



SUMMARY RECORD OF THE 17th MEETING

Chairman: Mr. FRANCIS (Jamaica)

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ORGANIZATION OF WORK

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The meeting was called to order at 3 p.m.

AGENDA ITEM 132: REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION (continued)
(A/41/33, A/41/183, A/41/189-E/1986/54, A/41/213-E/1986/56, A/41/337-E/1986/87, A/41/343-E/1986/91, A/41/398-S/18131)

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(A/41/57-S/17690, A/41/64-S/17697, A/41/70-S/17708, A/41/76-S/17716, A/41/78-S/17721, A/41/79-S/17722, A/41/89-S/17737, A/41/90-S/17738, A/41/95-S/17751, A/41/122-S/17771, A/41/133-S/17786, A/41/134-S/17789, A/41/160-S/17820, A/41/162-S/17825, A/41/165-S/17832, A/41/166-S/17842, A/41/171-S/17844 and Corr.1, A/41/176, A/41/182-S/17868, A/41/205-S/17905, A/41/206-S/17909, A/41/211-S/17912, A/41/214-S/17915, A/41/217-S/17920, A/41/221-S/17924, A/41/225-S/17927, A/41/227-S/17933, A/41/239-S/17953, A/41/253-S/17956, A/41/258-S/17962, A/41/263-S/17970, A/41/265-S/17971, A/41/267-S/17973, A/41/281-S/17988, A/41/284-S/17995, A/41/294-S/18010, A/41/298-S/18014, A/41/300-S/18017, A/41/307-S/18027, A/41/309-S/18029, A/41/311-S/18034, A/41/312-S/18038, A/41/313-S/18039, A/41/321-S/18045 and Corr.1, A/41/331-S/18054, A/41/336-S/18059, A/41/347-S/18068, A/41/354, A/41/357-S/18078, A/41/387-S/18119, A/41/390-S/18125, A/41/400-S/18137, A/41/418-S/18167, A/41/419-S/18169, A/41/429-S/18183, A/41/436-S/18186, A/41/442-S/18200, A/41/446-S/18207, A/41/451-S/18213, A/41/487-S/18242, A/41/488-S/18245 and Corr.1, A/41/489-S/18247, A/41/497-S/18255, A/41/524-S/18286, A/41/533-S/18291, A/41/539-S/18293, A/41/540-S/18294, A/41/557-S/18304, A/41/574-S/18310, A/41/575-S/18311, A/41/576-S/18312, A/41/587-S/18328, A/41/589-S/18329, A/41/590-S/18330, A/41/597-S/18336, A/41/604-S/18339, A/41/625-S/18351, A/41/634, A/41/651-S/18365, A/41/657-S/18367, A/41/659-S/18369, A/41/684-S/18385, A/41/693-S/18388)

1. Mr. MIKULKA (Czechoslovakia) said that in the 41 years of its existence, the United Nations had convincingly demonstrated that it was both viable and irreplaceable. Its purposes and principles, although severely tested on many occasions, remained as timely as ever. The fact that not everything in the world corresponded to those ideals was due not to any legal or technical shortcomings of the Charter, but to the failure of some Member States to apply the Charter principles in their relations with others. The selfish policies of certain countries, which promoted their interests to the detriment of the legitimate interests of other States, were chiefly responsible for the undermining of the Organization's efforts to maintain international peace, establish a genuinely reliable system of collective security and genuinely equal relations between all States, and develop broad and mutually advantageous co-operation. His Government had never shared the view that the solution of present-day problems lay in reviewing the Charter. On the contrary, what was needed was the consistent fulfilment by all States of their obligations under the Charter and the creation of an international climate of trust and co-operation. An essential pre-condition for such a climate was the cessation of the arms race and the achievement of real progress towards disarmament.

