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NEED TO CONSIDER SUGGESTIONS REGARDING THE VIEW OF  
THE CHARTER OF THE UNITED NATIONS

Report of the Secretary-General

CONTENTS

	<u>Page</u>
I. INTRODUCTION . . . . .	3
II. COMMENTS OF GOVERNMENTS	
Belgium . . . . .	4
Brazil . . . . .	4
Byelorussian Soviet Socialist Republic . . . . .	5
Canada . . . . .	7
Colombia . . . . .	11
Czechoslovakia . . . . .	23
Denmark . . . . .	24
France . . . . .	25
Indonesia . . . . .	26
Italy . . . . .	28
Japan . . . . .	33
Madagascar . . . . .	38
Mexico . . . . .	39
Netherlands . . . . .	41
Norway . . . . .	42

\* A/8760.

CONTENTS (continued)

	<u>Page</u>
Philippines . . . . .	43
Poland . . . . .	45
Sweden . . . . .	47
Uganda . . . . .	48
Union of Soviet Socialist Republics . . . . .	49
United Kingdom of Great Britain and Northern Ireland . . . . .	53

## I. INTRODUCTION

1. On 11 December 1970, the General Assembly adopted resolution 2697 (XXV) entitled "Need to consider suggestions regarding the review of the Charter of the United Nations". Operative paragraphs 1 and 2 of the resolution read as follows:

"The General Assembly

...

"1. Requests the Secretary-General to invite Member States to communicate to him, before 1 July 1972, their views and suggestions on the review of the Charter of the United Nations;

"2. Further requests the Secretary-General to submit to the General Assembly at its twenty-seventh session a report containing the views and suggestions of Member States communicated to him pursuant to paragraph 1 above";

..."

2. Pursuant to operative paragraph 1, the Secretary-General, by a circular note dated 18 March 1971, invited Member States to communicate to him, before 1 July 1972, their views and suggestions on the review of the Charter of the United Nations. Later, by a note dated 20 January 1972, to which a copy of the initial note was attached, the Secretary-General drew the attention of all Member States - including those which had become Members of the United Nations after the sending of the initial note - to paragraph 1 of General Assembly resolution 2697 (XXV).

3. As of 1 August 1972, comments had been received from the following Governments: Belgium, Brazil, Byelorussian Soviet Socialist Republic, Canada, Colombia, Czechoslovakia, Denmark, France, Indonesia, Italy, Japan, Madagascar, Mexico, Netherlands, Norway, Philippines, Poland, Sweden, Uganda, Union of Soviet Socialist Republics and United Kingdom of Great Britain and Northern Ireland. Any comments which might still be forthcoming will be published as an addendum to this report.

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## II. COMMENTS OF GOVERNMENTS

### BELGIUM

/Original: French/

29 June 1972

If the United Nations has withstood the test of time and has succeeded in becoming more deeply involved in several fields of international co-operation, it has been able to do so precisely because there was unanimous agreement among its Members on the purposes and principles of the Charter. But, the Belgian Government notes, there is no such agreement at present with regard to the review of the Charter as a whole. It therefore believes that what is most needed is to make a creative analysis and interpretation of the Charter itself, which provides so many possibilities for action thanks to which the Organization can deal with all the complex problems with which it is constantly being confronted. It is essential to apply all the provisions of the Charter imaginatively. The Minister for Foreign Affairs of Belgium spoke along those lines in the General Assembly on 1 October 1970, 1/ when he recommended strengthening the central institutions of the United Nations and, especially for the purpose of achieving their two main purposes: security and development.

Although the present circumstances are not very propitious for a systematic review of the Charter, the Belgian Government believes that they do not rule out all possibility of a partial review of individual Articles which are now out of date.

### BRAZIL

/Original: English/

30 June 1972

The Government of Brazil is of the opinion that the Charter of the United Nations continues to reflect the ideals of the international community, particularly as regards the enunciation of the purposes and principles of the Organization. It believes, none the less, that the mechanisms provided for in the Charter need to be brought up to date to reflect the great changes which have taken place on the international scene, the increased membership in the United Nations and the experience of more than a quarter of a century in the operation of the Organization. Ideas such as that of collective economic security deserve a place in the Charter and functions such as peace-keeping operations should be formalized in the basic

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1/ See A/PV.1856.

instrument of the United Nations. The Government of Brazil therefore considers that a preparatory mechanism should be established immediately to receive and study the different suggestions made by Member States, with a view to a future revision of the Charter.

BYELORUSSIAN SOVIET SOCIALIST REPUBLIC

/Original: Russian/

27 July 1972

The Byelorussian Soviet Socialist Republic, as one of the original Members of the United Nations, regards the United Nations Charter as an extremely important document of international significance which contributes to the strengthening of peace and the development of co-operation among States.

As is well known, the historical situation in which the United Nations was established did much to determine the political nature and characteristics of the international Organization. In the drafting of the United Nations Charter, account was taken of the historical experience which the peoples had gained, and the conclusions they had drawn from the common struggle against fascism. The United Nations Charter, adopted as the result of long, complex negotiations, was a document acceptable to all, based on the just and democratic principles of the equal rights and self-determination of peoples, the sovereign equality of States, and respect for human rights and fundamental freedom for all, without distinction as to race, sex, language or religion.

Maintaining international peace and security and saving succeeding generations from the scourge of war, which is the primary task of the United Nations, as set forth in the Charter, still remains a matter of pressing importance. It will continue to be of paramount significance for the United Nations so long as forces exist which stand in the way of co-operation among States and prevent the implementation of the principles of the United Nations Charter, forces which seek to suppress the national liberation struggle, forces which are interested in maintaining breeding-grounds of war and in aggravating international tension.

One of the key provisions of the United Nations Charter is that which calls for unanimity among the permanent members of the Security Council. This principle sprang from the co-operation among the Powers which were the leaders of the anti-Nazi coalition during the Second World War and it was farsightedly and with good reason included in the Charter by the founding Members of the United Nations, taking into account the existence of States with different social systems. Without this principle, which is the foundation of the entire edifice of the United Nations and is intended to provide a guarantee that the Council will not be used in the narrow interests of individual States or groups of States to the detriment of States with a different social system, the United Nations would foster not unity but disunity among States, not co-operation among them and the prevention of conflicts but the intensification of discord and enmity between States.

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In practice, the principle of unanimity has often made it possible to avoid hasty decisions which might have had grave international consequences. This principle is of particular importance for the protection of national liberation movements, for young developing States and small countries, and therefore it is important for the overwhelming majority of States Members of the United Nations. Accordingly, a revision or abolition of the principle of unanimity of the permanent members of the Security Council would undermine the foundations of the Organization. We must not forget that in the nuclear age any attempt by certain permanent members of the Security Council to employ coercion or even force in the name of the United Nations against other permanent members of the Council would mean unleashing a world war with all its disastrous consequences.

In the interests of all States, attention should now mainly be focused not on revision of the Charter but on strict, unswerving compliance with it by all States. The existing opportunities, as set forth in the Charter, are by no means exhausted and fuller use should be made of them.

The urgency and great significance of the basic purposes and principles of the United Nations Charter have recently been solemnly reaffirmed and strengthened in such important instruments as the Declaration on the Strengthening of International Security, the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States, and the Declaration on the Occasion of the Twenty-fifth Anniversary of the United Nations. In these instruments, adopted at the twenty-fifth session of the General Assembly, the States Members of the United Nations again stressed their loyalty to the United Nations Charter. States are also guided by the provisions of the United Nations Charter in their work on the progressive development of rules of contemporary international law and on the adoption of new international instruments regulating various areas of co-operation among States.

The action taken by the United Nations under the Charter to support the national liberation movement, particularly the United Nations Declaration on the Granting of Independence to Colonial Countries and Peoples, has contributed to the attainment of independence by numerous States and has led to a substantial increase in the membership of the Organization. This has already been reflected in the enlarged membership of the Security Council and the Economic and Social Council.

The efficacy of the Organization clearly depends on the determination of States Members of the United Nations to strive for the consistent implementation of the peaceful aims which have been set for it. If the United Nations has not attained its objectives, if there are still breeding-grounds of war, if some conflicts have not been settled, that can be attributed not to imperfections in the Charter but to the unwillingness of certain countries fully to comply with its provisions at all times. The effectiveness of the United Nations can be enhanced by giving effect to the useful decisions taken by the Security Council and other United Nations organs. Unless States strive to carry out fully and unconditionally their obligations under the Charter it will not be possible to solve the problems facing the United Nations. A revision of the Charter would not eliminate difficulties in the work of the United Nations but would create new, more serious difficulties.

Time has shown that it is when the requirements of the Charter have not been complied with that the United Nations has been unable to take the correct and necessary decisions. However, when the Members of the United Nations have taken action in conformity with the Charter, the Organization has made a positive contribution towards maintaining peace, improving international conditions and resolving crises and urgent contemporary problems.

From the very beginning of the activities of the United Nations the Byelorussian SSR has actively favoured enhancing its authority and effectiveness on the basis of strict and full compliance with the United Nations Charter, and it accordingly considers that there is no need for a review of that instrument.

CANADA

/Original: English/

6 July 1972

A basic premise of Canada's foreign policy is to continue to work actively to make the United Nations a more effective instrument for international co-operation, and to improve its capacity to meet its responsibilities. It has been suggested on various grounds that to achieve this end, a review of the Charter is necessary. It has been pointed out, for example, that the Charter is now 26 years old, that conditions have changed greatly since it was drawn up, that a majority of the present Members of the Organization did not participate in drafting it, and that the United Nations has not fulfilled all the hopes of those who did draft it in 1945.

The Government of Canada is prepared to give careful and serious consideration to all specific proposals for revision or more effective utilization of the Charter which might command broad support amongst the membership of the Organization.

In considering such proposals, it must be borne in mind that it has proved to be very difficult to achieve agreement on textual amendments in the past. Charter revision is governed by Article 108 of the Charter, which states: "Amendments to the present Charter shall come into force for all Members of the United Nations when they have been adopted by a vote of two thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Nations, including all the permanent members of the Security Council."

Hitherto it has been possible to reach agreement on amendments in only two respects, providing for enlargement of the Security Council from 9 to 15 and enlargement of the Economic and Social Council from 18 to 27 and recently - subject to ratification - to 54.

