of the Mexican delegation and the full support given by the Group of 77 in taking up the submission of the draft resolution as its own

cause, we can today celebrate the first anniversary of the adoption of the Charter.

182. For a document of such broad scope, a year is too short a period for an effective and balanced assessment of its virtues, its possible limitations or shortcomings. The pattern of economic relations some time before and after the adoption of that Charter nevertheless make it possible to state unequivocally that the Group of 77 was well-advised to take it up as one of the main bases of its own thinking and action, because the Charter embodies a series of principles which the developing countries have been incorporating as, through their historic advance, they play an important role in the world today. I shall briefly recall some of those principles. The principle of permanent sovereignty over natural resources and economic activities is of vital importance to the developing countries. It is stressed and set out in detail in several articles, but in particular in paragraph 1 of article 2 which states:

“Every State has and shall freely exercise full permanent sovereignty, including possession, use and disposal, over all its wealth, natural resources and economic activities.”

183. The right of every State to join an association of raw material producers is also embodied in the Charter, one of the purposes of which is to develop national economies, ensure stable financing for that development and active co-operation in speeding up the development of the under-developed countries.

184. Article 10 established the right of all States, as equal members of the international community, to participate fully and effectively in the international decision-making process in the solution of world economic, financial and monetary problems.

185. With regard to trade, the Charter also includes a set of principles of particular importance for improvement of the international pattern of trade and in particular emphasizes the need to adopt measures which will ensure a substantial increase in the foreign exchange earnings of developing countries, diversify their exports, speed up the rate of growth of their trade, bring about an effective improvement with regard to their access to markets for products of interest to them, achieve fair and equitable prices for primary commodities, improve and fully implement the generalized system of preferences on a non-reciprocal and a non-discriminatory basis and increase trade with socialist countries.

186. The Charter also very clearly identifies itself with political principles of paramount importance to all progress-seeking countries by stating, in article 16, that:

“It is the right and duty of all States, individually and collectively, to eliminate colonialism, *apartheid*, racial discrimination, neo-colonialism and all forms of foreign aggression, occupation and domination, and the economic and social consequences thereof, as a prerequisite for development . . .”

187. Without going into all the details of the provisions, these are just some of the very important principles enshrined in the Charter which today are part of the advanced positions of the developing countries.

188. However, the Charter is not a closed or inert instrument. It has been the constant concern of those who conceived this document that it should remain open to periodic review; that its implementation should be constantly examined so as to make additions and bring about improvements which the present dynamic international economic relations require. Bearing that in mind, and also the need for a constant revitalization of the Charter, we submit the draft resolution that will shortly be voted upon by an overwhelming majority of the Assembly.

189. A year ago today the General Assembly adopted the Charter of Economic Rights and Duties of States. In the international economic developments that have occurred since then, the Charter has shown that it is one of the inseparable elements of the new international economic order, the pressing need for which was fully stressed at the sixth special session of the General Assembly. The Charter should also constitute one of the basic guidelines for developing countries at forthcoming conferences.

190. It only remains for the Cuban delegation, on this first anniversary of the adoption of the Charter, to reiterate its legitimate desire to pay tribute to the Mexican Government for its creative work.

191. Mr. BISHARA (Kuwait): In my view it is appropriate to make the views of an oil-producing country heard on the Charter of Economic Rights and Duties of States.

192. Today we celebrate the first anniversary of the adoption of the historic document of the Charter of Economic Rights and Duties of States. My delegation would like on this occasion to pay a sincere tribute to those who took the initiative to bring this important document about. We are extremely grateful to President Echeverría of Mexico for the leading role which he has played in articulating this Charter. No doubt this Charter will remain a landmark in economic relations between States. For the first time in the history of the Organization, the rights and duties of States are clearly defined. Almost all of the provisions of the Charter emanate from the nature of the Charter of the United Nations. Sovereignty over natural resources, the right to nationalization, and the call to combat colonialism and foreign domination are all important elements of resolutions we have adopted since the inception of the Organization, elements which the Charter emphasizes so abundantly and so vigorously.

