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SIXTH COMMITTEE

34th meeting

held on

Wednesday, 7 November 1979

at 3 p.m.

New York

SUMMARY RECORD OF THE 34th MEETING

Chairman: Mr. ZEHENTNER (Federal Republic of Germany)

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AGENDA ITEM 114: REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION (continued)

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The meeting was called to order at 3.10 p.m.

AGENDA ITEM 114: REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION (continued)
(A/34/33, A/34/409, A/34/357, A/34/389 and Corr.1; A/C.6/34/L.8)

1. Mr. LAMAMRA (Algeria) said that although the United Nations had achieved much during its 34 years of existence, there were no grounds for complacency. The establishment of the Special Committee reflected an awareness of certain short-comings and of the need to change some provisions of the Charter. Although some delegations still had reservations about General Assembly resolution 3499 (XXX) establishing the Special Committee, the latter had proved to be the proper forum for mature and responsible consideration of the future development of the Organization. The results reflected in the Special Committee's report (A/34/33) demonstrated a determination to arrive at a universally accepted adaptation of the Organization's structures and methods to the realities of the modern world. The United Nations had remained a rampart against the threat of a world war, it had been faithful to the principle of universality in welcoming the newly independent States, and it remained the shrine of mankind's hopes for a more just and fraternal world. That fact should strengthen collective faith in the basic principles of the Charter and overcome the misgivings of those not yet convinced that the United Nations was capable of fulfilling wider ambitions.

2. The United Nations Charter was the corner-stone of the international legal order, but, although it had at the time of its drafting provided the right balance for a bipolar international society, it clearly did not reflect the structure of the international community of the present. Hence, the Charter needed to be adapted to the existing political, economic and social situation in the world if it was not to become out of date as a result of the rapid changes that were taking place. The Organization's structures should be reviewed in order to take into account the democratic development required by the principle of the sovereign equality of the 152 Member States, and its methods must be remodelled. That was a long-term undertaking, and it could not reasonably be regarded as a demolition operation; the task was to remodel and not to undo, as the Special Committee's report had made clear.

3. There had been a number of specific proposals regarding the peaceful settlement of international disputes with a view to the further development of that principle, the strengthening of the Organization's role and the definition of the tasks of its various organs. In support of the progressive development of international law, Algeria would be in favour of drafting an international legal instrument on the peaceful settlement of international disputes that would strengthen the Charter and supplement the draft World Treaty on the Non-Use of Force in International Relations, whose underlying principle had already been accepted. His delegation endorsed the Committee's conclusions and supported the continuation of its work on that question.

4. In relation to the rationalization of United Nations procedures, a broad range of proposals had been put forward on the organization of work of the main and

(Mr. Lamamra, Algeria)

subsidiary organs of the United Nations with a view to eliminating overlapping, on the question of monitoring the implementation of resolutions, on personnel management, and on the functioning of the Secretariat - proposals that his delegation considered likely to improve the productivity of the United Nations without sacrificing quality or limiting its field of action.

5. A number of proposals had also been made concerning the maintenance of international peace and security. No one could deny that the paralysis of the Organization in the disputes which had continually threatened international peace and security since the end of the Second World War was due to the violation of the principle of the sovereign equality of Member States represented by the rule requiring the unanimity of the five permanent members of the Security Council, as laid down in Article 27, paragraph 3, of the Charter. The abuse of the right of veto had in many cases encouraged resort to force rather than negotiation to settle disputes, and that same right of veto had blocked all action on the part of the United Nations when one of the Powers invested by the Charter with special responsibility in the maintenance of international peace and security was a party to an armed conflict.

6. Of the many proposals in the report of the Special Committee concerning the strengthening of the collective responsibility of Member States for the maintenance of peace and security, his delegation was particularly interested in those that recognized the urgent need to associate the countries of the third world in the Organization's decisions and in those providing for the application of the measures laid down in Chapter VII of the Charter against colonialist and racist régimes. He endorsed the idea of appealing to the permanent members of the Security Council to abide by their joint statement of 8 June 1945 concerning the non-use of the veto in questions relating to the admission of new Members and to show more wisdom in the use of that prerogative.

7. The right of self-defence embodied in Article 51 of the Charter must be expressly recognized in the case of peoples fighting for their inalienable right to self-determination and independence. Thus, the legitimacy of the struggle of liberation movements in application of the right of self-defence would have the legal authority of the Charter in bringing to final fruition the rehabilitation of the peoples of the world to which the General Assembly had given its support in resolution 1514 (XV).

8. Similarly, the basic principles of the new international economic order on which the international community had agreed at the sixth and seventh special sessions of the General Assembly could form a separate chapter of the Charter. That would give those principles a moral authority and legal force which would make it easier to apply them and at the same time enrich the Charter with a body of rules developing the provisions on international co-operation contained in Article 1, paragraph 3.

9. The vitality of the Charter would be measured by its ability to adapt to the constant changes in international relations. The loyalty of Member States to the Organization and their interest in strengthening its role should be reflected in support for the mandate of the Special Committee. Only then could the United Nations gain new impetus for its efforts to promote peace, justice and co-operation.

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10. Mr. KIRSCH (Canada) thanked the Chairman of the Special Committee for his clear presentation of the report. The Special Committee and its Chairman had encountered considerable difficulties in preparing the report. A broad range of issues had been dealt with on which only limited agreement had been reached at the Committee's preceding session. Numerous proposals had been advanced on each of the three topics considered, ranging from modest procedural suggestions to far-reaching proposals that would involve significant amendment of the Charter, with equally far-reaching repercussions for the structure and functioning of the Organization. It was difficult to make any general comments on such a diverse and unmanageable collection of issues, but it was clear that, on all but a few of the questions considered, the Special Committee had been far from reaching agreement.

11. As to the format of the report, it was very difficult to sort through the myriad proposals, often unrelated, appearing in the form of statements by the Rapporteur. The report presented an unwieldy compilation of proposals and working papers, together with proposals which were themselves summaries, and comments on other proposals. Canada considered that if the Committee was unable to reach any significant agreement on the various proposals, then they should simply be included, if necessary, as annexes to the report under the names of the delegations that had sponsored them. What his delegation looked for in the report was a general account of the course of the discussion that had taken place and an indication of progress achieved. He did not intend to criticize the work done by the Chairman or the Rapporteur, but wished to express a reservation about the Committee's decision to present the report in that manner. He hoped that the Special Committee would take those comments, and those of previous speakers, into account in preparing its report in 1980. His delegation assumed that, in view of the existing serious concern about proliferation of documentation and the decision recently taken by the Fifth Committee concerning summary records, the Special Committee would discontinue its current practice of incorporating into its report, or annexing thereto, summaries of its discussions, whether in the form of annexed summary records or of statements amounting to anonymous summary records. In fact, the anonymity of the views expressed deprived the summaries of much of the usefulness they might otherwise have had.