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None the less, the Charter has proved to be a remarkably flexible document, capable of growth and adaptation in response to changing conditions and needs of the international community. The involvement of the United Nations in the emergence to independence of non-self-governing Territories, its activities relating to international development, its concern with racial discrimination and apartheid are all examples of how a broad rather than narrow interpretation of the Charter can make it a living Charter, responsive to the needs of the United Nations Members. There is, in the Canadian view, no reason why this should be any less true in future. The United Nations can be made more dynamic without rewriting the Charter; its effectiveness and vitality depend not so much upon changing the basic structure of the Organization as upon the political resolve of the Member States to fulfil the obligations and the responsibilities each has taken up in subscribing to the provisions of the Charter. In short, the effectiveness of the United Nations is directly dependent on the political will of its Members. No documentary revision in itself can be a substitute for that will; nor can it be shown that where the will exists the present form of the Charter has frustrated it.

Against this background, the Government of Canada questions whether it would be productive to undertake revision of the Charter as a whole at this time. Questions of textual revision (as, for example, the removal of certain provisions such as Article 107) and, in particular, opportunities for change within the existing framework, should be approached in a constructive spirit on a functional or case-by-case basis.

It was with this objective that Canada took the initiative to propose, in 1970, the establishment of the Special Committee of Thirty-one to study ways and means of improving the procedures and organization of the United Nations General Assembly, including the organization of work, rules of procedure, methods and practices. The work of this Committee culminated in acceptance of substantial procedural reforms by the United Nations General Assembly on 17 December 1971.

Similarly, Canada has actively supported the proposal that a special committee of legal experts be set up to conduct a careful and searching review of the role of the International Court of Justice in the light of the comments of Member States. Other efforts along similar functional lines to strengthen the effectiveness of the United Nations will have Canada's active co-operation.

Charter review is often approached primarily as a matter of strengthening the effectiveness of the Security Council. It is in the area of the maintenance of international peace and security that the United Nations has most generally been regarded as falling short of what it is expected to achieve. By its resolution 2864 (XXVI), the General Assembly requested the Secretary-General to include in his report to the General Assembly at its twenty-seventh session suggestions on ways and means of enhancing the effectiveness of the Council. Numerous ideas have been put forward relating to this subject over the years.

Of particular current interest are proposals which have recently been advanced by members of the Special Committee on Peace-Keeping Operations, including the United States and the Union of Soviet Socialist Republics, for the development of a subsidiary body under Article 29 or through activation of the Military Staff



Committee, in order to advise the Security Council and the Secretary-General on the conduct of peace-keeping operations. Peace-keeping as such is not spelled out in specific terms in the Charter. It is noteworthy, however, that such proposals need not call for revision of the Charter; they are capable of implementation within existing Charter provisions.

Based on the extensive experience of Canadian forces in past United Nations peace-keeping operations, Canada will continue to play an active part in the preparation of guidelines and institutional arrangements designed to strengthen the peace-keeping role of the Organization and more effective use of the Security Council.

Suggestions have also been made from time to time involving amendment of the Charter to alter the voting procedures in the Security Council and the General Assembly, in particular to introduce limitations on the use of the veto, and various systems of weighted voting.

A close examination of the effects and implications of such proposals leads to the conclusion that in present circumstances revisions of this nature would not be feasible nor in some instances desirable.

An attempt to remove the veto from areas of decision-making in the Security Council (as has been suggested, for example, in relation to admission of new Members under Article 4, or recommendations for pacific settlement of disputes under Chapter VI, and which indeed Canada proposed at San Francisco in 1945) might attract some support in the General Assembly, but in present circumstances would still encounter firm opposition amongst permanent members of the Council. In the same way, any given formula to allocate greater voting strength in the General Assembly to Member States according to the size of their assessed contribution to the regular budget or other factors, such as population or gross national product, might conceivably find support (depending on the particular formula proposed) amongst those members who might thereby qualify for preferred status. However, it would inevitably have little appeal to the majority of Members who, under any of the various formulae proposed, would find themselves placed at a relative disadvantage.

The variety of problems within the competence of the Assembly would make it virtually impossible to establish just and rational criteria for the allocation of votes other than the existing system of one vote for each Member State. In certain instances, for example, physical proximity to a situation involving security considerations might be a more important and relevant factor in assessing the influence a Member should have in the Assembly than its economic resources or population.

Weighted voting in the General Assembly would strike at the fundamental principle of the sovereign equality of States enunciated in Article 2 (1) of the Charter. The rule of sovereign equality in the General Assembly may be viewed in a sense as a counterpoise to the pattern in the Security Council where the permanent members enjoy an overriding veto power on substantive questions.

It may be true that there is imbalance between voting procedures and power realities in the General Assembly. Resolutions may be drafted by the majority despite the differing views of the small minority of Members whose co-operative contribution is invariably essential to the success of any United Nations activity. In the Canadian view, the importance of this consideration can be exaggerated. The General Assembly is a diplomatic convocation in which the interplay of delegations cannot but reflect the interplay of political realities in the international community.

It is precisely because of those realities that those who value the United Nations for what it is, no less than for what it might become, must be sensitive to the risk of grave damage to the Organization itself which could result from a direct confrontation of irreconcilable political forces within the membership. In this light, the principle of unanimity of the five permanent members of the Security Council must be accepted as an indispensable mechanism to prevent intolerable strains on the fabric of the Organization.

Suggestions for Charter amendment have also been made regarding membership of the Security Council, including for example a proposal for a new category of permanent or semi-permanent members, drawn from amongst those States regarded as best able to contribute to the maintenance of international peace and security. Such suggestions give rise to many of the same difficulties and objections noted above.

In practice, as in the case of proposals for weighted voting in the General Assembly, it would be very difficult to determine acceptable criteria for creating a further category of States, in addition to the permanent members, who would be entitled to preferred treatment in elections to the Security Council. One criterion which is sometimes proposed on the basis of a somewhat narrow reading of Article 23 is the ability to contribute materially to the maintenance of international peace and security. From an examination of the membership of the Security Council over the last 26 years, it is clear that there has in fact been a significant correlation between the size of assessed contributions to the regular budget and the frequency with which Member States have served as non-permanent members of the Council. It is to be anticipated, however, that an increasing number of non-permanent members will be drawn from among these States which each pay assessments of less than 0.1 per cent of the budget (currently some 65 per cent of the total membership). It would be difficult to sustain the view that these smaller States should be discouraged from taking an active part in the work of one of the principal organs of the United Nations. It would be equally difficult to assert that larger or wealthier States should be singled out by virtue of their wealth alone as being in a special position to contribute responsibly and constructively to the work of the Council.

Difficulties of a comparable nature are created by proposals to reconstruct the regional basis on which non-permanent members of the Security Council are now elected. Most of these proposals tend to produce an imbalance to the disadvantage of smaller States and to imply more or less arbitrary judgements of the fitness of particular Members for service on the Council.

In Canada's view, the election of Members to the Security Council is best left to consultations within the regional groups, with each group exercising discretion to ensure that the candidates put forward for membership are able and willing to make a substantial contribution to the Council's work.

A number of thoughtful observers, including the Secretary-General have quite rightly underlined the likelihood that if the world were called upon to repeat the experience of San Francisco the results would not be nearly as impressive as our present Charter. The decisive element in the evolution of the United Nations over the past twenty-six years has been not the relatively minor changes that have been made in the Charter but the changing purposes and aspirations of its Members. The Government of Canada is of the view that what is needed is not so much an overhaul of the Charter as a more effective implementation and utilization of the existing framework for positive international co-operation in order to achieve the goal of making the United Nations an effective instrument in harmonizing the actions of nations.

#### COLOMBIA

[Original: Spanish]

19 June 1972

... I have the honour to reply to the Secretary-General's note requesting, in accordance with the provisions of General Assembly resolution 2697 (XXV), the views and suggestions of Colombia on the review of the Charter of the United Nations.

I shall also give my Government's answers to the questionnaire prepared in pursuance of General Assembly resolution 2723 (XXV). Since the Statute of the International Court of Justice is part of the Charter and the review of the Court's role may lead to revisions in its Statute, I felt that it would be appropriate to deal with both subjects in a single document. 2/

#### I. BACKGROUND

Like most Latin American countries, Colombia is a founder Member of the United Nations. It participated in the San Francisco Conference, in the course of which it had the opportunity to express its views and to reiterate its constant attachment to the principles of international law and its concern for peace and harmony among nations.

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2/ The observations of the Government of Colombia on the review of the role of the Court are also reproduced in the report of the Secretary-General on that question (A/8747).

Since then it has supported the Charter of the United Nations, which it cannot be denied constituted an admirable compendium of those principles and went beyond previous efforts to guarantee international peace and security and promote understanding among peoples. Although Colombia did not favour certain provisions, such as the one contained in Article 27, paragraph 3, in the end it accepted them as being realistic in view of the political situation at the time.

Colombia now reaffirms its resolute support. Its history is closely linked to many parts of the Charter, which Colombia helped to inspire, in that they grew out of the development of law in the Americas. Recently, during an important address to the Organization of American States, the Secretary-General of the United Nations referred to the great contribution our countries had made to the whole of the Charter, which had given life to an Organization that it would be necessary - in the words of the Secretary-General - to create if it did not already exist and which guides and governs its work. We in Colombia fully agree with that view.

In the same spirit in which it became a party to the Charter, Colombia wishes to have improvements made in it. After 25 years of experience, with noteworthy successes and a few failures, we are convinced that the time has come to engage in self-criticism and to adapt the system to the needs of the 1970s, which are very different from those of a quarter-century ago.

The founders themselves recognized that there was room for improvement by laying down in Article 109, paragraph 3, that, if the conference for the purpose of reviewing the Charter had not been held before the tenth annual session of the General Assembly, the proposal to call such a conference should be placed on the agenda of that session. Accordingly, a draft resolution was submitted in 1955 by the delegations of Canada, the United States, the United Kingdom, Ecuador, Uruguay and some other countries, the preamble of which stated that it would be desirable to review the Charter in the light of experience gained. 3/

The outcome of that initiative is so well known that it need not be repeated here. For years the proposal was rejected or postponed, perhaps in the belief that a condition laid down in the preamble of the draft had not been fulfilled because international circumstances were not auspicious for such a review. However, my Government is of the view that such international circumstances do now obtain. Now that the Organization's membership is more nearly universal and the Super-Powers and other large States are drawing closer together, it is necessary to take new measures to ensure that the United Nations can fully carry out the functions for which it was so hopefully founded. It is also necessary to take steps to see that the United Nations is truly a "centre for harmonizing the actions of nations" in the attainment of their common ends, as set out in the Charter, and to keep it from becoming a mere observer of dramatic actions taken without even informing it, or an impotent witness of tragedies which it should prevent or whose consequences it should at least alleviate.

