

United Nations  
GENERAL  
ASSEMBLY

THIRTY-FIRST SESSION

Official Records\*



SIXTH COMMITTEE  
49th meeting  
held on  
Friday, 19 November 1976  
at 3 p.m.  
New York

SUMMARY RECORD OF THE 49th MEETING

Chairman: Mr. MENDOZA (Philippines)

CONTENTS

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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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Distr. GENERAL  
A/C.6/31/SR.49  
26 November 1976  
ENGLISH  
ORIGINAL: FRENCH

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/31/197; A/AC.182/L.2 and Corr.1; A/C.6/31/L.6 and I.8) (continued)

1. Mr. PAPOULIAS (Greece) said that the work accomplished by the Special Committee had been very useful. It was sufficient to compare the report of the Ad Hoc Committee on the Charter of the United Nations with that of the Special Committee in order to assess the progress made. The former had simply reported the views expressed on the subject of Charter revision, whereas the latter contained a thorough analysis of the problems that might arise if such a revision was decided upon and also contained many suggestions for strengthening the effectiveness of the Organization. Views on the matter had at times been opposing, which indicated how much work the Special Committee had to do. It would be useful for the Special Committee to complete in 1977 its examination of the Secretary-General's analytical study (A/AC.182/L.2 and Corr.1). For that reason his delegation had joined the sponsors of draft resolution A/C.6/31/L.6, which provided for reconvening the Special Committee in 1977.
2. The Special Committee should give priority to the question of implementing the resolutions of the United Nations, especially those adopted by its principal organs. Implementation of the resolutions and decisions of the Security Council was of special importance, since the very survival of the Organization depended on it. Furthermore, the provisions of the Charter should be applied integrally. As the Greek Minister for Foreign Affairs had remarked to the General Assembly, the Charter contained provisions which, had they been implemented, would have endowed the Organization with the necessary means to impose respect for its decisions and ensure international order against any infraction. In 1977, therefore, the Special Committee should pursue the search for means of guaranteeing the implementation of the Charter.
3. For that purpose it was not necessary to proceed to a revision of the Charter. The purpose would be better served by its interpretation, the conclusion of special conventions and the adoption of appropriate declarations by United Nations bodies, as was proved, for example, by the interpretation of Article 27, paragraph 3, of the Charter to mean that the abstention or non-participation of the permanent members of the Security Council did not constitute a veto. Other examples were the Declaration on the Occasion of the Twenty-fifth Anniversary of the United Nations and the Final Act of the Helsinki Conference on Security and Co-operation in Europe.
4. Mr. DUCHENE (Belgium) said that in a world in which many conflicts had not yet been resolved, no one could deny that the role of the United Nations had to be strengthened and its functioning improved, since it was the only organization that had become almost universal.
5. Despite the divergences of opinion that had arisen in the Special Committee,

(Mr. Duchene, Belgium)

Belgium, a member of that Committee, was pleased by the atmosphere of frankness that had prevailed in its debates and that had contributed at times to the reconciliation and often to the clarification of different points of view.

6. His delegation joined those that had cautioned against revision of the Charter, which had survived 30 eventful years and had demonstrated its flexibility. An attempt to subject it to general revision involved the risk of deepening existing disagreements and creating others.

7. On the other hand, efforts should be concentrated in those areas in which means for increasing the effectiveness of the United Nations were available: review of the methods of work of the General Assembly, strengthening of the International Court of Justice, and the entire field of the peaceful settlement of disputes.

8. He supported draft resolution A/C.6/31/L.6 and hoped that the Special Committee would complete its work in accordance with the mandate it had received.

9. Mr. MAAS GEESTERANUS (Netherlands) said that if the Member States so decided, the United Nations could become a stronger and more effective organization better able to cope with the manifold problems posed by the interdependence of States in the present-day world, without any need to amend the provisions of the Charter.

10. The position of his Government on the question under consideration had been explained at earlier sessions of the General Assembly and remained fundamentally the same.

11. The report of the Special Committee did not contain any conclusions or recommendations, and it was therefore too early to comment on the substance of the work done so far. It appeared that a majority of delegations wanted the Special Committee to continue its work, and his delegation was prepared to accept renewal of the mandate of the Special Committee.

12. Mr. QUENTIN-BAXTER (New Zealand), after recalling that his country was a member of the Special Committee and that his delegation had already explained its point of view on the item under discussion at the last session of the General Assembly, emphasized the diversity of the proposals submitted by delegations and the number of observations they had evoked. Those proposals would undoubtedly be useful to the Special Committee when it resumed its work.

13. As that work progressed, however, it would be necessary to combine the separate views into a synthesis, giving priority to areas in which certain common tendencies could be discerned. For that reason, it was important for the Special Committee to present in its next report to the Sixth Committee as clear and complete a picture as possible of the points on which a partial or total understanding had been or could be achieved. The Special Committee should devote more time to preparing that document, with the participation of all its members, since the debate in the Sixth Committee depended on the Special Committee's report.

(Mr. Quentin-Baxter, New Zealand)

14. With regard to the spirit in which the question should be approached, his delegation believed that it was useless to stress extremist positions. Everyone was aware that any amendment of the Charter required a large measure of agreement from the Member States, including the Great Powers. Nevertheless, there was no need to exaggerate the extent of the difficulties by maintaining that they were insurmountable and that the Special Committee should restrict itself to seeking means for improving present practice. It was an elementary principle applicable to all negotiations that no progress was possible if preliminary conditions were too rigid.

15. At the same time, the question of revision of the Charter should not be approached too lightly. Everyone should realize that the Charter represented much more than the sum total of its provisions. It had made possible the development of new concepts in international law and was in every respect a living institution that had demonstrated its adaptability in all fields. His delegation did not deny the need to amend some of its provisions at the proper time and with the goodwill of all Member States, but it wished to caution against unnecessary amendment.

