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New York

SUMMARY RECORD OF THE 45th 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)

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The meeting was called to order at 3.30 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; A/AC.182/L.2) (continued)

1. The CHAIRMAN announced that Bolivia, Chad, the Federal Republic of Germany and Nicaragua had become sponsors of draft resolution A/C.6/31/L.6.
2. Mr. DAMDINDORJ (Mongolia) observed that the 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) reflected the views expressed by the members of that Committee with regard to paragraphs 4-42 of the analytical study submitted by the Secretary-General (A/AC.182/L.2). All the proposals made by the Governments of Member States revealed a genuine desire to strengthen the role of the United Nations in order to make it more effective and authoritative. However, two entirely different groups of opinions could be distinguished: the first group advocated strengthening the role of the Organization through strict observance of the basic provisions of the Charter, while the second group recommended modifications in the functioning of the United Nations, including revision of the Charter. His Government associated itself with the first group.
3. The Charter of the United Nations, which had incorporated the fundamental principles of contemporary international law such as peaceful coexistence of States with differing socio-economic systems, self-determination, sovereign equality of States, non-intervention in the internal affairs of States, peaceful settlement of international disputes and co-operation on the basis of equality and reciprocity, served as a sound basis for attaining the lofty purposes of the Organization. On the basis of its Charter, the United Nations had been able to make valuable contributions towards maintaining international peace and security and had helped to avert, resolve or at least curb a number of international conflicts. Moreover, the Charter had opened up a wider area for actions to codify and progressively develop international law, as well as for the adoption of such important documents as the Declaration on the Granting of Independence to Colonial Countries and Peoples, the Declaration on the Strengthening of International Security, the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States, the Definition of Aggression, and the Charter of Economic Rights and Duties of States. The conclusion of a world treaty on the non-use of force in international relations - a question which had been included in the agenda of the thirty-first session of the General Assembly at the initiative of the Soviet Union - could further contribute to promoting international peace and security in conformity with the provisions of the Charter.
4. The United Nations Charter had withstood the test of time, and in the 31 years since the Second World War, mankind had succeeded in averting a new world war. Local conflicts and infringements of the sovereign rights of States nevertheless persisted and many United Nations resolutions remained unimplemented. The fault lay not in the Charter, but in the lack of political will on the part of States.

(Mr. Damdindorj, Mongolia)

The possibilities offered by the Charter for enhancing the effectiveness of the Organization had not been fully utilized. It was therefore most important that all States strictly observe the principles of the Charter.

5. During the work of the Special Committee some delegations had said that the Charter should be brought into harmony with the existing situation. The changes which had taken place in the world arena and in the United Nations itself as a result of decolonization had been taken duly into account in the Charter. Thus, the membership of the two principal organs of the United Nations had been increased: the number of non-permanent members of the Security Council from 6 to 10 and the number of members of the Economic and Social Council from 18 to 54, thereby opening up greater opportunities for the newly independent States to participate more actively in the work of those organs. Any change in the balance of power between the General Assembly and the Security Council would not promote strict adherence to the Charter provisions in force.
6. The work of the Special Committee had once again shown that no one questioned the purposes and principles of the Charter. Therefore, full use should be made of all of the possibilities provided by the Charter and every State should unswervingly fulfil the obligations it had assumed under the Charter.
7. Mr. OKWONGA (Uganda) reaffirmed his country's commitment to the principles and purposes of the United Nations Charter and said it would continue to give its fullest support to the Organization so that the objectives of the Charter would be fully realized. To achieve those objectives, however, the Charter should reflect the changed situation in the world since 1945. Accordingly, his delegation supported the review of the Charter, which was not a sacrosanct text.
8. Very few people today would deny that the use of the term "enemy state" in Article 53 of the Charter was not only obsolete but also slanderous. Those who wanted to retain that term did so for sentimental reasons only, and his delegation did not believe that deleting it would undermine the value of the Charter. The so-called enemy states had, moreover, been admitted to the United Nations. His delegation also considered that Article 107 of the Charter referred to situations which no longer existed and that it should therefore be amended.
9. The right of veto, as currently used in the Security Council, should also be reconsidered as a matter of urgency. In a recent statement before the General Assembly, a Ugandan minister had stressed that the veto ran counter to the principle of equality of all States and gave to a privileged few the possibility of countering the will of the majority. As the equality of all States, whether large or small, rich or poor, was one of the fundamental principles on which the United Nations was based, the veto system should be replaced by a more democratic one. In a recently adopted resolution, the Organization of African Unity had called upon all States Members of the United Nations to make every effort to find

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(Mr. Okwonga, Uganda)

an effective alternative to the right of veto enjoyed by the permanent members of the Security Council, in order to ensure that the will of the international community was not thwarted.

