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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 169

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.2, 648 and 649)

1. The CHAIRMAN: As the Committee will be aware from reading document A/C.1/L.649, a major question mark has been put against the dates included in document A/C.1/L.647/Rev.2. I refer to the comments by the Secretary-General in paragraph 6 with regard to the first session of the Conference and in paragraph 8 concerning the second session.

2. I have discussed this matter with at least some of the sponsors of the draft resolution. They have confirmed what they said in this Committee yesterday, namely, that they wish the vote on that draft resolution to be taken on the dates at present embodied in operative paragraph 2 and operative paragraph 4. The sponsors realize, however, that it may be necessary, in the time between the finalization of this Committee's dealing with the problem and the presentation in the plenary, to have renewed discussions with the Secretary-General and with the President of the General Assembly. That means that when the matter is presented in the plenary, there may be some new information with regard to the dates that have to be faced. But I understand that as of today, as of the First Committee's dealing with this matter, it is the wish of the sponsors that the vote be taken on the dates we already know. Are there any comments on document A/C.1/L.649?

* Resumed from the 1937th meeting.

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3. Mr. VINDENES (Norway): I wish only to confirm what you said, Mr. Chairman, about the attitude of the sponsors on this document and on the way in which it relates to the draft resolution. My delegation does not want to raise questions in this connexion concerning the reasons why we found ourselves in this present predicament. What emerged clearly from what you said is that what is important now is only to take a position on whether the new information given should affect the task of this Committee in dealing this afternoon with the draft resolution before us.

4. I agree with others who spoke yesterday at the 1937th meeting, among them the representatives of Mexico and Canada, that the answer to this question should be "no", and, consequently, that we should maintain as they stand the dates in operative paragraphs 2 and 4 of the draft resolution.

5. In taking this position, my delegation is not disputing the correctness of the information given to the effect that, for reasons other than financial ones, it would be nearly impossible, given other United Nations arrangements at the time, to solve the problem by the engagement of additional staff. What we feel, however, is that in such a case the question with which we are faced is one of competing priorities and that consequently the final decision must be made by our Governments, acting through the General Assembly.

6. My delegation would therefore strongly urge that we proceed to the adoption of the draft resolution before us, without changing the dates suggested, leaving it to the plenary Assembly to decide whether the new information now given by the Secretariat makes changes necessary. A reopening here and now of the question of the timing could seriously delay the General Assembly's decision on the Conference, a decision which, in the view of my Government, it is of the greatest importance to have as soon as possible.

7. Mr. ZEGERS (Chile) (*interpretation from Spanish*): My delegation agrees with what has just been said by the representative of Norway and I should like to refer particularly to paragraphs 6 and 8 of document A/C.1/L.649 which has been submitted to us today by the Secretariat.

8. In connexion with these two paragraphs, I should like to draw attention to a fundamental contradiction. Resolution 3029 A (XXVII) established the dates of November and December, that is to say the dates contained in the resolution, for the procedural inauguration of the Conference, and it fixed April and May for the substantive work. The Secretariat tells us that it can only make provisions for

the substantive part of the Conference in April and May. Yet, it also tells us that it cannot make any provisions in November and December. Here it seems to my delegation that we have a fundamental contradiction.

9. Now, with regard to paragraph 6, resolution 3029 A (XXVII) provided that the procedural inauguration of the Conference should be in November and December. This is a plenipotentiary Conference and therefore, technically, it is the most important meeting held under the sponsorship of the United Nations during that Assembly.

10. My delegation thinks that there should be sufficient facilities available for holding the procedural inauguration of the Conference. My delegation cannot agree that if the meetings of the Conference were held, the meetings of the plenary would of necessity have to be cut. What meetings would have to be cut, if any, is a subject which should be discussed by the General Committee of the Assembly with the advice of the Secretary-General.

11. With respect to paragraph 8—that is to say, the impossibility of having services for the Conference beyond the months of April and May 1974—it seems to my delegation that this statement is very difficult to accept.

12. Should it prove impossible to hold the Conference after May 1974 or to have any meetings of the Conference after May 1974, everyone in this room knows two things: first, that this would conflict with regional meetings of great importance such as the proposed meeting planned in Nairobi by the Group of 77 for some time between the end of this General Assembly and the holding of the Conference; and second, that, in accordance with what we have been told by the representative of Venezuela, it would make it impossible for Caracas to be the site of the Conference. If it were the will of the First Committee and the General Assembly, as has already been proposed by 20 sponsors—that the Conference should be held between 14 May and 19 July 1974 in Caracas, that would mean that we should have a conflict between the desire of those Governments which have made this offer and the possibilities offered by the Secretariat.

13. I think the thing to do would be to ask the Secretariat to reconsider this matter bearing in mind that the third United Nations Conference on the Law of the Sea is a subject that should have priority over meetings of other committees, *ad hoc* groups and so on. Therefore, my delegation can only accept as provisional the statement contained in paragraph 8 of document A/C.1/L.649.

14. I should like to remind the Committee that at the Geneva session of the sea-bed Committee, as appears from the record of its 104th meeting, specific reference was made to the possibility of a summer session of the Conference. That was almost two months ago. I should like to recall also that throughout our debate and negotiations during the last two weeks we have been starting from the assumption that there is going to be a summer session of the Conference and the invitations duly formulated by the Governments of Venezuela and Austria were for that date. The provisional studies of the possibility of holding a conference in Geneva were also for that date. Thus it is surprising to my delegation that this should now prove

impossible. My delegation considers this matter should be reviewed by the Secretary-General of the United Nations.

15. Having said that, my delegation fully agrees with the delegations of Mexico, Canada and Norway, that are sponsors, as is Chile, of the draft resolution before us, which have asked that it be put to the vote with the dates proposed by the sponsors.

16. The CHAIRMAN: Before concluding the substantive debate, and especially since the various amendments have not all been circulated in written form, I want to make sure that all members clearly understand the texts before us.

17. First, I would like to observe that the Chairman of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction read out at the 1936th meeting what has become known as the gentlemen's agreement. For the sake of good order, I will repeat what he said:

“Recognizing that the Third United Nations Conference on the Law of the Sea at its inaugural session will adopt its procedures, including its rules regarding methods of voting and bearing in mind that the problems of ocean space are closely interrelated and need to be considered as a whole and the desirability of adopting a convention on the law of the sea which will secure the widest possible acceptance, the General Assembly expresses the view that the Conference should make every effort to reach agreement on substantive matters by way of consensus; that there should be no voting on such matters until all efforts at consensus have been exhausted; and further expresses the view that the Conference at its inaugural session will consider devising appropriate means to that end.”

It is my understanding that it is on the basis of that gentlemen's agreement that the Committee will later take action on the draft resolution in document A/C.1/L.647/Rev.2.

18. Dealing now with that draft resolution, I want to draw the Committee's attention to the text embodied in document A/C.1/L.648. I am given to understand that no objection is foreseen to the amendment in document A/C.1/L.648 with the addition in the new preambular paragraph of resolution 3009 (XXVII).

19. That means we shall have to take a position on that amendment, which would have to appear as the fifth preambular paragraph.

20. Members have heard that with regard to operative paragraphs 2 and 4 a decision will be taken on the text as it stands.

21. With regard to operative paragraph 7, a formal proposal has been made for inclusion in the blank of the following words: “the Republic of Guinea-Bissau and the Democratic Republic of Viet-Nam”. The Committee will therefore have to take a stand on that amendment to operative paragraph 7.

22. At the same time, the Committee will recall that there have been several strongly worded statements as to the

representation of South Viet-Nam. I understand that those who made suggestions in that regard will not press the issue to a vote in this Committee.

23. I come now to the third amendment—the proposed amendment to operative paragraph 8, by which a new subparagraph (b) would be inserted reading as follows: “To invite the United Nations Council for Namibia to participate in the Conference”.

24. Those then are the three amendments before us. I would say also that a vote has been requested on the amendments to operative paragraphs 7 and 8 and that a roll-call vote has been requested with regard to the insertion of the words “the Republic of Guinea-Bissau”. There has also been a vote requested on the insertion of the new paragraph (b) in operative paragraph 8 where, by the way, the present paragraph (b) will be called (c). The Committee will therefore have to express itself by a vote on the amendments to operative paragraphs 7 and 8. With regard to the new fifth preambular paragraph, I hope that when we come to that it will not be necessary to press that issue to a vote. Unless I hear any objection I shall take it that I may now call in turn on those representatives who wish to explain their votes before the voting, and that means that we shall have begun the process of voting under the terms of rule 130 of the rules of procedure.

25. Mr. KOLESNIK (Union of Soviet Socialist Republics) (*interpretation from Russian*): The Soviet delegation would like to set forth its views in explanation of vote on draft resolution A/C.1/L.647/Rev.2. In the course of the discussion of the question of convening the Conference in our Committee, the Soviet delegation had occasion to point out—and we continue to hold this view—that the sea-bed Committee did not perform its task and did not prepare the appropriate documentation for the forthcoming Conference. Reference was made here to the fact that the Committee in its present composition and with its present working methods is not in a position to prepare a single agreed text of a document. But it is not just a matter of an agreed text. The point is that the Committee has not even begun to consider many important questions of sea law from that well-known list which was compiled with such difficulty by the Committee and adopted in July 1972. I am not even mentioning now the fact that the so-called alternative texts which were prepared by the Committee embrace only a portion of that long list of questions which, nevertheless, the Committee did consider.

26. Reference has been made here to the fact that the Committee, over the course of three years, has worked without any results and it would be very wrong indeed in this regard not to acknowledge that the work on substance was started by the Committee only in July 1973, just a few weeks before the conclusion of the last session, and that the so-called political talks began in substance only in the last week.

27. I am only mentioning this again to show that the preparatory work of the Committee was insufficient, and that therefore we cannot agree with the view of the Committee's work which we find in the preamble to the draft resolution where it states that “the Committee has accomplished . . . within the limits of its mandate, the work

entrusted to it”. To say that is in clear contradiction to the actual state of affairs.