16. His delegation was determined to contribute to the search for any solutions that could win the genuine support of all the currents of opinion represented in the United Nations.

17. Mr. ABDALLAH (Tunisia) reaffirmed his country's faith in the ideals of the United Nations and expressed the hope that the efforts to make the Organization more effective and more useful would prove successful. He recalled that Tunisia was a member of the Special Committee and one of the sponsors of draft resolution A/C.6/31/L.6.

18. It should be recalled that the United Nations which originally had consisted of only some 50 States now had 145 Members and that it would soon admit others. It was therefore becoming increasingly universal. The problems which the international community must face were growing in number and delicacy and they required urgent solutions which the United Nations was being somewhat lax about identifying. To cite only a few, there was the new international economic order, disarmament, the elimination of all forms of colonialism apartheid and racial discrimination, the environment, the peaceful use of outer space and the sea-bed, collective security and the promotion of law and justice. In addition, the risks of conflicts were growing every day. The Charter provided for machinery and institutions which, on the whole, had worked well for some time but which were now proving to be less effective and even inoperative, thus undermining public confidence in the Organization. In his statement on the 25th anniversary of the United Nations, the President of the Tunisian Republic had emphasized the importance of restoring the authority and prestige of the Organization by fully recognizing the responsibilities conferred upon it by the Charter and giving it the means to assume them. He had emphasized that the world and the Organization had changed a lot and that ways must be found to adapt to those changes and, in particular, to the new forces for peace and progress which had been freed by decolonization.

(Mr. Abdallah, Tunisia)

19. It was true that the Charter offered unexploited possibilities for strengthening the effectiveness of the Organization. Nevertheless, with regard to certain problems, inter alia the establishment of the new international economic order, the Charter was containing the action of the General Assembly. The Assembly did not take decisions it could only make recommendations. It was under the thumb of the Security Council which itself was under the thumb of the five States which had been accorded exorbitant privileges in past circumstances and which curbed the action of a Council which necessarily leaned towards the conservative. The powers of the General Assembly and of the Security Council must be put back into balance again first of all. The General Assembly which was constituted democratically and on an equal footing, should have many more powers, inter alia it should have the power to admit new Members. Recently the right of veto had impeded the admission of the People's Republic of Angola and the Socialist Republic of Viet Nam to the Organization. Any newly independent State was entitled and duty bound to join the Organization whatever régime it had adopted for itself. In that connexion, the only criterion that should be taken into consideration was the one accepted under international law for recognizing a State as such.

20. The admission of new Members should be decided by the General Assembly by a two-thirds majority. The Assembly should also have the power to decide on the establishment of new economic relations between its Members, on basic options with respect to development or the preservation of international peace and security. As for the Security Council, it should recover the dynamism and driving force with which the authors of the Charter had invested it.

21. His delegation invited the Special Committee, whose mandate it hoped would be renewed, to ponder at length and to propose the most appropriate formula for restoring to the Organization the effectiveness and prestige it so badly needed. That effort should not be undertaken in a spirit of confrontation between the supporters of a review of the Charter and those who opposed it but in a spirit of harmony, co-operation, moderation and innovation.

22. Mr. SHIGETA (Japan) said that his delegation sincerely appreciated the statement made by the Minister of Foreign Affairs of the Philippines in favour of a review of the Charter and felt that the Committee should heed the voice of that statesman who had been one of the founding fathers of the United Nations. The Japanese delegation had been one of those which had raised the question of the review of the Charter at the twenty-fourth session of the General Assembly and, since then, it had always been in favour of such a review, as were most Member States at the present time. The tremendous changes which had occurred on the international scene since the Charter was adopted demanded that it be reviewed but it was naturally understood that such a review should not relate to the purposes and principles of the Charter, the validity of which in today's world was unquestionable and to which the Government and people of Japan were fully committed.

23. The mandate of the Special Committee was to examine the value of the various proposals concerning the Charter and the strengthening of the role of the

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(Mr. Shigeta, Japan)

Organization and to list them and identify those that had awakened special interest. As Japan was a member of the Special Committee, the ideas it had expressed could be found in the Committee's report and, at that stage, he merely wished to reaffirm his country's position on the obsolete and anachronistic character of the reference to "enemy State" in Articles 53 and 107.

24. In addition, his delegation wished to comment on the work of the Special Committee, specifically in relation to the measures which the General Assembly could take at the present session. First of all, it expressed regret at the fact that the Committee had not made as much progress as could have been hoped and that it had wasted a lot of time on procedural matters. Nevertheless, it had begun to work in an orderly manner and in a much better atmosphere than that of the Ad Hoc Committee. As the work of the Special Committee was extremely delicate and as sterile division of views could jeopardize the Organization it was essential that discussions should take place in the best possible atmosphere. His delegation believed that the mandate of the Special Committee, as formulated in operative paragraphs 1 and 2 of General Assembly resolution 3499 (XXX), had been conducive to a constructive discussion and should be renewed. As the mandate covered practically all the areas of activity of the United Nations, it was essential that the Special Committee follow good working methods; in that connexion it seemed that the paragraph by paragraph consideration of the analysis was producing good results. Once that part of its work was completed, the Special Committee would have to organize its work in such a way as to start by tackling the less controversial issues such as the deletion of obsolete clauses concerning trusteeship and the reference to enemy State in Articles 53 and 107. At the same time it could deal with United Nations activities which it was generally thought should be strengthened and decide, in that connexion, what remedies were needed and whether those would require amendments to the Charter.

25. His delegation, which was a sponsor of draft resolution A/C.6/31/L.6, hoped that that draft resolution would be adopted by consensus in order to preserve an atmosphere conducive to constructive dialogue.

26. Mr. OMAR (Libyan Arab Republic) commended the high standard of the report under consideration and hoped that the work of the Special Committee would enable the Charter to be revised without delay so as to make the United Nations more efficient in maintaining international peace and security and ensuring equality among Member States.