10. Only recently, a permanent member of the Security Council had once again exercised its right of veto to deny admission to the United Nations to two sovereign States. It had done so to further its own national interest or prestige to the detriment of the international community as a whole.

11. His delegation supported draft resolution A/C.6/31/L.6.

12. Mr. FERRARI BRAVO (Italy) recalled that as early as the San Francisco Conference, some States had advocated the possibility of making changes in the United Nations Charter. Today it was understandable that the 95 States Members of the Organization which had not participated in the San Francisco Conference in 1945 should wish to share their experiences and contribute to the search for means of enhancing the effectiveness of the Organization.

13. That did not entail making changes in the basic principles governing the life of the United Nations, but rather inquiring as to whether some rules might not be outmoded and whether some sectors, whose importance had increased considerably, might not be in need of reorganization. In short, what was involved was consideration of what effects time had had on the structure and functioning of the Organization and what improvements were necessary.

14. There was of course no question of imposing solutions, which would be futile. The practice of consensus should, therefore, be applied as broadly as possible.

15. Italy had participated in a constructive spirit in the work of the Ad Hoc Committee and the Special Committee. While the results of the session of the Ad Hoc Committee might seem disappointing, those of the session of the Special Committee were much more positive. The experience acquired in the Ad Hoc Committee had made it possible to develop an effective method of work that had been taken into account in the mandate given to the Special Committee by resolution 3499 (XXX), which the General Assembly had adopted by consensus.

16. In view of the scope of the task assigned to the Special Committee, it was not surprising that progress in its work had been somewhat slow. The Special Committee should, nevertheless, be able at its next session to complete the first reading of the analytical study prepared by the Secretariat (A/AC.182/L.2) and to draw up a list of proposals concerning the functioning of the Organization with indications as to which ones had aroused particular interest, in order to enable the General Assembly to take the decisions it deemed appropriate. His delegation therefore urged the renewal of the Special Committee's mandate, as defined in paragraphs 1 and 2 of General Assembly resolution 3499 (XXX), and hoped that draft resolution A/C.6/31/L.6 could be adopted by consensus.

17. Mr. TABIO (Cuba) said that his delegation had always favoured strengthening

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(Mr. Tabio, Cuba)

the role of the United Nations, increasing its effectiveness and applying the principles of its Charter strictly. Unique in its kind, that instrument, which had regulated international relations for more than 30 years, had withstood the test of time. Thus far no problems had arisen for which it had not provided a solution. Experience showed that the causes of international disputes and the persistence of certain problems were invariably due to the policies of the imperialist Powers.

18. If the world had not yet attained the peace and security hoped for by nations, particularly those that had recently achieved independence and wished to govern their own destinies without foreign intervention, the United Nations Charter was not to blame. Its principles were certainly clear enough and were designed to preserve peace.

19. Nevertheless, the Charter could not be effective unless all States scrupulously fulfilled all the obligations it imposed on them. If the United Nations had not been able to achieve its objectives fully, that had not been because of possible defects in the Charter, but rather because of the action of powerful States that sought to impose their domination on weak nations in complete contempt for the principle of the sovereign equality of States.

20. Since its establishment, the United Nations had made a substantial contribution to maintaining and strengthening peace and security, and had made it possible to avoid, or at least limit, many international conflicts.

21. The Charter was the reflection of a dynamic international balance. Its flexibility had enabled it to adapt the rules it set forth to the new necessities of international life. The interpretation given to those rules by the General Assembly was highly valuable, since it originated in an organ composed of all States Members of the United Nations.

22. The United Nations was an Organization composed of sovereign States that could, if they wished, achieve the objectives they had set for themselves. The fundamental changes that had come about in the balance of forces on the international scene had made it possible to accomplish gradually the tasks set forth in the Charter.

