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Agenda item 40 (continued):

Reservation exclusively for peaceful purposes of the sea-bed and the ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction and use of their resources in the interests of mankind, and convening of a conference on the law of the sea: report of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction 131

Chairman: Mr. Otto R. BORCH (Denmark).

AGENDA ITEM 40 (continued)

Reservation exclusively for peaceful purposes of the sea-bed and the ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction and use of their resources in the interests of mankind, and convening of a conference on the law of the sea: report of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction (A/9021, A/C.1/1035, A/C.1/L.646, 647/Rev.1 and 648)

1. The CHAIRMAN: I have two announcements to make. Guinea and Ireland have become sponsors of draft resolution A/C.1/L.647/Rev.1.
2. Secondly, so that the Committee may know what is ahead of it, may I say that the list of speakers is as follows: first, Norway, Italy, Philippines, Albania and the German Democratic Republic; then, explanations of vote by China, the Union of Soviet Socialist Republics and Peru.
3. As I mentioned this morning, the People's Republic of China has one suggestion that it would want to raise with regard to operative paragraph 7. With the consent of the speakers inscribed on my list, I think perhaps that it would be most appropriate to give the People's Republic of China an opportunity at this early stage to explain its wishes with regard to operative paragraph 7.
4. Mr. LING (*translation from Chinese*): The Chinese delegation suggests that in paragraph 7 of the draft resolution, after the word "invite", the following phrase be inserted: "in full compliance with resolution 2758 (XXVI) of 25 October 1971".
5. As it is known to all, resolution 2758 (XXVI) concerns the restoration of lawful rights of the People's Republic of China in the United Nations. Exactly two years have elapsed since that resolution was adopted. However, certain

specialized agencies of the United Nations have not yet fully complied with the resolution. Therefore, the Chinese delegation considers it essential to mention that resolution.

6. Mr. VINDENES (Norway): I shall not now comment on the content of the draft resolution before us. Our views have been stated in the Committee earlier. Nor shall I address my remarks to the nature of the gentlemen's agreement which we all agree should be concluded. On this latter question I feel confident, given the positions taken during the extensive talks we have had in the contact group, that my delegation will be able to support any compromise formula which proves generally acceptable.

7. What I would like briefly to address myself to is one question only, the interrelationship between the draft resolution and the gentlemen's agreement. On that question, my delegation shares the view that it would be desirable to have both issues disposed of simultaneously. In the light of the positive trend of the discussions in the contact group yesterday afternoon and this morning, this ought now to be possible.

8. We must not, however, forget that the time which we can allow ourselves before deciding on the draft resolution is now very short indeed. We have already exceeded by nearly a week the time schedule for dealing with this item. Furthermore—and this is perhaps more important—there is now only about one month left before the inaugural session of the Third United Nations Conference on the Law of the Sea must be held if the decision taken by the General Assembly last year [*resolution 3029 A (XXVII)*] regarding that session is to be carried out. My Government and, I believe, the overwhelming majority, if not all the other States Members of the United Nations, consider it to be of great importance that last year's unanimous decision of the General Assembly to inaugurate the Conference in November-December of this year be implemented. This presupposes that invitations to that Conference are sent out sufficiently far in advance for Governments to have time to consider these invitations and to take the practical steps necessary to respond positively and to appoint their delegations. I submit that such sufficient time will only be available if the draft resolution before us is adopted by the Committee before the end of the week and therefore that the resolution must be adopted this week.

9. As far as the gentlemen's agreement is concerned, that, unlike the resolution before us, is a matter which must be negotiated on a consensus basis. The time which it will take to reach this agreement is, therefore, beyond the control of this Committee. Although it is, of course, the hope of every one that, as far as this aspect is concerned, we will also conclude our deliberations before the week is out. If this

should not occur, however—and I suppose that the prospects in this resolution will become clear later this afternoon—we must, in my opinion, proceed immediately to the adoption of the resolution.

10. Mr. MIGLIUOLO (Italy): Mr. Chairman, since this the first time that my delegation takes the floor in the First Committee, you will permit me to join previous speakers in addressing my heartfelt congratulations to you, Sir, as well as to the other members of the Bureau. May I add it is indeed gratifying for my delegation, and for me personally if I may say so, to know that our deliberations will benefit from your experience and your diplomatic skill.

11. Having participated in the activity of the sea-bed Committee since its inception. Italy has had many opportunities to express its views on the complex problems connected with the codification of the law of the sea. I hardly need to recall our previous statements on the substance of the matter before us. Our positions have not changed and I will only confirm our determination to continue, as we have done for the last few years, to make a constructive contribution to the future debates and negotiations with a view to finding equitable solutions to the problems under our consideration.

12. We feel indebted to the able Chairman of the sea-bed Committee, Mr. Amerasinghe of Sri Lanka, and to all the delegations which have actively participated in the preparatory work carried out so far. We share the opinion expressed by many delegations that the sea-bed Committee has taken its work as far as it could and that further progress can be expected only from the Conference on the Law of the Sea. In principle we can, therefore, support the draft resolution by which the General Assembly will convene the Conference. I will today limit my statement to two comments on the provisions contained in that draft resolution. We feel in fact that we should go on record on two problems which we consider to be essential to the success of the Conference on the Law of the Sea.

13. I would say, first, that it is still the position of the Italian delegation that, as stated on previous occasions, and particularly during the informal consultations of the last few days, that it would have been preferable to hold two sessions of the Conference in 1974. This solution would have offered the advantage of allowing a continuation of the preparatory work and exploratory talks at plenipotentiary level and provided a reasonable interval to meditate and to reflect before embarking upon the difficult task of drafting new rules of law in such a complex matter as the one in front of us.

14. Nevertheless, in a spirit of compromise, we have decided to support the opinion expressed by the majority; the more so as we are convinced that whatever terminology may be used to describe the 1974 phase of the Conference, the objective situation prevailing is such that next year's session will necessarily be limited to a further pursuit of a possible common ground of agreement on the main issues involved.

15. The formulation of paragraph 5 of the draft resolution offers, in our interpretation, an assurance that more preparatory work will be carried out to facilitate the task

entrusted to the Conference. As for the venue of the first substantive session, we welcome the invitation that has been so kindly extended by the Government of Venezuela.

16. Other representatives have drawn the attention of this Committee to the problem of the procedure to be followed by the Conference in the decision-making process. We share the view that in a matter of such vital interest as the law of the sea one cannot proceed, as a general rule, on the basis of majority decisions, even if such practice has been followed in previous conferences entrusted with other aspects of the codification of international law.

17. We consider, moreover, that in the actual proceedings of the Conference, two main conditions must be fulfilled in the decision-making process. First, no decision should be taken by majority vote that could be prejudicial to vital interests of one or another group of States, especially with regard to those States whose populations and economies have been traditionally linked to the utilization of the sea in its various aspects. Secondly, as the Conference will necessarily have to deal concurrently, but in different bodies, either in committees or sub-committees, with items that are strictly interconnected, we shall have to avoid individual items reaching a stage of final decision at a moment when such decision could jeopardize the negotiations in other interconnected fields.

18. In this connexion I should like to say that my delegation has been strongly encouraged by the information provided by the representative of Sri Lanka, Mr. Amerasinghe, at the end of this morning's meeting. We are confident that, on the basis that he has outlined, it will be possible to find an equitable and satisfactory solution to this important problem. May I add that I share the views expressed a few moments ago by the representative of Norway that the decisions about operative paragraph 10 of the draft resolution and the gentlemen's agreement be taken concurrently.

19. Mr. YANGO (Philippines): Mr. Chairman, I feel privileged to address, for the first time during this session, this important Committee which has been functioning smoothly under outstanding leadership.

20. The Philippine delegation's views on the basic issues of the law of the sea have been expounded fully in various meetings of the sea-bed Committee as well in the General Assembly. We therefore refrained from speaking in the general debate, which we followed closely, but we participated—we hope constructively—in the consultations that produced the draft resolution which is now before us. We are sufficiently pleased with this draft resolution to vote in favour of its adoption as revised by the sponsors, and described to the Committee by the representative of Canada this morning.

21. At long last, six years' preparation for convening the Third United Nations Conference on the Law of the Sea is coming to fruition. It has always been the view of my delegation that, in a very real sense, this Conference actually started from the day that the sea-bed Committee began its work as a preparatory body in 1971. During all these years the members of the Committee worked diligently, stating the views of their Governments on the

various issues of the law of the sea and in due course embodying them in specific proposals.

22. The time has now come for serious and, hopefully, conclusive negotiations on these issues. The experience of the past three years has shown that Governments, having staked out their positions, are maintaining a wait-and-see attitude until the Conference starts and negotiations for terms most acceptable to them get under way. We therefore feel that it is only during the Conference, and within its structure, that differences of view can be reconciled or resolved and acceptable decisions reached. As the distinguished and extremely capable Chairman of the sea-bed Committee, Mr. Amerasinghe, has aptly said, "Everything is preparatory until the end itself".

23. It is in this spirit that my delegation welcomes the present draft resolution which provides for the inaugural session of the Conference to take place in the latter part of this year in New York. My delegation supports 26 November to 8 December as the period for the organizational meeting; but if there are great difficulties in this connexion we can go along with the new dates, 5 to 18 December, as explained by the representative of Sri Lanka.

24. We also concur with the provision in the draft resolution for a single substantive session to be held in the summer of 1974. We welcome the choice of Caracas as the venue of this substantive session. The session would, of course, consider the work that was not completed by the sea-bed Committee. It would provide an opportunity for States which are not members of the sea-bed Committee to participate actively in such unfinished work. However, the primary aim of the substantive session would be to reach agreement on the concepts and principles that would govern the new and progressive law of the sea that we are striving to formulate.

25. There are two other points in the draft resolution to which I would wish to draw attention briefly. First, with regard to the method by which decisions may be made, my delegation is in favour of general agreement on the various issues that will come up before the Conference. It would be ideal if unanimity or a consensus could be achieved on these issues. If it is not possible to do so, then we should have recourse to the traditional practice which provides for a simple majority vote in the committees and a two-thirds majority vote in plenary to adopt substantive proposals. Procedural questions should be decided by simple majority in both committee and plenary sessions. The procedural arrangements embodied in a formulation, which was the view expressed by the General Assembly and as read out this morning by Mr. Amerasinghe in his capacity as Chairman of the sea-bed Committee, has the support of my delegation.

26. Secondly, my delegation supports the view that we should aim at a new international convention on the law of the sea that would command general acceptance. This is essential in creating the best possible conditions for a new ocean régime. It is therefore desirable that there should be universal participation in the Conference. My delegation believes that we can have such participation through the formula provided in the draft resolution. Under this formula there will be a limited number of States that need

to be named by the General Assembly to participate in the Conference. Others as Members of the United Nations and related bodies and agencies would be automatically qualified to participate. We feel that the concept of universal participation could be realized under this arrangement.

27. At this juncture, I wish to refer to the procedure outlined by Mr. Amerasinghe for filling out the blanks in operative paragraph 7 of the draft resolution. My understanding of the procedure outlined is that decisions on individual proposals of Member States to be invited which we may hear this afternoon will be made formally when the draft resolution is considered by the General Assembly in plenary. We support this procedure in order to give those delegations that are not aware of the proposals to be made a chance to consult their Governments and also other delegations.

28. The sea-bed Committee, in whose work we were privileged to participate for three years, has served its purpose and it must now come to an end. The association of my delegation with the sea-bed Committee has been a worthwhile and gratifying experience, and we must admit having mixed feelings at the conclusion of an important phase of our work in the United Nations. At the same time we are keenly aware of entering an even more important stage in our historic endeavours relating to the law of the sea. This new stage is the Conference itself, which will be the culmination of our herculean labours to define, establish and foster a new régime for the life-sustaining seas and oceans of our planet. We share the hope that with goodwill, co-operation and understanding our joint efforts, so important to present and future generations, will not be in vain.

29. The CHAIRMAN: Intending no reflection on those who have spoken nor on those who will speak in the future, may I say that there are about 20 speakers on my list and that it is my firm intention to carry this debate to a conclusion today. I therefore appeal to everybody to be as brief as their instructions allow.

30. Mr. NACO (Albania) (*interpretation from French*): Mr. Chairman, since I am speaking for the first time permit me, first of all, to congratulate you most sincerely on your election to the chairmanship of the First Committee. We should also like to congratulate the Vice-Chairman and the Rapporteur.