(Mr. Mikulka, Czechoslovakia)

2. The first question which arose in connection with the results of the work of the Special Committee on the Charter was to what extent that Committee was directing its attention to the main obstacles to the effective operation of the United Nations and the main possibilities of strengthening the role of the Organization and influencing the approach of Member States to the fulfilment of their duties under the Charter. Seen in that light, the Special Committee's work did not give rise to a great deal of satisfaction. The issue on which its efforts had been concentrated of late - the role of the United Nations in the prevention of disputes and possible threats to international peace and security - although undoubtedly useful, was too narrow. All other aspects of the problem of strengthening the role of the United Nations in the maintenance of international security, which the Special Committee was required to study under resolution 40/78, had remained outside the scope of its attention. Working paper A/AC.182/L.38/Rev.2 dealt only with secondary and relatively unimportant aspects of the United Nations mechanism for the prevention of conflicts. Some of its formulations were still open to an interpretation not fully in accord with the Charter. Accentuating only one aspect and keeping silent on all others was bound to create an imbalance. His delegation, like a number of others, was convinced that the question of strengthening the role of the United Nations in the maintenance of international peace and security could not be viewed in isolation from that of the conduct of States, which surely was the key to the problem. To concentrate on the procedural aspect was to create the false impression that the problem of strengthening the role of the United Nations was a technical one, when in fact it was highly political and could not be resolved without the necessary political will on the part of States. That was the main aspect of the problem, and the Special Committee ought not to ignore it.

3. The working paper submitted to the latest session of the Special Committee by Czechoslovakia, the German Democratic Republic and Poland (A/AC.182/L.48) placed the accent on the role of States as primary actors in the maintenance of peace and security and in conflict prevention. It included proposals for steps in the political, military, economic and humanitarian fields which would promote the establishment of a comprehensive security system in full compliance with the purposes and principles of the Charter. Those specific proposals were contained in sections III and IV of the working paper, and the Special Committee would do well to concentrate on them with a view to formulating specific recommendations. The response to the working paper showed that some members of the Special Committee regarded it as a balanced and comprehensive approach to the implementation of the Committee's mandate. The sponsors had also taken careful note of the critical comments made, and would draw the appropriate conclusions in a spirit of constructive co-operation.

4. Mr. BATH (Brazil) said that the adoption of resolution 38/141 in 1983 had signalled the beginning of a new phase in the Special Committee's history. The resolution had resulted from efforts to overcome the virtual paralysis of the Special Committee in the preceding years and to open up new avenues to be explored in connection with the maintenance of international peace and security. As a consensus text with all the shortcomings which that implied, the resolution had, of course, fallen short of satisfying everyone. His delegation, for one, had felt

(Mr. Bath, Brazil)

that it unduly restricted the Special Committee's scope. It had, however, been generally felt that the only hope of making progress lay in focusing the Special Committee's attention on one specific field, that of preventive activities of United Nations organs.

5. While it could be said that some progress had been achieved under the new mandate, such progress had occurred in the very limited field in which the Special Committee's action had been confined. His delegation continued to believe that the higher purposes for which the Committee had been established should not be forgotten, especially at a time of serious erosion of the prestige of the United Nations. The Special Committee was supposed to have a central role in putting forward recommendations for the improvement and strengthening of the mechanisms provided in the Charter. Instead, there had been an endless exercise in defining and redefining mandates. But a continual process of reflection in the search for improvement of those mechanisms was as necessary as ever, and the Special Committee was still the adequate forum for that reflection.

6. His delegation had supported the mandate adopted without a vote in resolution 38/141 and reaffirmed in resolutions 39/88 and 40/78, because it represented a pragmatic approach to the maintenance of international peace and security. Concentration of efforts in the field of preventive activities did not carry any implication as to the subject's relative importance among the vast number of other matters that had been and could still be brought before the Special Committee. Many ideas which the Committee had considered in the past without arriving at final conclusions were still valid and could legitimately be taken up once more. The election of a less controversial issue had been an alternative approach designed to enable the Special Committee to make some headway and thus maintain its credibility. That could only be achieved, however, if the spirit which had made possible the adoption of the mandate without a vote had remained alive. Unfortunately, as the situation which had arisen in connection with working paper A/AC.182/L.38/Rev.2 demonstrated, no such spirit had prevailed and the Special Committee at its latest session had once again fallen prey to procedural disputes over the interpretation of its mandate. An additional cause for concern was the fact that the deadlock had been the result of confrontation among a minority of members and not, as in the past, the result of disagreement between a small group of delegations and virtually all others.