23. In his delegation's view, the best means of strengthening the role of the Organization was to adopt resolutions and decisions aimed at promoting the purposes of the Charter while encouraging States to fulfil the obligations they had assumed under the terms of that instrument.

24. It was to be feared that the general vague clamour for a revision of the Charter might impair the Organization's authority. To undertake a revision of the Charter without taking into account the profound divergences of views existing among States in that regard would entail the risk of causing confrontations that would make the international climate more oppressive and severely jeopardize co-operation among countries with different economic and social systems.

25. In order to strengthen the United Nations, States must first demonstrate

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(Mr. Tabio, Cuba)

genuine political will to render the Organization fully effective, in order to establish a better world in which imperialism, colonialism, neo-colonialism, fascism and racial discrimination would be abolished for ever.

26. Many texts adopted by the United Nations over the years had helped to increase its effectiveness. Examples were the Declaration on the Granting of Independence to Colonial Countries and Peoples, the Universal Declaration of Human Rights, the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States, and the Charter of Economic Rights and Duties of States, which proved that the success of the United Nations depended essentially on the will of its Members to respect and apply the purposes and principles of the Charter.

27. The United Nations was not and could not become a super-State or a world government. It was simply an association of sovereign States that manifested their collective will through concerted action. The Charter was multilateral in nature and the Organization it established was founded on the principle of legal recognition of the equality of the different systems represented in it.

28. In analysing the juridical nature of the United Nations, not only the provisions of the Charter but also the Organization's activities had to be taken into account. In that regard, the principle of sovereignty took on particular importance. Only by associating that subjective principle with the objective principle of legal agreement among peoples was it possible to give concrete form to the idea of international union and organize it. For that purpose States had to relinquish all desire for domination. The United Nations had to try to conciliate the interests of States as a means of solving international problems. The fact that the Organization was founded on the principle of the sovereign equality of States demonstrated clearly that methods that imposed unilateral solutions were incompatible with its juridical nature.

29. In contemporary international law, respect for the sovereignty of States was a prerequisite for peaceful coexistence among States with different social and economic systems. Interference by one State in the internal affairs of another was therefore totally outlawed. Joint actions undertaken by States to preserve peace should be based on respect for the principles of international law and above all on respect for the sovereign equality and right to self-determination of peoples.

30. From the debris of colonialism new sovereign States had emerged that had radically changed the composition of the United Nations and had ended the pre-eminence of the imperialist States. The change in the distribution of forces in the United Nations had become increasingly marked.

31. The positive results obtained could obviously not obscure the major deficiencies caused by the imperialist forces, which had prevented the United Nations from responding fully to the confidence that nations had placed in it. In that respect, the attempts of the reactionary forces to convert the Organization into a tribunal which would confine itself to formulating declarations and adopting useless and ineffective resolutions must be denounced.

(Mr. Tabio, Cuba)

32. Under the pressure of world public opinion the imperialist forces were obliged to vote for certain resolutions; however, they subsequently set out to frustrate implementation of those resolutions by all possible means. Thus, they had ignored the resolutions condemning various aspects of the policy pursued by the racist régimes in southern Africa. Such an attitude did not facilitate the task of the United Nations, which had to use every means at its disposal to oblige those who infringed the Charter to respect its decisions.

33. Nevertheless, the international community should not question the effectiveness of the Charter but should rather speak out in favour of strengthening the role of the Organization, application of the principle of the equality of States, the right of peoples to self-determination and reinforcing the authority and prestige of the United Nations in order to preserve peace and ensure the well-being of mankind.

34. Mr. GAVIRIA (Colombia) recalled that his country, which was a founding Member of the United Nations, had since the time of the San Francisco Conference consistently reaffirmed its adherence to the principles of international law and defended the provisions of the Charter.

35. Colombia had also participated actively in the formulation of a number of the principles and provisions of the Charter, particularly Article 2, paragraph 2, which established respect for the Pacta sunt servanda principle as one of the Organization's fundamental purposes; and Article 52, which dealt with regional arrangements. It could not be denied that adoption of the latter Article had made it possible to incorporate into the Charter principles as important as that of collective self-defence, which had subsequently been taken up in the Inter-American Treaty of Reciprocal Assistance concluded in Rio de Janeiro in 1947.