31. The Albanian delegation wishes to set forth its views on the draft resolution.

32. At the last session of the General Assembly our delegation voted in favour of resolution 3029 (XXVII), which provided for the number and length of the sessions of the Third United Nations Conference on the Law of the Sea. In accordance with this position, with reference to operative paragraphs 2 and 4 of the draft resolution that we are now considering, we are in favour of convening the first session of the Conference this year and its second session next year with the conviction that in this way it will be able to accomplish its task in conformity with the will of the majority of Member States.

33. The Conference referred to in the draft resolution before us is of great importance to all countries. As is

mentioned in operative paragraph 3, it will have the task of adopting a convention that will deal with all matters relating to the law of the sea. With regard to this problem we would stress that the oceans and seas that bathe the coasts of most Members of the United Nations, together with their resources, for well-known reasons have been and are the object of the rapacious ambition of the imperialist Powers. That is why this Conference must revise the old law of the sea in accordance with the major changes that have occurred in the world, and meet the legitimate requirements of sovereign States with the purpose of safeguarding their territorial integrity and defending their natural resources.

34. Everyone knows that the policy of hegemony and expansion of the United States and the Soviet Union to divide and dominate the world has also found expression in their efforts to become masters of the broadest possible spaces of the seas and oceans, to gain supremacy and install themselves near the coasts of freedom-loving countries. They want to exploit the riches of the sea for their imperialistic purposes in these zones, threatening the supreme interests of these countries and inflicting serious injury upon them.

35. This policy has also found expression in the work of the Committee on the Peaceful Uses of the Sea-Bed and Ocean Floor beyond the Limits of National Jurisdiction, where the two super-Powers have striven to re-establish and dictate rules and norms that would serve their hegemonic interests, to the detriment of the sovereign rights of other countries and of the cause of peace and security. The efforts of the United States and the Soviet Union to impose on Member States the perpetuation of regulations—that were created in order to facilitate the threat to the sovereignty of peace-loving coastal States, to exploit the resources of the seas and oceans and to use the sea-bed for aggressive purposes—quite clearly testify to their pretensions to expansion and hegemony. It is precisely these ambitions that would be served by the acceptance of the proposal for a so-called consensus, by means of which the two super-Powers would seek to dictate terms to the Conference. That is why we consider that preparation of the draft rules of procedure for the Conference, referred to in operative paragraph 10 of the draft resolution, should be based on the comments made here by various delegations with regard to consensus.

36. The United Nations Conference on the Law of the Sea will take place when a number of States have already taken a series of decisions and appropriate measures to defend their sovereign interests in the seas and oceans and in the sea-bed, within the limits of their national jurisdiction, in accordance with their specific geographical conditions and their security and national defence needs. These decisions and measures are supported by the peace-loving peoples and countries of the world. These countries' determination to safeguard their sovereign rights against acts of piracy committed in their territorial waters by the two super-Powers—which do not wish to comply with the decisions and measures taken by these countries—and to protect themselves against threats to their national sovereignty constitute clear proof that they are ever more openly opposed to the policy of force of the two super-Powers and

that this position has now assumed the form of a powerful movement.

37. A striking example of this are the decisions and resolutions concerning the law of the sea of the Organization of African Unity and of the Fourth Conference of Heads of State or Government of Non-aligned Countries at Algiers [see A/C.1/L.646], which reflect the determination of the participant countries to defend their sovereign rights over the seas and oceans.

38. With regard to operative paragraph 7 of the draft resolution, the Albanian delegation considers it indispensable to stress that no invitation whatever to attend the next Conference should be issued to the Chiang Kai-shek clique or to the treacherous clique of Lon Nol. The Conference should invite the Royal Government of National Union of Cambodia, presided over by Prince Norodom Sihanouk, which is the only legitimate representative of the Cambodian people; the Democratic Republic of Viet-Nam and the Revolutionary Provisional Government of the Republic of South Viet-Nam; and the representatives of the new African State, the Republic of Guinea-Bissau.

39. Our delegation once again expresses its support of the Third United Nations Conference on the Law of the Sea and wishes to stress the fact that the questions that it will consider are of particular importance and of direct concern for the safeguarding and consolidation of the independence and national sovereignty of sovereign coastal States, as well as the economic and social progress of these countries. That is why the efforts of these countries to defend their national interests will be a valuable contribution to the success of the Conference with a view to defining the rules and effective norms of the law of the sea.

40. Mr. GRUNERT (German Democratic Republic): Our delegation has followed closely the debate on procedural questions involved in the Third Conference on the Law of the Sea and has closely examined the draft resolution. As the German Democratic Republic did not take part in the work of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, we have studied the results of the Committee's work very carefully. We appreciate the great efforts of the sea-bed Committee under the outstanding chairmanship of Mr. Amerasinghe. If nevertheless many representatives have expressed the view that preparations have not yet advanced sufficiently to ensure the success of the Third United Nations Conference on the Law of the Sea in spite of its wise chairmanship and in spite of the experience and skill of so many of our colleagues who are participating in that work, that only attests to the complicated nature of the subject. We would therefore welcome it if the preparatory work were continued in an appropriate forum that would include also all those States that are not members of the sea-bed Committee.

41. With regard to the question of participation in the Conference, the delegation of the German Democratic Republic believes that the Conference should be open to all States, without discrimination, as the Conference will consider questions and take decisions which directly involve the interests of every individual State.

42. The German Democratic Republic has its own experience with regard to the so-called Vienna formula; our country suffered long enough its discriminatory effects. It therefore strongly advocates that invitations to the Third United Nations Conference on the Law of the Sea should be extended on the basis of universality, which principle the German Democratic Republic has consistently supported for a long time.

43. Crucial to the success of the forthcoming Conference on the Law of the Sea will be what rules of procedure are to be adopted for the Conference. In the proposed convention on the law of the sea, States are expected to undertake international obligations in matters of direct concern to their vital interests. For this reason, decisions of the Conference should be taken on the basis of consensus. The principle of consensus is in full accord with the principle of the sovereign equality of States and is the decisive pre-condition for the future convention on the law of the sea to have the required universal approval and application. Any attempt to disregard the legitimate interests of this or that group of States by majority decisions would be inconsistent with the purpose of the Conference, which is to work out a universally accepted convention on the law of the sea.

44. Our delegation agrees that the principle of consensus must not be used to block the work of codification on the law of the sea altogether. Its position is, therefore, that appropriate provision should be made in the concrete elaboration of the rules of procedure for the preclusion of any misuse of the consensus principle.

45. Summing up, the delegation of the German Democratic Republic feels it desirable that the draft resolution make provision for the continuation of preparatory work for the Third United Nations Conference on the Law of the Sea, for the participation of all States in that Conference and for the principle of consensus to be the procedural guideline.

46. Regrettably, the present draft resolution, to our mind, does not adequately meet our expectations, although some progress has been made, particularly today, with regard to the proposed gentlemen's agreement.

47. Mr. WARIOBA (United Republic of Tanzania): As one of the sponsors of the draft resolution we are now considering, the Tanzanian delegation had occasion to speak earlier this week, at the 1933rd meeting, when it presented this draft. At this stage, I shall not repeat what we said two days ago; I would merely associate myself with what has already been stated by the representative of Norway, and perhaps comment briefly on one or two points that do not appear in this draft resolution but that are known to delegations here. Neither will I speak about the gentlemen's agreement: I will leave that to the Chairman of the group of African States, who is to speak after me and who will outline the action that the group is going to take in respect of this agreement.

48. As to the question of invitations, and the blank in operative paragraph 7, again I will not speak on that; it would just be repetitious, since there are spokesmen for the

group of African States who will set forth the position of the African delegations in this Committee.

49. Turning now to the question of dates in operative paragraphs 2 and 4, the sponsors, after a series of negotiations, were able to fill in the original blanks and were under the impression that the dates we have indicated are acceptable and convenient. This morning we heard that those dates would not be possible. In fact, we were told that it would be impossible to hold a session before 5 December. This afternoon, when I came to the African meeting, I was told that it would be impossible to have the substantive session after 31 May.

50. We had hoped that passage of the draft resolution in this Committee would facilitate passage in the plenary. But it would appear to be that we might be heading for another protracted negotiation which may delay the passage of this draft resolution in the plenary. That is why I would appeal to the Committee to come to some agreement as soon as possible, before this draft resolution goes to the plenary, so that we do not delay its passage to such an extent that it will not be convenient to hold the inaugural session on schedule.

51. It has been known since last year that the inaugural session of the Third Conference on the Law of the Sea would take place in November and December and the substantive session in the spring of 1974. When we were making efforts to draft the resolution, we tried as far as possible to carry out consultations in order to determine the dates most suitable and convenient with regard to both States and Secretariat services. Until this afternoon I heard no intimation that the dates we had chosen and inserted in operative paragraph 4 were inconvenient. I want to speak on that particular paragraph because it means a great deal to certain States. We consider the spring of 1974 to be the earliest time we can hold the substantive session.

52. During the discussions in this Committee and the consultations we have carried out on various issues, we have mentioned a lot of important matters including consensus. But we are aware that there are also other important issues that have to be taken into consideration. One is completion of preparations for the work that remains to be done before the substantive session. It is a well known fact that other arrangements have been made for the time between now and spring in attempts to narrow differences and facilitate the work of the Conference during its substantive session.

53. Now, if we are told that if we want to hold the substantive session we must do so very early in spring, then much difficulty arises and I do not know whether we shall be preparing for a successful Conference. That is why we find that time very inconvenient. It is a well known fact that the Group of 77 had planned to meet around the time we are told we have to hold the substantive session, and it is also well known that if no progress is made before we go into the substantive part of the Conference, then the chances of success are very slim indeed.

54. I wonder whether all those factors were taken into account. If they were, we should at least have had an intimation before we began considering the suitable dates for the Conference.

55. I have raised these issues so that we might be in a position to consult before we pass this question to the plenary in order to avoid another long process of consultation before we can come to a decision. I should be interested to hear from the representative of Venezuela whether those dates are suitable to them as a host country. If they are, then we may adjust ourselves accordingly and, we hope, come to an agreement as soon as possible.

56. I simply wanted to speak on that point. As regards the other points of concern to my delegation, they will be reflected in the comments of the speakers who are to follow me, who will reflect the position of the African Group.

57. Mr. OKOGWU (Nigeria): The Nigerian delegation is aware of rule 112 of the rules of procedure of the General Assembly. I will desist from making a congratulatory statement regarding the elections of yourself, Mr. Chairman, and the other officers of the Committee. That in no way underrates the high esteem in which my delegation holds you and the other officers.

58. The journey which the Committee on the Peaceful Uses of the Sea-Bed, and the Ocean Floor beyond the Limits of National Jurisdiction has been making for the past six years has been long and, perhaps, full of mouse-traps, although we have rightly been warned by its able Chairman, Mr. Amerasinghe, not to regard the new law of the sea to be formulated as comparable to a mouse-trap [1924th meeting].

59. Throughout these years questions of peace and economic development have figured prominently in the submissions of the various delegations. We have now come to the stage where the sea-bed Committee should make way for another more comprehensive forum that must now take its place to develop further the useful results achieved. As we join other delegations to express our appreciation for the important progress made by the Committee we are aware that there are some issues still outstanding. However, we have faith in the ability of Member States to co-operate fully in their solution.

60. Before my delegation comments on the various issues raised by the draft resolution before us, we should like to join other delegations in expressing deep appreciation to the Chairman of the sea-bed Committee, Mr. Amerasinghe, for his untiring efforts in conducting the deliberations of the Committee throughout the different stages through which it has gone in the past six years.

61. I turn now to the issues raised by the draft resolution before us. Members of this Committee must have observed the amendment in document A/C.1/L.648. This document refers to previous pertinent resolutions adopted by the General Assembly and relates to operative paragraph 9, particularly to the phrase "utilizing to the fullest extent possible the resources at his disposal". Nigeria supports that proposed paragraph. It is envisaged that the secretariat which operative paragraph 9 has in mind would with time grow in importance. In composing that secretariat, therefore, my delegation would like the Secretary-General to note the resolutions to which we have referred.

62. As far as convening the inaugural conference this year is concerned, my delegation would not be opposed to the dates suggested in operative paragraph 2 as amended. As to the time and venue of the Conference in 1974, my delegation welcomes the invitation of Venezuela. We base our consideration on the motives that moved us to accept the Chilean invitation last year. With reference to the suggested dates, my delegation was guided mainly by such considerations as would avoid any clash with the dates fixed for the meetings of the Organization of African Unity. We also note that Austria is willing to host the 1975 Conference if and when necessary.