27. There were many good reasons for Charter review but he would limit himself to those of the Special Committee's proposals which were designed to ensure equitable participation by third world countries in the decision-making process related to the maintenance of international peace and security. In that field alone, which was the reason for the existence of the United Nations, certain recent developments brought out clearly the need for Charter review. The privileges which certain States enjoyed, under Article 27 of the Charter for example, had not been conducive to the proper maintenance of international peace and security. During the last few weeks alone the exercise of the veto had

(Mr. Omar, Libyan Arab Republic)

blocked the admission to membership in the United Nations of the People's Republic of Angola and the Socialist Republic of Viet Nam although both countries fulfilled all the requisite conditions for admission to the United Nations. When exercised in that fashion the veto ran counter to the principles of the equality of nations, and deprived the United Nations of the contribution of two peoples which had waged a glorious and heroic struggle against colonialism. In 1976 the veto had been used three times to prevent justice being done to the Palestinian people who had been enduring indescribable torments for 30 years. It was also because of the veto that the United Nations had been unable to put an end to the racist régime in Namibia or to assuage the sufferings of its people. In those circumstances, the need for the right of veto must remain in question.

28. It was said that the great Powers carried the main responsibility for the maintenance of international peace and security. That point of view would be defensible if international peace and security had been maintained as had been hoped. The reality seemed to be that the great Powers' privileges had no legal foundation since they were contrary to the principle of the sovereign equality of all States without discrimination or privilege of any kind.

29. The maintenance of international peace and security concerned all peoples of the world and was therefore a matter for all States. That view was in keeping with the spirit of the Charter and particularly of Article 43 and Article 106 which stressed the transitional nature of the special responsibility of permanent members of the Security Council. It would therefore be wise to restudy the right of veto, and to proclaim the view that the maintenance of international peace and security required the solidarity of all States because they were all jointly responsible.

30. Peace-loving peoples had begun to understand the meaning of collective solidarity. The United Nations Charter had been one of the main topics in the recent discussions of the Council of Ministers of the Organization of African Unity in Port Louis, Mauritius. A resolution adopted by that meeting stated that the maintenance of international peace and security was a collective action requiring the participation of all States on a basis of universality and equality, and an appeal was made to all Member States of the United Nations to find an alternative solution to the right of veto which thwarted decisions of the international community. The Charter had also been discussed at the Conference of Heads of State or Government of Non-Aligned Countries held in Colombo in August 1976. A resolution of that conference had stated that the safeguarding of international peace and security was a crucial international responsibility which required the effective participation of all the countries and peoples of the world. The hegemony of the big Powers and their use of the veto had diminished the prestige of the United Nations vis-à-vis the international community. In conclusion, he stated that the responsibility for the maintenance of international peace and security should follow the thinking of the international community.

31. Mr. BRUNA (Chile) said that although his country had always co-operated, within its limited means, in the maintenance and strengthening of peace it was

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(Mr. Bruna, Chile)

nevertheless true to say that the principal responsibility in that matter was borne by the great Powers. Those who had power must show good faith in the use they made of the Charter.

32. There was no doubt that with the passage of time, many Charter provisions had become inadequate or outdated, and that new problems had arisen which had not been foreseen when the Charter had been prepared, and that its review should be considered. Those countries which claimed that Charter review was likely to endanger the United Nations laid themselves open to suspicion of trying to defend a system which was favourable to them, or privileges which they abused. He thought there was a greater risk of perpetuating unjust and indefensible situations which were the real obstacle to the solution of pressing world problems.

33. The Charter had been drawn up at the end of the second World War to remind the international community to be vigilant, so that the horrors and slaughters of war should never happen again. However, the situation at the present time was much more uncertain and new problems had arisen so that the maintenance of peace was not the only concern of mankind.

34. At a time when the last of the colonial countries were achieving independence, new forms of colonialism were appearing. New States and developing countries, because of their experience or their economic situation, were falling victims to the imperialist policies of certain rich countries whose colonialism was none the less virulent because it was concealed. The independence and equality of States were not fully respected and every day brought examples of the guilty going scot free and the innocent being punished at the whim of certain Powers.

35. During the discussion some delegations had accused Member States of being responsible for the ineffectiveness of the United Nations. They had said that there was no need to revise the Charter and that it would be enough for States to agree to abide by the provisions of the Charter and all would be well. It was his delegation's view that if the Charter allowed its signatories to show such hypocrisy it was clearly necessary to amend it.

36. In any case, the inability of the United Nations to settle hotly disputed regional questions, and the scant attention which it paid to the real economic, social, cultural and political problems, together with the dilatory nature and high cost of its proceedings or even the hypocrisy of its Members, were so many reasons why the United Nations was not always regarded with much sympathy by world public opinion. That was another reason to review its main constitutional document. The defects which were laid at the United Nations door might be due to remediable defects in the Charter. The United Nations was the only international body which brought all States together and allowed them to express their views. Chile wished to contribute to its success.

37. To the extent that the aim of the Special Committee was to consider the possibility of amending the Charter, his delegation was confident that a consensus would be obtained, first as regards the provisions which might be amended, and then on the new provisions to be adopted. He therefore supported draft resolution A/C.6/31/L.6.

38. Mr. MAKEKA (Lesotho) expressed his delegation's gratitude to the Chairman of the Special Committee for the concise and lucid manner in which he had introduced the report of the Committee, which so far had done good work.

39. In the previous year his delegation had co-sponsored a resolution which finally became General Assembly resolution 3499 (XXX), being convinced, and still believing, that it was enabling the United Nations to do what should have been done 20 years previously, and what the founding fathers of the United Nations had envisaged in Article 109 of the Charter, namely, review the Charter.

