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- (c) Establishment of a United Nations industrial devel-  
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REPORT OF THE SECOND COMMITTEE (A/9873)

AGENDA ITEM 42

United Nations Conference on Trade and Develop-  
ment: report of the Trade and Development Board  
(*continued*)\*

REPORT OF THE SECOND COMMITTEE  
(PART II) (A/9826/ADD.1)

AGENDA ITEM 47

Reduction of the increasing gap between the  
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REPORT OF THE SECOND COMMITTEE (A/9936)

AGENDA ITEM 50

Quantification of scientific and technological activities  
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REPORT OF THE SECOND COMMITTEE (A/9930)

AGENDA ITEM 51

United Nations University: report of the  
University Council

REPORT OF THE SECOND COMMITTEE (A/9916)

1. Mr. LASCARRO (Colombia), Rapporteur of the  
Second Committee (*interpretation from Spanish*):  
The wise initiative of Mr. Luis Echeverría, President  
of Mexico, at the third session of the United Nations  
Conference on Trade and Development, held at  
Santiago,<sup>1</sup> has finally yielded successful results.  
After over two years of difficult negotiations, a text  
has been agreed on for the Charter of Economic  
Rights and Duties of States. While it was not adopted  
by a consensus in the Second Committee, it com-  
manded a very large majority.

2. I have the honour to introduce the report of the  
Second Committee on agenda item 48, "Charter of  
Economic Rights and Duties of States" [A/9946].

\* Resumed from the 2278th meeting.

**President: Mr. Abdelaziz BOUTEFLIKA  
(Algeria).**

*In the absence of the President, Mr. Banda (Zam-  
bia), Vice-President, took the Chair.*

AGENDA ITEM 48

Charter of Economic Rights and Duties of States

REPORT OF THE SECOND COMMITTEE (A/9946)

AGENDA ITEM 43

United Nations Industrial Development Organization:  
(a) Report of the Industrial Development Board;  
(b) Second General Conference of the United Nations  
Industrial Development Board: report of the Exec-  
utive Director;

3. In paragraph 25 of its report, the Second Committee recommends to the General Assembly a draft resolution for adoption. The draft resolution was adopted by the Second Committee by 115 votes to 6, with 10 abstentions.

4. I should like to make a clarification. The delegation of Nepal has asked me to inform you that it has withdrawn its sponsorship of this draft resolution.

5. I also have the honour to introduce the report of the Second Committee on agenda item 43, concerning the United Nations Industrial Development Organization [A/9873].

6. In paragraph 19 of its report, the Second Committee recommends to the General Assembly for adoption three draft resolutions. Draft resolution I is entitled "Revision of the lists of States eligible for membership in the Industrial Development Board". It was adopted in the Second Committee without a vote. The operative part of this draft resolution reads:

"Decides to include Guinea-Bissau in list A and Grenada in list C of the annex to its resolution 2152 (XXI)."

7. Draft resolution II, entitled "Second General Conference of the United Nations Industrial Development Organization", was adopted by the Second Committee by 120 votes to none, with 5 abstentions.

8. Draft resolution III, entitled "Establishment of a United Nations industrial development fund", was adopted by the Second Committee without a vote.

9. I now have the honour to introduce part II of the report of the Second Committee on agenda item 42, relating to the United Nations Conference on Trade and Development [A/9826/Add.1].

10. In paragraph 15 of its report, the Second Committee recommends to the General Assembly four draft resolutions for adoption. Draft resolution I entitled "Report of the Trade and Development Board", was adopted by the Second Committee by 116 votes to 1, with 8 abstentions.

11. Draft resolution II, entitled "Multilateral trade negotiations" was adopted by the Second Committee without a vote.

12. Draft resolution III, entitled "Participation of the Secretary-General of the United Nations Conference on Trade and Development in the multilateral trade negotiations", was adopted by the Second Committee by 104 votes to 12, with 7 abstentions.

13. Finally, draft resolution IV, which is entitled "Special measures related to the particular needs of the land-locked developing countries", was adopted by the Second Committee by a roll-call vote of 118 to none, with 6 abstentions.

14. I also have the honour to introduce the report of the Second Committee on agenda item 47, "Reduction of the increasing gap between the developed countries and the developing countries" [A/9936].

15. In paragraph 4 of its report, the Second Committee recommends to the General Assembly the adoption of a draft resolution by which the Assembly would decide that the subject-matter of this item would be fully taken into account by the General Assembly at its special session devoted to development and inter-

national economic co-operation to be held in 1975. The draft resolution was adopted by the Second Committee without a vote.

16. I now introduce the report of the Second Committee on agenda item 50, "Quantification of scientific and technological activities related to development, including the definition of the quantitative targets contemplated in paragraph 63 of the International Development Strategy for the Second United Nations Development Decade" [A/9930].

17. In paragraph 6 of its report, the Second Committee recommends to the General Assembly the adoption of a draft decision, adopted by the Second Committee without a vote, which reads:

"The General Assembly requests the Economic and Social Council to recommend that the Committee on Reviews and Appraisal, during the preparations for the mid-term review, in 1975, of the International Development Strategy for the Second United Nations Development Decade, should consider the question of quantification of scientific and technological activities related to development, so as to provide specific action on the basis of the recommendations adopted on the subject by the Committee on Science and Technology for Development at its first session, as well as of the conclusions of the Intergovernmental Group of Experts on the Quantification of Scientific and Technological Activities related to Development, and the action taken thereon by the Council in its resolution 1901 (LVII) of 1 August 1974."

18. Finally, I should like to introduce the report of the Second Committee on agenda item 51, "United Nations University" [A/9916].

19. In paragraph 8 of its report, the Second Committee recommends to the General Assembly the adoption of a draft resolution, which was adopted without a vote by the Second Committee.

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

20. The PRESIDENT: I invite Members to consider first the report of the Second Committee on item 48, entitled "Charter of Economic Rights and Duties of States". The report is contained in document A/9946. I now call on those delegations which have asked to explain their vote before the vote.

21. Mr. ORTIZ de ROZAS (Argentina) (*interpretation from Spanish*): At this moment when the General Assembly is about to give formal recognition to the Charter of Economic Rights and Duties of States, the delegation of Argentina feels called upon to say how pleased it will be to vote for it.

22. The important and historic initiative of the President of Mexico, Mr. Luis Echeverría, has been crowned with the success it deserves, after more than two years of arduous work, to which all Member States of the United Nations have made some contribution.

23. Argentina is proud to have participated actively in the preparatory work, contributing to the drafting and making various suggestions.

24. We should like to remind members that when President Echeverría made an official visit to Argentina from 17 to 21 July last, at the special invitation of the President of our country, Doña María Estela Martínez de Perón, a joint Argentine-Mexican declaration was issued which included the following statement by the two Chiefs of State:

“They stress the need to reorganize international economic relations and to place them within a legal framework that will lay down the necessary elements of equity and justice.

“Consequently, considering that the Charter of Economic Rights and Duties of States will contribute to the reorganization of the international economic system on a more appropriate basis and that it will be an instrument beneficial to both the highly developed and the developing countries, they express the conviction that the Charter should be adopted at the next session of the General Assembly of the United Nations.”

25. Since the Argentine delegation made a detailed statement in the Second Committee<sup>2</sup> on various specific aspects of the Charter, we need not go into detail now, in reiterating our endorsement of the valuable content of the Charter and pointing out its great importance to the peoples of the world at this time; but we reaffirm our conviction that it is particularly timely, because it is designed to bring about a beneficial balance in international economic relations on a basis of justice, equity and absolute respect for the sovereignty of all States. It is an instrument of economic international law, a branch of law in which there is considerable creative momentum because it reflects urgent needs felt by both Governments and peoples. The Charter should be the first step towards the codification and progressive development of this subject. It should be maintained as a living instrument, representative of the will of all States and of this particular historic moment, a dynamic and timely instrument to promote development, well-being, and the full realization of man as an individual and of the peoples of the world as a community.

26. We hope that this remarkable and constructive work of synthesis and international co-operation, containing generally recognized and accepted principles, will be effectively applied by all States without mistrust, restrictions or limitations, in a broad, generous and realistic spirit of good-neighbourliness and mutual respect, in accordance with the common interest, avoiding disputes and strengthening peaceful and friendly relations among States that are working towards their development and growth and striving for the happiness of their peoples.

27. Mr. KACIMAIWAI (Fiji): My delegation did not explain its vote on the Charter of Economic Rights and Duties of States, taken in the Second Committee on 6 December. I now take the opportunity to do so.

28. Before doing so, I have been instructed to state for the record of this meeting that although Fiji's name appeared on the list of sponsors of the draft resolution contained in document A/C.2/L.1386, that was due to a misunderstanding [see A/9946, para. 5]. My delegation has received no instructions from the Fiji Government formally to announce its sponsorship, either at the time of the voting in the Second Com-

mittee or to this day. My delegation, therefore, did not at any time during the negotiations and consultations on the said Charter announce its sponsorship, nor did it give authorization to anyone or to any delegation to enter Fiji's name on the list of sponsors of the draft resolution. The appearance of Fiji's name on the list of sponsors was therefore due to a misunderstanding, for which my delegation claims no responsibility.