12. The individual proposals relating to the first topic considered, the maintenance of international peace and security, related to such diverse questions as the size and functions of the Security Council, the purposes and principles of the United Nations, the establishment of subsidiary organs, the so-called enemy States clauses, and peace-keeping. It appeared that those proposals had not been discussed to any great extent but merely represented the views of individual delegations. That confirmed his delegation's impression that the Special Committee was not a particularly productive mechanism for producing proposals for amendment capable of broad acceptance within the United Nations. Although Canada was prepared to consider all proposals, including those involving possible amendments to the Charter, which would improve the functioning of the United Nations, it believed that such proposals should be considered on a case-by-case basis and not by means of the "shopping list" approach adopted thus far in the Special Committee. Canada believed that, rather than the wholesale re-examination of all aspects of the Charter, the most effective approach would be to concentrate on specific provisions generally agreed to be in need of revision.

(Mr. Kirsch, Canada)

13. In the section of the report on peace and security, his delegation had noted with interest a number of constructive proposals which would not require amendment of the Charter and which contemplated a more active and effective role for the Security Council. One suggestion was that States Members should be reminded of the need to bring serious situations to the Security Council and to report on measures taken under Article 51, an obligation that was rarely discharged. The Council could invite States to report on measures taken, particularly if a State had proclaimed that use of armed force on its behalf was exercised in self-defence. More efforts should be made to keep the Council informed of all the facts relating to particular situations in which a dispute between States had arisen. That approach need not necessarily compete with the establishment of some new fact-finding body if the Council took greater initiative in that respect and if States involved in a dispute were prevailed upon to apprise the Council of the facts and to discharge the obligation set out in Article 51.

14. Canada was also interested in the proposal of several States concerning peace-keeping, an area in which it had had much experience. Some of the suggestions were somewhat ambitious, involving amendment of the Charter to take account of peace-keeping, establishing a permanent or reserve peace-keeping force, providing for compulsory contributions to the expenses of peace-keeping operations, etc. Other, less extensive proposals were of a more practical nature and concerned such matters as the training of peace-keeping troops and the general rationalization of the administrative and financial arrangements required for peace-keeping operations. His delegation hoped that discussion of those suggestions would be pursued. Thus far, peace-keeping operations had been governed by ad hoc arrangements varying from one operation to another. Of course, some flexibility was needed to meet the various situations that might arise, but in theory it should be possible to devise a more systematic approach to peace-keeping and arrive at a set of guidelines to regulate the establishment, command, control and financing of peace-keeping operations. Canada was concerned, for example, about the question of the status of forces and their protection or, to be more accurate, lack of protection in comparison with the standards developed in the humanitarian law applying to armed conflicts. In practice, that goal had proved elusive. A more fruitful course might be to concentrate on some of the practical aspects of peace-keeping so that specific improvements in its functioning could be agreed upon. The proposals advanced in the Special Committee were therefore of interest in considering those questions and Canada would be prepared to consider them further in any forum deemed most appropriate for that kind of discussion.

15. The section of the report dealing with the rationalization of United Nations procedures also contained a wide range of suggestions of differing character. Most of the proposals were of a practical nature and would not require formal amendments to the United Nations Charter or the rules of procedure but, rather, greater commitment on the part of delegations in exercising self-restraint in the conduct of the Assembly's business. Although the potential extent of agreement on some of

(Mr. Kirsch, Canada)

those proposals did not emerge clearly from the report. He had been pleased to note that the work carried out by the Special Committee had been helpful to the Secretary-General in the drafting of his recommendations, subsequently largely adopted by the General Committee and the General Assembly. He hoped that at its next session the Special Committee would focus on those proposals which had not yet been acted upon and identify those on which broad agreement seemed possible. He also hoped that the discussions on the rationalization of procedures would give rise in 1980 to the intersessional consultations that had proved so fruitful in 1979. Canada had stated at the thirty-third session that the General Committee had a fundamental role to play in working towards the reduction in the number of items on the agenda by elimination or combination, so that overlapping and lack of balance in the workload could be reduced. Canada supported the proposals calling for the General Assembly to authorize the General Committee to meet prior to the next session in order to have more time than was at present available to discuss such questions.

16. In connexion both with rationalization of procedures and with the question of the peaceful settlement of disputes, he welcomed the Special Committee's efforts to draw up a list of proposals on the peaceful settlement of disputes according to the extent of agreement achieved in each case. Although that undertaking could not be described as far-reaching, it was a positive development in the Committee's work and a basis for future progress.

17. However, he felt that he must, like other speakers, express his regret that the Special Committee, whose mandate included the question of rationalization of procedures, did not seem troubled by the current duplication and potential multiplication in the treatment of that very subject. In that connexion, he referred to the views expressed by the representative of Mexico at the 30th meeting, which Canada fully endorsed.

18. Canada had consistently maintained that the peaceful settlement of disputes was closely linked with the principle of the renunciation of the use of force; the obligation to settle disputes by peaceful means was the logical corollary of the obligation to refrain from the use of force. If the question of the peaceful settlement of disputes was not transferred altogether to the Committee on the Non-Use of Force, that Committee should at least benefit from the work of the Special Committee on the subject. The list of proposals on the peaceful settlement of disputes in the report of the Special Committee should be referred to the Committee on the Non-Use of Force for its consideration. The subject of the peaceful settlement of disputes also appeared as a separate item 122 on the agenda for the thirty-fourth session. Discussion of that item should be combined with whatever consideration had been given to the issue elsewhere in the United Nations.

19. More important perhaps than specific preferences were the necessary characteristics of any informal negotiations on that subject, which had been ably outlined by Iraq at the 32nd meeting; they included a precise mandate, coordination and streamlining of work, avoidance of procedural manoeuvring, rationalization of procedures, and fair negotiations.

(Mr. Kirsch, Canada)

20. As to the list of proposals on the peaceful settlement of disputes, the most important seemed to be the first, the suggestion on the adoption of a declaration on the peaceful settlement of disputes as a first step towards the possible preparation of a treaty on that subject. That was an encouraging development. The other suggestions were more limited and specific but nevertheless of great interest.

21. His delegation would welcome the discussion of the proposed draft declaration on the peaceful settlement of disputes as the occasion for full consideration of the various aspects of the question. The discussion could begin with an examination of relevant provisions of the Charter, particularly regarding the role of the Security Council. It should be possible to develop recommendations aimed at more effective utilization of the Charter mechanisms for dispute settlement. A number of interesting suggestions along those lines had been put forward and could be found throughout the Special Committee's report.

