



SUMMARY RECORD OF THE 18th MEETING

Chairman: Mr. FRANCIS (Jamaica)

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The meeting was called to order at 10.30 a.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 and A/41/398-S/18131)

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1. Mr. DA COSTA (Angola) said that, although the United Nations had proclaimed 1986 the International Year of Peace, the current international situation was characterized by countless instances of the use of force, aggression, armed conflicts and foreign intervention. His delegation was deeply concerned about that situation and especially about the growing tendency to resort to force or the threat of force and to intervention in the internal affairs of other countries, and about the escalation of the arms race, which gravely endangered the independence and security of States, as well as international peace and security.

2. In the spirit of the Manila Declaration on the Peaceful Settlement of International Disputes, the leaders of the States of southern Africa, and particularly those of the front-line States, had on several occasions submitted to the South African Government many proposals relating to the peaceful settlement of disputes and designed to bring about peace in southern Africa. They had also called upon other States in some regions of Africa, Asia, the Middle East and Latin America to settle their disputes by peaceful means for the benefit of the economic and social development of the developing countries.

(Mr. Da Costa, Angola)

3. In flagrant violation of the principles of international law and the provisions of the United Nations Charter, South Africa was continuing its acts of aggression and subversion against the independent States of southern Africa. It was also continuing its military occupation of a portion of the territory of Angola, in violation of that country's sovereignty, independence and territorial integrity. Despite repeated appeals by the international community, certain Western States and Israel were continuing to collaborate with the racist régime of South Africa in the military and nuclear fields. Some of those same Western States, by readily resorting to the use of the veto, had consistently frustrated every effort of the Security Council to deal decisively with the question of South Africa. In spite of various proposals submitted by some States Members of the United Nations and the activities carried out within the framework of the United Nations in the field of the peaceful settlement of disputes, South Africa was continuing to increase its military expenditure, which constituted a heavy burden for the economies of the countries of the region and had extremely harmful effects on world peace and security.

4. South Africa enjoyed the full support of the biggest Power in the world in continuing its acts of aggression against the countries of southern Africa, especially since 1981, when the United States Government had announced its policy of "constructive engagement", which constituted a flagrant violation of Article 2, paragraph 4, of the Charter. The United States was giving the same support to the activities of the Zionist régime of Israel against the Arab countries in the Middle East. That policy had a negative impact on the principle of the peaceful settlement of disputes between States. Angola, which was the victim of daily foreign aggression, attached great importance to the principle of the non-use of force in international relations and welcomed the idea of drawing up a universal treaty on the subject.

5. Mr. SANGSOMSAK (Lao People's Democratic Republic) said that the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization demonstrated that the question of the maintenance of international peace and security continued to give rise to grave concern among the States Members of the United Nations, which was reflected in their persistent efforts to find appropriate means or machinery to bring about a gradual elimination of the arms race, reduce tension and urge States to coexist in peace and harmony. The same legitimate concern had led the Special Committee to devote all its efforts to consideration of that question, and had led some States to submit new, constructive proposals.

6. His delegation believed that working paper A/AC.182/L.38/Rev.2, entitled "Prevention and removal by the United Nations of disputes, of situations which may lead to international friction or give rise to a dispute and of matters which may threaten the maintenance of peace and security", referred only to preventive activities in the sphere of the maintenance of international peace and security. The document did not purport to deal with the substance of the problem, namely, the true causes of conflicts and the decisive role which States were playing, and merely listed a number of corrective measures. His delegation believed that a

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(Mr. Sangsomsak, Lao People's
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global approach should be taken to the problems of maintaining peace. For that reason it welcomed working paper A/AC.182/L.48. In its view, that document was not excessively ambitious, as some delegations had felt, but was concerned with urgent problems of the times. The document offered a broad range of specific and viable measures in the military, political, economic and humanitarian fields which could serve as a basis for establishing a universal system of international security. Instead of calling for the establishment of new bodies or procedures, it was proposed in the document that the role of the Security Council and its responsibilities in the maintenance of peace should be strengthened. A fundamental role was also assigned to States, which were to undertake to adopt gradual measures aimed at reducing tension, so as to achieve an atmosphere of trust and co-operation. He believed that the two working papers were not incompatible, but were mutually complementary. If the conclusions to be submitted to the General Assembly were to provide an effective response to current problems, they must at the same time cover preventive measures and fundamental aspects of those problems relating to the conduct of States. His delegation therefore believed that the Special Committee should consider both documents together at its next session in order to determine points of agreement, which would be submitted to the General Assembly in a single document.

