



SUMMARY RECORD OF THE 29th MEETING

Chairman: Mr. GOERNER (German Democratic Republic)

CONTENTS

AGENDA ITEM 124: PEACEFUL SETTLEMENT OF DISPUTES BETWEEN STATES (continued)

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)

*This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

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

Distr. GENERAL
A/C.6/39/SR.29
1 November 1984

ORIGINAL: ENGLISH

The meeting was called to order at 10.40 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/39/596-S/16789; 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. MUNSHI (Pakistan) said that the strengthening of the role of the Organization, the essential element of the mandate of the Special Committee, could be achieved either by improving upon the existing text of, and the procedures set forth in, the Charter, or through a recommitment to the obligations under the Charter. Those who opposed any change in the Charter and those who advocated major changes were disappointed with the existing state of affairs. While that disappointment might be heightened by a disturbance of the balance in the Charter between idealism and reality, certain amendments should be made to, for example, the anachronistic provisions of Articles 77 and 107 in order to reflect changes in the world.

2. He regretted that the Special Committee had achieved no concrete results on the central question of the maintenance of international peace and security. One of the main reasons for the failure of the United Nations to discharge its responsibilities effectively in that field was the Security Council's inability to take decisive action, a result of the absence of an effective working relationship among its permanent members rather than of any serious deficiencies in the Charter itself. Permanent membership and the right of veto were an exception to the principle of sovereign equality. The only basis for such a special status was a special responsibility for the maintenance of international peace and security. A solemn recommitment by the permanent members to the purposes and principles of the Charter, particularly the system of collective security, was essential for strengthening the role of the Organization.

3. The proposals contained in document A/AC.182/L.38 deserved intensive consideration. His delegation supported the thrust of that document, which could, with suitable modifications and improvements, form the basis for general agreement in the Special Committee. The Security Council should hold periodic meetings or consultations, at the ministerial level, to identify areas of tension and incipient disputes and discuss means of defusing crises. The Secretary-General should take full advantage of Article 99 of the Charter and report to the Security Council all matters which threatened or might threaten international peace and security. Member States needed to be encouraged to bring situations to the attention of the Council at an early stage before they deteriorated. Since the non-implementation of resolutions led to a lack of confidence in the United Nations, the Council

(Mr. Munshi, Pakistan)

should meet from time to time to review the status of implementation of resolutions. It should establish ad hoc subsidiary organs, under Article 29 of the Charter, for the purposes of inquiry, good offices, conciliation and mediation. If such measures failed to remedy a particular situation, the Security Council should itself embark on the settlement procedures laid down in the Charter.

4. The new working paper on the establishment of a commission for good offices, mediation and conciliation (A/C.6/39/L.2) represented an attempt to remove the apprehensions to which the earlier version of the proposal had given rise. It did, however, require detailed study before any constructive comments or suggestions could be made. Such observations could be presented in the Working Group of the Special Committee.

5. Pakistan had always felt that its disputes with other States should be settled peacefully. Its overriding concern was to strengthen peace and security while preserving respect for independence, sovereignty and territorial integrity. It welcomed the Special Committee's work on the handbook on the peaceful settlement of disputes. He understood that its basic objective was to provide information about existing methods of settlement and that it did not encroach upon the right of States to choose the method. The handbook should therefore be descriptive and not suggestive.

6. He hoped that the Special Committee would study, at its 1985 session, the various proposals on the rationalization of existing procedures which had been discussed but on which no agreement had yet been reached.

7. In conclusion, he called upon all Members of the United Nations to dedicate themselves to the ideals of the Charter in the same spirit that had led to the founding of the United Nations. Without such a commitment, no study on the strengthening of the role of the Organization could be successful.

8. Mr. MAKAREWICZ (Poland) said that, because the members of the Special Committee had taken a more realistic and constructive approach than in the past, the results of the 1984 session were generally promising. The Special Committee could make progress only if its mandate reflected the real requirements of the United Nations and if the futility of adopting approaches contrary to the Charter was clearly recognized.