22. Another important point concerning dispute settlement was the role of the existing machinery, in particular the International Court of Justice. For many years, the Sixth Committee had had an agenda item concerning enhancement of the Court's role, but a reconsideration of the question in the wider context of the peaceful settlement of disputes might prove more productive. Related to that question were suggestions for establishing a new dispute-settlement mechanism. Canada had an open mind on that question but considered that any discussion of proposed new machinery could take place only in the light of full consideration of the status and functions of existing mechanisms. As part of the general discussion, he would like to see consideration of the various dispute-settlement provisions adopted in bilateral and multilateral agreements. That would involve examination of the traditional third-party procedures of mediation, conciliation and arbitration. It had been suggested that certain subject areas were more conducive to third-party settlement than others and that treaties in those areas could incorporate specific dispute-settlement procedures. That might be a better approach than trying to develop a general instrument on third-party settlements to deal with all types of disputes. Canada was concerned that the abstract principle of peaceful settlement of disputes should not be promoted without the follow-up of practical methods for implementation. In that regard, the experience of the United Nations Conference on the Law of the Sea was instructive.

23. A number of interesting proposals listed in the Special Committee's report were described as ideas on which agreement was not possible. He hoped that did not mean that those ideas could not be pursued at a later stage. Even though those proposals might seem too radical for some delegations, a general discussion of the peaceful settlement of disputes could only be meaningful if the full range of possibilities was explored.

24. In its discussion of the peaceful settlement of disputes, the Special Committee had achieved positive, if modest, results, and that achievement should provide the basis for future progress, although he was not entirely convinced that the Special Committee was the best forum for subsequent work in that area. In general, Canada continued to have reservations about the mandate of the Special Committee and the way in which it had functioned, but it also believed that the Committee had reviewed a number of important issues to which the international community should address itself.

25. Mr. SAEED (Pakistan) said his delegation felt that the substantial progress made by the Special Committee warranted a continuation of its mandate. The United Nations Charter continued to provide a sound constitutional basis for international relations, and Pakistan was opposed to any wholesale revision, which might only undermine the basic understanding that had been achieved between nations. Efforts should be directed towards a cautious review of the Charter and the establishment of rules and procedures to make the Organization more effective, although Pakistan would not oppose selective amendment of the Charter, where that could be shown to be necessary, through the procedure provided in Article 108.

26. The ineffectiveness of the United Nations in maintaining peace and security was attributable, first, to the lack of willingness on the part of some Member States to respect the Charter and to comply with United Nations decisions and, secondly, to the lack of willingness of some permanent members of the Security Council to exercise greater restraint in the use of their veto power. The latter's use for selfish reasons or on the basis of political affiliation merely served to render the Security Council impotent.

27. The solution of the first problem lay in focusing attention on failure to comply with United Nations decisions, calling on the parties to comply and, when appropriate, taking enforcement measures in accordance with the Charter. As to abuse of the veto, the General Assembly could take formal note of the fact and call on the permanent members concerned to exercise restraint so that the Security Council could effectively discharge its primary responsibility for the maintenance of peace and security conferred on it in Article 24 of the Charter. Abuse of the veto not only deprived the Security Council of its legitimate role in certain cases but prevented the permanent member exercising the veto from contributing to a solution of the problem concerned. It should be a norm that permanent members should not act in a manner that defeated the collective will of the membership of the United Nations. If the Security Council continued to be ineffective in many situations, the General Assembly would have to discharge what had been termed the secondary responsibility for the maintenance of international peace and security. Its responsibility was in no way less than that of the Security Council, as was reflected in Article 1, paragraph 1, as well as Articles 10 and 11 of the Charter. The General Assembly must begin to play a more active role when the Security Council failed to discharge its primary responsibility.

28. The Uniting for Peace resolution (377 (V)), adopted by the General Assembly in 1950, laid down procedures which would provide a sound legal basis for General Assembly action in regard to the maintenance of international peace and security, and the Special Committee might therefore wish to suggest ways and means of improving those procedures with a view to providing the General Assembly with a more effective role in that sphere. In that connexion, he drew attention to the fifth, seventh and eighth preambular paragraphs of the resolution. The General Assembly, it should be noted, was empowered to set up such subsidiary bodies as might be required in order to discharge its functions, including those recognized under the Uniting for Peace resolution.

(Mr. Saeed, Pakistan)

29. The Special Committee had made significant progress on the peaceful settlement of disputes, and the proposal that a declaration be prepared for the General Assembly's adoption had awakened special interest and was one on which general agreement was possible. However, such a declaration would not be binding, nor would it find universal acceptance, unless it was related to the relevant provisions of the Charter. Even then, it would not be entirely adequate. Some form of self-executing or compulsory procedure, by way of conciliation, arbitration or judicial settlement, which was acceptable to the international community would therefore be required. Bearing in mind that some Members accepted compulsory arbitration or adjudication while others considered that the choice of settlement procedure should be left to the parties concerned, the Special Committee might wish to consider the possibility of an international agreement along the lines of the revised General Act for the Pacific Settlement of International Disputes, which the General Assembly had adopted in 1949. That Act, which provided for a compulsory procedure for conciliation and, subject to reservations, for arbitration and judicial settlement, could serve as the basis for a new and possibly more flexible agreement that would create binding obligations in regard to the peaceful settlement of disputes.

30. With regard to the rationalization of United Nations procedures, his delegation was opposed to the proposal that General Assembly decisions should be reached by consensus: while that might be desirable in a given case, any rigid requirement would make it possible for individual States to paralyse the Organization whenever it suited their interests, which would not help to strengthen the United Nations. The same consideration applied equally to the work of the Special Committee. Moreover, the methods and procedures of the Security Council should be improved, in particular by holding periodic meetings at the ministerial level to exchange views on the international situation and to review the status of implementation of Security Council resolutions. The Security Council might with profit also review the practice of establishing subsidiary organs for investigation and fact-finding under Article 29 of the Charter in cases where a given dispute might endanger international peace and security.