7. Referring to the peaceful settlement of disputes between States, he took note of the efforts of the sponsors of the proposal entitled "Resort to a commission of good offices, mediation or conciliation within the United Nations" (A/AC.182/L.47), aimed at improving the text of that document in the light of the views expressed in the Sixth Committee at previous sessions and at ensuring that the establishment of the commission in no way impinged upon the prerogatives of the Security Council, the General Assembly or the Secretary-General, or on the principle of free choice of means for the peaceful settlement of disputes. His delegation believed, however, that despite those changes, the proposed commission would in practice encounter a significant obstacle, namely, the balance of powers between the principal organs of the United Nations. Moreover, there were some confusing points in the revised document concerning the functions and procedures of the commission. A cause for particular concern was the fact that a subsidiary body of the General Assembly would be established which would be accorded powers which the Assembly itself did not possess in the sphere of the peaceful settlement of disputes.

8. The increase in the number of situations threatening international peace and security was the result, not of a lack of appropriate machinery for the peaceful settlement of disputes, but of a lack of political will on the part of States. The role and conduct of States therefore constituted a factor which must be taken into account in the efforts aimed at eliminating threats to peace and resolving conflicts. To that end, States must respect the fundamental principles regulating international relations such as the principle of non-use of force, non-interference in the internal affairs of other States, and good-neighbourliness.

9. He noted that during the debate in the General Assembly on agenda item 38, "Review of the efficiency of the administrative and financial functioning of the

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United Nations", the overwhelming majority of speakers had expressed opposition to the proliferation of subsidiary bodies and organs of the United Nations. In the debate, his delegation had stressed that the serious financial crisis which the Organization was undergoing was essentially political and the result of the behaviour of Member States. There was no use in reaffirming the role and effectiveness of the United Nations unless there was respect for the purposes and principles of the Charter.

10. His delegation hoped that the draft handbook on the peaceful settlement of disputes among States would be completed in the near future.

11. Regarding the rationalization of United Nations procedures, he said that since that was a perennial question it should receive detailed consideration in the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization.

12. Mr. KANDIE (Kenya) said, with reference to the proposal in document A/AC.182/L.47, "Resort to a commission of good offices, mediation or conciliation within the United Nations", that he welcomed the considerable improvements in the revised version. His delegation had supported the proposal on previous occasions and he reiterated that position. Although it had been argued that the procedure envisaged infringed on the powers of the Security Council, his delegation did not agree. As specifically stated in paragraph 18 of the document, the General Assembly and the Security Council would control the commission's operations and could even terminate its activities. Nor would the establishment of the commission deprive the parties of free choice of means in the settlement of disputes, because the commission would be only one of the means available and there would be nothing to prevent the parties from resorting to others. His delegation was confident that, given the co-operative spirit shown by the sponsor of the proposal, the working paper could be completed in due course.

13. He noted with satisfaction that work on the draft handbook on the peaceful settlement of disputes between States had reached an advanced stage.

14. His delegation welcomed the colloquium on the International Court of Justice organized by the Asian-African Legal Consultative Committee and urged Member States to continue to make use of the machinery of the International Court of Justice for the peaceful settlement of disputes.

15. Referring to the rationalization of existing procedures of the United Nations, he said he welcomed working paper A/AC.182/L.43/Rev.1 and considered the proposals in it to be of great importance. His delegation had always felt that the work of the United Nations in various areas needed to be examined with a view to ensuring optimum use of scarce resources and promoting the greatest efficiency. He agreed with the Egyptian delegation that the question had been considered in various forums and felt that serious thought should be given to the Egyptian proposal. He expressed his delegation's gratitude to the Asian-African Legal Consultative

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(Mr. Kandie, Kenya)

Committee for the assistance and co-operation it had extended to the Sixth Committee, in particular the work undertaken with regard to the improvement of the functioning of the General Assembly by the Working Group of the Whole, whose report was in document A/41/437. The important recommendations in the report, as well as those in document A/AC.182/L.43/Add.1 and any other proposals that might be before the General Assembly, should be examined, possibly in informal consultations, with a view to identifying common elements. That would make possible a unified approach to the whole problem of the rationalization of procedures and might lead to a speedy conclusion of the item.

16. Regarding the maintenance of international peace and security, his delegation noted that consideration of that item had previously focused on a working paper, the revised version of which (A/AC.182/L.38/Rev.2) was currently before the Sixth Committee. There was also a new proposal in document A/AC.182/L.48. His delegation did not wish at the current stage to consider the new proposal in detail.

17. At its 1986 session, the Special Committee had spent much time discussing the organization of work; that time could have been used more effectively in the consideration of the important items assigned to the Special Committee by the General Assembly. His delegation had always spoken strongly about the necessity of achieving results in any United Nations forum. It had therefore always extended its co-operation in seeking solutions to existing problems. Currently, a situation existed which could threaten the achievement of results in the Special Committee. His delegation did not wish to debate the relative merits or demerits of the positions adopted in the Special Committee, but it did wish to point out that, in principle, every delegation had the right to present proposals for the Committee's consideration. It did not feel that the presentation of new proposals necessarily stood in the way of consideration of the rest. It was not, however, unaware of the possible effect that new proposals might have on the existing ones. It was for that reason that an understanding had been reached in 1983 regarding the procedure to be followed. That understanding, designed to ensure the achievement of tangible results in a progressive and orderly fashion, should continue to guide the Special Committee's work. As far as the Special Committee's mandate was concerned, he recalled that the Special Committee had originally been charged with the review of the Charter and that subsequently the mandate had been changed. His delegation had no strong objection to the further change that had been proposed in order to remove ambiguities in interpretation, but it questioned whether the change would necessarily facilitate the Special Committee's work.