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3/ See Official Records of the General Assembly, Tenth Session, Annexes, agenda item 55.

Colombia has been giving special attention to this subject since 1969. On 16 June of that year, the then President, Mr. Carlos Lleras-Restrepo, in an address to the Security Council, stated his Government's reasons for suggesting a review of the Charter. 4/ In his statement on 26 September 1969 during the general debate at the twenty-fourth session of the Assembly, the Minister for Foreign Affairs, Mr. Alfonso López Michelsen, reiterated and further defined Colombia's position. 5/

Subsequently on 23 September 1970 and 5 October 1971, during the general debates at the twenty-fifth and twenty-sixth sessions, the Minister for Foreign Affairs, Mr. Alfredo Vasquez-Carrizosa, representing President Misael Pastrana-Borrero, spoke in the same vein and also expressed some new views which were generally supported in my country. 6/ As head of my delegation, I too had occasion to revert to the subject in the Assembly on 20 October 1971 during the debate on the admission of a Government as representing a State and the expulsion of another; 7/ I also referred to the matter in a statement made on 29 October 1971 in the debate in the First Committee on the strengthening of international security. 8/

I must also point out that, during the 1969 General Assembly, the Colombian delegation proposed the establishment of a committee on the review of the Charter for the thorough consideration of the views of States prior to the General Conference referred to in Article 109. In deference to the arguments advanced by some delegations and supported by a number of others, it then spoke in favour of the resolution which was finally adopted, whereby an item entitled "Need to consider suggestions regarding the review of the Charter of the United Nations" was to be included in the provisional agenda of the twenty-fifth session (resolution 2552 (XXIV)).

At the 1970 General Assembly, my delegation, together with the delegations of Brazil, Costa Rica, Haiti, Japan, Liberia, Nicaragua and the Philippines, submitted a draft which gained considerable support and which became resolution 2697 (XXV), with the same title as in the previous year but also **providing** that Member States should be invited to communicate their views and suggestions and requesting the Secretary-General to submit to the Assembly at its twenty-seventh session a report containing the views and suggestions communicated to him. 9/

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4/ See Official Records of the Security Council, Twenty-fourth Year, Supplement for April, May and June 1969, p. 331.

5/ See A/PV.1768.

6/ See A/PV.1846 and A/PV.1952.

7/ See A/PV.1971.

8/ See A/PV.1812.

9/ See Official Records of the General Assembly, Twenty-fifth Session, Annexes, agenda item 88.

## II. SPECIFIC POINTS RELATING TO THE REVIEW OF THE CHARTER

### 1. Admission of new members

The principle of universality of the United Nations was proclaimed and supported by several countries, including Colombia, at the San Francisco Conference. It is quite understandable that in 1945, when the war had not yet ended, such an important principle should have been restricted as it was under Article 4. However, it is inconceivable that such restrictions should be retained 25 years later. To persist in such an attitude would be tantamount to denying that the world has changed a great deal since then, largely as a result of the Organization's continued efforts.

In the aforementioned Article 4, the victorious Powers and other countries reserved for themselves a right to pass judgements regarding the admission of States in the future. And they have indeed made use of that right. But world opinion has changed so much that universality is now advocated without restrictions or reservations. U Thant has spoken eloquently to this effect. The present Secretary-General has also addressed himself to the question with clarity and insight.

It is therefore essential to eliminate any expression in the Charter which might give rise to discrimination, to unfair exclusions. It has become necessary to open the doors of the Organization to all States, in order that all may bind themselves to respect and uphold its purposes and principles and to comply with its instructions for the preservation of peace and the promotion of national development.

This is why Colombia proposes that what is set forth as a mere possibility in Article 4 should be established as a right and suggests that the word "peace-loving" should be deleted, as it serves to subordinate the admission of States to political considerations or judgements. If the Organization is to be universal, every State must be entitled, by virtue of its statehood, to become a Member, provided that it accepts and undertakes to fulfil the obligations set forth in the Charter. It is to be assumed that any State applying for membership in a body dedicated to the maintenance of peace and expressing its willingness to respect the rules and fulfil the obligations inherent in such membership is a peace-loving State, this may not be questioned by any other State or group of States. Any State which becomes a Member does so after having pledged fully to abide by the Charter.

The Charter itself, in Article 2 (2), lays down the requirement of "good faith" in fulfilling the obligations assumed by Members of the Organization. Article 5 allows for the suspension of States against which preventive or enforcement action has been taken by the Security Council and Article 6 for the expulsion of those which have persistently violated the principles set forth in the Charter. These stipulations provide adequate safeguards and make it possible to delete any provisions which experience has shown to be detrimental.

When establishing the right of every State to become a Member of the United Nations, it will be essential to provide for some special appeals procedure to protect that right. Colombia proposes that, should any doubt arise in the Security Council or the General Assembly as to whether or not an applicant is a State, the case should be referred to the International Court of Justice for decision by the Court in the light of such general conditions for statehood as may be established by the Assembly on the basis of studies which could be prepared for it by the International Law Commission.

Furthermore, it will be necessary to eliminate the possibility, under Article 18, of calling for a two-thirds majority in the General Assembly and the unanimous agreement of the permanent members of the Security Council, for the admission of a new State. If membership is to be recognized as the right of any people that becomes a State, what is important is to determine that the State in question meets the requirements and pledges its full attachment to the Organization and to the principles and norms of the Charter.

## 2. Opportunities for States with limited capabilities

Unless we are to disregard or jeopardize the principle of sovereign equality, which is the corner-stone of the Charter, all States, including those with limited or minimum capabilities, must be enabled to exercise their right to become Members of the United Nations.

In his introduction to the report of the Secretary-General on the work of the Organization, submitted to the General Assembly in 1971, U Thant stated:

"I should also like to reiterate the views I have expressed on several occasions... regarding the problem of micro-States, since this question is likely to become more acute in the years to come. While universality of membership is most desirable, like all general concepts it has its limitations, and the problem should be considered in the light of the Charter and of the future effectiveness of the United Nations as well as the interests of the States concerned. It is, of course, desirable and legitimate that even the smallest territories, through the exercise of their right to self-determination, should attain independence. Nor should any political entity be deprived of the right to have its voice heard in our Organization. On the other hand, there are many ways in which the views of very small States can be channelled to the Organization without their carrying the burden of the status of full membership, and it is incumbent upon the Member States to find an appropriate solution. This problem certainly deserves the closest attention of the membership on its own merits and without reference to political alignments." 10/

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10/ Official Records of the General Assembly, Twenty-sixth Session, Supplement No. 1 A (A/8401/Add.1), para. 105.

Bearing in mind the above observations by U Thant and considering the problem, as he asked us to, in the light of the Charter, the future effectiveness of the United Nations and THE INTERESTS OF THE MICRO-STATES, Colombia proposes that States which have limited or minimum capabilities for reasons of smallness of population, smallness of area and very low productivity - determined according to clear criteria to be set forth in the Charter - should be given the opportunity, through the Charter, to become linked to the Organization under the category of "Associated States", with the same obligations as Member States, except the financial ones, and the same rights, except the right to elect and be elected.

This Colombian proposal is fundamentally different from the proposal made by one of the super-Powers during the 1969 General Assembly. The latter only envisaged certain privileges and benefits for associate members. Under our proposal they are granted all rights, except the right to elect and be elected, in exchange for being relieved of the financial obligations. This fully takes into account the interests of those States, as was desired by U Thant. It also ensures the future effectiveness of the Organization. Furthermore, since it is essential fully to reaffirm the principle of the sovereign equality of all States, those which have joined as "Associated States" because they considered that status most suitable for them should be guaranteed the right to become Member States if they notify the Organization that they wish to do so because they feel that they are now in a position to assume the financial obligations of membership.

### 3. Powers of the Security Council

As mentioned above, Colombia was not originally convinced of the desirability or the advantages of the "veto", whereby unanimity on the part of the five permanent members is required in votes on substantive matters. However, we finally agreed to it at San Francisco, for the sake of political realism and, perhaps, because we considered it an advance on the rule which required unanimity on the part of all the members of the Council of the League of Nations. It is for these same reasons that Colombia continues to agree to the veto 27 years later.

Being aware, however, of the need to improve the Charter, we suggest that this unanimity on the part of the five permanent members of the Security Council - equivalent to the "veto" - should not be required for the appointment of commissions of inquiry or fact-finding commissions, or for those having humanitarian purposes. This will strengthen the Security Council, which will be able to obtain expeditiously the factual information it needs in order to take decisions under the voting method established since 1945. This will also give it a broader or less complicated capacity to come to the assistance of mankind and will benefit and enhance the prestige of the Organization and consequently of its Charter.



#### 4. Enforcement powers of the Security Council

The authors of the Charter had the wisdom to establish in Chapter VII the enforcement powers without which the law is simply an ineffective text, because it is inoperative and practically impossible to enforce. But experience has shown that the provisions of this Chapter are not enough.

For, as long as the United Nations is unable to intervene and quickly put an end to breaches of the peace and acts of aggression, it will be failing in one of its principal duties. This, unfortunately, has already been the case on several occasions during the past 27 years, despite, or as a result of, the system established in Chapter VII.

For this reason, my Government proposes the establishment of a "Permanent Peace-keeping Force". As stipulated in the Preamble to the Charter, this force, whose purpose would be to preserve and protect peace, would not be used "save in the common interest". It would not normally, but only exceptionally, be a combatant force, to be employed only when it was essential to impose peace or prevent the shattering of peace anywhere in the world. It could also be used for relief operations in case of major disasters and to enforce armistice agreements among States. It would gradually become a model of civic responsibility.

This, of course, would make it necessary to define aggression and to include the definition in the Charter. We should not be discouraged by the fact that it has thus far been impossible to agree on such a definition. The increased need for the definition might well pave the way for a quicker understanding.

Through disarmament - another of the issues on which the least progress has been made within the Organization - the great Powers could obtain funds for the support of the "Permanent Force". The privileges they enjoy under Article 27, paragraph 3, impose inescapable responsibilities on them. Those privileges were granted to them in 1945 to compensate for the greater responsibilities they would have to assume as compared with those of other States. It would not be proper for them now to enjoy the rights without fully meeting their obligations. Thus, even in the absence of any real progress in the field of disarmament, the burden for supporting the "Permanent Force" should be borne, at least primarily, by the "permanent members" of the Security Council.