29. My delegation voted in favour of the draft resolution in document A/C.2/L.1386 as a whole because of its support for the general principles contained in the Charter [*ibid.*, para. 23]. My delegation believes that such a charter, dealing with the responsibility of States Members in the economic and social field, would serve as a valuable document for the future. It would indeed be a Magna Carta in the sphere of international economic and social co-operation if it were accepted in a genuine consensus by all States Members. My delegation regrets that this was not so.

30. My delegation did not participate in the voting in the Second Committee on Chapter II, article 2, paragraph 2 (c), of the Charter, because it felt that it would be more desirable if reference in that paragraph were also made to some equitable principle such as the generally accepted rules of international law, in connexion with controversies arising with respect to adequate compensation in cases of nationalization. My delegation believes that nations can best achieve their aspirations for social and economic progress within the framework of equity and justice, and not by eliminating one injustice while at the same time creating the possibility of another.

31. This fundamental position of my Government on this matter was also stated in the Second Committee during the discussion under agenda item 12 on permanent sovereignty over natural resources, in 1973 and again this year.

32. Mr. GONZÁLEZ ARIAS (Paraguay) (*interpretation from Spanish*): The delegation of Paraguay wishes to explain its vote on the Charter of Economic Rights and Duties of States. My delegation supports the text of the Charter because we consider that it contains well-pondered principles that are essential to the developing countries. It is a document that substantially maintains a balance between the interests of all countries and, for that reason, is acceptable virtually in its entirety.

33. The principle that every State has and shall freely exercise full permanent sovereignty, including possession, use and disposal, over all its wealth, natural resources and economic activities, is one of the most important principles and is the basis on which the Charter was elaborated. It is a principle that must be respected in its entirety. However, my delegation feels that that principle has been negated and diminished in article 3 of the Charter where it is stated that, in the exploitation of what are called “natural resources shared by two or more countries”, each State must co-operate on the basis of a system of information and prior consultations in order to achieve optimum use of such resources.

34. We are not opposed to the idea of consultations, exchange of information and of dialogue in an appropriate framework; to the contrary, Paraguay has

always acted and will continue to act on the basis of the principle of international co-operation. What my delegation does not find so acceptable is the lack of clarity and of a definition of those elements that are contained in that article. It has not been established what the consultations should relate to, or what their scope should be. Furthermore, in the event of a broad interpretation, one might even conclude that there is a sort of veto—the kind of thing we would find it very difficult to accept. Greater clarity and a more precise definition of the article is needed; in particular, the principle of the permanent sovereignty of States over their natural resources must be safeguarded.

35. For those reasons and for the reasons that we have advanced in connexion with this item, my delegation will not be able to vote in favour of article 3. Furthermore, I wish to make clear that the delegation of Paraguay was, regretfully, unable to be a sponsor of this document.

36. Mr. VALDÉS HERTZOG (Bolivia) (*interpretation from Spanish*): My delegation would like to state its position with respect to article 3 of the Charter of Economic Rights and Duties of States. Because of the normative form in which it is couched, and because of its lack of precision, we believe that it is not in keeping with the principle of the permanent sovereignty of States over their natural resources.

37. Bolivia respects and will continue to respect international agreements into which it has entered, and as long as they continue to be in force we believe that no other element can render them null and void. In the particular case of the exploitation of water resources, my country, together with Argentina, Brazil, Paraguay and Uruguay, has acceded to the Declaration of Asunción of 3 June 1971, which establishes:

“1. In contiguous international rivers, which are under dual sovereignty, there must be a prior bilateral agreement between the riparian States before any use is made of the waters.

“2. In successive international rivers, where there is no dual sovereignty, each State may use the waters in accordance with its needs provided that it causes no appreciable damage to any other State of the Basin.”<sup>3</sup>

38. Within the context of that Declaration, we believe, none the less, that in the interest of equity, there should be information and prior consultations only in those cases where one State believes that the exploitation of a natural resource may damage the interests of another State with which that natural resource is shared.

39. For that reason, if article 3 is voted on separately my delegation regrets that it will be obliged to vote against it.

40. My delegation will vote in favour of the Charter as a whole because we are most decisively in agreement with the other articles. We take this opportunity to congratulate the President of Mexico, Mr. Luis Echeverría, on his brilliant initiative in support of harmonious economic relations among States.

41. Mr. CHANG Hsien-wu (China) (*interpretation from Chinese*): The current session of the General Assembly is about to adopt the Charter of Economic

Rights and Duties of States, formulated on the initiative of the President of Mexico, Mr. Luis Echeverría. It is an important document of positive significance and is the result of the joint efforts of the developing countries and some other countries.

42. The drafting of the Charter is a component of the just struggle of the third-world countries to safeguard their State sovereignty, control their national resources and develop their national economies.

43. In the course of drafting the Charter, many developing countries exposed the oppression, exploitation and plunder by imperialism, and particularly the super-Powers, and called for a break in the old and inequitable international economic relations and the establishment of a new, just and reasonable international economic order.

44. The Charter has reflected a series of just proposals of the third-world countries for the strengthening of their economic independence, provided for the right of States to exercise permanent sovereignty over their natural resources and to regulate the activities of the transnational corporations up to the nationalization of foreign investment, the right of the developing countries to associate in organizations of primary commodity producers and their right to participate fully in the international decision-making process in the solution of world economic, financial and monetary problems.

45. The Charter also sets forth certain fundamental principles guiding international economic and trade relations, such as respect for sovereignty, territorial integrity and political independence of States, non-aggression, non-intervention, mutual and equitable benefit, no attempt to seek hegemony and spheres of influence, and so on. The adoption and implementation of these correct principles will contribute to the struggle against colonialism, imperialism and hegemony in the international economic field.

46. The Chinese Government has always actively supported and participated in the drafting of the Charter, and will vote in favour of the Charter of Economic Rights and Duties of States. The adoption of the Charter will demonstrate once again that the struggle of the third-world countries in defence of political independence and for economic liberation is an irresistible historical trend.

47. Experience tells us that the Charter, once adopted by the General Assembly, will still be only a text on paper. Unremitting struggles will have to be waged before its correct provisions can be translated into reality. We are convinced that so long as the justice-upholding countries persist in unity, adhere to principle and unite all the forces that can be united, they will be able to surmount obstacles and continuously win fresh victories in their struggle to implement the correct provisions of the Charter.

48. Here it is necessary to point out that the Charter of Economic Rights and Duties of States still contains certain irrational things and even a few articles detrimental to the establishment of a new international economic order.

49. First, the provisions of article 15 on disarmament have greatly damaged the seriousness of the Charter. In recent years, the super-Powers have been stren-

uously advertising disarmament while frantically engaged in arms expansion. "Disarmament" is a mere smokescreen, while the reality is arms expansion. While chanting "strategic arms limitation" and trumpeting a "major breakthrough" and the accelerated process of "détente" in the international situation, they are in fact constantly increasing the quantity of their strategic nuclear arms, improving their quality and augmenting their destructive power. In this respect, one super-Power is more candid than the other in admitting that its military expenditures cannot be reduced in its contention with the other super-Power for nuclear superiority. The other super-Power is most hypocritical and insidious. While talking about the utilization of funds saved by disarmament to provide assistance to developing countries, it is actually seizing every opportunity to exploit and plunder the developing countries by engaging in huge munitions deals. It is precisely that super-Power which has been trying in a thousand and one ways to introduce such deceptive matter as the utilization of funds saved by disarmament to provide assistance to developing countries into various United Nations documents. At the sixth special session of the General Assembly this year and at the World Food Conference, the unreasonable demand of that super-Power was rejected. However, it is most regrettable that the Charter to be adopted has included an article along these lines, which can only be used by that super-Power to mislead and dupe the public. We believe that all countries which face up to the reality and adhere to principles will heighten their vigilance against that super-Power using this article to engage in deceitful propaganda and disruptive activities so as to cover up the truth about its arms expansion and preparations for war.

50. Secondly, we deem it unnecessary for the Charter to make a separate reference to "trade with socialist countries"—all the more so because that super-Power which insists on the insertion of this article has long turned towards socialism in words and imperialism in deeds, namely social-imperialism. Styling itself the "natural ally" of the third-world countries, it infringes upon the sovereignty of other countries, interferes in their internal affairs and expands its spheres of influence under the smokescreen of "peaceful coexistence". It insisted on the most-favoured-nation treatment as a basis for trade solely for egotistical purposes. That is why we cannot accept articles 20 and 26 in chapter II.

51. Thirdly, we are of the opinion that the expression "interdependence" in the Charter of Economic Rights and Duties of States cannot reflect the actual state of the international economic relationship and tends to be used by the super-Powers to cover up and distort the existing relationship between the exploiters and the exploited. We express our reservation on the term "interdependence".

52. Finally, the Chinese delegation hopes that the above-mentioned irrational provisions of the Charter will be rectified in a future review.