18. In conclusion, he appealed for a return to the spirit of co-operation that had existed hitherto in the Special Committee. The United Nations was currently undergoing a process of reform, triggered - perhaps unwittingly - by the Organization's current financial crisis. The Sixth Committee should always take the lead by ensuring that its deliberations were both efficient and productive.

19. Mr. OUEDRAOGO (Burkina Faso) observed that 41 years had elapsed since the establishment of the United Nations and the conflict between East and West persisted to such an extent, at the expense of the ideals of the Charter and the

(Mr. Ouedraogo, Burkina Faso)

aspirations of people everywhere, that all the world's problems were dependent on strategies decided basically by the two super-Powers.

20. The Special Committee, whose report the Sixth Committee was considering, had been set up in the hope that it would make proposals that would help to strengthen the role of the Organization and thus facilitate the maintenance of international peace and security. One delegation had stated frankly that it did not believe that the Special Committee could change the world fundamentally or make any decisive contribution to the improvement of collective security, but that it could facilitate the introduction of basic reforms in the functioning of the General Assembly. Those were the limits within which the Special Committee had worked for the past 11 years.

21. Instead of considering the progress made in the Special Committee on the rationalization of procedures, the settlement of disputes and the maintenance of international peace and security, his delegation would prefer to reflect on the opposition by which the evolution of the Special Committee's work had been marked. In 1975 his delegation had voted in favour of resolution 3499 (XXX) in the knowledge that the United Nations had been established as an Organization based on the special responsibilities of the great Powers and on participation by the rest of the nations, although a review of international relations compelled one to acknowledge that the use of those special powers had not been directed towards assuming the responsibilities outlined in the Charter but rather towards protecting and promoting national interests to the detriment of international peace and security.

22. In the Security Council the right of veto was being used in connection with matters such as the occupation of a territory by foreign troops or apartheid, contrary to the principles of the Charter, the position of the international community and even on national public opinion in the countries that exercised that right.

23. The opposition that hampered the work of most United Nations committees did not, however, appear in the Special Committee in respect of the revision of the Charter, where both great Powers asserted that the Charter was unalterable and that the problem was the lack of political will. In his delegation's view, the Charter, which had proved impossible to apply for 41 years, should be revised, so that it would be applicable and so that no Power would be authorized to pursue purely national purposes in the name of international peace and security.

24. Regarding documents A/AC.182/L.38/Rev.2 and A/AC.182/L.48, he said that his delegation considered that, with a view to strengthening the role of the Organization and specifically to the maintenance of international peace and security, every possibility for enhancing the role of the Secretary-General, the General Assembly, the States and regional agreements should be exploited. To that end, his delegation welcomed both documents, but it feared that, in the absence of the necessary political will, everything would be reduced to a narrow repetition, a mock-serious rite that could well be a reflection of contempt for the mandate conferred on the Special Committee by the peoples of the United Nations.

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25. Mr. ALTANGEREL (Mongolia) said that the Special Committee had done useful work at its latest session in the areas of the maintenance of international peace and security, the peaceful settlement of disputes and the rationalization of United Nations procedures. The importance of the Special Committee's work should be assessed against the background of the current international situation, which was characterized on the one hand by the existence of tensions, the arms race and the danger of a nuclear war, and on the other hand by the role of maintaining international peace and security allotted to the United Nations. Despite the ideological, political, economic and cultural differences existing between its founders, the purpose of establishing the United Nations had been to save succeeding generations from the scourge of war. Today, the Organization was at the centre of the existing system of international relations; it took part in the consideration of all important problems and was a weighty factor in shaping world opinion and the international climate. The 41 years which had passed since the establishment of the United Nations had not undermined the vitality of the Charter's purposes and principles. Although the Charter had been signed before nuclear weapons had made their appearance, its provisions were fundamental for preventing a nuclear war.

26. Not all the hopes placed in the United Nations had been fulfilled, but considerable progress had been made: the outbreak of a new world war had been prevented, peace had been basically preserved and the liberation of peoples from colonialism had been almost completely achieved. The purposes and principles of the Charter had not been wholly fulfilled, but that was due not to flaws in the Charter and the Organization but to the lack of political will on the part of certain States, including certain permanent members of the Security Council, which did not wish to fulfil their obligations and gear their policies to the needs of the modern world.