31. Mr. ALFARO GARCIA (Guatemala) said that certain questions sprang to mind in regard to the strengthening of the United Nations. For instance, had the Organization in fact been strengthened in recent years as a result of the Special Committee's work and had the increase in the Committee's membership given strength to the Organization? His delegation would answer those questions in the affirmative, subject to certain reservations. It believed that it was necessary, first and foremost, to focus on the basic issue of whether or not the United Nations Charter should be amended; it also believed that efforts should be concentrated on the effective implementation of that legal instrument rather than on its structure, for it was perhaps the method of applying the few available means of enforcement that was the weakest link. Possibly, efforts should be directed specifically at strengthening the Security Council and ensuring that its composition was equitable. In that regard, his delegation had taken special note of the proposal submitted to the Special Committee to the effect that the Security Council should be encouraged to make wider use of the opportunity provided by Articles 28 and 29 of the Charter

(Mr. Alfaro Garcia, Guatemala)

of the United Nations (A/34/33, part II, sect. C, (vi)). It could be seen from those two articles that the establishment of such subsidiary bodies as the Security Council might deem necessary would assist the Organization in its work and make it far more flexible. Consequently, given the appropriate legal instrument, it was simply a matter of putting its provisions into effect. One illustration of that point was provided by Article 28, paragraph 3 of the Charter, under which the Security Council was empowered to hold meetings at such places other than the seat of the Organization as, in its judgement, would best facilitate its work, and he mentioned it because the best way of settling disputes was through direct contact with the parties concerned.

32. His delegation agreed that an item on the peaceful settlement of disputes should be included in the General Assembly's agenda even though a discussion of the peaceful settlement of disputes might seem repetitious and despite the unequivocal terms of Article 1 of the Charter. However, the mere statement of lofty principles was not enough to ensure that all disputes were settled by peaceful means, since, regrettably, violence was a daily occurrence and force, intimidation and blockades continued to be used as means of resolving disputes. Article 33 of the Charter could likewise be said to establish the means to be adopted by the parties to a dispute for the settlement of their differences, particularly where a continuation of the dispute was likely to endanger the maintenance of international peace and security. Those were all good ideas, and, in view of the importance of the matter, ways and means should be found of putting them into practice.

33. His delegation therefore considered it necessary to continue the quest for solutions, in which connexion it welcomed the list of 51 proposals drawn up under separate headings by the Special Committee's Working Group. It agreed in particular with the two proposals relating to procedures and machinery set forth in paragraph 3 (d) and (e) (A/34/33, p. 13). Those proposals were designed to ensure more frequent use of the means and machinery already provided for under the Charter, and all available means should be employed to ensure that they were effective.

34. Lastly, his delegation agreed that wider use should be made of regional agreements before recourse was had to the United Nations.

35. Mr. WAPENYI (Uganda) said that Uganda, although committed to the principles of the Charter, did not hold the belief that a review of the Charter would weaken its force or destroy the United Nations; rather it would demonstrate the political maturity of Members of the Organization and their will to come to grips with a changing world. His delegation would therefore support any moves to abolish the veto, or alternatively to limit its application, and to delete from the Charter all references to "enemy State", which term it regarded as anachronistic.

36. His delegation welcomed the proposal for a General Assembly declaration on the peaceful settlement of disputes, which was indicative of a trend away from the use of force, and would participate fully in the preparation of such a declaration. It would, however, reserve its position regarding the subsequent elaboration of a treaty pending the outcome of similar work in another Committee. Subject to that

(Mr. Wapenyi, Uganda)

reservation, it supported the conclusions set forth in part II of the working paper submitted to the Special Committee by the Philippines, Romania, Sierra Leone, Tunisia and Yugoslavia (A/34/33, pp. 13-15). It also supported the proposal for the establishment of a permanent commission of the General Assembly, in accordance with Articles 10 and 22 of the Charter, to fulfil functions of mediation, good offices and conciliation, to which States could resort in order to settle peacefully their disputes and/or to prepare the examination and the settlement of disputes before they were submitted to the General Assembly or to the Security Council. The General Assembly was a more representative body and one in which the principle of equality of States often operated. Its fact-finding capacity should likewise be enhanced, and the Special Committee should not shy away from serious consideration of a proposal simply because it would require an amendment to the Charter. The Charter was not sacrosanct, but existed to serve Members.

37. With regard to the rationalization of United Nations procedures, his delegation supported certain aspects of the proposals set forth in the working paper submitted by Mexico (A/AC.182/WG/3). Specifically, it agreed that more restraint should be exercised in setting up subsidiary bodies of the United Nations with a view to avoiding duplication, although no limit should be set. It was also in general agreement with the proposal that bodies set up by Main Committees should be enabled to meet during General Assembly sessions; where possible, however, such meetings should not be held at the same time as Main Committee meetings so as to allow small delegations to take part in the deliberations. Furthermore, his delegation agreed fully on the need for equitable geographical distribution of professional and senior posts in the United Nations Secretariat and the secretariats of related agencies. Strict adherence to the principle of equitable distribution would not necessarily be at variance with Article 101, paragraph 3, of the Charter.

38. On the other hand, his delegation was unable to agree with those who advocated restricting or abolishing the general debate in the General Assembly, since it provided an essential opportunity for Heads of Government or their representatives to state their views on the international situation. Uganda would also hesitate to support any time-limit on statements by delegations; that was a matter best left to the discretion of each delegation, although delegations could perhaps be urged to limit their statements.

39. His delegation viewed with favour the proposals set forth on pages 78-79 and 90-91 of the Special Committee's report (A/34/33) regarding the maintenance of international peace and security. It was incumbent on all States to abide by the principles of the Charter, and, to that end, ways and means of making the United Nations more effective should be found. One way would be to secure the agreement of the permanent members of the Security Council to the restriction of the use of the veto in matters pertaining to the maintenance of international peace. In that way, any political or ideological differences between permanent members on a given issue would be subordinated to the general interest of the international community. The General Assembly's role in that connexion should likewise be enhanced.

(Mr. Wapenyi, Uganda)

40. Lastly, expressing support for renewal of the Special Committee's mandate, he said that his delegation would view suspension of the Committee's work as an attempt to nullify the progress already achieved.

41. Mr. JEMIYO (Nigeria) associated his delegation with the remarks made by previous speakers regarding the format of the Special Committee's report. It trusted that the Special Committee would take due note of those remarks and make the necessary improvements in subsequent reports.

42. Referring first to the question of the peaceful settlement of disputes, he said that a long-term solution to the growing and complex problems facing the United Nations could only be found if Member States were prepared to make specific proposals to that end. He was not suggesting that all the ills of the Organization emanated from the provisions of the United Nations Charter, for those who had drafted it could not have foreseen all the problems that had since arisen, but it was unduly conservative to deny the existence of those problems and reactionary to question the usefulness of the United Nations. His delegation was not advocating a wholesale review of the Charter or a step-by-step approach, but reflection on the problems of the contemporary world and a resolute determination to provide effective solutions to them. If it became evident that some of those problems could best be solved by amending the Charter, then the international community should have the courage to do so. The provisions of Chapter VI of the Charter were far from adequate, being in effect little more than guidelines which States had often refused to follow.