40. In co-sponsoring that draft resolution and the present draft resolution contained in document A/C.6/31/L.6, his delegation was not expressing a lack of confidence in the Charter; on the contrary it was renewing its commitment to the cardinal principles of the Charter. It must be realized however that the General Assembly had given the Special Committee one of the most important, complex and difficult mandates that had ever been entrusted to a subsidiary organ. The Committee should therefore act prudently and not jump to conclusions or take hasty decisions. It could not be expected to complete its burdensome task in one or two years; its mandate therefore must be renewed, as indeed the majority of members of the Sixth Committee thought it must, and the Committee should adopt the draft resolution by consensus.

41. He did not intend to comment on the substance of the matter, which his Government was now studying, but would like to make a few remarks on matters which had been referred to by some members of the Committee. It had been said that it was ironic that the small third world countries were pressing for a review of the Charter when it was the actual embodiment of their security. His country fully realized that the Charter was indispensable to its own security and that it had spared mankind the scourge of another world war. But it also could not be denied that the United Nations had been unable to settle some issues which threatened the very security of the small third world countries and which the Charter had been expressly designed to resolve, like colonialism and foreign occupation and domination. Those States which were opposed to the review of the Charter were suffering from culpable innocence in that they equated review and amendment. If it did not change, the United Nations would be unable to meet the demands of the times: creatures and institutions which failed to adapt to a new environment disappeared. Present-day realities would certainly lead to some amendments to the Charter but not necessarily to an over-all amendment of it.

42. It could not be pretended that all was well in the United Nations. Its weakness and ineffectiveness were often attributed to a lack of political will on the part of Member States. The Special Committee must find the causes of that situation and recommend specific remedies. If the law of the jungle demanded that the strongest should survive, present-day natural justice demanded that the will of the majority should prevail. The majority was perhaps not always right but was doing its best to live up to the lofty ideals of the Charter.

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(Mr. Makeka, Lesotho)

43. It should not be forgotten that the Charter did not give one or two States a monopoly of the wisdom of running the affairs of the world. It had granted exceptional veto powers to certain States because of the essential role they would have to play in maintaining international peace and security: it had never been envisaged that the veto power might be used for purely nationalistic self-interest and serve to initiate a dictatorship and tyranny of the minority. The veto power should be used only when the interests of the world community were being threatened. Actually, the real situation was quite different. The League of Nations, representing mainly European countries, had given South Africa a mandate over Namibia; South Africa had not even been an independent sovereign State and its white minority had already been practising racism against the black majority. The Charter of the United Nations and resolutions of the General Assembly and Security Council had recognized the right of Namibia to self-determination and independence. The General Assembly had terminated the mandate of white South Africa over Namibia and, what was more, the International Court of Justice itself had declared the South African presence in Namibia to be illegal. Nevertheless, some Member States used their veto power to perpetuate that presence.

44. His Government strongly believed in the universality of the United Nations and thought that no Member State should be expelled even if it failed to live up to the provisions of the Charter and even if it practised racism, like South Africa. But other States were denied membership in the United Nations for reasons which had nothing to do with the Charter. There were too many symptoms proving that the United Nations was suffering from an unknown disease which caused some small States to fear for their security. It was only through the review of the Charter that the disease could be diagnosed and cured. He therefore strongly urged that the mandate of the Special Committee should be renewed.

45. Mr. DABO (Guinea) said that fundamental changes to the Charter of the United Nations were more necessary than ever if account was to be taken of the scope and nature of the transformations which had occurred in the 31 years that the United Nations had existed, during which almost 100 new independent and sovereign States had emerged. The victories which the peoples of the Socialist Republic of Viet Nam, Democratic Kampuchea and Laos had recently won and the birth of independent States on the ashes of Portuguese colonialism were recent examples of those transformations and illustrated the reasons which made it necessary to review the Charter and adapt the structures of the Organization to present-day realities.

46. His delegation felt that the injustice of granting the veto power to 5 of the 15 members of the Security Council should be corrected since the criteria which had justified the granting of that power to the permanent members of the Council when the United Nations had been established by only 52 States, in 1945, were largely outdated. Even those five permanent members made no effort to observe the rules of the democratic game and it was regrettable that for reasons of domestic politics a permanent member of the Council had been able to stand in the way of a sovereign State's admission to the United Nations. Although it was proclaimed that all nations were equal within the United Nations, in actual fact

(Mr. Dabo, Guinea)

the African nations were far from enjoying that status. President Sékou Touré had pointed out that Africa alone was not represented among the permanent members of the Security Council which enjoyed the veto power and had proposed that a permanent seat on the Council should be given to an African State, which would exercise that power to defend the supreme interests of the continent. If that suggestion was adopted, it would certainly bring about a change in the unequal relations existing at present through the application of the principle of joint responsibility of States for international security and also by recognizing geographical realities.

47. His delegation noted that numerous resolutions adopted by the Security Council and the General Assembly were not being implemented, particularly by South Africa and Israel. By way of a solution, it proposed that, in addition to any other penalty which might be applied, a Member State which flagrantly violated the provisions of the Charter should lose its status as a signatory State.

48. In addition, the International Court of Justice should be adapted, as concerned the law it applied and the procedures it followed, to the situation created by the establishment of new States; it could then become the place where nations could genuinely settle their disputes.

49. His delegation had some specific proposals to make concerning the review of the Charter. In particular, it proposed that the definition of the expression "enemy State" in Article 53, paragraph 2, of the Charter should be replaced by the following: "the term enemy State as used in paragraph 1 of this Article applies to any State which engages in armed or economic aggression against another independent and sovereign State, pursuant to an act of self-determination or of exercise of sovereignty by its people through its Government". In addition, in order to stress the growing importance of the African, Asian and Latin American liberation movements, his delegation proposed that the old title of Chapter XI of the Charter should be replaced by the following title: "Declaration regarding the total liberation of any territory still under foreign domination".