27. The Charter had stood the test of time, and the United Nations faithfully reflected existing political realities. His country opposed the undermining of the authority and work of the United Nations and was striving to promote the effectiveness of the Organization. The principle of unanimity in the Security Council implied not a privilege but a responsibility for its members, without which the vitality of the United Nations would not be possible in a modern world that was characterized by the existence of different social systems.

28. It was the steadfast policy of the socialist countries to promote strict observance of the Charter. Proof of that was provided by the proposal on a comprehensive system of international security submitted on the initiative of those countries for consideration at the current session of the General Assembly, the basis of which was in accordance with the provisions of the Charter.

29. Working paper A/AC.182/L.48 entitled "Role of States Members of the United Nations and of the United Nations Organization in the maintenance of international peace and security including, inter alia, the prevention and removal of threats to the peace and of situations which may lead to international friction or give rise to a dispute" constituted a satisfactory basis for the Special Committee's future work. The working paper envisaged a wide range of effective measures in the

(Mr. Altangerel, Mongolia)

military, political, economic and humanitarian fields, to be adopted by all States with a view to establishing a broad system of international security. It contained general principles designed to strengthen the role of States in maintaining peace and security and the function of the United Nations in that field.

30. The non-aligned countries were a positive factor contributing to making the United Nations a centre for harmonizing the activities of States. As evidence of that, reference should be made to the political declaration adopted by the Eighth Conference of Heads of State or Government of Non-Aligned Countries held at Harare, which had reaffirmed the commitment of those countries to the principles of the United Nations and to peaceful coexistence, respect for the independence, sovereignty and territorial integrity of States, non-interference in the internal affairs of States, the non-use of force and respect for obligations under treaties and international law.

31. The Mongolian People's Republic promoted international peace and security through its policies. As a result of a United Nations decision adopted on Mongolia's initiative, an international week to promote disarmament was held every year. Reference should also be made, in that connection, to the adoption of the Declaration on the Right of Peoples to Peace (General Assembly resolution 39/11). The Charter gave regional agencies a role in the maintenance of international peace and security; that was the aim of the Mongolian People's Republic's proposal for the establishment of machinery to preclude the use of force in inter-State relations in the region of Asia and the Pacific. The twenty-eighth Congress of the People's Revolutionary Party of Mongolia, held in May 1986, had emphasized that the Mongolian People's Republic would continue to strive to promote peace and co-ordinate its actions with those of other States. It was both possible and necessary to strengthen the United Nations, but the Charter should not be fundamentally revised; instead, a greater effort must be made to ensure that all States complied with the provisions of the Charter and implemented United Nations decisions.

32. Mr. AL-DUWAIKH (Kuwait), referring first to the peaceful settlement of disputes between States, said that his delegation welcomed the constructive ideas in working paper A/AC.182/L.47 on resort to a commission of good offices, mediation or conciliation within the United Nations; the proposal in question represented a considerable improvement. However, his delegation had some doubts about the procedural aspects, especially in view of the permanent nature of the commission of good offices, as indicated in paragraph 1 of the working paper; on the other hand, paragraph 3 indicated that such a commission might be set up for each particular case through the agreement of the interested States, which appeared to be a contradiction. The permanent nature of the commission could be an impediment to the freedom to choose between peaceful means of settling disputes.

33. The real problem was not a lack of machinery for settling disputes but the lack of political will among States. The working paper courageously dealt with tricky questions relating to the responsibilities of United Nations organs. His delegation regretted that some States drew the Special Committee into unproductive

(Mr. Al-Duwaikh, Kuwait)

discussions and were in favour of eliminating the General Assembly's role. The working paper submitted by Romania faithfully reflected the changes that had taken place in international relations since the Second World War. In any event, his delegation maintained that the Charter still represented a valuable document for regulating international relations.

34. Turning to the rationalization of United Nations procedures, his delegation noted that there were two principal trends in the discussion on the subject. One group of countries was trying to obtain political advantages, thus harming the interests of many States; that group was talking about facing up to the financial crisis of the United Nations, eliminating duplication and discontinuing items, to the detriment of the consideration of certain political questions. The other group of countries was trying to promote its own interests by asserting that all States should implement the provisions of the Charter to the letter and by rejecting any idea designed to help the United Nations overcome the current critical situation. The crisis in the two groups' confidence in each other had given rise to the difficult situation at the United Nations, and the Kuwaiti delegation appealed to both of them to show the flexibility and objectivity needed to solve the Organization's problems.

35. With regard to the maintenance of international peace and security, his delegation entertained the hope that the Special Committee could complete its work on working paper A/AC.182/L.38/Rev.2, especially in view of the fact that the paper had been submitted to the Special Committee at its previous three sessions. Working paper A/AC.182/L.48 filled some of the gaps in the earlier paper but needed to be better drafted. His delegation appealed to the two negotiating groups to reach a compromise on the two papers so that the Special Committee could complete its work on the subject.

