

*United Nations*  
**GENERAL  
ASSEMBLY**



**FORTY-SECOND SESSION**

*Official Records\**

**SIXTH COMMITTEE**  
24th meeting  
held on  
Friday, 16 October 1987  
at 10 a.m.  
New York

**SUMMARY RECORD OF THE 24th MEETING**

**Chairman:** Mr. AZZAROUK (Libyan Arab Jamahiriya)

**later:** Mr. MIKULKA (Czechoslovakia)

**CONTENTS**

**AGENDA ITEM 137: REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION (continued)**

**AGENDA ITEM 129: PEACEFUL SETTLEMENT OF DISPUTES BETWEEN STATES (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.6/42/SR.24**  
**20 October 1987**

**ORIGINAL: ENGLISH**

The meeting was called to order at 10.15 a.m.

AGENDA ITEM 137: REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION (continued)  
(A/42/33)

AGENDA ITEM 129 : PEACEFUL SETTLEMENT OF DISPUTES BETWEEN STATES (continued)  
(A/42/33, A/C.6/42/L.1)

1. Mr. PLANT (United Kingdom) said that at its most recent session, the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization had made good progress on the topic of the rationalization of existing procedures of the United Nations. It was to be hoped that the most recent proposal put forward by the French and United Kingdom delegations could be approved at the Special Committee's following session. They should then be adopted at the forty-third session of the General Assembly and be annexed in some suitable way to the Assembly's rules of procedure. In its first report at the current session, the General Committee had drawn the General Assembly's attention to certain recommendations relating to rationalization made by the Group of High-level Intergovernmental Experts to Review the Efficiency of the Administrative and Financial Functioning of the United Nations. It was incumbent on the United Nations to keep its procedures and methods of work under constant review to ensure that funds were properly utilized.

2. His delegation was pleased to note that the initiative in the revised working paper submitted by France and the United Kingdom (A/AC.182/L.43/Rev.1) had been welcomed by many delegations. Among the various suggestions put forward in the working paper were two to which particular attention should be drawn: rationalization of the General Assembly's agenda; and adoption of General Assembly decisions and resolutions by consensus wherever possible. In that connection, he wished to comment on the points concerning consensus raised at the previous meeting by Mexico and Gabon. Naturally, the prospects for a decision or resolution adopted by consensus were better in that States that had not voiced any objection were more likely to comply with the decision or resolution than States that found themselves in a minority when a vote was taken.

3. The United Kingdom hoped that when the draft handbook on the peaceful settlement of disputes between States was completed, it would accurately reflect existing settlement mechanisms, would be a work of a practical and descriptive nature, and would be of assistance to government officials. A further informal meeting on the matter could be useful, once the Secretariat had made further progress with drafting.

4. A number of delegations, including his own, continued to have doubts about the usefulness of a commission of good offices, mediation or conciliation within the United Nations (A/AC.182/L.52/Rev.1), given the existence of various organs already concerned with the peaceful settlement of disputes. In addition, the Security Council's primary role in seeking peaceful settlements must not be prejudiced in

(Mr. Plant, United Kingdom)

any way. The willingness of States to employ existing machinery was the key to effective peaceful settlement of disputes. It was to be hoped that work on the topic could be brought to an acceptable conclusion in 1988.

5. The working paper on the maintenance of international peace and security submitted by Belgium, the Federal Republic of Germany, Italy, Japan, New Zealand and Spain (A/AC.182/L.38/Rev.3), as further revised at the Special Committee's meetings, contained a number of worthwhile recommendations. The United Kingdom suggested that in 1988 the Special Committee should make every effort to finish its work on that working paper in a form that could then be recommended for adoption at the forty-third session of the General Assembly. The working paper submitted by Czechoslovakia, the German Democratic Republic and Roland (A/AC.182/L.48) had not been found to be generally helpful by delegations at the Special Committee's most recent session, whereas document A/AC.182/L.38/Rev.3 clearly formed the basis for a broad measure of agreement.

6. The United Kingdom was confident that delegations could continue to make progress at future sessions of three weeks, rather than four. Lastly, it wished to suggest that the Special Committee's mandate should be extended to include consideration of the question of the development and strengthening of good-neighbourliness between States, although it continued to entertain serious doubts as to whether the topic did in fact require any further discussion.