53. Mr. RYDBECK (Sweden): The Swedish delegation voted in favour of the draft resolution on the Charter of Economic Rights and Duties of States in the Second Committee and will be happy to do so in the plenary Assembly today.

54. We want to pay a tribute to the President of Mexico, Mr. Luis Echeverría, for his highly important initiative. Through the Charter, Member States give expression to the general principles that should guide intergovernmental economic relations within the framework of a new international economic order.

55. We regret that it has not proved possible to reach a consensus, and we should like to express our hope that the efforts to broaden agreement on the text will continue.

56. I want to make some brief remarks on the position of my Government in regard to some of the articles of the Charter. In this connexion, I refer also to the more comprehensive statement that my delegation made in its explanation of vote after the vote in the Second Committee<sup>4</sup> as well as to our votes on the separate articles of the Charter [see A/9946].

57. As to article 2, the Swedish Government fully supports paragraph 1 as well as paragraphs 2 (a) and 2 (b). As regards paragraph 2 (c), my Government, while recognizing the sovereign right of States to nationalize foreign property, still holds the view, which is in conformity with General Assembly resolution 1803 (XVII), that in cases where national means of justice have been exhausted and the result of that process still appears unsatisfactory to a foreign State, there exists a dispute on the international level, a dispute which in the view of the Swedish Government should be settled by an international court.

58. Both articles 5 and 6 relate to trade and commodities. Sweden has no objection to the principle that primary commodity producers should have the right to associate themselves in our organizations, but, as we have pointed out on previous occasions, we are of the opinion that co-operation among primary commodity producers would be facilitated if it was carried out within the framework of broad international co-operation, taking into account the interests of both the producers and the consumers.

59. With regard to article 15, the Swedish aim in participating in disarmament negotiations is to further these negotiations through practical and realistic proposals that may lead to tangible results in the not-too-distant future. We do, however, believe that the two objectives, disarmament and development, must be striven for each one in its own right, and development must never be made dependent on progress in disarmament. In accordance with those views, my delegation abstained from voting in the Committee on this article.

60. In the vote in the Second Committee, my delegation abstained from voting on article 26 because of the way the most-favoured-nation treatment is formulated in this text.

61. We voted in favour of article 28 because we support the principle of achieving a just relationship between the prices of imports and exports of the developing countries and improvements in their terms of trade. However, the views on the appropriateness and feasibility of establishing a direct link between these prices that we have expressed on earlier occasions remain unchanged. It is our view that probably the best possibilities for coping with changes in exchange rates and with inflation are most likely to

be found within the framework of world-wide commodity agreements.

62. Finally, Sweden supports the general goals set forth in article 32. However, we find the wording of the article somewhat inappropriate.

63. Mr. PITARKA (Albania): In the Second Committee, we had the opportunity of elaborating our views on the Charter of Economic Rights and Duties of States. Therefore, today I shall confine myself to making some brief comments on this important document as well as to paying a tribute to the President of Mexico, Mr. Luis Echeverría, and to greet his initiative in formulating this Charter. The Albanian delegation, as it emphasized in the Second Committee,<sup>5</sup> is of the opinion that the Charter of Economic Rights and Duties of States is an important document which marks an important step forward towards the strengthening of the struggle of the developing countries for a fundamental change of the old inequitable and exploiting system of international economic relations. It reflects, to some extent, the successes achieved up to now by the developing countries in their endeavours to realize their legitimate national aspirations for independent economic and social development.

64. As we have pointed out on previous occasions, the Albanian people and its Government have unreservedly supported the developing countries, and still support them with determination, in the struggle for their national independent development, in their endeavours to oppose the policy of exploitation and plunder on the part of the two super-Powers and the other imperialist Powers, and in their determined struggle against colonialism, neo-colonialism, aggression and hegemony.

65. Being guided precisely by this attitude of principle, by the all-out support and solidarity for this struggle of the developing countries, and from these very desires and good intentions, the Albanian delegation, as it emphasized in the Second Committee, wishes to express its reservations concerning some provisions of this Charter, which, in our view, contains a series of shortcomings which should be properly corrected. Thus, we hold that the fourth preambular paragraph should not deal with the so-called interdependence between the developing and the industrialized countries, because that interdependence, in the present state of things, contains in itself the exploitation of the developing countries by the industrialized countries as well as economic control over them.

66. At the same time, we express our strong reservations concerning article 15, which deals with disarmament and the utilization of the funds released by the so-called disarmament measures on behalf of the developing countries. As we have already emphasized, this thesis of the Soviet social-imperialists, which aims at legalizing and justifying the intensification of their war budget and the arms race, has been included in this very important international document. This is certainly part and parcel of the efforts made by the Soviet Union to have peoples harbour harmful illusions about so-called disarmament, *détente*, peaceful coexistence and so on and so forth, when it is common knowledge to all that the two super-Powers are intensifying the arms race year after year and are

increasing their war budgets and war preparations, thus threatening peace and international security.

67. The Albanian delegation expresses once again its strong reservations concerning articles 20 and 26, which have been included in the Charter at the strong insistence of the Soviet Union. The Charter should in no way become an instrument in the hands of that super-Power to penetrate the economies of the developing countries, so as to pave the way to the neo-colonialist exploitation of those countries by these new imperialists who still persist in their demagogical hue and cry about their sham assistance to and defence of the developing countries. Therefore, we cannot accept those two articles.

68. With respect to our vote on this very important document, the Albanian delegation will do as it did in the Second Committee, and vote for the adoption of the Charter as a whole, but vote against articles 15, 20 and 26 if they are put to a separate vote, bearing in mind the afore-mentioned reservations.

69. Mr. BENITES (Ecuador) (*interpretation from Spanish*): It was an honour for my delegation to be one of the sponsors, in the Second Committee, of the draft Charter of Economic Rights and Duties of States. We voted in favour of the Charter in the Second Committee, with reservations concerning the provision in article 3.

70. Today when the final vote takes place, and formal recognition will surely be given to this important document for which credit must be given to the President of Mexico, Mr. Luis Echeverría, my delegation will vote in favour of the Charter as a whole.

71. However, we wish to make it perfectly clear that we maintain the same reservations that we voiced at the meeting of the Second Committee on 3 December.<sup>6</sup>

72. Mr. FRAZÃO (Brazil): It is a well-known fact that Brazil has engaged its very best efforts, within the United Nations, with the aim of contributing to the early adoption of the Charter of the Economic Rights and Duties of States. In the pursuance of this aim, no effort was spared by Brazil, either at the stage of negotiations held within *ad hoc* bodies and working groups or in the course of the current session of the General Assembly.

73. The Brazilian Government acted in this manner because it was fully conscious of the importance and of the significance of this document, the elaboration of which deserved the devoted attention and inspiration of the President of the Republic of the United States of Mexico. This led my country to lend its political and diplomatic support to the measures aimed at speeding the process of drafting the Charter, so that it could still be acted upon during the present session of the General Assembly.

74. In complying with this objective of helping to speed up the adoption of the Charter of the Economic Rights and Duties of States, Brazil could not, however, fail to express, in the clearest and most decisive way, its position on a question that, in its opinion, is closely related to the sovereignty of the Member States and to the very survival of this Organization. I refer, of course, to the free and sovereign exploitation by States of the natural resources existing within their territory. This right was clearly reaffirmed in memorable resolu-

tions of the United Nations, particularly resolutions 1803 (XVII) and 2849 (XXVI). This matter is taken up, in the draft Charter of the Economic Rights and Duties of States, by article 3 of chapter II, which was first suggested on the initiative of Argentina and which reads as follows:

“In the exploitation of natural resources shared by two or more countries, each State must co-operate on the basis of a system of information and prior consultations in order to achieve optimum use of such resources without causing damage to the legitimate interests of others.” [see A/9946, para. 25.]

75. The importance and the significance of article 3 caused my Government to engage in a new and detailed analysis of its subject-matter, so as to be able to express its views, on a question of such transcendence, with the candour and the loyalty that are due to the General Assembly and to the document now under consideration.

76. Allow me to repeat, Sir, given the importance it attaches to this question, that Brazil has participated, with the greatest interest, in all the debates that took place on this matter within the United Nations and its various bodies mentioned previously. On all those occasions, Brazil always clearly and unequivocally expressed the opinions that the only juridical formula capable of properly serving the rights and interest of the community of States in this matter is the acknowledgement, made in such a way as to raise absolutely no doubts, and in a manner fully compatible with the unequivocal mandate of the United Nations Charter, of the sovereignty of States over their natural resources, and of the right every State has to the free and sovereign use of those resources.