9. In accordance with paragraph 3 (a) of resolution 38/141, the basic aim of the Special Committee's work on the maintenance of international peace and security should be to strengthen the role of the United Nations, in particular the Security Council, and to enable it to discharge fully its responsibilities under the Charter in that field. His delegation opposed any attempts to undermine or circumvent the primary responsibility of the Security Council under Article 24 of the Charter or to upset the division of competence between the principal organs of the United Nations. It should be borne in mind that the Special Committee was to consider all aspects of the question, not just the role of the principal organs in preventing conflicts. Some of the ideas contained in document A/AC.182/L.38 had also been

(Mr. Makarewicz, Poland)

considered by the Secretary-General in his 1982 report on the work of the Organization. The proposals made by the Secretary-General had been in line with Poland's concerns.

10. The mechanisms to ensure the fulfilment by States of their obligation to settle disputes by peaceful means had been adequately elaborated in the Charter. Those mechanisms were based on a delicate balance of competence between the principal organs. Therefore, while appreciating the motives behind the proposal to establish a permanent commission on good offices, mediation and conciliation, his delegation would not be able to subscribe to it. Poland still doubted the relevance, effectiveness and practical effect of the proposal. What was needed was a fuller exploitation of existing mechanisms; the reasons for their insufficient use might be usefully studied. It was also very important to continue efforts to strengthen the principle of peaceful settlement through the progressive development and codification of international law and by enhancing the effectiveness of the United Nations in that area.

11. The proposed handbook on the peaceful settlement of disputes might help in the proper application of international law, but only if it was practically oriented. It should encourage States to extend the practice of including in treaties specific arrangements for the peaceful settlement of disputes and to make fuller and more effective use of existing mechanisms. His delegation was generally satisfied with the outline of the proposed handbook, but felt that it should also indicate the possible legal grounds for the settlement of disputes, such as the norms of international law, general principles of law, and the principle of equity. He agreed with the Special Committee's conclusion that the General Assembly should request the Secretary-General to prepare a draft handbook on the basis of the outline and in the light of the views expressed (A/39/33, para. 133 (a) (i)).

12. The recommendations on the rationalization of existing procedures suggested no significant improvements in the current methods of work of the United Nations organs. The United Nations should have permanently built-in mechanisms for adjusting or improving its methods of work. The Sixth Committee should concentrate on rationalizing its own procedures. In that connection, he noted with appreciation the ideas put forward by the Asian-African Legal Consultative Committee.

13. In view of the process instituted by the Chairman of the Sixth Committee to help ensure its effective functioning and the assurances given by him that consultations would take place, there were reasons to believe that real progress could be achieved.

14. He agreed with the observation made by the Secretary-General in his annual report that the three main elements of a stable international order - an accepted system of maintaining international peace and security; disarmament and arms limitation; and the progressive development of a just and effective system of international economic relations - had yet to take hold as they should (A/39/1, p. 2). A conscious recommitment by Governments to the Charter was an essential step towards achieving that order. The impetus for doing so must come from the highest political levels.

/...

15. Mr. GÖRÖG (Hungary) said that the Charter had played a positive role in shaping international political, economic and social conditions and in the progressive development of international law. Despite the changes in the world, the Charter had passed the test of time and had proved to be an appropriate and flexible framework for the many different activities carried out by the United Nations. It had shown its ability to meet the requirements of the modern era without having to be revised. That did not, however, mean that the effectiveness of the Organization itself could not or should not be enhanced.

16. The Special Committee could succeed only if it kept in mind the following: its proposals should be aimed at the full implementation of the Charter provisions and the strengthening of the role of the Organization without attempting to reformulate or circumvent specific provisions of the Charter; the existing balance of powers and functions between the principal organs of the United Nations as defined by the Charter, should be maintained; the criterion for considering the proposals submitted to it should be the extent to which they promoted the attainment of the purposes and principles of the Charter; the United Nations should perform its tasks with equal regard for the fundamental interests of all Member States.