7. Mr. QUERTON (Belgium) said that the Special Committee's work on the maintenance of international peace and security was nearing completion. His delegation, which was a sponsor of one of the working papers on that topic (A/AC.182/L.38/Rev.3), believed that the text in question had been considerably improved as a result of suggestions made by delegations, since it enjoyed extensive support and exhaustively covered all the points that had arisen in the Special Committee. Belgium was convinced that the difficulties encountered at the 1986 session now belonged definitely to the past, for all the goals on which a consensus could be achieved had been taken into account in the working paper. The next step, at the forty-third session of the General Assembly, would be for the Sixth Committee to consider the most recent amendments that had been proposed, so that the working paper could then be finalized. Belgium hoped that the support for the working paper would be reflected in the Special Committee's mandate for its next session, and that the draft declaration could be adopted unanimously by the General Assembly at its forty-third session.

8. He noted with satisfaction the progress made on the issue of a commission of good offices, mediation or conciliation within the United Nations. He hoped that the Special Committee could find appropriate ways of meeting the concerns voiced by various delegations with respect to the relationship between the procedure in question and the United Nations system, funding issues and matters relating to the transition from the good-offices stage to the mediation and conciliation stages.

9. Belgium welcomed the proposals concerning the rationalization of existing United Nations procedures put forward by France and the United Kingdom, and hoped that at its next session the Special Committee would be able to complete consideration of their working paper.

10. Mr. PETROVSKY (Union of Soviet Socialist Republica) said that the agreement just reached between the United States and the Soviet Union on the elimination of medium- and short-range missiles was an example of the real possibilities now emerging for dealing with the most difficult of the tasks facing mankind through multilateral efforts. There was a need for a mechanism for reconciling the contradictory interests of the world community. The United Nations was such a mechanism and it could perform such a role, for its Charter had stood the test of time. The use of the whole potential of the Charter was the purpose of the comprehensive system of international peace and security proposed by Mr. Gorbachev, who had said that such a system hinged on the maintenance of the United Nations in a reliable state of operation as the principal organ for universal security.

11. Nuclear and military deterrence must be replaced by political and legal constraint, and the basis for mutual co-operation through the United Nations must be the primacy of law over political aspirations. That was why his delegation was proposing a programme of practical action to make full use of the United Nations. It invited all States to participate in making the United Nations a centre for harmonizing the actions of nations for the sake of world peace. The enhancement of the effectiveness of the Organization must go hand in hand with the democratization of international relations and the renunciation of any pretensions to military superiority.

12. The indivisibility of security meant that the United Nations must be more vigorous in all its main spheres of activity, but it could not achieve its full potential unless the role and responsibility of its organs were enhanced. To that end, meetings of the Security Council at the foreign minister level could be held at the beginning of regular sessions of the General Assembly, with a view to overall assessment of the international situation. Council meetings could also be held away from Headquarters in areas of tension and in the capitals of its permanent members. Article 26 of the Charter, which gave the Security Council responsibility in the field of disarmament, should be put into effect; the problems of disarmament and development could be discussed at a special meeting of the Council at the highest level. The dispatch of special missions of the Council to areas of existing or potential conflict would strengthen its authority and enhance its decisions.

13. Broader use should be made of United Nations peace-keeping operations to avert tensions between States; his delegation was in favour, in fact, of preventive diplomacy. For example, the Soviet Union had proposed that the safety of navigation in the Persian Gulf should be ensured by the entire world community acting through the United Nations. The General Assembly could more effectively discharge its responsibilities with respect to the maintenance of peace and the promotion of co-operation if it met more frequently in special sessions on specific issues. The political documents adopted by the General Assembly and other organs by consensus must be made more binding, both morally and politically.

14. The Secretary-General's mission was a difficult one, and all States should give him maximum support in his peace-keeping functions. The Secretary-General's plan to establish in the United Nations a centre for reducing the threat of war

(Mr. Petrowsky, USSR)

would enhance the Organization's effectiveness in the settlement of conflicts. It might be advisable to establish direct lines of communication between Headquarters and the capitals of the permanent members of the Security Council, as well as with the Chairman of the Non-Aligned Movement. A mechanism could be established in the United Nations to monitor compliance with agreements on such matters as the reduction of international tensions. That would require significant expansion of the co-operation between the United Nations and regional organizations. wide use must be made of all means of peaceful settlement of disputes.