In order clearly to reflect the universality of the United Nations, the "Permanent Force" could be made up of numerically equal contingents from the five permanent members, on the one hand, and from five Member States to be elected by the General Assembly for three-year terms, on the other.

The technical and operational details of the "Permanent Peace-keeping Force" would be spelled out in a Statute annexed to and forming part of the Charter of the United Nations, in the same way as the Statute of the International Court of Justice.

#### 5. Purpose and functions of the Trusteeship Council

The decolonization process has been one of the greatest achievements of the United Nations. Although the proposal which finally resulted in resolution 1514 (XV) had to go through a succession of slow and arduous debates at several sessions of the General Assembly, it has been one of the most, if not the most, fruitful and beneficial proposals ever submitted.

Thus, there has been a radical change in the circumstances which prevailed when the Declaration regarding Non-Self-Governing Territories was made in Chapter XI of the Charter, the international trusteeship system was established in Chapter XII and the Trusteeship Council was established in Chapter XIII. At present, the Trusteeship Council is concerned with only two Territories of any importance and these will become independent in the near future, as a result of the traditional effectiveness of the Council. Another result of this effectiveness is that the Council will then literally have nothing to do.

Since, however, the purposes of trusteeship system are so closely linked with the other purposes of the Organization, Colombia proposes that the terms of reference of the Trusteeship Council should be extended to include the protection of human rights in general, and the continuance of the struggle against the vestiges of colonialism, apartheid and all forms of racial discrimination. Some of these tasks are currently entrusted to committees of the Economic and Social Council, but since the latter is faced with the compelling need to reorganize itself in order to recover its prestige, it would seem appropriate to separate the two fields, leaving the Economic and Social Council in charge of matters of a primarily economic nature.

The Trusteeship Council would then be called the "Human Rights and Trusteeship Council". And the Charter should be amended to increase its membership, as was done in the case of the Security Council and the Economic and Social Council, and in order to ensure that it will be truly representative of the membership of the General Assembly.

#### 6. Collective economic security

International co-operation implies equity and excludes aggression and discrimination in the field of foreign trade as well as of financial aid and technical assistance. From this principle stems the right of all countries to development and, consequently, to demand a fairer and more rational structure for international economic relations.

It must also be recognized that all countries, including those which are only beginning to develop, have the sovereign right to dispose freely of their natural resources in order to expedite their development and for the benefit of their peoples.

The right of developing countries to participate on an equal footing with other States in consultations and decisions on commercial and monetary matters must likewise be respected. Any unilateral decision in these fields, as in all others, is contrary to international law and an impediment to justice; it is contrary to the principle of the sovereign equality of States as enshrined in the Charter of the United Nations.

The above principles should be specifically and concretely spelled out in the Charter in order to prevent States from continuing to disregard many of its purposes and principles because of the general nature of the terms in which they are expressed.

The Brazilian delegation has advocated an expanded and reorganized Economic and Social Council which will become, for economic matters, the counterpart of the Security Council. To this end, the Economic and Social Council, in addition to performing its functions as co-ordinator and as the principal body in charge of economic affairs, would hold emergency sessions for the purpose of studying and deciding on specific economic, financial and monetary situations. My country supports this interesting proposal, while warning that the "veto" must never be allowed in the Economic and Social Council. We are fully aware that Brazil also holds this view and perhaps refrained from spelling it out because it seemed so obvious. We also endorse the Brazilian view that UNCTAD must continue to serve as the forum for the negotiations that have been entrusted to it.

Thus, through new provisions in the Charter, "collective economic security" could become a reality, this was suggested by the General Assembly, by an overwhelming vote, in the resolutions on international security it adopted at the twenty-fifth and twenty-sixth sessions. Colombia has supported those resolutions while clearly stating its conviction that many of the provisions in the operative paragraphs can only be put into effect through amendments to the Charter such as those we have suggested here.

#### 7. Appointment and functions of the Secretary-General

(a) Under the system established by Article 97 of the Charter for the appointment of the Secretary-General, the role of the General Assembly is unquestionably limited to that of ratifying the decision of the Security Council. And in the Council the non-permanent members almost invariably have to accept the will of the five permanent members.

Colombia holds the view that the decision-making powers of the Assembly should be increased. To this effect, we suggest that changes should be made in the method of election and that the Security Council should submit a list of candidates in order to enable the Assembly to choose the person who will be performing the lofty and delicate functions of Secretary-General.

This procedure has a democratic basis which is lacking at the moment. At the same time, although the Assembly is given more of a voice in the matter, the Security Council is not deprived of its prerogatives or of its primary responsibility.

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(b) According to the Preparatory Commission of the United Nations, 11/ Article 99 of the Charter confers on the Secretary-General "a quite special right which goes beyond any power previously accorded to the head of an international organization, viz: to bring to the attention of the Security Council any matter (not merely any dispute or situation) which, in his opinion, may threaten the maintenance of international peace and security... the responsibility /this article/ confers upon the Secretary-General will require the exercise of the highest qualities of political judgement, tact and integrity."

Fortunately, these outstanding qualities have been shown by the four Secretaries-General the Organization has had to date.

Notwithstanding the reflections of the Preparatory Commission on the magnitude of the powers conferred upon the Secretary-General, Colombia feels that he should be assigned an additional power: the power to request a meeting of the Security Council, whenever he deems it necessary, for the purpose of considering any problem which in his opinion may threaten international peace and security. At the present time, under Article 99, he is limited to bringing "to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security." My Government feels that the only way in which the Secretary-General can fully exercise that power to bring matters to the attention of the Security Council is to request a meeting of the Council for the purpose of hearing and studying the information he has.

#### 8. Anachronistic provisions

Twenty-seven years after San Francisco, certain provisions which were logical and even necessary at the time now appear not only anachronistic but out of place. Part of the task of improving the Charter is bringing it up to date; it is therefore advisable to delete these provisions.

Colombia therefore suggests the following amendments:

(a) Delete the reference in Article 53 to "any enemy State", which is no longer justified.

(b) Delete Article 106, which describes a temporary situation the solution of which will not be applicable in view of the amendments proposed in the preceding paragraphs of this communication.

(c) Delete Article 107, as it refers to the specific circumstances of 1945, which have by now totally disappeared.

(d) Delete Article 109 (3), which refers to an event which should have taken place 17 years ago. Its retention could only be justified on the grounds that it

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11/ Report of the Preparatory Commission, document PC/20, chapter VIII, section 2 B, para. 16.

bears witness to the intention of the authors of the Charter that it should be amended within 10 years of its entry into force; for any other purpose, however, the paragraph is irrelevant.

### III. THE INTERNATIONAL COURT OF JUSTICE

Colombia attaches the highest importance to the role of the Court as the principal judicial organ of the United Nations under the terms of Article 92 of the Charter. It has for a long time recognized the compulsory jurisdiction of the Court, in accordance with Article 36 of the Statute, and has not hesitated to have recourse to it. It has confidence in the Court's procedure for the peaceful settlement of disputes, without prejudice to any of the other means provided for in Article 33 of the Charter, and it would like to see the Court enjoy greater prestige and exercise greater influence.

It has to be acknowledged that at the present time the general climate of opinion is not favourable to the Court or its work. In the discussions of the Sixth Committee, in which the delegation of Colombia participated, comments were made regarding the Court's lack of opportunity to exercise its functions. The apathy, reticence or distrust of States cannot be hidden: they are content to extol the Court and, with the exception of a minority, of which some have entered reservations, do not bring cases before it or recognize its compulsory jurisdiction.

Compulsory jurisdiction is a justifiable aspiration. It can be objected, however, that compulsory jurisdiction implies an unacceptable limitation of sovereignty and ignores the force of the argument that sovereign States can make international relations more viable by voluntarily accepting a limitation of their sovereignty. Be that as it may, if the Court is to have the extended and influential role desired, there must be goodwill and trust on the part of States. Much can be done in the General Assembly to foster such goodwill and trust - with the co-operation of the Court, of course.

It was suggested in a previous paragraph of this communication that the Court should be given the power to settle any doubtful issues that might arise in the Security Council or the General Assembly in connexion with the legal status of a State seeking membership or association with the United Nations. This new power would undoubtedly enhance the Court's prestige.

The Government of Colombia does not consider that the number of judges should be increased or that their term of office should be changed. Neither of these matters has any bearing on the Court's problems.

Colombia endorses the provisions of Articles 26 to 29 of the Statute under which the Court may form one or more chambers for dealing with particular categories of cases, including labour cases and cases relating to transit and communications, and may form a chamber for dealing with a particular case.

It would go further and would suggest that the formation of the chambers should be provided for in the Statute and that, in addition to those enumerated, there should be chambers for dealing with, inter alia, the law of the sea, the law of the air, and financial law. Such chambers should be of a permanent nature.

It is proposed that Article 29 of the Statute should specify time-limits within which the cases referred to are to be heard and determined.

The Government of Colombia also takes the view that careful and thorough consideration should be given to the question of regional chambers or courts. The creation of such bodies, by taking into account the existence of the different legal systems in the world, would certainly inspire greater confidence and be in the interests of the Court. It seems manifestly desirable that provisions relating to the creation of regional courts or chambers should be included in the Statute of the Court.

With regard to assessors in the advisory opinion procedure, the Government of Colombia considers that their attendance should no longer be subject to the provisions relating to contentious jurisdiction; instead, the Statute should stipulate that assessors should always be present. The Government of Colombia also believes it desirable to specify in the Statute time-limits for summary procedures in advisory jurisdiction where the matter is deemed to be urgent by the requesting party. Nothing would help to enhance the prestige of the Court more than the expeditious delivery of learned advisory opinions. Care should be taken, however, to avert situations in which the Court would have to determine a case in contentious proceedings after already giving an advisory opinion on it because States have been allowed recourse to this expedient in connexion with contentious cases. Access to advisory jurisdiction should be extended to a number of international organizations which do not at present have this prerogative; the conditions therefore should be established, however.

Colombia is also in favour of conducting a thorough study to investigate the desirability of allowing international organizations to invoke the Court's jurisdiction. The Court should co-operate in this study, which should be comprehensive and should cover the key aspect of precluding an international organization from initiating proceedings against States Members of the United Nations

Colombia whole-heartedly endorses the idea of encouraging the inclusion in international treaties of clauses giving the Court jurisdiction to settle any disputes that might arise from the interpretation or application of such treaties.