36. In view of the changes that had occurred in the world since the establishment of the United Nations, his delegation believed that it would be appropriate to improve the Organization's machinery so as to adapt it to current needs. Indeed, it was becoming increasingly necessary to orient the Organization so as to enable it to respond to the new needs created by technical progress and the aspirations of peoples seeking an international order that was more just and more capable of solving their problems. If no steps were taken in that direction, the United Nations would continue to be a powerless witness to insoluble disputes, which could only tarnish its image in the eyes of various sectors of international public opinion and lead them to question its effectiveness.

37. The first attempt to review the Charter had been made in 1955, when several delegations had submitted a draft resolution designed to initiate a review in the light of the experience acquired. That draft resolution had been rejected on the pretext that international circumstances were not appropriate for a review of the Charter.

(Mr. Gaviria, Colombia)

38. However, his country had always been interested in the question of updating or reviewing the Charter. In fact in 1969, at the twenty-fourth session of the General Assembly, it had proposed the establishment of a committee to review the Charter and, in the same year, had supported General Assembly resolution 2552 (XXIV), in which the General Assembly had decided to include in the agenda of its twenty-fifth session an item entitled "Need to consider suggestions regarding the review of the Charter of the United Nations". Colombia had co-sponsored General Assembly resolution 2697 (XXV), which had been unanimously adopted in 1970. Furthermore, that resolution had provided the basis for the subsequent adoption of such important resolutions as General Assembly resolution 2968 (XXVII) of 14 December 1972, General Assembly resolution 3349 (XXIX) of 17 December 1974, concerning the establishment of the Ad Hoc Committee on the Charter of the United Nations, and General Assembly resolution 3499 (XXX), which had resulted in the establishment of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization.

39. He wished to draw attention to some of the specific proposals made by his Government regarding that question and appearing in document A/AC.182/L.5.

40. His delegation thought that the conditions for admission laid down in Article 4, which might be justified in a transitional period, were no longer relevant. The Article should therefore be amended so as to put an end to any discrimination in the procedure for the admission of new Members.

41. The term "peace-loving" should also be deleted from Article 4, as it introduced political considerations into the question of the admission of a State. That was clearly contrary to the principle of universality, according to which every State should have the right to join the Organization, provided that it was prepared to carry out the obligations implicit in membership.

42. The Charter required Member States to fulfil in good faith the obligations assumed by them, and provided not only for the application of sanctions to States against which preventive or enforcement action was taken by the Security Council, but also for the expulsion of Members which persistently violated the principles contained in the Charter. His delegation wished to suggest that, where there was any doubt about the legal status of a country wishing to become a Member of the Organization, the International Court of Justice should be given the task of determining, on the basis of studies prepared by other bodies such as the International Law Commission, whether that country met the requirements for Statehood laid down by the General Assembly.

43. The rules concerning a two-thirds majority in the General Assembly and unanimity among the permanent members of the Security Council for the admission of new Members should also be dropped. If admission to the Organization was a right to be granted to any nation which achieved Statehood, it would suffice to ensure that that nation met the criteria established and fully supported the principles of the Charter.



(Mr. Gaviria, Colombia)

44. His country, which had never been convinced of the advantages of the right of veto and of the rule concerning a unanimous decision by five permanent members of the Security Council in the case of substantive questions, had, at the San Francisco Conference, supported the Australian proposal aimed at clarifying some of the provisions contained in chapter VI of the Dumbarton Oaks proposals. In the interests of political realism it had subsequently accepted Article 27, paragraph 3, of the Charter of the United Nations, but it now thought that, in updating the Charter, it would be advisable to make an exception to that rule, so that a unanimous decision of the five permanent members of the Security Council would no longer be required for the appointment of commissions of inquiry, fact-finding missions or commissions that served humanitarian purposes. Colombia was convinced that if such an amendment were made to Article 27 the Council would have a better basis for decision-taking and would be able to take decisions in accordance with the voting procedure established in 1945. The prestige of the Organization and the Charter could only be enhanced as a result.