36. Mr. GAEFELE (Botswana) said that peace and security were the ingredients of human survival and must be safeguarded if any other economic, social and political goal was to be achieved. One of the main purposes of the Charter of the United Nations had therefore been to save succeeding generations from the scourge of war. Article 2, paragraph 3, of the Charter indicated that settlement of disputes by peaceful means should be achieved in such a manner that international peace and security, and justice, were not endangered, while Chapter VI stipulated specific modalities. The Permanent Court of Arbitration and the International Court of Justice were other international institutions to which States could appeal for the peaceful settlement of disputes.

37. If States acted in accordance with the general purposes of the Charter and used the relevant international institutions, there would be no need to set up yet another institution or mechanism for the peaceful settlement of disputes. What was needed was not the establishment of another institution but the political will and a decision by all Governments to abide by the principles of peaceful settlement of disputes as expressly provided for in the Charter. If those principles were incorporated in other normative documents or if another international institution was to be set up, there would be a danger that it would be more difficult to interpret the principles while the character of the new organ as an internationally accepted institution would be blurred.

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(Mr. Gaefele, Botswana)

38. Commitment to the basic principles of the Charter and the proper utilization of the mechanisms for the settlement of disputes between States were essential. The recent symposium of the Asian-African Legal Consultative Committee on the role of the International Court of Justice had stressed that point. States parties to a dispute could request the Court to hear material or factual aspects of the situation but that was a procedure to which Member States seldom had recourse.

39. His delegation would support any practical solution to the question of the peaceful settlement of disputes which was consistent with the need for Member States which might be party to a dispute to use existing institutions to resolve such problems.

40. Mr. EDWARDS (United Kingdom) said that the three topics under consideration by the Special Committee, namely, the peaceful settlement of disputes, the maintenance of international peace and security and the rationalization of United Nations procedures, were important and all three should be maintained on the Special Committee's agenda.

41. In view of the financial crisis facing the Organization, rationalization was particularly important. The ability of the United Nations to function effectively and to achieve the objectives of the Charter depended to a great extent upon the quality of its procedures. Consideration of the question of rationalization was not, of course, confined to the Special Committee. The General Committee of the General Assembly had made a number of useful recommendations in that area. Attention should also be paid to the recommendations contained in the UNITAR report on the meeting of former Presidents of the General Assembly, and by the Asian-African Legal Consultative Committee as well as to the report of the Group of High-level Intergovernmental Experts to Review the Efficiency of the Administrative and Financial Functioning of the United Nations.

42. His delegation wished to take the opportunity to identify some aspects which presented significant opportunities for improving procedures. First, it was important that General Assembly resolutions and decisions should be adopted by consensus wherever possible as any measures so adopted, being generally acceptable, were more likely to be implemented. Second, it was important that the agenda of the General Assembly should be rationalized, that redundant items should be eliminated and that related items should be merged. Third, the proper allocation of items to the Main Committees was of fundamental importance. It was to be hoped that, at the current session, the General Committee would be able to decide on necessary reforms in order to make optimum use of limited resources in the present difficult financial climate.

43. Many delegations had recognized the close linkage between the rationalization of procedures and the handling of substantive issues. Regrettably, however, the Special Committee had not been able to complete its consideration of the revised version of the working paper submitted by the United Kingdom and France at its 1986 session; the issue should be given priority at its following session.

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(Mr. Edwards, United Kingdom)

44. On the question of the peaceful settlement of disputes, the proposal by Romania on the establishment of a commission of good offices, mediation or conciliation raised important questions concerning the relationship between the proposed commission and existing United Nations organs. Moreover, it was essential to avoid prejudice to the Security Council's primary role in seeking peaceful solutions to disputes the continuation of which was likely to endanger the maintenance of international peace and security. A number of delegations continued to have doubts about the usefulness of establishing such a body, given the machinery for the peaceful settlement of disputes which already existed. The problem was not so much that the existing machinery was lacking but that States were reluctant to take the necessary political decisions to resort to effective means for settling international disputes.

45. In connection with the draft handbook on the peaceful settlement of disputes between States, which had been considered by the Special Committee, his delegation simply wished to underline its concern that the handbook should accurately reflect existing mechanisms for the peaceful settlement of disputes, particularly those within the framework of the United Nations. He hoped that the efforts made in that field would result in a work of a practical and descriptive nature that would be a source of useful information for Governments.

46. With regard to the maintenance of international peace and security, working paper A/AC.182/L.38/Rev.2 had taken into account many of the concerns expressed about the original working paper and it contained some useful recommendations which would enable the Committee to begin its drafting work at its following session. On the other hand, the other working paper (A/AC.182/L.48), which had been submitted by the delegations of Czechoslovakia, Poland and the German Democratic Republic, raised a number of controversial issues and did not represent a suitable basis for further work. It was clear from the discussion in the Special Committee that the majority of the members had found that proposal to be unhelpful.

