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held on

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at 10.30 a.m.

New York

SUMMARY RECORD OF THE 54th MEETING

Chairman: Mr. ZEHENTNER (Federal Republic of Germany)

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AGENDA ITEM 114: REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION (continued)

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The meeting was called to order at 10.50 a.m.

AGENDA ITEM 114: REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION (continued)  
(A/34/33, A/34/409, A/34/357, A/34/389 and Corr.1; A/C.6/34/L.8/Rev.1, L.10/Rev.1, L.11 and L.13)

1. The CHAIRMAN invited the United Nations Legal Counsel to address the Committee in connexion with draft resolutions A/C.6/34/L.8/Rev.1 and L.10/Rev.1.
2. Mr. SUY (Under-Secretary-General, the Legal Counsel) made a statement.\*
3. Mr. OMAR (Libyan Arab Jamahiriya) said his delegation had always been concerned to ensure that the Secretariat was not placed in a difficult position, and for that reason it had, in agreement with the delegation of Guinea, introduced a number of changes in operative paragraph 2 of the original draft resolution (A/C.6/34/L.8). He wished, however, to comment on certain points raised in the statement made by the Legal Counsel. It should first be noted that the opening clause of operative paragraph 2 (a) of draft resolution A/C.6/34/L.8/Rev.1 referred to the views expressed by States, and not by the Secretariat or any other body, within the relevant United Nations bodies, namely the General Assembly, the Security Council and the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization. Similarly, the efforts and proposals made to alleviate the effects of the use of the right of veto, referred to in operative paragraphs 2 (b) and (c) respectively, meant the efforts and proposals of States. The Secretariat was therefore merely being asked to reflect on those views, efforts and proposals with a view to providing the Special Committee with the necessary guidelines to carry out its task. So far as the time factor was concerned, he recognized that it was perhaps unrealistic, in view of the Secretariat's heavy workload and the time and effort that would be required to assess the experience gained over 34 years, to expect it to complete its study in time for the thirty-fifth session of the General Assembly. He considered, however, that the General Assembly, without in any way prejudging the issue, should request the Secretariat to embark on its study and that it should review the position, if necessary, at its thirty-fifth session. At that time, the sponsors of the draft resolution would give sympathetic consideration to such problems as the Secretariat might have encountered. The need for outside consultants could be decided at the same session in the light of the progress made.
4. Lastly, he trusted that the statement made by the Legal Counsel would be circulated to all delegations in view of its importance.

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\* The full text of the statement made by the Legal Counsel will be issued as document A/C.6/34/6.

5. The CHAIRMAN said that, as the general debate on the item had been concluded, he would invite the Committee to take a decision on draft resolutions A/C.6/34/L.8/Rev.1 and L.10/Rev.1.

6. Mr. ROSHINE (Israel) asked if he could make a statement relating to those two draft resolutions.

7. The CHAIRMAN said he considered that such a statement would not be in order as the general debate had been concluded.

8. Mr. ROSENSTOCK (United States of America) said that the Committee should not be seen to endorse without comment a procedure which was at variance with long-standing, and therefore presumably correct, practice. The general debate was so called because it was a debate on general matters which did not enter into the specifics of draft resolutions and the Committee, whose pronouncements on procedural matters should be regarded as particularly persuasive, should not take any decision that blurred the distinction between that debate and the discussion on draft resolutions. He was, however, prepared to agree that the Committee should proceed to a vote on the draft resolutions before it, provided that the intent was to save time. But he could not accept such a procedure on the ground that there was some impropriety in a debate on a draft resolution, nor any ruling that it should be disallowed simply because the general debate had been concluded.

9. The CHAIRMAN pointed out that rule 131 of the General Assembly's rules of procedure provided that, if two or more proposals related to the same question, the Committee should, unless it decided otherwise, vote on the proposals in the order in which they had been submitted. The Committee should therefore normally vote first on draft resolution A/C.6/34/L.8/Rev.1.

