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REPORT OF THE SECRETARY-GENERAL ON THE
WORK OF THE ORGANIZATION

SECURITY COUNCIL
Thirty-eighth year

Letter dated 10 June 1983 from the representatives of Denmark, Finland,
Iceland, Norway and Sweden to the United Nations addressed to the
Secretary-General

We have the honour to transmit to you herewith a report of 10 June 1983 stating the views of the five Nordic Governments on the strengthening of the United Nations.

We should be grateful if this letter and the attached report could be circulated as an official document of the General Assembly, under item 10 of the preliminary list, and of the Security Council.

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ANNEX

Views by the Governments of Denmark, Finland, Iceland, Norway
and Sweden on the strengthening of the United Nations

1. Introduction

In the communiqué from their meeting in Helsinki, 30 to 31 August 1982, the Foreign Ministers of the five Nordic countries stated the following:

"The Ministers confirmed the strong support of the Nordic countries for the UN and for measures aimed at settling international disputes by peaceful means in accordance with the principles of the UN Charter concerning respect for the territorial integrity and political independence of all states. In this context the Ministers again appealed to all countries to respect the internationally accepted rules guiding relations between States. The Nordic countries will continue to work to strengthen the UN as a universal organization for peace. They were in agreement about the need to examine and to discuss with other Member States measures which could strengthen the possibilities of the UN to act in conflicts and crises."

On this basis the Nordic Governments have examined ways and means of strengthening the United Nations. The following factors i.a. were considered in this context:

- The Secretary-General's annual report of September 1982, in which he warns that the world is embarked on an exceedingly dangerous course and appeals to the Member States to take urgent action, so as to render the United Nations more capable of assuming its responsibilities for international peace and security.

Resolution 37/67 of General Assembly on the Secretary-General's report which supports his efforts and invites him to continue his efforts towards strengthening the capacity of the United Nations to fulfil the effective and decisive role as envisaged for it in the Charter.

- The work of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, which has issued a number of reports. The work of the Special Committee on Peace-keeping Operations, which was established by a decision of the 19th session of the General Assembly in 1965. The deliberations of these committees have, however, clearly demonstrated the difficulties in achieving agreement on operational proposals which could strengthen the capacity of the UN to act.

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- The report entitled "Common Security" by the Independent Commission on Disarmament and Security Issues, in particular the proposals for strengthening the security role of the United Nations.

Discussions about the need to reform and strengthen the United Nations have taken place on many previous occasions in the history of the United Nations. Many ideas have been put forward in the course of these earlier discussions, but it has proved difficult to reach agreement among the Member States on any of these suggestions, even in those cases in which no amendment to the Charter is required.

Measures to be recommended should, as far as possible, be action-oriented and likely to gain broad support among the Member States.

In the following chapters a number of suggestions are considered.

2. Role of the Secretary-General

According to the Charter of the United Nations, the Secretary-General is the chief administrative officer of the Organization (Article 97). He shall make an annual report to the General Assembly on the work of the Organization (Article 98) and may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security (Article 99).

Secretary-General Javier Perez de Cuellar used his first annual report to bring to the attention of Member States the need for the United Nations to play a more active role. He proposed a number of measures by which the Organization could be made more effective. One of them concerns the function and role of the Secretary-General himself:

"In order to avoid the Security Council becoming involved too late in critical situations, it may well be that the Secretary-General should play a more forthright role in bringing potentially dangerous situations to the attention of the Council within the general framework of Article 99 of the Charter. My predecessors have done this on a number of occasions, but I wonder if the time has not come for a more systematic approach. Most potential conflict areas are well known. The Secretary-General has traditionally, if informally, tried to keep watch for problems likely to result in conflict and to do what he can to pre-empt them by quiet diplomacy. The Secretary-General's diplomatic means are, however, in themselves quite limited. In order to carry out

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effectively the preventive role foreseen for the Secretary-General under Article 99, I intend to develop a wider and more systematic capacity for fact-finding in potential conflict areas. Such efforts would naturally be undertaken in close co-ordination with the Council".

The Nordic Governments fully support these proposals of the Secretary-General and their further development. It is clear that in order to put them into practice in any useful way, the Secretary-General needs an understanding with the Security Council, particularly its permanent members. The Nordic Governments therefore welcome the informal discussions of the Security Council on the Secretary-General's annual report and hope they will lead to constructive results.