Lastly, as the Colombian delegation stated in the Sixth Committee 12/, Colombia is of the opinion that any action with regard to the Court should be regarded as an integral part of the Assembly's work on the revision of the Charter and that the two matters should not be dissociated.

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12/ See A/C.6/SR.1213 and A/C.6/SR.1283.

CZECHOSLOVAKIA

/Original: Russian/

10 July 1972

Twenty-seven years have now passed since the signing of the United Nations Charter and the establishment of the Organization. The intervening period has fully confirmed the correctness of the purposes and principles on which the Charter is based. In all cases where the United Nations has respected the purposes and principles of the Charter, its action has been successful. On the other hand, if the United Nations has so far been unable to assist in solving the complex problems of a divided world, this has been due to failure to observe the Charter and to its violation by certain States Members of the United Nations. Despite the fact that during this period fundamental changes have occurred in the world and the number of States Members of the United Nations has increased more than twofold, mainly as a result of the historical process of the elimination of the colonial system and the freeing of enslaved peoples who, as independent Member States with equal rights, have brought new blood into the United Nations system, those changes do not constitute a reason for reviewing the United Nations Charter. They are rather a reason for confirming the immutability of the Charter and for implementing the fundamental principles it embodies in respect particularly of the most important fields of United Nations activity, namely, the strengthening of international peace and security and the development of the principles of peaceful co-existence and friendly relations between States.

The United Nations Charter is one of the most important documents of our time. The bases on which the United Nations was founded are sound and valid and the purposes and principles of the Organization remain as they were defined in the Charter. The constant and most important task of the United Nations is to maintain and strengthen international peace and security.

Consequently, the only possible conclusion is that at the present time no changes to the Charter may or should modify the aims or the basis of the Organization's activity. The road to the improvement of the efficiency of the United Nations lies not through a review of the Charter, but through the consistent application of its purposes and principles and the positive implementation of its fundamental provisions.

The competent Czechoslovak authorities are opposed as a matter of principle to any attempts to revise the United Nations Charter.

DENMARK

/Original: English/

19 July 1972

As a State Member of the United Nations, Denmark has always endeavoured to contribute to the strengthening of the Organization in order to make it an effective instrument for peace and security, for friendly relations among nations, for international co-operation in the economic, social, cultural and humanitarian field and for promoting respect for human rights and for fundamental freedoms. It would seem that there are unexploited possibilities for the strengthening of the role of the United Nations in these various respects on the basis of the Charter as it now stands, and that the fulfilling of these purposes is a question rather of the policies and behaviour of States than of any shortcomings on the part of the constitutional framework for their co-operation in the United Nations.

In addition, various concrete measures of a practical nature could be envisaged with a view to the strengthening of the United Nations without any changes in the Charter: an agreement on the rules to be applied for the peace-keeping operations of the United Nations, a solution of the financial crises of the Organization, and a strengthening of the United Nations functions through the observance of the conclusions of the Special Committee on the Rationalization of the Procedures and Organization of the General Assembly.

In the circumstances, it is the opinion of the Danish Government that a general review of the Charter of the United Nations would serve no useful purpose at the present time. There seems to be no substantial measure of agreement in the membership on this matter, and the initiation of a process of review would, therefore, be unlikely to lead to the strengthening of the United Nations.

The Government of Denmark is, of course, willing to consider any specific amendments designed to strengthen the Organization and which would enjoy broad support among the membership. It should be recalled that it has been possible to carry through changes in the Charter in order to adjust the structure of various organs of the United Nations in accordance with developments in the international community.

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FRANCE

/Original: French/

17 July 1972

The French Government has explained its position on the question of reviewing the Charter several times, and, inter alia, through the statement made by its Permanent Representative to the United Nations in the Sixth Committee on 3 December 1970 (See A/C.6/SR.1241).

In the first place, it is the view of the French Government that the greatest caution should be exercised when considering the possibility of a review of the Charter because it is unanimous agreement on the purposes and principles of the Charter which has given the Organization its strength throughout the 27 years of its existence.

The main criticism of the United Nations Charter appears, in fact, to be that it is over 25 years old. However, the very life of the Organization shows that the text drawn up in San Francisco was well adapted to the subsequent developments in international relations. It has enabled many new States to join the United Nations and made it possible to recognize the equality of their rights within the Organization.

The international situation does not seem favourable for an in-depth revision of the Charter at the present time. The discussions which have already taken place on the subject in the General Assembly show, moreover, that there are basic divergencies of views on the matter. Some countries want substantial changes in the balance of power between the various organs of the Organization and the insertion of new provisions in the Charter. Others merely want to carry out a critical examination of the Charter, without really changing its character. Still others, and the French Government shares this point of view, feel that any review of the Charter, by calling in question a universally accepted whole, might destroy that whole without there being any assurance of being able to reach agreement on other provisions.

Furthermore, the balance of power laid down in the Charter should be maintained and the decision-making powers with regard to international peace should still be in the hands of the organ which is governed by the principle of unanimity among the Powers that assume the heaviest responsibilities in this field.

In conclusion, the French Government believes that a review of the Charter would involve a grave risk of weakening the existing system. It feels that, on the contrary, the possibilities offered by the Charter which have not yet been sufficiently utilized should be fully exploited. It cannot be overemphasized that the difficulties encountered by the Organization during the course of its history are not the result of faulty texts but of political disagreements between nations.

INDONESIA

/Original: English/

6 July 1972

1. The Indonesian Government believes that there exists a need for a review of the Charter of the United Nations with a view to strengthening the Organization in order to enable it to discharge effectively its primary responsibility of maintaining peace based on justice and to contribute to the strengthening of international security.
2. The Charter sets forth high principles for the conduct of its Member States in their international relations and it lays down their obligations as a result of their membership in the Organization. Member States not only agree and subscribe to the principles of the Charter, they also accept voluntarily the obligations under the Charter, and are regarded as being able and willing to carry out all those obligations.
3. Containing principles for international conduct, the Charter is therefore an important source of international law. As such, it should be dynamic and be adapted, as far as possible, to the present prevailing conditions in accordance with the accepted norms of development of progressive international law:
  - (a) Since it was born in the midst of the Second World War in 1945, the Charter puts its emphasis on peace rather than on justice, while lasting peace is only possible if it is based on justice.
  - (b) Many new States have come into existence and membership of the United Nations has more than doubled.
  - (c) Political developments in many Member States have changed. Besides the Western democracies and the socialist States which have been the main opposing blocs for more than two decades, positive non-alignment pursued by countries with an active independent foreign policy is gaining support.
  - (d) Numerous conventions, resolutions and recommendations have been adopted from year to year. New policies have been decided. New platforms and new approaches, as well as new institutional bodies, have been created for the solution of political, social, economic and other world problems.
  - (e) Science and technology have intensified relations among nations, and have opened new vistas and possibilities for the future.

4. All these developments have created new relationships in the enlarged family of nations. In facing them, the United Nations has proven to be an effective additional instrument of diplomacy. It has, inter alia, prevented a major war for more than a quarter of a century and solved many bilateral disputes among Member States. On the basis of our experience with the Organization for more than 25 years we believe that efforts should be made so that the achievements of our joint labour could be fully reflected in the Charter.
5. In spite of all the achievements of the United Nations under its present Charter, neither peace nor prosperity, nor the right to independence and equality, have yet become the integral and indivisible attributes of all mankind.
6. The founding fathers of the United Nations, as Article 109 makes clear, anticipated the necessity of a review of the Charter in order to adapt it to prevailing world conditions. The question of the holding of a general conference for a Charter review has been on the agenda of annual sessions of the General Assembly since the tenth session in 1955.
7. With the increased membership of the United Nations, the changed political situation, new approaches and policies and new possibilities resulting from the progress of science and technology in the last 25 years, the need for a review of the Charter, as the constitution of the Organization, is felt.
8. Several principles and procedures as well as institutional bodies envisaged in the present Charter should be retained or even strengthened. They should be confirmed or reactivated, as they have proven to be effective indeed. Some other provisions, however, have proven to be less adequate and their review is therefore required.
9. The substance and wording of the specific proposals with regard to provisions and procedures to be retained or strengthened should be kept in line with those resolutions, conventions and declarations adopted from year to year, and particularly with those approved during the twenty-fifth anniversary session of the United Nations General Assembly, in 1970.
10. The following proposals have been presented, in one form or another, by the Indonesian Government in the course of past debates in relation to efforts to strengthen the United Nations in its activities in three main domains of international concern:
  - (a) Decolonization: Since the adoption of resolution 1514 (XV) on 14 December 1960, entitled "Declaration on the granting of independence to colonial countries and peoples", decolonization has become the official policy of the United Nations. This should be clearly reflected in all relevant articles of the Charter.

- (b) Disarmament (including peace-keeping and maintenance of international peace and security): Disarmament is an imperative need and constitutes the most urgent task of mankind in this decade. The importance that the world attaches to this task requires its full reflection in the Charter as well as in organs which under the Charter are to be primarily responsible for all disarmament problems.
- (c) Development: The approach of systematic economic development through a continuous programme of international development strategy (or United Nations Development Decades) incorporating policy objectives should be ensured in the Charter along with the means to achieve them and provisions for evaluation.

11. In the efforts to strengthen the efficacy and role of the United Nations as an instrument for the achievement of peace and co-operation among all States, it is imperative that smaller nations should not be denied their full and equal participation in the making of decisions of vital concern to the international community.

12. Pending the holding of a general conference on the review of the Charter, a preparatory or working committee should be established with a view to:

- (a) identifying areas of agreement and disagreement among Members regarding matters of substance under review, and
- (b) making a comprehensive study of ways and means to improve the efficacy and implementation of the present articles of the Charter.

ITALY

/Original: English/

1 August 1972

1. The Italian Government, consistent with its policy of full support of the principles and purposes of the United Nations, favours every initiative aimed at strengthening the role, the authority and the effectiveness of the Organization. It is convinced that this need for strengthening must be met, firstly, by the complete observance and the correct application of the Charter and, secondly, to the necessary extent, by appropriate amendments to those statutory rules which no longer correspond to the changed international reality.

Inspired by this conviction, the Italian Government voted in favour of General Assembly resolution 2697 (XXV). It considers that, in order to achieve the aforesaid objective, limited amendments to the Charter would be sufficient, without the necessity of resorting to the application of Article 109.

