

United Nations
GENERAL
ASSEMBLY
THIRTY-NINTH SESSION
Official Records*



SIXTH COMMITTEE
26th meeting
held on
Wednesday, 24 October 1984
at 10.30 a.m.
New York

SUMMARY RECORD OF THE 26th MEETING

Chairman: Mr. GOERNER (German Democratic Republic)

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Distr. GENERAL
A/C.6/39/SP.26
26 October 1984

The meeting was called to order at 10.45 a.m.

AGENDA ITEM 124: PEACEFUL SETTLEMENT OF DISPUTES BETWEEN STATES (continued)
(A/39/56-S/16231, A/39/59-S/16241, A/39/60-S/16242 and Corr.1, A/39/71-S/16262, A/39/95-S/16304, A/39/110, A/39/126-S/16394, A/39/134-S/16418, A/39/158-S/16445, A/39/163-S/16460, A/39/187-S/16489, A/39/203-S/16496, A/39/226-S/16522, A/39/318-S/16637, A/39/360, A/39/396-S/16697, A/39/413-S/16707, A/39/448-S/16723, A/39/473-S/16734, A/39/495-S/16742, A/39/550-S/16767, A/39/552-S/16769, A/39/561-S/16774, A/39/593; A/C.6/39/L.2)

AGENDA ITEM 133: REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION (continued)
(A/39/33, A/39/79 and Corr.1, A/39/180 and Corr.1, A/39/441; A/C.6/39/L.2)

1. Mr. SZEKELY (Mexico) said that although the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization could be said to have achieved some modest success, it had made little progress in adopting measures that would enhance the efficiency of the Organization or better enable it to perform one of its priority tasks, the maintenance of international peace and security. According to some of the great Powers, strengthening the role of the Organization was impossible, since any measure directed to that end would result in modification of the provisions of the Charter. His delegation disagreed; it believed that the role of the Organization could be strengthened and was prepared to work to that end.
2. Mexico had proposed (A/34/33, para. 16, subpara. 17) that machinery should be set up to monitor the implementation of the resolutions of the principal organs of the United Nations. Some delegations had objected to the idea of monitoring on the grounds that it would undermine the sovereignty of States. In order to overcome that misgiving, his delegation was prepared to replace the idea of monitoring with that of follow-up, and would continue to promote its proposal.
3. It had been argued that his delegation's proposal to limit the number of subsidiary bodies which might be set up by the principal organs of the United Nations (A/34/33, para. 16, subpara. 5) ran counter to the provisions of Article 22 of the Charter. The fact was that if the drafters of the Charter had foreseen how many subsidiary organs would be established under Article 22, and their detrimental effects on the budget and effectiveness of the Organization, they would have put a limit on their number. The provisions of Article 22 must be implemented in a responsible manner by States; placing intelligent restrictions on how they were applied was in no way tantamount to contravening the Article.
4. Mexico supported the 12 conclusions for rationalization of existing procedures of the United Nations adopted by the Special Committee (A/39/33, para. 151). However, even if those conclusions were approved by the General Assembly and put into effect, the main problems impeding rationalization of the procedures would remain, because the conclusions referred only to the procedures of the General Assembly; the Special Committee had not yet completed its mandate with respect to rationalization of the procedures of the United Nations as a whole.

(Mr. Szekely, Mexico)

5. The Special Committee was faced with the severe problem of duplication of work in its treatment of the topics "Peaceful settlement of disputes" and "Maintenance of international peace and security". Under the first topic, it had examined a working paper entitled "Establishment of a permanent commission on good offices, mediation and conciliation for the settlement of disputes and the prevention of conflicts among States", submitted by Nigeria, the Philippines and Romania (A/38/343, annex), and under the second it had considered a working paper entitled "Prevention and removal of threats to the peace and of situations which may lead to international friction or give rise to a dispute" submitted by Belgium, the Federal Republic of Germany, Italy, Japan, Spain and New Zealand (A/39/33, para. 20). The first proposed the establishment of machinery for the prevention or peaceful settlement of disputes, to fill the void caused by the incapacity of the principal organs of the United Nations, whereas the second developed formulas under which the principal organs would be able to deal more effectively with disputes and produce peaceful settlements.