10. Mr. KOLESNIK (Union of Soviet Socialist Republics), speaking on a point of order, said that draft resolution A/C.6/34/L.8/Rev.1 did not provide for the machinery to implement its terms: it requested the Special Committee to submit a report on possible alternatives to the unanimity rule of the permanent members of the Security Council, but did not stipulate that the Special Committee's mandate should be renewed. In the circumstances, elementary logic seemed to dictate that the Sixth Committee should deal first with draft resolution A/C.6/34/L.10/Rev.1 and only thereafter, if at all, with draft resolution A/C.6/34/L.8/Rev.1.

11. Mr. OMAR (Libyan Arab Jamahiriya) said that according to rule 131 of the rules of procedure, draft resolution A/C.6/34/L.8/Rev.1, which had been submitted before draft resolution A/C.6/34/L.10/Rev.1, should be voted on first. Since those two draft resolutions were not contradictory, there was no need to accord priority to draft resolution A/C.6/34/L.10/Rev.1. He expressed the hope that the representative of the Soviet Union would not press his proposal to accord such priority.

12. Mr. KOLESNIK (Union of Soviet Socialist Republics) reiterated that it would be illogical to vote on draft resolution A/C.6/34/L.8/Rev.1 first since it contained a set of instructions to the Special Committee, whose mandate had not yet been renewed and which therefore did not exist. He pointed out that in rule 131 the

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(Mr. Kolesnik, USSR)

words, "unless it decides otherwise", allowed the Committee to decide on the order in which it would vote on the draft resolutions under consideration. Therefore, his delegation insisted that the question of according priority to draft resolution A/C.6/34/L.10/Rev.1 should be considered.

13. Mr. DRAMOU (Guinea) said his delegation had hoped that a spirit of co-operation would prevail with regard to the procedure to be followed in dealing with the two draft resolutions. Although the proposal of the Soviet Union was logical, it was not particularly well founded in view of the complementary nature of the two draft resolutions and in the light of the rules of procedure. He therefore requested the representative of the Soviet Union not to press his proposal.

14. Mr. ROSENSTOCK (United States of America) said that the issue was not that the two draft resolutions were complementary or contradictory, but that the adoption of draft resolution A/C.6/34/L.10/Rev.1 first would be a meaningless act since it would give instructions to a committee which did not exist. His delegation could not understand why any delegation would insist that the Committee should act in a manner which made no sense. According to the rules of procedure it was clearly possible to request that priority should be accorded to a given resolution. His delegation would vote in favour of voting on draft resolution A/C.6/34/L.10/Rev.1 first and expressed the hope that other delegations would do likewise. Then, if the Committee wished to do so, it could vote on draft resolution A/C.6/34/L.8/Rev.1 and give the Special Committee specific instructions.

15. Mr. ANOMA (Ivory Coast) agreed that it mattered little whether the draft resolutions were complementary or contradictory. In accordance with rule 131 the Sixth Committee was clearly entitled to decide on the order in which the two draft resolutions should be put to the vote.

16. Mr. OMAR (Libyan Arab Jamahiriya) said that his delegation was not opposed to giving priority to draft resolution A/C.6/34/L.10/Rev.1 if there was a valid reason for doing so. The two draft resolutions, however, were not contradictory. The reasons put forward by the Soviet Union and the United States would be more cogent if there was a considerable time-lag between the adoption of the two draft resolutions. His delegation had appealed to the delegation of the Soviet Union not to press its proposal in order to maintain the peaceful atmosphere which prevailed in the Sixth Committee. He renewed his appeal to the delegations of the United States and the Soviet Union not to press the proposal to accord priority to draft resolution A/C.6/34/L.10/Rev.1 in view of the lack of a valid reason for doing so.

17. Mr. SAID (Pakistan) supported the appeal of the representative of the Libyan Arab Jamahiriya that the two draft resolutions should be dealt with in the order in which they had been submitted. It was not strictly speaking correct to state that the Special Committee currently did not exist and that draft resolution A/C.6/34/L.10/Rev.1 should therefore be given priority. Since both draft resolutions were based on the assumption that the Special Committee continued to exist, there was no logical reason for considering draft resolution A/C.6/34/L.10/Rev.1 first.