A number of proposals concerning the role and powers of the Secretary-General have been introduced in the course of the work of the Special Committee on the Charter. In a way, those proposals form a series of gradually "widening" interpretations of Article 99: The Secretary-General may (Art. 99) or he should bring matters to the attention of the Security Council, and he should be able explicitly to request a meeting of the Security Council. It is to be noted that none of the proposals to widen the interpretation has met with the unanimous approval of the members of the Committee. In the opinion of the Nordic Governments, however, they deserve further study.

In this respect the Nordic Governments wish to recall the recommendations by the Independent Commission on Disarmament and Security Issues that

- "the Security Council itself must enhance its capacity to pre-empt conflicts. The permanent members, in particular, should seek to foster a close understanding and collaboration among themselves and encourage a mutually supportive partnership with the Secretary-General to facilitate initiatives under Article 99 of the Charter".
- "the Secretary-General should report to the Council on a regular basis throughout the year. There should be a special annual state of the international community message to be delivered in person by the Secretary-General to a meeting of the Security Council with the Foreign Ministers in attendance".

Finally, the Nordic Governments were of the opinion that it is of the utmost importance to the United Nations that the Member States have a high degree of trust in the competence and integrity of the Secretariat. The Secretary-General's stated policy in this respect should therefore be welcomed and fully supported by all member countries.

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3. Activation of the Security Council

a. Periodic Meetings

Periodic meetings of the Security Council are provided for in Article 28, paragraph 2, of the Charter of the United Nations, which states as follows:

"The Security Council shall hold periodic meetings at which each of its members may, if it so desires, be represented by a member of the government or by some other specially designated representative."

Rule 4 of the Provisional Rules of Procedure of the Security Council, which seeks to implement this provision of the Charter, stipulates that periodic meetings of the Security Council shall be held twice a year, at such times as the Security Council may decide.

That provision has never been fully utilized. The first and so far only such meeting took place in October 1970. The meeting was held at the initiative of Finland, then member of the Security Council. The Council met behind closed doors but published a final communique.

Various proposals aimed at reviving the Charter provision for periodic meetings have been made both by Member States and by different Secretaries-General. In his annual report in 1982 the Secretary-General suggested that the Security Council should meet at the highest possible level to discuss, among others, the problems related to the effective functioning of the Organization as assessed by the Secretary-General himself.

Despite differences in circumstances and political situations there are certain common elements in most of the arguments presented in support of holding periodic meetings of the Council:

- Reference to the original intentions of the Charter;
- The importance of periodic meetings as a means of developing to the full the yet unexplored possibilities of the Organization in the exercise of its primary function;
- Periodic meetings as a new form of contact and negotiation on a policy-making level in a continuing process of negotiation;
- The idea that periodic meetings should be occasions for a general review of the international situation rather than for decisions on any particular issue of substance;
- The need for careful preparation;

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- The conclusion that periodic meetings once instituted should become a permanent institutional feature of the Organization.

The Council was intended to act as the supreme organ of a world-wide collective security system and for this purpose it was vested with the power to make decisions binding upon Member States. Yet too often at moments of crisis or conflicts threatening the peace of the world, the Security Council has been reduced to sterile debate or been completely by-passed by events.

The reason for this does not seem to be any institutional weakness but the lack of agreement between the major Powers on making use of the Council for the purpose it was created. Whenever the major Powers have shown a greater measure of willingness to work together for the preservation of peace, the effectiveness of the Security Council has clearly increased. At least the Council has been able to take action to contain some conflicts which otherwise might have endangered international security.

Periodic meetings of the Council on the level of Government members, in the event that such meetings were to become customary, would also eliminate the risk of creating exaggerated hopes among the public which often inhibits Governments from arranging high-level meetings.

The Nordic Governments believe that it should again be considered to institute periodic meetings of the Security Council in accordance with Article 28 (2) of the Charter as an important step towards making the United Nations more effective in maintaining international peace and security. Such meetings could take place twice a year, as provided in Rule 4 of the Provisional Rules of Procedure of the Security Council, in the spring and in the autumn. As a first step an autumn meeting could be timed to take place in connection with the presence of Foreign Ministers in New York for the opening of the General Assembly.

b. Other ways of activating the Security Council

In his report the Secretary-General points out with regard to the role of the Security Council that

"the system of collective security envisaged by the Charter presupposes, at the minimum, a working relationship among the permanent members".

The Secretary-General goes on to appeal to the permanent members

"to reassess their obligations in that regard and to fulfil them at the high level of responsibility indicated in the Charter".