6. Although both exercises were necessary and should be continued, there were some points and some terms which needed clarification. Both papers referred to conflicts, disputes, situations which might lead to international friction, threats to international peace and security, disputes which might endanger the maintenance of international peace and security, and situations potentially dangerous for the maintenance of international peace and security. Thus, they covered a whole range of situations which were by no means identical, and it was necessary to provide effective machinery to deal with each of them. Detailed analysis showed that in each of those situations there was a role to be played by the principal organs of the United Nations and by the proposed commission in preventing disputes or in finding peaceful and lasting settlements for existing disputes. Provision should also be made for conflicts which, although not involving the use of arms, endangered the maintenance of international peace and security because they created a climate unfavourable to international co-operation and friendly relations among States.

7. The approach to the various situations would depend on the type of dispute involved; the situations should, therefore, be classified. An effort should be made to develop the concept of preventive diplomacy, strengthen the organs to exercise such diplomacy and ultimately reduce the number of disputes which disrupted international peace and security.

8. His delegation hoped that the Sixth Committee would be able to adopt a resolution by consensus on the question under discussion.

9. Mr. CHAN (Democratic Kampuchea) congratulated the delegations of Nigeria, the Philippines and Romania on their proposal (A/C.6/39/L.2), which showed their willingness to provide a follow-up to the Manila Declaration on the Peaceful Settlement of International Disputes and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations.

(Mr. Chan, Democratic Kampuchea)

10. Democratic Kampuchea, deeply attached to peace, justice and the peaceful settlement of disputes between States, had agreed to recognize the compulsory jurisdiction of the International Court of Justice. In particular, it had agreed to recognize and respect the frontiers existing at the end of the period of French colonization, and to submit any dispute concerning such frontiers to the Court. It supported any initiative to strengthen the machinery for the peaceful settlement of international disputes.
11. His delegation was convinced, however, that the main cause of international conflicts was the expansionist and imperialist policies of certain great Powers and their allies. Those Powers, through their interference in the internal affairs of other States and their acts of aggression and occupation, had trampled on the principles of the Charter, particularly the principle of the peaceful settlement of disputes. Viet Nam and its ally and protector, the Soviet Union, had assumed the right to invade and occupy their smaller neighbours. Those expansionist Powers had rejected all proposals by the international community designed to bring a peaceful end to the situations caused by their acts of aggression. Thus, those Powers flouted the moral and political authority of the United Nations and the principles of the Charter, and undermined the confidence of peace-loving countries in the Organization.
12. At the beginning of its open and massive aggression against Democratic Kampuchea in 1978, Viet Nam had categorically denied any involvement in the invasion. Faced with the refusal of the Security Council to accept the Vietnamese argument and with the Council's solidarity with the just struggle of the Kampuchean people, the Soviet Union had blocked the draft resolution submitted by the non-aligned and non-permanent members of the Council.
13. Since that time, the two expansionist Powers to which he had referred had tried by every means to call in question Democratic Kampuchea's status as a Member of the United Nations, in order to usurp its seat for the benefit of the puppet Phnom Penh régime. The General Assembly's decision to accept the credentials of the delegation of Democratic Kampuchea testified to the failure of those manoeuvres. That decision would strengthen the pertinent provisions of the Charter, particularly the principle of peaceful settlement of disputes.
14. For six years, Viet Nam and the Soviet Union had rejected the General Assembly's appeal for an end to the war of aggression in Kampuchea through the total and unconditional withdrawal of Vietnamese forces from that country, in order to enable the people of Kampuchea to exercise their right to self-determination by means of general and free elections held under the supervision of the United Nations. In the General Assembly, the Minister for Foreign Affairs of Viet Nam had denied that the Organization had any competence in the matter of the peaceful resolution of the situation in Kampuchea. That was an unacceptable insult to the international community and to the United Nations.
15. Viet Nam and the Soviet Union had refused to participate in the 1981 International Conference on Kampuchea, which had appealed for a peaceful settlement

(Mr. Chan, Democratic Kampuchea)

in Kampuchea, the withdrawal of all foreign forces from the country, the restoration and preservation of its independence, sovereignty and territorial integrity, and the restoration of peace and stability in South-East Asia. Viet Nam had arrogantly rejected that appeal for reason, justice and peace.

