

United Nations
**GENERAL
ASSEMBLY**



SIXTH COMMITTEE
44th meeting
held on
Tuesday, 16 November 1976
at 12.30 p.m.
New York

THIRTY-FIRST SESSION

Official Records *

SUMMARY RECORD OF THE 44th MEETING

Chairman: Mr. MENDOZA (Philippines)

CONTENTS

AGENDA ITEM 110: REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS
AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION (continued)

UN DOCUMENT

NOV 23 1976

UN DOCUMENT

* This record is subject to correction. Corrections should be incorporated in a copy of the record and should be sent *within one week of the date of publication* to the Chief, Official Records Editing Section, room LX-2332.

Corrections will be issued shortly after the end of the session, in a separate fascicle for each Committee.

Distr. GENERAL
A/C.6/31/SR.44
19 November 1976
ENGLISH
ORIGINAL: SPANISH

The meeting was called to order at 12.30 p.m.

AGENDA ITEM 110: REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION (A/31/33, A/31/51 and Add.1; A/C.6/31/L.6) (continued)

1. Mr. MEISSNER (German Democratic Republic) said that, as a member of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, whose mandate had been extended by General Assembly resolution 3499 (XXX), his country was prepared to take a constructive approach to fulfilling the task of that Committee, which in its view involved participating in discussions on measures designed, within the framework of the United Nations Charter, to help make the Organization's activities more effective and strengthen its role in international relations. However, as could be seen from its report (A/31/33), the Special Committee had reached no general agreement on that question.
2. He wished to reaffirm the position of his country regarding a review of the Charter of the United Nations, which had been expressed repeatedly, both orally and in writing. His country considered that any attempt to revise the Charter could considerably impair the stability, functioning and political effectiveness of the United Nations with regard to its purposes and principles. The Charter had proved to be a document flexible enough to deal with the changes occurring in the contemporary world. Moreover, in the new international conditions, there were increasing opportunities to implement the Charter more effectively in the interest of strengthening international security, eliminating all forms of colonialism and achieving equal co-operation among States. Recent examples were the adoption of the Charter of Economic Rights and Duties of States and the Conference on Security and Co-operation in Europe.
3. Since its foundation, his country had always based its policy on the purposes and principles of the United Nations as laid down, in particular, in Articles 1 and 2 of its Charter. His delegation wished to emphasize once again that the main obstacles to the fulfilment of the tasks of the United Nations were neither structural defects nor "outdated features", but only the lack of willingness on the part of some Member States to act at all times in accordance with the purposes and principles of the Charter, both within and outside the Organization. The fact that some Member States did not always comply with the provisions of the Charter did not prove that it was necessary to revise it. In that context, his delegation wished to draw attention to paragraph 1 of General Assembly resolution 3389 (XXX).
4. As could be seen from the study of the Secretary-General and the observations made by many States in the Special Committee, the role of the Organization could be strengthened by making full use of the reserves contained in the Charter. Examples were strengthening the role of the Security Council when imposing sanctions pursuant to Articles 41 and 42 against Members that consistently violated the Charter, and strengthening the Council's role in the peaceful settlement of

/...

(Mr. Meissner, German Democratic Republic)

disputes, without impairing the right of States under Article 33 to choose freely the peaceful means for such settlement.

5. His delegation believed that revision of the Charter would, without any doubt, jeopardize the functioning of the United Nations and its organs, which was indissolubly linked to the fundamental principles of the Charter. His country wished to emphasize its readiness to continue contributing to the attainment of the objectives of the United Nations and increasing the effectiveness of its activities in the interest of its principal task, namely the maintenance of international peace and security. Guided by that constructive attitude, his delegation approved of the report of the Special Committee and agreed that the draft resolution before the Sixth Committee should be adopted by consensus.

6. Mr. SIMANI (Kenya) said that his delegation, which had been represented at the first session of the Special Committee, fully shared the optimism expressed by its Chairman in introducing its report when he said that that body was making progress in the right direction. It was, however, clear that the Special Committee had not finished its work and needed more time to complete a preliminary survey of the tasks entrusted to it. He therefore urged all delegations to support unreservedly the draft resolution co-sponsored by his delegation (A/C.6/31/L.6).

7. It could be said that the Special Committee had barely begun the detailed examination of the analytical study submitted by the Secretary-General (A/AC.182/L.2 and Corr.1). The substantive part of the subject would be tackled at the next session of the Special Committee, when it would consider paragraphs 43-144 of that document. He believed that the Special Committee had devoted too many meetings to the general debate, and hoped that at the next session more time would be devoted to discussion of concrete proposals, after which the Special Committee could list those which had aroused special interest, in accordance with the resolution establishing that body.

8. His delegation still believed that strengthening the role of the Organization did involve the possibility of Charter review, which it considered necessary because of the changes that had taken place in the international situation since the founding of the United Nations in 1945. His delegation would accordingly support proposals along those lines, although that did not mean that it would not support proposals aimed at improving the functioning of the Organization which did not call for Charter review.