50. His country felt that in order to ensure equal participation by all Member States in the settlement of economic problems, the financial institutions (International Monetary Fund and World Bank) should not remain in the hands of certain Powers. Experience had amply proved that some of them directed their loans to the countries of their choice, thus inflicting calculated harm on the development of nations which were genuinely engaged in revolutionary activities. Furthermore, barriers had been erected in those institutions to deprive the Socialist Republic of Viet Nam and Democratic Kampuchea of their succession rights.

51. In the scientific and technical field, the United Nations should endeavour to promote the transfer of technology and the creation of indigenous technology for the benefit of the developing countries in accordance with General Assembly resolution 3201 (S-VI). Technical and scientific co-operation and the provision of advanced equipment adapted to conditions in individual developing countries constituted the most appropriate and effective form of assistance and should be encouraged by the United Nations. Another major mission of the Organization was

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(Mr. Dabo, Guinea)

to justify the hopes of people to live in peace free from the threat of war. It should consolidate the positive trends developing in the world and undertake decisive, concrete action in order to respond to the aspirations of all the peoples of the world.

52. Mr. ILLUECA (Panama) said that since the Special Committee had not yet reached general agreement on the question, draft resolution A/C.6/31/L.6, of which his country was a sponsor, provided a positive formula aimed at facilitating the adoption, within the framework of the Charter, of measures aimed at increasing the effectiveness of the Organization and strengthening its role in international relations.

53. In that connexion, his delegation believed that the tasks entrusted to the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization could not be separated from those entrusted to the Ad Hoc Committee on the Restructuring of the Economic and Social Sectors of the United Nations System. The structure of the Organization should be modernized in order to enable it to satisfy the aspirations of all the peoples of the world with regard to the establishment of the new international economic order, the peaceful settlement of disputes, disarmament, abolition of colonialism, the solution of social and humanitarian problems, democratization of the United Nations system, and peace-keeping forces. Moreover, a universal code of conduct to complement the Charter should be drawn up, specifying the rights and duties of States. His delegation unreservedly supported the proposal submitted by the Government of Romania in that respect.

54. The provisions of the Charter which required unanimity among the permanent members of the Security Council and a two-thirds majority vote in the General Assembly for the admission of new States should be reviewed in order to end abuses by the permanent members. At the same time, the right of veto of the permanent members of the Security Council should be abolished in the case of appointments of Commissions of inquiry or commissions to serve humanitarian purposes, as proposed by the Colombian delegation. Similarly, as the Mexican delegation had suggested, the General Assembly should adopt measures aimed at obtaining a commitment from Member States to refer to the United Nations all matters which were within its competence according to the Charter, in order to ensure that questions relating to peace-keeping were not withdrawn from the United Nations and also to demonstrate their faith in the Organization.

55. An order of priority should be established in respect of issues submitted to the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization and to the Ad Hoc Committee on the Restructuring of the Economic and Social Sectors of the United Nations System in order to ensure co-ordination of the work of those two bodies.

56. His country was firmly convinced that a harmonious process of research and consultations could lead to a consensus among Member States to modernize the United Nations, increase its effectiveness and strengthen its role in international relations. That task was one of the major concerns of the non-aligned countries, which ardently hoped for a democratization of the United Nations and an improved system of international relations.

(Mr. Illueca, Panama)

57. Opposing all re-examination or revision of the Charter meant adopting a position which was far removed from world realities and history. If society were unchangeable and if the rivalries and interests of the world's Powers were of a permanent nature, the United Nations Charter would be monolithic, perfect and untouchable. However, reality was quite different. All societies lived in a state of perpetual evolution and no authority or Government could prevent dialectic evolution in the structures and super-structures of society.

58. The principles and moral basis of the Charter undoubtedly remained valid. What should be modified in the course of time was the machinery for implementing those principles. He urged the members of the Committee to support the draft resolution, which was only one stage but a necessary one in the long but inevitable process of modernizing and improving the provisions of the Charter and United Nations machinery.

59. Mr. KHASAWNEH (Jordan) said that it was difficult to evaluate the role of the United Nations and to argue for or against a revision of the Charter or a change in the procedures embodied therein without entering into the domain of value judgements and unverifiable statements. Thus, some delegations condemned Article 27, paragraph 3, of the Charter which they regarded as establishing an aristocracy in the United Nations while others believed that that paragraph reflected a balance of forces which it was essential to take into account for the maintenance of international peace and security. Each argument was valid if its basic premises were accepted. Consequently, the only solution was to find a common ground, inter alia, with regard to the criteria to be applied. However, all the possible criteria in that field were equally legitimately applicable. The Charter, like all legal documents, could be changed. Indeed, in the final analysis, legal obligations were based on extra-legal factors which were in a constant process of change. Obviously, for practical reasons, the Charter could not be changed as speedily as other variables of human activities. However, it was necessary to guard against its provisions becoming anachronistic.

60. His delegation believed that considerations of justice necessitated a re-examination of the special status of the permanent members of the Security Council. However, radical changes in that area might be detrimental to the Organization and ultimately to all Member States. Consequently, such a revision in the near future would be premature. On the other hand, the time had come to delete the references to "enemy States" contained in articles 53 and 107 of the Charter.

61. He shared the view that instead of undertaking an actual revision of the Charter, it would be better to explore in depth the possibilities which it offered, since it had already demonstrated its flexibility and adaptability.

62. Mr. MAIGA (Mali) said that the report of the Special Committee had the merit of emphasizing both the successes achieved by the United Nations in its role of maintaining international peace and security and the limitations on its action and certain functional defects. Like the Covenant of the League of Nations, the Charter had been drafted in the aftermath of a world war. Both documents reflected

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(Mr. Maiga, Mali)

a certain will to revitalize international relations but also a desire to establish a balance of power between the victorious great Powers. On analysis, the Charter of the United Nations proved to be a greatly amended re-adaptation of the League Covenant. Consequently, it had not envisaged all the concerns of future generations, nor did it contain strong provisions aimed at ensuring the harmonious political and socio-economic evolution of millions of human beings.

