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THE DEPARTMENT OF STATE BULLETIN

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The BULLETIN includes selected press releases on foreign policy, issued by the White House and the Department, and statements, addresses, and news conferences of the President and the Secretary of State and other officers of the Department, as well as special articles on various phases of international affairs and the functions of the Department. Information is included concerning treaties and international agreements to which the United States is or may become a party and on treaties of general international interest.

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The State of the Union

*Address by President Ford to the Congress (Excerpts)*¹

Economic disruptions we and others are experiencing stem in part from the fact that the world price of petroleum has quadrupled in the last year.

But in all honesty, we cannot put all of the blame on the oil-exporting nations. We, the United States, are not blameless. Our growing dependence upon foreign sources has been adding to our vulnerability for years and years, and we did nothing to prepare ourselves for such an event as the embargo of 1973.

During the 1960's, this country had a surplus capacity of crude oil which we were able to make available to our trading partners whenever there was a disruption of supply. This surplus capacity enabled us to influence both supplies and prices of crude oil throughout the world. Our excess capacity neutralized any effort at establishing an effective cartel, and thus the rest of the world was assured of adequate supplies of oil at reasonable prices.

By 1970 our surplus capacity had vanished, and as a consequence, the latent power of the oil cartel could emerge in full force. Europe and Japan, both heavily dependent on imported oil, now struggle to keep their economies in balance. Even the United States, our country, which is far more self-sufficient than most other industrial countries, has been put under serious pressure.

I am proposing a program which will begin to restore our country's surplus ca-

capacity in total energy. In this way we will be able to assure ourselves reliable and adequate energy and help foster a new world energy stability for other major consuming nations.

But this nation, and in fact the world, must face the prospect of energy difficulties between now and 1985. This program will impose burdens on all of us, with the aim of reducing our consumption of energy and increasing our production. Great attention has been paid to the considerations of fairness, and I can assure you that the burden will not fall more harshly on those less able to bear them.

I am recommending a plan to make us invulnerable to cutoffs of foreign oil. It will require sacrifices, but it—and this is most important—it will work.

I have set the following national energy goals to assure that our future is as secure and as productive as our past:

—First, we must reduce oil imports by 1 million barrels per day by the end of this year and by 2 million barrels per day by the end of 1977.

—Second, we must end vulnerability to economic disruption by foreign suppliers by 1985.

—Third, we must develop our energy technology and resources so that the United States has the ability to supply a significant share of the energy needs of the free world by the end of this century.

To attain these objectives, we need immediate action to cut imports. Unfortunately, in the short term there are only a limited number of actions which can increase do-

¹ Delivered on Jan. 15 (text from Weekly Compilation of Presidential Documents dated Jan. 20).

mestic supply. I will press for all of them.

I urge quick action on the necessary legislation to allow commercial production at the Elk Hills, California, Naval Petroleum Reserve. In order that we make greater use of domestic coal resources, I am submitting amendments to the Energy Supply and Environmental Coordination Act, which will greatly increase the number of power plants that can be promptly converted to coal.

Obviously, voluntary conservation continues to be essential, but tougher programs are needed, and needed now. Therefore I am using Presidential powers to raise the fee on all imported crude oil and petroleum products.

The crude oil fee level will be increased \$1 per barrel on February 1, by \$2 per barrel on March 1, and by \$3 per barrel on April 1. I will take action to reduce undue hardships on any geographical region. The foregoing are interim administrative actions. They will be rescinded when the broader but necessary legislation is enacted.

To that end, I am requesting the Congress to act within 90 days on a more comprehensive energy tax program. It includes: excise taxes and import fees totaling \$2 per barrel on product imports and on all crude oil, deregulation of new natural gas, and enactment of a natural gas excise tax. I plan to take Presidential initiative to decontrol the price of domestic crude oil on April 1. I urge the Congress to enact a windfall profits tax by that date to insure that oil producers do not profit unduly.

The sooner Congress acts the more effective the oil conservation program will be and the quicker the Federal revenues can be returned to our people.

I am prepared to use Presidential authority to limit imports, as necessary, to guarantee success.

I want you to know that before deciding on my energy conservation program, I considered rationing and higher gasoline taxes as alternatives. In my judgment, neither would achieve the desired results, and both would produce unacceptable inequities.

A massive program must be initiated to

increase energy supply, to cut demand, and provide new standby emergency programs to achieve the independence we want by 1985. The largest part of increased oil production must come from new frontier areas on the outer continental shelf and from the Naval Petroleum Reserve No. 4 in Alaska. It is the intent of this administration to move ahead with exploration, leasing, and production on those frontier areas of the outer continental shelf where the environmental risks are acceptable.

Use of our most abundant domestic resource—coal—is severely limited. We must strike a reasonable compromise on environmental concerns with coal. I am submitting Clean Air [Act] Amendments which will allow greater coal use without sacrificing clean air goals.

I vetoed the strip-mining legislation passed by the last Congress. With appropriate changes, I will sign a revised version when it comes to the White House.

I am proposing a number of actions to energize our nuclear power program. I will submit legislation to expedite nuclear leasing [licensing] and the rapid selection of sites.

In recent months, utilities have canceled or postponed over 60 percent of planned nuclear expansion and 30 percent of planned additions to nonnuclear capacity. Financing problems for that industry are worsening. I am therefore recommending that the one-year investment tax credit of 12 percent be extended an additional two years to specifically speed the construction of power plants that do not use natural gas or oil. I am also submitting proposals for selective reform of state utility commission regulations.

To provide the critical stability for our domestic energy production in the face of world price uncertainty, I will request legislation to authorize and require tariff import quotas or price floors to protect our energy prices at levels which will achieve energy independence.

Increasing energy supplies is not enough. We must take additional steps to cut long-term consumption.

I therefore propose to the Congress legislation to make thermal efficiency standards mandatory for all new buildings in the United States; a new tax credit of up to \$150 for those homeowners who install insulation equipment; the establishment of an energy conservation program to help low-income families purchase insulation supplies; and legislation to modify and defer automotive pollution standards for five years which will enable us to improve automobile gas mileage by 40 percent by 1980.

These proposals and actions, cumulatively, can reduce our dependence on foreign energy supplies from 3 to 5 million barrels per day by 1985.

To make the United States invulnerable to foreign disruption, I propose standby emergency legislation and a strategic storage program of 1 billion barrels of oil for domestic needs and 300 million barrels for national defense purposes.

I will ask for the funds needed for energy research and development activities. I have established a goal of 1 million barrels of synthetic fuels and shale-oil production per day by 1985, together with an incentive program to achieve it.

I have a very deep belief in America's capabilities. Within the next 10 years, my program envisions 200 nuclear power plants, 250 major new coal mines, 150 major coal-fired power plants, 30 major new [oil] refineries, 20 major new synthetic fuel plants, the drilling of many thousands of new oil wells, the insulation of 18 million homes, and the manufacturing and the sale of millions of new automobiles, trucks, and buses that use much less fuel.

I happen to believe that we can do it. In another crisis, the one in 1942, President Franklin D. Roosevelt said this country would build 60,000 [50,000] military aircraft. By 1943, production in that program had reached 125,000 aircraft annually. They did it then. We can do it now.

If the Congress and the American people will work with me to attain these targets, they will be achieved and will be surpassed.

Now let me turn, if I might, to the international dimension of the present crisis. At no time in our peacetime history has the state of the nation depended more heavily on the state of the world; and seldom, if ever, has the state of the world depended more heavily on the state of our nation.

The economic distress is global. We will not solve it at home unless we help to remedy the profound economic dislocation abroad. World trade and monetary structure provides markets, energy, food, and vital raw material for all nations. This international system is now in jeopardy.

This nation can be proud of significant achievements in recent years in solving problems and crises; the Berlin agreement, the SALT agreements, our new relationship with China, the unprecedented efforts in the Middle East are immensely encouraging, but the world is not free from crisis.

In a world of 150 nations—where nuclear technology is proliferating and regional conflicts continue—international security cannot be taken for granted.

So, let there be no mistake about it; international cooperation is a vital factor of our lives today. This is not a moment for the American people to turn inward. More than ever before, our own well-being depends on America's determination and America's leadership in the whole wide world.

We are a great nation—spiritually, politically, militarily, diplomatically, and economically. America's commitment to international security has sustained the safety of allies and friends in many areas—in the Middle East, in Europe, and in Asia. Our turning away would unleash new instabilities, new dangers, around the globe, which in turn would threaten our own security.

At the end of World War II, we turned a similar challenge into an historic opportunity, and I might add, an historic achievement. An old order was in disarray; political and economic institutions were shattered. In that period, this nation and its partners built new institutions, new mechanisms of mutual support and cooperation. Today, as then, we face an historic opportunity.

If we act imaginatively and boldly, as we acted then, this period will in retrospect be seen as one of the great creative moments of our nation's history. The whole world is watching to see how we respond.

A resurgent American economy would do more to restore the confidence of the world in its own future than anything else we can do. The program that this Congress passes can demonstrate to the world that we have started to put our own house in order. If we can show that this nation is able and willing to help other nations meet the common challenge, it can demonstrate that the United States will fulfill its responsibilities as a leader among nations.

Quite frankly, at stake is the future of industrialized democracies, which have perceived their destiny in common and sustained it in common for 30 years.

The developing nations are also at a turning point. The poorest nations see their hopes of feeding their hungry and developing their societies shattered by the economic crisis. The long-term economic future for the producers of raw materials also depends on cooperative solutions.

Our relations with the Communist countries are a basic factor of the world environment. We must seek to build a long-term basis for coexistence. We will stand by our principles. We will stand by our interests. We will act firmly when challenged. The kind of a world we want depends on a broad policy of creating mutual incentives for restraint and for cooperation.

As we move forward to meet our global challenges and opportunities, we must have the tools to do the job.

Our military forces are strong and ready. This military strength deters aggression against our allies, stabilizes our relations with former adversaries, and protects our homeland. Fully adequate conventional and strategic forces cost many, many billions, but these dollars are sound insurance for our safety and for a more peaceful world.

Military strength alone is not sufficient. Effective diplomacy is also essential in preventing conflict in building world under-

standing. The Vladivostok negotiations with the Soviet Union represent a major step in moderating strategic arms competition. My recent discussions with the leaders of the Atlantic community, Japan, and South Korea have contributed to meeting the common challenge.

But we have serious problems before us that require cooperation between the President and the Congress. By the Constitution and tradition, the execution of foreign policy is the responsibility of the President. In recent years, under the stress of the Viet-Nam war, legislative restrictions on the President's ability to execute foreign policy and military decisions have proliferated. As a Member of the Congress I opposed some, and I approved others. As President I welcome the advice and cooperation of the House and the Senate.

But if our foreign policy is to be successful, we cannot rigidly restrict in legislation the ability of the President to act. The conduct of negotiations is ill suited to such limitations. Legislative restrictions intended for the best motives and purposes can have the opposite result, as we have seen most recently in our trade relations with the Soviet Union.

For my part, I pledge this administration will act in the closest consultation with the Congress as we face delicate situations and troubled times throughout the globe.

When I became President only five months ago, I promised the last Congress a policy of communication, conciliation, compromise, and cooperation. I renew that pledge to the new Members of this Congress.

Let me sum it up. America needs a new direction, which I have sought to chart here today, a change of course which will put the unemployed back to work, increase real income and production, restrain the growth of Federal Government spending, achieve energy independence, and advance the cause of world understanding.

We have the ability. We have the know-how. In partnership with the American people, we will achieve these objectives. As our 200th anniversary approaches, we owe

it to ourselves and to posterity to rebuild our political and economic strength.

Let us make America once again and for centuries more to come what it has so long been, a stronghold and a beacon light of liberty for the whole world.

President Ford Signs Trade Act of 1974

*Remarks by President Ford*¹

Mr. Vice President, distinguished members of the Cabinet, Members of the Congress, including the leadership, ladies and gentlemen:

The Trade Act of 1974, which I am signing into law today, will determine for many, many years American trade relations with the rest of the world. This is the most significant trade legislation passed by the Congress since the beginning of trade agreement programs some four decades ago.

It demonstrates our deep commitment to an open world economic order and interdependence as essential conditions of mutual economic health. The act will enable Americans to work with others to achieve expansion of the international flow of goods and services, thereby increasing economic well-being throughout the world.