9. It was a pity that one influential Member of the United Nations had, by exercising its right of veto, denied admission to the Socialist Republic of Viet Nam. His delegation considered that the right of veto, if not properly regulated, could cause great hardship, especially when certain States exercised it in the service of their own individual interests. His delegation considered that the Charter set out criteria whose fulfilment qualified a State for membership in the United Nations, and that the Socialist Republic of Viet Nam had complied with them; consequently, it would continue to support the admission of that country.

/...

(Mr. Simani, Kenya)

10. His delegation would continue to support the work of the Special Committee in its difficult task of strengthening the role of the Organization in order to make it as efficient as possible.

11. Mr. SETTE CAMARA (Brazil) said that, two years after the General Assembly, in resolution 3349 (XXIX), had established the Ad Hoc Committee on the Charter of the United Nations, rebaptized in 1975 the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, his delegation was gratified to have been one of the first to advocate the initiation of that new dialogue. Of course, the first steps along that road, blocked by the rigid conservatism of three decades, could not be taken quickly, nor was it the intention of the countries which had sponsored the new body that it should deal with such complex and fundamental problems in a hasty manner.

12. Nobody could expect spectacular results from the meetings of the Special Committee, since experience had shown that its sessions were too short. But the meagre results achieved, far from discouraging those who believed in the need for change, bore witness to the seriousness of the task undertaken, the general awareness of the complexities and difficulties involved, and the decision not to run any risks in reviewing the provisions of the Charter. The report of the Special Committee (A/31/33) represented considerable progress over the 1975 report of the Ad Hoc Committee (A/10033), which could not but reflect natural hesitation about taking up forbidden subjects, closely guarded by those countries which remained inflexibly opposed to any attempt to implement Chapter XVIII of the Charter, and the conflicting views expressed in the Sixth Committee. Fortunately, the long and difficult negotiations which had led to the adoption of resolution 3499 (XXX) had succeeded in breaking the deadlock and initiating a new stage of work.

13. One of the interesting features of that resolution was paragraph 5, in which the Secretary-General was requested to prepare for the use of the Special Committee a study presenting analytically the views expressed by Governments with regard to the various aspects of the functioning of the United Nations, including those relating specifically to the Charter. His delegation was grateful to the Secretariat for the efficiency with which it had prepared the analytical study (A/AC.182/L.2), which aligned in groups the different views of Governments on a vast variety of subjects relating to the updating of the provisions of the Charter and the full implementation of its principles. That document constituted a new basis for the work of the Special Committee, enabling it to adopt a simple and practical method of work, namely the expression of opinions on the different suggestions made by Governments, following the analytical study paragraph by paragraph.

14. The establishment of an open-ended Working Group to work on that document had proved to be useful, since it had permitted an informal and frank approach to the problems. The report of the Working Group had been annexed to the report of the Special Committee (A/31/33), and part II thereof, entitled "Views, suggestions and proposals discussed in connexion with the consideration of various paragraphs of the analytical study" constituted a rich repository of Government observations

/...

(Mr. Sette Camara, Brazil)

on a vast area of the main problems concerning the review of the Charter and the strengthening of the role of the Organization. However, the Working Group had dealt only with paragraphs 6-42 of the 144 paragraphs of the analytical study. It therefore still had a long way to go before the initial task of discussing the analytical study was completed. Consequently, the Special Committee had abstained from approving the report of the Working Group, and had confined itself to taking note of it and annexing it to its report to the Assembly.

15. Besides the analytical study, the Special Committee had had before it other useful and interesting working papers submitted by the delegations of Colombia, Cyprus, Mexico, the Philippines and Romania. His delegation fully supported some of the suggestions made, but had objections to others. Since the examination of the paragraphs of the analytical study was still in its first stage, and the Special Committee itself had taken no action on the report of the Working Group, his delegation believed it would be premature to discuss the substance of the paragraphs considered thus far. It reserved the right to examine them in detail once the Special Committee had taken a decision on their contents, and would limit itself to considering the procedural aspects of the item.

16. The Special Committee had made a good beginning, and the samples of its work available thus far gave grounds for hope that the useful work begun by the Ad Hoc Committee in 1975 and continued in 1976 by the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization would be pursued. For that reason his delegation had co-sponsored draft resolution A/C.6/31/L.6, which would enable the Special Committee to continue its work with the same terms of reference as those contained in resolution 3499 (XXX). It would indeed be unthinkable for the Assembly, after so much effort and such a promising start, to content itself with the first fragment of work which had barely begun. The Special Committee had succeeded in extricating itself from the deadlock in which the Ad Hoc Committee had become bogged down in 1975 and had established a method of work, but much remained to be done. Consequently, there was no justification for hesitation about renewing the mandate of the Special Committee, which should continue with its work until positive and concrete results were achieved.

The meeting rose at 1 p.m.