47. There was a regrettable duplication of work in the United Nations on the issue of the maintenance of international peace and security. In addition to the Special Committee's work, the First Committee had been assigned agenda item 141, on the establishment of a comprehensive system of international peace and security. Such an item should not have been proposed, and work should be concentrated in the Special Committee.

48. With regard to the Special Committee itself, the information on the utilization of conference services in 1986 showed that there had been 27 hours of unused services owing to late starts and early endings. It was essential to adopt measures to improve the Special Committee's efficiency. In that connection, one possibility would be that the Special Committee should meet for three weeks instead of four and that its mandate should be adjusted to include the item on the development and strengthening of good-neighbourliness between States. Most aspects of that topic were inseparably linked to the fulfilment by States of their international obligations, particularly those under the Charter. Thus, if good-neighbourliness needed further discussion, it would better be dealt with in

(Mr. Edwards, United Kingdom)

the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization. In any event it was imperative that some order should be introduced into the Special Committee's work so that better use could be made of the resources available to that body.

49. Mr. GARVALOV (Bulgaria) said that there was consensus as to the enormous importance of the Charter of the United Nations in regulating contemporary international relations. There was a movement to eliminate nuclear weapons on Earth and to outlaw them in outer space. For that trend to become a reality, a pre-condition was strict compliance with the Charter of the United Nations and the strengthening of the role of the Organization. The sustained efforts of all countries and peoples were also needed in order for those historic objectives to be attained.

50. His delegation had always emphasized that the maintenance of international peace and security was an extremely important issue which should not be restricted to the prevention of conflicts alone. The Special Committee should also consider the role of the principal organs of the United Nations, particularly that of the Security Council, as well as the role and duties of States in preventing international conflicts, with special reference to the threat of a nuclear disaster, the cessation of the arms race, and the easing of international tension. In that respect, upsetting the current balance of responsibilities among the principal organs of the United Nations at the expense of those of the Security Council as the principal organ responsible for the maintenance of international peace and security, would not contribute to strengthening the role of the Organization. That objective could be achieved only through strict and consistent compliance with the principles of the Charter.

51. At the latest session of the Special Committee, the delegations of Czechoslovakia, the German Democratic Republic and Poland had submitted a working paper (A/AC.182/L.48) which reflected the widespread interest in strengthening the role of States in issues relating to the maintenance of international peace and security and the enhancement of the effectiveness of the United Nations, in particular the Security Council. That paper promoted the idea that one of the most important conditions for resolving crisis situations in the world and for maintaining international peace and security was the strict observance by all States of the purposes and principles laid down in the Charter of the United Nations. The paper reaffirmed the viability of the Charter and the important role of States in adopting effective measures to remove the danger of nuclear war and to establish a comprehensive system of international security. The paper should therefore be considered in depth at the next session of the Special Committee.

52. Another issue which required special attention was the peaceful settlement of disputes. His delegation had repeatedly stated that the current mechanism for the peaceful settlement of disputes was sufficiently well elaborated in Chapter VI of the Charter and had considerable potential. There was therefore no need for its revision or improvement. On the other hand, it was necessary for each State to observe its international obligations in good faith and to refrain from violating

(Mr. Garvalov, Bulgaria)

the universally recognized norms of international law. In that respect, he supported the idea of drafting a handbook on the peaceful settlement of disputes between States as a guide for parties to a dispute on the choice of the most appropriate procedures. The handbook should be concise and practical in approach.

53. Consideration of the question of the rationalization of existing procedures of the United Nations was essential for enhancing the effectiveness of the Organization.

54. The issues which the Special Committee still had to consider in implementation of its mandate and the provisions of paragraph 3 of General Assembly resolution 40/38 clearly demonstrated the complexity, importance and scope of its task. His delegation therefore considered it inappropriate to entrust the Committee with additional tasks, especially since there were already other forums and mechanisms for dealing with them. He was referring specifically to proposals put forward during the consideration of agenda item 126, Report of the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations. In his delegation's opinion, the proposed merging of the mandates of the two Special Committees not only would contravene General Assembly resolutions, but would be an obstacle to achieving the goal of enhancing the effectiveness of the principle of non-use of force and that of strengthening the role of the Organization.

55. Mr. GOROG (Hungary) said that his delegation had followed with great interest the work of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, in whose activities it would in future be participating as an observer.

56. In common with many other delegations, his delegation considered that the mandate of the Special Committee limited its activities to the strengthening of the role of the Organization, and in no way allowed extensive interpretation of the Charter or disruption of the fine balance between the powers of the principal organs. On the basis of that criterion, his delegation found no cause for satisfaction in the results achieved so far on such matters as the handbook on the peaceful settlement of disputes, since they were not commensurate with the efforts exerted. The Special Committee had studied only separate and extremely complex aspects of its task, and had not yet succeeded in adopting a comprehensive approach satisfactory to all.