18. Mr. ROSEMAN (Israel) said that if operative paragraph 4 of draft resolution A/C.6/34/L.8/Rev.1 implied the renewal of the mandate of the Special Committee for two years, document A/C.6/34/L.13 should perhaps be revised to make allowances for that implication.
19. Mr. JIZIL<sup>V</sup> (Czechoslovakia) said that in view of the logical and legal reasons given by the representatives of the Soviet Union and the United States, his delegation supported the proposal to give priority to draft resolution A/C.6/34/L.10/Rev.1.
20. Mr. KATEKA (United Republic of Tanzania) said that it did not matter which draft resolution was voted on first. He would vote against according priority to draft resolution A/C.6/34/L.10/Rev.1 as a symbolic protest against the procedural manoeuvres designed to make a substantive point.
21. The CHAIRMAN invited the members of the Sixth Committee to vote on the proposal that draft resolution A/C.6/34/L.10/Rev.1 should be put to the vote before draft resolution A/C.6/34/L.8/Rev.1.
22. The proposal was adopted by 64 votes to 29, with 23 abstentions.
23. The CHAIRMAN drew attention to the administrative and financial implications of draft resolution A/C.6/34/L.10/Rev.1, given in document A/C.6/34/L.13.
24. Mr. de FAREA (Portugal), speaking in explanation of vote before the vote, said that his delegation found it extremely difficult to explain its vote on one draft resolution without mentioning the other. He felt that the extreme sensitivity of many delegations with regard to the whole question of reviewing the Charter made it imperative that the Committee should avoid any kind of open confrontation in order not to weaken the Organization, instead of strengthening it. Since draft resolution A/C.6/34/L.10/Rev.1 would give the Special Committee a mandate capable of producing a reasonable degree of harmony, his delegation fully supported that draft resolution and would vote in favour of it, provided draft resolution A/C.6/34/L.8/Rev.1 was not adopted by the Committee.
25. The CHAIRMAN reminded the representative of Portugal that the explanation of vote related to draft resolution A/C.6/34/L.10/Rev.1. If the representative of Portugal wished to explain his vote on draft resolution A/C.6/34/L.8/Rev.1 he should do so when that draft resolution was put to the vote.
26. Mr. KATEKA (United Republic of Tanzania) said that his delegation would abstain from voting on draft resolution A/C.6/34/L.10/Rev.1 as a protest against the untenable manner in which the Special Committee had tried to carry out its work in the past two years, for the draft resolution was not designed to correct the procedural mistakes committed by the Special Committee. His delegation objected to the sixth preambular paragraph, which stated that progress had been made in fulfilling the mandate of the Special Committee, since the Special Committee had not made any progress and, if anything, had been retrogressing. Furthermore, he objected to the vague terminology describing the mandate of the Special Committee. The phrase, "to identify those /proposals/ which have awakened special interest",

(Mr. Kateka, United Republic  
of Tanzania)

in operative paragraph 2 (a), was meaningless, since the Sixth Committee was told each year that certain proposals had awakened interest, but that it had not been possible to agree on them. Operative paragraph 3 (b) was objectionable to his delegation because it sought to maintain the untenable position of including in the Special Committee's agenda the question of rationalization of existing procedures, which had outlived its usefulness in the Special Committee and should have been deleted. His delegation also objected to operative paragraph 4 because it felt that the question of the peaceful settlement of disputes should not be included in the mandate of the Special Committee. Lastly his delegation objected to the use of the words "general agreement" in operative paragraph 5, which were designed to frustrate the work of the Special Committee by maintaining the so-called "unanimity of consensus".

27. Mr. ROSENSTOCK (United States of America) said that his delegation had hoped that draft resolution A/C.6/34/L.10/Rev. 1 could be adopted without objection. While he sympathized with delegations that wished to have the draft resolution put to the vote, he felt that in view of the wide range of countries that were sponsoring the draft resolution and the considerable effort they had made to make it acceptable it should be possible for the Sixth Committee to adopt it without a vote. Delegations that had misgivings about the draft resolution could place their reservations on record.