7. The procedural discussion which had occupied a lengthy part of the 1986 session was reflected in paragraphs 46 to 49 of the report (A/41/33). Close examination of the arguments put forward on all sides did not warrant the conclusion that the path leading out of the impasse was blocked. A group of delegations had introduced working paper A/AC.182/L.48, which dealt with the conduct of States, as well as of the United Nations, in the maintenance of international peace and security. As the Special Committee's mandate clearly instructed it to consider that question in all its aspects, it could hardly be argued that the content of the working paper conflicted with the mandate and had no place in the discussion. Nothing in the mandate precluded the addition of further points to those contained in working paper A/AC.182/L.38/Rev.2. The reluctance to discuss points relating to the conduct of States, a question to which some

(Mr. Bath, Brazil)

delegations attached great importance, reflected a more fundamental problem, that of unwillingness to reach any positive results whatsoever. That attitude was slowly suffocating the Special Committee. A more positive approach and a genuine spirit of conciliation on the part of the sponsors of the two working papers were called for, and he looked forward to encountering such a spirit at the Special Committee's next session.

8. His delegation appreciated the Secretariat's excellent work in preparing the first parts of the draft handbook on the peaceful settlement of disputes between States. Brazil's views on the introduction, chapter I, and section A of chapter II had been expressed at the meeting held on 3 April under the chairmanship of the Legal Counsel. There was a definite need to produce a text which achieved the correct balance between theoretical and practical aspects, so as to provide easy and clear reference for future users.

9. As to the new proposal on a commission of good offices, mediation or conciliation, contained in document A/AC.182/L.47, his delegation shared the view expressed in paragraph 15 of the Special Committee's report that it featured some improvements over previous versions. He expressed appreciation for the open-minded attitude of the sponsor. Brazil's approach to the proposal had been cautious; it supported any initiative aimed at promoting the peaceful settlement of disputes, but felt that there were fundamental questions that remained unanswered. As to the political will of States to submit disputes to third-party procedures, he pointed out that at least two disputes had been successfully settled in 1986 because the States involved had agreed to settlement procedures. His delegation felt that the peaceful settlement of disputes should be treated as one of the elements of the broader question of the maintenance of international peace and security, in line with the provisions of the 1982 Manila Declaration on the Peaceful Settlement of International Disputes. As compared with the previous version of the proposal, document A/AC.182/L.47 offered a more clear-cut view of a procedure that would be ancillary to United Nations organs and fully respect the freedom of choice of means on the part of States; it would require prior agreement between the parties, and it made a clearer technical distinction between good offices, mediation and conciliation. His delegation still shared some of the doubts expressed in paragraph 16 of the Special Committee's report, however, especially those concerning institutional aspects and the need for greater terminological precision.

10. The new proposals on the rationalization of existing United Nations procedures had confirmed Brazil's view that there was no sense in producing what amounted to little more than reminders of specific provisions of the rules of procedure of the General Assembly. The proposals dealt only with the General Assembly and made no reference whatsoever to other United Nations organs. The Special Committee could best contribute to the General Assembly's effort to review the functioning of the United Nations by avoiding duplication of work.

11. Mr. BOUABID (Tunisia) said that the Special Committee had once again held a productive session. Moreover, the Office of Legal Affairs appeared to be making good progress on the preparation of further drafts for the handbook on the peaceful settlement of disputes between States. His delegation welcomed the fact that a further meeting of the Consultative Group on the Handbook was likely to be held early in 1987. It was to be hoped that the Secretariat would take that opportunity to submit a revised version of the drafts submitted to the Consultative Group in April 1986.