43. In fulfilling its mandate, the Special Committee should address itself to those proposals which would provide for a far more lasting solution to some if not all of the Organization's problems. It had not lacked resourcefulness in identifying the proposals that could save the world from global war but had been hampered in its work by the vested interests of a few.

44. In resolution 3232 (XXIX) on the role of the International Court of Justice, the General Assembly had reminded States of the need to have recourse to the Court and of the desirability of building a non-violent world through international law. States should be encouraged, in their determination to build a peaceful community, to have faith in the judicial process of the organ which they had established. His delegation therefore appealed to Members to make use of that judicial process for resolving disputes in accordance with Article 33, paragraph 1, of the Charter. The position of the International Court of Justice would be strengthened if Member States adhered strictly to its Statute, referred their legal problems to it and accepted the binding force of its decisions.

45. Although the Special Committee had found that the fact-finding and mediatory role of the Secretary-General, as provided for under Article 99 of the Charter, awakened special interest, it had lacked the courage to pronounce itself on the acceptability of that proposal because some of its members had felt it was not one on which general agreement was possible. That aspect of the Secretary-General's role had, however, been recognized by former Secretaries-General Dag Hammarskjöld and U Thant at the time of, for example, the dispute in Yemen, the dispute between

(Mr. Jemiyo, Nigeria)

Bahrain and Iran, and the situation in New Guinea. In that connexion, U Thant had stated that good offices constituted a significant part of the Secretary-General's work, that the Secretary-General had a duty to assist in the settlement of disputes when the States concerned so requested or so agreed, and that his interpretation of the matter was implicit in Article 99 of the Charter. The proposal was, therefore, innocuous and merely sought to repose greater confidence in the Secretary-General's ability to contribute his small part to the cause of peace. While the Special Committee had not seen its way clear to recommend the proposal, it had failed to see the futility of calling for the preparation of a handbook describing all the existing mechanisms and facilities within the United Nations system for the peaceful settlement of disputes.

46. It was interesting to note, in regard to the rationalization of United Nations procedures, that those who were vehemently opposed to any review of the Charter had suggested that the concept of consensus should be incorporated into the General Assembly's rules of procedure and that those rules should be amended. His delegation had yet to be convinced that that was possible without an adequate reflection of any such amendment in the Charter, but it knew that the intention behind the proposal was to upset what was known as the "automatic majority". He wished to emphasize that, while his delegation agreed that consensus should be sought where possible in certain cases, it should not be institutionalized as the rule for non-procedural matters in the Security Council.

47. His delegation supported proposals aimed at combining all items that were similar in nature. However, it believed that the increase in the number of resolutions adopted by the General Assembly reflected not only the growing membership of the Organization but also the growing number of problems with which the United Nations had to deal. The proposal seeking the automatic withdrawal of certain items simply because they had been on the provisional agenda for at least two years was totally unacceptable.

48. Turning to the question of the maintenance of international peace and security, he recalled that at the twenty-eighth session of the General Assembly the then Head of the Federal Military Government of Nigeria, in his capacity as Chairman of the Organization of African Unity, had stressed the need to correct the structural and institutional deficiencies in the Organization and to undertake an urgent review of the decision-making process in the United Nations system, taking full account of existing political realities. Obviously, he had been referring to the use of the veto by the five permanent members of the Security Council. The frequent abuse of the veto power had made many nations, including Nigeria, question the wisdom of retaining it in the Charter. The use of the veto had made it impossible to take effective enforcement measures under Chapter VII of the Charter. No enforcement measures could be taken, directly or indirectly, in any part of the world where one of the great Powers had selfish economic interests. A system which solemnly declared, as the Charter did, that its purpose was to take effective collective measures for the prevention and removal of acts of aggression and yet retained the veto power in the Security Council, which often led to inaction

(Mr. Jenyo, Nigeria)

against an aggressor, was not a collective system at all. The Security Council had not been able to take effective enforcement measures under Chapter VII against South Africa for its numerous acts of aggression against Zambia, Angola and other front-line States. Because of the inability of the Council to take prompt and effective measures on matters brought before it, some States were reluctant to report to it matters which were likely to affect international peace and security.

49. Those who argued that the Charter had stood the test of time and required no change did not recognize the principle of universality of the Organization. How could it be said that an organization established with only 51 founding States whose membership had grown to 152 States should still be governed by its original structures and procedures? His delegation wished to stress the following points: (i) the membership of the Security Council should be enlarged from 15 to 19 and, what was more important, permanent seats should be allocated on a regional basis, reflecting the five main regions of the world; (ii) the use of the veto should not extend to cases of admission or expulsion of Member States; (iii) the use of the veto by the five permanent members should not be extended to matters relating to the maintenance of international peace and security, and the permanent members of the Security Council should abide by their undertaking at San Francisco on the use of the veto; (iv) the composition of the Military Staff Committee should be enlarged to reflect the growing membership of the United Nations.

50. His delegation also wished to request a review of the rules of procedure of the General Assembly dealing with voting to fill seats in the Security Council. The existing rules appeared unworkable and frustrating in view of the recent inconclusive ballots in the Plenary to fill vacant seats.

51. His delegation agreed that the mandate of the Special Committee on the Charter should be renewed and that the Special Committee should address itself to the question of the maintenance of international peace and security.

52. Mr. ROSEWINE (Israel) said that although the report of the Special Committee on the Charter was still somewhat difficult to follow and did not show clearly on what points the Special Committee wished to have the views of the Sixth Committee, its presentation of the material was an improvement over the report of the previous year.

53. Referring to the proposals on the question of the peaceful settlement of disputes, he noted that perhaps the most immediate one related to the suggested declaration on the peaceful settlement of disputes, which could have some interest if all the difficulties to which the report alluded could be overcome to general satisfaction. As had been pointed out by other delegations, an item on the peaceful settlement of disputes had been added to the agenda of the General Assembly, and in due course it would find its way to the Sixth Committee. For that reason, it seemed to his delegation that there was very little on that point that could be usefully added at the present stage, except perhaps in a preparatory way. Some of the other proposals raised issues of far-reaching political significance and would probably involve an amendment of the Charter or of the Statute of the International Court of Justice. They should therefore be approached with the greatest caution. Other proposals seemed to have an academic flavour, and an

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attitude of political indifference towards them would not be inappropriate. Still others appeared to relate to the manner in which the Security Council operated, and his delegation questioned whether or to what extent such questions came within the competence of the Special Committee or even of the Sixth Committee and the General Assembly. In particular, his delegation had reservations about ideas for setting up standing committees for functions such as mediation, good offices, conciliation, fact-finding or arbitration. International disputes threatening the maintenance of international peace, with which only the Security Council was competent to deal under the Charter, did not fit into neat logical patterns; different approaches were required in different cases. The Security Council was an adequate standing body for dealing with them. The Charter was couched in language of admirable flexibility and did not tie the hands of the organ which carried the primary responsibility for the maintenance of international peace and security. The Security Council's practice had also remained flexible. His delegation did not believe that any case had been made for further changes in the composition or decision-making processes of the Security Council or for initiating the complicated process of amending the Charter to that effect.

