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REPORT OF THE AD HOC COMMITTEE ON THE CHARTER OF THE
UNITED NATIONS

Report of the Secretary-General

Addendum

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ITALY

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1. The Italian Government is happy to take the opportunity afforded by the invitation extended by the General Assembly in paragraph 2 of resolution 3349 (XXIX) to reaffirm once again its policy of full support for the principles and purposes of the United Nations, as set forth in the Charter, of whose continuing validity it is firmly convinced.

The Italian Government considers, however, that the United Nations, while leaving intact the basic features of the structure and functioning of the Organization, should avoid losing touch with the reality of the international community, which has undergone profound changes during the 30 years that have elapsed since the San Francisco Conference. It is therefore in favour of any initiative designed to strengthen the role, prestige and effectiveness of the Organization and considers that the establishment of the Ad Hoc Committee on the Charter of the United Nations provides an opportunity for Member States to agree, on the basis of a broad consensus, on some limited changes in the Charter and the rules of procedure that will serve to adapt its activities to the needs of the times.

The Italian Government accordingly feels that the task of the Ad Hoc Committee should be to propose to the General Assembly such amendments to the Charter as are generally considered to be necessary so that the General Assembly can take action gradually and with all due deliberation on the basis of Article 108 of the Charter. The Italian Government does not, on the other hand, feel that consideration should be given to preparations for a General Conference of the kind envisaged in Article 109.

Thus, while confirming the general outlines of its position as stated on several occasions in the appropriate forums, and particularly in the reply transmitted to the Secretary-General under resolution 2697 (XXV) and contained in document A/8746, the Italian Government will confine itself to indicating below the particular problems on which it believes that it will be easiest to achieve a consensus among Member States concerning improvements to the provisions currently in effect.

2. The Italian Government has constantly expressed the conviction that the main task of the United Nations is the maintenance of international peace and security. The Italian Government hopes that the deliberations of the Special Committee on Peace-Keeping Operations will result in useful suggestions for the Ad Hoc Committee so as to ensure greater effectiveness in the Organization's performance of this vital role.

3. According to Article 24 of the Charter of the United Nations, the Security Council has "primary responsibility" for the maintenance of international peace and security. It is therefore necessary to ensure that the Council can act with

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the maximum authority and effectiveness. In this regard the Italian Government is convinced that the notion of peace-keeping calls for continual action on the part of the Security Council to eliminate the deep-lying causes of international tensions. In this action aimed at remedying latent crises before they reach the acute phase involving recourse to force, a special role needs to be played by those States which are in a better position than others to promote economic development, scientific and technological progress and the cultural advancement of peoples.

The Italian Government thus considers that the provisions of Article 23, paragraph 1 - which states that in the election of the Security Council due regard must be paid "in the first instance" to the contribution of Members to the maintenance of international peace and security and to the other purposes of the Organization - are now more relevant than ever to the basic needs of the United Nations.

4. The Italian Government is also of the opinion that a leading role in the process of peace-keeping and détente should be played by the International Court of Justice.

The Italian Government, in reaffirming its position in favour of all measures that would help to give new impetus to the contribution of the International Court of Justice to the judicial settlement of disputes, suggests that it would be desirable to begin, as of now, to consider the possibility of amending Article 96 of the Charter and Article 34 of the Statute of the International Court in order to facilitate recourse to the Court by States and intergovernmental international organizations, also for advisory opinions.

5. The Italian Government fully recognizes the fundamental role of the General Assembly. It feels obliged to point out, however, that the adoption of a resolution does not always suffice to achieve the results sought by the General Assembly.

This may be due in part to the fact that the present wording of paragraph 2 and 3 of Article 18 and of rules 67 and 86 of the rules of procedure make it possible to adopt resolutions even when the resolution voted on has not really won a sufficient consensus to ensure that it is fully effective. Some change in these provisions might therefore be called for.

6. The Italian Government has always been in favour of strengthening the role of the United Nations in the fields of economic development, international co-operation and, in particular, assistance to the developing countries.

The Italian Government therefore trusts that significant progress in these fields will be made as a result of the seventh special session of the General Assembly to be held this autumn. The Italian Government hopes in particular that the seventh special session will result in proposals for the restructuring of the Economic and Social Council and of the entire system of United Nations assistance in the economic field which will serve to strengthen its impact and eliminate unnecessary duplication.

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The Italian Government feels that the Ad Hoc Committee can usefully contribute to that sphere of activity by suggesting suitable changes in the structure of the Economic and Social Council.

The importance of the task which the United Nations has assumed and is assuming to an increasing degree in the economic field makes it advisable to concentrate efforts of the Economic and Social Council on these tasks. This gives rise to the problem of new arrangements covering the important area of social affairs and human rights.

This latter field of United Nations activity, as already indicated in the reply transmitted by the Italian Government to the Secretary-General under resolution 3221 (XXIX) on improvement of the effective enjoyment of human rights and fundamental freedoms, has been undergoing a degree of development that could not have been foreseen at the San Francisco Conference. The Italian Government therefore believes that some changes should be made in Article 7, paragraph 1, which would provide for the inclusion among the principal organs of the United Nations of a new Council for Human Rights, to which the tasks currently performed by the Commission on Human Rights would be transferred, subject to the necessary changes. That Council could also be entrusted with such other human rights functions currently discharged by the Economic and Social Council, as may be considered appropriate for it.

The activities of the United Nations in the field of human rights would thus acquire the necessary prestige to ensure their full effectiveness and at the same time the Economic and Social Council would be better able to concentrate on its tasks relating to economic and social development and co-operation.

7. The Italian Government also considers that the provisions which are the direct result of the state of war existing at the time of the San Francisco Conference, and which are now completely obsolete, need to be eliminated from the Charter.