28. We believe that the efforts which were undertaken have proved inadequate for achieving agreement. The reason for that is not the absence of any desire to achieve a compromise, nor the inability of the Committee to do its job, but primarily the lack of time, which was insufficient in comparison with the scale of work which confronted it.

29. That is why the Soviet delegation believes that further work, regardless of the framework within which it is to take place, should, at the first stage at least, be preparatory in nature. We believe that the session of the Conference in 1974 should be preparatory, and that that should be reflected in operative paragraph 4 of the draft resolution or specified in some way or another. That, however, has not been done by the sponsors.

30. The Soviet delegation cannot agree with operative paragraph 7 of the draft resolution where an attempt is made to intensify even, I would say, the discriminatory Vienna formula with slight changes in form. An approach of this kind is in flagrant violation of earlier decisions of the United Nations on questions connected with the convening of a Conference on the Law of the Sea. Operative paragraph 7 in its present form is not in keeping with the morality of our times. In this particular case I am using an expression which I have quite often heard from Mr. Amersinghe.

31. In the course of consultations, the Soviet delegation has proposed that the Conference should be open to participation by all States in the light of its universal nature. And it was stated that the practical difficulties which might confront the Secretary-General would be easy to overcome with the assistance of a complete list of countries attached to the draft resolution or an understanding which would be worked out in the course of talks and stipulated in an appropriate statement of the Committee or the Assembly.

32. Of course, regardless of how in the final analysis we formulate paragraph 7, all States should be included in the list of countries.

33. In this regard we support the proposals made in the Committee in favour of inviting the Democratic Republic of Viet-Nam, the Republic of Guinea-Bissau and the Republic of South Viet-Nam to the Conference. These countries are fully entitled to take part in the work of the Conference on the Law of the Sea. I hope that this approach will win a favourable response and sympathy, particularly from those countries that have only recently liberated themselves from the colonial yoke.

34. We do not like paragraph 10 of the draft resolution with regard to the preparation of the rules of procedure. The position of the Soviet delegation is that decisions of the Conference on questions of substance should be adopted, as a rule, on the basis of consensus. Voting should be used only in exceptional circumstances in order to prevent the abuse of consensus. In the course of the discussion many delegations supported this view, but we heard also other points of view. Therefore the reference in

paragraph 10 to the views expressed in the Committee on the sea-bed and in the General Assembly does not solve the problem, and I would even say it places the Secretary-General in a very delicate situation, where he himself will have to decide how to formulate the rules of procedure. We stress, once again, that the only method applicable for the preparation of new rules of the law of the sea is the search for agreement; it is only upon the basis of that principle, on the basis of a sensible combination of justice and the interests of all States that we can establish the rules that will be observed by States in future. In the view of the Soviet delegation, this extremely important question should be properly reflected in the draft resolution, but this has not occurred.

35. In this regard, however, I cannot fail to point out that the intensive consultations that have gone on over the last few days in the First Committee have led to the so-called gentlemen's agreement or understanding which, Sir, you have just read out. The essence of this gentlemen's agreement, which the Soviet delegation views as indissolubly linked with the resolution, is that at the forthcoming Conference, no recourse should be made to the vote until all the possibilities of achieving consensus have been exhausted, and that at the organizational session of the Conference efforts should be made to prepare appropriate measures for the implementation of this method.

36. In the view of the Soviet delegation, the gentlemen's agreement cannot fully offset the absence of clear-cut provisions on this score in the draft resolution itself. But at the same time we would point out that the gentlemen's agreement nevertheless contains the minimum necessary for the attainment of compromise, both at the organizational session and in the subsequent work of the Conference. On the basis of the assumption that the gentlemen's agreement meets with general approval in the Committee and is a demonstration of a spirit of co-operation, the Soviet delegation will not vote against draft resolution A/C.1/L.647/Rev.2, as a whole, in spite of its shortcomings which I have just enumerated. However, our abstention on the resolution should not be interpreted as any retreat from the position that we held from the very beginning on the question of convening the Third United Nations Conference on the Law of the Sea, and is certainly not binding on our Government.

37. The last point that I should like to say something about, again in connexion with the draft resolution before it is voted on, is the question of the site for the Conference and its duration and dates. I would be discourteous if I were not to associate myself with previous speakers and were not to express my gratitude to the representative of Venezuela who, on behalf of his Government, made a proposal to hold the Conference in the capital of that country, Caracas. But the question of the site for the Conference is not just a matter of courtesy, but also a matter of money, convenience and expediency. The note of the Secretary-General on the financial implications involved in the convening of the Conference in Caracas, which has just been circulated, shows even on the most cursory examination that this solution to the question would entail the expenditure of what I would call fantastic sums of money. It is also quite obvious that holding the Conference in a new place is not normal for a conference of the United

Nations and creates considerable difficulties both for the Secretariat and, even more, for delegations, particularly because, as I understood yesterday, it is not even a question of the capital of Venezuela, Caracas, but a place which is in the vicinity of the capital of Venezuela; hence all the difficulties of communications, a service that is so necessary to delegations, and so on and so forth.

38. Perhaps what I am about to say is too late, but it does seem to me that we really should weigh the advisability of taking advantage of the hospitality of the Austrian Government for holding in 1975 the longest and most complex session of the Conference and express our gratitude and respect to the continent of Latin America that has done so much for the development of new ideas related to the régime of the seas and oceans, by convening in Caracas the concluding session of the Conference. It would appear that this might be much shorter and might be concluded by the adoption of a Caracas convention on the law of the sea.

39. In the view of my delegation, the dates for holding the organizational session and the second session of the Conference should be fixed in the light of the financial implications, the possibilities of the Secretariat and the convenience of delegations. These questions should be resolved not by one, but by all regional groups in a spirit of mutual understanding.

40. Mr. ARIAS SCHREIBER (Peru) (*interpretation from Spanish*): The views of the Government of Peru on the draft resolution under consideration have been set forth in various statements appearing in the records of the Committee, and I shall therefore refrain from repeating them today. I wish only to add that, for our part, we accept the draft as amended by the delegations of several African countries, China and Canada and on the initiative of my own delegation, and we do so with the following considerations in mind.

41. First, the draft resolution recognizes explicitly that the sea-bed Committee fulfilled its mandate only "as far as possible", and we all know the facts embodied in those words and how much remains to be done at the strictly preparatory level. The draft admits, furthermore, that in the 1974 session negotiations will have to be carried out, with the rest of the work necessary for completing the drafting of articles—and I emphasize these last words because they are the prerequisite for any subsequent decisions on a coherent text of a convention, once it has been worked out and Governments can weigh as a whole the desirability or lack of desirability of adopting the provisions it contains.

42. Secondly, the other operative paragraphs reflect the position which Peru has consistently maintained both in respect of the unified treatment of the items of the law of the sea, which should be the subject-matter of a single convention, and in respect of the desirability of achieving acceptance of the principle of universality of participation in the Conference; of allowing all States that were not members of the sea-bed Committee to intervene, on an equal footing, in the drafting process; and that in the allocation of staff, account should be taken of the principle of equitable geographical representation and of the adequate representation of women; and that the Confer-

ence should hold a single session in 1974 in a developing country—in this connexion we are glad that the site of Caracas has been accepted in recognition of the special role the Latin American countries have played, and continue to play, in the far-reaching transformation of the law of the sea.

43. Furthermore—and this is very important—a procedural understanding has been reached that recognizes the advisability of adopting a convention enjoying the widest possible support; of exerting every effort to reach an agreement on substantive matters through consensus; of not voting on such matters until the possibilities of reaching a consensus have been exhausted; and of consideration by the Conference, at its opening session, of the formulation of suitable means for achieving that end. The proper application of this understanding, as was rightly stated by the representative of Venezuela, can assure us of reaching an agreement that is not imposed, but rather enjoys the consent of all States, with respect for their sovereign rights and the legitimate interests of their peoples.

44. With regard to the question of participation in the Conference, my delegation will vote in favour of inviting all countries that have proclaimed their independence as sovereign States, taking into account respect for the principle of universality, the unswerving support of Peru for the process of decolonization, and the resolutions adopted at the Fourth Conference of Heads of State or Government of Non-Aligned Countries, held at Algiers from 5 to 9 September last, without our vote implying any act of recognition of situations that are still being considered by my Government in the light of available information.

45. Lastly, with respect to the date of the Conference, for both its opening session and its 1974 session, my delegation is prepared to accept any dates that may be judged most appropriate and to participate, as we have heretofore, with the greatest goodwill, conviction and initiative, in the establishment of a new juridical order for the oceans, an order that will be truly just, universal and enduring.

46. Mr. SARAIVA GUERREIRO (Brazil): In explaining our position as regards the draft resolution before us; I should like to make some comments regarding various paragraphs.

47. As to the fourth paragraph of the preamble, it may not be the ideal text from our point of view, but the acceptance of the words “as far as possible” made it possible for the Brazilian delegation to accept that paragraph and I thank the sponsors for this addition.

48. As regards operative paragraph 2, you may recall that the Brazilian delegation and the delegation of Peru last year even presented a text that did not include any organizational meeting for a conference. We had two main reasons for that. One was the feeling that the Conference should be convoked only when preparations had matured, in which case the organizational aspects, including the adoption of rules of procedure, would be easy and would not require any special meeting. The other reason was that, at least in my case, I had serious doubts about the wisdom of having an *ad hoc* conference take place at the same time as a session of the General Assembly, when not only the

Secretariat but delegations as well are overtaxed as to the availability of personnel and time. However, we finally agreed to the resolution that was approved last year because, in the main, it was quite satisfactory to us. Now we have to carry out what we decided on last year. In fact, we shall need a rather lengthy organizational meeting—the two weeks that were foreseen—because preparations for the Conference did not mature.

49. However, in approving the present operative paragraph 2 of the text, as presented by the sponsors—and I can understand very well the reasons they have put forward to explain why they did not want to change the dates of “26 November to 7 December” that were already agreed to last year—I must add that on the question of the exact days of the beginning of the organizational meeting of the conference, the Brazilian delegation has an open mind and will feel free to accept in plenary, if need be, dates other than 26 November and 7 December, with one provision, however, that we think—as do all other delegations here, I believe—that we should not go beyond 18 December; we should not go into the Christmas week.