77. This position, which has been traditionally defended by my country, was reiterated once again, and in a very precise way, by the Minister for External Relations of Brazil in his opening address to the General Assembly. I quote his words:

“Brazil considers that the free use and exploitation of the natural resources in its territory is a right inherent in the sovereignty of the State. Such a right cannot brook restrictions. In the case of resources which are, by nature, not static and which flow through the territory of more than one country, that right remains unalterable, those restrictions alone being acceptable that result from the obligation not to cause significant or permanent damage to the exploitation by other countries of the natural resources in their territories. To subordinate the sovereign utilization of our own natural resources to consultations of a suspensive nature would be to introduce an intolerable disruption in international order, with the result of making the right that we were trying to preserve a mere ‘dead letter’. The Brazilian Government, which does not refuse to make use of or to resort to consultation between Governments in this as in any other matter, and which has resorted to this method of procedure frequently in the past, cannot accept the perversion of the co-operative function of consultation by questioning the sovereignty of States. For this reason, we think it is our duty to awaken the consciences of Governments to the implications of principles of consultation that would injure the sovereign

right of countries to use their natural resources, and that, though seemingly constructive, would be potentially disruptive to the international order, which it is our aim to preserve, and an impediment to the material progress of nations, which it is our objective to stimulate. We should all be aware that natural resources, the use of which it is intended to regulate in opposition to the sovereign decisions of territorial Governments, do not flow over ground only. There are those that flow beneath the ground, as there are those that flow in the territorial sea. The characteristics of certain resources must be the motive for responsible behaviour on the part of those who use them, rather than for hindering their use and thus benefiting no party at all.” [2238th meeting, para. 36.]

78. My delegation thinks that the text of article 3 does not correspond to the points of view so clearly expressed by Brazil. The lack of precision in its wording might transform it, at the level of the relations among States, into a factor of permanent controversy and serious doubts of interpretation.

79. The first difficulty that prevents my country from giving its support to the article in question is the fact, in itself extremely serious, that it introduces into the Charter of the Economic Rights and Duties of States the issue of the “natural resources shared by two or more countries” without defining the exact meaning of such an important concept. On the other side, the text of the said article 3 did incorporate, without a previous effort aimed at defining and clearly establishing their precise limits, two concepts which had already been examined in other forums and were far from having received the clear and unquestioned acceptance of other interested parties. I refer to the concepts of “optimization” and “prior consultation”. To judge by the scope that certain doctrinarians attribute to them as well as by the opinions of some States that have already expressed themselves accordingly on the subject, these concepts are interpreted and regarded in so broad a manner that they would at once constitute a grave, unacceptable limitation to the principle of the free sovereignty of the States over the natural resources within their own territory.

80. The Brazilian Government believes that the expression “shared natural resources” necessarily involves the question of shared sovereignty. Both are indivisibly linked, and, I insist, it is therefore altogether impossible to separate the two notions.

81. In the course of the long process of co-operation among the States of the River Plate Basin to “combine their efforts for the purpose of promoting the harmonious development . . . of the Basin” as expressed in article I of the Treaty on the River Plate Basin,<sup>7</sup> now in force, there was adopted a text that clearly defines in relation to the use of international rivers, the meaning to be attached to the concept of shared natural resources: those resources are shared because sovereignty over them is shared, as distinct from the case of the resources existing in the territory of a single State, where of course only the sovereignty of that State exists. In that text, of such extraordinary significance—the Declaration of Asunción on the use of international rivers—the two concepts are intimately

connected, that of natural resources and that of sovereignty. The Declaration of Asunción states:

“1. In contiguous international rivers, which are under dual sovereignty, there must be a prior bilateral agreement between the riparian States before any use is made of the waters.

“2. In successive international rivers, where there is no dual sovereignty, each State may use the waters in accordance with its needs provided that it causes no appreciable damage to any other State of the Basin.”<sup>3</sup>

82. It is natural and understandable that the Declaration of Asunción had in mind river problems. By their own characteristics and by the fact that rivers were among the first natural resources to be exploited, they then became the foremost symbol of natural resources which may interest more than one State. This circumstance makes it fully pertinent to invoke that legal instrument, in an extensive way, in the global field of juridical regulation of natural resources. Such a relationship is all the more understandable and opportune when, due to the growing exploitation of other resources such as ichthyological and maritime wealth, and principally petroleum, the problem has acquired even greater scope and complexity, demanding from States redoubled care in the examination of the question and a clear position on all its connotations.

83. The Declaration of Asunción, which is in force among the countries of the River Plate Basin, established, for the first time in international law the concept of shared natural resources as one which is indefectibly linked to that of shared sovereignty. This fact gave that concept an extraordinary precision, removing any possibility of doubt or hesitation in the examination of a question of such magnitude.

84. It is for the lack of such a rigorously precise definition that Brazil cannot support article 3 of the Charter on Economic Rights and Duties of States. The ambiguity of that article, which will leave it open to the most varied interpretations and to explanations guided by momentary interests, may come to transform it into a motive of permanent difficulties for international relations, as I have already stated.

85. By making absolutely clear the logical and legal link which is an unbreakable bond between the concepts of “shared natural resources” and “shared sovereignty”, the Declaration of Asunción solved, within its own context and with full objectivity, a problem which article 3 of the Charter on Economic Rights and Duties of States treats in the imprecise manner I have described. The Declaration of Asunción is fully in force for the countries of the River Plate area and being a special, specific and *ad hoc* legal norm, it prevails for those countries over any general rule, even if it were mandatory.

86. Mr. President, this is the opportunity above all others to make it clear that “shared natural resources” only exist when shared sovereignty exists. This is also the moment to establish, without room for doubts, that any effort to widen such interpretation, and I say this with all emphasis, by violating the sovereignty of the State and invading its exclusive jurisdiction preserved by Article 2, paragraph 7, of the Charter of the United Nations goes against its spirit and its letter.

For this very reason, such broader interpretation cannot receive the support and respect of the Brazilian Government. The expansion of the concept under discussion would strike a frontal blow against the principle of free and sovereign exploitation of natural resources and, consequently, as stated in section I, paragraph 7, of resolution 1803 (XVII), would be “contrary to the spirit and principles of the Charter of the United Nations” and would hinder “the development of international co-operation and the maintenance of peace”.

87. I stressed that Brazil was led to oppose article 3 because of its ambiguous language, on which I have spoken at length, and by the mention of the concepts of previous consultation and optimization, with no definition of their scope and limits.

88. The concept of previous consultation, for many jurists and particularly for Argentinian specialists, is connected with the obligation of the territorial country not to start, while the exchange of views is proceeding, the exploitation of the natural resources in which it is interested nor to execute the works necessary to that end. This concept implies a limitation to the sovereignty of the State and, if it is included in a clause which regulates the exploitation of shared natural resources without a definition of those resources, it may—within an effort to extrapolate from the concept—become a serious difficulty in the field of natural resources, delaying their exploitation and thus blocking economic development, one of the basic premises of peace and security.

89. I should also like to clarify that, although it tries to impose such rules of behaviour on its neighbours, Argentina gives them no information on its own plans, be they of hydro-electrical exploitation—Jaciretá and Salto Grande—or nuclear projects such as the Atucha power station, on the banks of the Paraná river. Furthermore, Argentina avoids giving full information to its own public opinion by not publishing the material and the data given to it by its neighbours. On the other hand, it must be underlined with equal emphasis that Brazil never desired, from its neighbours, compliance with any mechanism of previous consultation for the exploitation, as it is now being carried out, of natural resources in their own territories.

90. Under these conditions, I should like to draw the attention of all countries here represented to this aspect of such great importance. We must keep it present in our minds that, by the imprecision of the text of article 3 and by the connotations which previous consultation and optimization have for Argentinian jurists, the United Nations is beginning today the revision of its doctrine on the sovereignty of the State in the exploitation of natural resources. Brazil does not wish to lend its support to this serious step. My country prefers to keep faith with the Charter and the many resolutions which, in this field, interpreted it in consonance with the role of the United Nations as the body responsible for the peace and security of mankind.

91. The concept of optimization is often associated, by those who accept it, with the obligation of studying the exploitation of the natural resource in its totality and of making compatible the works and the various exploitations, so as to make them more favourable to the whole, even at the sacrifice of the national

convenience of any of them. Thus, a natural resource that flows through the territory of several States might have its exploitation limited, by convenience of an economic or other nature, only to the territory of some of the holders of that resource, if such is the decision resulting from the criterion of optimization. This is undoubtedly a serious restriction to the sovereignty of States and, for that very reason, incompatible with the spirit and the text of the Charter of the United Nations.

92. My Government thinks it timely, once more, to leave on record the view that attributing to international entities—whatever they may be—powers of decision over the development projects of any State, under the guise of a veto or of measures with a suspensive effect, would be an abuse of power and equivalent to questioning the sovereignty of States in that which is most sensitive and indispensable to their own survival: the free disposition of their natural resources.

93. The only admissible restriction in this case, since sovereignty is an indivisible whole, is the general principle of law which forbids causing significant damage to third parties and recognizes the obligation of being responsible for such damages if they are proved to have occurred.

94. It would thus be a violation of the Charter of the United Nations, in its letter and its essence, to establish rules such as those contained in article 3 and which would give to certain States, or to States in certain situations, faculties which would enable them to delay or to dilate or even to veto the utilization by a third State of its own natural resources. It is evident that such occurrences, be they related to international organizations or to States, go against the provisions of the Charter of the United Nations, in Article 1, paragraphs 1 and 2, Article 2, paragraph 1, and most notably the final part of Article 2, paragraph 4, and Article 2, paragraph 7.