193. The Charter cannot be separated from the decisions of the sixth and seventh special sessions. The Charter calls for a dialogue among States in order to eliminate the injustices imposed on the majority of Member States by foreign corporations and the illegitimate interests which are pursued at the expense of the developing countries by the supranational corporations. The Charter seeks to rectify an unjust situation. The essence of the Charter is its attempt to bridge the gap between the developing and developed countries. It has been rightly argued that peace and stability will not dawn and prevail unless this gap is bridged.

194. The Charter provides a framework for the world economic evolution and change which were set in motion in the two special sessions of the General Assembly. The Charter also establishes the basis for

economic relations built on the principle of equity and equality.

195. My Government appeals to all the industrialized nations to withdraw their reservations to the provisions of the Charter, so as to make it effective and operative. We attach particular importance to article 16 of the Charter of Economic Rights and Duties of States which stipulates that

“It is the right and duty of all States, individually and collectively, to eliminate colonialism, *apartheid*, racial discrimination, neo-colonialism and all forms of foreign aggression, occupation and domination, and the economic and social consequences thereof, as a prerequisite for development . . .”

196. I should like to reiterate my country's adherence to all the provisions of the Charter which will remain, in our view, a milestone in the annals of the relations of States. Accordingly, my delegation will cast an affirmative vote on the draft resolution under consideration at this very moment. On behalf of my delegation, I express our sentiments of gratitude to the architects of the Charter for their successful endeavour.

197. Mr. GUTIÉRREZ (Bolivia) (*interpretation from Spanish*): My country cannot remain indifferent on this first anniversary of the adoption of the Charter of Economic Rights and Duties of States, quite simply because we, the Bolivians, are traditionally wedded to the precepts of law, inasmuch as we are a member of the respected Group of 77 and we actively participate in the universal community of nations.

198. Here in this forum, many resolutions have been adopted on a variety of issues which at present are troubling the conscience of mankind. But there is no doubt that there have been some documents endorsed by the Organization which not only have great intellectual importance, but also must be placed amongst those few instruments that will prove lasting. The Charter of Economic Rights and Duties of States is such a document. It is of the same importance as the declaration of the equality of States, which was formulated in the course of the Hague Conference in 1907, under the intellectual leadership of that brilliant Brazilian jurist, Ruiz Barbosa. It has the imperishable quality of the Declaration of the rights of man and of the citizen and of the resolution of paramount importance that we adopted to guide the decolonization process in today's world. We can also identify the Charter of Economic Rights and Duties of States with the call for the abolition of slavery by Lincoln and Bolívar.

199. I believe that a document of this nature by its very essence is destined to survive through all circumstances and difficulties. The other resolutions and documents I have referred to and which have guided man's thinking over the years, have survived their original sources. Nobody today may remember who were the constituent members of the Hague Conference where the legal equality of States was proclaimed. It is possible that tomorrow's generation may not remember which was the forum which produced the Charter of Economic Rights and Duties of States. But Ruiz Barbosa, with the declaration on the legal equality of States, and President Echeverría, with the Charter of Economic Rights and Duties of States,

will live in the memory of mankind throughout all time. What exactly does the Charter of Economic Rights and Duties of States proclaim? It proclaims something of substantial importance.

200. Mention has been made here of the Declaration and Programme of Action on the Establishment of a New International Economic Order, and both these instruments lay down the foundations of that new order on the basis of co-operation, solidarity and international understanding. But, in the view of the Bolivian delegation, the Charter does more than this. It proclaims something very similar to what was proclaimed in the Hague—that is, the economic equality of States in the development process. We believe that the new international economic order should not serve simply to enrich the already rich countries and to impoverish further the already poor countries. On the contrary, we believe that this new policy for the establishment of a new international economic order should make a positive contribution in enriching the poor countries and in making a little less wealthy the rich nations.

201. With these words, I announce that the delegation of my country will vote in favour of the draft resolution at present before us.