50. Operative paragraph 3 pleases us very much. We have always been in favour of dealing with the subject-matter as a whole in the interrelation of all subjects of the law of the sea. We think that the use of this expression “a convention dealing with” a single legal instrument, emphasizes this position. However, it is my understanding that from the point of view of the legal means that the conference may eventually adopt, at least now, I am not in a position *a priori* to associate myself with the idea of a single convention. I think that what is important is to establish, by some means, the interrelationship of the regulation of the different subjects of the law of the sea, but not necessarily into a single instrument. But I have no difficulty in accepting the text of operative paragraph 3 as it is now, seeing in it a kind of ideal way of emphasizing the unity of our subject-matter.

51. Regarding operative paragraph 4, we have supported this proposal to have one long substantive meeting in 1974. There is, however, one point regarding the dates. We have an open mind with regard to the date only in so far as it may be postponed to a later period in the coming year. Nevertheless, we have a completely closed mind on the possibility of a date earlier than May, so much so, that if any change is introduced that anticipates the date we may regretfully be forced in plenary to vote against the draft resolution.

52. In connexion with operative paragraph 7, I recall that the Brazilian delegation, when the Assembly decided to convoke *ad hoc* conferences, has always favoured a provision on the invitation of participants, couched in generic terms, basically those of what is known as the Vienna formula. We have no reason to change this traditional position and we will vote against any listing of additional names.

53. Turning now to operative paragraph 8, I can state that we will vote for the addition of a new subparagraph (b) with the purpose of inviting the United Nations Council for Namibia to participate in the conference.

54. In operative paragraph 9 there is a decision that will enable the Secretary-General—in fact it authorizes him—not only to appoint a special representative but to recruit the necessary staff. Of course, the Secretariat will need more people and we think that it is very important that in this drafting the principle of equitable geographical representation be taken fully into account. But at the same time I would express the hope, as many other delegations have done, that those staff from different sectors of the Secretariat—Economic Affairs, Legal Affairs, Administration—who have served the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction so well, would continue with us at the time of the Conference.

55. With these comments, Mr. Chairman, may I say that we will be pleased to vote for the draft resolution before us, and that we agree with the gentlemen's agreement that was read out the other day by Mr. Amerasinghe [1936th meeting] and today by yourself. May I take this opportunity to congratulate those of our colleagues who have painstakingly and skilfully managed to write the text.

56. Before ending, may I express also our particular satisfaction with the invitation that was extended by the Government of Venezuela for the holding of the first substantive session of the Conference at Caracas, a booming city with an excellent climate, hospitable people and first-rate facilities.

57. The CHAIRMAN: May I, without casting any reflection on previous or future speakers, again be allowed to say that there are 17 speakers who have expressed the wish to explain their vote before the vote. May I take it that that list is now final. There are five speakers who wish to explain their vote after the vote. The time is now 4.30 p.m. Rule 130 of the Rules of Procedure authorizes the Chairman to limit the time to be allowed for explanation of votes. As we are dealing with a detailed and serious matter, I would be most hesitant to limit the time for explanation of votes as I think that it is only right that members are given the opportunity to explain their views on the various paragraphs in this draft resolution. May I at the same time, since we have the voting also to get through, ask for the greatest restraint that instructions allow. But I want to stress that this is no reflection on the previous speakers.

58. Mr. ALEMAN (Ecuador) (*interpretation from Spanish*): In accordance with your wishes I shall be as brief as I possibly can.

59. As the representative of a country which for more than 20 years has been fighting tirelessly and relentlessly for the reformulation of the law of the sea on the basis of justice and understanding for the legitimate rights and interests of the developing countries, I cannot fail to express my gratification that the deliberations on the question of the convening of the forthcoming United Nations Conference on the Law of the Sea is coming to a successful conclusion. Moreover, my delegation would like to express the fraternal satisfaction and sympathy with which we view the designation of Caracas as the site of the second session of the Conference.

60. Ecuador is in general pleased with the draft resolution that will be put to the vote, and we will give it our full support. However, we hope that the opinions expressed here concerning the system of voting at the Conference will be reflected both in the gentlemen's agreement that has been discussed in the First Committee and in the draft rules of procedure. According to most of the opinions expressed, we should exhaust every possible opportunity to solve the differences that may emerge in respect to substantive points at the Conference, and only when it has not been possible to work out a consensus—and only then—will we proceed to a vote. Of course, it is my delegation's opinion that when this time comes, those aspects ought to be resolved by a substantial majority and not by a simple majority or on a selective basis, if we want to ensure that the convention adopted by the Conference comes fully into effect. In any event, my delegation will give its views on questions of procedure when we start the organizational Conference which ought to be held on the date which the majority of the members of the Assembly consider most appropriate.

61. Lastly, I should like to say that my delegation supports the amendment proposed by China, and also the one submitted by Zambia with a view to inviting the Council for Namibia to participate in the Conference in its due capacity.

62. With respect to the names of countries that will be included in paragraph 7 of the draft, my delegation reserves the right to take a decision on this point when the resolution is dealt with in plenary.

63. Mr. BELYAEV (Byelorussian Soviet Socialist Republic) (*interpretation from Russian*): In connexion with the forthcoming vote on draft resolution A/C.1/L.647/Rev.2, my delegation would like to make some comments on its content.

64. First, we consider it necessary to point out that in this document no account is taken at all of the comments and proposals of a number of delegations, including my own, on a question of fundamental principle. Many paragraphs of the resolution fail to reflect the true state of affairs, and therefore in some of them we find there have been attempts artificially to combine contradictory concepts.

65. In the fourth preambular paragraph we find the following: "... that the Committee has accomplished, as far as possible, within the limits of its mandate, the work which the General Assembly entrusted to it for the preparation of the Third United Nations Conference on the Law of the Sea, . . .". The combination of the words "as far as possible" and "within the limits of its mandate", to put it mildly, distorts the truth. The mandate of the Committee was of the broadest—to prepare draft articles of a convention on the law of the sea. The Committee failed to do this, not because of its terms of reference or for any limited possibilities, but because of the lack of time. The fact that the Committee was unable to perform its task was clearly pointed out in this Committee in the statements of a majority of delegations. And the fact that the Committee did not thoroughly do its work is demonstrated even by the fact that up to today the First Committee of the General Assembly, which exceeds the sea-bed Committee by one third in the number of States, did not present half of its

reports. So the situation is that in paragraph 6 of this draft resolution the General Assembly refers them to the Conference without having considered them, as is required in the second paragraph of the preamble.

66. Therefore, in our view, it would be fairer to begin this preambular paragraph in something like the following way: “*Considering* that the Committee, for lack of time, failed to conclude its work in preparing for the Third United Nations Conference on the Law of the Sea entrusted to it by the General Assembly,” and so on and so forth.

67. Further, in this paragraph there is a reference to the fact that it is necessary to proceed to the convening of a substantive session in 1974, in order to carry out the negotiations and other work required to complete the drafting and adoption of articles for a comprehensive convention on the law of the sea. But this is clearly a case where one inaccuracy engenders another. What conclusions regarding preparation of draft articles can be talked about when the sea-bed Committee, in the consideration of many of the major questions of the law of the sea, has not even begun its work? And on the questions where attempts were made to prepare draft articles, such results were achieved that you could really rather talk of the beginning of work on the harmonizing of the positions of States represented by the members of the Committee and certainly not about its conclusion. Therefore, my delegation cannot agree with an appraisal of this kind of the work of the Committee, and considers that this paragraph of the preamble—and the whole resolution as a matter of fact—fails to take into account the proposals of many delegations with regard to the need for continuing preparatory work, if only within the framework of the plenipotentiary Conference itself.

68. In the course of the discussion, the delegation of the Byelorussian SSR and a number of other delegations devoted particular attention to the question of the procedure for adopting decisions at the forthcoming Conference. This question is a matter of fundamental principle for us, since our belief is that the Conference will nevertheless have to deal with the drafting and preparation of new rules on the international law of the sea and not the conclusion of the substantive work as is mentioned in the fourth preambular paragraph. These rules will have to ensure the rights of all States and peoples equally to enjoy the benefits of the common heritage of mankind. The best results in the attainment of this noble purpose, in our view—and we are deeply convinced of this—can be achieved only if due account is taken of the interests of all countries. We are therefore still in favour of the idea of the Conference taking decisions, as a rule, on the basis of the harmonizing of the positions of its participants; and this principle should be clearly and fully stated in the draft resolution.

69. Finally, another point that is important to us is found in the operative part of the draft resolution concerning the question of participation in the Conference. The representative of the Byelorussian SSR has already, in the general debate, given a proper appraisal of the well-known formula, which should certainly not be linked with the beautiful city of Vienna, which is so hospitable. I can only add that operative paragraph 7 of the draft resolution which makes an attempt to combine universality with that discriminatory formula would, in our view, sound more

logical this way: “*Decides*, having regard to the undesirability of achieving universality of participation in the Conference, to request the Secretary-General of the United Nations to invite. . .”.

70. My delegation considers that the Conference should be open to participation by all States, taking into account its universal nature. In this regard we express our full support for the proposal that those invited to the Conference should include the Democratic Republic of Viet-Nam, the Republic of South Viet-Nam and the Republic of Guinea-Bissau—and without any artificial conditions.

71. As for the site of the Conference and the date, which has not yet been fixed, we also find a number of problems in this connexion. Taking into account all that I have said, my delegation is unable to support this draft resolution.

72. Mr. BOJILOV (Bulgaria): The Bulgarian delegation is not in a position to support draft resolution A/C.1/L.647/Rev.2 for the following reasons.

73. First of all, the fourth paragraph of the preamble stipulates “that the Committee has accomplished, as far as possible, within the limits of its mandate, the work which the General Assembly entrusted to it for the preparation of the Third United Nations Conference on the Law of the Sea. . .”. In fact, this formula does not adequately reflect the view expressed by many delegations, including my own, that the Committee had not complied with its terms of reference and had not exhausted all the possibilities for achieving its mandate.