45. As for the Trusteeship Council, decolonization was an area in which the United Nations had achieved its greatest successes. Very few States now came under the international trusteeship system. His delegation therefore proposed that the functions of the Trusteeship Council should be expanded, and that the Council should also be given the task of protecting human rights in general and with carrying on the struggle against colonialism, apartheid and racial discrimination, so that it would become a "Human Rights and Trusteeship Council". It would be responsible for overseeing the application and observance of the relevant conventions concluded under the auspices of the United Nations.

46. The commissions of the Economic and Social Council which were currently performing some of the functions which his delegation proposed entrusting to the Trusteeship Council, so as to enhance its prestige, could thus devote themselves to the examination of essentially economic questions.

47. Finally, he hoped that draft resolution A/C.6/31/L.6, which had been introduced by the representative of the Philippines and of which Colombia was a sponsor, would be adopted.

48. Mr. BLUM (Israel) said that, despite imperfections and deficiencies, the Charter had demonstrated, in the course of the past three decades, a remarkable flexibility and adaptability which served as evidence of the wisdom of its drafters. However, that flexibility and adaptability which must be exercised within the framework of the Charter must not be confounded with the lamentable tendency that had become increasingly apparent in recent years to depart from the Charter or to disregard its provisions.

49. In his statement before the General Assembly on 7 October 1976, the Foreign Minister of Israel, Mr. Yigal Allon, had emphasized the discrepancies between the current practices of the United Nations and the provisions of the Charter, noting that world public opinion had become increasingly disenchanted with the United Nations and frustrated by the opportunism and hypocrisy of many of its

(Mr. Blum, Israel)

debates and decisions, and by the fact that a mechanical majority could bend the Organization to its own purposes.

50. A few examples would suffice to illustrate the deliberate disregard of various provisions of the Charter by the automatic majority. In the legal opinion prepared in 1964 and reproduced in the United Nations Juridical Yearbook of the same year, the Legal Department of the Secretariat had cited six cases in which the General Assembly appeared to have departed from the provisions of Article 12 of the Charter, an Article essential to the proper functioning of the General Assembly and the Security Council. In the intervening period, that practice had mushroomed, and there was reason to wonder whether any attention was still being paid to those provisions.

51. Similarly, Article 18, paragraph 2, required a two-thirds majority decision of the General Assembly on "important questions", and while that provision was still respected for some of the matters enumerated in the Article, such as the admission of new members and the election of the non-permanent members of the Security Council, it had been grossly disregarded with regard to General Assembly recommendations concerning the maintenance of international peace and security. Again, very few people seemed to be genuinely disturbed by the deliberate disregard of a clear Charter provision.

52. Article 23, paragraph 1, provided inter alia, that, in the selection of the non-permanent members of the Security Council, due regard should be paid "in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization" and it, too, had been totally ignored by the General Assembly. Any doubts in that connexion could be dispelled by a perusal of the list of non-permanent members elected to serve on the Council in recent years.

53. Just as little respect had been paid to the other criterion laid down in Article 23, paragraph 1, concerning the selection of the non-permanent members of the Security Council, namely that of equitable geographical distribution. That principle applied not only to the distribution of the non-permanent seats among the different geographical regions, but also to the allocation of those seats within the various geographical regions. As the Foreign Minister of Israel had stated in the plenary Assembly the previous month, instead of the discriminatory bloc system, there must be full participation of all Member States in all United Nations activities on an equitable basis.

54. Article 27, paragraph 3, which provided inter alia that, in decisions of the Security Council under Chapter VI, and under Article 52, paragraph 3, a party to a dispute should abstain from voting, had been virtually ignored by the Council and its violation was now taken more or less for granted.

55. Finally, the Charter made it abundantly clear that the United Nations was an organization of States. Thus, Article 2, paragraph 1, stated that the Organization was based on the principle of the sovereign equality of all its Members, and

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(Mr. Blum, Israel)

Articles 3 and 4 provided very clearly that membership in the Organization was reserved for States, which meant that only Member States were entitled to enjoy those rights and privileges which derived from membership in the United Nations. However, in recent years, various organs had taken a number of decisions which must be considered as deliberate disregard by the majority of the constitutional structure of the Organization.