57. With regard to the peaceful settlement of disputes between States, his delegation shared the misgivings regarding the content of document A/AC.182/L.47 expressed in paragraphs 16, 19 and 20 of the report of the Special Committee (A/41/33). The proposal to set up a commission was inconsistent with the Charter, particularly with regard to the functions and respective powers of the General Assembly, the Security Council and the Secretary-General. The framework provided by the Charter left great scope for the peaceful settlement of disputes; that implied that what was needed was not a new mechanism, but a stricter application of existing procedures. The main obstacle to the settlement of disputes was lack of

(Mr. Gorog, Hungary)

political will. Moreover, the institutionalization of third-party dispute settlement would endanger the principle of free choice of means.

58. In those circumstances, and taking into account that most delegations objected to the essential elements of the Romanian proposal, his delegation considered that paragraph 29 of the report of the Special Committee presented too optimistic a picture.

59. With regard to the rationalization of existing procedures of the United Nations, his delegation shared the view that it should be accomplished in strict observance of the Charter of the United Nations, without prejudice to the allocation of powers within the Organization, and fully in keeping with the interests of Member States. In addition to numerous positive elements, working paper A/AC.182/L.43/Rev.1 contained some proposals which carried serious political dangers. He had in mind, in particular, paragraph 4, which could serve to "bury" useful proposals, not for substantive reasons, but simply on procedural grounds.

60. On the maintenance of international peace and security, his delegation considered that the working paper submitted by Czechoslovakia, the German Democratic Republic and Poland (A/AC.182/L.48) allowed the relevant set of questions to be viewed in their complexity, as was provided for in the mandate of the Special Committee. The working paper provided a good basis for discussion by outlining the major principles to be followed and the measures to be taken by Member States in the political, military, economic and human-rights fields, with a view to safeguarding and maintaining peace.

61. His delegation was firmly convinced that the Special Committee would soon produce results satisfactory to all, and was ready to assist it in every way.

62. Mr. KANJU (Pakistan) said that, despite the noble objectives set by the Charter, tension and conflicts persisted in almost all regions of the world. Pakistan, which would welcome any initiative to reinforce the role of the United Nations, supported the efforts of the Special Committee to rationalize existing procedures, and hoped that it would be able to finalize its consideration of them in the near future. However, his delegation requested the Special Committee to give serious attention to the effective implementation of the collective security provisions of the United Nations Charter, particularly in cases where the Security Council was unable to act to maintain international peace and security.

63. The Charter established the basic norms of inter-State relations and a mechanism for the peaceful settlement of disputes. Those principles constituted a legal régime from which there could be no derogation and which had been reaffirmed, in addition, in other international legal instruments. Pakistan believed that the effectiveness of the United Nations depended primarily on strict compliance with the provisions of the Charter. The occasions when the United Nations had not been able to fulfil its responsibility of maintaining peace and security in the world could not be attributed to the inadequacy of the Organization or to any flaws in the Charter, but to the attitude of those who had failed to abide by the provisions

(Mr. Kanju, Pakistan)

of the Charter and had refused to implement the decisions of the United Nations. In that connection, special responsibility devolved upon the permanent members of the Security Council. Unrestricted use of the veto could only undermine the role of the United Nations in the maintenance of peace.

64. The Special Committee should continue consideration of the proposal on resort to a commission of good offices, mediation or conciliation within the United Nations (A/AC.182/L.47). The proposal would supplement the mechanisms for the settlement of disputes laid down in the Charter and would do much to strengthen the role of the Organization. His delegation, nevertheless, had reservations concerning any proposal whereby decisions would have to be taken by consensus. Although very desirable, consensus might at times lead to a deadlock, with serious consequences for the maintenance of peace. In such cases, there should be a mechanism making it possible to break the deadlock. Taking decisions by consensus would be tantamount to granting the right of veto to every State. The consensus procedure in decision-making had been one of the main causes for the failure of the League of Nations to take effective measures to maintain international peace and security. That error should not be repeated.

65. His delegation supported and commended the work of the Secretary-General in preparing the draft handbook on the peaceful settlement of disputes between States, and hoped that that document could be finalized at an early date. His delegation also supported the renewal of the mandate of the Special Committee.

66. Miss SEETOH (Singapore) referred to Article 1, paragraph 1 and Article 2, paragraph 3, of the Charter and said that the prestige of the United Nations was at an all-time low. In spite of the fact that the Organization had been created to save succeeding generations from the scourge of war, in the past 41 years there had been some 150 armed conflicts in which about 16 million people had been killed, most of whom had been from developing countries.

67. Although the United Nations had not been indifferent to those conflicts and had taken principled stands and formulated clear declarations, those conflicts continued to exist, lending credence to the view that the Organization had become ineffective.

68. It was regrettable that there was a State in South-East Asia which continued to reject United Nations resolutions on Kampuchea, thereby undermining the credibility and legitimacy of the Organization. That rejection of peaceful means of settling disputes, together with the military occupation of Kampuchea, was in direct contravention of the principles enshrined in the Charter.