16. Although the situation in Kampuchea was the result of Viet Nam's war of aggression, Viet Nam persisted in presenting it as an affair between the members of the Association of South-East Asian Nations (ASEAN) and the so-called Indo-Chinese States. The Hanoi authorities hoped in that way to distract international opinion from the obligation of Viet Nam, as a Member of the United Nations, to seek a peaceful settlement to the problem of Kampuchea on the basis of the relevant General Assembly resolutions. Moreover, Viet Nam was trying to force ASEAN to recognize the Vietnamese fait accompli in Kampuchea and the Vietnamese Indo-Chinese Federation comprising Viet Nam and its servants in Vientiane and Phnom Penh. It was for that reason that ASEAN had categorically rejected that new Vietnamese manoeuvre.

17. In the General Assembly, the representative of Viet Nam had cynically stated that, in 5 or 10 years, the bulk of Vietnamese "voluntary" forces would have left Kampuchea and then the problem of that country would have solved itself. The fact was that the more than 200,000 Vietnamese troops in Kampuchea were an expeditionary force, not volunteers. At no time in its history had the people of Kampuchea addressed an appeal to the so-called voluntary forces of Viet Nam. On the contrary, the Vietnamese forces had come to Kampuchea as forces of aggression and occupation, as an instrument of Vietnamese policy of expansion and annexation in the region. No one would be taken in by the lure of the so-called withdrawal of Vietnamese forces over a period of 5 to 10 years. In any case, under the pressure of the international community and the armed struggle of the people of Democratic Kampuchea, Viet Nam would sooner or later be obliged to comply with the General Assembly resolutions calling for the withdrawal of armed forces from Kampuchea.

18. He had given that account of the situation in his country in order to emphasize that in the matter of the peaceful settlement of international disputes, the policy of the aggressor State played a decisive role. So long as that State or its allies succeeded in flouting international law and the most sacred principles to which they had subscribed, it was to be feared that the principles of peaceful settlement of disputes and non-use of force would be of no effect.

19. His delegation hoped that the proposed handbook on the peaceful settlement of disputes between States (A/39/33, para. 133) would be of a practical nature and would avoid, as far as possible, theoretical or academic considerations. The handbook should emphasize the merits of referring disputes to the International Court of Justice. The purpose of the handbook was to make Member States aware of the possibilities available to them under the pertinent provisions of the Charter. It was, of course, for the States concerned to decide which means of settlement was best suited to their situation.

(Mr. Chan, Democratic Kampuchea)

20. On the question of the maintenance of international peace and security, he said that the working paper submitted by Belgium, the Federal Republic of Germany, Italy, Japan, Spain and New Zealand (A/39/33, para. 20) constituted a valid basis for discussion. Its great merit was that it did not affect the balance of the powers, functions and responsibilities of the principal organs of the United Nations. It appeared from the debates in the Special Committee that there might be a possibility of a consensus on that proposal. In any case, his delegation shared the opinion of many delegations that in the matter of the prevention of disputes, the role of Member States was of capital importance. It also shared the opinion that the question of the prevention of disputes could not be limited to the functions of the organs of the United Nations, but should also include the obligations of Member States. The obligations concerning the non-use of force and the peaceful settlement of disputes were among the most important.

21. His delegation supported the proposal that the Special Committee should deal with the question of a universal code of conduct for States, on the understanding that such a code would serve to remind Member States of how to behave in conformity with international standards and the principles of the Charter.

22. Mr. LACLETA (Spain) said that some Articles of the Charter such as Articles 77 and 107, which made reference to "enemy States", had become anachronistic.

23. The Special Committee had underlined the importance of removing threats to peace, and had established a link between strengthening the role of the United Nations and enhancing its capacity to contribute to the peaceful settlement of disputes. More effective use must be made of the United Nations and its peace-keeping mechanisms, through the detection and prevention of situations which might give rise to disputes.

