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Forty-second session
Agenda item 137REPORT OF **THE** SPECIAL COMMITTEE ON **THE** CHARTER OF **THE** UNITED NATIONS
AND ON **THE** STRENGTHENING OF **THE** ROLE OF **THE** ORGANIZATIONReport of the Sixth Committee**Rapporteur:** Mr. Kenneth MCKENZIE (Trinidad and Tobago)

I. INTRODUCTION

1. The item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the **Organization**" was included in the provisional agenda of the forty-second session of the General Assembly pursuant to Assembly **resolution 41/83 of 3 December 1986**.

2. At its 3rd plenary meeting, on 18 September 1987, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to **the** Sixth Committee.

3. In connection with the item, the Sixth **Committee** had before it the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, 1/ which was introduced by the Chairman of the Special **Committee** at the 22nd meeting of the Sixth Committee, on 14 **October** 1987.

4. The Committee also had before the following communications:

(a) Letter **dated 23 October 1987** from **the Permanent Representative of Zimbabwe** to the United Nations addressed to the Secretary-General (**A/42/681**);

1/ Official Records of the General Assembly, Forty-second Session, Supplement No. 33 (A/42/33).

(b) Letter dated 24 October 1987 from the Permanent Representative of Mongolia to the United Nations addressed to the Secretary-General (A/42/684).

5. The Sixth Committee considered the item at its 23rd to 28th and 55th meetings, held from 15 to 21 October, and on 23 November. The summary records of those meetings (A/C.6/42/SR.23-28 and 55) contain the views of the representatives who spoke on the item.

6. The Sixth Committee considered, in conjunction with the present item, in accordance with the paragraph 5 of Assembly resolution 41/74 of 3 December 1986, item 129 entitled "Peaceful settlement of disputes between States".

II. CONSIDERATION OF DRAFT RESOLUTION A/C. 6/42/L. 10

7. At the 55th meeting, on 23 November, the representative of Egypt introduced a draft resolution (A/C.6/42/L.10) sponsored by Australia, Belgium, Cyprus, Ecuador, Egypt, Germany, Federal Republic of, Ghana, Indonesia, Italy, Japan, Kenya, Morocco, New Zealand, Oman, Paraguay, the Philippines, Poland, Romania, Senegal, Spain, Yugoslavia and Zambia and later joined by Argentina and Malaysia.

8. The Committee had before it a statement submitted by the Secretary-General (A/C.6/42/L.16) on the programme budget implications of draft resolution A/C.6/42/L.10.

9. At the same meeting, the Committee adopted draft resolution A/C. 6/42/L. 10 without a vote (see para. 10).

III. RECOMMENDATION OF THE SIXTH COMMITTEE

10. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

The General Assembly,

Recalling its resolution 3499 (XXX) of 15 December 1975, by which it established the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, and its relevant resolutions adopted at subsequent sessions, 2/

2/ Resolutions 31/28 of 29 November 1976, 32/4 of 8 December 1977, 33/94 of 16 December 1978, 34/147 of 17 December 1979, 35/164 of 15 December 1980, 36/122 of 11 December 1981, 37/114 of 16 December 1982, 38/141 of 19 December 1983, 39/88 of 13 December 1984, 40/78 of 11 December 1985 and 41/83 of 3 December 1986.

Taking note of the reports of the **Secretary-General** on the work of the **Organization** submitted to the **General Assembly** at its **thirty-seventh, 3/** **thirty-ninth, 4/** **fortieth, 5/** **forty-first 6/** **and forty-second sessions, 7/** **as well as of the views and comments expressed on them by Member States,**

Having considered the report of the **Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization** on the work of the session it held in 1987, **8/**

Expressing its appreciation for the **progress** achieved by the **Special Committee** during its 1987 session on the question of the prevention and removal **of threats to peace and of situations** that may **lead** to international friction **or give rise to a dispute,**

Noting with satisfaction that tangible **progress** has **been** achieved in the **Special Committee** on the proposal concerning the reoot to a **commission** of good **offices, mediation or conciliation** within the United Nations,

Mindful of the effort⁶ made in the **elaboration** of the draft handbook on the peaceful **settlement of disputes between States,**

Recognizing the importance that pre-session consultations among the members of the **Special Committee** and other **interested States** may have in **facilitating** the smooth conduct of the work of the **Special Committee towards the fulfilment of its task, especially as regards the composition of the Bureau and the organization of work,**

1. Takes note of the report of the **Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization;**

2. Decides that the **Special Committee shall hold its session for a period of three weeks early in 1988;**

3. Requests the **Special Committee at its session in 1989, in accordance with paragraph 5 below;**

3/ Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 1 (A/37/1).

4/ Ibid. , Thirty-ninth Session, Supplement No. 1 (A/39/1).

5/ Ibid., Fortieth Session, Supplement No. 1 (A/40/1).

6/ Ibid., Forty-first Session, Supplement No. 1 (A/41/1).

7/ Ibid., Forty-second Session, Supplement No. 1 (A/42/1).

8/ Ibid. , Supplement No. 33 (A/42/33).

(a) To **accord priority to the question of the maintenance of international peace and security in all its aspects in order to strengthen the role of the United Nations, in particular the Security Council, and, in this context :**

(i) To **complete an appropriate draft document on the prevention and removal of threats to peace and of situations that may lead to international friction or give rise to a dispute, on the basis of the provisionally adopted paragraphs as well as other proposals set forth in paragraphs 37, 46 and 102 of the report of the Special Committee on its work at the 1987 session; 8/**

(ii) To **submit the draft document to the General Assembly at its forty-third session;**

(b) To **continue its work on the question of the peaceful settlement of disputes between States, and, in this context:**

(i) To **continue consideration of the working paper 9/ on the resort to a commission of good offices, mediation or conciliation within the United Nations, with a view to completing it and submitting conclusions thereon to the General Assembly at the earliest possible date;**

(ii) To **examine the report of the Secretary-General on the elaboration of the draft handbook on the peaceful settlement of disputes between States;**

4. **Requests the Special Committee to keep the question of the rationalization of the procedures of the United Nations under active review;**

5. **Also requests the Special Committee to be mindful of the importance of reaching general agreement whenever that has significance for the outcome of its work;**

6. **Decides that the Special Committee shall accept the participation of observers of Member States, including in the meetings of its working groups;**

7. **Requests the Secretary-General to render all assistance to the Special Committee;**

8. **Requests the Secretary-General to continue, on a priority basis, the preparation of a draft handbook on the peaceful settlement of disputes between States, on the basis of the outline elaborated by the Special Committee and in the light of the views expressed in the course of the discussions in the Sixth Committee and in the Special Committee, and to report to the Special Committee at its session in 1988 on the progress of work, before submitting to it the draft handbook in its final form, with a view to its approval at a later stage;**

9. Requests the Special Committee to submit a report on its work to the General Assembly at its forty-third session;

10. Decides to include in the provisional agenda of its forty-third session the item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization".

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