15. His delegation was ready to discuss any other ideas for enhancing the role of the United Nations. The Special Committee's discussion of the working paper submitted by the German Democratic Republic, Poland and Czechoslovakia (A/AC.18/L.48) reflected the broad interest in enhancing that role. His delegation welcomed the progress made by the Special Committee on a draft declaration on the prevention of international disputes, on the basis of proposals submitted by Belgium, the Federal Republic of Germany, Italy, Japan, New Zealand and Spain (A/AC.182/L.38/Rev.3). He hoped that the Special Committee would conclude its work on that topic at its next session, and he pledged an active contribution from his delegation.

16. The Special Committee had also done useful work on the Romanian proposal for a commission of good offices (A/AC.182/L.52/Rev.1). His delegation wanted the Special Committee to continue its work on ways of improving existing United Nations procedures, subject to economical use of budgetary resources.

17. The Soviet Union's policy of democratizing relations among States and enhancing the role of international organizations was part of its efforts to shape a comprehensive system of international peace and security. It was willing to engage in dialogue and co-operation to invest the work of the United Nations with new dynamism and quality.

18. Mr KAKOLECKI (Poland) said that in order to attain the goal of full implementation of the Charter of the United Nations, it was indispensable to strengthen the Organization in the key areas of the consolidation of peace, international security, arms control, and disarmament and development.

19. His delegation noted with satisfaction the progress made by the Special Committee on the maintenance of international peace and security. The sponsors of one of the working papers on that topic (A/AC.182/L.38/Rev.3) had made commendable efforts to take account of the suggestions put forward by other delegations, and provisional acceptance, with appropriate changes, of a majority of the clauses in question had thus been possible. Moreover, there had been frank discussion of the other working paper on the topic (A/AC.182/L.48). Poland endorsed the provisionally accepted paragraphs of document A/AC.182/L.38/Rev.3 and was also in favour of the inclusion in the paper of the paragraphs set forth in paragraphs 46 and 102 of the Special Committee's report (A/42/33), since that could pave the way for the finalization of the working paper.

(Mr. Kakoleck i, Poland)

20. In the area of the peaceful settlement of disputes, the proposals set forth in document A/AC.182/L.52/Rev.1 concerning a commission of good offices, mediation or conciliation within the United Nations had dispelled Poland's doubts as to the compatibility of the establishment of such a commission with the provisions of the Charter. The revised text was cautiously formulated and was in keeping with the basic principle of free choice of means. Some technical solutions in the proposal that were perhaps still not sufficiently clear could be improved at the Special Committee's next session. Poland also wished to reaffirm its support for the draft handbook on the peaceful settlement of disputes between States, and hoped that further progress could be made on it at the next session.

21. The topic of the rationalization of existing procedures of the United Nations should be kept under active review in the framework of the Special Committee. Poland wished to express its appreciation to France and the United Kingdom for their endeavour to take account in their working paper of suggestions put forward by other delegations.

22. It was to be hoped that the new pragmatism referred to by the Secretary-General in the first paragraph of his report on the work of the Organization (A/42/1) would be confirmed by the Special Committee's further work. A successful outcome would perhaps constitute a valuable contribution to the building of a comprehensive system of international peace and security in inter-State relations.

23. Mr. Mikulka (Czechoslovakia) took the Chair.

24. Mr. CULLEN (Argentina) said that, despite the favourable climate at the Special Committee's most recent session, the situation remained largely unchanged. The Special Committee must intensify its endeavour to reach agreement, since it was a body that could make a major contribution to the strengthening of the role of the Organization and it had already established which recommendations would have the necessary political support.

25. Argentina wished to reaffirm its support for the draft handbook on the peaceful settlement of disputes between States, and hoped that the shortage of staff would not be an obstacle to submission of the four sections under preparation. It shared the view that, since the sections in question were interrelated, there was no need to convene the Consultative Group until they were completed.

26. Considerable progress had been made at the Special Committee's most recent session on the issue of a commission of good offices, mediation or conciliation within the United Nations. However, there were still major misgivings as to the actual usefulness of the proposed procedure, in view of the number of existing alternatives open to parties to a dispute, given the necessary political will.