95. For these reasons exposed at length Brazil, which gave so much co-operation to the work related to the Charter of Economic Rights and Duties of States, votes against the approval of article 3. My Government wishes to state, however, that it favours the acceptance of the Charter as a whole, for it is sure that it will have an important part to play in the area of international economic relations.

96. The PRESIDENT: We shall now take a vote on the draft resolution recommended by the Second Committee in paragraph 25 of its report [A/9946]. Separate votes have been requested on subparagraph (o) of chapter I and on article 3 of chapter II of the draft Charter as contained in the draft resolution. If there is no objection, we shall proceed accordingly.

*It was so decided.*

97. The PRESIDENT: I shall now put to the vote chapter I, subparagraph (o). A recorded vote has been requested

*A recorded vote was taken.*

*In favour:* Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Canada, Central African

Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Finland, France, Gambia, German Democratic Republic, Germany (Federal Republic of), Greece, Grenada, Guatemala, Guinea-Bissau, Guyana, Honduras, Hungary, Iceland, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Khmer Republic, Kuwait, Laos, Lesotho, Liberia, Libyan Arab Republic, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Malta, Mexico, Mongolia, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United Republic of Tanzania, United States of America, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia, Zaire, Zambia.

*Against:* Togo.

*Abstaining:* Gabon, Ghana, Haiti, India, Lebanon, Mauritania, Mauritius, Oman.

*Subparagraph (o) was adopted by 125 votes to 1, with 8 abstentions.<sup>8</sup>*

98. The PRESIDENT: We shall now vote on chapter II, article 3.

*A recorded vote was taken.*

*In favour:* Algeria, Argentina, Australia, Bahrain, Bangladesh, Botswana, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Canada, Central African Republic, Chad, Chile, Congo, Cuba, Cyprus, Czechoslovakia, Dahomey, Democratic Yemen, Denmark, Dominican Republic, Egypt, Equatorial Guinea, Fiji, Finland, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Jamaica, Jordan, Kenya, Khmer Republic, Kuwait, Laos, Lebanon, Liberia, Libyan Arab Republic, Madagascar, Malaysia, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Peru, Poland, Portugal, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia, Zaire, Zambia.

*Against:* Afghanistan, Bolivia, Brazil, Colombia, Costa Rica, Ethiopia, Nicaragua, Paraguay.

*Abstaining:* Albania, Austria, Bahamas, Barbados, Belgium, Bhutan, China, Ecuador, El Salvador, France, Germany (Federal Republic of), Guyana,

Haiti, Honduras, Israel, Italy, Ivory Coast, Japan, Lesotho, Luxembourg, Malawi, Morocco, Nepal, Philippines, Spain, Turkey, United Kingdom of Great Britain and Northern Ireland, Upper Volta.

*Article 3 was adopted by 100 votes to 8, with 28 abstentions.*<sup>9</sup>

99. The PRESIDENT: We shall now vote on the draft resolution as a whole. A roll-call vote has been requested.

*A vote was taken by roll call.*

*Dahomey, having been drawn by the President, was called upon to vote first.*

*In favour:* Dahomey, Democratic Yemen, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Finland, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ivory Coast, Jamaica, Jordan, Kenya, Khmer Republic, Kuwait, Laos, Lebanon, Lesotho, Liberia, Libyan Arab Republic, Madagascar, Malawi, Malaysia, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia, Zaire, Zambia, Afghanistan, Albania, Algeria, Argentina, Australia, Bahamas, Bahrain, Bangladesh, Barbados, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia.

*Against:* Denmark, Germany (Federal Republic of), Luxembourg, United Kingdom of Great Britain and Northern Ireland, United States of America, Belgium.

*Abstaining:* France, Ireland, Israel, Italy, Japan, Netherlands, Norway, Spain, Austria, Canada.

*The draft resolution as a whole was adopted by 120 votes to 6, with 10 abstentions (resolution 3281 (XXIX)).*

100. The PRESIDENT: I shall now call on those representatives wishing to explain their vote after the vote.

101. Mr. KASEMSRI (Thailand): The adoption by the General Assembly at its twenty-ninth session of the preamble and four chapters comprising the Charter of Economic Rights and Duties of States is undoubtedly a significant milestone in the annals of the United Nations. My delegation wishes to take this opportunity to pay a sincere tribute to the President of Mexico for his historic initiative, and to the delegation of Mexico for its supreme endeavour—and here I am quoting from the Preamble of the United Nations Charter—“to employ international machinery for the promotion of the economic and social advancement

of all peoples”, as well as for its unsurpassed contribution to the final outcome in the form of the resolution and Charter which the Assembly has just adopted.

102. My delegation was pleased to be able to vote in favour of the entire document—even though some of its provisions do not reflect the customary attitude and policy of the Thai Government—because we had no wish to put any obstacle in the way of those developing countries which are determined to exercise their legitimate rights for the promotion of the economic and social advancement of their peoples. Nevertheless, my delegation experienced some difficulty with regard to one provision, namely, article 2, paragraph 2 (c), of the Charter of Economic Rights and Duties of States, as it has finally emerged, and its affirmative vote on that paragraph should be understood in the light of the following.

103. First, the Government of Thailand will continue to respect international agreements and the rules of international law.

104. Secondly, the Government of Thailand, as a matter of long-standing policy, has never exercised the “right to nationalize, expropriate or transfer ownership of foreign property”. In this connexion, the Minister for Foreign Affairs of Thailand, in his statement at the Ninth Ministerial Conference for the Economic Development of South-East Asia, held at Manila from 14 to 16 November 1974, said:

“I should like to reiterate . . . that the Thai Government is as firmly convinced as ever before of the desirability and indeed the usefulness of foreign investment for our economic development and will continue to endeavour to foster as favourable an investment climate as possible in consonance with our other national objectives and priorities.”

105. Thirdly, the laws of Thailand, in particular article 15, paragraph 2, of the Investment Promotion Act of 1972 provides that “the State shall not nationalize” promoted foreign enterprises. This legal guarantee against nationalization is an important part of the set of legal obligations assumed by the Thai Government, which include, *inter alia*, a guarantee against State competition, permission for remittance overseas of net profit, and exemption from certain taxes and import duties. Consequently, last year, over 500 prospective foreign investors applied at the Board of Investment, out of which 325 applications were approved as promoted enterprises.

106. It is, therefore, in the light of the foregoing, that my delegation’s affirmative vote on article 2, paragraph 2 (c), of the Charter of Economic Rights and Duties of States should be viewed and understood.

107. Mr. FLORIN (German Democratic Republic) (*interpretation from Russian*): On behalf of the delegations of the Byelorussian SSR, Bulgaria, Hungary, the German Democratic Republic, Mongolia, Poland, the USSR, the Ukrainian SSR, and Czechoslovakia, I should like to express our profound satisfaction at the adoption a few minutes ago of one of the most important documents in the recent history of the United Nations, the Charter of Economic Rights and Duties of States.

108. This was possible because the developing, the socialist and other countries have worked hard on this document for more than two years.

109. The Charter of Economic Rights and Duties of States reflects the positive changes that have taken place in the restructuring of international economic relations on a more equitable foundation. It is an important step forward in the development of economic co-operation of all States, independently of their social and political system, on the basis of equality of rights, mutual advantage and non-discrimination, and establishes favourable conditions for the implementation of decisions taken by the General Assembly at its sixth special session. In this significant document we find reflected the correlation of the most important economic problems and the problem of development, and also the basic international political problems of modern times, and it is our profound conviction that if these problems are not dealt with and solved it will not be possible either to establish a new economic order or to solve the problems of development.

110. In this connexion, the delegations of the socialist States express their profound satisfaction, in particular, with respect to the fact that, in this historically important United Nations document, the overwhelming majority of States Members have recognized the principle of peaceful coexistence as the most important political foundation for international relations and co-operation among States.

111. We likewise welcome the inclusion in this Charter, as basic principles, of a number of important provisions which were contained in the joint statements of socialist States, first among them, the duty of all States to co-operate in general and complete disarmament under effective international control, and to use the funds thus saved for the economic and social development of all States, including the developing States.

112. The Charter confirms the intimate correlation between peace, security, disarmament and social and economic progress. The slandering of the policies of the present socialist States, which is tirelessly being repeated by the representatives of a certain country, cannot delude anyone.

113. We wish to express our satisfaction at the fact that, in the course of the work on the Charter, there has been further expansion of fruitful co-operation between the socialist States and the developing countries. We have always been and shall continue to be guided by the idea of the further strengthening of relations of friendship and co-operation between socialist States and all countries and peoples, and especially the countries and peoples of Asia, Africa and Latin America, in the establishment of a just system of international economic relations.

114. The document adopted by the General Assembly, which in varying degrees reflects the interests of all groups of States in the United Nations, is of course the result of compromise. With respect to some of the provisions contained in the Charter that do not fully reflect the goals of international economic co-operation on a footing of equality and do not reflect the corresponding positions of the socialist States, we have already expressed our views in the Second Committee and also in the course of consultations

between delegations. We shall, therefore, proceed on the basis of these views.