It will thus help reduce international tensions caused by trade disputes. It will mean more and better jobs for American workers, with additional purchasing power for the American consumer.

There are four very basic elements to this Trade Act: authority to negotiate further reductions and elimination of trade barriers; a mandate to work with other nations to improve the world trading system and thereby avoid impediments to vital services as well as markets; reform of U.S. laws involving injurious and unfair competition; and improvement of our economic relations with

nonmarket economies and developing countries.

Our broad negotiating objectives under this act are to obtain more open and equitable market access for traded goods and services, to assure fair access to essential supplies at reasonable prices, to provide our citizens with an increased opportunity to purchase goods produced abroad, and to seek modernization of the international trading system.

Under the act, the administration will provide greater relief for American industry suffering from increased imports and more effective adjustment assistance for workers, firms, and communities.

The legislation allows us to act quickly and to effectively counter foreign import actions which unfairly place American labor and industry at a disadvantage in the world market. It authorizes the administration, under certain conditions, to extend nondiscriminatory tariff treatment to countries whose imports do not currently receive such treatment in the United States.

This is an important part of our commercial and overall relations with Communist countries. Many of the act's provisions in this area are very complex and may well prove difficult to implement. I will of course abide by the terms of the act, but I must express my reservations about the wisdom of legislative language that can only be seen as objectionable and discriminatory by other sovereign nations.

The United States now joins all other major industrial countries, through this legislation, in a system of tariff preferences for imports from developing countries.

Although I regret the rigidity and the unfairness in these provisions, especially with respect to certain oil-producing countries, I am now undertaking the first steps to implement this preference system by this summer. Most developing countries are clearly eligible, and I hope that still broader participation can be possible by that time.

As I have indicated, this act contains certain provisions to which we have some objection and others which vary somewhat

¹ Made in the East Room at the White House on Jan. 3 (text from Weekly Compilation of Presidential Documents dated Jan. 6). As enacted, the bill (H.R. 10710) is Public Law 93-618, approved Jan. 3.

from the language we might have preferred. In the spirit of cooperation, spirit of cooperation with the Congress, I will do my best to work out any necessary accommodations.

The world economy will continue under severe strain in the months ahead. This act enables the United States to constructively and to positively meet challenges in international trade. It affords us a basis for cooperation with all trading nations. Alone, the problems of each can only multiply; together, no difficulties are insurmountable.

We must succeed! I believe we will.

This is one of the most important measures to come out of the 93d Congress. I wish to thank very, very generously and from the bottom of my heart the Members of Congress and members of this administration—as well as the public—who contributed so much to this legislation's enactment. At this point I will sign the bill.

Oil Cargo Preference Bill Vetoed by President Ford

*Memorandum of Disapproval*¹

I am withholding my approval from H.R. 8193, the Energy Transportation Security Act of 1974.

The bill would initially require that 20 percent of the oil imported into the United States be carried on U.S. flag tankers. The percentage would increase to 30 percent after June 30, 1977.

This bill would have the most serious consequences. It would have an adverse impact

¹ Issued at Vail, Colo., on Dec. 30 (text from White House press release).

on the United States economy and on our foreign relations. It would create serious inflationary pressures by increasing the cost of oil and raising the prices of all products and services which depend on oil. It would further stimulate inflation in the ship construction industry and cut into the industry's ability to meet ship construction for the U.S. Navy.

In addition, the bill would serve as a precedent for other countries to increase protection of their industries, resulting in a serious deterioration in beneficial international competition and trade. This is directly contrary to the objectives of the trade bill which the Congress has just passed. In addition, it would violate a large number of our treaties of Friendship, Commerce, and Navigation.

Although this bill would undoubtedly benefit a limited group of our working population, such benefit would entail disproportionate costs and produce undesirable effects which could extend into other areas and industries. The waiver provisions which the Congress included in an effort to meet a few of my concerns fail to overcome the serious objections I have to the legislation.

Accordingly, I am not approving this bill because of the substantial adverse effect on the Nation's economy and international interest.

I wish to take this opportunity to reiterate my commitment to maintaining a strong U.S. Merchant Marine. I believe we can and will do this under our existing statutes and programs such as those administered by the Maritime Administration in the Department of Commerce.

GERALD R. FORD.

THE WHITE HOUSE, *December 30, 1974.*

Secretary Kissinger's News Conference of January 14

Following is the transcript of a news conference held by Secretary Kissinger in the press briefing room at the Department of State at 6:30 p.m. on Tuesday, January 14.

Press release 13 dated January 14

Secretary Kissinger: Ladies and gentlemen, I am sorry to get you all together at this hour. We had originally agreed with the Soviet Government to make a statement, which I am about to read, on Thursday. But there have been a number of inquiries this afternoon which led us to believe that there might be stories that were based on inadequate information and perhaps based on misunderstandings. And in order to avoid exacerbating the situation, and in an already rather delicate moment, we asked the Soviet Embassy whether we might release the statement this evening.

So I will now read a statement, of which the Soviet Government is aware, and we will have copies for you when you leave. Now, the text of the statement is as follows:

Since the President signed the Trade Act on January 3, we have been in touch with the Soviet Government concerning the steps necessary to bring the 1972 U.S.-Soviet Trade Agreement into force.

Article 9 of that agreement provides for an exchange of written notices of acceptance, following which the agreement, including reciprocal extension of nondiscriminatory tariff treatment (MFN) [most-favored-nation] would enter into force. In accordance with the recently enacted Trade Act, prior to this exchange of written notices, the President would transmit to the Congress a number of documents, including the 1972 agreement, the proposed written notices, a formal proclamation extending MFN to the U.S.S.R., and a statement of reasons for the 1972 agreement. Either House of Congress would then have had 90 legislative days to veto the agreement.

In addition to these procedures, the President would also take certain steps, pursuant to the

Trade Act, to waive the applicability of the Jackson-Vanik amendment. These steps would include a report to the Congress stating that the waiver will substantially promote the objectives of the amendment and that the President has received assurances that the emigration practices of the U.S.S.R. will henceforth lead substantially to the achievement of the objectives of the amendment.

It was our intention to include in the required exchange of written notices with the Soviet Government language, required by the provisions of the Trade Act, that would have made clear that the duration of three years referred to in the 1972 Trade Agreement with the U.S.S.R. was subject to continued legal authority to carry out our obligations. This caveat was necessitated by the fact that the waiver of the Jackson-Vanik amendment would be applicable only for an initial period of 18 months, with provision for renewal thereafter.

The Soviet Government has now informed us that it cannot accept a trading relationship based on the legislation recently enacted in this country. It considers this legislation as contravening both the 1972 Trade Agreement, which had called for an unconditional elimination of discriminatory trade restrictions, and the principle of noninterference in domestic affairs. The Soviet Government states that it does not intend to accept a trade status that is discriminatory and subject to political conditions and, accordingly, that it will not put into force the 1972 Trade Agreement. Finally, the Soviet Government informed us that if statements were made by the United States, in the terms required by the Trade Act, concerning assurances by the Soviet Government regarding matters it considers within its domestic jurisdiction, such statements would be repudiated by the Soviet Government.

In view of these developments, we have concluded that the 1972 Trade Agreement cannot be brought into force at this time and that the President will therefore not take the steps required for this purpose by the Trade Act. The President does not plan at this time to exercise the waiver authority.

The administration regrets this turn of events. It has regarded and continues to regard an orderly and mutually beneficial trade relationship with the Soviet Union as an important element in the overall improvement of relations. It will, of course,

continue to pursue all available avenues for such an improvement, including efforts to obtain legislation that will permit normal trading relationships.

Now, since undoubtedly a number of you will raise questions and some of you have already raised questions about the implications of this for our political relationships with the Soviet Union, let me make a few observations:

The problem of peace in the nuclear age must be of paramount concern for both nuclear powers. The question of bringing about a more stable international environment depends importantly on improved relations between the United States and the Soviet Union. This essentially bipartisan effort will be continued by this administration.

We have no reason to believe that the rejection of the provisions of the trade bill has implications beyond those that have been communicated to us. It goes without saying that, should it herald a period of intensified pressure, the United States would resist with great determination and as a united people. We do not expect that to happen, however, and as far as the United States is concerned, we will continue to pursue the policy of relaxation of tensions and of improving or seeking to improve relationships leading toward a stable peace.

As far as our domestic debate is concerned, we see no point in reviewing the debate of recent months. We want to make clear that there was no disagreement as to objectives. We differed with some of the Members of Congress about the methods to achieve these objectives—these disagreements are now part of a legislative history.

As far as the administration is concerned, it will pursue the objectives that I have outlined in a spirit of cooperation with the Congress.

And when I have testified before the Senate Foreign Relations Committee on Friday, I will seek their advice as to the steps that in their judgment might be desirable in promoting the cause and the purposes which we all share.

And now I will be glad to answer your questions.

Q. Mr. Secretary, going to your last remarks, are you suggesting that Congress is at fault in great part for what has happened, and if that is what you are suggesting, why did you and Congress equally engage in this exchange of letters [Oct. 18, 1974] which seem to tell the American people that those assurances had been received?

Secretary Kissinger: I think that all of you can review the public statements that I have made over the years of this debate expressing our judgment as to the likely consequences of this course.

You will also recall that in my testimony before the Senate Finance Committee on December 3 I stated explicitly that if any claim were made that this was a government-to-government transaction and if any assertions were made that assurances had been extended that those would be repudiated by the Soviet Government.

I believe that there were a number of reasons that led to the Soviet decision. The purpose of my remarks was not to put the blame anywhere, but in order to put the debate behind us and to turn us toward the future.

Q. Mr. Secretary, what are some of those reasons do you think that led the Soviets to this move?

Secretary Kissinger: I believe, as I have already stated publicly, that since the exchange of letters, there have been many public statements that were difficult for the Soviet Union to accept. And the decision with respect to the Eximbank [Export-Import Bank] ceiling was undoubtedly an important factor in leading to this turn of events.

Q. Mr. Secretary, can you tell us what you think this means for the future of emigration of people from the Soviet Union, especially Jews?

Secretary Kissinger: We have been given no official communication.

Q. Do you think the number will go down?

Secretary Kissinger: I would not want to speculate. The United States has made clear

before that we favored the widest possible emigration, and we did so privately. And, for a time, not ineffectively.

Q. Mr. Secretary, right now, do you have any reason to believe that the Soviet Union is or will begin to apply intensive pressure in any particular region of the world?

Secretary Kissinger: We have no reason to suppose so. I simply stated this to make clear what our attitude would be if this should happen. I also want to make clear that the United States will pursue a policy of relaxation of tensions, that the political premises of our policy of détente remain in full force, and that we are prepared to consult with the Congress to see how the objectives of the trade bill can be applied to the Soviet Union under conditions that are perhaps more acceptable.

Q. Mr. Secretary, would you care to characterize the Soviet letter of rejection?

Secretary Kissinger: I think it was factual.

Q. When was it received, sir?

Secretary Kissinger: It was received on Friday, and the further discussions with respect to it were concluded yesterday.

Q. Do you think this reflects any change within the Soviet leadership? Do you think that there is a change of which this is one result?

Secretary Kissinger: We have no evidence whatever to that effect.

Q. Mr. Secretary, after the Vladivostok meeting, voices were raised in Congress saying that since it has been proved possible to be tough with the Russians on the trade bill, that we should therefore go back and renegotiate the Vladivostok agreement and get lower ceilings with them. Do you think that sort of public statement had any impact?

Secretary Kissinger: Well, I don't want to go into individual public statements. I tried to point out on several occasions the limits of what a superpower can accept. And you

may remember that I warned in a press conference about the impact on détente of such a debate with respect to Vladivostok.

Q. Mr. Secretary, do you expect now that the visit of Mr. Brezhnev [Leonid I. Brezhnev, General Secretary of the Central Committee of the Communist Party of the Soviet Union] to this country might be put into question?

Secretary Kissinger: I have absolutely no reason to suppose this. All the communications we have received from the Soviet Government seem to suggest that the political orientation is unchanged. And we will conduct our policy until we receive evidence to the contrary on the basis of carrying forward the policy of détente.

Q. Mr. Secretary, the Lend-Lease Agreement, as I recall it, said that the Soviet Union did not have to make any further payments after this year if it did not receive most-favored-nation. So can we assume that that means the Soviet Union will also not be paying any further lend-lease payments, and that in turn raises the question of should they still be entitled to any credits at all?