12. Working paper A/AC.182/L.47 on the establishment of a commission of good offices, mediation or conciliation within the United Nations took into account, to a great extent, the relevant observations about the initial version. A series of improvements affecting both the paper's structure and the content of some of its sections had been made. The improvements in question concerned, in particular, the principle of freedom of choice of means of peaceful settlement of disputes, the procedural and ad hoc nature of the proposal, the separation between the three procedures in question, the relationship between the proposed commission and other United Nations organs, and the wording of paragraphs 18 and 19. Considerable progress had been made in the Special Committee as a result of the debate on the working paper. Naturally, a few questions still had to be settled, and it was to be hoped that the Special Committee could complete consideration of the matter at its 1987 session. That goal could be attained, given the necessary flexibility on the part of all members of the Special Committee.

13. In 1986 there had been interminable debates on procedure and on the interpretation of the Special Committee's mandate in respect of the maintenance of international peace and security. Although the revised working paper submitted to the Special Committee (A/AC.182/L.38/Rev.2) contained some useful elements, it must be recognized that that paper covered a much broader field than that of prevention, which had been agreed upon in 1983 as constituting a first stage in the consideration of the maintenance of international peace and security. The revised working paper could not be given the same status as a paper that had been before the Special Committee for three years and was about to be finalized. His delegation would therefore like to see the Special Committee complete consideration of working paper A/AC.182/L.38/Rev.2 once some of the elements relating to conflict prevention and the role of States in conflict prevention set forth in working paper A/AC.182/L.48 had been incorporated in it. It was to be hoped that the 1983 agreement on the various stages of consideration of the issue would be taken fully into account once again in 1987.

14. Much remained to be done in the complex area of the rationalization of existing procedures of the United Nations. However, it might be wise to start with the organs that reported to the Sixth Committee. In the case of the Special Committee on the Charter, the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations and the Ad Hoc Committee on the Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries, valuable time and an enormous volume of resources were wasted each year on interminable consultations on the election of officers and organization of work. Some organs had solved the problem

(Mr. Bouahid, Tunisia)

satisfactorily by holding organizational sessions or by holding informal consultations one or two weeks before the beginning of the session proper. The latter solution was the most appropriate in the case of the three Committees reporting to the Sixth Committee. If such an approach were taken in 1987, more time would be available for substantive work and considerable sums of money could be saved. His delegation hoped that that proposal would receive wide support and that it could be reflected in the relevant draft resolutions adopted at the current session.

15. Mr. ZURITA (Venezuela) said that his country had absolute faith in the role of the United Nations in maintaining international peace and security, and was committed to the strengthening of the United Nations, which provided the framework for multilateral action in response to serious world problems. However, the provisions of the Charter must be adapted, either through interpretation or codification, to take account of new political, economic and social developments. The small and medium-sized countries had placed their hopes in the potential offered by dialogue and civilized debate for the attainment of genuine international peace and security. In that connection, Venezuela regarded as encouraging the talks held at the Reykjavík summit meeting.

16. Much progress had been made in the Special Committee in the consideration of the proposal concerning resort to a commission of good offices, mediation or conciliation within the United Nations. Any specific endeavour to provide the United Nations with a comprehensive, co-ordinated system for the settlement of disputes such as the one proposed must be supported by Member States. The necessary political will and good faith were essential for international action, and Venezuela supported the peaceful settlement of disputes by means recognized under international law, provided that the means in question were chosen on the basis of agreement between the parties to the dispute.

17. His delegation noted that the Special Committee had also made a certain amount of progress in its examination of the report of the Secretary-General on the progress of work on the draft handbook on the peaceful settlement of disputes. The handbook should also cover instruments and procedures prepared or established prior to the drafting of the Charter of the United Nations that did not conflict with the provisions of the Charter. Moreover, it should be structured in such a way as to ensure that it could be used effectively.

18. Every aspect of the strengthening of the role of the United Nations and its organs in the maintenance of international peace and security must be systematized and regulated. The Special Committee's work on the rationalization of existing procedures of the United Nations was to be encouraged, and the Special Committee should continue considering what action the United Nations could take before the machinery for the peaceful settlement of disputes was activated.