54. Some of the proposals could on closer analysis be seen to be reflections of existing practices. For instance, proposal (iii) (A/34/33, p. 6) was partly covered by the annual report of the Permanent Court of Arbitration. Only about half of the members of the United Nations were parties to the First Hague Convention of 1907; if more States were to become parties to it, the existing list of authorities contemplated in proposal (iii) would be correspondingly increased. Other lists were also contemplated, e.g. under the Annex to the 1969 Convention on the Law of Treaties when it came into force. Proposal (vi) could be considered to represent existing law. The procedure it envisaged had been used at least once, although not since 1945. Underlying it was a much more fundamental concept, namely, that the various organs of the United Nations should not allow themselves to be abused as organs for a diplomacy of confrontation but should remain faithful to the more traditional diplomatic approaches of negotiation and reconciliation.

55. His delegation had some doubts about the proposal relating to the handbook on peaceful settlement but appreciated the view of those who felt that the idea could be further explored and would have no objection to seeing the Special Committee do so if its mandate was extended. It would be useful, before a decision was taken in that regard, if the Sixth Committee could have a more detailed description of the contents and structure of the proposed manual. In that connexion, his delegation considered that a most useful service would be performed if the Secretariat produced a new volume of its important Systematic Survey of Treaties for the Pacific Settlement of International Disputes, 1928-1948, of which the last issue had appeared around 1948. That format had proved to be of great value, both as regarded the text of the publication and as regarded the inclusion of the full texts of the treaties to which it referred. If a decision to that effect did not come within the mandate of the Special Committee, the Secretariat should still be asked to make that work available for use in connexion with the item on the peaceful settlement of disputes when it came to the Sixth Committee. Related to that was the invaluable analysis of the Statute of the Permanent Court of International Justice published under the title Statut et Règlement de la Cour permanente de justice internationale (Berlin, 1934) by the Institut für ausländisches öffentliches Recht und Völkerrecht. That

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authoritative work had been prepared by the late Count B. Schenck von Stauffenberg when he had been working in the Registry of the Permanent Court; it had long been out of print and was difficult to obtain. The book had lost none of its value with the passing of time, and his delegation therefore suggested that the Secretariat, together with the Registry of the present Court, UNITAR and the copyright holder, if any, should look into whether it could not be made available again in its original form and inexpensively. It was probably still the most authoritative single commentary on the original Statute in any language. His proposal for the publication of that work would be independent of any steps that might be in process for the production of some similar work on the present Statute and related documents.

56. His delegation continued to have considerable difficulty with the part of the report which dealt with the rationalization of existing procedures of the United Nations. The changes introduced at the most recent session of the Special Committee were not entirely satisfactory. There were so many organs at present dealing with rationalization of United Nations procedures, including the Secretary-General himself, that it seemed that the first thing to be done was to introduce some degree of rationalization and co-ordination between them. The recent incident involving the Fifth and Sixth Committees, when the Fifth Committee had tried to extend to the General Assembly certain procedural modifications suggested by the Economic and Social Council for application to the commissions and organs for which the Council was responsible, was indicative of some deep-seated malaise in the matter of rationalization of United Nations procedures. The experience of the Sixth Committee at the current and previous sessions with the difficulties of amalgamating agenda items which supposedly dealt with the same topic but in fact had distinct political origins had shown that any apparent absence of rationalization in the conduct of United Nations business might often be the product of very deep political and ideological factors. He did not wish to imply that attempts to rationalize the work of the General Assembly, to ensure co-ordination between all principal and subsidiary organs, and to eradicate unnecessary duplication should be discarded. However, the question must be approached in a frame of mind which would jealously protect what a distinguished South American diplomat had once called in the General Assembly a State's "right to dialogue" and would prevent debates from becoming a succession of uneven, uninterrupted and repetitive monologues.

57. As a practical illustration, he wished to call attention to the absolutely inequitable situation created during the current session by artificial and arbitrary limitations imposed upon the exercise of the right of reply, both in what might be called the normal situation in which a State might wish to reply to attacks made by the representatives of a number of other States and in the abnormal situation in which a representative might wish to reply to a Head of State who had addressed the General Assembly in an ambiguous capacity and had abused the privileges and courtesies normally and properly extended to him. As to the first of those situations, the logic underlying the current practice was, he supposed, that 10 minutes ought to be enough for a representative to reply to an attack made by one other State. That logical basis simply disappeared when a delegation found itself, in the discharge of its duties, obliged to reply to a multiplicity of attacks from several quarters at the same time. There had been instances of that

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even in the tranquil Sixth Committee, and not only involving Israel; he understood that in other bodies of the General Assembly the situation was more serious. As to the second situation, he simply wished to refer to the inability of his delegation to reply to a vicious attack made on his country by a person who had addressed the General Assembly in a double capacity, as Head of a State and as current president of a certain grouping of States, at the 31st plenary meeting on 12 October 1979 and to refer to the letter of 15 October 1978 from the Permanent Representative of Israel to the President of the General Assembly (A/34/576).

58. Turning to the question of the maintenance of international peace and security, he said that if the mandate of the Special Committee was continued, the Committee should come to grips with fundamental matters and not allow its attention to be diverted to peripheral or academic questions. The fundamental issue was the failure of the United Nations as a whole to be a centre for harmonizing the actions of nations in the attainment of the common ends of the United Nations, as set forth in Article 1 of the Charter. That language of the Charter reflected the fundamental characteristic of the diplomatic temperament, which was never to give up the hope of resolving every dispute through negotiation. That was by far the best method, as countries in his part of the world were finding out, the United Nations notwithstanding. He regretted to have to utter those last four words, but the fact was that the United Nations was showing itself to be an obstacle to the process of negotiation, something which was as inexplicable as it was intolerable. There could be no sure road to the strengthening of the role of the Organization until it firmly decided to abandon once and for all the diplomacy of confrontation and revert to the diplomacy of conciliation and reconciliation, of harmonization and dispute prevention, the time-honoured practices of enlightened diplomacy. In that connexion, he recalled the statement made by a Caribbean diplomat who, some years previously in one of the interminable debates on the Middle East in the General Assembly, had stressed that the proper role of the Assembly was to create an atmosphere that would encourage the parties to sit down together and work out an agreement for themselves. That was the real challenge to those - probably all members of the Sixth Committee - who were dissatisfied with the completely secondary role which the United Nations now played in the affairs of mankind and who would like to see the Organization's constructive and harmonizing role greatly strengthened.