Secretary Kissinger: Well, with respect to the lend-lease, we have not sorted out specifically from what obligations the Soviet Union would be relieved. But I think your interpretation of the agreement is a reasonable one.

As you know, the granting of new credits has been linked to the implementation of the MFN, and therefore your second question is really moot, because no new credits can be extended under the existing legislation.

Q. Mr. Secretary, how did the Soviet Union first communicate with you that they intended to do this?

Secretary Kissinger: Well, after the passage of the Trade Act and the Exim legislation, the Soviet Union made clear in a number of ways, including public comments, its displeasure with the legislation. But it did not communicate with us formally. After the Trade Act was signed, we in-

formed the Soviet Union of the precise steps that would have to be taken under the Trade Act to implement the Trade Agreement and to put into effect the waiver provisions of the Jackson-Vanik amendment.

In response to these provisions, which made it impossible for us to apply the waiver without some Soviet action, the Soviet Union informed us that they would not participate in these actions. These actions specifically were that the Trade Agreement would have to be amended to run not for a period of three years, but to provide for the fact that it might lapse after 18 months in case MFN were not extended. And we had to have assurances that we could make statements with respect to Soviet emigration practices, or rather assurances that we had been given with respect to emigration practices, which they would not repudiate.

Now, as I have pointed out on many occasions, the assurances which we had received—and you may have seen stories that we had resisted the word “assurance” throughout our discussions with the Congress—that the information we had received concerned the application of Soviet law and the implementation of Soviet practices. And as I had made clear on December 3, any assurances concerning the Soviet Government were bound to be rejected, and they have been.

Q. Mr. Secretary, in view of the fact that many officials in this government have expressed concern that the Soviet Union is not getting enough out of détente—and one of its main purposes in having a détente with the United States was in improving its trade, getting technology, getting credits from the United States—can you tell us on what you base your optimism that the other aspects of détente can continue?

Secretary Kissinger: I stated that the communications that we have so far received have indicated that the Soviet Union wishes this political relationship to continue. We have no other evidence.

And we will, of course, base our own conclusions on the actions of the

Soviet Government and not on the note.

Q. Mr. Secretary, evidently publicity and congressional debate had a great deal to do with the Soviet decision. Does this raise the question whether a democracy like ours can pursue openly a détente policy with the Soviet Union, or must it be pursued in secret and risk failure if the public is brought into it?

Secretary Kissinger: Well, I really do not think any useful purpose would be served by speculating on all the causes of the present state of affairs.

I believe that any foreign policy of the United States that is not based on public support and, above all, on congressional support will not have a firm foundation. At the same time, there is the problem of the degree to which this control is exercised and in what detail. And this is a matter that will require constant adjustment and discussion between the executive and the Congress.

I repeat—we shared the objective of those with whose tactics we disagree, and we do not think that these tactics were in any sense improper or unreasonable.

Q. Mr. Secretary, do you see any link between the Soviet action that you are discussing and recent reports that Mr. Brezhnev has been under criticism at home for his détente approach?

Secretary Kissinger: Well, all I know about those stories is what I read in the newspapers. And we have to base our policies on the actions and communications of the Soviet Government. And therefore I don't want to speculate on the internal position of various Soviet leaders.

Q. Mr. Secretary, do you expect the Soviets to reduce their purchases of American products to further give evidence of this displeasure?

Secretary Kissinger: I have not stated that there is Soviet displeasure with the United States. I stated that the Soviet Union objected to certain legislative provi-

sions. I have no evidence one way or the other about what Soviet commercial practices will be henceforth, and it is quite possible that they have not made a decision.

Q. Mr. Secretary, would you characterize it as being accurate to say that during the months of negotiations with the Senators you had information from the Soviets to the effect that you could negotiate in good faith with the Senators on these specific emigration issues but over the past few weeks the Soviet Union has changed its policy whereby it no longer can stand by the information that it had given to you during those months of negotiations?

Secretary Kissinger: The reason the negotiations with the Senators took so long was our concern to make sure that we would communicate nothing that we could not back up. The Soviet Union gave us certain descriptions of their domestic practices, which we attempted to communicate as accurately as we could. Obviously those who were concerned with promoting emigration attempted to make these descriptions as precise and as detailed as possible. And that is perfectly understandable.

I think what may have happened is, when the Soviet Union looked at the totality of what it had to gain from this trading relationship as against the intrusions in its domestic affairs, it drew the balance sheet of which we have the result today. But they have never disavowed the assurances or the statements in my letter.

Q. Mr. Secretary, you say that there is no reason to believe that there are implications beyond this. However, was not one of the incentives that we used in relations with the Soviet Union the trade incentive—to that extent, linkage—and to that extent, is there not some implication?

Secretary Kissinger: It would be my judgment that the interest in the preservation of peace must be equally shared by both sides. I have stated the administration position in many statements before the Congress in which I pointed out that it is our

view, and it remains our view, that it is desirable to establish the maximum degree of links between the two countries in order to create the greatest incentive for the preservation of stable relationships.

We are prepared to continue exploring these possibilities. And we are certain that the Congress will deal with us in a conciliatory and constructive manner. So we look at this as an interruption and not as a final step.

Q. Mr. Secretary, I'm a little confused about exactly what happened. Administration officials had said when the trade bill passed that they could live with it. You were asked at one point whether you would recommend vetoing of the Eximbank legislation, and you didn't answer it directly, and the President signed it. Did you have any idea that this was coming? Couldn't you have taken a step like vetoing the Eximbank to have prevented this?

Secretary Kissinger: Well, we are faced with a situation in which there were differences of view as to what the traffic would bear. I don't believe that anybody reading my statements over the years can have any question about what my view was, and my statements are on the public record. And there was disagreement as to the validity of this.

For the United States to veto legislation which made credits available to American business for trading with the whole world because of an unsatisfactory limitation with respect to the Soviet Union at the end of a prolonged period of negotiation was a decision which the President felt he could not take, and it is a decision with which I agreed. It came down to a fine judgment. It would not have changed the basic problem, anyway, because with the Exim legislation vetoed, the Soviet Union would have had no reason to put into effect the trade provisions in any event. So we were faced with a very difficult choice. In one case they would get \$300 million; in the other case they could get nothing.

The press: Thank you, Mr. Secretary.

U.S. Protests North Viet-Nam's Violations of Peace Accords

Following is the text of a note transmitted to U.S. missions on January 11 for delivery to non-Vietnamese participants in the International Conference on Viet-Nam and to members of the International Commission of Control and Supervision (ICCS).¹

Press release 12 dated January 13

The Department of State of the United States of America presents its compliments to [recipient of this note] and has the honor to refer to the Agreement on Ending the War and Restoring Peace in Viet-Nam signed at Paris January 27, 1973, and to the Act of the International Conference on Viet-Nam signed at Paris March 2, 1973.

When the Agreement was concluded nearly two years ago, our hope was that it would provide a framework under which the Vietnamese people could make their own political choices and resolve their own problems in an atmosphere of peace. Unfortunately this hope, which was clearly shared by the Republic of Viet-Nam and the South Vietnamese people, has been frustrated by the persistent refusal of the Democratic Republic of Viet-Nam to abide by the Agreement's most fundamental provisions. Specifically, in flagrant violation of the Agreement, the North Vietnamese and "Provisional Revolutionary Government" authorities have:

—built up the North Vietnamese main-force army in the South through the illegal infiltration of over 160,000 troops;

—tripled the strength of their armor in the South by sending in over 400 new vehicles, as well as greatly increased their artillery and anti-aircraft weaponry;

—improved their military logistics system running through Laos, Cambodia and the Demilitarized Zone as well as within South Viet-Nam, and expanded their armament stockpiles;

—refused to deploy the teams which under the Agreement were to oversee the cease-fire;

—refused to pay their prescribed share of the expenses of the International Commission of Control and Supervision;

—failed to honor their commitment to cooperate in resolving the status of American and other personnel missing in action, even breaking off all discussions on this matter by refusing for the past seven months to meet with U.S. and Republic of Viet-Nam representatives in the Four-Party Joint Military Team;

—broken off all negotiations with the Republic of Viet-Nam including the political negotiations in Paris and the Two Party Joint Military Commission talks in Saigon, answering the Republic of Viet-Nam's repeated calls for unconditional resumption of the negotiations with demands for the overthrow of the government as a pre-condition for any renewed talks; and

—gradually increased their military pressure, over-running several areas, including 11 district towns, which were clearly and unequivocally held by the Republic of Viet-Nam at the time of the cease-fire. Their latest and most serious escalation of the fighting began in early December with offensives in the southern half of South Viet-Nam which have brought the level of casualties and destruction back up to what it was before the Agreement. These attacks—which included for the first time since the massive North Vietnamese 1972 offensive the over-running of a province capital (Song Be in Phuoc Long Province)—appear to reflect a decision by Hanoi to seek once again to impose a military solution in Viet-Nam. Coming just before the second anniversary of the Agreement, this dramatically belies Hanoi's claims that it is the United States and the Republic of Viet-Nam who are violating the Agreement and standing in the way of peace.

The United States deplores the Democratic Republic of Viet-Nam's turning from the path of negotiation to that of war, not

¹ Union of Soviet Socialist Republics, People's Republic of China, United Kingdom, France, Hungary, Poland, Indonesia, Iran, and U.N. Secretary General Kurt Waldheim.

only because it is a grave violation of a solemn international agreement, but also because of the cruel price it is imposing on the people of South Viet-Nam. The Democratic Republic of Viet-Nam must accept the full consequences of its actions. We are deeply concerned about the threat posed to international peace and security, to the political stability of Southeast Asia, to the progress which has been made in removing Viet-Nam as a major issue of great-power contention, and to the hopes of mankind for the building of structures of peace and the strengthening of mechanisms to avert war. We therefore reiterate our strong support for the Republic of Viet-Nam's call to the Hanoi-"Provisional Revolutionary Government" side to reopen the talks in Paris and Saigon which are mandated by the Agreement. We also urge that the [addressee] call upon the Democratic Republic of Viet-Nam to halt its military offensive and join the Republic of Viet-Nam in re-establishing stability and seeking a political solution.

JANUARY 11, 1975.

Congressional Documents Relating to Foreign Policy

93d Congress, 2d Session

A Recommended National Emergencies Act. Interim Report. S. Rept. 93-1170. September 24, 1974. 10 pp.

National Emergencies Act. Report to accompany S. 3957. S. Rept. 93-1193. September 30, 1974. 50 pp.

Icebreaking Operations in Foreign Waters. Report to accompany H.R. 13791. H. Rept. 93-1390. September 30, 1974. 7 pp.

The United States and Cuba: A Propitious Moment. A report to the Senate Committee on Foreign Relations by Senators Jacob K. Javits and Claiborne Pell on their trip to Cuba, September 27-30, 1974. October 1974. 13 pp.

Dues for U.S. Membership in International Criminal Police Organization. Report to accompany H.R. 14597. S. Rept. 93-1199. October 1, 1974. 5 pp.

Temporary Suspension of Duty on Certain Forms of Zinc. Conference report to accompany H.R. 6191. H. Rept. 93-1399. October 1, 1974. 4 pp.

Extending the Temporary Suspension of Duty on Certain Bicycle Parts and Accessories. Conference report to accompany H.R. 6642. H. Rept. 93-1400. October 1, 1974. 5 pp.

Extending the Temporary Suspension of Duty on Certain Classifications of Yarns of Silk. Conference report to accompany H.R. 7780. H. Rept. 93-1401. October 1, 1974. 6 pp.

Duty-Free Entry of Methanol. Conference report to accompany H.R. 11251. H. Rept. 93-1402. October 1, 1974. 5 pp.

Temporary Suspension of Duty on Synthetic Rutile. Conference report to accompany H.R. 11830. H. Rept. 93-1404. 3 pp.

Extending Until July 1, 1975, the Suspension of Duty on Certain Carboxymethyl Cellulose Salts. Conference report to accompany H.R. 12035. H. Rept. 93-1405. October 1, 1974. 6 pp.

Extending Until July 1, 1975, the Suspension of Duties on Certain Forms of Copper. Conference report to accompany H.R. 12281. H. Rept. 93-1406. October 1, 1974. 3 pp.