74. Secondly, the same fourth paragraph of the preamble provides “. . . that it is necessary to proceed to the immediate inauguration of the Conference in 1973 and the convening of a substantive session in 1974, in order to carry out the negotiations and other work required to complete the drafting and adoption of articles for a comprehensive convention on the law of the sea”. Without challenging the need for convening the Conference on the Law of the Sea and being prepared to agree that it is necessary “to carry out the negotiations and other work required to complete the drafting . . . of articles for a comprehensive convention on the law of the sea”, the Bulgarian delegation does not share the view that there is urgent need for adoption of articles in the course of the first substantive session of the Conference. We are of the opinion that the first substantive session of the Conference should be devoted to a continuation of the work on the basis of consensus.

75. Thirdly, my delegation does not deem it possible to support the new version of the discriminatory Vienna formula. It is our profound conviction that the very nature of the Conference on the Law of the Sea requires that all States should be guaranteed the possibility of taking part in its work on an equal footing.

76. My delegation will vote in favour of inviting the Republic of Guinea-Bissau, the Democratic Republic of Viet-Nam and the Republic of South Viet-Nam to participate in the Conference.

77. Finally, operative paragraph 10 of the draft resolution “*Requests* the Secretary-General to prepare appropriate

draft rules of procedure for the Conference, taking into account the views expressed in the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction and in the General Assembly . . .". This formula is extremely vague. It should be pointed out, however, that the gentlemen's agreement, which will be adopted jointly and simultaneously with the draft resolution, represents a certain measure of progress towards the correct interpretation of operative paragraph 10 of the draft resolution.

78. Bearing in mind the gentlemen's agreement, my delegation deems it possible to abstain when the draft resolution is put to the vote, despite its very serious shortcomings.

79. Mr. METTERNICH (Federal Republic of Germany): My delegation has repeatedly expressed the view that the Third United Nations Conference on the Law of the Sea should be convened according to the schedule proposed by the General Assembly [*resolution 3029 (XXVII)*]. It has furthermore emphasized that a new law of the sea would have to be acceptable to all States in order to ensure its universality. Those two elements—namely, the early convening of the Conference and the maintenance, as far as possible, of a general consensus for its decisions—are of decisive importance to all of us. We are convinced that the implementation of those two elements will decide the outcome of the Conference. The very acceptance by delegations of a link between the adoption of the draft resolution and the adoption of the gentlemen's agreement on the voting procedure enables us to vote for the draft resolution as a whole.

80. At this juncture I wish to thank especially the Canadian delegation for its successful mediation in bringing about the gentlemen's agreement on the decision-making process of the Conference. We are sure that the Conference, too—which is, of course, master of its own procedure—will be mindful of the principle of the largest possible agreement and understanding in its decision-making. This, I repeat, seems to us to be an absolute prerequisite for the success of the Conference.

81. Our positive vote for the draft resolution as a whole includes, in particular, the site of the Conference. We wish to thank Venezuela for its generous offer to host the Conference in the spring of 1974. Our traditional ties of friendship with Latin America have prompted us to accept that invitation. Our thanks are also due to Austria for its offer to welcome the Conference in its beautiful capital, if there should be a session in 1975.

82. We do not want to oppose the amendment proposed by some States concerning equitable geographical distribution with regard to the composition of the staff of the Conference, although in view of operative paragraph 9 of the draft we feel that such an amendment is superfluous. As we understand it, the amendment stresses the fact that the United Nations Secretariat, which reflects the principle I have mentioned, will continue to provide its highly qualified and experienced personnel to assist us fully in the forthcoming Conference.

83. It goes without saying that we also favour an equitable representation of women on the staff, as has been suggested.

84. Finally, my delegation wants to make it clear that its positive vote on the draft resolution as a whole does not represent a change in its position concerning invitations, which have been dealt with by a separate vote, and on which my delegation will decide otherwise.

85. Mr. YASSEEN (Iraq) (*interpretation from French*): My delegation, generally speaking, is in favour of the draft resolution. However, we would have hoped that paragraph 7, concerning the invitations to the Conference, would draw the logical consequences from the principle of universality and that the decision would be, quite simply, to invite to the Conference all States in the world. The resolution, however, has adopted the casuistic method; therefore I am compelled to express my delegation's attitude towards the various proposals that have been made.

86. First of all, we should be guided by General Assembly resolution 2758 (XXVI), concerning the representation of China, which recognizes that the Government of the People's Republic of China is the only Government that represents China. Moreover, my delegation believes it necessary to invite to the Conference the Democratic Republic of Viet-Nam, the Republic of South Viet-Nam, the Republic of Guinea-Bissau and the United Nations Council for Namibia. I reserve my delegation's right to speak on the other points concerning the invitations to the Conference at the appropriate time.

87. My delegation accepts the gentlemen's agreement concerning the method of work of the Conference. It is a question of not proceeding to a vote until all possibilities of reaching a consensus have been exhausted. In the field of codification and the progressive development of international law, that is the method required. It is a matter of drawing up general rules of law and not of adopting texts that will have no future. We must think about the problem of ratification, as well as the question of the adoption of texts. That is the method which, without a gentlemen's agreement, has been followed by the Vienna Conference on the Law of Treaties. There were many fundamental controversial points that were not taken up on which a vote was taken only on the last day of the second session of the Conference. In a democratic international community, this is the essential method of working and it is based on the principle of good faith which is the foundation of all international legal order.

88. In the light of what I have said, I would add that my delegation accepts paragraph 10 but it interprets that paragraph as giving the Conference itself the last word with respect to its rules of procedure.

89. Mr. OGISO (Japan): My delegation will support draft resolution A/C.1/L.647/Rev.2 and will be prepared to attend the Third United Nations Conference on the Law of the Sea. We are not yet wholly convinced that the work of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction has advanced to the stage of holding an inaugural session of the Conference as early as November of this year. However, in

view of the widespread sentiment in favour of an early session and consistent with our position that it is imperative to achieve general agreement on revising the traditional law of the sea rather than face by default the unilateral extension of the territorial sea by coastal States, we can agree to the time-table for the Conference set out in paragraphs 2 and 4 of the draft resolution. In this connexion, it is our firm belief that the practice of taking decisions by consensus, which has been followed constantly in the sea-bed Committee, should also guide the work of the Conference on the Law of the Sea, since the new universal order of the sea, whether applying to superjacent waters or to the sea-bed, must accommodate the interests and needs of all States, whether land-locked or coastal.

90. For example, paragraph 9 of General Assembly resolution 2749 (XXV) clearly stipulates as follows:

“On the basis of the principles of this Declaration, an international régime applying to the [sea-bed] area and its resources and including appropriate international machinery to give effect to its provisions shall be established by an international treaty of a universal character, generally agreed upon.”

91. We therefore attach great importance to what has been termed the gentlemen’s agreement, read to us by the Chairman, that confirms that voting will not take place unless all efforts at a consensus have been exhausted, and that the Conference will devise appropriate measures to guarantee that objective.

92. I wish to refer to operative paragraph 7 of the draft resolution, that deals with the States to be invited to the Conference. It is our consistent policy to support what is known as the Vienna formula for the participation of States in international conferences.

93. As to the blank spaces to be filled in with the names of States, I recall the Chairman’s confirmation at the beginning of this meeting that only two names are being proposed, namely, the Democratic Republic of Viet-Nam and the Republic of Guinea-Bissau. In this connexion we support the participation of the Democratic Republic of Viet-Nam, with which we have established diplomatic relations. We are not in a position to support the participation of the Republic of Guinea-Bissau, since we have not recognized its independence at this stage and, therefore, if a separate vote is taken on its participation we shall have to abstain from voting.

94. With respect to the addition of a new subparagraph (b) to paragraph 8, my delegation is prepared to accept it.

95. Before ending my remarks I wish to thank the Government of Venezuela for its offer to act as host to the 1974 Conference and the Government of Austria for its offer to act as host to the 1975 Conference.

96. Mr. OLSZÓWKA (Poland): I should like to explain the position of the Polish delegation on the draft resolution being considered in the Committee. Since the draft resolution is based on the presumption that the forthcoming Third United Nations Conference on the Law of the Sea has been sufficiently prepared, allow me, Mr. Chairman, to make a few remarks, first, regarding this matter.

97. Recognizing the useful work done by the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, my delegation, however, holds the view that the advancement of the work of the Committee has not been sufficient. Adequate preparation for the Conference is of extreme importance because its possible failure would result in complete chaos in the international law of the sea that would be contrary to the interests of all States regardless of their particular interests and needs. For this reason, my delegation considers that the first stage of the work of the Conference should be preparatory in character.

98. Now, I should like to refer to paragraph 7. In this respect, I should like to state that it has always been the position of the Polish delegation that universal participation should be permitted in all world-wide diplomatic conferences that have as a purpose the codification and progressive development of international law. Therefore, the draft resolution should include the provision providing universal participation in the forthcoming Conference of all interested States.

99. In our view, the so-called Vienna formula, which has in fact been included in paragraph 7, does not furnish a satisfactory solution to this matter. I wish to stress that my delegation, being of the view that all interested States should be permitted to participate in the Conference, considers that, in particular, the Democratic Republic of Viet-Nam, the Republic of South Viet-Nam and the Republic of Guinea-Bissau should be represented at the Conference, and my delegation will support the proposals made to this effect.

100. Now, I should like to make a few comments with regard to paragraph 10 of the draft resolution concerning the draft rules of procedure for the Conference. At this juncture, I should like to emphasize that the new law of the sea, which is going to be elaborated by the Conference, should be universally agreed upon and generally accepted. Such a general acceptance of a new convention on the law of the sea will be possible only if the basic interests and needs of different States and different groups of States are taken into due consideration and if the new law strikes a proper balance between those divergent interests and needs.

101. The future Conference could result in success only if the will and interests of one group of States are not imposed on other members of the international community. For that reason, the substantive decisions of the Conference should be made on the basis of the principle of consensus, and this decision-making method should be duly reflected in the rules of procedure of the Conference. In the view of the Polish delegation, this method should be reflected also in the pertinent paragraph of the draft resolution.