59. His delegation doubted that the existing mandate of the Special Committee, as set forth in paragraph 3 of General Assembly resolution 33/94, was appropriate any longer. Except perhaps in a purely preparatory way in connexion with the proposed manual on the peaceful settlement of disputes and perhaps with the proposed declaration, his delegation did not think that the Special Committee could do anything more on that topic. With regard to the rationalization of existing United Nations procedures, many of the matters at issue did not concern the Sixth Committee alone. With the help of the Secretariat, a more synoptic study of all that was being done should be undertaken. To some extent, as could be observed from the report of the Special Committee (A/34/33), that had been done, largely with the co-operation of the Under-Secretary-General for Political and General Assembly Affairs. The terms of reference as set forth in resolution 33/94 were on the one hand inadequate and on the other not reflective of the realities or of the problems that had to be faced. He did not need to say anything more on the third part of the terms of reference.

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60. The present item had originally been placed on the agenda of the General Assembly several years before. It had been discussed in the plenary meetings and in the First and Sixth Committees, and its documentation had grown to an extent disproportionate to the results achieved. Its practical impact had been meagre. His delegation had never been enthusiastic about it and had not voted in favour of the various resolutions adopted. If the continuation of the Special Committee, under the present or a revised mandate, came to a vote, the Israeli delegation would probably not be able to support it. On the other hand, that was not a matter on which his delegation felt strongly.

61. Before concluding, he wished to refer to the suggestion, originally made by the Mexican delegation, that urgent steps should be taken to bring up to date the Repertory of Practice of United Nations Organs. He was certain that all members knew how indispensable that publication was. It now suffered from two major defects: large parts of it were out of print and completely unobtainable in any language unless one happened to chance upon a copy in a second-hand bookshop, and it was some 10 years out of date. His delegation fully supported the suggestion that the Sixth Committee should recommend that the General Assembly request the Secretary-General to bring that publication up to date as quickly as possible, as had been decided in a series of earlier resolutions. He would also like to see the General Assembly request the Secretary-General to take steps to ensure that an adequate number of copies of all the earlier volumes of the Repertory and its Supplements that were already or would soon be out of print were made available for distribution to all interested delegations. Republication of such fundamental documentation should not be left to private commercial initiatives, praiseworthy though they had been in other spheres.

62. His delegation would vote against draft resolution A/C.6/34/L.8 for reasons which were apparent from what he had already said.

63. Mr. DAMDINDORZH (Mongolia) said that the attitude of his country towards the principles set forth in the Charter and the role of the United Nations in the maintenance of world peace and international security stemmed from the very essence of its peaceful foreign policy. His Government was firmly committed to the purposes and principles of the United Nations as laid down in the latter's Charter and regarded the Organization as the most appropriate instrument for maintaining and strengthening international peace and security. Since its inception, the United Nations had substantially contributed towards strengthening peace and security and developing mutually beneficial co-operation among States. However, some of the provisions of the Charter were being violated and certain resolutions of the General Assembly and the Security Council pertaining to the maintenance of peace and security remained unimplemented. The root cause of such violations was not to be found in the Charter itself but in the lack of political will of certain Member States to comply with the Charter, particularly Article 2, paragraph 2. His delegation believed that the role and effectiveness of the United Nations should be strengthened not through revision of the Charter but through maximum utilization of all possibilities within the framework of existing United Nations machinery.

(Mr. Dandindorzh, Mongolia)

64. Referring to the objections of certain delegations to the principle of unanimity of the permanent members of the Security Council, he remarked that there were indeed cases where the veto right was exercised by certain permanent members against the will of the majority of Member States. Such cases occurred not because the right of veto itself ran counter to the will of the majority of Member States but because certain permanent members of the Security Council exercised that right in their own selfish interests. That should not give rise to changes in or the elimination of the principle of unanimity among the permanent members of the Security Council.

65. Referring to the proposals on the question of the peaceful settlement of disputes, he said that general agreement might be possible on the idea of adopting a declaration of the General Assembly on that subject but that no such agreement seemed in sight on the proposal that the declaration should be followed by a treaty. His delegation was of the opinion that the Special Committee should continue its work on the question of the peaceful settlement of disputes and that it should give the highest priority to the question of identifying the elements which should be incorporated into such a declaration. As to the proposal on the setting up of a permanent commission of the General Assembly to fulfil functions of mediation, good offices and conciliation, his delegation felt that the setting up of new bodies in the United Nations without first making full use of the existing machinery as provided for in Articles 26 and 29 of Chapters VI and VII of the Charter would be counterproductive and would create unnecessary complications. Moreover, the creation of such a body would surely alter the delicate balance of power between the two main organs of the United Nations and lead to revision of the relevant provisions of the Charter. In like manner, his delegation could not support the idea of expanding the range of cases in which an advisory opinion might be requested from the International Court of Justice. His delegation would welcome and give its full support to constructive proposals on the peaceful settlement of disputes which did not call for revision of the Charter. Thus, it supported the idea of preparing a handbook on the peaceful settlement of disputes.

66. Although the Special Committee had been unable to make much progress on the questions of rationalization of existing procedures and maintenance of international peace and security, the debate had shown that Member States were not making the fullest use of existing United Nations machinery. His delegation was confident that constructive proposals aimed at making fuller use of the human, financial and other resources of the United Nations, as well as stricter implementation of earlier resolutions and decisions of United Nations organs, would contribute to enhancing the effectiveness of the Organization.

67. Since the Committee was making progress in fulfilling its mandate to seek ways and means of enhancing the role of the Organization, his delegation would not object to the extension of its mandate.

68. In conclusion, he wished to congratulate the representatives of the USSR, the Byelorussian SSR and the Ukrainian SSR on the sixty-second anniversary of the Great October Revolution, which had represented a turning point in the history of the Soviet people and of mankind.

69. Mr. KOLESNIK (Union of Soviet Socialist Republics) said that a close look at the report of the Special Committee revealed serious disagreements with regard to the proposals concerning the peaceful settlement of international disputes. Of the 51 proposals listed, only one (proposal B (ix)) enjoyed the full support of all members of the Committee. Thus, after four years of painstaking effort, the Committee could only reaffirm a principle which had already been enshrined in the Charter of the United Nations 35 years earlier and which no one disputed. Furthermore, of the 51 proposals, there were only nine on which general agreement was possible. Such modest success on the part of the Special Committee was due primarily to the false premise that changing the Charter could somehow promote the implementation of the peaceful settlement of disputes. The most important factor, i.e. the political will of States, was ignored.