19. Miss AVILA-SEIFERT (Bolivia) said that, given the current international situation, characterized by the desire of some States to achieve hegemony by scores of conflicts, by the arms race and by the selfish interests of States, the principle of peaceful settlement of disputes was sacred. Adherence to it would make it possible for the entire international community to discuss and defend interests and to coexist in an atmosphere of wisdom and justice. For that reason, her delegation strongly supported the principle and would spare no effort to strengthen it through the work of the Sixth Committee.

20. The linkage established by the Charter between the principle of peaceful settlement of disputes and the prohibition of the threat or use of force was reaffirmed in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, and in the Manila Declaration on the Peaceful Settlement of International Disputes. The value of the provisions of Chapter VI of the Charter as an element for the maintenance of peace was underscored by the almost total failure of the collective security system and the almost constant inability of the Security Council to take measures in the event of serious threats to peace or even of clear breaches of peace. Moreover, recognizing that it was of paramount importance for States parties to a dispute to be able to choose the means of settlement most appropriate to the circumstances, Article 33 of the Charter provided for the free choice of peaceful means according to the particularities of each dispute, thus taking into account the realities of international life. The Manila Declaration reflected that approach in section I, paragraph 5, emphasizing that, in seeking a settlement, the parties should "agree on such peaceful means as may be appropriate to the circumstances and the nature of their dispute".

21. Her delegation stressed that peaceful settlement was a principle which must be applied in all international disputes, regardless of their nature or seriousness. The flexibility provided for in the Charter and in other instruments, such as the Manila Declaration and the Convention on the Law of the Sea, made it easy for all peace-and-justice-loving States to apply the principle. Her delegation believed that it was important for the Special Committee to continue work on the proposal for a commission of good offices, mediation or conciliation, which would facilitate the achievement of the objectives of Member States, as expressed in the Charter and the Manila Declaration, with regard to the peaceful settlement of international disputes.

22. Mr. KAKOLECKI (Poland) said that his delegation welcomed the progress made by the Special Committee, particularly in view of the importance of the implementation of General Assembly resolution 40/78. Poland had always made strict adherence to the purposes and principles of the Charter and active involvement in efforts to preserve peace and consolidate international security the principal precepts of its membership and activities in the United Nations. In that same spirit, his Government had sponsored a proposal to establish a comprehensive system of peace and security (A/41/191) that took account of the need for strict compliance with a set of important principles.

(Mr. Kakolecki, Poland)

23. Moreover, at the Special Committee's most recent session, together with the delegations of Czechoslovakia and the German Democratic Republic, his delegation had submitted working paper A/AC.182/L.48, which set forth a broad range of political, economic and humanitarian measures to be adopted by all States with a view to establishing an all-embracing system of international collective security. The working paper was based on the belief that the Special Committee must consider the contribution of Member States to the maintenance of international peace and security, and that the role of the United Nations could not be isolated from the conduct of States. While reaffirming the basic principles of international law, the paper set forth a general framework for defining the role of States in the maintenance of international peace and security, and proposed measures to ensure more effective implementation of the objectives of the United Nations. Special attention was devoted to the need to avert war, particularly nuclear war, and to the basic obligations of States in the field of disarmament. The paper also contained provisions dealing with the role of the United Nations. It was in full compliance with the Special Committee's mandate, as laid down in paragraph 3 (a) of General Assembly resolution 40/78, and provided a comprehensive basis for the preparation by the Special Committee of a declaration on the role of Member States and the United Nations itself in the maintenance of international peace and security.

24. His delegation had serious misgivings about working paper A/AC.182/L.38/Rev.2, which had been submitted by Belgium, the Federal Republic of Germany, Italy, Japan, New Zealand and Spain, since it concentrated on procedural and secondary aspects of the issue of international peace and security, focusing on the Organization's role and leaving aside the vital question of the conduct of States. The proposals in that paper were not compatible with the Special Committee's mandate, would not command sufficient agreement and were not in keeping with the Charter of the United Nations, particularly regarding a proper distribution of competences among the principal organs of the United Nations, and therefore could not serve as the only basis for the Special Committee's further work in that area.