17. In the light of the tense international situation, it was particularly important to enhance the role of the United Nations in the maintenance of international peace and security, and to make as effective use as possible of its capabilities and mechanisms. In that connection, Hungary fully endorsed the substance of paragraph 18 of the Special Committee's report (A/39/33).

18. His delegation had noted that in reformulating the Special Committee's mandate, the General Assembly had attached particular importance to the need to strengthen the role of the United Nations, in particular the Security Council, to enable it to discharge fully its responsibilities under the Charter in the maintenance of international peace and security.

19. On the question of the peaceful settlement of disputes, his delegation recognized the importance of the Manila Declaration. Hungary believed that the establishment of a permanent commission on good offices, mediation and conciliation would be in violation of the Charter. On the other hand, his delegation welcomed the Special Committee's conclusion that the Secretary-General should be requested to prepare a draft handbook on the peaceful settlement of disputes between States. The handbook should set out concrete modalities, means and possibilities for the settlement of disputes. His delegation agreed that, in order to obtain assistance in the performance of his task, the Secretary-General should consult periodically a representative group of competent individuals from permanent missions to the United Nations.

20. It was clear from its report that the Special Committee had devoted considerable time to the question of rationalization of existing procedures of the United Nations. His delegation had no doubt that the conclusions set forth in paragraph 151 of the report would be endorsed by all States anxious to improve the work of the Organization.

(Mr. Görög, Hungary)

21. The Special Committee should continue working along the same lines as in the past and should accord priority to proposals on which general agreement was possible.

22. Mr. McKENZIE (Trinidad and Tobago), referring to the question of the peaceful settlement of disputes, said that his delegation regarded the proposal for the establishment of a commission on good offices, mediation and conciliation (A/C.6/39/L.2) as useful and worthy of further consideration. Trinidad and Tobago noted with favour that the prior consent of the parties to a dispute would be required before the dispute could be considered by the proposed commission. It also noted that the commission would not be a permanent institution with its own headquarters and secretariat, but a mechanism which would be available at all times to United Nations bodies, following recommendations of the Security Council or the General Assembly.

23. His delegation supported the Special Committee's conclusion that the Secretary-General should be requested to prepare a draft handbook on the peaceful settlement of disputes. It also favoured the establishment of a small group of representatives of Member States to provide guidance to the Secretariat in carrying out that task. It was his delegation's understanding that the Secretariat would submit to the Sixth Committee, through the Special Committee not merely progress reports, but also sections of the handbook as and when they were ready, so as to enable the Sixth Committee to consider and, if necessary, revise them.

24. Turning to the question of the maintenance of international peace and security, he said that the mandate of the Special Committee, as set forth in paragraph 3 (a) of General Assembly resolution 38/141, was sufficiently precise as not to provide scope for varying interpretations. Nevertheless, there was still a need to define clearly the framework of deliberations in the Special Committee. In particular, it was crucial to the fulfilment of that Committee's mandate that various questions should be examined simultaneously in terms of their relationship to the notion of the maintenance of international peace and security. Moreover, the nature of the final document to be worked out should be specified in the Special Committee's new mandate.

25. While the previous mandate called for the examination, among other things, of the prevention and removal of threats to international peace and of situations which might lead to international friction or disputes, work should not be confined to that one aspect of the maintenance of international peace and security. On the contrary, the Special Committee should take a comprehensive approach to the question and not limit itself to conflict prevention by the United Nations. The principles of non-use of force, non-interference in internal affairs and sovereign equality were vital aspects of any discussion on the maintenance of international peace and security. It was only by an all-inclusive examination of the topic that the principal goal of the United Nations, the maintenance of peace and security, could be reached. In such an all-inclusive examination special attention should be given to the potentiality of nuclear catastrophe.