28. The Committee's work on the item relating to the Special Committee on the Charter had begun with a divided vote. It had subsequently become evident that it was worth the effort to try to achieve consensus and the sponsors of draft resolution A/C.6/34/L.10/Rev.1 had been guided by that spirit. It might very well be that once the Special Committee completed its work, the Sixth Committee would decide that the whole exercise had been ill advised. Members might even cease to be appalled, as his delegation had been, at statements such as the one made recently in another Committee by the representative of India, who had said that the Special Committee was a place where ideas were buried. At the current stage of the debate, it was to be hoped that a rational spirit would prevail and that the draft resolution could be adopted without objection, with individual delegations being free to place on record any reservations they might consider necessary.

29. If, however, the Sixth Committee did not find it possible to adopt the draft resolution without a vote, his delegation would be faced with a difficult choice between abstaining and voting in favour of the draft resolution. If it decided to abstain, it would do so because of a doubt as to whether the political will existed to enable the Special Committee to accomplish its task. If it voted in favour of the draft resolution, it would do so in recognition of the efforts made by the sponsors of the draft resolution and the need to make it possible for all delegations to participate in the work of the Special Committee. If the draft resolution was put to the vote, his delegation would vote for it on the understanding that if an affirmative decision was taken with regard to draft resolution A/C.6/34/L.8/Rev.1, the United States might change its position with regard to draft resolution A/C.6/34/L.10/Rev.1 in the plenary meeting, inasmuch as it could not vote in favour of extending the mandate of the Special Committee under circumstances where it would have to reconsider seriously its own participation in the Special Committee.

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30. Mr. KOROMA (Sierra Leone) said that, while he did not wish to prejudge whether draft resolution A/C.6/34/L.10/Rev.1 would be adopted, he did wish to point out that if it was, the Special Committee should establish a permanent bureau to co-ordinate its work throughout the year. If the Special Committee's mandate was renewed, it would surely take into consideration the questions raised by the representative of the United Republic of Tanzania. Likewise, it would surely bear in mind the statements made by several delegations to the effect that the issue of rationalization of existing procedures of the General Assembly was not germane to the main task of the Special Committee. The majority of members of the Special Committee had stressed that the central task of the Special Committee should be to study the question of the maintenance of international peace and security. Assuming that the Special Committee would bear all those comments in mind and in view of the assurances given that its next session would be more productive, his delegation would be prepared to endorse draft resolution A/C.6/34/L.10/Rev.1. He hoped that discouraging statements such as those made by the United States delegation and the Indian delegations would not be repeated at the next session of the Sixth Committee.

31. Miss MALIK (India) said that her delegation wished to reiterate its position with regard to the examination by the Special Committee of the question of the peaceful settlement of disputes. Her delegation had reservations regarding the seventh preambular paragraph and operative paragraph 4 of draft resolution A/C.6/34/L.10/Rev.1, inasmuch as it did not believe that at the current stage it was possible to engage in the codification and development of law on the peaceful settlement of disputes, whether by means of a declaration or of a convention. The Charter of the United Nations and other international legal instruments already contained sufficient provisions on the peaceful settlement of disputes. It was not a question of improving on existing instruments or devising new ones, but rather of States demonstrating the political will to settle disputes peacefully. In that connexion, her Government had always emphasized that such settlements should be achieved mainly through bilateral agreements.

32. Her delegation would vote in favour of draft resolution A/C.6/34/L.10/Rev.1, but could not endorse the seventh preambular paragraph or operative paragraph 4.

33. Mr. DRAMOU (Guinea) said he shared the concerns of the sponsors of draft resolution A/C.6/34/L.10/Rev.1, but also had misgivings about certain statements in it, such as the claim that the Special Committee had made progress in its work. The Special Committee had not been able to make progress because its mandate was vitiated and it had, consciously or unconsciously, lost sight of its main purpose and allowed its attention to be diverted to secondary questions. His delegation was not opposed to the existence of the Special Committee, which made it possible for Members to exchange views on the possibility of revising the Charter, a matter to which the third world countries attached great importance. However, the Special Committee would not be able to work effectively unless some dynamism was injected into its mandate. His delegation would vote in favour of draft resolution A/C.6/34/L.10/Rev.1, but if the Sixth Committee did not adopt draft resolution

(Mr. Dramou, Guinea)

A/C.6/34/L.8/Rev.1, which was intended to make the Special Committee more dynamic, his delegation would change its position with regard to draft resolution A/C.6/34/L.10/Rev.1 when it was taken up in the plenary meeting.