27. Argentina had not changed its position on the topic of the rationalization of existing procedures of the United Nations. Since the adoption of the most recent

(Mr. Cullen, Argentina)

recommendations, there had been no new elements that could justify further consideration of the matter by the Special Committee. For the time being, there was no further possibility of reaching new conclusions. Moreover, rationalization efforts were being undertaken in other bodies. The new proposals submitted to the Special Committee whose goal was to introduce innovations did not have the necessary support; for example, the proposal concerning consensus had given rise to reservations on the part of many delegations, including his own.

28. The maintenance of international peace and security, the most important item on the Special Committee's agenda, was the only subject on which no recommendations had been prepared. Argentina was aware of the difficulties encountered by some delegations, and therefore agreed that the Special Committee should focus on the prevention and elimination of disputes. The original version of the working paper submitted by Belgium, the Federal Republic of Germany, Italy, Japan, New Zealand and Spain (A/AC.186/L.38) had represented an excellent basis for reaching agreement and should not have given rise to any reservations. The third revised version was a weaker text and Argentina had already voiced its objections on that subject in the Working Group. It did not believe that the draft should take the form of a declaration, and considered that the role of the Assembly and the Secretary-General in the area of prevention had been blurred.

29. Nevertheless, his delegation would support the changes that had been made if agreement could thus be reached on the adoption of the text in question. Furthermore, it had no difficulties with the inclusion in the third revised version of the new amendments set forth in paragraph 46 of the Special Committee's report (A/42/33) or with the inclusion of the relevant issues set forth in the other working paper, submitted by Czechoslovakia, the German Democratic Republic and Poland. There was an interrelationship between document A/AC.182/L.38/Rev.3 and part IV of document A/AC.182/L.48. Argentina hoped that at the Special Committee's next session, it would be possible to identify definitively the areas in which the two working papers had a similar focus. It was also in favour of including the proposals put forward by China, which were set forth in paragraph 102 of the report. All the proposals in question could be reconciled with little difficulty, and if the Special Committee was given a clear mandate, it would be able to adopt final recommendations on the matter.

30. Mr. KIKUCHI (Japan) welcomed the progress made by the Special Committee on the Charter in two important areas. The first area related to the revitalization of the role of the Security Council in the maintenance of international peace and security, a need stressed by Japan's Minister for Foreign Affairs at the forty-first session of the General Assembly. His delegation hoped that the permanent members of the Council would follow the example of their own work on resolution 598 (1987), for only thus could the Council become an effective organ for the maintenance of world peace. The second area had to do with the work of the Group of High-level Intergovernmental Experts, established on the basis of a Japanese proposal; the Group had reviewed the administrative and financial efficiency of the United Nations, and its recommendations were being implemented. The success of the Special Committee's work had been facilitated by the pre-session

(Mr. Kikuchi, Japan)

consultations held with the Legal Counsel, and similar consultations should be held in the future.

31. His delegation welcomed the provisional agreement reached on most of the proposals on the prevention of conflicts (A/AC.182/L.38/Rev.3). It hoped that a draft declaration on the topic could be submitted to the General Assembly at its forty-third session. That would further enhance the prestige of the Sixth Committee, following the adoption of the draft Declaration on non-use of force. The Secretary-General had himself stressed the need to strengthen the capacity of United Nations Organs in the prevention of conflicts in his report on the work of the Organization (A/42/1).

32. As some of the ideas contained in the three-Power working paper (A/AC.182/L.48) had already been incorporated in the original proposals on the prevention of conflicts, his delegation hoped that the sponsors would consider the main objective of their working paper achieved. It also hoped that it would be possible to submit the draft handbook on the peaceful settlement of disputes to the Consultative Group before the Special Committee's next session.

33. His delegation had co-operated in the improvement of the Romanian working paper on a commission of good offices (A/AC.182/L.52/Rev.1), on which a general agreement should soon be achieved. But, as other countries, notably Brazil and Mexico, had stressed, that task must not prevent the Special Committee from completing its priority work on the prevention of conflicts. The second revised version of the Franco-British proposals on improving the procedures of the United Nations (A/AC.182/L.43/Rev.2) could be adopted in the near future, subject to the completion of the priority work already mentioned.