56. The list of deliberate violations of the provisions of the Charter by the automatic majority could be expanded. However, the few examples given were enough to show that the Charter, the basic constitutional instrument of the Organization, had been consistently eroded by a majority which did not seem to pay the slightest attention to the legality of its actions. In view of the disrespect shown by the majority of Member States towards the Charter, it was hardly surprising that the prestige of the United Nations had declined to such an extent.

57. His delegation believed that one of the best ways of strengthening the role of the Organization would be to make a deliberate effort to observe scrupulously the existing provisions of the Charter, before seeking to amend those provisions which might need amending. It must not be forgotten that the disrespect for the Charter shown by the majority had effects that went beyond the Charter itself, since it tended to undermine not only the standing of the Organization, but that of international law itself.

58. Constitutions were generally adopted with a view to safeguarding the interests of the weak, and any tampering with such basic instruments adversely affected those interests. Since the Organization consisted overwhelmingly of small States, it would also be in the best interests of that majority to insist on the preservation of the rule of law, rather than on its subversion. Any illusory short-term benefits gained from disregard of the Charter would be more than offset by the long-term damage caused to the interests of the violators themselves. It was therefore as well to ponder whether the national interests of States, not to mention the collective interest in the supremacy of law in international relations, were really best served by the preservation of the present course.

59. His delegation, which represented one of the small Member States, would like to appeal to other delegations, particularly those representing other small States, to do their utmost to ensure the return to constitutional legality which was essential for strengthening the role of the Organization.

60. Mr. LOURENCO (Portugal) said that the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, as its title indicated, had been entrusted with the dual task of examining the observations received from Governments concerning, firstly, suggestions and proposals regarding the Charter of the United Nations and, secondly, the strengthening of the role of the United Nations with regard to the maintenance and consolidation of peace and security, the development of co-operation among all nations, and the promotion of the rules of international law in relations between States. That dual character of the task before the Special Committee ought to qualify any appreciation of its work, even though both elements were interrelated.

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(Mr. Lourenço, Portugal)

61. He regretted that the Special Committee's report did not contain a summary of the general debate which had preceded the establishment of the Working Group but he felt that such an omission, together with the absence of definite recommendations, was probably due to the fact that the Special Committee and its Working Group had yet to examine more than two thirds of the analytical study prepared by the Secretary-General (A/AC.182/L.2), which contained the summary of the suggestions and proposals made by Governments. He therefore supported the proposal in draft resolution A/C.6/31/L.6 inviting the Committee to continue its work.

62. The idea of promoting a revision of the Charter of the United Nations, which dated back to the twenty-fourth session of the General Assembly, was prompted by obvious reasons: the situation had completely changed since the adoption of the Charter, the number of Member States had tripled, and the new majority aspired to a greater share in shouldering the responsibilities for the conduct of affairs of a community of nations growing rapidly more and more interdependent.

63. Portugal, which had become a Member of the United Nations long after the adoption of the Charter, had naturally the greatest sympathy for the attitude of those Member States, especially from Asia, Africa and Latin America, which formed the vanguard of the movement for Charter revision. However, it was necessary to act prudently so as not to upset the system of checks and balances on which the foundations of the United Nations rested.

64. The authors of the Charter themselves appeared to have conceived it as an instrument of international co-operation that ought to be continually evolving and should be neither rigid nor static. That was borne out by the provisions for amendment and revision embodied in Articles 108 and 109. That the authors of the Charter should have thought as early as 1945 that the document should be reviewed after 10 years was a testimony to their wisdom.

65. It was a truism to say that the Charter was indeed a dynamic and living organism subject to progressive development. It had not remained rigid in its spirit but in its letter. Those who held the view that, being a multilateral treaty, it should be subject to restrictive interpretation, in line with the classical juridical doctrine relating to treaties and statutes, had seen their position disputed and eventually superseded in favour of a wider and freer interpretation which amounted in fact to amendment by interpretation of many of the provisions of the Charter. Nor need that have come as a surprise. In a truly democratic process the views of the majority prevailed. But lest such an interpretation might be construed as the result of a mere mechanical or arithmetic majority, the view of the minority should not be dismissed out of hand. Conciliation and persuasion were the secret of harmonious international relations.