63. We note with satisfaction that the mandate of the Conference shall be to adopt one convention dealing with all matters relating to the law of the sea.

64. As regards the question of invitation, my delegation has been mandated by the African group to ask that the blank in the list of invitations in paragraph 7 of the draft resolution be completed and to propose formally that the Republic of Guinea-Bissau be included.

65. Regarding the decision-making procedure for the Conference, my delegation thinks that the proper place for discussion on this would be the Conference itself. We would, however, welcome the request that the Secretary-General prepare appropriate draft rules of procedure for the Conference, taking into account views already expressed in this Committee and in the sea-bed Committee. Our view on the decision-making procedure, simply put, is that my delegation firmly believes that the Conference should adopt the classical procedure for decision-making; in other words, we believe in decision by a simple majority in the committees of the Conference, and by a two-thirds majority in the plenary. This presupposes, I must add, an exhaustive discussion before any vote. It equally implies that the Conference would be protected against any deliberate attempt to stall reasonable progress in the Conference. We are, however, not blind to the concern of those who would prefer a decision based on what is called consensus. We are, however, prepared to listen to further suggestions, but these are the points which, in supporting the draft resolution, my delegation wishes to make.

66. Mr. BEESLEY (Canada): I wish to touch on only two questions at this time and, perhaps, to reserve my position to discuss subsequent issues, should they be raised later in the debate. This morning at the 1936th meeting I spoke on behalf of the sponsors of the draft resolution, but at this time I wish to speak only on behalf of my own delegation.

67. First, I should like to welcome the introduction of the text read to us this morning by the Chairman of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, our friend and colleague, Mr. Amerasinghe, concerning the so-called gentlemen's agreement on the matter of consensus. My delegation was among those involved in the negotiation of this text, and I would like to take this opportunity to congratulate the Chairman of the sea-bed Committee on the extensive and exhaustive efforts he made to bring about agreement on that issue. I think our position we made clear earlier when we stated that we felt that on that particular issue we should accept neither the

tyranny of the majority nor the arbitrary veto of the minority, and, in our view, the text presented to us does meet these tests. It is our position, which I have not expressed before in the Committee, although I have made it clear in the informal consultations, that it is absolutely vital to secure the widest possible agreement on the convention we are going to be concluding at the Third United Nations Conference on the Law of the Sea. We have made our view clear, also, that the convention is not an end in itself; that it is useful only as a means of regulating world order, particularly as it relates to the law of the sea, and that a convention is merely a series of optimum targets or objectives unless and until it becomes ratified.

68. For this reason, we are extremely pleased to see the extent of agreement in this Committee on this issue since, in our view, it would be most unwise if we were to proceed along a direction in which we would be only exchanging one chaotic situation for another. It is our position that the sense of the Committee on this question, as reflected in the text read this morning, is such that it augurs well for the success of the Conference.

69. Since I am speaking just after the representative of Nigeria, I shall take this opportunity to comment on the amendment in document A/C.1/L.648, which I understood him just now to introduce. Speaking now only for my own delegation, I think such an amendment is, of course, wholly consistent with operative paragraph 9 of the draft resolution, and if I have any reservation about it it would be only on account of the redundancy of the amendment, given the specificity of operative paragraph 9. Nevertheless, we recognize that this is a matter to which delegations attach considerable importance, and we have no objection to the inclusion of that preamble in the draft resolution—speaking, as I say, only on behalf of the delegation of Canada.

70. I should like to offer certain comments, though, before passing from this subject. First, as specified in operative paragraph 9 of the draft resolution, we should, obviously, utilize to the fullest extent possible the existing expertise available within the Secretariat. To do otherwise would be irresponsible, in our view, given the calibre of the personnel available to us and the shortness of time before the commencement of the Conference. We would take this, really, as common ground in the Committee. At the same time, we are all aware that it would be necessary to hire more staff, and indeed we have acknowledged this in our draft resolution. I would go further and say that, not only should the principle of equitable geographical representation be reflected to the greatest extent possible in the hiring of such staff, but also that particular account should be taken of developing countries in the hiring of such staff. This is the position of the Canadian delegation.

71. I would offer one suggestion concerning the text submitted. Although, as I say, I am speaking only on behalf of my own delegation, I would be grateful to hear from the sponsors of the amendment in due course whether they would find it acceptable to refer to another relevant resolution that has been drawn to the attention of my delegation, namely, resolution 3009 (XXVII). That is a resolution adopted by the General Assembly dealing with human rights, specifically with women's rights, and I think

I have some credentials for introducing it, given the fact that each year in the sea-bed Committee I have made a plea that we stop talking about the common heritage of "mankind" and talk about the common heritage of "humanity". But in any event, I put forth the suggestion quite seriously, and anyone who has read that resolution will understand, I think, why we should include also a reference to resolution 3009 (XXVII). In brief, it requests the Secretary-General to include in his annual report information concerning the employment of women in the Secretariat of the United Nations, and urges upon the United Nations system of organizations that it take appropriate measures to ensure that there is adequate recruitment to give representation to women, and calls upon Member States, in proposing nationals for appointment to positions, to give full consideration to the candidature of qualified women for all positions. Surely it should be possible to take that principle into account, as well as the other wholly acceptable principle of equitable geographical representation.

72. Mr. MHLANGA (Zambia): My delegation has, on another occasion [*1932nd meeting*], availed itself of the opportunity to address this Committee on various issues before the Committee, as it has been considering the item on the sea-bed. I have been asked by the group of African States to speak at this time and to make a proposal concerning the participation of a delegation that would truly represent Namibia. In doing so, I should like to draw the attention of the Committee to resolution 3031 (XXVII), adopted by the General Assembly on 18 December 1972. It reads, in part:

"Requests the United Nations Council for Namibia to continue to discharge its functions and responsibilities in accordance with the provisions of the relevant resolutions of the General Assembly, and in particular,

"(a) to represent Namibia in international organizations, at conferences and on any other occasions, as may be required;"

73. Since the adoption of resolution 2145 (XXI) on 27 October 1966, as read with resolution 2248 (S-V) adopted on 19 May 1967, the administration of that Territory has been and still is the responsibility of the United Nations Council for Namibia. This followed the immediate termination of the Mandate which had hitherto been given to South Africa to administer that Territory.

74. As we see it at the moment, unless we provide for representation of that United Nations Territory we shall deprive the Conference of the opportunity to hear the views of representatives of the people who are the inhabitants of that specific land mass of the globe. In the interest of universal participation—which principle we have continued to uphold—I should like to propose a minor amendment which should be incorporated in operative paragraph 8 of the draft resolution.

75. The group of African States would wish to have—probably under a new subparagraph (*b*) with the present subparagraph (*b*) to become subparagraph (*c*)—a provision reading as follows:

"(b) To invite the United Nations Council for Namibia to participate in the Conference;"

76. The group of African States is anxious for this provision to be given favourable attention, especially in view of the peculiar situation in which Namibia finds itself. Namibia at the moment is not a colony in the onerous sense of the word, and yet, at the same time, it is still not in a position to be represented in the same way as any independent State. It is now the direct responsibility of the United Nations. So, unless a provision is made to this effect, it will not be possible for us to have the opportunity for that Territory to be represented. For that reason, it might be useful if the proposal were given favourable attention.

77. Mr. NYAMDO (Mongolia) (*interpretation from Russian*): Mr. Chairman, I shall comply with your request and be extremely brief. I shall speak only to the question of participation in the forthcoming Conference on the Law of the Sea. Of course, this must not be taken as meaning that we agree with all the other parts of the draft resolution.

78. Our position concerning participation in the Conference is derived from the codifying nature of the Conference. The law of the sea, after all, affects all nations without exception and regardless of their social structure and their geographical location. This Conference on the Law of the Sea will be expected to formulate rules and principles governing international law to guide countries all over the world in the future. This duty most naturally calls for universal participation by all States.

79. With regard to our specific proposal, the delegation of the People's Republic of Mongolia proposes the inclusion of the Democratic Republic of Viet-Nam among the States to be invited to participate in the work of the Conference.

80. Mr. DIAZ GONZALEZ (Venezuela) (*interpretation from Spanish*): Naturally, I shall not refer to a draft resolution of which my delegation is a sponsor. However, I shall refer to a vital aspect of that draft resolution, one which touches my country very closely. I refer to the invitation that the substantive Conference in 1974 be held in the city of Caracas.

81. As I already stated, this invitation was made in accordance with the provisions of operative paragraph 10 of resolution 2609 (XXIV), which provides that for meetings held outside the official headquarters of the United Nations the host Government commits itself to underwrite any additional expenditures incurred, and, therefore, in this specific case the difference between holding the Conference at Geneva headquarters and holding it at Caracas.

82. The Government of Venezuela pledged, furthermore, all other facilities required to ensure the normal functioning of the Conference, namely, facilities with regard to conference rooms, technical installations, including simultaneous interpretation equipment in the official and working languages, and so on. The Government of Venezuela will also place at the disposal of those delegations which do not have accredited missions in the city of Caracas offices in the conference building and, within reason, any other facilities of a secretarial nature.

83. When the Government of Venezuela decided to issue this invitation, it did so on the following basis: first, that

the General Assembly of the United Nations had already decided that this Conference—the Third United Nations Conference on the Law of the Sea—should be held in a developing country; and, secondly, that the privilege of having that Conference held in a developing country had been accorded Latin America, which at that time was represented by our sister Republic, Chile.

84. For this reason I should like to state that we comply with and assume the same obligations as those earlier assumed by Chile. Even the name changes but little because, although the General Assembly had agreed that the conference be held in the extreme south of South America, in the city of Santiago, Chile, now, if the Assembly so decides, it will be held in the extreme north of that same South America, in the city of Santiago de León de Caracas; this is a city situated at the half-way point in the Americas, looking towards the Caribbean, and a centre equidistant from all points of the globe.

85. The contribution that Latin America has made to the progressive development of the law of the sea is one that is very well known. From the very first Geneva meetings, Latin America showed its interest, and even before those meetings, when the first meeting was held in the city of Santo Domingo, in the Dominican Republic, in March 1956; that meeting was convened after the Tenth Inter-American Conference held in Caracas, during which a Declaration on the continental shelf was approved, the terms and articles of which were later accepted at the Conference on the Law of the Sea held in Geneva in 1958. It was, as it happens, I, myself, who was called upon to be the Rapporteur of that Fourth Committee in Geneva.

86. The contribution of Latin America and Venezuela to the progressive development of the law of the sea is very well known. We have constantly endeavoured to prove our determination that the law of the sea must have an indispensable content of international social justice. As far as we, and all countries that are developing, are concerned, it is a question of the active participation of our countries in the elaboration of a new law of the sea, in keeping with the new international reality. This must be a body of rules that will allow of equitable and optimum utilization of the immense potential of the oceans, in accordance with the principle of international social justice, and that will also take into special account the rights and interests of the developing countries.

87. Therefore, as far as we are concerned, it must not be a law that is imposed, as in the past, but a law elaborated and consented to by all States on an equal footing and in sovereign equality. We are not unaware of the fact that, besides economic interests, we must also bear in mind the interests of security and development of States, including the right of free navigation. It is for this reason that we are convinced of the vital importance of the Conference on the Law of the Sea; there can be no doubt that it is one of the most important conferences that the United Nations has convened in the last few years.

88. I repeat, this Conference must lay down a stable and lasting order governing the oceans, taking into account the interests of all States and also doing justice to the developing nations. It is on the strength of these views that

Venezuela made its invitation, since we believe, as did Chile when it invited the conference to meet in Santiago, that this is one way of reaffirming our faith—the faith of the developing countries—in international negotiations and in the awareness that thus we will be making a significant contribution to such negotiations.

89. It falls to my country to accept gratefully the honour of replacing Chile, or rather of taking up the initiative of Chile, by holding the Conference in Caracas. We enjoy friendly relations with all countries of the world and our impartiality is without a blemish.

90. We trust and believe that the Conference will be able to conclude its work at the 1974 session and that Caracas will be accepted as the site. However, if those labours go beyond the Caracas session, the Government of Venezuela very happily supports the invitation proffered by the Government of Austria, a Government with which my own country enjoys close ties of friendship, for the holding of that subsequent conference in Vienna.