34. Mr. Sun Lin (China) said that the considerable progress achieved at the Special Committee's latest session and the successful completion of the draft Declaration on non-use of force clearly reflected world-wide concern about the international situation, as well as the peoples' wish for a strengthened international legal order in which the United Nations would fully perform its function of preventing and settling disputes. His Government had always opposed the threat or use of force in international relations, and attached great importance to strengthening the role of the United Nations. It was in that spirit that China had participated in the drafting of a declaration on the prevention of disputes in the Special Committee on the Charter.

35. The text reproduced in paragraph 37 of the Special Committee's report (A/42/33) represented an attempt to sum up practical and effective experience gained by the United Nations in the prevention and removal of international disputes. To judge by the facts provisionally adopted by the Special Committee, the draft was on the whole a faithful reflection of that experience. The working paper submitted by three countries of Eastern Europe (A/AC.182/L.48) also put forward positive suggestions, some of which might well be considered in conjunction with the draft Declaration. The constructive efforts made by the working papers' sponsors were commendable.



(Mr. Sun Lin, China)

36. The United Nations was becoming increasingly involved in seeking political settlements to various international conflicts and disputes. That question was extensively covered in the Secretary-General's report on the work of the Organization (A/42/1), which also referred to certain hopeful changes in the Security Council and its activities, as well as to various efforts made by the Secretary-General, either at the request of or in close co-ordination with the Council. In further work on the draft Declaration, careful consideration should be given to new experience gained in that connection.

37. The principal reason for the progress achieved in the Special Committee was the goodwill and spirit of pragmatism exhibited by all members. Acting in the same spirit, his delegation had submitted a proposal for the addition of a paragraph of "saving clauses" at the end of the draft Declaration (A/42/33, para. 102). The object of the proposal was to reaffirm certain principles and provisions of the Charter so as to ensure that the interpretation and application of the future declaration would be brought into conformity with those principles and provisions. The proposed paragraph (a), whose wording was essentially taken from the Manila Declaration, made it clear that nothing in the draft Declaration prejudiced the relevant provisions of the Charter or the rights and duties of States.

Paragraph (b), whose wording was drawn from the Manila Declaration and from General Assembly resolution 41/100 on the universal realization of the right of peoples to self-determination, adopted by the General Assembly without a vote, reaffirmed the legitimate right to self-determination, freedom and independence of peoples forcibly deprived of that right. Paragraphs (c) and (d) were intended to enable the declaration to bring into full play the initiative of the United Nations in the prevention and removal of disputes, while at the same time safeguarding the sovereign rights of States. Both those paragraphs reaffirmed the relevant provisions of the Charter.

38. As stated in paragraph 103 of the report and mentioned in the introductory statement by the Chairman of the Special Committee, the Chinese proposal had met with a favourable response and had been considered helpful in dispelling some doubts and facilitating agreement. His delegation hoped that the proposal would be helpful to the Special Committee in its future work by reducing or removing possible difficulties and making the draft Declaration more readily acceptable to all countries.

39. Mr. IMAM ALI KAZI (Pakistan) said that in a world where peace was still elusive, and security was restricted to the powerful few, there was an urgent need to strengthen the role of the United Nations so as to enable the Organization to perform its functions more effectively in accordance with the purposes and Principles of the Charter. His delegation welcomed any constructive initiative in that direction and felt that the Special Committee should give serious consideration to the effective implementation of the collective security provisions embodied in the Charter, particularly in those cases where the Security Council was unable to discharge its primary responsibility for the maintenance of international peace and security. The Organization's past failures in that field could not be attributed to any flaws in the Charter; rather, they were due to the attitude of

(Mr. Imam Ali Kazi, Pakistan)

those who failed to abide by the Charter's provisions and to implement United Nations decisions. A special responsibility devolved upon the permanent members of the Security Council. Unrestricted use of the veto could only erode the role of the United Nations in the maintenance of peace.

40. His Government was not in favour of a wholesale revision of the Charter, since any amendment that became necessary could be introduced in accordance with the special procedure set forth in Article 108.

41. Turning to the proposal on a commission of good offices, mediation or conciliation within the United Nations, he said that the new version of the Rananian proposal represented a definite improvement over the previous text. The recommendation had met with general approval in the Special Committee, and his delegation supported it while maintaining the view that the procedures mentioned should be optional and should be invoked only with the consent of the parties to the dispute.