63. In the view of his delegation, the basic principles of the Charter had in no way lost their force or vitality. However, they should be adapted to the requirements of the present-day world, since all societies that wished to be dynamic had to be organized on the basis of existing realities and the deep aspirations of the world's peoples, not solely under the constraints of the past. Scientific and technological progress and the interdependence of economic and social progress had broken down frontiers which had previously been jealously set up between States. New armaments which produced terrifying effects and were virtually limitless in range had been developed. As a result, peoples were more aware of their common destiny and shared a feeling of insecurity for the future. At the present time, there were 145 States Members of the United Nations, most of which were more than ever aware of the need for a democratization of international relations and the elimination of all policies of discrimination and hegemony. Yet, despite the fabulous wealth available in the world, the gap between economies of the rich and poor countries continued to grow. Consequently, in the interests of justice, and in order to meet the demands for a new order, the aspirations of nations which had recently escaped from colonial bondage should be reflected in the Charter.

64. An analysis of the present international situation showed certain major Powers were determined to ensure that national interests prevailed over those of justice and equity in the world. The Security Council had shown itself to be an institution in which the permanent members confronted public opinion with issues on which they were divided, whereas the work of that body should be devoted essentially to vital problems of peace and security. The Organization could function only if its action on all issues was in conformity with the purposes and principles of the Charter. Consequently, the permanent members of the Security Council should study questions submitted to them solely on the basis of those criteria, for otherwise it would become impotent and unable to fulfil its mission. Special attention should be paid to the voting system in the Security Council and, in particular, the use of the right of veto. That right had recently been used, for example, to prevent the admission to the United Nations of a State which fulfilled all the conditions required under the Charter. It had also been used in an attempt to impede the process of decolonization and prevent the United Nations from adopting the necessary measures against régimes based on racism and apartheid, practices which were fundamentally contradictory to the purposes and principles of the Charter. The countries of the third world had recently made known their views on that issue. The Malian Minister for Foreign Affairs and Technical Co-operation had expressed the view that the elimination of the right of veto was necessary to the effective functioning of the United Nations. The Organization of African Unity

(Mr. Maiga, Mali)

had called on its members to support amendments to the Charter aimed at ensuring respect for the principle of the equality of all nations and finding a solution which would prevent the great Powers from using the right of veto to impede the implementation of resolutions adopted by the international community. The Conference of Non-Aligned Countries held at Colombo had also called for a revision of the Charter, and specifically of the right of veto. That was the message which two thirds of mankind addressed to the United Nations, a message which was in conformity with the provisions of Article 109 of the Charter.

65. Mr. MONTENEGRO (Nicaragua) said that his country had become a founding Member of the United Nations in 1945 in the hope that the Organization would provide an instrument for the settlement of all international disputes and the solution of the problems involved in the maintenance of peace and security.

66. Although it continued to believe that the principles in the Charter were inviolable, his delegation believed that after 30 years of existence the Charter had to be reviewed in order to revitalize and strengthen the United Nations and to increase its prestige in the international community.

67. There were many reasons for States Members of the United Nations to examine the possibility of reviewing the Charter. Firstly, the majority of present Member States had not participated in drawing it up. Secondly, as had been stressed frequently during the discussion, the Charter contained ideas which were now out of date and the United Nations included anachronistic organs, such as the Trusteeship Council. Furthermore, the powers of the General Assembly should be increased, or those of the Security Council restricted, and the field of application of the great Powers' right of veto should be limited.

68. Therefore, his delegation felt that it was time to envisage a revision of the Charter in all good faith, in order that legal equality might become a reality, and it urged all delegations opposed to revision to reconsider their position, so that draft resolution A/C.6/31/L.6, of which Nicaragua was a sponsor, could be adopted by consensus.

69. Mr. RASON (Madagascar) said that his country attached great importance to any initiative aimed at strengthening the role of the United Nations. As the Minister for Foreign Affairs of the Democratic Republic of Madagascar had recently declared to the General Assembly, his Government, while recognizing the weaknesses and inadequacies of the United Nations, welcomed the role it played. Initially conceived as a coalition of the victors of the Second World War, the United Nations had subsequently become the main instrument for the structural changes in the international community, sometimes despite the reluctance, or even the opposition, of some of its founders. Its vitality was reflected in the increasing place it assigned to problems of crucial concern to developing countries.

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(Mr. Rason, Madagascar)

70. As new political and economic programmes for the third world were prepared and perfected, some countries tended to take up an almost automatic opposition role and resorted to procedures and practices designed to frustrate the will of the majority, calling for a consensus on all points or expressing reservations when they did not actually cast negative votes.

71. The work of the Special Committee, like that of the Ad Hoc Committee on the Restructuring of the Economic and Social Sectors of the United Nations System, was proof of the irritation felt by third world countries at the persistence within the United Nations system of a current of feeling hostile to their legitimate claims.

72. The right of veto was an anachronism and sometimes even an obstacle to the third-world countries' desire for change. In order that those countries might take an active part in the work of the United Nations, his delegation felt that the right of veto, if it were not abolished, should be granted to a member of the movement of the non-aligned countries.

73. It would not be possible to make progress unless all countries recognized first, that the principles of the Charter must be distinguished from the institutions it created, which could be improved, and, secondly, that those principles would remain a dead letter so long as the States Members of the Organization did not have the political will to apply them. In addition, Member States would have to show complete faith in the mission of the Organization, and it must adapt to the changes which had occurred since its creation.

74. His delegation was convinced that strengthening the role of the United Nations required a revision of the Charter. The purposes and principles of the Charter should be considered as inviolable, although they ought to be complemented by new principles stemming from relevant United Nations declarations and resolutions; however, the provisions relating to the structure and functioning of the Organization should be re-examined in depth.