69. Nations which did not respect the provisions of the Charter were sowing the seeds of their own destruction. An effective, functioning United Nations which strengthened the principles of non-intervention, non-interference in the internal affairs of States, and territorial integrity and sovereignty would enable even the smallest States in the world to preserve their independence. As the representative of a small State, she stressed the importance of the peaceful settlement of

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(Miss Seetoh, Singapore)

disputes for the protection of her country's territorial integrity and the preservation of its scant resources for economic development. Her delegation felt that the United Nations was the best guarantee for the maintenance of international peace and security. She commended the efforts of the Special Committee and expressed regret that it had been unable to complete its work after 11 years. In any event, the peaceful settlement of disputes and the strengthening of the role of the Organization would be possible only when the Member States respected the principles of the Charter.

70. Mr. ROSENSTOCK (United States of America), referring to the criticisms made concerning the work of the Special Committee, said that the problem lay not so much in that body's methods of work as in attitudes towards it. Since the establishment of the Special Committee, activities which coincided exactly with its work had been launched or kept alive. The clearest example of duplication, although not the only one, was the allocation to the First Committee of agenda item 141 on the establishment of a comprehensive system of international peace and security, which, if taken seriously, would leave nothing for the Special Committee to do. It was necessary to stop undermining the *raison d'être* of the Special Committee or otherwise dissolve it. Although his delegation would accept either of those two options, it felt that the situation which had prevailed in recent years should not continue. The work, if it continued, would be slow, and there could be no guarantee of results. In any event, some of the ideas of the delegation of Tunisia to use the Special Committee's time more efficiently should be considered.

71. Those who claimed that general agreement could be dispensed with did not understand that it was the only method which could make the work of the Special Committee meaningful. It was not a question of introducing the veto into the General Assembly. It was a question of recognizing that on some issues the General Assembly fulfilled its vocation by expressing the outrage of the great majority of the international community at some violation of a principle of the Charter or by opening a treaty for signature, ratification or accession. It was a question of recognizing that there were some matters which required general agreement to have any meaning at all. Without that agreement, the search for common ground for formulating recommendations for strengthening the functioning of the United Nations would never achieve the intended result. Much time and money would be saved if those who rejected general agreement as the governing approach simply put forward their reformist notions, since that would make it possible to vote on them and move on to other business. Of course, recommendations adopted in that manner would be ineffective in the short run and would contribute in the long run to the destruction of the Organization.

72. His delegation felt that the Special Committee should focus its attention initially on the modest proposals on which agreement ought to be possible. That included, but was not limited to, the question of rationalization. The credibility problem confronting the United Nations was due, on the one hand, to a lack of political will. On the other hand, it was a natural result of the proliferation of resolutions, which sometimes were so numerous that most high-ranking officials were unable to give them due attention. The general public was even more confused and therefore unable to exert pressure on Governments to give due regard to the recommendations of the General Assembly.

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(Mr. Rosenstock, United States)

73. It could be argued that some other body, such as the General Committee, could undertake the task, but no such body had done so. The existence of excellent ideas, such as those in the document of the Asian-African Legal Consultative Committee, simply underscored the need for a body to implement them. Lessening the importance of rationalizing the work of the General Assembly was similar to possessing a large amount of gold and being unconcerned at its devaluation.

74. The role of the international civil servant was similar to the question of rationalization in that it related to the capacity of the deliberative organs to deliver results. He wondered whether due attention was given to the role of the international civil servant defined in the Charter, whether everyone gave due support to the norms laid down in Articles 100 and 101, and whether it was possible to improve that situation.

75. The maintenance of international peace and security was another matter on which the Special Committee should focus its attention. That topic included great issues and less great issues. If agreement could not be reached easily on the former, as was actually the case, efforts should be focused on the latter. His delegation felt that the sponsors of document A/AC.182/L.38/Rev.2 had identified an area central to the operations of the system of collective security on which agreement should be possible. Misdirecting efforts through grandiose statements on the role of the States Members of the United Nations made no more sense than insisting on reconsidering the unanimity rule in Article 27 of the Charter. Although document A/AC.182/L.38/Rev.2 had its limitations, and other excellent ideas had also been put forward, it was necessary to begin somewhere. For lack of unanimous agreement on an alternative, if the Special Committee was to continue to exist, it should continue its work on the basis of that document.

76. One of the most important achievements of the Special Committee was the Manila Declaration on the Peaceful Settlement of International Disputes. Work had also progressed on the preparation of the draft handbook on the peaceful settlement of disputes between States. Furthermore, the Special Committee had before it an interesting proposal on resort to a commission of good offices, mediation or conciliation within the United Nations. His delegation had doubts concerning the usefulness of that idea and had noted that other delegations seemed to share them. Nevertheless, it was prepared to reconsider some of those doubts if the proposal received broad and serious support. Otherwise, he suggested temporarily shelving that question.

The meeting rose at 12.35 p.m.