25. The proposal concerning a commission of good offices, mediation or conciliation (A/AC.182/L.47) contained important substantive and drafting improvements over the earlier version. However, his delegation was not convinced that the proposed procedure was compatible with the Charter. The question of the relationship between the proposed commission or procedure and existing organs still had to be faced. Moreover, the proposed procedure might lead to the premature internationalization of disputes or situations that could still be dealt with through negotiations between the parties concerned. There were also doubts as to how practicable the proposal was. Sufficient means for the settlement of disputes were already provided by the Charter and the Manila Declaration, whose implementation depended more on the good will of States than on the establishment of new machinery.

26. His delegation welcomed the progress made on the draft handbook on the peaceful settlement of disputes, which should be of a descriptive nature and should not have any legal effects. The main criterion for selection of materials for the

(Mr. Kakolecki, Poland)

handbook should be in full conformity with the Charter. His delegation shared the view expressed by many other delegations that the handbook should have a practical orientation and provide specific aid for interested States. It should also clearly indicate legal grounds for the settlement of disputes.

27. His delegation had no objection to the work carried out by the Special Committee in the area of the rationalization of existing procedures. However, all solutions should comply with the Charter and respect the rights of States to bring matters before the United Nations. They must not lead to a reduction in the political activities of the United Nations. Working paper A/AC.182/L.43/Rev.1, submitted by France and the United Kingdom, did not meet those criteria.

28. At its 1987 session, the Special Committee should give priority to the fundamental question of the maintenance of international peace and security.

29. Mr. KATEKA (United Republic of Tanzania) said that the Special Committee's report (A/41/33) was difficult to understand because it was badly organized. It did not indicate whether the report had ever been adopted, or if any progress had been made. The awkward situation in which the Special Committee found itself was clearly indicated in paragraph 29 of the report. It was a pity that the Committee had been unable to agree on any matter of substance. With its declining output, it had been an unwitting accomplice to detractors of the United Nations who criticized the Organization for "doing nothing".

30. To illustrate the absurdity of the current situation, he pointed out that, although chapter II contained a proposal by Romania on a commission of good offices, mediation or conciliation, there was no agreement on the need for such a commission. His delegation shared the view, expressed in paragraph 16, that failure to settle disputes by peaceful means was attributable more to a lack of political will on the part of States than to a scarcity of mechanisms at the universal and regional levels.

31. His delegation also felt that the rationalization of existing United Nations procedures had been adequately dealt with in other forums, and the Special Committee should therefore not waste more time and money on the matter. Moreover, the confusing scenario presented in chapter IV, concerning the maintenance of international peace and security, could benefit only the enemies of the United Nations.

32. The source of the Special Committee's difficulties had always been the refusal by the big Powers to face the issue of amending the Charter. Instead of dealing with substantive issues, they had been satisfied with the de facto amendment of the Charter in respect of peace-keeping operations. Those same Powers had supported proposals in the Group of High-level Intergovernmental Experts to Review the Efficiency of the Administrative and Financial Functioning of the United Nations (Group of 18) to upset the balance in the United Nations system by concentrating in a handful of States the decision-making power over on the United Nations budget.

(Mr. Kateka, Tanzania)

33. It was time for the Special Committee to undertake serious and meaningful discussions concerning the maintenance of international peace and security, and for it to address the issue of collective security. It was also time to reactivate Article 43 of the Charter, which had been a dead letter for years. His delegation was prepared to support the renewal of the Special Committee's mandate, although it was uncomfortable with the provision about reaching "general agreement" on the mandate. He hoped that the Sixth Committee would receive a more substantial report from the Special Committee at the forty-second session of the General Assembly.