24. Spain was one of the sponsors of the proposals reproduced in paragraph 20 of the Special Committee's report (A/39/33). Without seeking to revise the provisions of the Charter, those proposals sought to promote their more effective use by the Security Council, the General Assembly and the Secretary-General himself. In his view, however, the Charter did not establish a concrete mechanism for the settlement of disputes. Even the Security Council could only "recommend appropriate procedures or methods of adjustment" (Art. 36, para. 1). His delegation therefore supported the proposal for the preparation of a handbook on the peaceful settlement of disputes. While it agreed in principle with the outline contained in paragraph 133 of the report, it was dissatisfied with the failure to make explicit reference to the International Court of Justice in section III. Parties to disputes of a juridical nature were required, under Article 36 of the Charter, to submit such disputes to the Court, which should therefore be mentioned in the outline.

25. His delegation supported continued examination by the Special Committee of the proposal for the establishment of a permanent commission on good offices, mediation and conciliation. It should not be forgotten, however, that political will on the part of States was essential to the effectiveness of the Charter.

(Mr. Lacleta, Spain)

26. Spain endorsed the conclusions of the Special Committee, contained in paragraph 151 of its report.

27. Mr. CULLEN (Argentina) welcomed the decision to prepare a handbook on the peaceful settlement of disputes between States, which could be of practical use to States in choosing peaceful means of settling disputes. He also welcomed the revised version of the proposal for the establishment of a permanent commission (A/C.6/39/L.2), which accommodated many of the concerns expressed in the Special Committee.

28. Argentina attached particular importance to the settlement of disputes by peaceful means. Its recent agreement with Chile regarding the Beagle Channel was a clear example that problems could be resolved when there was a genuine political will to do so. Argentina was grateful to the Pope for his role as mediator.

29. The Special Committee's recommendations for the rationalization of existing procedures of the United Nations were practical and should gain approval without difficulty. There would be little point therefore in continuing the consideration of that item, especially since the General Assembly, in its resolution 38/141, had called upon the Special Committee to finalize its work on the question.

30. The Special Committee had achieved little progress with regard to the maintenance of international peace and security, an item which should be approached in a more constructive spirit. The proposals reproduced in paragraph 20 of the report (A/39/33) were a step in the right direction. His delegation supported in particular those proposals which sought to ensure that all parties concerned participated on an equal footing whenever the Security Council met to examine a matter. It also firmly supported all initiatives aimed at strengthening the role of the General Assembly and the Secretary-General in the prevention of disputes between States.

31. Mr. SUN Lin (China) said that despite its limitations, the United Nations played a positive role in contemporary international life. Favourable changes had taken place in the United Nations, and use must be made of the good experience accumulated in the prevention of conflicts. There must also be a willingness to experiment with new approaches.

32. The various proposals before the Special Committee concerning the activities of the Security Council in the prevention of conflicts merited serious consideration. Early action by the Council to defuse potential crises was essential. Co-operation among the permanent members of the Council was very important in that connection. They should strictly abide by the Charter and take the lead in enhancing the function of the Security Council.

33. Both the General Assembly and the Security Council bore an important responsibility for maintaining international peace and security. Instruments adopted by the Assembly were influential in preventing international conflicts. His delegation was in favour of studying proposals to enhance the role of the

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(Mr. Sun Lin, China)

Assembly, as well as proposals to give the Secretary-General a greater role in that area. A comprehensive summary of the experiences and lessons of previous Secretaries-General would be useful. On the basis of such experiences, the Secretary-General could play an active role in preventing international conflicts.

34. Mr. CEDE (Austria) said that the General Assembly had taken a sound and realistic approach in formulating the mandate of the Special Committee so that emphasis was placed on the need to examine the prevention and removal of threats to the peace and of situations which might lead to international friction or give rise to a dispute. The serious way in which the Special Committee had considered that question at its 1984 session showed that its members wished to overcome the stagnation from which it had suffered in the past.

