



UNITED NATIONS
GENERAL
ASSEMBLY



Distr.
GENERAL

A/8746/Add.2
6 December 1972

ORIGINAL: ENGLISH

Twenty-seventh session
Agenda item 89

NEED TO CONSIDER SUGGESTIONS REGARDING THE REVIEW
OF THE CHARTER OF THE UNITED NATIONS

Report of the Secretary-General

Addendum

CONTENTS

Page

COMMENTS OF GOVERNMENTS

Yugoslavia 2

YUGOSLAVIA

/Original: English/
1 December 1972

The question of the revision of, or additions to, the Charter is undoubtedly highly intricate and complex. It can in no way be reduced to the area of legal issues, since it is primarily of a political nature and entails far-reaching consequences. Participating in the consideration of this question at the twenty-fifth session of the General Assembly, the Yugoslav delegation, without denying the usefulness of occasional exchanges of views on the improvement of the provisions of the Charter and its adaptation to the needs of the international community, stated that, in its opinion, there was no need either for seeking any urgent solutions or for according priority to this matter over other pressing problems and that, above all, there was no actual need for instituting, at this moment, a formal procedure for revision as provided for in the relevant provisions of the Charter.

It is the belief of the Yugoslav Government that, irrespective of the fact that the Charter is far from constituting a document of immutable value in all its parts, it has basically withstood the test of time and that by asserting, in particular, the fundamental principles which are intended to regulate relations between States, it serves as an irreplaceable foundation for the development of the international community on the basis of the democratic principles of self-determination, sovereign equality of States, renunciation of the threat or use of force, respect for territorial integrity and independence and non-interference in the internal affairs of other States as well as for the peaceful solution of conflicts and promotion of international co-operation.

With the adoption by the General Assembly, at its twenty-fifth session, of the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, a significant step forward has been made towards harmonizing the legal concepts of Member States with respect to the substance of these fundamental principles. This Declaration could and should serve as the main source for interpreting the principles of the Charter and, in this sense, it constitutes a specific, although not yet formal, addition to the Charter, an expression of its adaptation to the spirit of the time.

At the same time, the activity and the level of effectiveness of the Organization cannot be viewed separately from the attitude of Member States towards the United Nations and, especially, towards the implementation of the decisions and recommendations of its main organs. In fact, Member States bear the prime responsibility for the successes as well as for the shortcomings and failures of the Organization. In this context the Yugoslav Government wishes to draw attention to paragraph 3 of the Statement on the United Nations, adopted by the Third Conference of Heads of State or Government of Non-Aligned Countries, held at Lusaka in 1970, which says, among other things, the following:

/...

"The Conference is of the firm conviction that if the United Nations has not been very successful in some of its various endeavours, it is not only because of any inherent defect of the Charter but also because of the unwillingness of some Member States to fully observe the principles of the Charter."

In any case it is clear that, without the broadest possible consensus, a revision of the provisions of the Charter cannot be undertaken. True, it is not possible to ignore the fact that there exist certain provisions in the Charter which could be criticized as being transcended or obsolete. However, in the absence of the required political concurrence, it would not be opportune to initiate a procedure aimed at eliminating such provisions, since this could lead to misunderstandings and conflicts among Member States, to the detriment of the normal functioning of the Organization. The primary dilemma, in fact, lies in the method of interpreting the Charter provisions and in implementing them in practice.

There is no doubt that the work and efficacy of the United Nations could be greatly enhanced if the application of the Charter were brought more into line with the requirements of the international community and the aspirations of the largest number of States, many of which have joined the United Nations after the entry into force of its Charter.

The Yugoslav Government is of the opinion that there is cause and justification for reviewing the conditions and possibilities for gradually amending the Charter. More specifically, since the adoption of the Charter, international practice has created many new areas of international relations which could not be encompassed by the Charter. For example, the rapid development of science and technology has opened new avenues and possibilities for international multilateral co-operation, in such spheres as outer space, the sea-bed, the human environment, etc. Furthermore, the function of peace-keeping operations, which is being implemented in various forms, has not at all been regulated by the Charter. Many examples could also be cited to show that additions to the Charter will continue to be topical over a longer period of time. Obviously, in every concrete case or in an over-all approach, it would be essential to reach the broadest political consensus regarding possible additions to the Charter, before instituting a formal procedure. Of special significance are the efforts aimed at constantly improving upon the principle of fair geographical representation of regions and countries in individual United Nations organs as well as in the Secretariat of the Organization. In some cases a formal revision is necessary as, for example, in the question of enlarging the Economic and Social Council. However, every available possibility should be utilized in order to put this principle into effect.

In conclusion, the Yugoslav Government expresses its readiness to consider in a concrete manner every constructive and realistic initiative or suggestion likely to promote the efficacy of the Organization, improve its functioning and ensure a more adequate implementation of the purposes and principles of the Charter, in a spirit of equality and greater democratization of international relations.