Temporary Suspension of Duty on Certain Horses. Conference report to accompany H.R. 13631. H. Rept. 93-1407. October 1, 1974. 4 pp.

Authorizing the President To Declare by Proclamation Aleksandr I. Solzhenitsyn an Honorary Citizen of the United States. Report to accompany S.J. Res. 188. S. Rept. 93-1216. October 2, 1974. 3 pp.

Export Administration Act Amendments. Conference report to accompany S. 3792. H. Rept. 93-1412. October 2, 1974. 14 pp.

Amending the Communications Act of 1934 With Respect to the Granting of Radio Licenses in the Safety and Special and Experimental Radio Services to Aliens. Report to accompany S. 2547. H. Rept. 93-1423. October 3, 1974. 8 pp.

Authorizing U.S. Contributions to United Nations Peacekeeping Forces. Report to accompany H.R. 16982. H. Rept. 93-1432. October 7, 1974. 3 pp.

World Food Situation. Report to accompany H. Res. 1399. H. Rept. 93-1433. October 7, 1974. 3 pp.

Export-Import Bank Act Amendment. Conference report to accompany H.R. 15977. H. Rept. 93-1439. October 8, 1974. 11 pp.

Metropolitan Museum Exhibition in the Soviet Union. Report to accompany H.J. Res. 1115. H. Rept. 93-1444. October 8, 1974. 3 pp.

State Department, USIA Authorizations. Conference report to accompany S. 3473. H. Rept. 93-1447. October 8, 1974. 14 pp.

U.S. Votes Against Charter of Economic Rights and Duties of States

Following is a statement made in Committee II (Economic and Financial) of the U.N. General Assembly on December 6 by Senator Charles H. Percy, U.S. Representative to the General Assembly, together with the text of a resolution adopted by the committee on December 6 and by the Assembly on December 12.

STATEMENT BY SENATOR PERCY

USUN press release 192 dated December 6

It is with deep regret that my delegation could not support the proposed Charter of Economic Rights and Duties of States.

When President Echeverría of Mexico initiated the concept of such a charter two years ago, he had what is indeed a worthy vision. The U.S. Government shares the conviction that there is a real need for basic improvements in the international economic system, and we supported in principle the formulation of new guidelines to this end. We welcomed President Echeverría's initiative. Secretary of State Kissinger, in addressing this Assembly last year, confirmed the fact that the United States favored the concept of a charter. He said it would make a significant and historic contribution if it reflected the true aspirations of all nations. He added that, to command general support—and to be implemented—the proposed rights and duties must be defined equitably and take into account the concerns of industrialized as well as of developing countries.

In extensive negotiations in Mexico City, Geneva, and here in New York, the United States worked hard and sincerely with other

countries in trying to formulate a charter that would achieve such a balance. We tried to go the extra mile in particular because of our close and friendly relations with Mexico. We are indebted, as I believe is the entire Assembly, to Foreign Minister Rabasa [Emilio O. Rabasa, Minister of Foreign Affairs, United Mexican States] for his patient and tireless efforts as a negotiator. One must recognize the difficulty of his tasks in seeking to reconcile such fundamentally divergent views as have been apparent in a group of this size and disparity. Despite the chasm which it has thus far proved impossible to bridge, he labored up to the last moment seeking an agreed consensus. Indeed, agreement was reached on many important articles, and our support for those was shown in the vote we have just taken.

On others, however, agreement has not been reached. Our views on these provisions are apparent in the amendments proposed by the United States and certain other countries, but these regrettably have been rejected by the majority here.¹ Many of the unagreed provisions, in the view of my government, are fundamental and are unacceptable in their present form. To cite a few: the treatment of foreign investment in terms which do not fully take into account respect for agreements and international obligations, and the endorsement of concepts of producer cartels and indexation of

¹In 17 rollcall votes on Dec. 6, the committee rejected amendments cosponsored by the United States and other countries which included the deletion of subpar. (i) of chapter I and arts. 5, 15, 16, 19, and 28 and revised language for preambular pars. 4, 5(c), and 7; the introductory sentence and subpar. (f) of chapter I; and arts. 2, 4, 6, 14 bis (to replace art. 31), 26, and 30.

prices. As a result, Mr. Chairman, we have before us a draft charter which is unbalanced and which fails to achieve the purpose of encouraging harmonious economic relations and needed development. Moreover, the provisions of the charter would discourage rather than encourage the capital flow which is vital for development.

There is much in the charter which the United States supports. The bulk of it is the result of sincere negotiations, as demonstrated by the voting pattern today. It was to demonstrate this fact that the United States asked for an article-by-article vote on the charter.²

Mr. Chairman, my government was prepared to continue these negotiations until agreement could be reached, as we much preferred agreement to confrontation. For that reason, we supported the proposed resolution to continue negotiating next year with a view to acting on a generally agreed charter in the Assembly next September.³

For all these reasons, Mr. Chairman, my delegation felt compelled to vote against the charter as a whole.⁴ We have not closed our minds, however, to the possibility of further reconsideration at some future date should others come to the conclusion that an agreed charter would still be far preferable to one that is meaningless without the agreement of countries whose numbers may be small but whose significance in international economic relations and development can hardly be ignored. We stand ready to resume negotiations on a charter which could command the support of all countries.

² The United States voted against the seventh preambular paragraph; art. 2, pars. 1 and 2 (a), (b), and (c); and art. 26. The United States abstained on the fourth preambular paragraph; the introductory sentence of chapter I; and arts. 4, 6, 29, 30, 32, and 34. No separate vote was taken on provisions where an amendment to delete had been rejected (see footnote 1 above). The United States voted in favor of provisions not otherwise specified.

³ Draft resolution A/C.2/L.1419 was rejected by the committee on Dec. 6, the vote being 81 against and 20 (U.S.) in favor, with 15 abstentions.

⁴ The committee adopted the charter as a whole, as cosponsored by 90 developing countries, by a rollcall vote of 115 to 6 (U.S.), with 10 abstentions.

TEXT OF RESOLUTION⁵

The General Assembly.

Recalling that the United Nations Conference on Trade and Development, in its resolution 45 (III) of 18 May 1972, stressed the urgency "to establish generally accepted norms to govern international economic relations systematically" and recognized that "it is not feasible to establish a just order and a stable world as long as the Charter to protect the rights of all countries, and in particular the developing States, is not formulated",

Recalling further that in the same resolution it was decided to establish a Working Group of governmental representatives to draw up a draft Charter of Economic Rights and Duties of States, which the General Assembly, in its resolution 3037 (XXVII) of 19 December 1972, decided should be composed of 40 Member States,

Noting that in its resolution 3082 (XXVIII) of 6 December 1973, it reaffirmed its conviction of the urgent need to establish or improve norms of universal application for the development of international economic relations on a just and equitable basis and urged the Working Group on the Charter of Economic Rights and Duties of States to complete, as the first step, in the codification and development of the matter, the elaboration of a final draft Charter of Economic Rights and Duties of States, to be considered and approved by the General Assembly at its twenty-ninth session,

Bearing in mind the spirit and terms of its resolutions 3201 (S-VI) and 3202 (S-VI) of 1 May 1974, containing the Declaration and the Programme of Action on the Establishment of a New International Economic Order, which underlined the vital importance of the Charter to be adopted by the General Assembly at its twenty-ninth session and stressed the fact that the Charter shall constitute an effective instrument towards the establishment of a new system of international economic relations based on equity, sovereign equality, and interdependence of the interests of developed and developing countries,

Having examined the report of the Working Group on the Charter of Economic Rights and Duties of States on its fourth session,⁶ transmitted to the General Assembly by the Trade and Development Board at its fourteenth session,

⁵ A/RES/3281 (XXIX) (text from U.N. press release GA/5194); adopted by the Assembly on Dec. 12 by a rollcall vote of 120 to 6 (U.S., Belgium, Denmark, Federal Republic of Germany, Luxembourg, U.K.), with 10 abstentions (Austria, Canada, France, Ireland, Israel, Italy, Japan, Netherlands, Norway, Spain). Separate votes were taken on subpar. (o) of chapter I and on art. 3; the United States voted in favor of these provisions.

⁶ U.N. doc. TD/B/AC.12/4. [Footnote in original.]

Expressing its appreciation to the Working Group on the Charter of Economic Rights and Duties of States which, as a result of the task performed in its four sessions held between February 1973 and June 1974, assembled the elements required for the completion and adoption of the Charter of Economic Rights and Duties of States at the twenty-ninth session of the General Assembly, as previously recommended,

Adopts and solemnly proclaims the following:

CHARTER OF ECONOMIC RIGHTS AND DUTIES OF STATES

PREAMBLE

The General Assembly,

Reaffirming the fundamental purposes of the United Nations, in particular, the maintenance of international peace and security, the development of friendly relations among nations and the achievement of international co-operation in solving international problems in the economic and social fields,

Affirming the need for strengthening international co-operation in these fields,

Reaffirming further the need for strengthening international co-operation for development,

Declaring that it is a fundamental purpose of this Charter to promote the establishment of the new international economic order, based on equity, sovereign equality, interdependence, common interest and co-operation among all States, irrespective of their economic and social systems,

Desirous of contributing to the creation of conditions for:

(a) The attainment of wider prosperity among all countries and of higher standards of living for all peoples,

(b) The promotion by the entire international community of economic and social progress of all countries, especially developing countries,

(c) The encouragement of co-operation, on the basis of mutual advantage and equitable benefits for all peace-loving States which are willing to carry out the provisions of this Charter, in the economic, trade, scientific and technical fields, regardless of political, economic or social systems,

(d) The overcoming of main obstacles in the way of economic development of the developing countries,

(e) The acceleration of the economic growth of developing countries with a view to bridging the economic gap between developing and developed countries,

(f) The protection, preservation and enhancement of the environment,

Mindful of the need to establish and maintain a just and equitable economic and social order through:

(a) The achievement of more rational and equi-

table international economic relations and the encouragement of structural changes in the world economy,

(b) The creation of conditions which permit the further expansion of trade and intensification of economic co-operation among all nations,

(c) The strengthening of the economic independence of developing countries,

(d) The establishment and promotion of international economic relations taking into account the agreed differences in development of the developing countries and their specific needs,

Determined to promote collective economic security for development, in particular of the developing countries, with strict respect for the sovereign equality of each State and through the co-operation of the entire international community,

Considering that genuine co-operation among States, based on joint consideration of and concerted action regarding international economic problems, is essential for fulfilling the international community's common desire to achieve a just and rational development of all parts of the world,

Stressing the importance of ensuring appropriate conditions for the conduct of normal economic relations among all States, irrespective of differences in social and economic systems, and for the full respect for the rights of all peoples, as well as the strengthening of instruments of international economic co-operation as means for the consolidation of peace for the benefit of all,

Convinced of the need to develop a system of international economic relations on the basis of sovereign equality, mutual and equitable benefit and the close interrelationship of the interests of all States,

Reiterating that the responsibility for the development of every country rests primarily upon itself but that concomitant and effective international co-operation is an essential factor for the full achievement of its own development goals,

Firmly convinced of the urgent need to evolve a substantially improved system of international economic relations,

Solemnly adopts the present Charter of Economic Rights and Duties of States.

CHAPTER I

Fundamentals of international economic relations

Economic as well as political and other relations among States shall be governed, *inter alia*, by the following principles:

(a) Sovereignty, territorial integrity and political independence of States;

(b) Sovereign equality of all States;

(c) Non-aggression;

(d) Non-intervention;

(e) Mutual and equitable benefit;

(f) Peaceful coexistence;

(g) Equal rights and self-determination of peoples;

(h) Peaceful settlement of disputes;

(i) Remedying of injustices which have been brought about by force and which deprive a nation of the natural means necessary for its normal development;

(j) Fulfilment in good faith of international obligations;

(k) Respect for human rights and fundamental freedoms;

(l) No attempt to seek hegemony and spheres of influence;

(m) Promotion of international social justice;

(n) International co-operation for development;

(o) Free access to and from the sea by landlocked countries within the framework of the above principles.

CHAPTER II

Economic rights and duties of States

Article 1

Every State has the sovereign and inalienable right to choose its economic system as well as its political, social and cultural systems in accordance with the will of its people, without outside interference, coercion or threat in any form whatsoever.