202. The PRESIDENT (*interpretation from French*): We shall now vote on the draft resolution recommended by the Second Committee in paragraph 7 of its report [A/10458]. A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Finland, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Grenada, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Laos, Lebanon, Lesotho, Liberia, Libyan Arab Republic, Madagascar, Malawi, Malaysia, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Singapore, Somalia, Sri Lanka, Sudan, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, 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, Venezuela, Yugoslavia, Zaire, Zambia.

Against: Germany, Federal Republic of, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Belgium, Canada, Denmark, France, Ireland, Israel, Italy, Japan, Luxembourg, Netherlands, Spain.

The draft resolution was adopted by 114 votes to 3, with 11 abstentions (resolution 3486 (XXX)).⁸

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

204. Mrs. ALLAM (Egypt) (*interpretation from Arabic*): Perhaps it is a good omen that the first anniversary of the Charter of Economic Rights and Duties of States today should coincide with the Grand Bairam, the great feast of the Muslims all over the world. Both represent an occasion to renew hope in the ability of man to continue the march of progress and to seek inspiration from his experience in the past to create a better future, especially in the developing countries.

205. The adoption of the Charter of Economic Rights and Duties of States a year ago today stands as a landmark in the history of contemporary international economic relations. This document, together with the Declaration and Programme of Action issued by the sixth special session of the General Assembly, has established the foundations of the new international economic order which represents the aspirations, not only of the developing countries, but also of the world at large for the promotion of an equitable international economic order that would achieve stability based on a prosperous, more secure and more equitable world. In that context, my delegation again voted in favour of the resolution just adopted.

206. My delegation considers that the adoption by the General Assembly of this resolution is one of the signs of further equity and also represents further recognition—if we take into account the adoption of the resolution last year—of legitimate issues in the field of international economic relations that involve understanding the just cause of the developing countries in this world whose main requirement is to establish interdependence and economic relations on the basis of justice and equal opportunity. Furthermore, two delegations which abstained last year were able to cast an affirmative vote at the current session, a vote for justice and the assurance of prosperity and peace in the world.

207. The delegation of the Arab Republic of Egypt would like to seize this opportunity to affirm its adherence, as a developing country, to this historic document and its support to developing countries in their efforts to implement its provisions, ensuring co-operation and understanding among countries of the world, whether developing or developed, as a basis for the achievement of those aims.

208. Finally, I wish to express our appreciation and thanks to President Echeverría who took the initiative to produce this Charter which was adopted by the General Assembly by a sweeping majority. We also wish to congratulate the Government and people of Mexico, with whom the Arab Republic of Egypt maintains the best of relations.

209. Mr. FASLA (Algeria) (*interpretation from French*): The Assembly has just adopted by a large majority the resolution entitled "Implementation of the Charter of Economic Rights and Duties of States", exactly a year after the acceptance by the same Assembly—an almost unanimous acceptance—of that most important instrument for a new international economic order, the principles and general orientation of which were clearly set forth in the Declaration and

Programme of Action of the sixth special session of the General Assembly.

210. While we regret the negative votes of those who refuse to recognize the evolution born of the necessity of development and economic international co-operation, and who remain tied to the privileges of an outdated order, we nevertheless have not lost hope in the virtues of dialogue, in the continuation of a dialogue which will inevitably cause the reservations expressed to be dispelled, as history demands.

211. The Charter of Economic Rights and Duties of States, the existence of which is due to President Echeverría of Mexico, is not and has not been conceived as an instrument directed against certain developed countries; on the contrary, it addresses itself rather to the elimination of injustices and the disappearance of economic injustices in the world, the elimination of the growing gap between developing and developed countries and the establishment of more harmonious relations between developed and developing countries, regardless of their economic, social and political systems.