34. Mr. SMIRNOV (Union of Soviet Socialist Republics), stressing the great importance which his country attached to the United Nations, said that the task of strengthening the Organization's effectiveness in fulfilling its central objective, that of saving succeeding generations from the scourge of war, called for new political thinking in tune with the realities of the nuclear and space age. Such thinking presupposed the renunciation of confrontational policies in international affairs. The Soviet Union, for its part, was doing everything in its power to encourage such new thinking, as demonstrated in particular by Mr. Gorbachev's recent proposals aimed at the elimination of nuclear weapons. But the strengthening of international peace and security required efforts on the part of all members of the international community. In that connection, he referred to the proposal by a group of socialist countries for the establishment of a comprehensive system of international security (A/41/191). In addition, the Soviet Union had submitted other proposals which emphasized the major role of the United Nations in promoting international security and disarmament. It was important for the United Nations to support the proposals concerning the verification of fulfilment of undertakings not to conduct nuclear explosions, and to draw up recommendations in that connection. As the sole guardian of peace in outer space, the Organization might have a word to say on that subject as well. It could also contribute to the elimination of chemical weapons by stimulating the political will of States on that issue. In short, the role of the United Nations was irreplaceable, and its responsibility great in every sphere of international relations.

35. At the same time, as a result of actions aimed at undermining its authority in international affairs, the United Nations was going through a difficult period. The abandonment of the principles of multilateralism and the pressures, including financial and economic ones, being exerted upon the Organization and its Members ran counter to the spirit of the Charter and the standards of civilized State conduct, and were typical of the old style of thinking based on the concept of force in international relations. In the present difficult situation, the Organization needed the support of all States which accepted the Charter as their criterion for action in the international arena.

36. The question of making effective use of the Organization's full potential was particularly important. In the eyes of the international community, the prestige of the United Nations was associated not only with the purposes and principles proclaimed in the Charter but, above all, with the Organization's ability to put them into practice. The United Nations stood at the threshold of important changes. The international community could not restructure international relations

(Mr. Smirnov, USSR)

without taking account of changing realities. That was why the Soviet Union felt that it might be worth while to organize a special discussion on many problems relating to the Organization's activities, with a view to strengthening the United Nations and imparting to it the new dynamism needed for the solution of complex international problems.

37. The Special Committee, which had a contribution to make towards improving the effectiveness of the United Nations on the basis of the observance of the Charter, had at its latest session concentrated its attention on the question of maintenance of international peace and security. In that connection, the delegations of Czechoslovakia, the German Democratic Republic and Poland had submitted a working paper (A/AC.182/L.48), which reflected a concern to enhance the effectiveness of the United Nations, and particularly of the Security Council, in creating a peaceful world. In his delegation's view, the working paper provided a useful basis for the Special Committee's further work. As for the other proposals before the Committee, namely, the one concerning the role of the United Nations in the prevention and removal of disputes (A/AC.182/L.38/Rev.2) and the one concerning the peaceful settlement of disputes between States (A/AC.182/L.47), his delegation regarded them as an expression of concern over the international situation and of the desire to find ways of revitalizing the role of the Organization in those fields. It should not be forgotten, however, that the prevention of conflicts was only one of the aspects of the maintenance of international peace and security, and had to be considered within that broader context.

38. As previous speakers had pointed out, the question of the rationalization of existing procedures of the General Assembly and its Main Committees formed the subject of a number of proposals, many of which touched upon fundamental aspects of the Organization's activities. In dealing with the issue, the Special Committee should take a balanced approach to all those ideas and give them careful consideration.

39. Mr. LANG (Austria) said that, with the exception of the Manila Declaration on the Peaceful Settlement of International Disputes, the Special Committee had not yet produced anything that met the expectations of many of its founding fathers, a situation which was mainly due to adverse political circumstances. His delegation regretted that not a single item had entered the final stage of consideration.

40. With regard to the peaceful settlement of disputes, Austria welcomed all efforts to improve existing procedures, including Romania's proposal concerning a commission of good offices, mediation or conciliation. Its doubts had not been entirely dispelled, however, as to whether the international community would be best served by the creation of yet another organ. Referring to the consensus statement contained in paragraph 29 of the report (A/41/33), he said that his delegation would have preferred to see any elements of possible agreement quickly identified in order to allow the Sixth Committee to assess whether the effort should be pursued.