(Mr. McKenzie, Trinidad and Tobago)

26. In that connection, his delegation considered that the Special Committee should examine further the proposal, mentioned in paragraph 18 of its report (A/39/33), that there should be an agreement between nuclear-weapon States which should include, inter alia, a commitment to regard the prevention of nuclear war as the main objective of the foreign policy of such States, a commitment not to use nuclear weapons against non-nuclear-weapon States and a commitment to prevent the proliferation of nuclear weapons and secure nuclear disarmament.

27. Inherent in that proposal was the notion that there were two distinct régimes to which the issue of the maintenance of international peace and security related, a régime applicable to nuclear-weapon States and a régime applicable to non-nuclear-weapon States, for considerations applying to the former with regard to the maintenance of international peace and security might not necessarily apply to the latter.

28. The proposals in the working paper reproduced in paragraph 20 of the Special Committee's report might be considered a case in point. In the opinion of his delegation, that working paper, though valuable, applied primarily to non-nuclear-weapon States; it made no provision for the nuclear-weapon States and proposed mechanisms which could not conceivably be applied to them. That situation should be corrected. The role of nuclear-weapon States in the maintenance of international peace and security should be the main subject of such a working paper. Moreover, an entirely new and separate part on the role of States and the need for their co-operation in the initial stage of conflict prevention should be drafted and added to the paper.

29. His delegation supported the Special Committee's conclusions on the rationalization of existing procedures of the United Nations.

30. Mr. CAUGHLEY (New Zealand) said that the two items under discussion were among the most important on the Sixth Committee's agenda. Success in making the purposes and principles of the Charter the basis of the day-to-day relations of Governments and peoples was fundamental to securing a tolerable future for all humanity. Inasmuch as almost 40 years had passed since the founding of the United Nations and less than one third of the current membership had had a hand in drawing up the Charter, it was natural that its provisions should be kept continuously under review and that ways of strengthening the Organization should be sought. In any consideration of possible means of strengthening the principles of the Charter, it was essential to ensure that the effect would be to enhance rather than depreciate those principles. That was not to say that the Charter should not be amended at all. Indeed, specific provision was made in the Charter for its amendment.

31. Although the Special Committee had not lived up to expectations, there were reasons for hoping that it would achieve success in its future work: in the first place, General Assembly resolution 38/141 had been adopted by consensus; secondly, there was a comprehensive and valuable report on the Special Committee's 1984 session; thirdly, there was a working paper (A/AC.182/L.38) containing a number of proposals for enhancing the effectiveness of United Nations organs in preventing

(Mr. Caughley, New Zealand)

and removing threats to international peace. The proposals sought to improve the investigative functions of information-gathering and outlined various informal and formal roles which the Secretary-General, the Security Council and the General Assembly could play, in accordance with the Charter, in taking preventive action. They were not complicated or radical proposals and his delegation hoped that they would advance the Special Committee's work on the maintenance of international peace and security.

32. Those three positive developments suggested that the Special Committee had entered a particularly constructive phase. It was important, if the constructive spirit was to be preserved and built upon, that members of the Sixth Committee should take no steps which might undermine the work of the Special Committee.

33. Success had already been achieved on the question of peaceful settlement of disputes with the adoption of the Manila Declaration. The outline of the proposed handbook on the peaceful settlement of disputes should be developed in a manner which would ensure the elaboration of a self-contained and practical guide to methods for the peaceful settlement of disputes, providing references to the range of methods available to States and to occasions on which they had been used. The Special Committee too should give prominence to the wide range of existing mechanisms for the settlement of disputes. In that connection, he stressed the importance his delegation attached to the role of the International Court of Justice in the settlement of disputes. New Zealand commended to the attention of States, particularly those which had not yet signed the United Nations Convention on the Law of the Sea, the comprehensive and inventive provisions in that Convention dealing with the settlement of maritime disputes.

34. His delegation looked forward to the exchange of views on the revised working paper on the establishment of a permanent commission on good offices, mediation and conciliation (A/C.6/39/L.2), which made a helpful contribution to the deliberations.