115. On behalf of the socialist countries I have mentioned, I should like once again to state our readiness to contribute actively to the implementation of the progressive principles and provisions contained in the Charter that seek to eliminate injustice in international economic relations, and also the readiness of our countries to assist by all means in the realization of those international and political actions which may ensure the necessary conditions for the normal development and the socio-economic progress of all countries and peoples.

116. In conclusion, we pay due tribute to the President of Mexico, Mr. Luis Echeverría, for his initiative in this important international question, and also to the Secretary for External Relations, Mr. Emilio Rabasa, and the Permanent Representative of Mexico to the United Nations, Mr. Alfonso García Robles, for their active efforts in the practical realization of this initiative.

117. Mr. HAYS (Canada): My delegation, at the outset, wishes to pay tribute as we did in the Second Committee, to the bold and statesmanlike initiative of the President of Mexico, Mr. Luis Echeverría, in proposing, two years ago, the preparation and adoption of a Charter of Economic Rights and Duties of States.

118. The document presented to us deals with a vast range of exceedingly complex issues and it is a tribute to the tireless efforts of those who participated actively in the negotiations on it that agreement was achieved on by far the greater portion of the issues facing them. That agreement was not reached on all issues in the time available is a clear indication of the sensitivity of those issues. In this connexion, I should note that we were among those delegations which favoured some extension of the negotiating time-table of the Charter in the hope that this might permit a fully agreed text to emerge.

119. I wish to underline once again the firm support of the Canadian Government for the basic objective of the Charter, namely, the formulation of principles and guidelines to enable the international community to establish and maintain an equitable distribution of the world's wealth and thereby to contribute to an international peace based upon justice. This was the objective that guided us in the negotiations on the Charter and will continue to guide us when the issues to which the Charter addresses itself are considered here and in other bodies.

120. Before commenting on particular provisions of the Charter and on Canada's voting position, I should like to note that my delegation has actively sought some procedure whereby our views on the Charter registered in the Second Committee could be fully reflected in the records of the General Assembly without the need to reiterate our remarks in full here in the plenary Assembly. Unfortunately, it appears that it is not possible to proceed in this fashion, and I am therefore constrained to make the following comments.

121. The Canadian delegation took considered positions on certain of the fundamental issues in the Charter. I should like to turn first to chapter II, ar-

ticle 2, on permanent sovereignty and the treatment of foreign investment, and to remind representatives that Canada approaches this article from the viewpoint of a country which, while being the origin of a certain amount of foreign investment abroad, receives as host country a far larger amount of such investment from abroad.

122. We are a country in whose economy foreign investment plays a major role and we are thus very much aware of both its advantages and its disadvantages. My Government has only recently enacted legislation to ensure that new foreign investment takes a place in a manner which will bring significant economic benefit to Canada.

123. The text of article 2 presents several difficulties for my delegation. The United Nations has, for a number of years, asserted in various resolutions the permanent sovereignty of States over their natural resources. Paragraph 1 of article 2, however, asserts the permanent sovereignty of every State not only over its natural resources but, in addition, over its wealth and economic activities. The paragraph contains no element restricting the territorial application of these concepts. It is thus clearly open to the interpretation that if a State chooses to transfer a portion of its wealth abroad—for example, by investing in the economies of other countries—it nevertheless retains full permanent sovereignty over that wealth. I rather doubt that many countries would accept investment on such terms. I can certainly give no assurance that my country could do so. Indeed, in this respect, the unqualified references to full permanent sovereignty over wealth and economic activities are in direct contradiction to the later provisions of article 2 which assert the primary jurisdiction of the host State in respect of foreign investment.

124. Paragraph 2 (a) asserted in its original version [see A/9946, para. 5] that no State whose nationals invest in a foreign country shall demand privileged treatment for such investors. Our problem here was in determining what, in the view of the sponsors of that text, constituted "privileged treatment". It is not the view of my Government that Canadian investors should occupy a privileged position in the economies of the countries in which they invest. But it is our view that, when a host State takes measures against foreign investment, it should not discriminate against Canadian foreign investment in relation to foreign investment from other sources, and the measures which it applies to all foreign investment should be in accordance with its international obligations. If either of those requirements were not met, my Government would feel it was entitled to raise the matter with the Government of the host State and to rely on any relevant principles of international law. We could not consider this as constituting a demand for preferential treatment, but we are not at all confident that all the sponsors of the text share this view. Our problem was not solved by the amendment made to that text.

125. I am happy to say that my delegation fully supports the text of paragraph 2 (b) of article 2 respecting the regulation of transnational corporations.

126. As for paragraph 2 (c), my delegation does not deny the right of a State to nationalize foreign property, but it does maintain that that right is conditional

upon the payment of compensation. The question of what amount of compensation is just or equitable will naturally depend upon the particular circumstances of each individual case. But my delegation is unable to accept a text which seeks to establish the principle that a State may nationalize or expropriate foreign property without compensation—in effect, confiscate such property. This in the view of my delegation, is the effect of article 2, paragraph 2 (c).

127. I wish to refer now to an issue which constitutes one of the most important obstacles to my delegation's support of the charter as a whole, namely, the absence of any reference in article 2 to the applicability of international law to the treatment of foreign investment. There is, of course, a very relevant distinction between the body of law to be applied in the event of a dispute and the tribunal which is to apply that law. It is clear that, in the absence of a relevant acceptance of the compulsory jurisdiction of the International Court of Justice—in the case of disputes between States—or some other agreement between the parties respecting settlement of disputes, jurisdiction in respect of a dispute rests with the appropriate tribunal of the host State. That does not, however, alter the fact that the host State's measures must be carried out in conformity with its international legal obligations. There is, of course, disagreement among States over whether such obligations arise only from treaties or from principles of customary international law as well. The amendment to article 2 [*ibid.*, para. 6 (g)], which my delegation had the honour of co-sponsoring in the Second Committee, deliberately used, in paragraph 3, the words "international obligations" rather than "international law" in order to allow both groups of States to maintain their respective positions on this issue.

128. Even among States, which, like Canada, hold the view that there are principles of customary international law which are relevant to the treatment of foreign investment, there is disagreement about the precise content of those principles. Where the old law is unjust or ineffective, it must be changed to reflect the present economic interdependence of States and the need for the development of the developing countries, which are the two most important facts of economic life in our generation. It had been the hope of my delegation that this Charter would command the consensus necessary to enable it to contribute to the codification and progressive development of law in this area; unhappily, this is not the case.

129. Paragraph 3 in the amendment proposed to article 2 prejudged neither the content of international law relating to foreign investment nor the sources of such law. It merely sought to establish the principle that in this very important area of international relations the rule of law is to apply among States. We are aware that chapter I refers to the fulfilment in good faith of international obligations, but the application of this principle to article 2 is, in the view of my delegation, seriously impaired by the unqualified reference in paragraph 2 (c) to the domestic law of the nationalizing State.

130. I have already said that the proposed paragraph 3 merely sought recognition that the rule of law would apply among States in respect of foreign investment. The reason my delegation attaches such impor-

tance to this point is that, if we are to achieve and maintain the equitable distribution of the world's wealth which this Charter is intended to promote, a significant flow of private capital from developed to developing countries in the form of investment will be required. This movement of capital will take place only in conditions which provide at least a certain degree of security—which cannot possibly exist if the rule of law is rejected.

131. It is therefore the view of my delegation that article 2, as it now appears, far from promoting the development of developing countries, will constitute an obstacle to that development, which the individual countries concerned will have to overcome in seeking to attract the funds required for their development. It is for this reason that my delegation is unable to support this article.

132. With respect to article 5, Canada understands the desire of nations to achieve stable and remunerative export earnings. However, as a major exporter and importer of many important commodities, it is the Canadian view that, where international action is required to resolve commodity problems, this should be jointly devised and implemented by the exporters and the importers.

133. Canada has supported the text of article 6 because it feels this text approximately reflects the Canadian position on this issue. We interpret the text to mean that just as exporting nations have a responsibility to promote the flow of commercial goods, so too do importing nations have a corresponding and balancing responsibility to facilitate access of goods, including processed and fabricated products.

134. With respect to article 15, my delegation was unable to support the text because Canada has long been a strong supporter of disarmament measures. However, we would note that the concept of a link between disarmament and development financing has from some time been the subject of discussion amongst interested States. Canada, for one, would at this stage of these discussions continue to question the validity of the concept that development funds may be automatically generated by disarmament.

135. The Canadian delegation abstained in the Second Committee on the text of article 16. We are quite in sympathy with the goals of that article. We do, however, have reservations with respect to the obligations which the article would impose on all States to extend assistance to the countries, territories and peoples mentioned. In addition, we consider the degree of interpretation which may be attached to paragraph 2 of this article is far too broad to serve the best purposes of the Charter as a whole, particularly when the important question of the sovereignty of States which are host countries to foreign investments is considered.