Article 2

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

2. Each State has the right:

(a) To regulate and exercise authority over foreign investment within its national jurisdiction in accordance with its laws and regulations and in conformity with its national objectives and priorities. No State shall be compelled to grant preferential treatment to foreign investment;

(b) To regulate and supervise the activities of transnational corporations within its national jurisdiction and take measures to ensure that such activities comply with its laws, rules and regulations and conform with its economic and social policies. Transnational corporations shall not intervene in the internal affairs of a host State. Every State should, with full regard for its sovereign rights, co-operate with other States in the exercise of the right set forth in this subparagraph;

(c) To nationalize, expropriate or transfer ownership of foreign property in which case appropriate compensation should be paid by the State adopting such measures, taking into account its relevant laws and regulations and all circumstances that the State considers pertinent. In any case where the question of compensation gives rise to a controversy, it shall be settled under the domestic law of the nationalizing State and by its tribunals, unless

it is freely and mutually agreed by all States concerned that other peaceful means be sought on the basis of the sovereign equality of States and in accordance with the principle of free choice of means.

Article 3

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 interest of others.

Article 4

Every State has the right to engage in international trade and other forms of economic co-operation irrespective of any differences in political, economic and social systems. No State shall be subjected to discrimination of any kind based solely on such differences. In the pursuit of international trade and other forms of economic co-operation, every State is free to choose the forms of organization of its foreign economic relations and to enter into bilateral and multilateral arrangements consistent with its international obligations and with the needs of international economic co-operation.

Article 5

All States have the right to associate in organizations of primary commodity producers in order to develop their national economies to achieve stable financing for their development, and in pursuance of their aims assisting in the promotion of sustained growth of the world economy, in particular accelerating the development of developing countries. Correspondingly all States have the duty to respect that right by refraining from applying economic and political measures that would limit it.

Article 6

It is the duty of States to contribute to the development of international trade of goods particularly by means of arrangements and by the conclusion of long-term multilateral commodity agreements, where appropriate, and taking into account the interests of producers and consumers. All States share the responsibility to promote the regular flow and access of all commercial goods traded at stable, remunerative and equitable prices, thus contributing to the equitable development of the world economy, taking into account, in particular, the interests of developing countries.

Article 7

Every State has the primary responsibility to promote the economic, social and cultural development of its people. To this end, each State has the right and the responsibility to choose its means and goals of development, fully to mobilize and

use its resources, to implement progressive economic and social reforms and to ensure the full participation of its people in the process and benefits of development. All States have the duty, individually and collectively, to co-operate in order to eliminate obstacles that hinder such mobilization and use.

Article 8

States should co-operate in facilitating more rational and equitable international economic relations and in encouraging structural changes in the context of a balanced world economy in harmony with the needs and interests of all countries, especially developing countries, and should take appropriate measures to this end.

Article 9

All States have the responsibility to co-operate in the economic, social, cultural, scientific and technological fields for the promotion of economic and social progress throughout the world, especially that of the developing countries.

Article 10

All States are juridically equal and, as equal members of the international community, have the right to participate fully and effectively in the international decision-making process in the solution of world economic, financial and monetary problems, *inter alia*, through the appropriate international organizations in accordance with their existing and evolving rules, and to share equitably in the benefits resulting therefrom.

Article 11

All States should co-operate to strengthen and continuously improve the efficiency of international organizations in implementing measures to stimulate the general economic progress of all countries, particularly of developing countries, and therefore should co-operate to adapt them, when appropriate, to the changing needs of international economic co-operation.

Article 12

1. States have the right, in agreement with the parties concerned, to participate in subregional, regional and interregional co-operation in the pursuit of their economic and social development. All States engaged in such co-operation have the duty to ensure that the policies of those groupings to which they belong correspond to the provisions of the Charter and are outward-looking, consistent with their international obligations and with the needs of international economic co-operation and have full regard for the legitimate interests of third countries, especially developing countries.

2. In the case of groupings to which the States concerned have transferred or may transfer cer-

tain competences as regards matters that come within the scope of this Charter, its provisions shall also apply to those groupings, in regard to such matters, consistent with the responsibilities of such States as members of such groupings. Those States shall co-operate in the observance by the groupings of the provisions of this Charter.

Article 13

1. Every State has the right to benefit from the advances and developments in science and technology for the acceleration of its economic and social development.

2. All States should promote international scientific and technological co-operation and the transfer of technology, with proper regard for all legitimate interests including, *inter alia*, the rights and duties of holders, suppliers and recipients of technology. In particular, all States should facilitate: the access of developing countries to the achievements of modern science and technology, the transfer of technology and the creation of indigenous technology for the benefit of the developing countries in forms and in accordance with procedures which are suited to their economies and their needs.

3. Accordingly, developed countries should co-operate with the developing countries in the establishment, strengthening and development of their scientific and technological infrastructures and their scientific research and technological activities so as to help to expand and transform the economies of developing countries.

4. All States should co-operate in exploring with a view to evolving further internationally accepted guidelines or regulations for the transfer of technology taking fully into account the interests of developing countries.

Article 14

Every State has the duty to co-operate in promoting a steady and increasing expansion and liberalization of world trade and an improvement in the welfare and living standards of all peoples, in particular those of developing countries. Accordingly, all States should co-operate, *inter alia*, towards the progressive dismantling of obstacles to trade and the improvement of the international framework for the conduct of world trade and, to these ends, co-ordinated efforts shall be made to solve in an equitable way the trade problems of all countries taking into account the specific trade problems of the developing countries. In this connexion, States shall take measures aimed at securing additional benefits for the international trade of developing countries so as to achieve a substantial increase in their foreign exchange earnings, the diversification of their exports, the acceleration of the rate of growth of their trade, taking into account their development needs, an improvement in the possibilities for these countries to participate

in the expansion of world trade and a balance more favourable to developing countries in the sharing of the advantages resulting from this expansion, through, in the largest possible measure, a substantial improvement in the conditions of access for the products of interest to the developing countries and, wherever appropriate, measures designed to attain stable, equitable and remunerative prices for primary products.

Article 15

All States have the duty to promote the achievement of general and complete disarmament under effective international control and to utilize the resources freed by effective disarmament measures for the economic and social development of countries, allocating a substantial portion of such resources as additional means for the development needs of developing countries.

Article 16

1. It is the right and duty of all States, individually and collectively, to eliminate colonialism, *apartheid*, racial discrimination, neo-colonialism and all forms of foreign aggression, occupation and domination, and the economic and social consequences thereof, as a prerequisite for development. States which practice such coercive policies are economically responsible to the countries, territories and peoples affected for the restitution and full compensation for the exploitation and depletion of, and damages to, the natural and all other resources of those countries, territories and peoples. It is the duty of all States to extend assistance to them.

2. No State has the right to promote or encourage investments that may constitute an obstacle to the liberation of a territory occupied by force.

Article 17

International co-operation for development is the shared goal and common duty of all States. Every State should co-operate with the efforts of developing countries to accelerate their economic and social development by providing favourable external conditions and by extending active assistance to them, consistent with their development needs and objectives, with strict respect for the sovereign equality of States and free of any conditions derogating from their sovereignty.

Article 18

Developed countries should extend, improve and enlarge the system of generalized non-reciprocal and non-discriminatory tariff preferences to the developing countries consistent with the relevant agreed conclusions and relevant decisions as adopted on this subject, in the framework of the competent international organizations. Developed countries should also give serious consideration to the adop-

tion of other differential measures, in areas where this is feasible and appropriate and in ways which will provide special and more favourable treatment, in order to meet trade and development needs of the developing countries. In the conduct of international economic relations the developed countries should endeavour to avoid measures having a negative effect on the development of the national economies of the developing countries, as promoted by generalized tariff preferences and other generally agreed differential measures in their favour.

Article 19

With a view to accelerating the economic growth of developing countries and bridging the economic gap between developed and developing countries, developed countries should grant generalized preferential, non-reciprocal and non-discriminatory treatment to developing countries in those fields of international economic co-operation where it may be feasible.

Article 20

Developing countries should, in their efforts to increase their over-all trade, give due attention to the possibility of expanding their trade with socialist countries, by granting to these countries conditions for trade not inferior to those granted normally to the developed market economy countries.

Article 21

Developing countries should endeavour to promote the expansion of their mutual trade and to this end, may, in accordance with the existing and evolving provisions and procedures of international agreements where applicable, grant trade preferences to other developing countries without being obliged to extend such preferences to developed countries, provided these arrangements do not constitute an impediment to general trade liberalization and expansion.

Article 22

1. All States should respond to the generally recognized or mutually agreed development needs and objectives of developing countries by promoting increased net flows of real resources to the developing countries from all sources, taking into account any obligations and commitments undertaken by the States concerned, in order to reinforce the efforts of developing countries to accelerate their economic and social development.

2. In this context, consistent with the aims and objectives mentioned above and taking into account any obligations and commitments undertaken in this regard, it should be their endeavour to increase the net amount of financial flows from official sources to developing countries and to improve the terms and conditions.

3. The flow of development assistance resources should include economic and technical assistance.

Article 23

To enhance the effective mobilization of their own resources, the developing countries should strengthen their economic co-operation and expand their mutual trade so as to accelerate their economic and social development. All countries, especially developed countries, individually as well as through the competent international organizations of which they are members, should provide appropriate and effective support and co-operation.

Article 24

All States have the duty to conduct their mutual economic relations in a manner which takes into account the interests of other countries. In particular, all States should avoid prejudicing the interests of developing countries.

Article 25

In furtherance of world economic development, the international community, especially its developed members, shall pay special attention to the particular needs and problems of the least developed among the developing countries, of landlocked developing countries and also island developing countries, with a view to helping them to overcome their particular difficulties and thus contribute to their economic and social development.

Article 26

All States have the duty to coexist in tolerance and live together in peace, irrespective of differences in political, economic, social and cultural systems, and to facilitate trade between States having different economic and social systems. International trade should be conducted without prejudice to generalized non-discriminatory and non-reciprocal preferences in favour of developing countries, on the basis of mutual advantage, equitable benefits and the exchange of most-favoured-nation treatment.

Article 27

1. Every State has the right to fully enjoy the benefits of world invisible trade and to engage in the expansion of such trade.

2. World invisible trade, based on efficiency and mutual and equitable benefit, furthering the expansion of the world economy, is the common goal of all States. The role of developing countries in world invisible trade should be enhanced and strengthened consistent with the above objectives, particular attention being paid to the special needs of developing countries.

3. All States should co-operate with developing countries in their endeavours to increase their capacity to earn foreign exchange from invisible transactions, in accordance with the potential and

needs of each developing country, and consistent with the objectives mentioned above.

Article 28

All States have the duty to co-operate in achieving adjustments in the prices of exports of developing countries in relation to prices of their imports so as to promote just and equitable terms of trade for them, in a manner which is remunerative for producers and equitable for producers and consumers.

CHAPTER III

Common responsibilities towards the international community

Article 29

The sea-bed and ocean floor and the subsoil thereof, beyond the limits of national jurisdiction, as well as the resources of the area, are the common heritage of mankind. On the basis of the principles adopted by the General Assembly in resolution 2749 (XXV) of 17 December 1970, all States shall ensure that the exploration of the area and exploitation of its resources are carried out exclusively for peaceful purposes and that the benefits derived therefrom are shared equitably by all States, taking into account the particular interests and needs of developing countries; an international regime applying to the area and its resources and including appropriate international machinery to give effect to its provisions shall be established by an international treaty of a universal character, generally agreed upon.

Article 30

The protection, preservation and the enhancement of the environment for the present and future generations is the responsibility of all States. All States shall endeavour to establish their own environmental and developmental policies in conformity with such responsibility. The environmental policies of all States should enhance and not adversely affect the present and future development potential of developing countries. All States have the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction. All States should co-operate in evolving international norms and regulations in the fields of the environment.

CHAPTER IV

Final provisions

Article 31

All States have the duty to contribute to the balanced expansion of the world economy, taking duly into account the close interrelationship between the well-being of the developed countries

and the growth and development of the developing countries and that the prosperity of the international community as a whole depends upon the prosperity of its constituent parts.

Article 32

No State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights.

Article 33

1. Nothing in the present Charter shall be construed as impairing or derogating from the provisions of the Charter of the United Nations or actions taken in pursuance thereof.