35. Mr. STEPANOV (Ukrainian Soviet Socialist Republic) said that the primary aim of the United Nations was the prevention of war. That task was particularly urgent at a time when the international climate had deteriorated and the threat of nuclear war had grown as a result of the actions of those who were bent on stepping up the arms race, achieving military supremacy, inciting hostility, kindling tension and creating conflict. All peace-loving forces must unite to improve the international climate.

36. Given the responsibility of the United Nations in that area, all States must adopt a responsible approach to the problems being considered within the United Nations, including those involving the functioning and the effectiveness of the Organization. The role and authority of the United Nations could be strengthened only through strict observance of the Charter, not through the amendment of its basic provisions. Experience had shown that when Member States acted together and in accordance with the Charter, using all the possibilities set forth therein, positive results could be achieved. Conversely, whenever the requirements of the

(Mr. Stepanov, Ukrainian SSR)

Charter had not been fulfilled, the smooth operation of the United Nations had been made more difficult and, its work had been doomed to failure. The effective functioning of the United Nations, particularly in the maintenance of peace and security, depended on the political will of its Members to uphold its purposes and principles. That factor must be taken into account in any serious search for ways to enhance the effectiveness of the United Nations.

37. He was gratified that the question of the maintenance of international peace and security had been given a prominent place in the work of the Special Committee. The strengthening of world peace was inseparably linked to the efforts of States to improve the international climate, remove the danger of nuclear war, limit the arms race and move towards disarmament, and eliminate international tension. Therefore, the Special Committee should consider all aspects of the question with a view to preparing a declaratory instrument which would set forth the obligations of States and underline the role of the United Nations, particularly the Security Council, in that area.

38. Some countries, however, continued to submit proposals aimed directly or indirectly at revising the Charter. Document A/AC.182/L.38, for example, would give the Secretary-General the power to gather and convey information on potential conflict situations, to conduct fact-finding missions and to intervene in the process of the peaceful settlement of disputes between States. According to the Charter, those matters were the sole prerogative of the Security Council. In addition, such activities by the Secretary-General could result in the violation of the principle of free choice by States of the means of peaceful settlement. The proposal that the General Assembly should be given the right to bypass the Security Council and act independently to prevent international conflicts also ran counter to the Charter, which did not confer that right on the Assembly.

39. The Charter contained a sufficiently balanced, logical and consistent system for the peaceful settlement of international disputes. Therefore, his delegation firmly opposed any attempt to extend the competence of the Secretary-General and the General Assembly to the detriment of the powers of the Security Council. For the system to work effectively, what was required was not a revision of the Charter or additional machinery, but the political will to seek the peaceful settlement of disputes in accordance with the Charter.

40. His delegation could not support the idea of establishing an ad hoc body to consider specific disputes. Such an arrangement would upset the clear balance of competence between the General Assembly and the Security Council, and would ultimately damage the effectiveness of the entire Organization.

41. He did not oppose the idea of a handbook on the peaceful settlement of disputes. The work must, of course, be based on the Charter provisions governing the role of the Security Council. The handbook should give prominence to negotiations as the most flexible and effective method for the peaceful settlement of disputes. It should not exaggerate the significance of compulsory means of settlement using the International Court of Justice, arbitration or judicial settlement, since that would violate the sovereign right of States to choose the settlement procedure to be employed in a specific case.

/...

(Mr. Stepanov, Ukrainian SSR)

42. He welcomed the positive results achieved in the work on rationalizing existing procedures. The Sixth Committee should approve the conclusions of the Special Committee, which should continue its work on the subject. The possibility of achieving agreement on the use by the General Assembly of the consensus method in the decision-making process deserved attention.

43. In conclusion, he expressed the hope that, in the future, the Special Committee would concentrate on the search for ways to enhance the effectiveness of the United Nations and increase its role in strengthening international peace and security and in tackling other world problems.