91. I would conclude with an expression of full confidence that our invitation will be accepted by the First Committee and, later, by the General Assembly. I also wish to express our readiness to bring to bear our best efforts to ensure success in the organization of the conference and the completion of its work in Caracas.

92. In this matter, I should like to reply to a question that was asked by the representative of the United Republic of Tanzania. As far as my delegation is concerned, the date set forth in operative paragraph 4 of the draft resolution of which, as I said, we are sponsors, is perfectly acceptable.

93. Now, if the Committee decides to change that date and to select another later than 15 May, we would also be ready to accept it. Unfortunately, if the date chosen were prior to the month of May, we would reluctantly, as is perfectly understandable, find it very difficult to accept because—and I am sure that the Secretariat and other delegations present here would be in the same situation—we would not have sufficient time available to prepare for the Conference. It is for this reason that I express the hope that the date indicated will be maintained or, if it must be changed, that it will be changed for a later date.

94. The CHAIRMAN: I am sure that I speak for the whole Committee when I express our appreciation for the full and complete statement which the representative of Venezuela gave regarding the conditions for hosting the law of the sea conference.

95. The representative of Venezuela dealt with two matters. I think that perhaps we could postpone the matter of the dates until somewhat later during our deliberations. But for the sake of good order, before calling on the next speaker, and in accordance with the way in which the Chairman of the First Committee handled a similar matter last year, may I say that I have understood that the sponsors of the draft resolution before us mean by operative paragraph 4 that the General Assembly accepts the invitation of the Government of Venezuela to hold the Third United Nations Conference on the Law of the Sea in Caracas in 1974, on the basis that the Government of

Venezuela will pay the additional costs involved. As the representative of Venezuela has made clear at this meeting, these costs would represent the difference between holding that Conference in Caracas and holding it in Geneva where it would normally have taken place.

96. If I hear no objection I take it that my understanding is correct. There are no objections. Therefore, I think we have dealt with this question. The dates will come later.

97. Mr. JEANNEL (France) (*interpretation from French*): I shall try to be brief. I shall therefore confine myself to comments on particular points and reserve the right, if necessary, to take the floor again subsequently in this debate.

98. I would like to refer, first of all, to the statement made just now by the representative of China. I would like to say, as everyone knows, that the French Government considers that the Government of the People's Republic of China is the only representative of China. This was established once and for all by resolution 2758 (XXVI) of the General Assembly. I do recognize, however, and I am very sensitive to this aspect of the matter developed by the representative of China, that certain problems may arise because all international organizations have not drawn the conclusions they should have from this resolution. And in the circumstances—and I think that in so doing I shall not express the view of my own delegation alone but also that of other delegations—I do support the draft amendment submitted by the representative of China.

99. Now, I would like to express my gratitude, the gratitude of my Government, to the Venezuelan Government for the kind invitation that it has issued to us to hold the first part of our Conference in its capital. I can assure the Venezuelan delegation that my own delegation will be very pleased indeed to go to Caracas next spring. I also would like to thank the Government of Austria for its invitation to hold a subsequent session, and to say that, here again, we would accept this invitation with the greatest of pleasure.

100. The problem of the invitations has been raised and the wish has been expressed that, contrary to what seemed to be the case initially, the problem should be settled now in the First Committee as we proceed to adopt the draft resolution convening the Conference. My delegation has no objection to doing this. When the time comes we will take a stand on each of the proposals made. But in order to clarify our debate now, and perhaps to avoid getting involved in various impasses and having an endless discussion, I think I should remind you that paragraph 7 provides for inviting States. Perhaps there will be differences of views about States, but we are not saying anything about that right now. In any case, we are inviting States. Now, another, different, question is who should represent the States, whatever the States are. This question does not confront our Committee and, consequently, not the General Assembly either. It is a question that can only be settled by the Conference itself because it is the Conference that will have the task of verifying the credentials of the delegations which represent States. Consequently, it will be for the Conference to say whether any given State that is invited is

properly represented. But this is just to clarify the situation.

101. We have had an amendment proposed in document A/C.1/L.648 by some delegations. As indicated by the representative of Canada, we have no objection to this amendment, but it does seem to us, frankly speaking, that it is not very useful in view of the clear language of paragraph 9. But having said this, I would like to endorse the observations of the Canadian delegation with regard to what seems to be at least the necessity of retaining the services of the existing staff of the Secretariat, who are extremely well versed in the complex matters we will have to deal with in the Conference, and who have in the past demonstrated competence, devotion and efficiency.

102. Like the Norwegian and Italian delegations, and I believe all delegations here, I approve the gentlemen's agreement as read out to us by the Chairman of the Committee Ambassador Amerasinghe. It will, of course, obtain our consent at the same time as the resolution is adopted.

103. Mr. KOCH SAN (Khmer Republic) (*interpretation from French*): Thank you, Mr. Chairman. I am grateful to you for giving me the floor for the second time. You have already told us that, for the moment our Committee is not dealing, in the draft resolution, with the question of the participation of States, as mentioned in paragraph 7. But since a member of the Albanian delegation made a statement that touches directly my own delegation, I should like to say that the Khmer Republic, as a State Member of the United Nations, categorically opposes the inclusion of the so-called Royal Government of National Union of Cambodia among those States to be invited. The so-called Government does not in fact meet the conditions necessary to represent a State, and the reasons have already been given previously in a statement by the delegation of the Khmer Republic at a plenary meeting of the General Assembly. That statement also constitutes the reply to any future statement from any member of the Committee touching on an invitation of this nature.

104. May I take advantage of this opportunity to support the choice of Caracas as the site for holding the 1974 Conference and also to thank the Government of Venezuela for its offer.

105. Mr. WAPENYI (Uganda): Speaking after the representatives of Nigeria and Zambia had been mandated by the group of African States to present the proposal which they made regarding paragraphs 7 and 8, I should like to explain from the very beginning that neither in the capacity as a representative of Uganda nor as a sponsor of this draft resolution would I be speaking at this stage. I speak only because I have been requested by the group of African States to indicate the position that we are taking with regard to these two issues and that of the gentlemen's agreement.

106. I believe it was yesterday that the representative of the United Kingdom indicated that unless the gentlemen's agreement was included in this understanding, his delegation would either vote against or abstain from voting on this draft resolution.

107. Taking this into consideration, as well as some reservations made by some of the group of African States, it was a matter of compromise that, after lengthy discussions, we agreed to co-operate with the whole group in accepting the inclusion of the gentlemen's agreement, provided our own problem of the list is also dealt with at the same time. This may be taken as frustrating, but it is really just a matter of negotiation. We want the list completed in paragraph 7, and we have indicated that that list must include the Government of the Republic of Guinea-Bissau, the Republic that is recognized by most of the members of the group which I represent or speak for at this stage.

108. It is very important to us that this request of the group be taken as seriously as we have considered it and deemed it appropriate to take the gentlemen's agreement into consideration and have accepted the compromise. I hope that I have made this position clear because if, at a later stage, it becomes imperative to vote on these two issues separately, I think that the group would also act negatively on the gentlemen's agreement if the problem of the list in paragraph 7 is not dealt with appropriately.

109. The CHAIRMAN: I should like to make a brief remark. I understand that there are various wishes within the Committee regarding the filling out of the blank in operative paragraph 7, just as we have heard one concrete suggestion for an addition to operative paragraph 8. I had thought it was the sense of the Committee before this afternoon's meeting that these matters should be presented here today so that the Committee would have the full knowledge of the wishes of members as to the filling out of the blank. I also thought that it was the general feeling in the Committee that members should have an opportunity to seek instructions on the various suggestions that had been made and that, therefore, a vote should not be taken until the matter was brought up in plenary.

110. I was, however, informed just before the meeting about the strong wishes of the group of African States with regard to the question of Guinea-Bissau. I wonder whether it would be a fair compromise, since the question of Guinea-Bissau is already on the agenda of the General Assembly and, therefore, presumably most, if not all, delegations will have instructions with regard to that question, if we could deal with that today and leave the other questions as to the names to be inserted in the blank and as to the formulation of operative paragraph 8 until the plenary.

111. If that is generally acceptable, it is my feeling that perhaps it would be a way out which would not embarrass some members who may not be happy about having to vote on the other issues.

112. The reason why I propose making the exception with regard to Guinea-Bissau is that I find that a large portion of the membership feel strongly about that issue. At the same time, since it is already on the agenda of the General Assembly, I think perhaps it is fair to assume that members will have received instructions on how to act on that question.

113. Would that meet the general agreement of the Committee? If it would, then I think it would be the easiest way to pursue the matter.

114. Sir Roger JACKLING (United Kingdom): I think this really depends on one further point, does it not? I think that there are a number of delegations—my own included—which would be prepared to take a position on this draft resolution provided it is put to us at the same time as the agreed formulation of the gentlemen's agreement is put to the Committee so that it forms part of the record.

115. I am not quite clear whether this is the position if the addition proposed a little earlier this afternoon of a further subclause to paragraph 8 is not dealt with now. If we could be completely clear on this, then I think it might be a little easier. In other words, I have no objection. As far as my delegation is concerned, we should be perfectly happy to deal with the question of the addition of names to paragraph 7—and indeed to paragraph 8. The only essential thing, so far as we are concerned, is that the question of the gentlemen's agreement is dealt with at the same time as the draft resolution of this Committee.

116. The CHAIRMAN: May I just say to the representative of the United Kingdom that my own understanding is that agreement with the draft resolution signifies agreement with the gentlemen's agreement.

117. Mr. AMERASINGHE (Sri Lanka): I would strongly support your suggestion, Mr. Chairman, that we dispose of the Guinea-Bissau question now and at the same time, of course, with the gentlemen's agreement, without prejudice to the position or the prospects of other proposals that have been made. In fact, the list in paragraph 7 could be added to in the plenary, but I think that, for the purpose of disposing of this draft resolution, we might respect the strong wishes of the group of African States and settle that. Many of us are in a position to vote on it. Those who are not could certainly make a reservation and state that they have not received instructions. But that would not prevent them from changing their vote when the matter comes up in plenary.

118. With regard to the suggestion made for an addition to paragraph 8, I believe that the representative of Zambia, who made the proposal, intended that the invitation to the United Nations Council for Namibia should be to participate as an observer.

119. Mr. KOLESNIK (Union of Soviet Socialist Republics) (*interpretation from Russian*): Mr. Chairman, I did not understand what you said. If I am not mistaken you proposed that the question of filling in the blank in operative paragraph 7—about the States which will be invited to participate in the Conference—should be postponed until the General Assembly considers the item entitled "Illegal occupation by Portuguese military forces of certain sectors of the Republic of Guinea-Bissau". It seems to me—if I understood you correctly—that such a linking of these two questions, whose relationship to each other is very remote—at least so far as the problem under consideration here is concerned—is barely justified. This problem of the participation of States in the Conference should be considered by us in this Committee, here and

now. It not only relates to the question of Guinea-Bissau but also to a number of other States—reference has already been made to the Democratic Republic of Viet-Nam—and I do not think that we have any grounds for removing this proposal from discussion.

120. The CHAIRMAN: If I understood the representative of the Soviet Union correctly he has misunderstood me. What I did say was that it was the general understanding that the blank should be filled out when we presented the draft resolution to the plenary. To this there have been various objections. I understand that one objection is particularly strongly held, that is, to leave out the question of Guinea-Bissau from the discussion of this Committee. My answer to this was that here we might make an exception. We could let the Committee decide on the question of Guinea-Bissau today, and I urged those who would not like to do this by saying: I am sure that you have instructions to cover that issue since it is included in another item already before the General Assembly. So I think that we do agree that we could deal at least with the question of Guinea-Bissau this afternoon.

121. If the Committee would like to deal today with the other questions, involved in filling the blank, it is not for me to say no. I just had a feeling that there would be some who would feel embarrassed to have to take a stand on it today without instructions since they had a good and reasonable feeling that they would not be faced with this issue until it was brought before the Assembly. It was for those Member States that I suggested that we make an exception for one issue, namely, that of Guinea-Bissau, leaving the rest for the plenary as has been the understanding up until this afternoon. But I am completely in the hands of the Committee.