75. The aim of the revision should be to reaffirm the principle of equality of all States Members of the Organization and to democratize its functioning. The principle of the equality of States, affirmed in Article 2, paragraph 1, and Article 18, paragraph 2, of the Charter, was respected in almost all organs, with the exception of the Security Council, where a derogation was made on the pretext that some countries bore a particular responsibility. That notion of particular responsibility, although perhaps acceptable 30 years earlier, was much less so nowadays, when the permanent members of the Security Council abused their right of veto in opposing the admission of new Members, thus belying the universal nature of the United Nations.

76. His delegation believed that the responsibility of each State, based on the principles of democracy and equality, constituted the basis of the collective responsibility of all members, of which the United Nations was the living symbol. A number of delegations had declared that the right of veto was not a privilege but a historical necessity. He did not deny that but pointed out that the changes that had occurred in the composition of the international community and the

(Mr. Rason, Madagascar)

establishment of a new international order were also historical necessities and must guide the action of the United Nations. If it was admitted that such action ought not to be contrary to the wishes of the majority, the right of veto should be withdrawn from the minority. Thus, the right of veto should be granted to the majority of the Members of the United Nations, thereby guaranteeing their participation in the establishment of a new democratic order.

77. His delegation supported the proposal for modifying the composition and functioning of the Security Council so that all nations, whether large or small, would participate in the settlement of international problems on an equal footing; it also supported the proposals for ensuring the effective implementation of decisions taken by United Nations organs and strengthening the role of the Organization in economic affairs and development.

78. As the work of the Special Committee showed promise, its mandate should be renewed, in order that it might submit at the following session of the General Assembly a complete and objective report on the question it was dealing with, together with specific proposals which took into account the interests of the majority. Accordingly, his delegation supported draft resolution A/C.6/31/L.6.

79. Mr. ROSSIDES (Cyprus) emphasized the importance of the question of the revision of the Charter after 30 years of the existence of the United Nations, the more so since a revision had been expected for the tenth annual session of the General Assembly; that revision, however, had not taken place. Great changes had occurred in the world during those 30 years, particularly the advent of nuclear weapons, which had implications for the environment and in many other areas, the development of means of communication and of the interdependence of States. It should now therefore be determined whether the Charter could be adapted to those new facts.

80. He wondered first of all whether the situation of anarchy and insecurity prevailing in the world could be attributed to the Charter. In some areas, other than the maintenance of international peace and security, the United Nations had achieved remarkable results. There were general problems, particularly with respect to the environment and the exploration of the sea-bed, which could be dealt with only through the co-operation of all States and for whose solution the United Nations provided an entirely appropriate framework. It should be acknowledged, however, that the United Nations had not succeeded in carrying out its main task, namely, the maintenance of international peace and security. Above all, the United Nations should "save succeeding generations from the scourge of war" and "maintain international peace and security", as set forth in the preamble and Article 1 of the Charter. It was not by seeking to establish a balance of power that States Members of the United Nations should aim at that objective, rather, it was by taking effective collective measures for the "prevention and removal of threats to the peace", as indicated in Article 1, paragraph 1. The principles which the United Nations should apply in the pursuit of that purpose were set forth in Article 2, and particularly in paragraph 4 of that Article, whereby Member States should refrain in their international relations from the threat or use of force. The entire United Nations system was based on those provisions.

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(Mr. Rossides, Cyprus)

81. The framers of the Charter had written it in such a manner that it could be adapted to new developments. However, before seeking to amend it, an attempt should be made to ensure that it was properly applied.

82. As currently worded, the agenda item under consideration was satisfactory because it included both the Charter and the strengthening of the role of the United Nations. The decision to consider that item was an admission that the United Nations was not succeeding in maintaining peace and security in the world. That issue was probably one of the most important with which the United Nations had been seized since its creation. It was undeniable that acts of aggression had multiplied in recent years and that international peace and security had deteriorated.

83. If the Charter was responsible for the situation, then it should be revised. Yet, the Charter contained detailed provisions which were intended to guarantee international security. In addition to Article 1, which made the maintenance of international peace and security the first objective of the United Nations, Article 2, paragraph 4 prohibited the use of force and paragraph 5 of that same Article provided that Member States should assist the Organization in any action it took and should refrain from giving assistance to any State against which the United Nations was taking preventive or enforcement action. Furthermore, under Article 24, the Security Council had the primary responsibility for the maintenance of international peace and security. If the Security Council did not adequately carry out its mandate, that was not the fault of the Charter. At one time, some had claimed that the Security Council had had difficulty in determining the existence of any threat to the peace, breach of the peace or act of aggression, a duty entrusted to it under Article 39, because the concept of aggression had not been defined. That claim was no longer valid because a definition of aggression had been adopted in 1974 following work that had extended over more than seven years.

84. The Charter was still not being applied. Under Articles 41 and 42, the Security Council could decide what measures, whether or not involving the use of armed force, were to be employed to give effect to its decisions. Article 43 dealt with agreements which might be concluded between the Security Council and States Members of the United Nations with respect to armed forces or facilities which the latter undertook to place at the disposal of the Security Council. Each time that the Security Council failed to carry out the duties entrusted to it under those provisions, those provisions were breached. Consequently, when decisions of the Security Council were not respected, the fault lay not only with the parties to which they were addressed, but also with the Security Council itself if it did not take the required measures. The prestige of the Security Council and the entire Organization was thus tarnished.