35. Austria welcomed the proposals reproduced in paragraph 20 of the Special Committee's report (A/39/33), since it believed that the competent United Nations organs should be involved at an early stage in situations which might lead to international friction or give rise to a dispute. The fact that those proposals did not infringe in any way upon the powers of the principal organs of the United Nations was evidence of the sponsors' awareness of the limits within which their efforts at reform must be kept. The Secretary-General must be given a more prominent role in the fact-finding process so that he could exercise fully his rights under Article 99 of the Charter, but that did not imply a disruption of the balance between the United Nations organs. He particularly welcomed the proposal that the Security Council might wish to consider using peace-keeping operations and observer missions as a means of preventing further deterioration of a situation of conflict. The proposals as a whole would contribute to the examination of the broad range of problems relating to the maintenance of international peace and security, and should serve as a basis for the Special Committee's future work.

36. The working paper on the establishment of a commission for good offices, mediation and conciliation (A/C.6/39/L.2) represented an improvement over the original proposal (A/38/343) since it provided for somewhat more flexible procedures and clearly set out the subsidiary and auxiliary character of the planned machinery. His delegation would give serious consideration to any effort designed to improve existing procedures for the peaceful settlement of disputes, but was still not convinced that the interests of the international community would be best served by the creation of a new organ like the proposed commission. It would, however, approach the subject with an open mind.

37. Austria fully supported the preparation of a handbook on the peaceful settlement of disputes between States and approved of the outline in paragraph 133 of the report of the Special Committee. The Secretary-General now had the challenging task of drafting a handbook, which could be of use to States seeking to resort in a specific dispute to a specific mechanism of peaceful settlement.

38. The results achieved in the rationalization of existing procedures were somewhat meagre. He supported the views expressed on the need to enhance the concept of consensus in decision-making and felt that they deserved further

(Mr. Cede, Austria)

consideration. It was through the concept of consensus that the decisions taken by the General Assembly would obtain the widest possible acceptance.

39. The 1984 session of the Special Committee had been very successful. It had embarked on a new course and had displayed a spirit of realism. He hoped that the momentum gained would be maintained.

40. Mr. LAMAMRA (Algeria) said that the Special Committee had achieved little on the important question of international peace and security. Its conclusions on the question of the rationalization of existing procedures, although limited in number and scope, could assist the General Assembly and its Main Committees in certain aspects of their work. That question could usefully be dealt with by other organs, and that would enable the Special Committee to devote more attention to the two remaining questions. He did not agree that some proposals should be left for subsequent and more detailed consideration by the Special Committee. He doubted that the passage of time would increase the chances of an agreement being reached, and believed that proposals concerning consensus were outside the scope of the question of the rationalization of procedures. The question of consensus could be re-examined in more depth in an appropriate forum. The results of such a review should be of use to the work of the Organization provided it was understood that the adoption of a text by consensus created juridical consequences by confirming a meeting of minds. Consensus was not an end in itself. Its value lay in its reflection of common ground, however small, between delegations.

41. The conclusions concerning the elaboration of a handbook on the peaceful settlement of disputes represented no more than a modest achievement which should, nevertheless, be welcomed provided that it did not distract the Special Committee from its other more important tasks.

42. His delegation, though conscious of the limitations of the proposals on the maintenance of international peace and security (A/39/33, para. 20), was appreciative of their potential influence on the prevention of disputes, a little explored aspect of international security. He hoped that the proposals, in their revised form, would provide the necessary impetus to the Special Committee's work since the question of prevention could not remain much longer on its agenda without a waning of enthusiasm on the part of those who supported it.

43. Mr. ABDALLAH (Tunisia) said that the results achieved in the Special Committee since its establishment had fallen far short of expectations. Its only major contribution was the Manila Declaration, the practical effect of which was open to question, given the apparent lack of real political will to implement it.

44. The United Nations had often proved powerless in preventing armed conflicts. The Security Council had on many occasions been unable to adopt any peace-keeping measure because of differences among its members. The prestige of the United Nations had suffered as a result.