34. Mr. ROSELINE (Israel) said his delegation had reservations with regard to the new procedure adopted at the current meeting for the consideration of draft resolutions. The Sixth Committee had always given delegations an opportunity to discuss draft resolutions as such before they were put to the vote, thus giving sponsors an opportunity to express their views without infringing rule 128 of the rules of procedure. He hoped that the procedure adopted at the current meeting would not set a precedent. In view of the ruling made by the Chairman, he wished to explain his vote on draft resolution A/C.6/34/L.10/Rev.1. In his statement at the 34th meeting of the Sixth Committee, he had indicated that his delegation had never been very enthusiastic about the item as a whole; if the draft resolution was put to the vote, his delegation would indicate its position accordingly. However, he joined others in hoping that the draft resolution would be adopted without objection or without a vote.

35. He wished to say a few words about paragraph 9 of draft resolution A/C.6/34/L.10/Rev.1, which gave expression to an initiative taken by the delegation of Mexico which he had supported in the general debate. At that time, he had suggested that, apart from the urgency of bringing up to date the Repertory of Practice of United Nations Organs as quickly as possible, there was also an urgent need to reprint earlier volumes of the Repertory which had long been out of print in any language and consequently unavailable to many Members of the United Nations. With the assistance of the Secretariat he had looked into the question more closely. According to his information, the items that were completely out of stock were basic volumes I-V, the table of contents and subject index of those volumes and volumes I and II of supplement No. 1. There was an adequate number of copies still available of supplements Nos. 2 and 3 and the table of contents and subject index to supplements Nos. 1-3. He also understood that the volumes which had originally been published in English, French and Spanish, had been printed in less than the number of copies that was currently usual for United Nations documents. That print run, going back to 1955, meant that stocks had probably been exhausted before quite a large number of countries had become Members of the United Nations.

36. His inquiries had also led him to understand that the total estimated cost of reprinting the out-of-print documents in adequate numbers -- 1,000 in English, 500 in French and 250 in Spanish -- by modern means of reproduction of out-of-print books, would, at current prices, come to no more than \$113,050 and it was a fair estimate that about 25 per cent of that sum could be recovered by normal sales within a relatively short period. The Repertory was undoubtedly one of the primary source materials for understanding the application of the Charter in practice. It was a document which ought to be in the possession of every delegation and Foreign Ministry at least and of every depository library of the United Nations and of course also be more generally available around the world. As he understood it, reprinting of out-of-print United Nations publications, especially when they were of continuing importance, was a matter which could safely be left in the hands of the appropriate departments of the Secretariat. It might have been advisable to introduce into



(Mr. Roscenne, Israel)

paragraph 9 of draft resolution A/C.6/34/L.10/Rev.1 a further subparagraph requesting the Secretary-General to reprint as soon as possible those issues of the Repertory and supplements which were currently out of print for distribution among Member States, but he doubted that there was any strict necessity for such a subparagraph.

37. He therefore expressed the hope that the competent departments of the Secretariat would look into the matter thoroughly and that the necessary orders could be given for the reprinting as soon as possible. Finally, he should perhaps add that his delegation had no direct interest in the matter. It had an adequate number of copies of all the publications he had mentioned, both in the Permanent Mission in New York and in the Ministry for Foreign Affairs.

38. Mr. HUAN (China) said that, in principle, his delegation could accept draft resolution A/C.6/34/L.10/Rev.1, but wished to point out that certain paragraphs of the draft resolution were inadequate. He endorsed the views expressed by the representative of the United Republic of Tanzania in that regard and expressed the hope that in future the Special Committee would seriously consider those views.