102. Since the draft resolution does not satisfy the requirements that I have just mentioned, my delegation cannot support it and will abstain from voting on the draft resolution.

103. The CHAIRMAN: May I just announce that Liberia and the Ivory Coast have joined in sponsoring the draft resolution.

104. Mr. GHAUS (Afghanistan): As we are about to express ourselves on the draft resolution before us, I should like to make some brief observations, particularly with regard to paragraph 3 of the draft resolution where reference is made to the list of subjects and issues relating to the law of the sea approved by the Committee on 18 August 1972.

105. It may be recalled that in the course of consideration of the list of issues and subjects and its subsequent approval by the sea-bed Committee, the items in the list related to the rights and interests of the land-locked countries, namely, the right of free access to and from the sea and their freedom of transit, received considerable attention.

106. In spite of the constructive approach and co-operative attitude on the part of the land-locked and shelf-locked countries with regard to that matter, they were not quite satisfied with the formulation and substance of some of the items on the list, as far as the rights and interests of the land-locked and shelf-locked countries were concerned.

107. Thus, some reservations were made to that effect by these countries. The delegation of the Republic of Afghanistan reiterated those reservations when it presented its views on this item at the 1930th meeting. It is our hope that in the agenda of the forthcoming Conference, and in the convention that will be evolved from the list of subjects and issues, the legitimate rights and interests of the land-locked countries will be fully taken into account and that the inadequacies of the existing formulations should in no way impede the safeguarding of these rights and interests in the documents to which I have referred.

108. In this connexion, I wish to state that it was also agreed in the sea-bed Committee that the list is not necessarily complete and that the sponsorship or acceptance of the list does not prejudice the position of any State or commit any State with respect to the items on the list or to the order or form in which they are presented.

109. As a least developed country among the developing countries, Afghanistan always, as a matter of principle, supports the convening of such international conferences as the Third United Nations Conference on the Law of the Sea in New York, because of the facilities available and the minimum expenditure that it would incur for us, owing to the fact that we have our Permanent Mission here and that we can draw on its services and facilities without extra cost.

110. Nevertheless the delegation of the Republic of Afghanistan takes this opportunity to convey its appreciation to the Government of Venezuela for having offered Caracas as the venue for the Third United Nations Conference on the Law of the Sea. We know the contributions of Venezuela to the development of the law of the sea; its invitation has shown once again its deep interest in the matter. My delegation also presents its thanks to the Government of Austria for having invited the third session of the Conference to hold its meeting in Vienna.

111. My delegation supports the amendment to operative paragraph 7 of the draft text presented by the People's Republic of China. We recognize the Government of the

People's Republic of China as the only lawful Government of China. Our stand on that issue is well known. It is, we believe, high time that all international agencies complied fully and strictly with the provisions of General Assembly resolution 2758 (XXVII).

112. We believe that in operative paragraph 7 the Secretary-General should have been requested to invite all States to participate in the work of the Conference. The present formulation therefore does not satisfy us entirely, but we hope that its provision will enable the Secretary-General to invite all States to participate in the work of the Conference.

113. We also support the amendment in document A/C.1/L.648 and the subamendment thereto.

114. We shall vote in favour of the amendment that adds a new subparagraph (b) to operative paragraph 8, requesting the Secretary-General to invite the United Nations Council for Namibia to participate in the Conference.

115. We are grateful to the representative of Sri Lanka for having prepared, after arduous negotiation, the text of the gentlemen's agreement regarding the decision-making procedure in the Conference which he read at the 1936th meeting and which is included in the Committee's records. That text, which is the result of a series of compromises, confirms the necessity of the Conference making every effort to reach agreement on substantive matters by way of consensus.

116. With these observations and reservations, in particular with regard to operative paragraph 3 of the draft resolution, the delegation of Afghanistan will vote in favour of draft resolution A/C.1/L.647/Rev.2.

117. Mr. AZZOUT (Algeria) (*interpretation from French*): My delegation will vote in favour of draft resolution A/C.1/L.647/Rev.2, with the amendments presented orally by the Chairman. We hope that a large majority will vote in favour of the participation of the Republic of Guinea-Bissau and the Democratic Republic of Viet-Nam, as well as the Council for Namibia in the Third United Nations Conference on the Law of the Sea. However, we should like once again to reaffirm that the Provisional Revolutionary Government of the Republic of South Viet-Nam is the only legitimate representative of the population of South Viet-Nam, and it is for that Government to represent the Republic of South Viet-Nam at the Conference. In this connexion it is useful to recall that this Government of South Viet-Nam played an active part in the Paris negotiations on Viet-Nam and that it is a signatory of the Agreement on the cease-fire and restoration of peace in Viet-Nam and the ending of the war. Moreover, no one is unaware of the fact that the administration installed in Saigon is the one that has opposed the implementation of these agreements, thus preventing any political solution in accordance with the spirit and the letter of these agreements and the aspirations of the people of South Viet-Nam. Moreover, my delegation has the most explicit reservations about the participation of representatives of the Saigon administration in the forthcoming Conference.

118. Mr. SOUMARE (Mauritania) (*interpretation from French*): The preparation in the shortest possible time of a

new law of the sea is an overwhelming requirement unanimously recognized by all States Members of our Organization. Aware of that fact as we are, my delegation forcefully supports the efforts of all of those who have so tirelessly been working to ensure that the United Nations Conference on the Law of the Sea is convened immediately. Accordingly, in accordance with the wishes expressed by the heads of State and Government of the non-aligned countries that met at Algiers in September, my country feels that everything should be done to ensure that the Conference on the Law of the Sea is held without delay with the participation of all States.

119. The draft resolution, that in a large measure made it possible to reconcile the interests of almost all States, is satisfactory as a whole to my country. However, my delegation believes it should spell out its position on certain points. My delegation considers that, with respect to the question of participation in the Conference on the Law of the Sea, objective solutions should be sought bearing in mind respect for the texts and resolutions of our Organization. On that point, we are enhancing respect for the United Nations, whose standing in international public opinion is unfortunately not always immune from certain criticism.

120. That is why my delegation expresses the deep-rooted hope that General Assembly resolution 2758 (XXVI) of 25 October 1971 will be fully respected, by not allowing tendentious interpretations to falsify its meaning and by recognizing all China's rights both here and in all international organizations affiliated to the United Nations. We believe also that full significance should be given to the provisions of the United Nations Charter, the Universal Declaration of Human Rights and the Declaration on the Granting of Independence to Colonial Countries and Peoples, which is the subject-matter of General Assembly resolution 1514 (XV) of 14 December 1960 and resolution 2621 (XXV) of 12 October 1970. The texts of the latter resolutions render it unnecessary for me to make any comment on the right of the Republic of Guinea-Bissau to participate in the work of all conferences organized by the United Nations and, in particular, that on the law of the sea, the universal nature of which has been emphasized by all delegations.

121. By inviting the United Nations Council for Namibia to participate in the Conference on the Law of the Sea, my delegation believes that we would only be drawing the logical conclusion that flows from many relevant and pertinent resolutions that our Organization has adopted concerning the administration of this Territory that is under the trusteeship of the United Nations—and I say quite clearly, under the trusteeship of the United Nations.

122. With respect to the participation of the Democratic Republic of Viet-Nam, my delegation considers that this participation should not give rise to any objections.

123. With respect to South Viet-Nam and Cambodia, the problem arises in a somewhat different context and my delegation would like to recall in connexion with the representation of those two countries the unequivocal position that the Conference of Heads of State or Government of the Non-Aligned Countries took at Algiers in

September. My delegation indeed considers that the only legitimate representatives of these countries are those appointed by the Revolutionary Provisional Government for South Viet-Nam and the Royal Government of National Union of Prince Norodom Sihanouk for Cambodia.

124. In conclusion, I would say in connexion with the problem that arises through the need to respect a certain consensus in important decision-making at the Conference, that we should be able to find a solution to this problem in the course of the preparatory session. For indeed a discussion on this problem will have its full significance only in the appropriate framework, namely that of the discussion of the rules of procedure.

125. Mr. PANYARACHUN (Thailand): Mr. Chairman, in spite of your sincere and serious appeal, my delegation finds it difficult to deny itself the pleasure of conveying to you, Sir, and other members of your Bureau, its warmest congratulations and very good wishes for the important responsibilities that you and they were elected to assume.

126. I have refrained from taking part in the debate in the First Committee on the law of the sea because I believe that the Committee should devote as little time as possible to formal meetings so that the time could be more profitably spent in regional group meetings, meetings of the Group of 77 and the consultative group. We now see concrete results of such private and informal consultations and my delegation was privileged to participate in all the discussions to which I refer.

127. However, my delegation feels that at this stage of our work, before we proceed to the vote, we need to place on record some of the views that my delegation has expressed in the course of informal consultations. The delegation of Thailand is in general agreement with the tone, substance and direction of the draft resolution. We agree with the main lines of the draft in that the preparatory work as conducted by the sea-bed Committee under the wise and effective chairmanship of Mr. Amerasinghe, has gone as far as it can in the present framework. It goes without saying, however, that more work remains to be done, but the remaining preparatory work can best be pursued in a new framework which can pick up and even accelerate the momentum of interest and negotiations that existed in the last session of the sea-bed Committee. That new framework is, of course, the Third United Nations Conference on the Law of the Sea.

128. Mr. Chairman, in view of your request to all the delegations who want to explain their vote before the vote, I shall not deal with individual paragraphs in the draft resolution, except to say how happy my delegation is to respond positively to the invitations of the Governments of Venezuela and Austria for the second and third sessions of the Conference to be held in Caracas in 1974 and in Vienna in 1975, respectively. We can also support the amendment which appears as document A/C.1/L.648.