42. With regard to the revised proposal on the rationalization of existing United Nations procedures, he remarked that any suggestion that decisions of the General Assembly should be taken only by consensus was liable to give rise, to serious difficulties. While consensus was, of course, desirable, it would not be wise to allow individual States to paralyse the Organization by that mechanism. Consensus rule would mean that every Member State could exercise the right of veto.

43. He commended the Secretary-General's endeavours in connection with the preparation of the draft handbook on the peaceful settlement of disputes between States, and expressed his delegation's support for the extension of the Special Committee's mandate.

44. Mr. ROBINSON (Jamaica) said that, because of the very nature of its mandate, the Special Committee had in the past tended to formulate proposals which were repetitive and apparently inconsequential. The report now under consideration, however, contained specific proposals which not only testified to the diligence and industry of the Special Committee's members, but also raised reasonable expectations that they might really help to strengthen the role of the Organization.

45. While not enthusiastic about the proposal on a commission of good offices, mediation or conciliation within the United Nations (A/42/33, para. 15), his delegation had never opposed it, coming gradually round to the view that the international community could benefit from an institutionalisation of the good-offices procedure, provided it was done in a flexible and pragmatic manner. Paragraph 2 of the proposal offered different ways in which a commission might be established - through the agreement of the States parties to a dispute; with their agreement, on the basis of a recommendation of the Security Council or of the General Assembly) or following contacts of the States parties to the dispute with the Secretary-General. It was not clear who would establish the commission if the last-mentioned method were adopted, although the language of paragraph 5 of the

(Mr. Robinson, Jamaican)

proposal, seemed to suggest that the agreement of the States would be required. The Security Council and the General Assembly could, of course, establish a commission of good offices, mediation or conciliation without the consent of the parties to the dispute. The proposal could not in any manner prejudice that position, and it was for the purpose of making that clear that the saving clause in paragraph 17 was necessary.

46. Turning to paragraphs 9 and 10 of the proposal, he asked whether it was judicious to separate the procedure of good offices from that of mediation and to place good offices before mediation. He wondered whether the words in paragraph 10 "if direct negotiations do not begin within a reasonable time" meant that the procedure of good offices had to be tried before mediation. If that was so, the proposed system might be unduly restrictive. Parties to a dispute should be free to use any of the procedures at any time and in any order.

47. Another related question was the following: once a dispute had been brought before the commission, was it for the States to decide which of the procedures they wished to use, or did the establishment of a commission mean that the commission would, proprio motu, proceed to use its good offices? Paragraph 9, which implied the latter, could for that reason conflict with paragraph 11, because the parties might have chosen conciliation, or with paragraph 10 if they had chosen mediation.

48. Negotiation was a separate and independent means of peaceful settlement of disputes; it was so treated in Article 33 of the Charter, and was usually the first means to be used. In most cases, some form of negotiation would take place before the other procedures outlined in the proposal were used. That type of negotiation had to be distinguished from the "negotiations" referred to in paragraphs 9 and 10. It should be made clear that paragraph 12 referred to an international dispute in relation to which a commission had been established in accordance with paragraphs 2 to 5. It should also be made clear that the "international dispute" referred to in paragraph 12 was the same as that referred to in paragraphs 9, 10 and 11. His delegation supported paragraph 17 of the proposal, which it did not regard as being significantly different from the corresponding provision in the Manila Declaration.

49. Turning to the subject of the maintenance of international peace and security, he said that the proposed declaration fell into the category of those in which the General Assembly pronounced itself in a solemn manner on an issue of great importance to the international community when there was no desire for a legally binding instrument. Such a declaration was usually normative in the sense that it identified legal standards, the breach of which by States would entail their international responsibility. Although he understood the views of those who disagreed, he believed that there was a valid case for the proposed declaration; it would serve to signal the importance which the United Nations attached to the role of its organs in the prevention and removal of international disputes, and would awaken interest in a subject which might pass unnoticed if treated in an ordinary resolution. Such a declaration ought to contain provisions on the role of States in the maintenance of international peace and security, and those would certainly have a normative character.

(Mr. Robinson, Jamaica)

50. He proposed that the seventh preambular paragraph should be followed by a new preambular paragraph, to read:

"Mindful, however, that the failure of the Security Council to discharge its responsibilities on behalf of all the Member States does not relieve either the United Nations itself, or Member States and the General Assembly in particular, of their responsibilities in regard to the maintenance of international peace and security".