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2. The Italian Government recognizes the importance and the high value of the role carried out by the United Nations in the fulfilment of its primary task of maintaining international peace and security. On the other hand, it cannot be concealed that precisely in this field, of fundamental interest for the peaceful coexistence among nations, shortcomings have been revealed. A carefully thought-out re-examination of several statutory rules could contribute to the elimination of these shortcomings.

For this purpose, in the opinion of the Italian Government, particular attention should be given to the actions directed at maintaining or restoring international peace and security, to the structural and operational problems of the Security Council and to the peaceful settlement of disputes.

(a) With regard to the actions directed at maintaining and restoring international peace and security, a serious effort appears to be necessary in order to ensure the implementation of the statutory rules which apply to them and on which, in large part, the authority and the effectiveness of the decisions adopted by the Security Council depend in the presence of threats to the peace, of breaches of the peace and of acts of aggression.

Progress in this direction undoubtedly can be achieved within the framework of the application of existing rules, and this is the fervent wish of the Italian Government. But, as the efforts carried out during this quarter of a century in order to make the machinery of the United Nations effectively operational in this field have met with difficulties of various kinds, the problem should be diligently tackled also through the adoption of appropriate amendments.

One of the possible adjustments could consist - in the opinion of the Italian Government - in integrating the machinery provided for by Chapter VII of the Charter in such a way as to allow the Security Council, even in the absence of the special agreements referred to in Article 43, and when the necessity arises, to request the participation of armed forces from Member States which it deems appropriate to designate and which would agree to place these forces temporarily at the disposal of the Organization.

These armed forces would be requested, as a matter of principle, from States not involved in the crisis situation for which the forces are required. For the particular problems related to the use of armed forces, the Security Council should avail itself either of the collaboration of suitable subsidiary organs established in accordance with Article 29 of the Charter or of the collaboration of the Secretary-General. The primary aim of the use of these forces would be that of preventing breaches of the peace and of removing threats to the peace.

(b) If, for the fulfilment of the tasks of the United Nations, as far as the maintenance of peace and security is concerned, it is, on the one hand, essential to make the machinery of the actions provided for that purpose by the Charter more effective, it is, on the other hand, not less important to face the problems connected with the composition and with the functioning of the Security

Council, which cannot fail to influence the effectiveness of the activity of this organ institutionally entrusted with the tasks in question.

With regard to the composition of the Security Council, it is the opinion of the Italian Government that the changes which have taken place in the international society in the last quarter of a century -- with the sizable increase of the membership of the United Nations especially as a result of the achievement of independence by a large number of countries and with the evolution of power relationships on the global scene -- justify a revision of the system of selection and of the distribution of the seats on the Security Council. Such a revision, faithfully inspired by the criteria indicated by Article 23, paragraph 1, should meet the need of assuring a broader representative character of the Council and of strengthening it through a more systematic participation of States which are in a better position to face the responsibility of the maintenance of peace.

On the question of the representative character of the Council, it is the opinion of the Italian Government that the Security Council, although maintaining its basic characteristic of a restricted organ, and therefore capable of swiftly intervening in any situation likely to endanger peace, must undergo a limited expansion and thus return, to a certain extent, to the original ratio between Member States of the United Nations and seats on the Council. This would make possible the participation in the Council's responsibilities of a more equitable number of countries of the geographical areas today insufficiently represented.

On the question of the systematic participation of the States best qualified to contribute to the maintaining of international peace and security and the achievement of the other aims of the Organization, the Italian Government has repeatedly manifested the conviction that the notion of maintaining peace can no longer be related to the single traditional concept of the prevention and settlement of armed conflicts, but also involves the gradual reduction of political, economic, social and technological imbalances which function as disruptive factors in international life. From this premise stems the need to ensure the permanent participation in the responsibilities of the Security Council of those States which, although not being nuclear Powers or having renounced acquiring that status, can make a particular contribution to the maintaining of peace by promoting the economic and social development and the scientific, technical and cultural progress of peoples.

The Italian Government, therefore, considers that those amendments of Article 23 of the Charter, which are in keeping with the indicated needs, must be promptly studied.

With regard to the functioning of the Security Council, the Italian Government cannot fail to share the widespread preoccupations about the serious difficulties which that organ faces in deciding on non-procedural matters, particularly because of the requirements laid down for obtaining a majority. The Italian Government hopes that a careful examination of the problem will be undertaken in view of the possibility of limiting the negative effects which these difficulties can produce on the capability of the Organization to achieve its statutory aims.

The Italian Government, moreover, considers it indispensable that, in the carrying out of its tasks, the Security Council be placed in a position to act on the basis of a knowledge of the facts which is as broad, precise and objective as possible. It, therefore, hopes that an appropriate machinery is established which would permit the Council to carry out more thoroughly its function of ascertaining facts which are at the root of situations considered likely to endanger security and peace.

(c) The problem of maintaining peace, however, cannot be resolved solely by more efficient security measures. On the contrary, it requires also a broad and continued preventive action aimed at the timely settlement of international disputes by peaceful means and in accordance with justice. For this purpose, it is the firm conviction of the Italian Government that the role of the international judiciary organs must be strengthened and developed and, with regard to legal disputes, above all the role of the International Court of Justice. Therefore, it would be opportune if the function of the Court acquired greater prominence within the limits of the Charter, particularly by establishing a clearer and more direct relationship between the general principle of free choice of peaceful means of settlement to which the parties have recourse (Article 33) and the principle according to which legal disputes should preferably be referred to the International Court of Justice. Obviously, the right of States - in conformity with Article 52 of the Charter - to resort to that machinery for the settlement of disputes provided for by agreements or by regional agencies to which the States themselves are party would remain intact.

It would also be useful to state in the Charter that the United Nations is in favour of including arbitration and judicial clauses, or, in any case, clauses which provide for the means of settling disputes, in all agreements entered into among Member States and particularly in multilateral agreements which are entered into under the aegis of the Organization or within its sphere of action.

Finally, the possibility of re-examining the subject of the advisory function of the International Court of Justice, of its enlargement and of the possibility of its being used by Member States, as well as by the organs of the United Nations, should not be disregarded.

3. The Italian Government is aware of the close interdependence among all of the goals of the United Nations because it is firmly convinced that peace cannot be based only on the capability of the Organization to intervene in the event of conflicts either imminent or in progress, but must be constructed with the gradual elimination of the serious causes of crises and tensions, considered from an over-all viewpoint. This "peace strategy" includes the struggle against poverty and underdevelopment, against racial discrimination and violation of fundamental human rights. It is, therefore, in that context that the role of the Economic and Social Council, the organ of the United Nations responsible for the achievement of the goals of society in the economic, social and humanitarian sectors, assumes particular prominence.

(a) In the field of the protection of human rights and of fundamental freedoms, the development of the role of the United Nations reflects the awareness

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that the elimination of the violations of these rights and the overcoming of all forms of oppression, tyranny and racial discrimination constitute the conditions necessary for the strengthening of international security.

In the light of the principles and of the existing statutory rules, it has been possible for the Organization to expand and define, with a series of resolutions and important international instruments, the duties of Member States in this field.

However, the balance of the activities aimed at actually protecting these rights when they are violated is less positive. Recently adopted procedures have barely been started and will only slowly be able to produce some practical result, whereas the situation requires more prompt and more determined interventions. It is in this context that, in the opinion of the Italian Government, it could prove useful to include in the Charter certain guidelines delineated recently in the United Nations, aimed, on the one hand, at strengthening the powers of the Organization in the ascertaining of facts which could reveal serious violations of human rights or manifestations of serious racial discrimination, and, on the other hand, at stimulating international co-operation for the achievement of the humanitarian goals of the United Nations.

(b) The strengthening of the Economic and Social Council also seems opportune in view of the objective of ensuring a wider and more harmonious convergence of the activities of all the agencies of the United Nations system towards the goals of economic and social development established in the Charter and specified in the International Development Strategy.

The problem is not new, but it assumes a particular prominence in relation to the by now established concept of integrated and planned economic and social development. The statutory and financial autonomy on which the system of the specialized agencies is based presents unquestioned positive aspects and must be basically maintained. Nevertheless, it cannot be ignored that the Economic and Social Council, as the organ institutionally entrusted with international economic and social co-operation within the sphere of the United Nations, has the opportunity to have at its disposal - thanks also to appropriate statutory amendments in addition to that amendment which enlarges its composition in order to make it more representative - suitable instruments to better direct the work of the specialized agencies and of the other organs of the system towards the stated goals of the United Nations in order to reduce the risks of the dispersion of resources and energy and in order to encourage the rationalization of the system.

4. The problems of decolonization and self-determination of the non-self-governing territories have acquired, from the founding of the United Nations, until today, a notable relevance, so that their solution more and more appears as an essential element for the construction of a peace based on relations of real equality among all the peoples and for the development of friendly relations among States in the widespread regions of the world.

Taking into account the developments which have taken place in the conceptions of the United Nations and which are summarized in resolution 1514 (XV) of the General



Assembly, the Italian Government considers that the statutory rules regarding the non-self-governing territories should include among the duties of the administering Powers that of encouraging the progressive development of the administered territories towards independence.

Also in this important sector there is a need to endow the United Nations with instruments more suitable to the new situations which can more effectively contribute to translating into concrete measures the principles, embodied in the Charter and the Declaration on Friendly Relations among States, of peaceful decolonization and of the right of peoples to self-determination. The Italian Government is, therefore, of the opinion that, the task of the Trusteeship Council being by now nearly at an end, the opportunity to transform that organ into a Council for non-self-governing territories and for decolonization, should be studied.

This would imply that, whereas Chapter XII of the Charter regarding the international trusteeship system would remain unchanged, the articles regarding the composition, the functions and the procedure of the Trusteeship Council should be amended, so that this organ could be given a new structure in relation to functions connected with the promotion of the development of self-government and of economic, social and cultural conditions of the populations of non-self-governing territories.

5. Finally, the Italian Government considers that, within the framework of a revision, even if limited, of the Charter, the opportunity for eliminating rules which have already outlived their usefulness - such as Articles 53 (as far as the exception contained in paragraph 1 and paragraph 2 are concerned), 106, 107 and 109, paragraph 3 - should not be lost.

JAPAN

/Original: English/

1 July 1972

More than a quarter of a century has passed since the United Nations was founded upon the determination of the peoples "to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind".