85. There was no point in revising the Charter, improving it or making it more effective if it was not even applied in its present form. Some held that when the Charter had been adopted, the world situation had lent itself better to the implementation of decisions of the Security Council and that the ensuing cold war

(Mr. Rossides, Cyprus)

had complicated that implementation. In that connexion, he pointed out that the functioning of the United Nations had already been studied to some extent on the occasion of the twenty-fifth anniversary of the Organization in 1970, and that in its resolution 2734 (XXV) concerning the Declaration on the Strengthening of International Security, the General Assembly had recommended that the Security Council take steps to facilitate the conclusion of the agreements envisaged in Article 43 of the Charter in order fully to develop its capacity for enforcement action. In 1970, the General Assembly had therefore reaffirmed that the decisions of the Security Council had been as susceptible of implementation then as in 1945.

86. The non-implementation of Security Council decisions, besides damaging to its prestige, was a threat to world security and that led to the arms race. The numbers of commissions, committees and other bodies concerned with the question of disarmament had increased to no avail. The arms race was linked to international security which currently depended on the balance of power. As long as that was so, there could be no hope of putting an end to the arms race. For its part, the Special Committee had a very important mandate to fulfil. It must save the world from the arms race, war and destruction. The United Nations had to succeed in substituting international security for the balance of power.

87. In today's world, crisis followed crisis and some were even aggravated by the ineffectiveness of the Security Council. Such was the case of the crisis which had been shaking Cyprus since 1974. The foreign military occupation from which Cyprus suffered, in violation of its territorial integrity and independence and in defiance of resolutions adopted unanimously by the Security Council, clearly reflected the state of moral degradation of the contemporary international community. Other States, in particular those that belonged to the non-aligned movement and which were not engaged in the arms race, had learned from it that they must, as Members of the United Nations, strive to establish international security in accordance with the Charter of the United Nations. In particular, decisions of the Security Council must be implemented regardless of whether or not the measures taken implied the use of force. In any event, it was not the Charter itself that was involved.

88. Mr. KURUKULASURIYA (Sri Lanka) said that his country remained absolutely committed to the objectives set for the United Nations at the time of its foundation, which involved essentially the maintenance of peace. While the United Nations, as was demonstrated by its numerous accomplishments during the past 30 years and its impact on international relations, had not truly failed in its mission, it had not achieved a brilliant success.

89. If the Charter was to preserve its credibility for future generations, an effort must be made to give it greater relevance to current realities. Indeed, the past 30 years had been characterized by the disappearance of colonial empires, the accession to independence of more than 100 countries, the condemnation of all forms of aggression, the birth, after years of confrontation, of political co-operation among countries, and the calling into question by the newly-independent States of the global economic system.

(Mr. Kurukulasuriya, Sri Lanka)

90. His delegation noted with satisfaction that in spite of the considerable divergence of views, the members of the Special Committee had worked in a spirit of co-operation.

91. The question of the review of the Charter had been on the agenda of the Fifth Conference of Heads of State or Government of Non-Aligned Countries, held at Colombo from 16 to 19 August 1976. The Conference had recognized the importance of the United Nations as an effective instrument for promoting international peace and security, developing international co-operation, establishing equitable economic relations between States and promoting fundamental rights and freedoms. In that regard, the States participating in the Conference had reaffirmed their dedication to the purposes and objectives of the Charter and had expressed satisfaction at the results achieved by the United Nations over a period of 30 years, particularly in respect of the maintenance of peace, decolonization, the settlement of disputes, international co-operation and the promotion of fundamental rights and freedoms. In their opinion, the United Nations should now endeavour to create a system of international relations based on peace, justice and equality. The Conference had also welcomed the establishment of the Special Committee and had expressed its resolve to co-operate fully with it. The Conference had also considered that the role of the United Nations would be greatly strengthened if the Security Council undertook appropriate and effective measures to strengthen international peace and security by acting against aggression, foreign occupation, intervention and interference in internal affairs, and racism and apartheid, and by facilitating the just settlement of international crises in conformity with the principles and objectives of the Charter and the relevant resolutions of the General Assembly. The representatives of the non-aligned countries which had participated in the Conference had also reiterated the need to take measures to ensure that the principle of the universality of the Organization was finally respected.

92. Quite recently, the application for admission to the United Nations by the Socialist Republic of Viet Nam had resulted in another instance of the abuse of the right of veto. The fact that the Charter enabled a permanent member of the Security Council to oppose the admission of a sovereign and independent State, which met all the requirements set out in Article 4 (1), was itself a most compelling reason for abolishing the principle of unanimity among the permanent members of the Security Council in respect of the admission of new members.

93. All the non-aligned countries which had participated in the Conference had expressed their deep concern at the way in which the members of the Security Council exercised their right of veto and had decided to work in favour of a review of the Charter, more particularly the provisions relating to that right.

94. With regard to the future course which the United Nations should take in order effectively to help the peoples of the world to achieve their aspirations, the Conference had expressed the view that the United Nations system should be adjusted to current realities, if necessary, by a review of the Charter. With regard to the decision-making processes, that adjustment would also require a reorientation of the United Nations system in order to ensure the attainment of the objectives of the New International Economic Order.

(Mr. Kurukulasuriya, Sri Lanka)

95. Lastly, the Conference had expressed its deep concern at the non-implementation of numerous resolutions of the United Nations due in particular to the refusal of some Member States to abide by them and even to their persistent violation of both the basic principles and decisions of the United Nations, and the Conference had urged all States to co-operate fully in the implementation of those decisions.

96. His delegation was convinced that the Special Committee would carefully examine those views, which were reflected in the Political Declaration of the Fifth Conference of Heads of State or Government of Non-Aligned Countries and resolution 13 relating to the United Nations and which were contained in document A/31/197. His delegation hoped that the Committee, whose procedures and methods of work it approved, would complete its task as early as possible.

97. The CHAIRMAN announced that the Central African Republic should be added to the list of sponsors of draft resolution A/C.6/31/L.6.

98. He drew the attention of the members of the Committee to document A/C.6/31/L.8 entitled "Administrative and financial implications of the draft resolution contained in document A/C.6/31/L.6", which had just been circulated.

The meeting rose at 6.40 p.m.