2. In their interpretation and application, the provisions of the present Charter are interrelated and each provision should be construed in the context of the other provisions.

Article 34

An item on the Charter of Economic Rights and Duties of States shall be inscribed on the agenda of the General Assembly at its thirtieth session, and thereafter on the agenda of every fifth session. In this way a systematic and comprehensive consideration of the implementation of the Charter, covering both progress achieved and any improvements and additions which might become necessary, would be carried out and appropriate measures recommended. Such consideration should take into account the evolution of all the economic, social, legal and other factors related to the principles upon which the present Charter is based and on its purpose.

U.S. Urges Early Conclusion of Law of the Sea Treaty

Following is a statement by John R. Stevenson, Special Representative of the President for the Law of the Sea Conference, made in the U.N. General Assembly on December 17.

USUN press release 202 dated December 17

It is well known that my government attaches great importance to a successful law of the sea treaty and to the achievement of that goal before the pressure of events and the erosion of momentum place it beyond our reach.

A few weeks ago, in an extensive interview in the New York Times, Secretary Kissinger stressed that our interdependent world has approached a time when we must

find creative solutions to mutual problems or face chaos. Similar thoughts were expressed by many speakers from all regions during the general debate in this body.

There are few problems so uniquely expressive of our global interdependence as the legal order of the oceans. We have made a good beginning in Caracas. Like many others, I am disappointed that our accomplishments were not greater, but I am not discouraged about our capacity to achieve a treaty, given the will and the devotion to the task that is necessary to meet the timetable set by this Assembly in its resolution last year. That resolution—wisely, as it turned out—envisioned the probability that in addition to the Caracas session we would if necessary “convene not later than 1975 any subsequent session or sessions as may be decided upon by the Conference and approved by the General Assembly.”

It seems to my delegation that this resolution was a clear mandate to complete our work in 1975. I do not believe there is any fundamental disagreement among us about the magnitude of that task. It is not merely the process of political decisions by governments on difficult issues—frequently involving important domestic interests—and the process of negotiation of the precise details of the many individual issues that must be written into final texts; it is also the sheer weight of the management problem of so many nations negotiating so many issues and the time that will inevitably be required, after detailed texts of individual articles are negotiated, to construct their final place in the overall treaty.

No government will be more pleased than mine if we can complete that task during the time allotted to our meeting in Geneva, but I do not believe that we should foreclose the possibility of further work during 1975 if necessary to complete the treaty.

Timetables, of course, are not immutable. I am aware of the many understandable concerns and, in some cases, genuine personal and governmental hardships that have been reflected in the negotiation of the resolution now before this Assembly. Nevertheless, they should be measured against the probability

that with more delay, the passage of time and not our own efforts may well determine the outcome of our negotiations.

My government reluctantly supports the resolution before this Assembly.¹ I say "reluctantly" because we would strongly prefer that the Secretary General be given specific authority to schedule a second substantive session in 1975 if necessary and to begin making the arrangements that cannot be satisfactorily made in a few weeks or a few months. However, we believe that the resolution as it stands would not preclude the possibility for additional intersessional work in 1975. It would be our understanding that the Secretariat could proceed to do the best it can to insure that, if the conference determines such work is necessary, appropriate arrangements would be forthcoming. We welcome in particular the reference to the conference's acceptance of the invitation of the Government of Venezuela to return to Caracas to sign the final act and related instruments and the authorization to the Secretary General to make the necessary arrangements to that end.

Mr. President, this conference has been called one of the most important held since the creation of the United Nations. This is true not only because of the importance of the oceans to the future well-being of all nations but also because its outcome may well determine whether we have the will and the institutional structure to achieve cooperative solutions for important global problems.

As the many experienced negotiators in this room know, there comes a time in any negotiation when its course moves rapidly forward toward perceived solutions, or a breakdown occurs. It seems to me evident that that moment must come at Geneva. If the will is there to make the decisions and the accommodations that are necessary, we will have the momentum to move to a successful conclusion.

¹ Resolution 3334 (XXIX) approving in operative paragraph 1 "the convening of the next session of the Third United Nations Conference on the Law of the Sea for the period 17 March to 10 May 1975 at Geneva" was adopted by the Assembly unanimously on Dec. 17.

Though my government is second to none in pressing for a timely solution by the Law of the Sea Conference and in seeking a work program to that end, our support for a timely conference should not be misread as a willingness to sacrifice essential national interests. My nation will go to Geneva to negotiate. Geneva can succeed, however, only if all nations approach our work in that spirit. And it can succeed only if all nations identify their essential national interests and realize in turn that others have essential interests that must be accommodated.

Mr. President, I would also like to state our gratification at the willingness of the General Assembly to invite the Trust Territory of the Pacific Islands to participate as an observer in the work of the Law of the Sea Conference. While we have always taken into account Micronesia's views and interests in formulating our positions, we think it advisable that Micronesia should be able to state its own views with regard to law of the sea issues.

Mr. President, I would like to state the appreciation of the United States for the role played by Constantin Stavropoulos who, until November of this year, contributed much and wisely as the Special Representative of Secretary General Waldheim to the Law of the Sea Conference. Recalling Mr. Stavropoulos' 20 years of service as Legal Counsel of the United Nations, it is only appropriate that we acknowledge with profound gratitude his intelligence, his insight, his wisdom, his humanity, and his friendship. Our loss is the gain of his homeland, Greece, to which he has now returned.

We also applaud the decision of the Secretary General to appoint as his new Special Representative Dr. Bernardo Zuleta, a distinguished lawyer-diplomat and the Alternate Representative of Colombia to the United Nations. We have known and admired Dr. Zuleta for a number of years. Both the Seabed Committee and the Law of the Sea Conference have benefited from his qualities of leadership, tolerance, industry, and wit. In this case, the loss to Colombia is the gain to the international community.

U.N. General Assembly Approves Definition of Aggression

Following are texts of a statement made in Committee VI (Legal) of the U.N. General Assembly on October 18 by Robert Rosenstock, Legal Affairs Adviser to the U.S. Mission to the United Nations, and a statement made in plenary session of the Assembly on December 14 by U.S. Representative W. Tapley Bennett, Jr., together with the text of a resolution adopted by the Committee on November 21 and by the Assembly on December 14.

U.S. STATEMENTS

Mr. Rosenstock, Committee VI, October 18

USUN press release 142 dated October 18

My delegation wishes to take this opportunity to reiterate our appreciation for the work of Professor Broms [Bengt H. G. A. Broms, of Finland, chairman of the Special Committee on the Question of Defining Aggression], who guided the deliberations, to Mr. Sanders [Joseph Sanders, of Guyana, rapporteur of the special committee], who not only oversaw the report but contributed to the consensus and introduced the report in this committee in a particularly lucid, succinct, and instructive manner.

The United States has always had a measure of skepticism as to the utility of defining aggression. We recognized the widespread desire of others, however, to make the attempt, and we cooperated in the effort. Although I cannot state that our skepticism has been wholly dispelled, my delegation was part of the consensus in the special committee. We stated our views on the details of the text at that time, and they are set forth in annex I of the report of the

special committee.¹ They remain our views, and hence we will not repeat them in detail now.

We, like many others, do not regard the definition as perfect. There is material in it we regard as unnecessary and there are phrases we regard as unfelicitous; there are, moreover, omissions from the definition which we regard as unfortunate. There is nothing remarkable in these facts. The product of years of intensive negotiations among large and small states, states with differing social systems, and states with different legal traditions can never fully reflect the desires of each state. The text is inevitably a compromise. It has the strengths and weaknesses of a compromise. What is remarkable is that we have succeeded at all when previous generations have failed.

We should recognize this compromise as a hopeful sign of a growing spirit of international cooperation and understanding, a sign that states have matured to the point of not insisting that their parochial concerns must be accepted in full by the international community, that they no longer insist on using the definition to settle other issues. What state is there here which does not have a particular security, economic, or other concern which it believes is not perfectly reflected? If states were to insist on the perfect expression of their special concerns, we would not postpone the production of a definition; we would be deciding once and for all that a definition is impossible. In this connection, my delegation notes the forbearance shown by the delegate of Afghanistan.

¹U.N. doc. A/9619; for a statement by Mr. Rosenstock made in the special committee on Apr. 12, see BULLETIN of May 6, 1974, p. 498.

What the special committee has forwarded to the Assembly is not a substitute for the type of definition one would seek in a dictionary. That would serve no useful purpose; we are not defining a term in the abstract, but seeking to provide guidance for the understanding of the meaning and function of the term as set forth in article 39 of the Charter of the United Nations.

The definition, moreover, does not and should not seek to establish obligations and rights of states; for that is not the function of article 39 of the charter. The United Nations has already completed a major exercise in the field of rules concerning use of force when it adopted the Friendly Relations Declaration. The definition of aggression neither adds to nor subtracts from that important declaration. The draft text underlines this fact in its preambular reaffirmation of the Friendly Relations Declaration.

The draft before us is a recommendation by the General Assembly designed to provide guidance for the Security Council in the exercise of its primary responsibility under the charter to maintain and, where necessary, to restore international peace and security. The second, fourth, and tenth paragraphs of the preamble and articles 2 and 4 clearly reflect the intention of the drafters to work within the framework of the charter, which grants discretion to the Security Council. There is nothing the General Assembly or the Security Council can do under the charter to alter the discretion of the Council. The Assembly can provide suggested guidance to the Security Council, and since the membership of the Council is drawn from the membership of the Assembly, there is every reason to assume the Security Council will give due weight to this important recommendation.

The structure of the draft definition accurately reflects the function of such a definition and the charter limits within which the assembly is obliged to work. Article 1 of the draft is a general statement based on article 2 of the charter. Like article 2 of the charter, it makes no distinction on the basis of the means of armed force used. Article 1, moreover, makes clear by the phrase "as

set out in this Definition" that article 1 may not be read in isolation from the other articles and that not all illegal uses of armed force should be regarded as capable of denomination as acts of aggression.

Article 2 of the text suggests considerations the Security Council should bear in mind in analyzing a particular situation which may be brought before it. The phrase "*prima facie* evidence" is fully consistent with the legal structure of chapter VII of the charter, which requires that a finding of an act of aggression must result from a positive decision of the Security Council. Article 2 in particular and the definition in general is fully consistent with the manner in which the Security Council may, and in fact does, approach problems of this nature. The Council examines all the relevant facts and circumstances and then seeks the most pragmatic available means of dealing with the situation. This draft definition is an effort to provide guidance in that process of examination.

Article 3 of the text represents an effort to set forth certain examples of the use of force which the Security Council could reasonably consider, in the manner suggested by article 2, to qualify as potential acts of aggression. The problems some have imagined with regard to this article are false problems. That the subparagraphs of article 3 cannot be read *in vacuo* is made clear by common sense—"Bombardment by the armed forces of a State against the territory of another State" cannot be imagined to constitute aggression if, for example, it is exercised pursuant to the inherent right of self-defense. But the text does not merely rely on common sense. Article 3 expressly states that it is "subject to . . . article 2," and article 8 requires us to accept the inter-related nature of all the articles. Any action which might qualify as an act of aggression must be a use of force in contravention of the charter. Surely no one here would wish to assert a right to use force "in contravention of the Charter." For these reasons my delegation sees no legal basis for objecting to the inclusion of any of the subparagraphs of article 3 and no greater

basis for clarifying subparagraph (b) than subparagraph (d) or (a) or (c), et cetera.

The subparagraphs of article 3 do not, of course, purport to spell out in detail all the illicit uses of force which could qualify as an act of aggression. The subparagraphs must be understood as a summary, and reference to such documents as the Declaration of Friendly Relations is particularly helpful in understanding some of the subparagraphs. For example, some have suggested that subparagraphs (f) and (g) fail accurately to reflect present-day realities. Although my delegation would certainly have seen great value in more detailed coverage of those acts which have been such a source of violence in the second half of this century, our concern is ameliorated by the fact that the ground summarily covered by these paragraphs is already more fully set out in the Friendly Relations Declaration.

Article 4 is a useful emphasis of the inherently inexhaustive nature of any listing of specific acts and a further reaffirmation of the discretion of the Security Council.