Such a working relationship has not been wholly absent from the proceedings of the Security Council. The permanent members have occasionally found it possible to co-operate on substantial issues in the Council. In most of these cases neither their own interests nor those of their allies have been directly involved. The number of such cases, usually disputes of a local character, may well grow in today's increasingly volatile and diverse world. Many of them, however local, may easily turn into armed conflicts, with unforeseeable consequences.

In the common interest to contain such threats to the peace, a possible first step towards reviving the functions of the Security Council in the field of common security would be for the permanent members to reach an understanding concerning the use of the United Nations machinery for anticipatory and preventive action.

In this context the Independent Commission on Disarmament and Security Issues has i.a. suggested the possible dispatch of fact-finding missions or military observer teams.

The Commission has furthermore suggested that the permanent members of the Security Council should agree to support, or at least not vote against, collective security measures aiming at preventing breaches of the peace. This, according to the Commission, is most likely to be applicable in border disputes in the Third World.

The Nordic Governments are of the opinion that these suggestions merit further study in order to ascertain their acceptability.

The possibility of bringing disputes to the attention of the Security Council or the General Assembly under article 35 of the Charter should be kept under consideration in this context.

4. The role of the General Assembly

In the field of international peace and security the Charter of the United Nations assigns specific functions to the Security Council, on the one hand, and to the General Assembly on the other. These functions reflect the dual role of the United Nations as a mechanism for the maintenance of peace and the settlement of conflicts and as a forum for world opinion.

Bearing in mind this dual role the Nordic Governments emphasize the need for the General Assembly to direct its efforts towards making constructive contributions to the solution of international conflicts and problems.

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5. United Nations Conferences and the Specialized Agencies

In recent years there has been a growing tendency to introduce in the work of United Nations conferences and the specialized agencies political questions which are irrelevant to the concrete issues discussed. The Nordic Governments deplore this tendency and point out that the strength and importance of these fora lie in the non-political atmosphere which facilitates the substantive work for the benefit of all countries. They also deplore attempts in recent years to violate the principle of universality in the United Nations system.

These tendencies present a danger for the viability of the whole United Nations system, and they should therefore be countered wherever they occur.

6. Peace-keeping operations

The Nordic Governments emphasize the importance of strengthening and improving the United Nations peace-keeping operations. They regret that it has not proved to be politically possible to obtain agreement among the United Nations members on a more formalized decision-making process in connection with peace-keeping operations.

All peace-keeping operations so far have been dispatched after hostilities have broken out. The possible use of a peace-keeping operation as a deterrent to a potential aggression should be examined. There might be some situations in which introduction of a military force authorized by the Security Council could contribute to preventing a conflict. Such an approach would need to be examined more in detail. It also raises various questions, inter alia, whether governments would be willing to provide troops under such conditions, the duration of the mission and whether consent or acquiescence of the other party should be required.

Having examined whether it would be advisable to increase the military strength of the United Nations peace-keeping operations, the Nordic Governments have come to the conclusion that increases in the military strength of a peace-keeping force are not likely to solve the problems which it encounters. Peace-keeping forces cannot fulfil the role of a regular army. Their task is basically of a political character. The peace-keeping forces could, however, be given increased means of self-protection. Such steps could enhance the ability of the force to carry out its operation. It would also contribute to reducing the risk of casualties among peace-keeping personnel.

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In the light of past experience it is clear that all peace-keeping operations must have a clearly defined and operationally feasible mandate. The parties to a conflict must be ready and willing to cooperate with the peace-keeping force in discharging its mandate. Full support from the Security Council is also crucial for the success of peace-keeping operations.

It is becoming increasingly difficult to find countries that are willing to provide contingents to a peace-keeping force and are acceptable to the parties. Stronger political support to peace-keeping operations by the Security Council and parties to a conflict would probably have a positive effect on governments' attitude towards providing troops.

Financial considerations are an equally constraining factor. Insufficient rates of reimbursement, the inability of the United Nations to refund governments according to existing rates as well as very considerable delays in reimbursement contribute to placing a financial burden on troop-contributing countries. A study should be made of possible measures to alleviate the financial burden on troop-contributing countries and of ways to achieve the greatest possible cost-effectiveness. In this connection, the Nordic Governments stress the collective responsibility of all United Nations members for the financing of peace-keeping operations.

Ready availability of troops would enhance the ability of the United Nations to play its role in accordance with its Charter. More countries should be encouraged to initiate a system of stand-by forces. It should be examined how the United Nations and troop-contributing countries with long-standing experience could assist in the establishment of units and training of personnel for United Nations peace-keeping operations thus strengthening the peace-keeping capability of the organization. The Nordic Governments declare their willingness to share - on an expanded and systematic basis, and in cooperation with the United Nations - their training programs with other troop-contributing countries.