44. Mr. BA (Mali) said that his delegation attached particular importance to the peaceful settlement of disputes between States. Unfortunately, in the almost 40 years since the adoption of the Charter, nearly all international conflicts had been settled by force. Given the present state of acute tension and the threat of a nuclear holocaust, it was essential to enhance the effectiveness of the United Nations in the peaceful settlement of disputes.

45. His delegation welcomed the proposal for the establishment of a permanent commission on good offices, mediation and conciliation (A/C.6/39/L.2). Such a commission would be a valuable auxiliary to the two principal organs of the United Nations. The proposed commission would be constituted only with the prior agreement of the States which were the parties to the dispute or were directly concerned by the international situation under consideration. The constitution of the commission would in no way affect the exercise by the Security Council or the General Assembly of the powers conferred upon them by the Charter, or the right of the parties to the dispute to resort to bilateral, regional or multilateral means of peaceful settlement. The solutions proposed by the commission would not be binding.

46. The principle of peaceful settlement of disputes, a fundamental principle of the Charter, had been developed in such instruments as the Manila Declaration and the charter of the Organization of African Unity (OAU). It was a principle on which Mali's foreign policy was based, together with the principles of respect for the sovereignty and territorial integrity of States, non-use of force, non-interference in the internal affairs of States, and good-neighbourliness. Since independence, Mali had concluded co-operation agreements with its immediate neighbours, had set up joint committees to prevent or settle any problems resulting from geographical proximity and had been making its contribution to the economic, social and cultural development of West Africa. Aware of the advantages of good-neighbourliness and firmly committed to the principle of peaceful settlement, Mali was a member of several OAU ad hoc committees for the peaceful settlement of disputes.

47. It could be seen, therefore, that Mali's great desire was to live in peace. That same desire should guide the effort to enhance the effectiveness of the United Nations. It was for that reason that his delegation considered that the mandate of the Special Committee should be renewed.

48. Mr. KAHALEH (Syrian Arab Republic) said that the items under discussion showed the importance of enhancing the principle of good-neighbourliness. The common denominator between the various items on the Committee's agenda was the political will to adopt a collective security system.

49. The Security Council was unable properly to implement the provisions of the Charter, particularly those of Chapter VII, because certain States had the right of veto. The Charter was a constitutional instrument which was complete, but failure to implement its provisions had resulted in imbalances. It was because of those imbalances that the items under discussion and other items were before the General Assembly. If those imbalances had not existed, there would have been no need to define aggression or to adopt the Manila Declaration on the Peaceful Settlement of International Disputes.

50. The inability of the Organization to implement the provisions of the Charter had been detrimental to its prestige and had been the cause of armed aggression, suicide operations, and the escalation of tension and the arms race. Resolutions that merely condemned an act of aggression or requested permission for United Nations forces to transport food and medicine to the Beirut area had been vetoed. The right of veto was misused precisely by those countries which stressed the importance of the observance of human rights.

51. In the Special Committee on the Charter, any attempt to discuss the form or substance of the Charter had foundered on the consensus rule. The Special Committee had been obliged, therefore, to take up secondary matters, in some of which it had achieved partial success. When consensus had been reached, as in the case of the Manila Declaration, the Special Committee was considered to have achieved great success. Similarly, it was considered to have achieved some success on the question of the elaboration of a handbook on the peaceful settlement of disputes and the question of the rationalization of existing procedures of the United Nations. On the other hand, progress on the question of the maintenance of international peace and security was impeded by the failure of States to reach consensus. It had seemed initially that the draft recommendation submitted by the Non-Aligned Committee (A/AC.182/L.29/Rev.1) could provide a basis for meaningful discussions, but it too had failed.

52. In view of the difficult circumstances facing it, the Special Committee could claim to have done positive work. It was for that reason that its mandate should be renewed. His delegation hoped that one day the political climate would improve and that it would then be possible to apply fully the provisions and principles of the Charter.