39. Mr. ANDERSON (United Kingdom) pointed out that at the thirty-third session of the General Assembly, the resolution extending the mandate of the Special Committee on the Charter had been adopted without a vote. His delegation hoped that draft resolution A/C.6/34/L.10/Rev.1 would also be adopted without a vote.

40. The CHAIRMAN indicated that since there had been a request for a vote on draft resolution A/C.6/34/L.10/Rev.1, he would put it to the vote.

41. Mr. ROSENSTOCK (United States of America), speaking on a point of order, pointed out that his delegation had proposed that the draft resolution should be adopted without objection.

42. Mr. KATEKA (United Republic of Tanzania), supported by Mr. OMAR (Libyan Arab Jamahiriya) insisted that the draft resolution should be put to the vote.

43. The CHAIRMAN put draft resolution A/C.6/34/L.10/Rev.1 to the vote.

44. The draft resolution was adopted by 98 votes to none, with 23 abstentions.

45. Mr. AL-KHASAUNEH (Jordan), speaking in explanation of vote, said his delegation would have been happy to go along with a consensus on draft resolution A/C.6/34/L.10/Rev.1 had there been one. Since a vote had been taken, his delegation had abstained. Although in principle it was in favour of renewing the mandate of the Special Committee, it had some difficulty with certain parts of the draft resolution, particularly paragraph 5. In the view of his delegation, while general agreement was important, the practice of working by consensus had been responsible for the stagnation of the work of the Special Committee.

46. Mr. KOLESHNIK (Union of Soviet Socialist Republics), speaking in explanation of vote, said that his delegation had abstained from voting. His delegation's position was based on its opposition in principle to any attempt to revise the Charter. His delegation had always been in favour of strengthening the role of the United Nations and enhancing its effectiveness as an important instrument for the maintenance of international peace and security, for which strict observance of the Charter was essential. The United Nations had made and continued to make important contributions to the maintenance of peace and security and had played a positive role in the development of international détente. As a result of the efforts made by the United Nations and Member States in accordance with the Charter, the world had been spared the scourge of a world war for more than 30 years. His delegation was convinced that the Special Committee could make progress in its work only if all its members directed their efforts towards finding methods for better utilizing the opportunities provided by the Charter on the basis of the strict application of its provisions. The attempts of certain members of the Special Committee to seek to enhance the effectiveness of the United Nations through revision of the Charter should be rejected as dangerous and departing from the norm. The draft resolution just adopted did not block the prospects for the work of the Special Committee, but did not provide sufficient guarantees against renewed attacks on the Charter.

47. The CHAIRMAN said that, since the Committee had adopted draft resolution A/C.6/34/L.10/Rev.1, he took it that it wished to take note with appreciation of the offer made by the Government of the Philippines to host the 1980 session of the Special Committee in Manila (A/C.6/34/L.11) and to recommend to the General Assembly that the invitation should be accepted.

48. It was so decided.

49. The CHAIRMAN invited the Committee to vote on draft resolution A/C.6/34/L.8/Rev.1.

50. Mr. ROSENSTOCK (United States of America) said that draft resolution A/C.6/34/L.8/Rev.1 sought to alter the mandate of the Special Committee set forth in draft resolution A/C.6/34/L.10/Rev.1 and that the Committee should therefore not vote on it. Draft resolution A/C.6/34/L.8/Rev.1 would force delegations to take a position on the question of the right of veto of the permanent members of the Security Council. He therefore moved, pursuant to rule 131 of the rules of procedure, that draft resolution A/C.6/34/L.8/Rev.1 should not be put to the vote.

51. Mr. OMAR (Libyan Arab Jamahiriya) requested a recorded vote on draft resolution A/C.6/34/L.8/Rev.1.

52. Mr. KATEKA (United Republic of Tanzania), supported by Mr. AMINI (Comoros) said that the United States motion was entirely out of order and did not serve any useful purpose. The draft resolution should be put to the vote and members who opposed it could vote against it. It had been understood at the beginning of the meeting, when discussing the issue of which draft resolution should be given priority, that both draft resolutions would be voted on.