122. Mr. AMERASINGHE (Sri Lanka): As I stated, Mr. Chairman, I agreed with you that we should take up Guinea-Bissau as an exceptional case, but I also said that it would be without prejudice to the position of the prospects of the other proposals, and I had specifically in mind the proposal regarding the Democratic Republic of Viet-Nam. Unless the representative of the Soviet Union insists on that being taken up also, I think it very well could be taken up at a later date because its prospects do not suffer at all.

123. The CHAIRMAN: That exactly reflects my own understanding.

124. Mr. AZZOUT (Algeria) (*interpretation from French*): As usual, my delegation will be as brief as possible.

125. Speaking on behalf of my delegation and that of Yugoslavia, I wish to say that we support the proposals made, particularly by the representative of Nigeria, regarding the need to invite the delegation of Guinea-Bissau to the Third United Nations Conference on the Law of the Sea.

126. I shall take advantage of this opportunity to propose that the Democratic Republic of Viet-Nam, which is not covered by the provisions of operative paragraph 7, be invited also to participate in that Conference.

127. With regard to South Viet-Nam my delegation considers that the sole, legitimate representative of the

population of that country is the Provisional Revolutionary Government of South Viet-Nam, as was reaffirmed at the Fourth Conference of Heads of State or Government of Non-Aligned Countries, held at Algiers in September, in which the highest-level representatives of two thirds of mankind took part.

128. With regard to the representation of Cambodia at that Conference, I should like to recall, as you did, Sir, that these same non-aligned nations recognized the Royal Government of National Union of Cambodia as the sole representative of the Cambodian people, and that the General Assembly has at this moment a draft resolution before it, of which my delegation is a sponsor, calling for the restoration to Prince Sihanouk's Government of all its rights in the United Nations.

129. I should not like to end my discussion without adding that my delegation, as well as that of Yugoslavia, supports the amendment submitted by the representative of China to add after the words "to invite" the words "in full compliance with General Assembly resolution 2758 (XXVII) of 25 October 1971".

130. The CHAIRMAN: There are before the Committee two proposals: to insert the names of Guinea-Bissau and the Democratic Republic of Viet-Nam. At the same time we have heard statements as to the representation of Governments from various speakers. We can then take a decision as to whether we shall vote on both the two issues—Guinea-Bissau and the Democratic Republic of Viet-Nam—at a later stage.

131. Mr. PATRICIO (Portugal) Mr. Chairman, the absence of compliments by my delegation to you and to the Bureau means only that we are complying with the rule adopted by our Committee on this matter.

132. Various delegations here have already expressed the opinion that, at the end of three years of strenuous effort, the preparatory committee of the Third United Nations Conference on the Law of the Sea has outlived its usefulness in the task of preparing the forthcoming Conference and that the time has now come to seek in the Conference itself a conciliation of interests which would lead to the establishment of a universally accepted law of the sea. My delegation shares those views and agrees with the purposes expressed in the draft resolution before us.

133. My country accepts the schedule proposed for the Conference in the draft resolution and welcomes the offer of the Venezuelan delegation that the 1974 Conference be held in Caracas, as well as the offer made by the Austrian delegation that the Conference then be continued in Vienna in 1975.

134. In various interventions made in this Committee during the twenty-sixth and twenty-seventh sessions of the General Assembly, my delegator has pointed out the necessity for consensus in adopting decisions concerning the law of the sea. In fact, this is the only way which would allow the establishment of a stable and efficient system. We recognize, however, the necessity of fixing a voting system which would permit the forthcoming Conference to overcome obstacles which could result from adherence to the

criterion of consensus. The States taking part in the Conference must all keep in mind, on the one hand, that those who lose a vote are defeated but not convinced, and, on the other hand, that consensus as a rule can only be viable if States are disposed to abandon extreme positions and sacrifice some of their interests, so as to enhance the possibility of achieving those same interests in a spirit of harmony.

135. Participation in the Conference is a crucial matter, and all States will certainly devote their highest attention to it, given the concerns of international law and the political and juridical consequences of the selection to be made.

136. My delegation notes that operative paragraph 7 of the draft resolution asks that the Secretary-General invite the so-called State of Guinea-Bissau, which the Partido Africano da Independencia da Guiné e Cabo Verde (PAIGC) movement has claimed to establish, to take part in the Conference. The Portuguese delegation has denounced, in the plenary meetings of the General Assembly, the inconsistencies of this pretension and therefore we will desist from repeating the arguments we have already made on this matter, except to reiterate that PAIGC does not meet any of the requisites of international law concerning statehood. It does not exercise control over any part of the territory of Portuguese Guinea. PAIGC cannot prove such control, and my delegation's repeated invitations to designated United Nations representatives to visit the territory and verify *in loco* the non-existence of so-called liberated areas confirm that impossibility.

137. PAIGC does not exercise any control either over that territory or over its population, which is the victim of its attacks, directed from the neighbouring Republics of Guinea and Senegal, against border towns in Portuguese Guinea. PAIGC therefore, is not a State, despite the alleged declaration of independence proclaimed in a foreign State by individuals who are not even natives of Portuguese Guinea. Therefore it cannot truly and effectively assume any responsibility, or exercise any rights over that territory and its people.

138. In sum, it has neither an international juridical identity, nor the material possibilities of assuming the rights and obligations arising from any international convention. This is the truth, and the Member States which are preparing to negotiate an international legal instrument of such importance as the future convention on the law of the sea must ponder the danger of allowing such a precedent, which could have disastrous results for the maintenance of international law and order.

139. Since 1968, the General Assembly and its Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction have exerted great efforts to establish a stable basis for the law of the sea. This objective demands the firm basis of international law and objective realities. The admission of fantasies such as this so-called State of Guinea-Bissau, which is nothing more than a paper republic, does not contribute anything towards such a goal. It merely leads to anarchy in international law and chaos in international relations. My delegation firmly opposes the inclusion of this so-called State in operative paragraph 7 of the draft resolution and

considers that proposition a violation of the United Nations Charter, of international law and of the rights of a Member State of this Organization.

140. Therefore we ask that that proposal be put to the vote, and that a roll call be taken.

141. The CHAIRMAN: I call on the representative of Mauritius, who wishes to speak on a point of order.

142. Mr. RAMPHUL (Mauritius): If I speak on a point of order it is precisely to co-operate with the Chair, and not to prolong this debate unduly. To that end I appeal to all my African brothers and to all friends of Africa to ignore the statement made by the representative of Portugal, insofar as it concerns Guinea-Bissau, and not to exercise their right of reply; otherwise we shall be having about 60 statements in right of reply in this Committee.

143. Mr. JACOVIDES (Cyprus): Mr. Chairman, speaking in this Committee for the first time, may I take this opportunity to convey my delegation's congratulations to you and to the other members of the Bureau on your unanimous election, and to express our appreciation for the exemplary manner in which you have been conducting our work.

144. At this late stage in the debate I will not take the Committee's time by repeating what has been fully covered already, and I shall of course refrain from touching on the broader aspects of the law of the sea, as we will presumably have many opportunities of doing so in future at the appropriate time and place. I shall confine my remarks to setting out briefly the position of my delegation on the main features of the draft resolution. This task has been made much easier by the fact that we have participated with great interest in the informal consultations at the regional and contact group levels which preceded the drafting of the text, and have made our modest contribution to formulating its provisions in their present form.

145. We fully support the holding of the Third United Nations Conference on the Law of the Sea as scheduled—namely, the holding of the first session of the Conference, devoted to organizational matters, in New York from 26 November to 7 December 1973, and the holding of the second session in Caracas for a period of 10 weeks in 1974, with the possibility of holding a subsequent session or sessions, bearing in mind the offer of the Austrian Government for 1975.

146. We also agree that the mandate of the Conference should be to adopt a convention dealing with all matters relating to the law of the sea, on the basis of the progress achieved so far in the preparatory committee and such further progress as may and, we hope, will be achieved in the course of the Conference itself.

147. Despite the obvious complexities and difficulties which lie ahead, it is our earnest hope—and for our part we shall use our best endeavours to see the Conference succeed. The alternative would be intensified anarchy in this field, with all the unfortunate consequences which that would have for the whole international community.

148. My delegation also supports such invitational arrangements as would make possible the achievement of universality of participation. We consequently support operative paragraph 7 in its present form and hope that agreement will be reached regarding the filling of the blank space therein. I would also add that we are pleased to support the suggestion made today by the representative of China.

149. Regarding operative paragraph 9, we fully support its contents and have every confidence that the Secretariat will, as in the past, meet the challenge with full honours, taking into account all the requirements of the Charter for efficiency, competence and integrity, as well as for equitable geographical distribution, as indeed has been elaborated in General Assembly resolutions.

150. As for the rules of procedure and the decision-making process of the Conference, we fully appreciate the preoccupations expressed by a number of delegations. No doubt, hasty decisions should be avoided, and every effort should be made to reach substantive decisions by consensus, as this would be in the long-term enlightened interest of all.

151. At the same time, however, we cannot support the view that even after all the alternatives have been tried and have not succeeded the standard elaboration of decisions by an appropriate majority should never be employed. A balance, we trust, can be struck aimed at avoiding the tyranny of the majority, but equally the arbitrary veto of the minority. We are encouraged that the gentlemen's agreement reached today will serve this purpose well, taking into due consideration the interests of all concerned, but, in case of irreconcilable positions, employing the democratic method of majority decision.

152. Before concluding, I would wish to express my delegation's deep appreciation to Mr. Amerasinghe for the excellent manner in which he conducted the work of the Preparatory Committee, and to the Secretariat for its most valuable services. I would also express our sincere appreciation to the delegations of Venezuela and Austria for their generous offers to play host to the Conference.

153. Mr. MOTT (Australia): My delegation has already spoken generally about the Conference on the Law of the Sea earlier in this debate [*1927th meeting*]. At this moment we should just like to offer some brief remarks, first on the amendment in document A/C.1/L.648, just introduced by the representative of Nigeria on behalf of six sponsors.

154. First, I think the amendment is quite clearly and directly relevant to the fact that it will be necessary to expand the staff of the Secretariat responsible for servicing the Conference in order that an adequate job can be done. In doing that, it would be reasonable and just to expect that the Secretary-General would have fully in mind the need to give effect to the important principle of equitable geographical representation, which is of course a Charter principle already reflected in operative paragraph 9 of the draft resolution.

155. At the same time I think it is also reasonable to make the point that the existing staff of the preparatory

committee have given us loyal and efficient service for six years now, and my delegation believes it is in the interests of the Conference—and we do not believe this matter is in question here—that their services should be fully available to the Conference. We feel that the desirability of that fact is also reflected in operative paragraph 9 of the draft resolution.

156. It has just been brought to my attention that the representative of Canada has proposed a very minor subamendment to that amendment which would involve a reference to resolution 3009 (XXVII) adopted at the twenty-seventh session of the General Assembly, referring particularly to the rights of women. My delegation is never secondary in supporting the rights of women, and we wish to support them again on this occasion.

157. Against that background, the amendment to the draft resolution of which my delegation is a sponsor would be acceptable to my delegation.

158. While I have the floor, I should like to express my delegation's gratitude to the representative of Venezuela for his Government's kind action in offering Caracas as the site of the Conference. When accepted, as we believe it will be when the draft resolution is approved, that invitation will reflect the important and active role Venezuela has played in regard to the law of the sea, which we are confident it will continue to play. We welcome also the additional information he has just provided in regard to the facilities which will be available to States attending the Conference.

159. At the same time my delegation is also grateful to the Government of Austria for the invitation it has submitted on behalf of Vienna for 1975, which is now appropriately recorded in operative paragraph 4 of the draft resolution.

160. Mr. SETHI (India) (*interpretation from French*): In his last statement the representative of Canada referred to a resolution adopted by the General Assembly on the rights of women. My delegation goes along with the majority, if there is a majority on this matter. It is out of concern for justice that my delegation will support the proposal made by the representative of Canada—without, however, wishing to review all the resolutions of the General Assembly in the social and humanitarian field.

161. Mr. GRUNERT (German Democratic Republic): I have asked to speak to propose that an invitation to the Third United Nations Conference on the Law of the Sea be extended to the Government of the Republic of South Viet-Nam. Since the representative of Algeria made the same suggestion, there is no need for me to prolong the debate.

162. Mr. VINDENES (Norway): I apologize for asking to speak for a second time this afternoon. I have done so only to make a brief observation relating to the amendment contained in document A/C.1/L.648 and to comment along the same lines as the representative of Australia.