During this period, the United Nations has made great efforts for the achievement of such purposes of the United Nations Charter as the maintenance of international peace and security; the development of friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples; the achievement of international co-operation in solving international problems of an economic, social, cultural or humanitarian character; and the promotion and encouragement of respect for human rights and for fundamental freedoms. In fact, the United Nations has done remarkable work and achieved considerable results in various fields.

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Nevertheless, it may be argued whether or not the United Nations has fully achieved its objectives. In particular, with regard to the primary task of the United Nations, namely, the prevention of threats to peace and the peaceful settlement of disputes, it seems that the United Nations has not lived up to the great expectations to which it had given rise at the time of its foundation.

It is an undeniable fact that, with the passage of more than a quarter of a century since the founding of the United Nations, great changes have occurred in the international situation, and that a number of points have appeared in the organization and functions of the United Nations which do not reflect the reality of the changed international situation.

It is therefore high time for us, in the light of the long experience of twenty-seven years of our Organization, to make a review of the organization and functions of the United Nations. A review of the Charter at this time, with a view to finding the ways and means that should enhance the effectiveness of United Nations functions, would be opportune.

Some may argue that sufficient results will be achieved by observing more strictly and implementing more judiciously the provisions of the Charter as they now stand. In fact, efforts have already been made in that direction in the past. However, much to our regret, satisfactory results have not yet been achieved. We believe that we have no choice but to exert maximum efforts to strengthen institutionally the functions of the United Nations as the machinery for achieving world peace.

Some of the concrete suggestions on the review of the Charter based on the aforementioned considerations of the Government of Japan are contained in the following excerpt from the statement made by the former Minister for Foreign Affairs of Japan, Mr. Kiichi Aichi, at the twenty-fifth session of the General Assembly: 13/

"I should ... like to make a few suggestions on certain matters regarding which renewed examination would be desirable and even necessary in the view of my Government.

"First of all, I should like to discuss strengthening the functions of the United Nations for keeping peace. In so doing, I intend to take up three different subjects, namely, strengthening of United Nations peace-keeping operations, strengthening also of the fact-finding functions of the United Nations and re-examination of the composition of Security Council membership.

"With regard to the peace-keeping operations of the United Nations, the Government of Japan estimates at high value the role which the United Nations have performed and is performing in various parts of the world, such as in Kashmir, in the Middle East, in the

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13/ See A/PV.1842.

Congo and in Cyprus. It is my ardent hope that the peace-keeping operations of the United Nations performed in the future, with the support of world public opinion and also with the consent of all parties concerned, will render great benefit to world peace. I believe, therefore, that we should make further efforts to explore methods to strengthen peace-keeping operations on an even more effective, smooth and secured basis. It is true that we have been working over the past several years in the Special Committee on Peace-keeping Operations. To our great regret, however, the Special Committee has hardly achieved anything substantial, mainly due to differences of opinion among the major Powers.

"I should think that it would be appropriate to provide for peace-keeping operations in specific terms within the framework of the pacific settlement of disputes as set forth in the Charter. This would help to ensure the more effective performance of such operations. To this end I have felt the need for careful study of this matter.

"My Government is fully aware of the wide difference of views among the major Powers, above all between the two blocks of East and West on this issue. I should like to emphasize, however, that peace-keeping operations constitute the most effective and practically workable function of the United Nations today in carrying out its task of maintaining international peace. The strengthening of peace-keeping operations is essential for the future of this world Organization, and we strongly hope, therefore, that the super-Powers, conscious of their special responsibilities in this regard, will take concrete action to this end. Japan, for its part, will co-operate actively towards strengthening the function of the United Nations to maintain international peace in a manner consonant with its position as a nation dedicated to the cause of peace...

"Out of the same concern for strengthening the function of the Organization for the maintenance of international peace, I should now like to touch upon the importance of the fact-finding function of the United Nations. One of the major roles expected of the United Nations in the existing international situation is, in my view, to offer to the world public with maximum objectivity accounts of disputes, unfortunate situations and other similar events which do not cease to take place in the world. For this purpose, it is indispensable for the Organization to have its fact-finding capacity strengthened and reinforced. Specifically, we should study how to strengthen the functions of the Security Council, of the General Assembly and of the Secretary-General in the field of fact-finding. Furthermore, in order to assist these organs of the United Nations in carrying out their fact-finding functions, expert groups or fact-finding panels should be better utilized and their competence extended.

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"I should now like to turn to the third subject, that is, re-examination of the composition of Security Council membership. In the interest of the maintenance of international peace and security, it is essential to ensure that the Security Council, which has the primary responsibility in this field, be a body truly capable of taking effective action commensurate with its high authority and responsibility accorded by the Charter.

"Great changes have taken place in the international situation over the twenty-five years since the Second World War. In the meantime, the balance between the super-Powers based upon mutual nuclear deterrence has decreased the possibility of another major war. However, to achieve true world peace, we must remove all causes of international conflict at their source and promote the welfare and the security of all mankind. It is thus essential to solve the problems of poverty and under-development which lie at the root of international tensions. It is also indispensable to overcome all forms of racial discrimination and to promote mutual understanding among peoples. In such efforts for the construction of peace, our performance in the economic, scientific, technological and cultural, rather than in the military fields will become a preponderant factor.

"It is on the basis of the foregoing considerations that I wish to emphasize the need to review the composition of the permanent membership of the Security Council. Thus nuclear military capability should not become a decisive factor in any consideration of qualification for permanent membership, although most of the present permanent members are nuclear weapon States. Attention should rather be paid to such a pertinent factor as a positive attitude towards the universal prohibition of nuclear weapons. I wish to stress this point, in particular, since the Japanese Government maintains its policy of abandoning nuclear weapons in spite of its potential nuclear capability. The acceptance of compulsory jurisdiction of the International Court of Justice could be another important factor as evidence of the peaceful intention of the States concerned. In order that the Security Council be enabled to achieve its responsibilities effectively, I am convinced that a review should be instituted taking the foregoing points into due consideration. Pending such a review, it would be of paramount importance, in strengthening the Security Council, that in the election of non-permanent members of the Council due regard should be 'specifically paid, in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization', as provided in Article 23 of the Charter.

"Allow me now to touch briefly upon the economic and social aspects of United Nations activities. As I have said, I am confident that the United Nations has fulfilled, and is capable of fulfilling, the responsibility for playing a great role in the construction of peace through its activities in the economic, social, cultural, human environmental and other fields.

"The United Nations has established a number of organizations in the field of construction of peace, and each of them has been engaged in useful activities. At the same time, it has been recognized that there is duplication or conflict of work in some fields of the activities of the United Nations family of organizations, including the specialized agencies, and that these organizations are faced with a number of problems which require careful examination from the viewpoint of the effective deployment and use of human and material resources and the rationalization of organization.

"I believe that the United Nations should further strengthen its organization and functions in the economic and social fields in order that the United Nations may launch more organized and more effective activities for the construction of peace during the Second United Nations Development Decade, which will have a great bearing on the future of mankind. For that purpose, the Economic and Social Council should act as the pivotal organ for realizing better co-ordination and greater efficiency in the work of the United Nations family of organizations.

"In this connexion, I note with appreciation that the United Nations has been making serious efforts for strengthening and improving its organization for furthering economic and social development, and I sincerely hope that these efforts will have a positive outcome.

"Lastly, I should like to point out that there are some provisions in the Charter which no longer fit the present situation. For example, the United Nations in our times should be freed from remnants of the Second World War of twenty-five years ago, and I should like to urge strongly that the 'enemy State' provisions in Articles 53 and 107 be deleted from the Charter, since there is clearly no necessity to maintain them.

"In pursuing the 'Struggle for Peace' in which the United Nations should play the leading role, we should constantly bear in mind the importance of the establishment of justice and the rule of law. In this sense, we should in no way underestimate the contribution that could be made for the cause of peace by the International Court of Justice, the principal judicial organ of the United Nations. I believe that in the re-examination of the organization and functions of the United Nations, we should give serious consideration to what we should do for the strengthening of the International Court of Justice."

The Government of Japan earnestly hopes that, at the twenty-seventh session of the General Assembly, Member States, instead of taking a negative position, will actively engage in substantive discussions on the review of the Charter, taking into consideration the development of the international situation during the past quarter of a century, and that constructive results will be brought about through a friendly exchange of views.

MADAGASCAR

/Original: French/

23 July 1971

The Malagasy Government wishes to see the establishment of an effective system of guarantees of international security, and, it would like the provisions of the Charter of the United Nations relating to the right of veto to be amended.

Indeed, it is essential to find a way of enabling the Security Council to fulfil its obligations with regard to the maintenance of peace without there always having to be a concurring vote by all the permanent members. The Malagasy Government in no way underestimates the difficulties that this may involve, but it believes that efforts might be made to apply the letter and spirit of the procedure laid down in paragraph 2 of Article 27 of the Charter (for decisions relating to procedural disputes) to the matters mentioned in paragraph 3 of the same Article.

In practical terms, such an amendment would consist in including a reference to chapter VII of the Charter in paragraph 3, Article 27, which is concerned with the voting procedure in the Security Council.

The aim would be to prevent the author of an act of aggression from exercising his right to vote on matters coming under chapter VII, in just the same way as an aggressor is now prevented from voting by the decisions taken under Chapter VI.

The wording of the amendment proposed by the Malagasy Government Article 27, paragraph 3, of the Charter might be as follows:

"Decisions of the Security Council on all other matters shall be made by an affirmative vote of nine members including the concurring votes of all the permanent members; provided that, in decisions under Chapter VI and under Article 52, paragraph 3 and also under Chapter VII in the case of an act of aggression, a party to a dispute or a State which has committed an act of aggression shall abstain from voting."

The Malagasy Government recognizes nevertheless, that such an amendment would require the prior adoption of a precise definition of aggression.

In that connexion, it associates itself with those who believe that it would be advantageous to discuss the amendment to Article 27 in the Special Committee on the Question of Defining Aggression, bearing in mind the ultimate aim, which is to give the Security Council the effectiveness which is to be expected from it.

The discussion of the problem should therefore be centred on the precise role and powers of the Security Council in determining the existence of an act of aggression under Article 39 of the Charter.

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MEXICO

/Original: Spanish/

10 July 1972

It would appear that whatever action the General Assembly is to take with respect to the need to consider suggestions regarding the review of the Charter will emerge from the replies of the Governments of Member States to the following two questions: Has the Charter of the United Nations constituted the proper legal framework for ensuring that the Organization fulfils the basic purpose for which it was created, namely, the maintenance of international peace and security? And, if not, do we feel, taking into account the current international situation, that the solution would be to initiate a general review of the Charter in order to bring it up to date and thus make it more viable?