212. The balanced wording of the Charter, which preserves the increasingly interdependent interests of the international community as a whole, was due to the realistic stand taken by the developing countries and has made the Charter one of the pillars on which international economic relations must rest. Algeria will spare no effort in implementing the principles set forth in the Charter and for which the non-aligned countries, at various meetings, especially during the last ministerial conference at Lima last August, have striven so hard. This is in keeping with the spirit of those countries devoted to peace and motivated by a desire for real international economic co-operation, based on the rights of all States truly to enjoy the fruits of their natural resources, to use them to the benefit of their peoples and thereby to participate in the progress of the whole international community, thus doing their duty.

213. Mr. VALLE (Brazil): On this very significant date the Brazilian delegation takes pleasure in joining previous speakers in stressing the importance of the Charter of Economic Rights and Duties of States and supporting the fundamentals and the majority of the principles embodied therein.

214. With regard to the resolution just adopted, my delegation, while it voted in favour, wishes to reaffirm for the record its position on article 3 of the Charter as expressed on previous occasions.

AGENDA ITEM 65

Mid-term review and appraisal of progress in the implementation of the International Development Strategy for the Second United Nations Development Decade

REPORT OF THE SECOND COMMITTEE (PART I) (A/10469)

215. The PRESIDENT (*interpretation from French*): Part I of the report of the Second Committee is in document A/10469 and the report of the Fifth Committee, on the administrative and financial implications of draft resolution II is in document A/10491.

I shall first call on those representatives who wish to explain their vote before the vote on any of the draft resolutions or on all four draft resolutions. The Assembly will then proceed, in accordance with a procedure with which it is now familiar, to vote on all the draft resolutions and all those who wish to explain their vote after the voting will have the opportunity of doing so.

216. No explanations of vote before the vote have been requested and I take it that the Assembly is ready to take decisions on draft resolutions I to IV recommended by the Second Committee.

217. I shall first put to the vote draft resolution I, entitled "Identification of the least developed among the developing countries". The Second Committee adopted that draft resolution without a vote. May I take it that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 3487 (XXX)).

218. The PRESIDENT (*interpretation from French*): Draft resolution II is entitled "Role of the public sector in promoting the economic development of developing countries". It was adopted by the Second Committee without a vote. May I take it that the General Assembly also wishes to adopt it without a vote?

The draft resolution was adopted (resolution 3488 (XXX)).

219. The PRESIDENT (*interpretation from French*): We come now to draft resolution III, entitled "Acceleration of the transfer of real resources to developing countries". I shall put that draft resolution to the vote.

The draft resolution was adopted by 112 votes to 1, with 14 abstentions (resolution 3489 (XXX)).

220. The PRESIDENT (*interpretation from French*): We come now to the fourth and last draft resolution, entitled "Implementation of the World Plan of Action adopted by the World Conference of the International Women's Year". The Second Committee adopted that draft resolution without a vote. May I take it that the General Assembly wishes to take the same decision?

The draft resolution was adopted (resolution 3490 (XXX)).

The meeting rose at 6.45 p.m.

NOTES

¹ The delegation of Malawi subsequently informed the Secretariat that it had intended to abstain in the vote on the draft resolution.

² The delegations of Poland and the Union of Soviet Socialist Republics subsequently informed the Secretariat that they had intended to abstain in the vote on the draft resolution; the delegation of Luxembourg subsequently informed the Secretariat that it had intended to vote in favour.

³ The delegation of Mauritania subsequently informed the Secretariat that it had intended to vote against operative paragraph 4 of the draft resolution.

⁴ The delegations of Congo and Nepal subsequently informed the Secretariat that they had intended to vote in favour of operative paragraph 4 of the draft resolution.

⁵ The delegation of Qatar subsequently informed the Secretariat that it had intended to abstain in the vote on the draft resolution.

⁶ This statement was made in the Fourth Committee, the official records of which are published in summary form.

⁷ See *Official Records of the General Assembly, Twenty-eighth Session, Plenary Meetings*, vol. I, 2136th meeting, paras. 56 and 61.

⁸ The delegation of Nepal subsequently informed the Secretariat that it had intended to vote in favour of the draft resolution.