129. There is, however, one aspect of our work on which I should like to explain the position of my delegation in detail: that is the subject of the gentlemen's agreement that you, Sir, read out earlier. From the beginning, my delegation has not opposed the idea that some kind of

understanding might be reached and read in conjunction with the adoption of the draft resolution—particularly in relation to operative paragraph 10. We concur with the thesis that in order to have a successful Conference and to adopt a convention dealing with all matters relating to the law of the sea, we must proceed on the basis of mutual trust and goodwill. Neither abuse of consensus nor a mechanical majority should come into play in the proceedings of the Conference. And it is of the greatest importance also that the Conference should produce a durable and viable law of the sea which receives the widest possible acceptance.

130. None the less my delegation feels strongly that any formula to be arrived at must include the following three elements. First, while the concept of consensus is generally acceptable, such a concept does not imply unanimity. It can only imply broad general agreement and a real determination to work on that basis up to a point. As to where that point lies, that must, in all fairness, be decided by the Conference. Secondly, the principle of voting must be preserved as a last resort. While no hasty or premature voting should be made, and a brake must be applied whenever such a possibility exists, we owe it to ourselves not to allow any State or small group of States to frustrate or prevent general agreement on any particular issue. Thirdly, whatever formula or text of the gentlemen's agreement we finally agree to, such a formula must not—and the Chairman of the sea-bed Committee has several times given solemn commitment to that effect in the Consultative Group meetings—be transplanted into a body of rules of procedure of the Conference. With the views I have just expressed, my delegation would like to recall that it suggested the formula which reads:

“In adopting this resolution the General Assembly expresses the hope that the Conference will make every effort to reach agreement on substantive matters by way of a consensus. Voting on such matters should be avoided as far as possible but after a reasonable lapse of time, and in the absence of a consensus, decisions should be taken by a vote as provided for in the rules of procedure of the Conference.”

We, however, took the views of other delegations into account and agreed to the text read out in a spirit of compromise and co-operation—but also on the understanding that there is no basic departure from the three elements that I have referred to.

131. Finally, we are about to dissolve the sea-bed Committee. All the speakers who took part in the debate have warmly expressed their thanks to our Chairman, Mr. Amerasinghe. My delegation wants to associate itself with the compliments addressed to him. Obviously, Mr. Amerasinghe's chairmanship will come to an end but, as a fellow Buddhist, I am confident that in the near future he will, *figuratively speaking*, be reincarnated in a different form and in a different forum—but very definitely undertaking the very same task and responsibilities that he has carried out so skilfully and so effectively.

132. Mr. KÖMIVES (Hungary): My delegation wishes to explain very briefly its vote on draft resolution A/C.1/L.647/Rev.2. The Hungarian delegation is not in a position to

vote in favour of the draft resolution for the following reasons.

133. First, the fourth preambular paragraph states that the sea-bed Committee has accomplished the work which the General Assembly entrusted to it for the preparation of the Third United Nations Conference on the Law of the Sea. On the basis of this assessment, operative paragraph 4 provides for the convening of the second session of the Conference to deal with the substantive work. My delegation continues to be of the view that the preparations for the Conference are far from accomplished and therefore further preparatory work will be necessary.

134. Secondly, operative paragraph 7 provides for the participation of States in the Conference. On the one hand, it speaks of the desirability of achieving universality and, on the other hand, it invokes the so-called Vienna formula which, as everybody knows, has been drafted for the specific purpose of preventing universality of participation. It is an unjust formula which is in direct contravention with the equality of States. It suffices to refer to the fact that a special amendment had to be introduced to the draft resolution to make it conform to the resolution of the General Assembly on the restoration of the lawful rights of the People's Republic of China in the United Nations. My delegation will today vote in favour of the participation of the Republic of Guinea-Bissau and the Democratic Republic of Viet-Nam in the Conference.

135. Thirdly, operative paragraph 10 concerns decision-making at the Conference. Hungary, as a land-locked State, is vitally interested in seeing that the Conference should decide substantive matters on the basis of consensus. It has been recognized that the Conference will have to deal with vital interests of States. Although the gentlemen's agreement has gone some way to satisfy the concern felt by many with regard to voting procedures at the Conference, we find no reference to it in the draft resolution.

136. For all those reasons, the Hungarian delegation will not be able to cast an affirmative vote on the draft resolution.

137. Mr. RAKOTOSIHANAKA (Madagascar) (*interpretation from French*): We did not take part in the general debate on this question because our position on the subject is sufficiently well known. 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 creation, we have always taken part in all the activities of that Committee. I wish thereby to stress the importance we attach to the Conference on the Law of the Sea and how fervently we wish for its success.

138. In explanation of our vote, I shall not expatiate at any great length on the draft resolution before us. We are all aware that this draft is the fruit of the meritorious efforts of the Chairman of the Sea-Bed Committee and of his co-sponsors and we should like to congratulate them. We also know that in trying to collate all views, this draft resolution, in spite of certain shortcomings which each of us may find in its wording, is a prudent compromise which can win general support.

139. We accept all the amendments and proposals submitted: the amendment of China, which no one here would dare to contest; the proposals of Mongolia and Algeria; the amendment in document A/C.1/L.648; the proposal of Zambia, and particularly the proposal made by the Nigerian delegation. In short, we see this draft resolution in a favourable light, and incidentally we should like to thank the Venezuelan delegation and the Austrian delegation for their generous offers to provide a site for the Conference in 1974 and 1975.

140. However, we should like to state—and we want to be properly understood—that we have constantly in mind the principle of unity with regard to the problems of the law of the sea. We therefore consider this draft resolution to be a package deal. It is for this reason that we did not want to separate the problem of the rules of procedure of the Conference from that of the invitations.

141. On the gentlemen's agreement, which is the product of the meritorious efforts of Mr. Amerasinghe, although we believed, and continue to believe, that the Conference alone is master of its own procedures and that the General Assembly should in no way exert any pressure, we consider it as a text which can win general support. But, as was said yesterday by the Chairman of the group of African States at the 1937th meeting, and in the light of the principle of unity, we must place this gentlemen's agreement in its proper context, that is to say, in the body of the resolution itself. We therefore say that the attitude to be taken by the Committee with regard to the other elements in the draft resolution may have a bearing on our attitude to this gentlemen's agreement. We attach as much importance to the question of the rules of procedure as we do to the participation in the Conference, and we stress that the Republic of Guinea-Bissau, a new independent State, should be invited to take part in that Conference, and we hope that, in the face of the facts, the far too sentimental, if not actually selfish arguments, will give way.

142. The African spirit—or the African memory, if you like—does not bear grudges; but, in the context of the international relations of the present day, interests involved should be governed by the principle of give and take. Africa will remember those who respect the rules of the game and those who do not.

143. As to Portugal, we would certainly have liked to see Portugal realize its errors and we had thought that it would acknowledge its misfortune with grace, but we know this régime. It likes to go it alone in a desert of mirages and continues to believe that it is favoured by the gods and that all horizons are its homeland. But we hope that that régime will soon realize that nothing can quell a people in search of its liberty, as the people of Guinea-Bissau has just proved.

144. Mr. ZOTIADES (Greece): My delegation has already had an opportunity, at the 1933rd meeting, to voice its favourable attitude on the draft resolution before us, and before it is put to the vote my delegation has asked to speak today to explain its position on the questions, mainly, of the decision-making process and of inviting certain States or entities to participate in the Third United Nations Conference on the Law of the Sea.

145. The positive vote to be cast by my delegation on the draft resolution, and particularly on paragraph 10 thereof, is inextricably linked with the gentlemen's agreement reached on the subject of decision-making. We therefore vote in favour of paragraph 10 on the understanding that the Conference should make every effort to reach agreement on substantive matters by way of consensus and that there should be no voting on such matters until all efforts at consensus have been exhausted. On this occasion we are hopeful that the Conference will be mindful of the agreement reached that will be adopted at the same time as the draft resolution itself.

146. My delegation accepts the time-table of the Conference and favours equal geographical distribution of its secretariat. We support the amendment made to this effect since it goes without saying that the amendment accepted in no way affects the existing experienced and qualified staff of the Secretariat that has up to the present given its services with great dedication, loyalty and success.

147. The positive vote of my delegation on the draft resolution as a whole does not prejudice my delegation's position on the question of invitations. The position of my delegation on this matter is guided by two fundamental considerations: first, the desirability of achieving universality of participation in this diplomatic Conference and, secondly, our firm belief that only juridical criteria should be applied in determining what entity constitutes a State. If these criteria are not applied, if we deviate from legal considerations, we feel that a chaotic situation will ensue.

148. On the basis of these two fundamental considerations, my delegation will vote in favour of inviting the Democratic Republic of Viet-Nam to participate in the Conference. As far as the Republic of Viet-Nam is concerned, its participation in the Conference is already covered by paragraph 7 of the draft resolution requesting the Secretary-General of the United Nations to invite also States members of the specialized agencies.

149. My delegation, representing a country firmly attached to the principles of the United Nations Charter, has already placed itself in the vanguard of the States fighting for self-determination and against colonialism, and for the guaranteeing to all peoples and nations the inalienable rights enshrined in the Charter. As the records of our Organization bear witness, we have actively participated in the achievement of the goals of the United Nations, self-determination and freedom for all peoples. However, the case of Guinea-Bissau cannot as yet be presented as a case of existing statehood, so as to bring about the issuance of an invitation. There is a difference between the right to achieve independence and statehood—a right to which we look forward—and the actual achievement of such a position of statehood, the actual achievement of the capacity of possessing an international personality with all the attributes of international responsibility 'to undertake the international rights and obligations connected with it. It goes without saying that the well-known criteria of statehood are to be the applicable criteria on this issue of invitation. We are afraid that Guinea-Bissau has not as yet fulfilled the classical and universally accepted legal prerequisites for statehood, so as to be entitled to be invited to a United Nations diplomatic conference.

150. As far as Namibia is concerned, my delegation welcomes the proposal to invite the United Nations Council for Namibia to participate in the Conference.

151. Finally, my delegation would like to take this opportunity to thank warmly the Governments of Venezuela and Austria for the hospitality offered to act as hosts to the Conference on the Law of the Sea for the 1974 and 1975 sessions, respectively.