(Mr. Abdallah, Tunisia)

45. His delegation was totally committed to the principles and purposes of the Charter. Such a commitment should be accompanied by real political will on the part of all Member States to make the Organization more effective in achieving its objectives and, in particular, in maintaining international peace and security. There was a need to strengthen both the role of the principal organs in preventing conflicts and maintaining international peace and security, and the mechanisms available to those organs. While he agreed that the balance between the principal organs should be maintained, it was a fact that that machinery was often either blocked or unsuited to the search for appropriate solutions to current international problems. The ability of the United Nations to deal with the new needs and constraints of the international community had to be examined. The arrival of new countries on the international scene, the complexity of new problems and the interdependence of countries convinced his delegation that it was only by democratizing international life that the world-wide peace momentum could be sustained.

46. While the Special Committee had succeeded in reaching consensus on its method of work and had achieved preliminary agreement on certain aspects of its mandate, few tangible results had been achieved. Indeed, the differences on the question of the maintenance of international peace and security and on the proposal to establish a commission for good offices, mediation and conciliation did not give rise to optimism.

47. The conclusions of the Special Committee on the rationalization of existing procedures contained no major innovations. While supporting the proposals on the simplification of procedures, particularly with regard to the organization of the work of the Main Committees, his delegation continued to believe that such measures would have only limited effect as long as no substantial reforms were carried out to strengthen the mechanisms available to the principal organs of the United Nations.

48. The Special Committee had only partially fulfilled its mandate under paragraph 3 (a) of resolution 38/141. It had, of course, made some progress through its discussion of the proposals contained in document A/AC.182/L.38, which could serve as a basis for future work. However, important as it was, prevention of threats to the peace was only one aspect of the maintenance of peace. Serious consideration must be given to ways of strengthening the role of the United Nations once a conflict had reached an advanced stage. It might be useful to examine the cases in which the United Nations had not been able to resolve disputes and to draw conclusions which should guide future work on the subject. The effectiveness of the Security Council machinery should be strengthened to avoid paralysis, especially when action under Chapter VII of the Charter was called for. The Security Council must be able to take, in good time, the measures necessary for the maintenance of peace. The credibility of the United Nations depended on how various international problems were settled within, rather than outside, its organs. The role of the Secretary-General should also be strengthened. The conditions conducive to the fulfilment of his functions under the Charter should be established.

(Mr. Abdallah, Tunisia)

49. While the Charter set forth the basic elements of the peaceful settlement of disputes, Article 33 limited the use of such methods to conflicts that had already broken out and were likely to get worse. At that stage it was often too late to help the search for peaceful solutions and too difficult to agree on ways of halting the confrontation and resolving the substance of the dispute. It was clear that the development of preventive measures could make international relations more stable. The proposal on the establishment of a commission for good offices, mediation and conciliation (A/C.6/39/L.2) was therefore a major contribution towards making the machinery for the peaceful settlement of disputes more effective. The flexibility of the proposed arrangement and the basic safeguards it contained meant that the establishment of a commission would not impinge upon the powers of the principal organs of the United Nations. Nevertheless, the ways in which the commission would function must be examined more closely so that it would avoid the problems with which the existing organs, particularly the Security Council, were faced. Further thought had to be given to, for example, the method of referral and the criteria for appointing members.

50. He noted with satisfaction the progress made in the work on the preparation of a handbook on the peaceful settlement of disputes. He hoped that the Special Committee would be able to approve the handbook without delay when it had the draft before it.

51. The United Nations remained the body best equipped to find appropriate solutions to the complex problems of the time. Therefore, all its Members should endeavour to devise ways of making all possible improvements to its organs and mechanisms. The Special Committee was expected to make a particular contribution in that respect. Its mandate should be made more precise, particularly with regard to the priority to be given to the question of the maintenance of international peace and security.

52. Mr. ROSENSTOCK (United States of America) said that the positive and serious tone of the 1984 session of the Special Committee was largely the result of the consensus basis of the resolution establishing its mandate.

53. The discussion of working paper A/AC.182/L.38 had been the most positive exchange on the question of the maintenance of international peace and security that had ever taken place in the Special Committee. His delegation believed that the enhancement of information-gathering capabilities should not be discussed, since there was no demonstrable need to which it responded. That question should be removed from any future paper on the subject. For the rest, the working paper focused on a number of important matters and merited further consideration by the Special Committee.