Articles 5, 6, and 7 are not properly part of the definition of aggression but, rather, set forth some of the legal consequences which would flow from a finding of aggression by the Security Council and contain certain savings clauses expressly indicating some of the situations or rights not affected by the first four articles.

Article 6 reminds us that a definition of the term "aggression" as set forth in article 39 of the charter creates no new rights and does not cut across existing rights and obligations. It does not support the restrictive meaning some have sought to place on article 53 of the charter. The definition neither restricts nor expands the inherent right of self-defense. The special committee wisely recognized that defining the inherent right of self-defense was beyond the scope of a definition of aggression. We trust no delegation would wish to assert the need, in the course of approving a definition of aggression, to expand the right of self-defense. Any such move, even if directed only at a subparagraph, would make our action into a negative contribution.

Article 7 expressly affirms the fact that the purpose of this exercise is to define aggression and not the entitlement of all peoples to equal rights and self-determination. This article, particularly when read in conjunction with article 6, does not and can not legitimize acts of armed force which would otherwise be illegal.

We believe the draft definition, which is the product of the many years of careful work, deserves unanimous acceptance by the General Assembly. In expressing this view we are mindful of the need not to place too great an emphasis on what we have accomplished. The Security Council must not be tempted to pursue the question of whether aggression has been committed if to do so would delay expeditious action under chapter VII pursuant to a finding of a "threat to the peace" or a "breach of the peace." The definition will do far more harm than good if it ever serves to distract the Council and cause any delay in action the Council could otherwise have taken.

We hope the guidelines set forth in the definition will contribute to the more effective functioning of the collective security system of the United Nations and thus to the maintenance of international peace and security. For this reason we are prepared to continue to form part of the consensus.

Ambassador Bennett, Plenary, December 14

USUN press release 199 dated December 14

The U.S. delegation believes the adoption by consensus of this definition is one of the positive achievements of this 29th General Assembly. The adoption of this definition coming after so many years of consideration and negotiation is in fact, in our view, a historic moment. We believe this accomplishment may in large measure be attributed to the working methods used by the special committee. My delegation has expressed its views on the details of the definition at the 1,480th meeting of the Legal Committee as well as at the 113th meeting of the special committee. These remain our views, and I see no need to reiterate them *in extenso* here today.

We indicated there that, while we would have preferred more explicit and detailed coverage of certain very contemporary forms of violence, we were satisfied that these indirect uses of force were indeed covered. We have stressed the importance that we attach to the express recognition of the fact that the specific list of acts set forth in article 3 of the definition is not exhaustive, and we have stressed the importance we attach to the fact that the text neither expands nor diminishes the permissible uses of force.

We believe the recommendations included in the definition are, by and large, likely to provide useful guidance to the Security Council, which, after all, is the function of the definition. This is particularly so since, as is made clear by operative paragraph 4 of the resolution, nothing in the definition alters or purports to alter the discretion of the Security Council. This is quite proper, of course, since neither the General Assembly nor indeed the Security Council itself is empowered to change the discretion of the Council, that discretion being derived from the language of the charter itself.

We see nothing in any of the various explanatory notes which affects the substance of the text of the definition or affects our views of it.

The United States fully shares the hope expressed in the preamble of these guidelines that they will contribute to the more effective functioning of the collective security system of the United Nations and thus to the maintenance of international peace and security.

TEXT OF RESOLUTION²

The General Assembly,

Having considered the report of the Special Committee on the Question of Defining Aggression, established pursuant to its resolution 2330 (XXII) of 18 December 1967, covering the work of its seventh session held from 11 March to 12 April 1974, including the draft Definition of Aggression

² U.N. doc. A/RES/3314 (XXIX); adopted by the Assembly on Dec. 14 without a vote.

adopted by the Special Committee by consensus and recommended for adoption by the General Assembly,

Deeply convinced that the adoption of the Definition of Aggression would contribute to the strengthening of international peace and security,

1. *Approves* the Definition of Aggression, the text of which is annexed to the present resolution;

2. *Expresses its appreciation* to the Special Committee on the Question of Defining Aggression for its work which resulted in the elaboration of the Definition of Aggression;

3. *Calls upon* all States to refrain from all acts of aggression and other uses of force contrary to the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations;

4. *Calls the attention* of the Security Council to the Definition of Aggression, as set out below, and recommends that it should, as appropriate, take account of that Definition as guidance in determining, in accordance with the Charter, the existence of an act of aggression.

ANNEX

Definition of Aggression

The General Assembly,

Basing itself on the fact that one of the fundamental purposes of the United Nations is to maintain international peace and security and to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace,

Recalling that the Security Council, in accordance with Article 39 of the Charter of the United Nations, shall determine the existence of any threat to the peace, breach of the peace or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security,

Recalling also the duty of States under the Charter to settle their international disputes by peaceful means in order not to endanger international peace, security and justice,

Bearing in mind that nothing in this Definition shall be interpreted as in any way affecting the scope of the provisions of the Charter with respect to the functions and powers of the organs of the United Nations,

Considering also that, since aggression is the most serious and dangerous form of the illegal use of force, being fraught, in the conditions created by the existence of all types of weapons of mass destruction, with the possible threat of a world

conflict and all its catastrophic consequences, aggression should be defined at the present stage,

Reaffirming the duty of States not to use armed force to deprive peoples of their right to self-determination, freedom and independence, or to disrupt territorial integrity,

Reaffirming also that the territory of a State shall not be violated by being the object, even temporarily, of military occupation or of other measures of force taken by another State in contravention of the Charter, and that it shall not be the object of acquisition by another State resulting from such measures or the threat thereof,

Reaffirming also the provisions of the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations,

Convinced that the adoption of a definition of aggression ought to have the effect of deterring a potential aggressor, would simplify the determination of acts of aggression and the implementation of measures to suppress them and would also facilitate the protection of the rights and lawful interests of, and the rendering of assistance to, the victim,

Believing that, although the question whether an act of aggression has been committed must be considered in the light of all the circumstances of each particular case, it is nevertheless desirable to formulate basic principles as guidance for such determination,

Adopts the following Definition of Aggression:³

Article 1

Aggression is the use of armed force by a State

³ Explanatory notes on articles 3 and 5 are to be found in paragraph 20 of the report of the Special Committee on the Question of Defining Aggression (*Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 19* (A/9619 and Corr. 1)). Statements on the Definition are contained in paragraphs 9 and 10 of the report of the Sixth Committee (A/9890). [Footnote in original.]

Following are explanatory notes included in paragraph 20 of U.N. doc. 9619:

1. With reference to article 3, subparagraph (b), the Special Committee agreed that the expression "any weapons" is used without making a distinction between conventional weapons, weapons of mass destruction and any other kind of weapon.

2. With reference to the first paragraph of article 5, the Committee had in mind, in particular, the principle contained in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations according to which "No State or group of States has the right to intervene, directly or indirectly, for any reason

against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations, as set out in this Definition.

Explanatory note: In this Definition the term "State";

(a) Is used without prejudice to questions of recognition or to whether a State is a Member of the United Nations;

(b) Includes the concept of a "group of States" where appropriate.

Article 2

The first use of armed force by a State in contravention of the Charter shall constitute *prima facie* evidence of an act of aggression although the Security Council may, in conformity with the Charter, conclude that a determination that an act of aggression has been committed would not be justified in the light of other relevant circumstances, including the fact that the acts concerned or their consequences are not of sufficient gravity.

Article 3

Any of the following acts, regardless of a declaration of war, shall, subject to and in accordance with the provisions of article 2, qualify as an act of aggression:

(a) The invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof;

whatever, in the internal or external affairs of any other State".

3. With reference to the second paragraph of article 5, the words "international responsibility" are used without prejudice to the scope of this term.

4. With reference to the third paragraph of article 5, the Committee states that this paragraph should not be construed so as to prejudice the established principles of international law relating to the inadmissibility of territorial acquisition resulting from the threat or use of force.

Following are paragraphs 9 and 10 of U.N. doc. 9890:

9. The Sixth Committee agreed that nothing in the Definition of Aggression, and in particular article 3 (c), shall be construed as a justification for a State to block, contrary to international law, the routes of free access of a land-locked country to and from the sea.

10. The Sixth Committee agreed that nothing in the Definition of Aggression, and in particular article 3 (d), shall be construed as in any way prejudicing the authority of a State to exercise its rights within its national jurisdiction, provided such exercise is not inconsistent with the Charter of the United Nations.

(b) Bombardment by the armed forces of a State against the territory of another State or the use of any weapons by a State against the territory of another State;

(c) The blockade of the ports or coasts of a State by the armed forces of another State;

(d) An attack by the armed forces of a State on the land, sea or air forces, or marine and air fleets of another State;

(e) The use of armed forces of one State which are within the territory of another State with the agreement of the receiving State, in contravention of the conditions provided for in the agreement or any extension of their presence in such territory beyond the termination of the agreement;

(f) The action of a State in allowing its territory, which it has placed at the disposal of another State, to be used by that other State for perpetrating an act of aggression against a third State;

(g) The sending by or on behalf of a State of armed bands, groups, irregulars or mercenaries, which carry out acts of armed force against another State of such gravity as to amount to the acts listed above, or its substantial involvement therein.

Article 4

The acts enumerated above are not exhaustive and the Security Council may determine that other acts constitute aggression under the provisions of the Charter.

Article 5

1. No consideration of whatever nature, whether political, economic, military or otherwise, may serve as a justification for aggression.

2. A war of aggression is a crime against international peace. Aggression gives rise to international responsibility.

3. No territorial acquisition or special advantage resulting from aggression is or shall be recognized as lawful.

Article 6

Nothing in this Definition shall be construed as in any way enlarging or diminishing the scope of the Charter, including its provisions concerning cases in which the use of force is lawful.

Article 7

Nothing in this Definition, and in particular article 3, could in any way prejudice the right to self-determination, freedom and independence, as derived from the Charter, of peoples forcibly deprived of that right and referred to in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, particularly peoples under colonial and racist régimes or other forms of alien domination;

nor the right of these peoples to struggle to that end to seek and receive support, in accordance with the principles of the Charter and in conformity with the above-mentioned Declaration.

Article 8

In their interpretation and application the above provisions are interrelated and each provision should be construed in the context of the other provisions.

U.S. Declines To Participate in U.N. Special Fund

Following is a statement made in the U.N. General Assembly on December 18 by U.S. Representative Clarence Clyde Ferguson, Jr.

USUN press release 201 dated December 18

The draft resolution before us, contained in document A 9952,¹ finally establishes the Special Fund called for by the special session of the General Assembly in Resolution 3202 of May 1, 1974. In that special session my delegation repeatedly expressed its doubts as to the viability of a Special Fund to respond to the urgent emergency needs of countries most seriously affected by economic imbalances principally attributable to sudden and traumatic tripled and quadrupled prices of petroleum. We expressed the view that time was of the essence, that the most expeditious way of responding to unquestioned needs would be a consistent plan utilizing existing channels of assistance and existing institutions. Regrettably, the views of my government were not heeded nor, in our opinion, in any way taken into account in the provisions of Resolution 3202 of the sixth special session.²

Disappointed as we were with that outcome—a disappointment we have expressed in the special session, in the session of ECOSOC [Economic and Social Council],

¹ Report of the Second Committee on agenda item 98, "Programme of Action on the Establishment of a New International Economic Order."

² For a U.S. statement and texts of resolutions adopted by the sixth special session of the U.N. General Assembly on May 1, see BULLETIN of May 18, 1974, p. 569.

and in the Second Committee—we nonetheless acquiesced in the will of the majority. Mr. President, the United States takes seriously its obligations as a member state in this organization. In that spirit, we participated in the work of the ad hoc committee to establish the Special Fund. We will consequently, but with regret, acquiesce in the adoption of the draft resolution without a vote.³

Despite the strong views of my government regarding a new international economic order, we have no desire to obstruct the work of the Special Fund or the work of any other body of the United Nations. It may well be that for the newly rich member states without established patterns and institutions for rendering assistance, the Special Fund might be attractive. For the United States, however, we shall be consistent in our views and position regarding the most effective means of responding to the plight of the most seriously affected.

We did not believe last May that this new institution was needed or could be a viable means of rendering emergency assistance. We do not believe today that the Fund is needed. We do not today believe it is viable. Consequently, my government will not pledge or contribute to the Special Fund.