53. Mr. SAMORY (Congo) said that conflicts which had arisen since the adoption of the Charter had shown the difficulty of implementing its mechanisms for peaceful settlement of disputes. While, in many cases, parties to disputes lacked the political will to settle them, at other times they appealed to the international community for assistance. Despite the political will, conflicts became internationalized, and their settlement then depended on the international political climate, notwithstanding the intervention of the United Nations. The latter's ineffectiveness in maintaining international peace and security was then highlighted.

(Mr. Samory, Congo)

54. General Assembly resolution 38/141, which requested the Special Committee to examine, inter alia, the prevention or removal of situations which might give rise to a dispute, sought to remedy the problem of States having recourse to the United Nations only after their disputes had already reached a serious stage. His delegation was in favour of the preparation of a simple and practical handbook on the peaceful settlement of disputes.

55. The mandate entrusted to the Special Committee clearly showed that the Charter needed to be updated. It was difficult, however, to convince the permanent members of the Security Council, which argued that the balance of the Charter would be jeopardized. It was not a question of revising the Charter or of jeopardizing its balance but rather one of strengthening its role in the maintenance of international peace and security. The Special Committee's failure to make any progress on that question was a result of the old quarrel between those who jealously sought to preserve the balance of the Charter and those who sought to revitalize it and to strengthen the role of the United Nations.

56. Consensus had been reached on only a dozen of the approximately 50 proposals which had been submitted to the Special Committee on the rationalization of procedures. His delegation was of the view that the Special Committee should continue its work on that question and that a comprehensive debate should take place, inter alia, on the search for consensus in decision-making.

57. The proposal to establish a permanent commission on good offices, mediation and conciliation was a good one and had been prompted by the ineffectiveness of existing organs in settling and preventing disputes. In his view, the United Nations would benefit tremendously from the establishment of such a mechanism, which would douse the flames of a dispute before they spread.

58. The elaboration of appropriate mechanisms to strengthen the role of the Security Council, the General Assembly and the Secretary-General in the maintenance of international peace and security would also strengthen the role of the United Nations. He welcomed the fact that the Special Committee had dealt with the question of international peace and security from the standpoint of prevention and reiterated his support for the proposals contained in document A/AC.182/L.38. In the preparation of the relevant United Nations organs for early measures with a view to defusing potential conflicts, the problem of the source of information was important. Information must originate from the Member States parties to the conflict so as to ensure their early involvement in the settlement procedure.

59. Mr. SWINNEN (Belgium) said that the progress made in each of the three areas considered by the Special Committee was due to the fact that its mandate had been made more specific. His delegation's decision to co-sponsor the proposals in document A/AC.182/L.38, had not been fortuitous. The working paper, whose principal aim was to facilitate constructive discussions, had taken into account the views of the largest possible number of States, including the permanent members of the Security Council. Discussions on the document had been constructive and encouraging, and its key elements had enjoyed wide support.

(Mr. Swinnen, Belgium)

60. He emphasized that the co-sponsors did not intend to revise the Charter, but rather to develop practical means of enhancing its effectiveness. The approach adopted by the co-sponsors was consistent with General Assembly resolution 38/141, under which the Special Committee could submit its conclusions without waiting for a comprehensive agreement on the maintenance of international peace and security.

61. Practical measures could and should urgently be proposed with regard to the powers of the Secretary-General, the actions of the Security Council and specific and appropriate measures by the General Assembly which would not reduce the Security Council's responsibility for the maintenance of international peace and security or restructure the respective functions and the hierarchy of the various United Nations organs.

62. The principle of free choice of means of peaceful settlement must also be upheld. Mechanisms for conflict resolution existed outside the framework of the United Nations, such as those provided for under regional arrangements. The United Nations, when necessary, must support such mechanisms.

63. There should be a detailed examination of the functions and procedures of the proposed commission on good offices, mediation and conciliation. The new proposals in document A/C.6/39/L.2 had cleared up several misunderstandings and had made welcome clarifications. He, however, noted that doubts still remained as to the usefulness and effectiveness of such a commission. Very often it was not the mechanism that was lacking, but rather political will on the part of States to have recourse to peaceful means of settlement. Lastly, it was not clear whether a new United Nations organ would be established and whether that would mean amending the Charter.