54. Ways and means must be sought to facilitate the early involvement of the Security Council in potential problems. There was clearly a need for quiet diplomacy with the parties to a potential dispute. It must, of course, be recognized that the primary forum for any specific consideration of the functioning of the Security Council must be the Council itself. Therefore, existing efforts

(Mr. Rosenstock, United States)

within the Council must be borne in mind. Greater use should be made of the good offices and fact-finding capacity of the Secretary-General, who should be encouraged to make full use of the powers provided for and implied in the Charter.

55. In addition to bolstering the financial basis of peace-keeping, States must seek practical measures to make it more efficient and effective. The proposals made on the subject by Canada, the Nordic States, the United Kingdom and the United States could be examined as a means of enhancing the capacity and thus the role of the United Nations in the maintenance of peace and security. He did not, however, believe that work on a so-called code of conduct would be responsive to needs or, indeed, productive. Similarly, he doubted whether slogans about democratization helped progress; while he understood the reasons for a State representing 1 billion people and a State representing less than 100,000 people to have one vote each in the General Assembly, it seemed perverse to call that democracy and unrealistic not to recognize the need for a balance in the United Nations organs as a whole. As the maintenance of international peace and the peaceful settlement of disputes were inseparable, he was pleased that the Special Committee had continued to focus on both.

56. His delegation had yet to be convinced that the establishment of a new commission would be useful, would be compatible with the Charter framework, and would not detract from existing organs. It remained, however, open-minded on the subject. Negotiation must be the primary method of resolving differences between States. The very availability of third-party mechanisms could lead to negotiations being broken off because one party resorted prematurely to an outside mechanism. It was, however, true that the very existence of a third-party mechanism could often focus negotiations and spur both sides to find an acceptable middle ground. He had no desire to discourage States from seeking to enrich the dispute-settlement options so long as that could be accomplished without decreasing the role of existing options. While it did not respond to all his delegation's concerns, the most recent proposal on the establishment of a commission (A/C.6/39/L.2) was a significant improvement over earlier drafts. His delegation would accept broad support for such an approach as some evidence of a desire on the part of States at least to consider such a proposal, and as an indication of its possible utility. In such circumstances, the United States would be prepared to see the Special Committee examine the question in detail and would approach such an examination with an open mind.

57. He welcomed the Special Committee's conclusion that the Secretary-General should be requested to prepare a handbook on the peaceful settlement of disputes between States. The handbook should be practical and deal specifically with the means of settlement. There was no need to rehash broad principles that were already dealt with in existing instruments. The handbook should be wide-ranging and should not attempt to assign priority to any method or forum, save as provided for by the Charter. He supported the comments made by the representative of Spain on the reference to the International Court of Justice in section III of the outline of the handbook.

(Mr. Rosenstock, United States)

58. The Special Committee had been right to focus on the rationalization of existing procedures. There was a need to ensure that there were no unnecessary barriers to States willing to fulfil their obligations under the Charter in good faith and to make use of the system as originally designed. The United Nations should be made a model of efficiency. There was a need to examine its working methods and to rid it of certain bad habits. The Special Committee had made a modest beginning in presenting a series of agreed conclusions, which the General Assembly should specifically endorse in a resolution at the current session.

59. The Special Committee should be asked to continue its consideration of the rationalization of procedures, including the role of consensus in decision-making. He assured the representative of Algeria that he was in no way suggesting any change in Article 18, paragraph 1, of the Charter. The effect of consensus on the nature of action taken by the General Assembly was a complex issue which merited further examination. The presence of consensus could give legal effect to a resolution - it could, for example, constitute an agreed interpretation of the Charter - while a negative vote could have the opposite effect and simply prove lack of agreement on an issue.

60. In continuing its work on rationalization, the Special Committee should not ignore other topics. By the same token, if it focused exclusively on other, superficially more appealing, topics, it risked expending a disproportionate amount of time on areas not likely to be productive. His delegation was, moreover, committed to approaching the question of reform in a positive and open-minded spirit.

61. The Special Committee should be urged to continue its work on the three topics before it at its 1985 session. He was sure that it would be possible once again to draft a resolution that could be adopted by consensus, and his delegation would work towards that end.

The meeting rose at 12.55 p.m.