136. My delegation was constrained to abstain in the vote on article 19 in the Committee for the reason that while granting generalized preferential, non-reciprocal and non-discriminatory treatment to developing countries may be technically feasible in terms of formulating a mechanism whereby such preferences may be expressed, the extension of preferences in some fields may not be appropriate.

137. My delegation would have been able to accept the text of article 26 but for the manner in which most-favoured-nation treatment was referred to. Canada recognizes that the exchange of most-favoured-nation treatment may in a great many cases be an appropriate basis for international trade relations. It is Canada's view, however, that the establishment of such a basis is for the States concerned to work out in each instance between themselves, through the negotiation of either bilateral or multilateral arrangements.

138. Regarding article 28, Canada considers that techniques aimed at protecting the terms of trade of developing countries both merit and require detailed examination. However, we have some strong doubts about the desirability and feasibility of linking the prices of exports of developing countries to the prices of their imports. The question of linkage involves several difficult and complex issues and has not been considered in depth in various forums; therefore, it is the Canadian view that it would be premature to include this concept in the Charter.

139. To sum up, it is a matter of considerable disappointment to my delegation that after two years of effort by the UNCTAD Working Group on the Charter of Economic Rights and Duties of States, in which Canadian representatives consistently played a leading role, it was not possible to reach agreement on a charter which engaged the general support of the international community. In view of the manner in which this document has been adopted, I must make clear that, in the view of my delegation, the document cannot be considered as a basis for the evolution of international law in the controversial areas where the Charter did not gain general acceptance.

140. Mr. OMAR (Lybian Arab Republic) (*interpretation from Arabic*): At the outset I should like to express, on behalf of my delegation, our gratitude, appreciation and congratulations to the Mexican delegation in connexion with the adoption of the Charter of Economic Rights and Duties of States. The Mexican delegation and the head of that delegation deserve our thanks for the efforts they have exerted during the past two and a half years to bring this Charter into being. My Government shares Mexico's purposes, and shares also its opinion concerning the need to establish a new order governing economic and trade relations among countries, an order based on the equality of the rights and duties of all countries. This new order will abrogate the old systems that were so unjust to the countries of the third world. The adoption of this Charter today by the General Assembly proves that the contemporary world is different from the world of the past, and the international community must recognize that fact. The developed countries must recognize the realities of the present day unless they want to change the natural course of events and take the world back to ancient times, when men lived in the jungle and the world was governed by the mighty. Today the world is living through a new experience in the domain of economic relations. It is convinced that solidarity among countries is in the interests of mankind.

141. In our view, this Charter could consolidate this new experience in the field of international economic relations if the countries that have voted against it or abstained from voting would change their attitudes and

their positions. It is very unfortunate indeed that those countries have not supported this Charter and wish to strengthen the old systems, in their own selfish interests and against the interests of the peoples of the third world, which have long suffered from injustice and whose resources have been constantly exploited.

142. My delegation voted in favour of this Charter because it recognizes the necessity for such a charter. We do, however, have some comments that we wish to place on record in order to make clear our attitude towards the Charter.

143. My first comment relates to chapter I, subparagraph (o), which calls for free access to and from the sea by the land-locked countries. My delegation voted in favour of that subparagraph because we are convinced that the land-locked countries must be helped to overcome the difficulties they face in connexion with transport, difficulties which in turn greatly affect their economic development. My government has given to its land-locked neighbours even greater assistance than is required by the present text. However, my Government thinks that this subparagraph should not conflict with the national sovereignty of the State over its entire territory, and agreements in this connexion between the parties concerned should be made in accordance with the principle of the permanent sovereignty of the State over its entire territory.

144. My second remark relates to chapter II, article 2. My country's attitude towards the principle of permanent sovereignty over natural resources is well known. We are making every effort to adhere to that principle, in conformity with the principle of the full independence of the State and its sovereignty over its territory and all the property thereon, as well as over all investment activities, whether local or foreign. The principle of nationalization, along with the principle of permanent sovereignty over natural resources, cannot give rise to any controversy; it must be taken for granted. The right of a State to carry out nationalization is in keeping with its permanent sovereignty; the aim is to restrict the supremacy of foreign capital and the practices of foreign companies which have always exercised political pressure on the developing countries and tried to interfere in their internal political affairs.

145. Therefore, my delegation reaffirms the principle of nationalization and reaffirms that compensation in cases of nationalization should be made in accordance with the local laws of the nationalizing State. This reaffirmation here stems from our faith in the principle of the political and legislative sovereignty of the State over all foreign investment activities in its territory. Our vote in favour of this paragraph does not mean that we have changed our attitude in this respect.

146. Thirdly, I should like to refer to article 15, which is connected with disarmament. Our vote in favour of this article does not mean that we are going to be literally bound by its provisions. My delegation thinks that this article should be addressed directly and mainly to the big Powers, which are spending large sums of money on armaments and which are going to use those weapons in order to subjugate peaceful peoples who want to buy weapons to defend themselves. To generalize and to apply this article to all

countries is an error, and my delegation would have been happy to see it applied only to the super-Powers and to other countries which have shown proof of bad intentions with regard to international peaceful coexistence.

147. In conclusion, in spite of the fact that we voted in favour of the Charter as a whole and of the articles that were put to a separate vote, my delegation would like to put on record officially the remarks that I have just made, and I hope that they will be interpreted as my country's attitude regarding the Charter.

148. Mr. RABASA (Mexico) (*interpretation from Spanish*): We should like to begin our statement by paying a public tribute to Mr. Bouteflika, the President of the twenty-ninth session of the General Assembly. He is an outstanding representative of the third world who comes from Algeria, a country that has distinguished itself particularly by its creative action in support of the developing countries.

149. In you, Mr. Secretary-General, Mexico has found a friend whose efforts within your sphere of activities have made a great contribution to the emergence of the Charter of Economic Rights and Duties of States.

150. In April 1972, the President of Mexico, Mr. Luis Echeverría, at the third session of the United Nations Conference on Trade and Development, stated:

"We must strengthen the precarious legal foundations of the international economy. A just order and a stable world will not be possible until we create obligations and rights which protect the weaker States. Let us take economic co-operation out of the realm of goodwill and put it into the realm of law. Let us transfer the concrete principles of solidarity among men to the area of relations among countries."

He then proposed a charter of economic rights and duties of States.

151. After a period of three years—a sufficient period of time for the international arena to change in many ways—the United Nations, after arduous and complex negotiations, has adopted the Charter by an overwhelming majority. A large number of countries exerted tenacious effort to make this proposal a reality, and their efforts were not made in isolation. There was a growing solidarity, with States coming together and working together in order to achieve a noble and universal aim. The Governments of those nations correctly interpreted the desires—which had been largely repressed—of their people, who, in the face of a chaotic world situation, clamoured for a new and orderly international system.

152. To those who accompanied us from the very beginning, to those who, once convinced, joined in this noble crusade at the various international meetings and conferences and who gave their support, the President and the people of my country wish to pay a lasting tribute of gratitude.

153. In the earlier as well as the later stages of the adoption of the Charter, we felt that that support did not come solely as support for Mexico, and the vote proved that this was so. It was felt to be a common cause, by and for all the peoples of the world.

154. We also believe that this document which has been adopted is just the first step—although it is a fundamental and necessary step—towards the establishment of a new international economic order. We are therefore pleased to see that ever since the birth of this Charter it has been given a dynamic, progressive and straightforward structure. Its merits do not apply to the immediate present, but it affects the future of States. It provides a vision of the world in this century and in coming centuries, which holds great promise for peace and prosperity. For these reasons the Charter was considered to be part of a changing process, without any time-limit, to which new contributions would be made little by little. For this reason it contains machinery to provide for its review and adaptation to new conditions as circumstances require.

155. Furthermore, and this needs to be said again, the document was not conceived or drafted as a means of bringing about a confrontation. On the contrary, it is considered to be a vital and urgent scheme for promoting international co-operation and complementarity. The very few developed countries which have kept aloof from this search for progress and shared well-being should understand clearly that the time may come when for them too the Charter will be a shield and protection against the assaults of their uncontrollable transnational corporations, whose only homeland is money and whose sole reason for being is profits. Some nations are still marooned in a system which has obviously already failed: the consumer society, a society which persists in gulling the people with a flood of goods that are often useless luxury items, deluding them with a false and temporary mirage of well-being.

156. Among the negative votes, we see with great regret and concern those who allowed the selfish interests of one sector, the economically privileged few, to take precedence, or to influence them rather than considering the real interests of the State. Despite our efforts, it was not possible for the Charter of Economic Rights and Duties of States, which the General Assembly has just endorsed, to be adopted by consensus. However, that does not detract from its obvious value and importance. One need only note that it was adopted by a majority of Member States, so overwhelming that the votes in favour represent the support of more than 3,200 million human beings, belonging to the five continents. Furthermore, it should be recalled that two of the United Nations declarations which have yielded the most beneficial results for the progress of mankind—the Universal Declaration of Human Rights, whose twenty-sixth anniversary we celebrated two days ago, and the Declaration on the Granting of Independence to Colonial Countries and Peoples, which on the 14th of this month will have been in existence for 14 years—were not adopted by consensus either.