(Mr. Lang, Austria)

41. His delegation shared the view that the proposed commission should be composed of independent individuals, not States, and that the Chairman should be nominated by an impartial authority. The final text of the proposal should include references to existing regional mechanisms and ongoing efforts to devise procedures for settling disputes.

42. Austria lent its full support to the endeavour to elaborate a draft handbook on the peaceful settlement of disputes, a task which should be performed not as an academic exercise, but as a concrete contribution to the solution of problems between nations.

43. Although some aspects of the work of the Special Committee duplicated to a certain extent the debate in the plenary Assembly concerning the report of the Group of 18, Austria was ready to accept that duplication in so far as the endeavours of the Special Committee coincided with and did not contradict the position taken by the Group of 18. His delegation was particularly attracted by the idea expressed in document A/AC.182/L.43/Rev.1 that the postponement of an item on several successive occasions constituted a strong argument for removing that item from the General Assembly's agenda. Moreover, in view of the financial crisis and the difficulty experienced by smaller States in sending experts to an ever-increasing number of meetings, his delegation saw some merit in the proposal to create new subsidiary bodies only if existing organs were discontinued. The creation of new bodies should not be an end in itself; nor should it be considered a yardstick of diplomatic success.

44. As to the maintenance of international peace and security, Austria continued to attach considerable importance to the proposal, contained in document A/AC.182/L.38/Rev.2, to revitalize the pre-crisis management capabilities of the United Nations system. It welcomed in particular the proposal to activate the Secretary-General's role in pre-crisis fact-finding. International peace and security were important assets which had to be guaranteed by an ever-improving system of crisis prevention and dispute avoidance, in the same way that attempts were being made to prevent transboundary environmental damage by concluding treaties covering hazardous activities. Austria did not consider "preventive activities" to be contrary to the Charter. The foremost task of the Special Committee was to reveal the hidden possibilities of the Charter and the role which the concept of prevention could play in the maintenance of international peace and security. His delegation also supported the view that seeking an advisory opinion of the International Court of Justice might be a very effective preventive means, provided that such opinion could be obtained from the judges without undue delay and provided that the States parties to a particular dispute were prepared to observe a truce or at least avoid a deterioration of the situation in which they found themselves.

45. With regard to the new proposal contained in document A/AC.182/L.48, Austria recognized that it reflected most of the concerns voiced in United Nations forums. However, it could not reasonably be expected that a comprehensive declaration on the maintenance of international peace and security could be drafted by the Special

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Committee in the foreseeable future. Furthermore, Austria shared the view that the duty of Member States was not so much to elaborate new general documents as to agree on concrete measures, immediately operational and applicable, in order to restore the international community's confidence in the Organization. The drafting of a separate document might be considered at a later date.

46. As to the suggestion that the question of non-use of force in international relations might be placed on the agenda of the Special Committee on the Charter, his delegation felt that, in view of the text concerning that issue approved by the Stockholm Conference on Confidence- and Security-building Measures and Disarmament in Europe, more concrete content should be given to the principle of non-use of force at the regional level first, before a new attempt was made within the framework of the United Nations.

ORGANIZATION OF WORK

47. Mr. CALERO RODRIGUES (Brazil) said that it might be useful for the Committee to consider revising its schedule, taking into account the proposal to complete work by the end of November. He suggested that the discussion of the report of the International Law Commission should begin one day earlier than scheduled, and that the discussion of all agenda items should be completed prior to the last week of November. It might also be useful to review the organization of the discussion on the Commission's report.

48. Mr. ROSENSTOCK (United States of America) supported the Brazilian suggestion regarding the Commission's report.

49. The CHAIRMAN said that any revision of the organization of the work of the Committee would be contingent on the date of closure decided by the General Assembly. The Committee would have to take a flexible approach.

The meeting rose at 5.10 p.m.