The effectiveness of peace-keeping operations would be enhanced if the force could be deployed so as to function as an integrated military unit from the beginning. Such an approach would require a strengthening of the military component in the Secretariat of the United Nations. A further study of practical measures to strengthen the capacity of the United Nations Secretariat in this field would be useful.

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7. Peaceful settlement of disputes

The peaceful settlement of disputes constitutes chapter VI of the Charter of the United Nations and is one of its key substantive chapters. This principle is a necessary counterpart to the prohibition of the threat or use of force, inconsistent with the purposes of the United Nations.

The Charter provides only the framework and a forum for peaceful settlement of disputes, and further provisions on the principles which shall be applied are therefore needed.

The Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization finalized after several years' discussions a Draft Declaration entitled The Manila Declaration on the Peaceful Settlement of International Disputes which was adopted by acclamation by the 37th General Assembly on November 15, 1982.

The implementation of the principle of peaceful settlement of disputes among states being primarily a question of political will on the part of the states involved, the Nordic Governments encourage Member States to use the United Nations system for peaceful settlement of disputes.

8. International Court of Justice

The International Court of Justice is the principal judicial organ of the United Nations. It would therefore seem natural that legal disputes be referred to the Court by the parties involved in accordance with the provisions of its Statute, which forms an integral part of the Charter itself.

However, the Court does not have a general jurisdiction to try legal disputes on the request of only one of the parties involved in a legal dispute. Both parties must have recognized the jurisdiction of the Court to settle the dispute in question or such disputes in general.

The Statute of the Court contains in Article 36 the so-called optional clause, according to which states may declare that they recognize as compulsory without special agreement the jurisdiction of the Court in all legal disputes, or certain categories of legal disputes. A state which has made such a declaration can without agreement in each individual case be summoned by another state which has also undertaken such a responsibility.

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The concept of unlimited competence for the Court in all kinds of legal disputes has not been accepted by the majority of United Nations members. It is a fact that by July 31, 1982, only 47 out of 157 Member States had recognized the compulsory jurisdiction of the Court. Neither have the majority of states been willing to recognize a more limited competence of the Court, such as in cases concerning the interpretation and application of certain treaties or disputes between certain states. It is characteristic that it has even proved impossible to achieve agreement on compulsory settlement of disputes concerning the interpretation and application of treaties concluded within the framework of the United Nations work with codification of international law.

The Nordic Governments draw the attention of the world community and world opinion to the role which the International Court of Justice can play in settling international disputes.

9. Other activities of the United Nations

The activities of the United Nations involve most sectors and spheres of today's society. The economic and social activities of the United Nations contribute together with its political activities to the promotion of the objectives enshrined in the Charter. A positive perception of the United Nations among individuals and by the public opinion in general enhances the strength of organization. The vast majority of the world's population experience the United Nations most concretely through its economic and social activities, particularly at the field level. For these reasons it is important that also such activities are maintained and strengthened.

10. Conclusions

Referring to what has been said above the Nordic Governments have reached the following conclusions on possible measures to strengthen the United Nations:

- The efficiency of the Security Council should be improved. The Council should develop procedures for initiating action in an early stage of conflicts in order to prevent the use of force. The Council should also devote more attention to the implementation of its decisions. Periodic meetings of the Council in accordance with the Charter should be seriously considered.
- Relations of trust and co-operation between the Security Council and the Secretary-General are of crucial importance for the ability of the United Nations to prevent or to solve conflicts. The Secretary-General should be given all possible support in his endeavours to make full use of the role assigned to him by the Charter in this field.

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- The capacity of the United Nations with regard to peace-keeping operations should be further strengthened. The Nordic Governments declare their willingness to contribute actively to this end. More countries should be encouraged to initiate a system of stand-by forces for this purpose. The Nordic Governments are ready to assist in the establishment of units and training of personnel for UN peacekeeping operations.

- The work of the General Assembly should, as far as possible, aim at the promotion of constructive proposals for the solution of international conflicts and problems.

- In order to achieve a strengthened United Nations it is important that the efficiency of the organization be improved. It is also essential that the organization be provided with the necessary financial means corresponding to the tasks entrusted to it.

- The Secretary-General should be supported in his efforts to maintain a high degree of efficiency in the Secretariat and to protect the integrity and independence of the staff.