53. Mr. FRANCIS (Jamaica) appealed to the United States representative not to press his motion.

54. Mr. ROSENSTOCK (United States of America) said he regretted that his delegation could not accede to the request made by the representative of Jamaica. His motion was not improper and was purely within the scope of rule 131, which stated that if two or more proposals related to the same question, the Committee might, after each vote, decide whether to vote on the next proposal. His delegation was forced to press its motion because the consequences of adopting draft resolution A/C.6/34/L.8/Rev.1 would be extremely unfortunate, inasmuch as the draft resolution altered the mandate of the Special Committee. His delegation could even argue that the draft resolution constituted a reconsideration of the Special Committee's mandate, but would not do so because it did not wish to open a lengthy debate. His delegation was moved by a sincere desire to allow all members of the Sixth Committee to express themselves as to whether they wished to have the mandate of the Special Committee changed in mid-stream. If a vote was taken on draft resolution A/C.6/34/L.8/Rev.1, members would have to bear in mind considerations other than the question of the future of the Special Committee. It was essential that all members should have an opportunity to express themselves on those other considerations under appropriate circumstances.

55. Mr. OMAR (Libyan Arab Jamahiriya) said that draft resolution A/C.6/34/L.8/Rev.1 did not imply any change in the mandate of the Special Committee. It simply requested the Secretary-General to prepare a study on a question which the Special Committee would quite naturally consider even if the study was not prepared. In the view of his delegation, the question fell within the mandate of the Special Committee as laid down in the resolutions previously adopted by the General Assembly and the draft resolution which the Sixth Committee had just adopted.

56. The Committee had already decided to vote on both draft resolution A/C.6/34/L.10/Rev.1 and draft resolution A/C.6/34/L.8/Rev.1, and had already begun the voting process. He urged that draft resolution A/C.6/34/L.8/Rev.1 should be put to the vote immediately.

57. Mr. AL CHAFFARI (Yemen), Mr. PHOLO (Lesotho) and Mr. HOUNGAVOU (Benin) agreed that draft resolution A/C.6/34/L.8/Rev.1 should be put to the vote immediately.

58. Mr. SUCHARITKUL (Thailand) said that, in the light of the Legal Counsel's statement calling attention to the far-reaching implications of paragraph 2 of draft resolution A/C.6/34/L.8/Rev.1, his delegation, and, he suspected, a number of others, would require more time for reflection. In view of the lateness of the hour, he proposed the adjournment of the meeting.

59. Mr. OMAR (Libyan Arab Jamahiriya) observed that the representative of Thailand had not been present at the beginning of the meeting when the Legal Counsel had made his statement. The Legal Counsel had not objected to the study requested in the draft resolution, but had merely expressed some apprehensions and had sounded a note of caution. He had thought that his delegation had made it clear that the aim of the draft resolution was not to put the Secretariat in an awkward position, and he had attempted to allay the Legal Counsel's apprehensions. He therefore hoped that the representative of Thailand would not press his proposal.

60. Mr. KATEKA (United Republic of Tanzania) said that the proposal of the representative of Thailand was precipitous and unfortunate, and should be rejected by the Committee.

61. The proposal of the representative of Thailand was rejected by 52 votes to 34, with 28 abstentions.

62. Mr. MAKARTVICH (Ukrainian Soviet Socialist Republic) said that he supported the United States proposal, since paragraph 1 of draft resolution A/C.6/34/L.8/Rev.1 called for a review of the rule requiring the unanimity of permanent members of the Security Council. The instructions to the Special Committee contained in the draft resolution were tendentious and would require it to do something which was not within its mandate. The draft resolution was, moreover, at variance with the Charter, which stipulated in Article 109 that amendments to the Charter were to be adopted by a General Conference of the Members of the Organization. Paragraph 2 of the draft resolution would, as the Legal Counsel had observed, require the Secretary-General to exceed his powers by evaluating the actions of States.