64. His delegation supported the conclusions of the Special Committee with regard to the elaboration of a handbook on the peaceful settlement of disputes. In view of the practical nature of the handbook, the Secretariat should not go into too much detail in chapter I, entitled "Principles of the peaceful settlement of disputes between States" or in the section entitled "Corollary and related principles". On the other hand, chapter II seemed too schematic. The role of the International Court of Justice, the foremost judicial organ of a universal character, needed to be given greater prominence.

65. His delegation wished to draw attention to a relatively new system of settlement of disputes, which had developed within the framework of international economic organizations. A trend towards the replacement of judicial procedures by administrative procedures had emerged in the important area of public international economic law. Belgium hoped that due account would be taken of that new trend in the elaboration of the handbook.

66. The Special Committee's conclusions on the rationalization of procedures were somewhat disappointing. It had failed to reach agreement on the important question of consensus, which was vital to the credible and effective functioning of the United Nations. The rationalization of procedures was a continuous process

(Mr. Swinnen, Belgium)

appropriately dealt with by the Special Committee. The item should therefore continue to appear on its agenda without any priority being attached to it. His delegation was in favour of the renewal of the Special Committee's mandate.

67. Mr. VREEDZAAM (Suriname) said his delegation was of the opinion that the discussion of the role of the Organization was related to the question of the maintenance of international peace and security. That discussion had led to the formulation of the theory of the balance of power and that of collective security. To achieve the goal of collective security, States had concluded a treaty, the Charter of the United Nations, based on the collective security system, which provided procedures for the peaceful settlement of disputes. Even in regional arrangements, the maintenance of international peace and security was based on the collective security system. The fundamental principles of collective security were the principle of non-use of force and the principle of peaceful settlement of disputes.

68. The founding Members of the United Nations had been able to agree easily on the provisions of the Charter since the Second World War had been fresh in their memories. After 39 years, the role of the Organization still needed to be strengthened because many current world leaders had not lived through the agonies of a world war.

69. The Charter embodied all the essential elements for maintaining international peace and security, except the doctrine of security based on nuclear deterrence. It even provided means for the prevention of conflict. States should accept that the current international community was based on ideological pluralism, since that was a logical consequence of the principles of self-determination and the sovereign equality of States.

70. While not in disagreement with the process of conflict management and conflict prevention proposed in paragraph 16 of document A/39/33, his delegation had concluded that the role of the United Nations could not be strengthened because of a lack of political will on the part of Member States, including the five permanent members of the Security Council, to solve disputes by peaceful means and to co-operate with the organs of the United Nations in seeking peaceful solutions to disputes. States frequently had recourse to force, although its use had been prohibited by the Charter.

71. His Government called upon all Member States to settle their international disputes in accordance with the procedures for peaceful settlement provided in the Charter. It called upon the permanent members of the Security Council to use the right of veto solely to maintain international peace and security, for which purpose it had been conferred on them. The permanent members of the Council should reconsider the "unanimity rule" and the advantages and disadvantages of the "majority vote rule".

72. States must abandon force and behave in accordance with such principles as the sovereign equality of States, non-interference in internal affairs, non-use of

(Mr. Vreedzaam, Suriname)

force, self-determination of peoples, and good-neighbourliness. In that connection, the nuclear-weapon States had an important responsibility since, despite the fact that they were members of the collective security system, they had also managed to maintain the balance of power and regional hegemony on their own. It could therefore be concluded that, while the weak complied with the law, the behaviour of the strong was more a reflection of their power.

73. His delegation supported the idea of the handbook on the peaceful settlement of disputes. It believed that the position of the International Court of Justice, as stated in the Charter, should be maintained. It also supported the renewal of the Special Committee's mandate.

The meeting rose at 1 p.m.