66. In that context, during the statement he had made on 7 October to the General Assembly, the Foreign Minister of Portugal had denounced the abusive use of the veto and the tendency to adopt resolutions clearly opposed to world realities, by the simple arithmetic exercise of regimented majorities.

(Mr. Lourenço, Portugal)

67. The increasing use of the practice of consensus in the Sixth Committee and in many other organs of the United Nations, including the Security Council, was a step in the right direction. It might be better for the moment to allow the Special Committee to decide whether such a practice should be officially included in the rules of procedure of the General Assembly or in the text of the Charter or if it should remain in the repertory of practice of the United Nations.

68. There was no point in quoting the numerous cases in which the provisions of the Charter had been modified by interpretation and precedents. The real question was whether those interpretations should be formally woven into the text of the Charter or whether it was preferable to allow a corpus of valid interpretation and precedents to grow side by side with that text.

69. With regard to the question of strengthening the role of the Organization, which formed the second part of the mandate given to the Second Committee, his delegation noted, from the analytical study presented by the Secretary-General (A/AC.182/L.2) and from the analysis of the discussions in the Special Committee's Working Group on the first 42 paragraphs of the study, that many constructive suggestions and proposals had been put forward by the Governments of Member States, which deserved careful attention by the Special Committee.

70. Mr. de PINIES (Spain) said that the 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) was a useful and important document which should be read in conjunction with the analytical study (A/AC.182/L.2) submitted by the Secretary-General pursuant to General Assembly resolution 3499 (XXX). That analytical study marked a new stage in the work of the Special Committee which thus had before it for the first time a document suited to its task. The document presented systematically the opinions expressed by the Governments of Member States on the Charter of the United Nations and on the strengthening of the role of the Organization. After an initial section devoted to views of a general nature, it reviewed a number of proposals classified under the following headings: maintenance of international peace and security; means, methods and procedures for the peaceful settlement of disputes; economic and social questions; decolonization; rationalization of the existing procedures; and administrative, financial and other aspects of the functioning of the United Nations. That mere enumeration was sufficient to indicate the variety of the suggestions put forward by Governments.

71. The Special Committee had begun its work by devoting several meetings to a general debate. His delegation regretted that the main points tackled during that debate had not been included in the Special Committee's report, which merely referred to the summary records. His delegation felt that the procedure of referring to other documents should be avoided in the future, for it did not facilitate an understanding of the report, particularly by delegations not members of the Committee. The same could be said of the very interesting working documents submitted by various delegations (A/AC.182/L.4, 5, 6, 7 and 9).

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(Mr. de Pinies, Spain)

72. After the general debate, the Special Committee had decided to establish an open-ended Working Group, which was instructed to review the analytical study. His delegation felt that such a procedure was judicious, to the extent that it restricted statements to the specific content of the paragraphs in the analytical study, thus avoiding a random discussion which would have been too general and too abstract.

73. In view of the breadth of the subjects and of the analytical study and the shortage of time, the Working Group had been able to examine only the first 42 paragraphs. The results were embodied in its report which was reproduced as an annex to the report of the Special Committee (A/31/33). The report contained various interesting proposals which deserved further consideration. Special mention should be made of the proposals concerning the adoption of practical measures to improve the implementation of the resolutions adopted by the principal organs of the United Nations, the deletion of anachronistic expressions in the Charter such as "enemy States" and "civilized nations", the establishment of a Council for Science and Technology, the incorporation in the Charter of the principle of non-intervention in the internal affairs of other States, and other proposals concerning disarmament.

74. His delegation hoped that the Sixth Committee would adopt by consensus draft resolution A/C.6/31/L.6, of which Spain was a co-sponsor, and which repeated the mandate which the Assembly had given the Special Committee in 1975.

75. His delegation felt that, at its next meeting, the Special Committee should avoid abstract discussions and base its work on the analytical study, so as to finish the first reading and to decide which proposals deserved particular attention.

76. It supported the suggestion that all States Members of the United Nations should be able to attend the meetings of the Special Committee as observers, in order to have an opportunity to participate in its debates.

77. It considered that the duration of the Committee's session should be extended to five weeks and that it should take place at the same time as the preceding session, namely the early months of 1977.

78. Finally, his delegation wished to congratulate Mr. Bröms, Chairman of the Special Committee.

The meeting rose at 5.15 p.m.