70. Chapter VI of the Charter provided States with a broad choice of means for the peaceful settlement of disputes. An important role in that field was played by the Security Council, which in accordance with Article 34 of the Charter might investigate any dispute, or any situation which might lead to international friction or give rise to a dispute. In accordance with Article 36, paragraph 1, the Security Council might at any stage of a dispute or of a situation, the continuance of which was likely to endanger the maintenance of international peace and security, recommend appropriate procedures or methods of adjustment. Article 12, paragraph 2, empowered the Security Council to decide whether to take action under Article 36 or to recommend such terms of settlement as it might consider appropriate. The primary role of the Security Council in the settlement of disputes was also set out in Article 12, paragraph 1.

71. Other United Nations bodies were also empowered to take part in the peaceful settlement of disputes. In accordance with Article 11, paragraph 2, of the Charter, the General Assembly might discuss any questions relating to the maintenance of international peace and security and, except as provided in Article 12, might make recommendations with regard to any such questions. Article 36, paragraph 3, empowered the International Court of Justice to participate in the peaceful settlement of disputes, stating that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court.

72. The Charter also encouraged the settlement of regional disputes through regional organizations and bodies. In accordance with Article 52, paragraph 2, the Members of the United Nations should make every effort to achieve pacific settlement of local disputes through regional arrangements or by regional agencies before referring them to the Security Council. The fact that the Charter provided parties to disputes with the free choice of the means of settlement was very important. Failure in the use of one method did not free the parties involved from the obligation to settle the dispute by other peaceful means. Since the Charter contained all the provisions necessary for the peaceful settlement of disputes, the success or failure of any peaceful settlement depended primarily on the political will of the States involved. For that reason, the Special Committee should search for means to stimulate the political will of States to

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settle their disputes peacefully. In that regard, his delegation felt that the proposal to prepare a General Assembly declaration on peaceful settlement of disputes was particularly interesting. The Special Committee should do its utmost to complete the drafting of that document, since the proposal in question was one of those on which general agreement was possible.

73. With regard to the rationalization of existing procedures of the United Nations, there were fewer than 10 proposals out of a total of 89 on which general agreement seemed possible. The report confirmed the conclusion of his delegation that general agreement could only be achieved on those proposals which were designed to strengthen the existing principles and provisions of the Charter, while the proposals which were directly or indirectly linked to a revision of the Charter only led to an impasse. In that regard, he drew attention to the proposal of Romania and France on the desirability of achieving consensus in the decision-making process and to the proposals designed to reduce United Nations budget expenditures, to reduce the number of bodies dealing with non-political questions, to eliminate duplication of effort by such bodies, and to prevent the further growth of the administrative apparatus of the Secretariat. Since those proposals were supported by a majority of States, general agreement on them seemed possible. His delegation felt that proposals such as the ones designed to abolish the general debate in the General Assembly and to prevent or limit discussion within the General Assembly and its organs of such vital political questions as the deepening of détente, the elimination of hotbeds of international tension and the eradication of the remnants of colonialism and racism could in no way promote the strengthening of the role of the United Nations.

74. His delegation felt that duplication of effort resulting from the simultaneous consideration of questions by several bodies of the Organization should be stopped. Such repetition involved a waste of effort, time and financial resources and did not enhance the effectiveness of the United Nations. A clear definition of the spheres of competence of each of the subsidiary organs was necessary.

75. The report also showed that the Special Committee had again failed to reconcile the positions of Member States on proposals dealing with the maintenance of international peace and security. Out of a total of more than 50 proposals, only six had been regarded as positive by a majority of the members of the Working Group. The fact that none of those proposals was designed to introduce amendments to the Charter was significant. The chances of achieving general agreement on the overwhelming majority of the proposals were practically non-existent since most of them were designed to change important provisions of the Charter, especially with regard to the main principles concerning the functioning of the Security Council. Such proposals were designed either to assign to the General Assembly or other bodies functions which were the prerogative of the Security Council or to deprive the permanent members of the Security Council of powers entrusted to them because of their responsibility for the maintenance of international peace and security. As one of the founding Members of the United Nations, the Soviet Union sought to strengthen the Organization in order to ensure peace throughout the world and rejected any attempt to amend the Charter. The latter's basic principles ensured

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equal treatment within the Organization for the two main social systems of the world, socialism and capitalism, and thus objectively reflected existing reality. The main goal of the United Nations could only be achieved through strict observance of the provisions of the Charter dealing with the maintenance of international peace and security.

76. Acting in accordance with its Charter, the United Nations had done much to strengthen peace and détente throughout the world. The fact that for more than three decades mankind had not suffered the horrors of a world war was the most important justification for the work of the United Nations and proof of the viability of its Charter. The Soviet Union sympathized with the legitimate desire of the new Member States to play an active role in the United Nations. The Charter permitted developing countries to participate fully in the elaboration and adoption of resolutions in all United Nations bodies. Many useful resolutions dealing with the strengthening of international security, disarmament, the struggle against colonialism, racism and apartheid, and the development of democratic norms for international law had been adopted on the basis of the Charter.

77. The Charter was the basis of contemporary international law. Its key principle, the unanimity of the permanent members of the Security Council, continued to ensure that the Security Council was not misused for purposes which ran counter to the maintenance of international peace and security. All States, regardless of their size, military strength or economic development, had an interest in the strict observance of that principle. The reasons why certain useful United Nations resolutions were not being implemented, why colonial and racial domination had not been eradicated and why hotbeds of tension still existed in numerous areas of the world were not to be found in the Charter but in the fact that certain Member States did not observe the provisions of the Charter and violated its purposes and principles. The Soviet Union would continue to defend unswervingly the purposes and principles of the Charter and to struggle for their implementation. The Minister for Foreign Affairs of the Soviet Union, Mr. Gromyko, addressing the General Assembly at its current session, had stated that the effectiveness of the United Nations in maintaining international peace was the main yardstick in judging all its activities and that the Organization had accomplished a great deal in consolidating peace and promoting international co-operation. In plenary meetings at the current session of the General Assembly, the majority of delegations, in evaluating the merits and defects of the Charter, had not linked the need to strengthen the role of the United Nations and enhance its effectiveness with a revision of the Charter.

78. Lastly, his delegation did not support draft resolution A/C.6/34/L.8 because revision of the rule requiring the unanimity of the permanent members of the Security Council for the adoption of decisions on all non-procedural matters ran counter to efforts to strengthen the role of the Organization. With regard to draft resolution A/C.6/34/L.9, although that document had not been formally submitted, his delegation felt that the Special Committee would need more time to complete its work on the peaceful settlement of disputes and, for that reason, was not in favour of the paragraph which called upon the Special Committee to finish its work on that topic at its next session.

The meeting rose at 6 p.m.