There had always been a solid juridical basis for such an approach, which was also required by a pragmatic assessment of the work of the Organization.

51. Although some members of the Special Committee thought that certain of the draft Declaration's provisions went beyond the early stages of a dispute, it might be difficult in practice to identify with precision the end of the early phase. He therefore saw no objection to the inclusion of the words "appropriate forms of United Nations presence, including observers and peace-keeping operations" in paragraph 8, while the objection to the words "methods of adjustment for disputes" in paragraph 10 could be met by substituting "methods for the prevention of disputes".

52. His delegation agreed that there should be two separate paragraphs to deal with the subject-matter of paragraph 11 as provisionally accepted, one for the Security Council and the other for the General Assembly. It therefore supported the addition of paragraph 14 *bis*, although it was not convinced by the reason for deleting from it the words "at an early stage". On the other hand, it was unable to support the inclusion of the proposed new article 2 *bis*, because the concern that appeared to have prompted its inclusion was adequately met by the usual saving provision preserving the applicability of the Charter and the functions of United Nations organs under the Charter. In that connection, his delegation could support paragraphs (a) and (b) of the Chinese proposal in paragraph 102 of the report (A/42/33) but found difficulty in endorsing paragraphs (c) and (d), because their substance was already covered by paragraph (a). Similarly, it was unnecessary for paragraph 12 of the draft Declaration to include references, as suggested, to Articles 10, 11 and 14 of the Charter.

53. His delegation favoured the inclusion of provisions on the role of State6 in maintaining international peace and security. The sponsors of the proposed declaration should work with the sponsors of the proposal reproduced in paragraph 46 of the report and the one referred to in paragraph 104, with a view to reconciling positions. He could not agree with the view expressed by certain representatives that paragraph 14 of the draft Declaration should be deleted, because fact-finding was as relevant to the early as to the later stages of any dispute. His delegation saw the provisions in paragraphs 15 to 20 relating to the role of the Secretary-General in the prevention of disputes as a useful addition to those in Article 99 of the Charter. Their embodiment in a declaration of the General Assembly would provide an express legislative basis for the action that they envisaged by any Secretary-General who might be reluctant to take such action

(Mr. Robinson, Jamaica)

without it. The role of the Secretary-General could be expanded beyond what was contemplated in the declaration, and such an expansion was warranted by the great opportunity that a Secretary-General had to work in a flexible, informal and pragmatic manner. The performance of such a role by the Secretary-General could not be faulted on legal grounds so long as it related to a function that was neither inconsistent with, nor prohibited by, the provisions of the Charter.

54. Mr. Azzarouk (Libyan Arab Jamahiriya) resumed the Chair.

55. Mr. BROWN (Australia) said that the handbook under preparation by the Secretary-General on the peaceful settlement of disputes between States would be of great value to all those interested in the subject who had limited resources to inform themselves about the contribution being made by the United Nations and its various organs. His delegation thought that the work should be given greater priority, and hoped that it would be completed by the time of the next session.

56. On the other hand, the proposal on a commission of good offices, mediation or conciliation within the United Nations evoked reservations because adequate mechanisms already existed. Not least among them was the good-offices role of the Secretary-General. It was to be hoped that the proposal would not distract the Special Committee from its more important tasks, and that it could be removed from the agenda at the next session.

57. The rationalization of existing United Nations procedures was an important matter, but it was ironic that in considering it, the Special Committee was duplicating the work being done in the Fifth Committee. It was to be hoped that agreement would be reached at the next session so that the Special Committee's attention could be directed to other matters.

58. The most important of such matters was the maintenance of international peace and security, to which the General Assembly had asked the Special Committee to accord priority at its 1987 session. His delegation hoped that the highest priority would continue to be accorded to the subject and that the two working papers submitted to the Special Committee could be combined. The more important of the two covered the full range of the principal means of ensuring the maintenance of international peace and security. Such full coverage was appropriate, since none of the principal organs of the United Nations should be omitted from the proposed declaration of the General Assembly. Provided that a balanced view was taken of the roles of those organs and that nothing detracted from the provisions of the Charter itself, a favourable outcome was possible. That was what his delegation hoped to see.

The meeting rose at 12.15 p.m.