163. My delegation has always greatly appreciated the high standards of efficiency and dedicated service that have characterized the work of the Secretariat during all the preparations for the Third United Nations Conference on

the Law of the Sea. At the same time we of course recognize that a task of the magnitude of the servicing of the Conference will require the engagement of additional staff. As we understand it, the new preambular paragraph suggested in document A/C.1/L.648 would be aimed exclusively at the question of such additional staff requirements. It is on that understanding that my delegation can support the amendment.

164. At the same time I associate myself with the subamendment proposed by the representative of Canada.

165. Mr. LING (China) (*translation from Chinese*): The Chinese delegation is appreciative of the support from a number of delegations. We should like to state that our delegation supports the proposal of Albania and Algeria to the effect that the representatives of the Democratic Republic of Viet-Nam, as also the Provisional Revolutionary Government of the Republic of South Viet-Nam, should be invited to participate in the forthcoming Third United Nations Conference on the Law of the Sea. At the same time, we are happy that the capital of Venezuela, Caracas, has been decided upon as the site for the 1974 session of the conference.

166. The Chairman: I call on the representative of Mauritius on a point of order.

167. Mr. RAMPHUL (Mauritius): Mr. Chairman, I am extremely sorry for raising a point of order once again, but it is on a matter of procedure and I am sure you will accommodate me.

168. I am wondering whether you are in a position to inform the Committee of the number of speakers inscribed on the list on the substance of the matter we are discussing and, secondly, of the number of speakers inscribed for explanations of vote before the vote. In the light of your list, Mr. Chairman, can you give us any indication of whether you propose to take a vote this evening?

169. The CHAIRMAN: As of 6.30 p.m., there are seven speakers inscribed on the list to speak, and there are eight who are inscribed to speak before a decision is taken on the draft resolution. That makes 15 speakers, two less than when we started. Therefore I do not know how long it will go on. I will not in any way impose my own feelings upon the Committee, but I do feel that it is perhaps worth-while to see whether we can get through by around 8 o'clock. However, if the Committee is getting tired, then I am quite willing to adjourn. We do have Friday afternoon reserved for this item, and we could therefore break off now, if it is the wish of the Committee.

170. Mr. KEDADI (Tunisia) (*interpretation from French*): Might I ask you, Mr. Chairman, whether you could tell us how many speakers we will have tomorrow morning on disarmament. If there are not too many, perhaps we could finish the sea-bed item tomorrow morning and arrive at a conclusion then.

171. The CHAIRMAN: There are five speakers for tomorrow morning's discussion on disarmament. However, as the speeches on disarmament are generally quite prolonged, I would assume that we would have to wait until tomorrow afternoon.

172. Mr. KEDADI (Tunisia) (*interpretation from French*): Since there is no meeting planned for tomorrow afternoon, we could finish this item then. If the Committee insists, however, on finishing tonight, I am willing to go along with it.

173. The CHAIRMAN: I must say that up to now I have followed the wishes expressed when we started, but I am quite willing to reconsider the matter.

174. Mr. KOLESNIK (Union of Soviet Socialist Republics) (*interpretation from Russian*): I think the idea just put forward by the representative of Tunisia does indeed deserve our attention. We have a very long list of speakers. It is already 6.30 p.m. and, as you told us, Mr. Chairman, we have time tomorrow afternoon. It does seem to me, therefore, that it really would be a good idea to adjourn the meeting now and continue our work tomorrow. This suggestion also has the merit that those delegations who have here referred to their absence of instructions on the subject of invitations to countries attending the Conference, will be able to obtain instructions before tomorrow afternoon's meeting. I therefore support my colleague from Tunisia.

175. Mr. BEESLEY (Canada): In the view of my delegation, it would be most unfortunate if we lost the momentum that we now have built up. We are finally near the end of the road on this, and my delegation would be quite willing to stay here until 8 o'clock or 8.30 p.m. if necessary—in order to see this thing through. If, near that time, we find that we have been able to finish our speeches but still do not quite have the time for a vote, then we could adjourn to have the vote as the first thing at 3 o'clock on Friday afternoon. But if we simply defer this now, we shall hear speeches until noon on Saturday. I really suggest that your original advice, Mr. Chairman, was very sound, and that we try to adhere to it to the greatest extent possible; but if we must defer the vote because of lack of time, let us at least hear the statements of delegations, the more so because they may influence the vote tomorrow afternoon. But if we wait for the statements until tomorrow afternoon, we shall wait till next week again, and many, many delegations here feel very strongly that we want to get through this particular item as soon as possible.

176. Mr. HARMON (Liberia): I wish to support the suggestion made by my colleague from Canada. I think we have achieved a momentum now and I think it would be in our best interest to close this issue. I respectfully ask you, Mr. Chairman, to permit us to continue this discussion.

177. Mr. RAMPHUL (Mauritius): I am in full agreement with the statements just made by the representatives of Canada and Liberia. I would suggest that we proceed with our work in view of the fact that we have 15 speakers. Even if we are in a position to adjourn now and start again tomorrow afternoon, we shall not be able to listen to all 15 speakers, so perhaps it would be best to proceed with our work for as long as we can, on the understanding that there *will be no vote taken today*. This is most unlikely, because there are too many speakers. We could then resume our consideration of this question tomorrow afternoon. I shall try—and I hope, Mr. Chairman, that you will use your

influence as well—to approach the President of the General Assembly, so that tomorrow afternoon, when the vote is being taken in the First Committee, the work of the plenary Assembly will be suspended for, say, about half an hour, allowing all the African representatives to be here and to vote in the First Committee, after which the plenary will resume.

178. The CHAIRMAN: I think the Secretary of the Committee could ascertain the working schedule of the plenary for tomorrow. I think it would perhaps be difficult to intervene in their schedule. If there is a possibility, however, I am quite sure that the President will grant your request.

179. May I suggest, in order that we may come to some kind of compromise that we go on with those who have statements to make, and see how long that will take. That will then have cleared the basis of what is the text that we are going to take a position on. Then we come to the explanation of votes or of attitudes of Governments, and no new items will be introduced. We could perhaps break off when we come to that stage.

180. Mr. NJENGA (Kenya): My delegation will be very brief because we have already taken the floor before on the various issues under consideration. My delegation has no difficulty in accepting the amendments presented by a number of delegations in document A/C.1/L.648. In this connexion, I think the subamendment that was introduced, by the representative of Canada, to respect the rights of women, is a distinct improvement which I am sure the sponsors of that draft will find easy to accept. My delegation too has no difficulty whatsoever in accepting the amendment made by the representative of China to paragraph 7.

181. Consequently, we would have no difficulty at all in accepting that amendment as sponsor of the draft resolution.

182. Finally—and this is the part for which I wanted to ask for the floor—I want to associate myself with what was said by the representative of Mauritius in connexion with the statement we just heard from the representative of Portugal. We have known for a long time that the pretensions made by the representatives of the fascist régime in Portugal about empire grandeur in Africa are nothing but dreams, and everybody who dreams, including the Portuguese, wake up one morning and find that they were living in a dream world.

183. This has become the case with respect to Guinea-Bissau, a State which, I must point out, is already recognized by well over 64 other States. Consequently, we want to dissociate ourselves entirely from their pretensions as to the existence or not of the State of the Republic of Guinea-Bissau. I hope that all the friends of Africa and all the friends of peace will fully support this proposal which was introduced by Nigeria on behalf of Africa, to have the Republic of Guinea-Bissau invited under paragraph 7 of the revised draft resolution.

184. Mr. ABDEL HAMID (Egypt): I should like to express the gratitude of my delegation for the kind invitation

extended by the Government of Venezuela to hold the Conference on the Law of the Sea in Caracas next year. We are looking forward to this opportunity and we hope that the atmosphere prevailing in Caracas will provide us with the necessary conditions for a successful Conference.

185. Also, we welcome the invitation of the Government of Austria and we think that in due time we will need to use this invitation.

186. My delegation would also like to support the amendment made by the delegation of China. My Government's views on the subject are very clear. We consider that the People's Republic of China is the only Government that can represent that great nation.

187. Now, I should like to offer a few remarks regarding the question of the invitations. Certainly we take a firm position with our brothers from Africa that Guinea-Bissau should be invited. We also associate ourselves with the proposal that the Democratic Republic of Viet-Nam should be invited.

188. As far as the question of the representation of Cambodia and South Viet-Nam is concerned, we are also of the position that the only Government which can represent South Viet-Nam is the Provisional Revolutionary Government of South Viet-Nam. As far as Cambodia is concerned, we consider the Government of Prince Norodom Sihanouk as the only legal Government. We would like to put these views on record as far as the representation of these two Governments are concerned and we are confident that the Secretary-General will take them into consideration in the matter of time, when he proceeds with the dispatch of invitations.

189. I should like to say a few words now about the proposal made by the delegation of Tunisia. But before expressing the position of Egypt on that amendment, we would like to express our gratitude to Mr. Stravropoulos and his colleagues who helped us to a great extent in the preparatory work.

190. Certainly, we consider that the proposal made by Tunisia is an enhancement of that work, which has already been entrusted to Mr. Stravropoulos and his colleagues. Also, we are glad to support the subamendment made by the delegation of Canada to the amendment of Tunisia. As a country that has always supported the liberation movements all over the globe, we are glad to support another liberation movement.

191. Now, in spite of the fact that we are not very happy about the gentlemen's agreement, we certainly will not object to it in order to facilitate the convening of the Conference and the happy ending of that stage of our work.

192. Mr. Chairman, I am confident that when we proceed to the vote, you will take the paragraphs as they appear in the draft resolution. Therefore, I believe that we can start with paragraph 7 and, afterwards settle the problems related to paragraph 8, and then we can come to paragraph 10. I believe that this would be the normal order in which we could proceed to the voting on the pending question.

193. Mr. SAO (Cameroon): Having been a member of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction since its inception and having had the opportunity to make its views known on substantive issues, my delegation has deliberately refrained from taking the floor during the debate. We have nevertheless followed with keen interest the discussions which have taken place in the Committee, as well as in other forums, with a view to seeking the widest possible ground for agreement on the draft resolution under consideration.

194. We welcome the spirit of conciliation and compromise which has permitted the Committee to arrive at some concrete and positive results. May we express the hope that this spirit will prevail and that some of the outstanding points still remaining will find an equally satisfactory solution today. We have in mind here the question of extending an invitation to the Council for Namibia to participate in the forthcoming Third United Nations Conference on the Law of the Sea, embodied in the amendment submitted a few moments ago by the representative of Zambia.

195. My delegation fully supports that amendment as we believe that it is not only in keeping with the principle of universality that we are trying to achieve, but also, and more importantly, because we are of the opinion that the United Nations ought to take adequate measures with a view to implementing its decision empowering the Council for Namibia to act as the sole legal authority for Namibia pending the attainment by the Territory of full independence. It is furthermore evident from the Advisory Opinion of the International Court of Justice of 21 June 1971,¹ and the termination of the South African Mandate over Namibia by resolution 2145 (XXI) of 27 October 1966, that South Africa can no longer be considered as a *de facto* Government but rather as an illegal occupant of Namibia.

196. My delegation wishes furthermore to draw the attention of the Committee to the recommendation taken at the joint United Nations-Organization of African Unity Conference on *Apartheid*, held early this year in Oslo, which called on the United Nations Council for Namibia to undertake a study on the territorial sea of Namibia and to represent it at the Third United Nations Conference on the Law of the Sea in order effectively to protect the interests of Namibia and prevent South Africa from acting on its behalf.

197. For all those reasons, we believe that the amendment submitted by Zambia will meet no objection from members of this Committee.

198. Turning now to the other parts of the draft resolution, I should like to state briefly that my delegation fully supports the amendment contained in document A/C.1/L.648, and we have no objection to the Canadian proposal regarding the representation of women—or, shall I say, ladies—in the Secretariat.

¹ *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council resolution 276 (1970), Advisory Opinion, I.C.J. Reports 1971, p. 16.*

199. Regarding operative paragraph 4, I wish at this stage to extend our appreciation to the Venezuelan delegation for the offer of its Government to play host to the second session of the Conference in Caracas. We are equally grateful for the offer of the Austrian Government.

200. In supporting the amendment submitted by the People's Republic of China, my delegation wishes to seize this opportunity to present—with your permission, Mr. Chairman—to the Chinese delegation our congratulations and those of the Canadian delegation on the occasion of the second anniversary of the adoption of the historic resolution restoring the lawful rights of the People's Republic of China in the United Nations.