157. More than two thirds of the text of the Charter was supported by all States, after long and difficult negotiations. The document adopted undoubtedly represents the broadest agreement that could be achieved at the present time. The only way of achieving complete support would have been a charter diminished by timidity and compromise, which neither Mexico nor its President—and many others—could ever have supported. We did not want a rhetorical

document whose meagre content would betray the real needs of the greater part of the peoples of the world.

158. The world does not lack the physical resources or the spiritual energy to create a sound shared economy. The problem is poor distribution and poor use, and that is why there is an urgent need for an ethic of international solidarity. In this declaration we speak of a new international economic order based on equity, sovereign equality, interdependence and co-operation among all States, of a legal order that requires for its development strict respect for such principles of law as non-intervention, peaceful coexistence, the obligation not to commit aggression, the peaceful settlement of disputes and the need to abide, in good faith, by international obligations entered into in the free exercise of the sovereignty of every country; in a word, we speak of an international morality which will really bring together the powerful and the weak, and form a bridge for genuine international coexistence.

159. As the preambular part of the Charter properly recognizes, the responsibility for the development of every country rests primarily upon itself. That is an axiomatic principle, part and parcel of the working plan which the President, Mr. Luis Echeverría, has drawn up for the people of Mexico. Domestic efforts must be supplemented, never replaced, by international co-operation. If we want our unquestionable right to economic defence to be respected, then we must be fully aware of the fact that the benefits of national efforts must be harvested in one's own territory.

160. The subjects dealt with in the Charter are varied and very topical. It will be a source of inspiration to future generations for their complete and harmonious development. For the moment, however, I should like to refer only to three topics without detracting from the importance of the rest: natural resources, foreign investments, and nationalization, which were the most controversial issues throughout the deliberations.

161. It is surprising that in this day and age there are still those who question or oppose the free use and disposition of natural resources by those in whose territories those resources are found. It is an alarming symptom of neo-colonialism, which refuses to subside. That is why the document speaks with crystal clarity of this inherent right of peoples, which is the cornerstone of any form of development. Foreign investments are welcome when they respect the laws of the country concerned. No one denies the value of and the need for foreign investments; a great majority, however, does not want those foreign investments to entail interference not only in the economic, but even in the political conduct of the receiving country.

162. As far as the question of nationalization and expropriation is concerned, it is appropriate, as the Charter lays down, that in such cases the State should undertake to pay appropriate compensation. That is such an important principle for Mexico that we have inscribed it in our Constitution and our laws. But, as stated in the Charter, if any dispute arises it should be settled under the domestic law of the nationalizing State and by its tribunals; that is, it should be the internal legal order which established the procedures and means of compensation. What is not to be toler-

ated, and what the overwhelming majority of countries have therefore completely rejected, is that instead of or in addition to the national legal system, other bodies or extra-national procedures should be called on to rule on what a State should do in such cases. To accept such a system as binding would be to place States on an equal legal and political footing with foreign corporations, and that would mean that those corporations would receive nothing more or less than the treatment which should be reserved solely for States.

163. The Charter has coincided—since it was proposed in 1972 until it received international recognition—with a period of history characterized by a dramatic world situation: economic inflation. It is accepted today, as if it were the normal thing, that there are inflationary nations or societies characterized by maladjustment, rising prices, increasing unemployment and social crises. This document just adopted, in addition to establishing rules and regulations for a new world economic order, is a genuinely anti-inflationary instrument, because it explains, defines and determines in economic and political terms what has caused this increase in prices.

164. Contemporary inflation has been brought about by an imbalance in development, by the excesses of the powerful, by failure to recognize the historical realities of interdependence and by the introduction and continued use of growth models which are not in the collective interest of mankind. If the Charter is fully implemented it will produce anti-inflationary effects and, by injecting new life into outmoded international economic structures, it will correct world-wide imbalances which, ever since the end of the Second World War, have been a feature of the dichotomy existing between the industrialized countries and the others.

165. The prices of imported goods that are, generally speaking, indispensable for a national economy, and the adverse conditions of the international monetary system, were studied extremely carefully by those who forged this Charter, because the behaviour of the above-mentioned prices transmits the harmful consequences of international inflation to conditions surrounding international production. The implementation of Chapter II and the general tenor of the document will combine effectively to combat this natural enemy of the third world, establishing a more just and balanced international economic order.

166. It should be pointed out here that when President Echeverría submitted his proposal at Santiago, there were delegations that thought that, then and there, there should be a vote in favour of the text of the Charter, and it was thought that, with the majority of votes that could be commanded there, the text could be easily adopted. However, the Group of 77 unanimously decided in favour of negotiations in the interests of agreement on a text commanding the broadest possible support. Thus, over approximately three years, without any precise mandate except the intention to adopt a significant document as the first step in a long codifying process, at all times there was an opportunity to carry on a dialogue and reflect on the issues.

167. As a result of this process, the document now contains elements of interest to each and every group which took part in the negotiations. There was no

“tyranny of the majority” for all were patiently heard. Furthermore, it should be expressly said that the “tyranny of the majority”, if indeed it exists, is a bad thing, but a tyranny of the minority is even worse, and that is what existed during the early years of the Organization when others were the real tyrants governing the destiny of the United Nations.

168. The deterioration of international economic relations has entered a phase fraught with risks. Peace cannot survive long in the midst of injustice, but in human affairs it frequently occurs that crisis must attend the birth of a new order.

169. The Charter adopted today by the Assembly has, like all international instruments of a multilateral nature, a limited value. Ultimately, its permanent value will depend on how it is observed. Even the United Nations Charter, solemnly ratified by almost all States, has not always been respected as it should be. The Charter of Economic Rights and Duties of States is not—nor can it be—a panacea, but if its crucial provisions and especially its spirit are respected in good faith it will contribute to the creation of a new international economic order which will be of benefit to one and all.

170. From this lofty international rostrum I should like to appeal in a cordial spirit to all countries, weak and powerful, to join forces in a sincere act of international brotherhood to create a new, genuine, era of world-wide solidarity.

171. The Charter constitutes the difference between licence and development, between waste and the wise use of the resources of the world, between inequity and justice; in a word, the difference between war and peace.

172. The PRESIDENT: The representative of Argentina has asked to be allowed to exercise the right of reply.

173. Mr. ORTIZ de ROZAS (Argentina) (*interpretation from Spanish*): In explaining the vote of his delegation, the representative of Brazil deemed it appropriate to refer specifically to Argentina in connexion with article 3 of chapter II of the Charter the Assembly has just adopted. Once again, the delegation of Brazil has tried to convey the impression that this tenet refers solely to a bilateral dispute between his country and my own. Once again, he has failed to appreciate that the ideas in article 3 are not based on special interests but are in keeping with the widespread trend among States in support of co-operation in all areas, and specifically in those areas that relate to the best possible use of the environment and shared natural resources.

174. I shall not engage in polemics at the present time. Our views are sufficiently well known. Furthermore, numbers speak for themselves. If the situation were as it was described by the representative of Brazil in respect of article 3, it is obvious that Argentina would be in good company. One hundred countries think as we do—100 countries in all regions of the world, representing all economic and ideological systems and all levels of development. It does not seem to me that Brazil is in a position to adduce the same facts in support of his position.

175. The PRESIDENT: This afternoon the Assembly will continue its consideration of agenda item 48 and hear the remaining speakers in explanation of vote. Thereafter it will resume the debate on agenda item 20, on the strengthening of the role of the United Nations. The other reports of the Second Committee introduced this morning will be taken up at a later meeting to be announced.

*The meeting rose at 1.40 p.m.*

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NOTES

<sup>1</sup> For a summary of the statement, see *Proceedings of the United Nations Conference on Trade and Development, Third*

*Session*, vol. Ia, part one (United Nations publication, Sales No. E.73.II.D.Mim.1, part one), pp. 184-186.

<sup>2</sup> *Official Records of the General Assembly, Twenty-ninth Session, Second Committee*, 1647th meeting, paras. 1-15.

<sup>3</sup> Declaration of Asunción on the use of international rivers, signed on 3 June 1971 by Argentina, Bolivia, Brazil, Paraguay and Uruguay. For the text, see A/CN.4/274 (vol. I), p. 178.

<sup>4</sup> *Official Records of the General Assembly, Twenty-ninth Session, Second Committee*, 1649th meeting, paras. 58-67.

<sup>5</sup> *Ibid.*, 1647th meeting, paras. 21-26.

<sup>6</sup> *Ibid.*, 1643rd meeting, paras. 32-35.

<sup>7</sup> Signed at Brasilia on 23 April 1969. For the text, see A/CN.4/274 (vol. I), p. 87.

<sup>8</sup> The delegation of Mauritius subsequently informed the Secretariat that it wished to have its vote recorded as having been in favour of the draft resolution. The delegation of Togo subsequently informed the Secretariat that it wished to have its vote recorded as an abstention.

<sup>9</sup> The delegation of Guinea subsequently informed the Secretariat that it wished to have its vote recorded as an abstention.