Mr. President, I should like to call the Assembly's attention to paragraph 10 of document A/9952, wherein the Second Committee recommended that at the first election for the Board of Governors for the Special Fund, the Assembly should elect as Governors those states which were members of the Ad Hoc Committee on the Special Program. Although my government was a member of the ad hoc committee, we will, for all the foregoing reasons, decline election to the Board of Governors. We believe the Board of Governors should logically consist of those expecting to contribute or expecting to receive assistance from the Special Fund. We should not have wished to create the impression through our par-

³ Resolution 3356 (XXIX), setting forth provisions for the operation of the Special Fund as an organ of the General Assembly, was adopted by the Assembly on Dec. 18 without a vote.

ticipation in the Board that eventual U.S. support would have been likely. Our declination of election to the Board is thus an action consistent with our expressed views and intentions.

In conclusion, Mr. President, we must also take note that the cost of the projected staffing and administration even now appears unnecessarily high for an institution with dim prospects of meaningful resources. We fear—as we had predicted last May and last July—that the principal function of this Fund is to insert yet another layer of bureaucracy between donors and those who so desperately need assistance.

U.S. Deplores Continued Occupation of Namibia by South Africa

Following is a statement made in the U.N. Security Council by U.S. Representative John Scali on December 17, together with the text of a resolution adopted by the Council that day.

STATEMENT BY AMBASSADOR SCALI

USUN press release 200 dated December 17

U.N. concern over the South African administration of Namibia spans the life of this organization. For the seventh consecutive year, the Security Council is considering this same question of Namibia. Since the Security Council met last December to discuss the future of Namibia, we are all aware that political developments of great importance to Namibia and the rest of southern Africa have taken place.

The April events in Portugal have irrevocably altered the political map of southern Africa. These events have set in motion a continuing and dramatic movement toward full decolonization in Portuguese Africa. More recently, meetings held in Zambia involving the various political forces on the Rhodesian scene have raised hopes that a solution to the Rhodesian issue acceptable to a majority of the people may soon be

negotiated. These developments, we believe, must necessarily impel South Africa to re-examine its basic policies regarding Namibia in light of the new realities.

The position of my government on the Namibian question is clear and unequivocal. We have informed the Government of South Africa of our views on this issue and will continue to do so when appropriate. We believe that there is an urgent need to resolve this longstanding and contentious issue peacefully and as soon as possible.

We are encouraged by recent indications that South Africa may be reviewing its policies in Namibia. The South African Government has announced that the people of Namibia will be called upon to decide their own future, that all options including full independence are open to them, and that the people of the territory may exercise their right to self-determination "considerably sooner" than the 10-year forecast made by the South African Foreign Minister in 1973.

We believe that a peaceful and realistic solution should be sought now. We understand that a meeting is planned between representatives of various groups in the territory and the leaders of the white population to discuss the constitutional development of the territory. We believe no significant element of the Namibian people or of Namibian political life should be excluded.

However, as much as we welcome the changes in recent South African Government statements on Namibia, we wish to state in all candor our view that these statements lack necessary precision and detail. It is this very precision, along with positive actions, which is required to lay to rest the skepticism with which South African pronouncements on Namibia have been received in many quarters. What is called for is a specific, unequivocal statement of South Africa's intention with regard to the territory. We urge that government to make known as soon as possible its plans to permit the people of Namibia to exercise their right to self-determination in the near future.

We further favor the development of re-

newed contacts between the Secretary General and the South African Government to assist South Africa in arranging for the exercise of self-determination. The constructive involvement of the United Nations and the Secretary General can be of significant importance to assure an orderly transition of power in the territory, which is to everyone's benefit. We also believe South Africa should abolish discriminatory laws and practices and encourage freer political expression within the whole territory.

While awaiting further South African clarification of its Namibian policy, the United States will continue to adhere to its present policy with regard to the territory. As we have since 1970, we will continue to discourage U.S. investment in Namibia and deny Export-Import Bank guarantees and other facilities for trade with Namibia. We will continue to withhold U.S. Government protection of U.S. investments, made on the basis of rights acquired through the South African Government after 1966, against the claims of a future lawful government of Namibia. This policy reflects our belief that South Africa should act quickly and positively to end its illegal occupation of Namibia.

In addition, we are pleased that we were able to join together in advance consultations with members of the African group to adopt this important new resolution.

TEXT OF RESOLUTION¹

The Security Council,

Recalling General Assembly resolution 2145 (XXI) of 27 October 1966, which terminated South Africa's mandate over the Territory of Namibia, and resolution 2248 (S-V) of 1967, which established a United Nations Council for Namibia, as well as all other subsequent resolutions on Namibia, in particular resolution 3295 (XXIX) of 13 December 1974,

Recalling Security Council resolutions 245 (1968) of 25 January and 246 (1968) of 14 March 1968, 264 (1969) of 20 March and 269 (1969) of 12 August 1969, 276 (1970) of 30 January, 282 (1970)

¹ U.N. doc. S/RES/366 (1974); adopted by the Council unanimously on Dec. 17.

of 23 July, 283 (1970) and 284 (1970) of 29 July 1970, 300 (1971) of 12 October and 301 (1971) of 20 October 1971 and 310 (1972) of 4 February 1972, which confirmed General Assembly decisions,

Recalling the advisory opinion of the International Court of Justice of 21 June 1971 that South Africa is under obligation to withdraw its presence from the Territory,

Concerned about South Africa's continued illegal occupation of Namibia and its persistent refusal to comply with resolutions and decisions of the General Assembly and the Security Council, as well as the advisory opinion of the International Court of Justice of 21 June 1971,

Gravely concerned at South Africa's brutal repression of the Namibian people and its persistent violation of their human rights, as well as its efforts to destroy the national unity and territorial integrity of Namibia,

1. *Condemns* the continued illegal occupation of the Territory of Namibia by South Africa;

2. *Condemns* the illegal and arbitrary application by South Africa of racially discriminatory and repressive laws and practices in Namibia;

3. *Demands* that South Africa make a solemn declaration that it will comply with the resolutions and decisions of the United Nations and the advisory opinion of the International Court of Justice of 21 June 1971 in regard to Namibia and that it recognizes the territorial integrity and unity of Namibia as a nation, such declaration to be addressed to the Security Council of the United Nations;

4. *Demands* that South Africa take the necessary steps to effect the withdrawal, in accordance with resolutions 264 (1969) and 269 (1969), of its illegal administration maintained in Namibia and to transfer power to the people of Namibia with the assistance of the United Nations;

5. *Demands* further that South Africa, pending the transfer of powers provided for in the preceding paragraph:

(a) Comply fully in spirit and in practice with the provisions of the Universal Declaration of Human Rights;

(b) Release all Namibian political prisoners, including those imprisoned or detained in connexion with offences under so-called internal security laws, whether such Namibians have been charged or tried or are held without charge and whether held in Namibia or South Africa;

(c) Abolish the application in Namibia of all racially discriminatory and politically repressive laws and practices, particularly bantustans and homelands;

(d) Accord unconditionally to all Namibians currently in exile for political reasons full facilities for return to their country without risk of arrest, detention, intimidation or imprisonment;

6. *Decides* to remain seized of the matter and to meet on or before 30 May 1975 for the purpose of reviewing South Africa's compliance with the terms of this resolution and, in the event of non-compliance by South Africa, for the purpose of considering the appropriate measures to be taken under the Charter.

TREATY INFORMATION

Current Actions

MULTILATERAL

Containers

International convention for safe containers (CSC), with annexes. Done at Geneva December 2, 1972.¹
Accession deposited: New Zealand (with declaration), December 23, 1974.

Phonograms

Convention for the protection of producers of phonograms against unauthorized duplication of their phonograms. Done at Geneva October 29, 1971. Entered into force April 18, 1973; for the United States March 10, 1974. TIAS 7808.

Notification from World Intellectual Property Organization that ratification deposited: India, November 12, 1974.

Extension by the United Kingdom to: Bermuda, British Virgin Islands, Cayman Islands, Gibraltar, Isle of Man, Hong Kong, Montserrat, St. Lucia, and Seychelles, December 4, 1974.

Postal

Additional protocol to the constitution of the Universal Postal Union with final protocol signed at Vienna July 10, 1964 (TIAS 5881), general regulations with final protocol and annex, and the universal postal convention with final protocol and detailed regulations. Signed at Tokyo November 14, 1969. Entered into force July 1, 1971, except for article V of the additional protocol, which entered into force January 1, 1971. TIAS 7150.

Ratifications deposited: Argentina (with declarations), November 6, 1974; Cameroon, November 21, 1974; Cuba, July 4, 1974; Nigeria, February 6, 1974.

Money orders and postal travellers' cheques agreement, with detailed regulations and forms. Signed at Tokyo November 14, 1969. Entered into force

¹ Not in force.

July 1, 1971; for the United States December 31, 1971. TIAS 7236.
Approval deposited: Argentina, November 6, 1974.

Property—Industrial

Nice agreement concerning the international classification of goods and services for the purposes of the registration of marks of June 15, 1957, as revised at Stockholm on July 14, 1967. Entered into force March 18, 1970; for the United States May 25, 1972. TIAS 7419.

Notification from World Intellectual Property Organization that ratification deposited: Belgium, November 12, 1974.

Notification from World Intellectual Property Organization that accession deposited: Luxembourg, December 24, 1974.

Convention of Paris for the protection of industrial property of March 20, 1883, as revised. Done at Stockholm July 14, 1967. Articles 1 through 12 entered into force May 19, 1970; for the United States August 25, 1973. Articles 13 through 30 entered into force April 26, 1970; for the United States September 5, 1970. TIAS 6923, 7727.

Notification from World Intellectual Property Organization that ratifications deposited: Belgium, November 12, 1974; Dahomey, December 12, 1974; Luxembourg, Poland,² South Africa,² December 24, 1974.

Notification from World Intellectual Property Organization that accession deposited: Brazil,^{2,3} December 24, 1974.

Property—Intellectual

Convention establishing the World Intellectual Property Organization. Done at Stockholm July 14, 1967. Entered into force April 26, 1970; for the United States August 25, 1970. TIAS 6932.

Ratifications deposited: Belgium, October 31, 1974; Dahomey, December 9, 1974; Luxembourg, December 19, 1974; Poland, South Africa, December 23, 1974.

Accession deposited: Brazil, December 20, 1974.

Safety at Sea

Convention on the international regulations for preventing collisions at sea, 1972. Done at London October 20, 1972.¹

Ratification deposited: Greece, December 17, 1974.

International convention for the safety of life at sea, 1974. Done at London November 1, 1974.¹
Signature: Argentina, December 12, 1974.¹

Terrorism—Protection of Diplomats

Convention on the prevention and punishment of crimes against internationally protected persons, including diplomatic agents. Done at New York December 14, 1973.¹

Signatures: Guatemala, December 12, 1974; United Kingdom, December 13, 1974; Yugoslavia, December 17, 1974.

BILATERAL

Israel

Agreement amending the agreement of July 12, 1955, as amended (TIAS 3311, 4407, 4507, 5079, 5723, 5909, 6071), for cooperation concerning civil uses of atomic energy, with related notes. Signed at Washington January 13, 1975. Enters into force on the date on which each government shall have received from the other written notification that it has complied with all statutory and constitutional requirements for entry into force.

Romania

Agreement on cooperation and exchanges in the cultural, educational, scientific and technological fields. Signed at Bucharest December 13, 1974. Entered into force January 1, 1975.

Uruguay

Agreement relating to payment to the United States of the net proceeds from the sale of defense articles by Uruguay. Effected by exchange of notes at Montevideo December 11 and 30, 1974. Entered into force December 30, 1974; effective July 1, 1974.

¹ Not in force.

² With a reservation.

³ Articles 1 through 12 excepted.

⁴ Subject to ratification.

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No.	Date	Subject
12	1/13	Diplomatic note on Viet-Nam agreement.
13	1/14	Kissinger: news conference.
*14	1/15	Regional Foreign Policy Conference, San Diego, Jan. 23.
*15	1/16	U.S.-Malaysia textile agreements extended.
†15	1/16	Kissinger: interview with Bill Moyers.
*17	1/16	American scholars visit Caribbean.
*18	1/17	U.S.-Canadian officials meet on effects of Garrison Diversion Unit.

* Not printed.

† Held for a later issue of the BULLETIN.