152. Mr. DIPP GOMEZ (Dominican Republic) (*interpretation from Spanish*): The Dominican Republic has been the site for two regional conferences on the law of the sea. Two declarations of Santo Domingo resulted from these conferences, one in 1956 and the other in 1972. These documents form a contribution of the Caribbean States to the law of the sea. For these reasons, my country has followed with great interest the draft resolution relating to the Conference on the Law of the Sea to be held in 1974, and we congratulate our sister Republic of Venezuela for its generous offer to have this Conference take place in Caracas.

153. The Dominican delegation is in agreement with draft resolution A/C.1/L.647/Rev.2 and will vote in favour of it. We reserve our position as to the various amendments that have been submitted and we shall vote upon them in accordance with their merits.

154. The Dominican delegation regrets that since it was understood that the Conference would begin on 14 May 1974, the United Nations Secretariat, which has always been so efficient, should now be having difficulties with the date, and we hope that the Conference Services of the Secretariat can make the necessary arrangements so that the Conference may be held in accordance with the dates proposed in the draft resolution.

155. My delegation wishes to associate itself with the gratitude voiced here by many delegations to Mr. Amerasinghe, Chairman of the sea-bed Committee, for his dedication and the good work he has done. Also, and without violating rule 112 of the rules of procedure, my delegation would like to state, Mr. Chairman, that it admires the gentle but firm manner in which you have been conducting our proceedings.

156. Mr. HARMON (Liberia): Having participated fully in and followed with deep interest all of the deliberations on the pros and cons of this important agenda item 40 and before the vote, I wish to record, on behalf of my Government and delegation, expressions of gratitude to you, Mr. Chairman, for your patience and understanding and to the Bureau, recognizing the diligence exemplified in its long hours spent in co-ordinating our work. Through these efforts we are now bringing this historic debate to a successful conclusion.

157. We wish also to express appreciation to the sponsors of the draft resolution, including the constructive amendments which have been proposed by members of the Committee, particularly the representative of Canada, on the employment of women in senior and other professional positions in the secretariat of the Third United Nations Conference on the Law of the Sea.

158. We wish also to express gratitude to the Venezuelan Government for agreeing to host the sea-bed Conference in 1974 and to say that we are all looking forward to a meaningful and effective Conference. Our thanks are also conveyed to the Government of Austria for being so gracious in inviting the sea-bed Conference in 1975.

159. Liberia will not only vote in favour of draft resolution A/C.1/L.647/Rev.2, calling for the convening of the Third United Nations Conference on the Law of the Sea, in consideration of the fact that the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction has accomplished as far as possible and within the limits of its mandate the work which the General Assembly has entrusted to it, but is happy to sponsor the said draft resolution.

160. Mr. OUEDRAOGO (Upper Volta) (*interpretation from French*): On behalf of my delegation I should like to say that we support the draft resolution. We hope that everything will be done in the Conference to meet the legitimate expectations of the land-locked countries.

161. Secondly, we support the amendments to operative paragraphs 7 and 8, inviting the Republic of Guinea-Bissau, the Democratic Republic of Viet-Nam and the United Nations Council for Namibia.

162. Finally, we should like to make it clear that our acceptance of operative paragraph 7 should be considered in the light of the position of my Government which recognizes, as the only legitimate Government of Cambodia, the Royal Government of National Union under Prince Norodom Sihanouk.

163. The CHAIRMAN: Questions have been raised with me regarding the proper meaning of document A/C.1/L.649, paragraph 8, concerning the financial implications with regard to the second session of the Conference. Under rules 155 and 156 I shall, after consultation with the Secretariat, make the following statement, which I hope will be self-explanatory because there will be no possibility for the Committee to comment upon it due to rule 130.

164. I have discussed the financial implications with the Office of Financial Services. I am given to understand that the financial implications in document A/C.1/L.649, paragraph 8, are based on a 10-week session and would not be significantly affected by the particular dates, if other dates become feasible, with the one exception that will appear from paragraph 8, namely, if the session is held in the month of June. In that month there will be a necessity for added expenses for staff. At the same time it will appear from paragraph 8 of document A/C.1/L.649 that such staff is not available in the month of June. I hope now that the situation is quite clear.

165. We shall then move to the actual vote. The Committee has before it draft resolution A/C.1/L.647/Rev.2. To this draft resolution there has been presented in document A/C.1/L.648 the added subamendment that I have repeatedly read out to you. The idea is to include that amendment as the fifth paragraph of the preamble. If I hear no objection to including that amendment in document A/C.1/L.647/Rev.2, I take it that the Committee is in

agreement to include that amendment as the fifth preambular paragraph.

It was so decided.

166. We now move to operative paragraph 7. An amendment has been proposed to fill in the blank, at the end of operative paragraph 7, with the words “the Republic of Guinea-Bissau”.

A vote was taken by roll call.

Ecuador, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Gabon, Gambia, German Democratic Republic, Ghana, Guinea, Guyana, Hungary, India, Indonesia, Iran, Iraq, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Liberia, Libyan Arab Republic, Madagascar, Malaysia, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Niger, Nigeria, Pakistan, Panama, Peru, Philippines, Poland, Romania, Rwanda, Senegal, Sierra Leone, Singapore, Sri Lanka, Sudan, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Upper Volta, Yemen, Yugoslavia, Zaire, Zambia, Afghanistan, Albania, Algeria, Bahrain, Barbados, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Chad, China, Congo, Cyprus, Czechoslovakia, Dahomey, Democratic Yemen

Against: Greece, Portugal, South Africa, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America, Brazil

Abstaining: Finland, France, Germany (Federal Republic of), Guatemala, Honduras, Iceland, Ireland, Italy, Japan, Khmer Republic, Laos, Netherlands, New Zealand, Norway, Paraguay, Sweden, Turkey, Uruguay, Venezuela, Argentina, Australia, Austria, Belgium, Bolivia, Canada, Chile, Colombia, Costa Rica, Denmark, Dominican Republic

Operative paragraph 7, as amended was adopted by 79 votes to 7, with 30 abstentions.

167. The CHAIRMAN: We come now to the second amendment, which is to add the words: “and the Democratic Republic of Viet-Nam”.

168. I call on the representative of Brazil on a point of order.

169. Mr. SARAIVA GUERREIRO (Brazil): I do not want to create any problems, but I made a statement of a general nature regarding voting on specific names in which I said that I would vote against any specific names. But, if that is on record, I do not want to obstruct the Committee's work.

170. The CHAIRMAN: I thank the representative of Brazil for his co-operation. I did not want to draw him or his name into the picture, but clearly I had in mind what he had said in his statement.

171. As there is no objection to adopting the words “and the Democratic Republic of Viet-Nam” by acclamation, the amendment is adopted.

The amendment was adopted.

172. The CHAIRMAN: The amendment proposed to operative paragraph 8 is to add a new subparagraph (b), reading as follows:

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

The existing subparagraph (b) would, consequently, become subparagraph (c).

The amendment was adopted by 106 votes to 2, with 5 abstentions.

173. The CHAIRMAN: I shall now put to the vote the draft resolution as a whole, as amended.

The draft resolution, as a whole, as amended, was adopted by 106 votes to none, with 9 abstentions.

174. The CHAIRMAN: If I hear no objection, I shall take it that the Committee agrees to close the list of speakers who want to explain their votes after the vote. There are 11 names inscribed and I call on the first of these, the representative of the United Kingdom.

175. Sir Roger JACKLING (United Kingdom): My delegation has voted against issuing an invitation to Guinea-Bissau because the claim of the African Party for the Independence of Guinea and Cape Verde Island, that it constitutes the government of a sovereign independent State does not, in the view of my Government, meet the normal objective criteria for recognition. In our view, the Territory at present remains, as indeed the General Assembly has hitherto consistently held it to be, a Non-Self-Governing Territory and covered by the provisions of Chapter XI of the Charter. In so doing, I wish to make it clear that my delegation's views on the matter of the right to self-determination remain unchanged.

176. As for Namibia, my delegation abstained on the resolution which set up the United Nations Council for Namibia and, therefore, abstained on the separate vote on subparagraph (b) of operative paragraph 8 of the draft resolution just adopted. My delegation's vote in favour of the resolution as a whole in no way affects its position as regards the Council.

177. Mr. JEANNEL (France) (*interpretation from French*): The French delegation is gratified by the adoption in the First Committee of the resolution convening the Conference on the Law of the Sea. We do regret, however, that the text was not adopted unanimously and hope that the organizational session—to be held in about a month's time—will make possible the adoption of a working method which will take account of the concerns of all the participants. No one can deny that the success of the tremendous undertaking upon which we are embarking will require a great deal of goodwill on the part of all and a clear understanding of the realities. Both in international law and

in national law, one cannot legislate without taking concrete facts into account. Life is not enclosed within systems and any attempt to make it so can only give rise to conflict and disorder, since rules that are established in this way are in practice inapplicable.

178. That is why my delegation attaches particular importance to the gentlemen's agreement that we achieved, which constitutes an essential element of the agreement we have given to the draft resolution.

179. My delegation would wish also to explain its abstention on the invitation to Guinea-Bissau and the addition proposed to the list of observers. Its attitude in this particular case was dictated by juridical considerations that are well known. First of all, we respect the provisions of the Charter, whether it be Article 2, paragraph 7, or the Articles on the competence and powers of the various organs of the United Nations. As to the first case, it seems to us, furthermore, that any entity cannot claim the status of a State without meeting a certain number of concrete conditions. The emergence of a new State presupposes, therefore, that there is proof of the existence of these elements, and this does not seem to us to be the case yet.

180. Mr. RAMPHUL (Mauritius): On behalf of the group of African States, I wish to thank, very sincerely, the great number of non-African delegations that cast their vote in favour of the independent sovereign State of Guinea-Bissau, as well as the United Nations Council for Namibia. I regret the absence of four or five African delegations at the time of the vote. There can be no doubt that were they present, they would have voted in favour of what is their own cause.

181. I hope that by the time the plenary takes up the recommendation of this Committee, those few delegations that have either abstained or voted against Guinea-Bissau and the United Nations Council for Namibia will have received fresh instructions from their respective Governments in the light of the overwhelming majority vote in this Committee.