201. Regarding the list of States to be invited, we do not feel it necessary to indulge in a useless debate with Portugal over the participation of the sister State of Guinea-Bissau. We have no doubt that the Nigerian proposal will meet with the enthusiastic and overwhelming approval of the Committee.

202. May I finally add that what appeared to us as a disguised attempt by some members to set up a Security Council type of machinery at the Conference seems to be giving way to something close to a genuine gentlemen's agreement; but we have yet to be fully satisfied with the proposal which has been circulated. However, we shall not oppose it.

203. Mr. MOLAPO (Lesotho): Lesotho is not a member of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction and so has not had an opportunity to state its stand on this very important and crucial issue of the law of the sea in a forum such as this one.

204. That, however, does not mean that we have not followed the outstanding and laborious work of the sea-bed Committee under the very able leadership of Mr. Amarasinghe of Sri Lanka, and for that we commend him and the Committee as a whole for the important work they have done.

205. I shall try to be quite brief and address myself only to the draft resolution now before us. At the same time, however, I reserve the right to state our position on the substance of the matter at the appropriate time.

206. My delegation has no difficulty with the draft resolution in general, but we have the following short observations to make. As regards the preamble of the draft resolution, we go along with it, including the amendment contained in document A/C.1/L.648. We feel the amendment commends itself. Indeed, this Conference is the first in the history of mankind where an important aspect of international life will be moulded by all the nations, rich and poor, coastal and landlocked. It follows, therefore, that the secretariat must reflect this reality.

207. As regards operative paragraph 4, we feel that the term of the Conference is adequate and appropriate. As regards the dates of the Conference, we would have preferred June, July or August. This, of course, would have given African heads of State the opportunity to consider

the matter further at their summit conference in May and indeed be able to give a policy directive on the matter. However, we are prepared to go along with the dates as suggested in the draft resolution.

208. As regards operative paragraph 5, we go along with those who would prefer its deletion. The paragraph, we think, is so vague and embarrassing as to negate the very purpose of the draft resolution. In the light of the gentlemen's agreement we feel that it must be deleted. One thing must be emphasized and that is that it is our sincere conviction that the Conference must be the master of its own procedure. As regards the gentlemen's agreement we are convinced that the Chairman of the African group will handle the matter very ably.

209. As regards operative paragraph 7, we strongly support the maximum universality of this Conference. We feel that the independent Republic of Guinea-Bissau and all other States not mentioned in the paragraph should be invited.

210. We want to emphasize, as a landlocked State—and this is one of our main concerns as far as the law of the sea is concerned—that inasmuch as there is no specific paragraph in the present draft resolution about landlocked States, we feel that this Committee must take into consideration the right of the landlocked States to free transit to and from the sea.

211. I might conclude by mentioning that, subject to the comments I have just made, we shall be in a position to support the draft resolution now before the Committee.

212. Mr. MAHMOOD (Pakistan): I wish to comment briefly on the amendment proposed by the Chinese delegation to operative paragraph 7 of the draft resolution before us and other proposals regarding the same paragraph.

213. My Government considers the Government of the People's Republic of China to be the sole representative of China. This fact was affirmed by the General Assembly two years ago when, through its resolution 2758 (XXVI), it restored the lawful rights of the People's Republic of China in the United Nations. Although that resolution was binding on all bodies in the United Nations system, it is a known fact that a few of them have as yet to carry it out. In order to obviate any possible infraction of a resolution of the General Assembly in the matter of invitations to the forthcoming Third United Nations Conference on the Law of the Sea, it is necessary that a reference to that resolution be made in the draft resolution. My delegation therefore fully supports the insertion of the Chinese amendment in operative paragraph 7 of the draft resolution.

214. As regards other proposals, we would support the extending of invitations to the Republic of Guinea-Bissau and the Democratic Republic of Viet-Nam to participate in the Conference. Further, we consider that the Government led by Prince Sihanouk is the sole representative of the Cambodian people.

215. Finally, I come to the proposal made by the representative of Zambia that the United Nations Council for Namibia be invited to the Conference. As we all know,

the General Assembly, through resolution 2145 (XXI), has terminated South Africa's Mandate over Namibia and appointed the United Nations Council for Namibia to administer the Territory until independence. Only the United Nations Council for Namibia is legally entitled to represent Namibia at international forums. This fact has been affirmed by the General Assembly in its various resolutions on the question of Namibia. We shall therefore support the proposal to invite that Council to the Conference.

216. Mr. TRAORE (Mali) (*interpretation from French*): Since I am speaking for the first time in this Committee, may I be permitted, Mr. Chairman, if not to congratulate you as I would have wanted, at least to assure you of the full co-operation of my delegation.

217. I have asked to be allowed to speak to make a brief comment on the amendments which have been submitted. First of all, may I say at the outset that my delegation will vote in favour of the amendment submitted by a number of delegations in document A/C.1/L.648.

218. As regards operative paragraph 7 of the draft resolution, I for one believe that the Committee might consider the various proposals that have been made in the light of a certain logic and also in the light of certain realities. Logic requires that, since the General Assembly has indeed given its views with regard to the case of the People's Republic of China, there is no question about its representation in international conferences. In other words, that representation not only should not be misinterpreted but must faithfully reflect the commitments undertaken by the international Organization. My delegation therefore strongly supports the amendment that has been put forward by the representative of the People's Republic of China and which, as I have just said, is simple logic.

219. The same goes with regard to Namibia. Some of the speakers who have spoken before me referred to the opinion of the Court as well as to the resolutions adopted by the General Assembly. Therefore, I believe that in fact this is not an amendment; in the opinion of my delegation it is simply a matter of recalling decisions adopted by the General Assembly and by the International Court of Justice. Hence, I believe that the amendment put forward with regard to the representation of Namibia is, as I said, merely a matter of recalling facts as they are, and at one point we may have forgotten our commitments.

220. I will not repeat the arguments that have been put forward by my African colleagues as far as Guinea-Bissau is concerned. I should simply like to say that the United Nations has accepted the fact that the representatives of liberation movements may attend meetings and participate in some of its work. Thanks to the courage and valour of the people of Guinea-Bissau, the United Nations can only welcome the birth of a new State, and the appropriate gesture for us to make in this case is to invite it to our international conferences.

221. I referred to realities a moment ago, and representatives may have understood that those realities relate not only to Guinea-Bissau but also to the Democratic Republic of Viet-Nam and the Government of Prince

Sihanouk. Therefore we strongly support the proposals to the effect that we should invite the representatives of those two Governments, which in fact, represent their peoples, to participate in the work of the Conference on the Law of the Sea.

222. Mr. M'BENGUE (Senegal) (*interpretation from French*): I shall be extremely brief as my delegation has taken part in a rather active fashion in all the meetings and all the negotiations that have resulted in the elaboration of this text that we are now examining.

223. Of course, although this is the first time my delegation has spoken, we shall, heeding your appeal, Mr. Chairman, abstain from offering our congratulations, although that in no way diminishes the feelings of admiration we have for you.

224. My delegation will speak only on operative paragraph 7 of this draft resolution. We request, indeed insist, that Guinea-Bissau be among the States that are to be invited. Contrary to the allegations of the representative of Portugal, a fascist Portugal which is at bay, Guinea-Bissau is an entirely independent State which is fully capable of meeting all of the criteria defining a State. The birth of that State is the result of the long struggle of the valiant people of Guinea-Bissau, and this within the Territory of Guinea-Bissau itself. This constitutes in fact an answer, be it said in passing, to the representative of Portugal, whose statement is replete with counter-truths.

225. My delegation likewise proposes that we invite the Government of Prince Sihanouk, the only lawful representative of the people of Cambodia. We hope that Guinea-Bissau and the Royal Government of Prince Sihanouk will be broadly supported in our Committee.

226. We subscribe also to the idea that the Government of North Viet-Nam, as well as the Provisional Revolutionary Government of South Viet-Nam, should be invited to take part in this Conference.

227. Furthermore, we support the proposal made by Zambia to include among the countries to be invited Namibia, whose interests in no way should be represented by the Pretoria authorities.

228. Mr. ZEGERS (Chile) (*interpretation from Spanish*): My delegation has already made comments on the draft resolution which we are sponsoring. Therefore, I should merely like to refer very briefly to some points.

229. First of all, with regard to the question of the dates in the draft resolution. My delegation fully shares the views expressed earlier during the discussion by the delegation of the United Republic of Tanzania. The dates set in the draft resolution must be maintained because they were prepared ahead of time, because they are logical and because the Organization has the obligation to render appropriate services to the Third United Nations Conference on the Law of the Sea.

230. The first date, that of the procedural conference, was set by resolution 3029 (XXVII), last year. There is no reason whatsoever why a year later we should not have the necessary services to inaugurate that Conference.

231. The second date, for the substantive stage, was discussed last August in the Preparatory Committee in Geneva, and there is a reference to that date in the records of its last few meetings when there were discussions regarding the preparation of the Conference. Of course, there is a resolution setting April and May as the dates for the Conference, and in the last two weeks in all of our discussions we have been working on the basis of the assumption that the Conference will be held in the months of May, June and July.

232. This is not an *ad hoc* committee or a working group. It is a conference of plenipotentiaries, the third such conference held by the Organization in its history. In general it is believed that this negotiation is one of the most important, if not the most important, negotiation for this Organization. Therefore my delegation would support these dates here and in the plenary, and we would request the Secretary-General to make the necessary services available. I must add that there are few United Nations conferences that I know of that have operated with more economy than ours.

233. Secondly, I should like to refer to the problem of the Secretariat. My delegation agrees with the amendment contained in document A/C.1/L.648 on equitable geographical distribution in the Secretariat, and this is in keeping with ideas which we have expressed at the 1933rd meeting, on the understanding that the competent secretariat team that has worked so effectively and with such meagre means with us for five or six years now will be kept. My delegation is also in agreement with the Canadian subamendment with regard to the women in the Secretariat.

234. Thirdly, I should like to say that we are in favour of the gentlemen's agreement read out this morning by the Chairman of the sea-bed Committee, Mr. Amerasinghe. I would like to refer to his work as well as the work of negotiation carried out by the delegation of Canada in order to achieve this agreement. In this connexion we have already explained our position. We are in favour of consensus as an objective. We believe that we must favour consensus when it is a matter of the creation of law or the progressive development of law. But this consensus should not inhibit the possibility of voting if there is no negotiating will or consensus. The possibility of the vote will induce the various delegations to negotiate and reach substantial agreements.

235. Finally, I should like to repeat the appreciation of my delegation to the delegation of Venezuela. The support that has been received by Venezuela for its invitation in this Committee enables us to believe that it will be supported by the Committee and subsequently by the General Assembly.

236. Mr. VELLA (Malta): Since my delegation is a sponsor of the draft resolution, I would like to make a brief comment on the amendments before us. We have no difficulties in accepting the amendment in document A/C.1/L.648, so much so that we agreed in the first place to operative paragraph 9 of the draft resolution which deals with the same point. I would however support those who said that we should make more use of the expertise that the secretariat has accumulated over the years.

237. We have often spoken about the education period that newcomers to the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction require. This requirement holds true not only for representatives but also for Secretariat members. And that is why it would be rather a pity if we were to lose any of the fully informed personnel we already have. We also support the subamendment submitted by Canada.

238. We fully support the amendment to paragraph 7 presented by the representative of China, in that resolution 2758 (XXVI) should be fully complied with.

239. In connexion with the venue of the Conference, I stated in my former intervention in this Committee that my delegation, for reasons of convenience and expense, would prefer to see that international meetings be held either in New York or Geneva. However, just as we were prepared last year to lay aside these reasons, so now we are prepared to do the same, and we are grateful to the Government of Venezuela for its invitation.

240. In conclusion, my delegation is prepared, as it already holds the necessary instructions, to proceed to the filling of the blanks in operative paragraph 7 of the draft resolution. I have no doubt that my instructions will accord with the wishes of the majority of the members of this Committee.