63. Mr. OMAR (Libyan Arab Jamahiriya), supported by Mr. DIAZ (Mexico), Mr. DRAMOU (Guinea), and Mr. SAIBA BA (Mauritania), said that the United States proposal was out of order, as the Committee had already taken a decision to vote on draft resolution A/C.6/34/L.8/Rev.1.

64. Mr. ROSENSTOCK (United States of America) said that rule 131 would be meaningless if once one resolution had been put to a vote a committee was bound to vote on a second resolution on the same subject. His delegation's proposal was entirely in keeping with the meaning, spirit and purpose of rule 131. If there had been any doubt concerning that fact, the Chairman's earlier ruling in connexion with the Portuguese representative's explanation of vote on draft resolution A/C.6/34/L.10/Rev.1 should have cleared up the situation. The separation of the two draft resolutions had been expressly recognized by the Chairman's ruling, which had been objected to by no one. He therefore requested the Chairman to rule on the propriety of his delegation's proposal.

65. The CHAIRMAN said that, in the absence of agreement in the Committee, the United States proposal should be put to the vote.

66. The United States proposal was rejected by 42 votes to 33, with 38 abstentions.\*

67. The CHAIRMAN invited delegations which wished to explain their vote before the vote on draft resolution A/C.6/34/L.8/Rev.1 to do so.

68. Mr. de FARIA (Portugal) said that the instructions contained in the draft resolution were an invitation to open confrontation. Accordingly, his delegation would vote against the draft resolution. Should the draft resolution be adopted, his delegation would no longer be in a position to support draft resolution A/C.6/34/L.10/Rev.1, as it had done earlier, in any future vote.

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\* See para. 73 below.

69. Mr. KOLESNIK (Union of Soviet Socialist Republics) said that his delegation would vote against the draft resolution because it contradicted draft resolution A/C.6/34/L.10/Rev.1 which had been adopted earlier.

70. The principle of unanimity among the permanent members of the Security Council was a key provision of the Charter reflecting the recognition that there must be agreement among the permanent members whenever decisions were taken on matters involving the maintenance of international peace and security. In addition, the principle of unanimity reflected the equality of States having different economic and social systems and constituted a sound guarantee against the Security Council's being used by any group of States as a weapon against countries with different social structures.

71. The principle of unanimity was realistic and the best of all possible arrangements for the Security Council. Any revision of that principle would weaken the role of the Council and undermine the very existence of the United Nations, and that would be detrimental first and foremost to the developing countries. The reason why many decisions of the United Nations went unheeded could not be traced to any defect in the Charter or in the principle of unanimity, but rather to the failure of certain States to abide strictly by the provisions of the Charter. Accordingly, every effort should be made to promote strict observance of the Charter, including the provision relating to the principle of unanimity by all States.

72. The adoption of draft resolution A/C.6/34/L.8/Rev.1 would cast doubt on the further participation of his delegation in the work of the Special Committee. He appealed to its sponsors and to all delegations to approach the matter responsibly.

73. Mr. FRANCIS (Jamaica) said that his delegation had intended to vote against the United States proposal, but had pressed the wrong button. It should have been obvious from his delegation's vote on the proposal for adjournment that it was in favour of putting draft resolution A/C.6/34/L.8/Rev.1 to the vote immediately.

74. Mr. KATEKA (United Republic of Tanzania), supported by Mr. OMAR (Libyan Arab Jamahiriya), appealed to members to forgo the opportunity to explain their votes before the vote and proposed that the draft resolution should be put to the vote immediately.

75. Mr. PIRIS (France) said that the Committee had not yet debated the substance of the draft resolution. It was therefore vital that delegations should be given an opportunity to express their views before the vote. Some delegations had already been given an opportunity to explain their votes before the vote, and his delegation wished to exercise its right to do so as well.

76. Mr. KATEKA (United Republic of Tanzania) said that he would not press his proposal. His delegation, nevertheless, believed that it mattered little whether delegations explained their votes before or after the vote. He suspected that delegations opposed to his proposal really wanted more time for arm-twisting.

77. The CHAIRMAN suggested that, in view of the lateness of the hour, the Committee should continue its discussion at the next meeting.

The meeting rose at 1.45 p.m.