182. I also appeal, very sincerely, to some unnamed States, to give up their futile pseudo-legalistic arguments regarding the independence and sovereignty of Guinea-Bissau.

183. May I end by paying a very special tribute to our commander-in-chief, Mr. Amerasinghe, our revered Buddhist, who has so far piloted us safely to port after, no doubt, many prayers.

184. I reserve my right to exercise a right of reply should Portugal decide to take the floor.

185. Mr. STEVENSON (United States of America): I take the floor to explain our vote in support of the resolution on the Conference on the Law of the Sea. In the first place, let me express our appreciation to the Governments of Venezuela and Austria for their generosity in inviting the Conference to their respective capitals.

186. Secondly, let me emphasize how important and necessary my delegation feels it to be that the Conference, in accordance with the provisions of paragraph 5, make

arrangements for the completion of additional work prior to the Conference.

187. Thirdly, with respect to paragraph 7, let me explain that my delegation's vote against the proposal to invite Guinea-Bissau to attend the Third United Nations Conference on the Law of the Sea is a consequence of our policy of recognition of States. We reaffirm our support for self-determination in Africa as elsewhere in the world.

188. Finally, let me comment briefly on paragraph 10 of the resolution. Throughout this session, the United States delegation has emphasized the importance of achieving a generally acceptable comprehensive treaty on the law of the sea. We have also stressed the vital importance of the decision-making process to the success of that Conference.

189. We feel that the gentlemen's agreement on decision-making, with which we agree, and which is the basis for our support of the resolution, to be a good beginning. We appreciate very much the spirit of understanding of different points of view that were shown in the negotiation of this agreement. We think it is vital to the success of the Conference that the inaugural session agree on specific means of facilitating consensus and avoiding premature voting.

190. Mr. GHARBI (Morocco) (*interpretation from French*): On behalf of my delegation, very briefly, I should like to explain something about a particular point after the vote; that is, the amendment in document A/C.1/L.648, of which my delegation was a sponsor.

191. This amendment, essentially a reminder of the rules which, having been confirmed repeatedly by the General Assembly, have become commonplace, as it were, and the equivalent of a practice, as is shown by the adoption by acclamation, should not be understood, in my delegation's view, either as a challenge to those responsible in the Secretariat, or as casting doubt on their impartiality or their spirit of discrimination, nor as an expression of dissatisfaction about people who have been working in the sea-bed Committee for six years, or any doubt whatsoever about their competence or discretion. This staff is so highly qualified and has had long experience in questions of the law of the sea, and thus has become very experienced. The forthcoming Conference cannot afford to neglect them. It would be very wrong to deprive it of their services.

192. My delegation would like it to be perfectly understood that the justified concern for equitable geographical distribution should not be in conflict with the maintenance of the actual staff of the sea-bed Committee and should rather lead to a possible expansion of the Secretariat, as is explicitly authorized by operative paragraph 9 of the historic resolution, which we are so relieved to have adopted.

193. Mr. ZULETA (Colombia) (*interpretation from Spanish*): My delegation would venture to explain its vote only with regard to the amendment to operative paragraph 7 since the rest of the draft resolution we have fortunately adopted was sponsored by it. My delegation abstained from voting on the inclusion of an invitation in operative paragraph 7 only in order not to prejudge its

position in the debate on item 107 of the agenda of the General Assembly and on other points of the foreign policy of its Government. But this abstention in no way signifies that my Government has abandoned its position, which it has maintained ever since the San Francisco Conference, in favour of independence for peoples suffering under colonialism.

194. I would ask indulgence to join in the words of congratulation, felicitation and thanks extended to the Chairman of the Committee on the sea-bed, Mr. Amerasinghe. I do not think it is necessary to offer him any words of praise now. He well knows our very high opinion of him. We do not want to repeat what has already been said.

195. I should like to join with other delegations in thanking you, Mr. Chairman, for the way in which you have conducted this debate—that is, smoothly but firmly.

196. Mr. CHRISTIANI (Austria): My delegation abstained on the question of issuing an invitation to the Republic of Guinea-Bissau to participate in the Third United Nations Conference on the Law of the Sea. Having invited that Conference to hold its second session in 1975 in Vienna, my delegation did not find it appropriate to take a particular stand on a question of a controversial nature, such as the one this Committee had to decide upon.

197. Let me add that my delegation's vote cannot, however, be interpreted as in any way affecting the well-known position of my delegation on the struggle of the African people for freedom and independence.

198. Finally, I should like to express the sincere appreciation of my delegation to those representatives who have spoken kind words about the invitation my Government has extended for the second session of the Conference on the Law of the Sea.

199. Mr. MOLTENI (Argentina) (*interpretation from Spanish*): My delegation decided to abstain in the vote on the proposal concerning Guinea-Bissau because of the relationship between that question and the problem of the recognition of States. Recognition is a unilateral action, and since my Government is at present studying this question with very particular attention I did not want my vote in any way to prejudice the issue.

200. We should like to congratulate and thank the Government of Venezuela for the invitation we have just accepted to hold the second session of the Conference in 1974 in Caracas. We also extend thanks to the Government of Austria for its offer of Vienna as the site for the Conference in 1975.

201. Mr. ALEMAN (Ecuador) (*interpretation from Spanish*): I voted in favour of operative paragraph 7 of the draft resolution on the understanding that the invitation that would be extended to certain countries would be a reflection of the criterion of universality enshrined in that paragraph, to which my country has traditionally given its firm support.

202. Mr. DIAZ GONZALEZ (Venezuela) (*interpretation from Spanish*): Obviously, as a sponsor of the draft

resolution my delegation will not explain its vote. I merely wish to refer to the proposed amendment to operative paragraph 7 of that draft.

203. My delegation abstained in the course of the voting on the first amendment to operative paragraph 7 just adopted solely in order to preserve utter and absolute impartiality on a decision that concerned invitations. This abstention should be viewed rather as non-participation in the voting by a country that had offered itself as a host. We should not prejudge the matter of invitations to be issued in accordance with a decision of the General Assembly—a decision which, of course, my Government will at all times be prepared to respect. Finally, that abstention does not prejudge or change in any way the favourable attitude, which is broadly known, of my country concerning the struggle of the colonial peoples to win freedom and independence.

204. Since I have the floor, I hope I may be allowed to take up a few extra minutes to offer my sincere thanks to all those States—106 of them—who have expressed confidence in my country by voting in favour of the draft resolution whereby the capital of Venezuela, Caracas, is offered as the site of the 1974 Conference.

205. May I also on behalf of my delegation pay a very sincere tribute to Mr. Amerasinghe, who has always been a faithful friend and a defender of this proposal for the venue of the Conference.

206. Though the rules of procedure prohibit me from doing so, may I extend my thanks to you, Mr. Chairman, for your collaboration, understanding and efficiency in guiding our debates to a successful conclusion.

207. Mr. KEDADI (Tunisia) (*interpretation from French*): I should like to explain very briefly the vote of the Tunisian delegation on some aspects of the draft resolution just adopted by our Committee. Speaking on this subject, the Tunisian delegation in particular would like to clarify its views with regard to the content of the new fifth preambular paragraph of the draft resolution in question. The reference made in this paragraph to the relevant resolutions adopted in the past by the General Assembly has the object solely of providing the Secretary-General with a solid basis for setting up the secretariat for the Conference which, as we know, will be the embryo of the future secretariat of an international agency to be set up at the appropriate time. In his statement in this Committee at the 1932nd meeting on 22 October 1973 the Tunisian delegation referred to Article 101 of the Charter because it considers that questions of efficiency and competence should be important criteria for the establishment of that secretariat. We should like to repeat those views today so as to bring out clearly the fact that while taking account of the criteria of equitable geographical distribution, the Tunisian delegation considers that we should not lose from sight those of competence and efficiency. In the same spirit, my delegation supports the statement just made a few moments ago by the representative of Morocco to that effect.

208. The CHAIRMAN: We have now concluded the voting on the draft resolution, as revised and amended today. The

resolution will now be passed on to the plenary. I want just to underline, however, that I take it that the Chairman of the sea-bed Committee will feel responsible for a continuing discussion with the Secretariat as to dates. I now call on the Chairman of the sea-bed Committee, the representative of Sri Lanka, Mr. Amerasinghe.

209. Mr. AMERASINGHE (Sri Lanka): Thank you, Mr. Chairman, for your indulgence in allowing me to make a statement at this stage after the conclusion of our debate on this item. I shall certainly pursue every effort between now and the time the General Assembly takes up the recommendation of the First Committee on this item, to secure agreement in regard to the dates of the inaugural session and the second session.

210. I have been deeply touched by the expressions of appreciation by my colleagues of the role that I have been privileged to fill during the last six years. It has been a source of great satisfaction to me. With the adoption of this resolution the labours of six years have, so far as one body is concerned, namely the Committee, been brought to an end. It is not in any sense of the term a case of "love's labour lost"; we are merely passing on the torch to a much more representative body where, I am sure, it will become a beacon of hope and promise to all mankind. We have every reason to feel a deep sense of gratification at the adoption of this resolution and at the speedy disposal of this item under our Chairman's very effective leadership.

211. We owe a special word of thanks to the sponsors of the draft resolution and especially to its principal architects for the unremitting patience and industry with which they worked out the resolution which though seemingly procedural, contains a great deal of substance in it.

212. I should like, on behalf of my Government and on behalf of my delegation, to express our sincere thanks to the Government of Venezuela for inviting the Conference to hold its second session in Caracas. At the same time we should like to renew our thanks to the Government of Austria for leaving open its offer of hospitality for acceptance if any further session is found to be necessary after the second session.

213. We may lament the demise of the sea-bed Committee but we hail with fervent hope the birth of the Third United Nations Conference on the Law of the Sea. It remains to write the epitaph of the sea-bed Committee and I should like to pronounce it in the following terms: it worked itself to death on bed and floor, it shot its bolt and so became *functus officio*.

214. The CHAIRMAN: The Committee has now concluded its consideration of agenda item 40.

The meeting rose at 6.55 p.m.