241. The CHAIRMAN: I had hoped by tonight to bring the Committee into rule 130. That means to be certain that we have finalized everything but explanations of vote. However, the Secretariat has statements to make on the administrative arrangements, the financial implications, and the question of accommodation. These are ready to be read out tonight. But the Secretariat would like to have an opportunity, and I believe especially in dealing with the question of accommodation, to look at them once again before our meeting tomorrow afternoon. I think that we should accede to the request of the Secretariat in this respect. It would be my hope, nevertheless, if you would bear with me for five minutes, that I might, with the exception of such remarks to which the Secretary-General's papers and statements may give rise, be assured that, after my statement, we will have concluded the general debate, and that apart from such reflections on the Secretary-General's statements that will be made, we would finish this meeting in full cognizance of what we are going to take a position on tomorrow, and that we would not seek to reopen the debate on the draft resolution. Certainly those who want to explain their vote before the vote or after the vote will be given full opportunity. Can I take it that is the sense of the Committee? If so, then I think perhaps we can say that we earned something by staying on so long. If you will then bear with me for one or two minutes.

242. You have before you draft resolution A/C.1/L.647/Rev.1. There are no amendments to the first preambular paragraph. There are no amendments to the second preambular paragraph. There are no amendments to the third preambular paragraph.

243. The fourth preambular paragraph has been amended by the sponsors of the resolution as follows: At the

beginning of the paragraph, after the word “accomplished”, the words “as far as possible” have been inserted. So that that line reads as follows: “*Considering* that the Committee has accomplished as far as possible, within the limits of its mandate,”. The end of that paragraph, after the word “drafting”, would now read “and adoption of articles for a comprehensive convention on the law of the sea,”.

244. The fifth paragraph of the preamble will be found in document A/C.1/L.648. To that amendment there is a subamendment. In the second line, following the words “2736 (XXV)”, the words “3009 (XXVII)” are to be added. That subamendment has been approved by the sponsors of the draft resolution.

245. In operative paragraph 2, the words “26 November to 7 December 1973” have been deleted. Instead, the following is to be inserted: “5 December to 18 December 1973”.

246. Mr. ROZENTAL (Mexico) (*interpretation from Spanish*): I should like to have some clarification from you, Sir. Can you tell me where this amendment comes from? Can you tell me whether the sponsors of the draft resolution were consulted on the subject? My delegation is a sponsor of the resolution and we, for one, were not consulted. We should like to know who formulated this amendment.

247. The CHAIRMAN: The amendment was formulated by the Chairman of the sea-bed Committee, Mr. Amerasinghe, and I was given to understand that it was generally agreed upon.

248. Mr. AMERASINGHE (Sri Lanka): I am sorry if I gave the impression that the amendment had been agreed upon by the sponsors. I did not consult them. I was only conveying information given to me by the Secretariat.

249. The CHAIRMAN: I am sorry that I misunderstood. May I say that from the discussions I have had with the Secretariat, I gather that these are really the only dates possible for the President and the Secretary-General.

250. Mr. BEESLEY (Canada): There is no disrespect intended to you, Sir, or to the Chairman of the sea-bed Committee, or to the representative of the Secretary-General, but the sponsors would like the dates to remain as they are in the draft resolution when it comes out of this Committee, as an expression of the views of the Committee as to what we should have and what we should be entitled to. If, between the adoption of this draft resolution in the First Committee and its consideration in the plenary Assembly, we find these dates to be impossible then, obviously, everyone will attempt to work out another approach in a spirit of accommodation. But the sponsors are not prepared to change these dates and indeed, as I understand it, *no representative of any Government* has so proposed.

251. The CHAIRMAN: May I say I was quite aware that that was the idea of the sponsors with regard to the dates in operative paragraph 4, but I thought it did not apply to operative paragraph 2. In any case, I withdraw my suggestion. That means that there are no amendments to

operative paragraph 2 as the draft resolution is put to the Committee by the sponsors.

252. Moving on to operative paragraph 4, I wish to advise the Committee that the statement to be made by the Secretariat will again raise the issue with regard to the dates. I take it, however, that, as stated by the representative of Canada, it is the wish of the sponsors—for the sake of decision-making in this Committee—to maintain the dates 13 May to 19 July 1974. That is so understood.

253. Mr. BONNICK (Jamaica): Could I request that the statement which the Secretariat will make be handed to representatives at the same time as it is made so that we can have a text before us. My experience is that verbal information changes from day to day and moment to moment. Could we have the text in writing?

254. The CHAIRMAN: I shall request the Secretary of the Committee to have a paper distributed tomorrow afternoon so that it will be available as the statement is made.

255. We come now to operative paragraph 7. In the third line, the suggestion has been made to insert after the words “to invite” the phrase, “in full compliance with General Assembly resolution 2758 (XXVI) of 25 October 1971”.

256. I am authorized to inform the Committee that the sponsors agree to that suggestion.

257. Now we come to the blank. As I understand it, in connexion with the phrase “as well as the following States to participate in the Conference”, two specific proposals have been put forward: the first, to include the words “Republic of Guinea-Bissau”, and the second, to include the words “and the Democratic Republic of Viet-Nam”.

258. Mr. KOLESNIK (Union of Soviet Socialist Republics) (*interpretation from Russian*): If my hearing and my memory do not fail me, a further proposal was made by Algeria in this connexion, and repeated by the representative of the German Democratic Republic. That proposal was to include the Republic of South Viet-Nam. It was supported by a number of other delegations, and that is why it would seem to me that there is no basis for overlooking it.

259. The CHAIRMAN: May I say to the representative of the Soviet Union that I will deal with this question. If he wants me to deal with it now I am quite willing to do so.

260. As he said, there have been various suggestions as to the representation of South Viet-Nam and the Khmer Republic. He quoted the German Democratic Republic representative, who I took down as having said that “the Government of South Viet-Nam should be invited”. There have been variants of that suggestion by various speakers. I have taken these to be strongly felt statements as to which Government ought to represent the State of the Khmer Republic and the State of South Viet-Nam. It would appear to me—and I refer here also to the way in which the representative of Egypt formulated his request with regard to representation by South Viet-Nam—that the questions here appear to be of a different order than the questions dealing with the Republic of Guinea-Bissau and the

Democratic Republic of Viet-Nam. That is why I did not place them at the same level.

261. If I remember correctly, the representative of Egypt said that he wanted his statement to be duly noted in the verbatim records and that he hoped that the Secretary-General would pay due regard to it when the invitations were issued.

262. I think that we are dealing here with questions of a different order than the question which was foreseen to be dealt with in operative paragraph 7.

263. Mr. KOLESNIK (Union of Soviet Socialist Republics) (*interpretation from Russian*): My understanding of these proposals is somewhat different. Of course, we might now turn for explanations, in the first instance, to the sponsors of these proposals. As far as my interpretation is concerned it is as follows. This involves the invitation of the Republic of South Viet-Nam not within the context of representation but as part of an invitation to a sovereign State that has the right to be represented as this universal Conference.

264. The CHAIRMAN: I had thought that the question of South Viet-Nam was dealt with in the first part of operative paragraph 7.

265. Mr. KLEINPETER (German Democratic Republic): While I think that the understanding of the representative of the Soviet Union is the right one, I believe that the representative of the German Democratic Republic said that we should also invite the Republic of South Viet-Nam.

266. Mr. ZULETA (Colombia) (*interpretation from Spanish*): My understanding—I believe that it will also be the understanding of my colleagues who sponsored this draft resolution—is that as the Republic of South Viet-Nam is a member of United Nations specialized agencies there is no need to mention it by name unless the Secretary informs us that the Republic of South Viet-Nam is no longer a member of a specialized agency.

267. The CHAIRMAN: The Secretary has confirmed to me that the Republic of South Viet-Nam is a member of the specialized agencies.

268. Mr. JEANNEL (France) (*interpretation from French*): Mr. Chairman, that is what I wanted to say; I have nothing further to add. You are right. The problem does not arise at present.

269. Mr. BEESLEY (Canada): Mr. Chairman, I just have an inquiry for the sake of clarification. As I understand it, we were commencing the voting procedure, but you are now explaining the text that is presently before us.

270. I did not understand the representative of the Soviet Union as making an amendment, but merely as requesting clarification. This is my understanding and I should like to put it on record with the hope that we can get on with what we are trying to do.

271. The CHAIRMAN: I am grateful that I was given the opportunity. I would have dealt with it after we had

finished with operative paragraph 8, but I think that I have now clearly given my understanding as to why I mentioned the first two and not the other two.

272. Mr. KOLESNIK (Union of Soviet Socialist Republics) (*interpretation from Russian*): Mr. Chairman, there is an obvious misunderstanding here, because when we speak of the Republic of South Viet-Nam we mean that State which is a participant in the Paris Accords. I am thinking of that State which maintains relations, in particular, with the Soviet Union, so that the whole series of statements which I have just heard are simply a failure to understand what we are referring to.

273. Mr. PANYARACHUN (Thailand): I am a little confused. As I read the paragraph that appears in document A/C.1/L.647/Rev.1, I believe that this invitational aspect deals exclusively with Member States. One can see that throughout the paragraph we are talking about invitations to "States Members of the United Nations, States members of the specialized agencies and of the International Atomic Energy Agency, States parties to the Statute of the International Court of Justice as well as the following States".

274. Now we are faced with a situation whereby there is a State called the Republic of Viet-Nam, which is a State member of the specialized agencies. Is it our intention to divide South Viet-Nam into two parts, or is it a question of representation?

275. The CHAIRMAN: That was one more reason why I had not included it in the blank. In the first instance, because so many speakers had made it quite clear that they were thinking of one State and one State only. I do not think that we can bring this matter to a conclusion.

276. Sir Roger JACKLING (United Kingdom): Mr. Chairman, I simply wanted to inquire precisely how you intended to proceed to the vote on this paragraph when we come to voting. I suppose that it might simplify our procedure if there were to be a separate vote on this paragraph and a separate vote on each of the additions proposed to it. If that is your intention, then I think that when we come to it we could probably deal rather more simply with the problems which are now engaging our concern.

277. The CHAIRMAN: May I say to the representative of the United Kingdom that my intention would have been to put each and every State mentioned in the blank to a separate vote. It seemed to me to be fairer to the individual countries that would be mentioned in the blank that they would be judged on their own merits, and therefore I would have thought that a separate vote on each addition mentioned in the blank would have been the right way to approach the question.

278. Under these circumstances, perhaps I could ascertain in private consultations the views of delegations on exactly what names should be put to a vote tomorrow. Those mentioned up till now are the Republic of Guinea-Bissau, the Democratic Republic of Viet-Nam and the Republic of South Viet-Nam. Unless I hear anything to the contrary, I shall take it that no other suggestions are to be expected.

279. We now turn to operative paragraph 8. In this connexion, it is proposed that the present subparagraph (b) becomes subparagraph (c), and that the following be inserted as new subparagraph (b):

“(b) To invite the United Nations Council for Namibia to participate in the Conference”.

280. It is now my understanding that we are agreed that we have finished our debate, with the exception, of course, of such statements as may be caused by the statement by the Secretary-General.

281. Mr. REBAGLIATI (Argentina) (*interpretation from Spanish*): If possible, I should like to have a copy of the draft resolution in its present revised form tomorrow before the voting. It would certainly be very helpful, and we would be much more certain of where we stand, if we could have a copy of the revised text and also of the various proposals that have been made. I should also like to ask you, Mr. Chairman, if you feel it necessary, and if possible, to make arrangements to have the voting in a room that has the mechanical voting system.

282. The CHAIRMAN: I think that that request gives rise to various difficulties. I am sure that we could have a revised draft with the amendments agreed to by the sponsors of the draft resolution, but we surely could not include in that text the various suggestions that have been raised during this meeting that have not been agreed to by

the sponsors of that draft resolution. It would also seem that they are really very few in number.

283. Mr. RAMPHUL (Mauritius): On a point of clarification, may I take it that the list of those wishing to speak in explanation of vote before the voting is closed, or is it your intention, Mr. Chairman, to close it before this meeting is adjourned, or at an appropriate time—tomorrow afternoon, for example?

284. The CHAIRMAN: That is a very tempting suggestion. Will the Committee agree to our closing the list of representatives wishing to explain their vote before a decision is made?

285. Mr. VON HIRSCHBERG (South Africa): I wish to say that I am prepared to explain my vote tomorrow before the voting.

286. Mr. RAMPHUL (Mauritius): Perhaps, Mr. Chairman, you could add the name of South Africa in parentheses.

287. Mr. GHANUS (Afghanistan): I would like to put my name on the list of those wishing to speak before the voting.

288. The CHAIRMAN: May I suggest that those who would like to explain their vote before the voting register with the Secretary this evening.

The meeting rose at 7.45 p.m.