There is, of course, a temptation to argue, as a number of representatives did during the debate on the question at the twenty-fifth session of the General Assembly, that the basic problems confronting the United Nations could be solved by amending or adapting the Charter. In that connexion, we cannot overlook the fact that of the 132 States Members which now make up the United Nations, only 51, or less than a half, had the opportunity to express their views concerning the foundations to be provided for the new world Organization, which many consider to have failed in its task of maintaining international peace and security - hence the apparent need for institutional change.

Furthermore, no one can deny that in fact, Article 109 of the Charter embodies a promise to review the Charter in the future which was made by the big Powers to the small countries taking part in the San Francisco Conference, being a compromise formula to induce them to agree to the inclusion of provisions which were not entirely in their interests.

However, the Government of Mexico, while recognizing the worth of such arguments, considers it extremely important that the General Assembly should give special attention to the following factors before deciding to embark upon a review of the Charter:

(a) An attempt to make substantial amendments to the Charter at a time of crisis such as society is now experiencing might increase and deepen the existing differences between countries and groups of countries;

(b) The difficulties at present confronting organized international society are the result of political confrontation between sovereign States, rather than of deficiencies in the institutional structure of the Organization.

Taking into consideration the above-mentioned points, the Government of Mexico, when considering this item during the twenty-seventh session of the General Assembly, will base its attitude on the following principles:

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1. Mexico recognizes that there are some Articles, and even Chapters, of the Charter that are at variance with the practice of States Members of the United Nations concerning certain problems of fundamental importance. Consequently, it will not oppose the consideration and examination of any proposal designed to bring the Charter up to date and will indeed, if it considers it desirable, submit specific suggestions on the question at the appropriate time.

2. However, the international situation is such that we do not believe it would be appropriate at this time to promote a general review of the Charter, as if it were totally inoperative.

Should the great majority of Member States decide to initiate such a review, it will have to be selective, in the sense that it should be limited to certain Chapters of the Charter, in the same way as the review of the OAS charter which resulted in the signing of a Protocol in 1967. <sup>14/</sup>

3. However, amending the Charter should be the chosen course only where there is a consensus on a given point, and even then it should be borne in mind that there are other ways of achieving full realization of the purposes and principles of the United Nations. Among the alternatives, the following may be mentioned:

(i) The non-application of certain Articles, which undoubtedly reflects the feeling of Member States on a particular problem.

(ii) A significant process of interpretation which made it possible, for example, for the three past Secretaries-General of the United Nations to interpret the scope of Articles 97, 98 and 99 of the Charter differently when confronted by threats to international peace and security; the important Declarations on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations and on the Granting of Independence to Colonial Countries and Peoples; the establishment of organs under Articles 22 and 29 of the Charter, including the Main Committees of the Assembly and such specialized organs as the International Law Commission, the United Nations Conference on Trade and Development, the United Nations Industrial Development Organization and the body that is to be established to deal with environmental pollution problems, which have expanded the activities of the United Nations in a manner never dreamt of by the founders at San Francisco; yet no amendment to the Charter was necessary in any of these cases.

4. Lastly, Mexico agrees with the view expressed during the celebration of the twenty-fifth anniversary of the United Nations by a number of the statesmen who participated in that event, namely, that the basic problem confronting the Organization is the lack of political will on the part of many of its Members to carry out strictly and in good faith the obligations they assumed on joining the United Nations.

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<sup>14/</sup> United Nations, Treaty Series, vol. 721.



NETHERLANDS

/Original: English/

27 June 1972

The Netherlands Government is of the opinion that, if a careful examination of all the provisions of the Charter were to be undertaken while taking account of the practice evolved over the past 27 years, a number of subjects would, without doubt, be identified, in respect of which revision of Charter provisions would appear to be useful or even desirable.

However, the Netherlands Government simultaneously notes with satisfaction that the Charter has, generally speaking, proved to be capable of flexible application and dynamic interpretation throughout the years. It has not hampered the development of the United Nations nor the extension of United Nations involvement in many spheres of international co-operation; on the contrary, this flexibility has had a stimulating effect.

In view of the above and of the many difficulties often of a practical nature, which are likely to arise if revision of the Charter were attempted, the Netherlands Government does not consider activities in this field necessary for the time being. These considerations do not exclude of course willingness of the Netherlands to co-operate in incidental revisions of certain Charter articles when the occasion arises. The recent amendment of Article 61 may be recalled in this context. The Netherlands have supported this amendment and its ratification is well under way.

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NORWAY

/Original: English/

7 July 1972

The Norwegian Government is of the opinion that the Charter of the United Nations has proved to be drafted in a way which has allowed for sufficiently flexible application and interpretation throughout the years, and does not seem to have hindered the development of the United Nations or the extension of United Nations involvement in the sphere of international co-operation. It has enabled the Member countries to co-operate peacefully in all fields of importance within the framework of the world Organization.

The Norwegian Government is of the opinion that the Member countries should primarily seek to strengthen the authority of the United Nations within the limits prescribed by the Charter itself. The effort to improve the financial situation of the United Nations is one of the most important tasks to be undertaken in this connexion. It is the hope of the Norwegian Government that the Member countries will agree as soon as possible to solutions which would establish a sound financial basis for the activities carried out by the Organization. This would also help create the necessary political confidence which would enable the United Nations to fulfil its purposes and principles as defined in the Charter.

The Norwegian Government believes that a general review of the Charter for the time being is not likely to meet with a sufficient measure of agreement among the Member States. The initiation of such a process of review, in the opinion of the Norwegian Government, will not be desirable for the time being.

However, this general attitude does not preclude the willingness and readiness of the Norwegian Government to co-operate with a view to revising certain Charter articles when such amendments seem desirable and necessary and have the general support of the Member States of the United Nations. The recent amendment of Article 61 concerning the enlargement of the Economic and Social Council is a case in point. The Norwegian Government will take the necessary steps for an early ratification of this amendment.

PHILIPPINES

/Original: English/

19 June 1972

As far back as 1955, the Philippine delegation undertook an effort to activate the provision in Article 109 of the Charter in pursuit of the obligation to hold a General Conference to review the Charter 10 years after its coming into force if a review had not taken place previous to that time. This stand was reiterated by His Excellency Ferdinand E. Marcos of the Philippines in 1966. 15/ In 1970, at the twenty-fifth session of the General Assembly, the Philippine delegation was actively involved, in the Sixth Committee, in the adoption of the draft resolution to include in the provisional agenda of the twenty-seventh session of the General Assembly an item entitled "Need to consider suggestions regarding the review of the Charter of the United Nations".

The views of the Philippine delegation were clearly expounded in the records of the general debate of the Sixth Committee on this subject. 16/ It is the firm belief of the Philippine Government that there is indeed a need to consider suggestions regarding the review of the Charter of the United Nations not only because the Charter contains provisions for a review but also because during the twenty-fourth and twenty-fifth sessions of the General Assembly, several delegations have adverted to the need for such a review. Many delegations during the commemorative session of the twenty-fifth anniversary of the United Nations expressed their support for a review of the Charter. The same was true in the discussion of the item on the strengthening of international security as well as in the deliberations of the Preparatory Committee for the Twenty-fifth Anniversary of the United Nations. The ideas on this subject contributed by several delegations are valuable ideas which may be described as the watershed of twenty-five years of experience. The Philippines, for one, believes that the ideas and suggestions made would enhance greatly the effectiveness and usefulness of the United Nations.

The law of all life is growth and adaptation. As with all organisms, human institutions must adapt or become irrelevant and perish. The United Nations remains the hope of mankind for peace and security, for social and economic justice but it is no exception to the law that all life is growth and adaptation.

The Philippines does not, at this stage, propose specific revisions of the Charter, although it believes that there are particular areas where such revisions will be appropriate, such as in the pacific settlement of disputes, the provision for peace-keeping operations, membership of the Security Council and the Statute of the International Court of Justice.

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15/ Official Records of the General Assembly, Twenty-first Session, Plenary Meetings, 1411th meeting, paras. 2-49.

16/ See A/C.6/SR.1238 and A/C.6/SR.1243.

The specific suggestion, however, that the Philippines would like to put forward at this time is the creation or establishment of an ad hoc committee of the General Assembly to consider suggestions regarding the review of the Charter of the United Nations. The Philippines is in favour of establishing the proper instrumentality to receive and consider all suggestions for the review of the Charter. This committee could also consider the convening of a conference which will consider all aspects of United Nations improvement and reform, including updating of the Charter of the world Organization.

The Philippines is hopeful that the interest in the need to consider suggestions for the review of the Charter will gain further adherence and that eventually the updating of the Charter of the United Nations may be achieved in order to make the world Organization relevant to the changes that have transpired since the adoption of the Charter more than a quarter of a century ago.

POLAND

/Original: French/

30 June 1972

The position of the Government of the Polish People's Republic with regard to the suggestions concerning the review of the United Nations Charter was defined at the 1175th meeting of the Sixth Committee at the twenty-fourth session of the General Assembly (see A/C.6/SR.1175). Its position is as follows: the procedure proposed by some States for considering the proposed review of the Charter does not comply with the procedure established in the Charter itself; the question of reviewing the Charter is of fundamental importance and cannot be the subject of a hasty decision; the proposals concerning the review of the Charter are premature, and the need for such a review has been exaggerated.

While still holding the same position, the Government of the Polish People's Republic wishes at the same time to stress that, as a State Member of the United Nations Poland finds itself in a special position. Poland was one of the original members of the United Nations although, like the majority of the present Members of the Organization, it did not participate in the founding conference and had no say in the drafting of the Charter, as a result of complex historical circumstances arising out of the second World War. The Charter of the United Nations was adopted in the glow of the victory over the Fascists, whose criminal acts, including the crime of genocide, are still vividly remembered by the Polish people. In the minds of the people of Poland, love of peace and efforts to maintain international peace and security are also associated with the principles and purposes of the Charter of the United Nations. Thus, for Poland the Charter is more than just a multilateral international treaty; it is above all a set of principles sanctioned by the will of States. These principles give hope that the tragedy of another world war will not be repeated. The purposes and principles of the Charter constitute the foundation for a new international community, within which the threat or use of force are prohibited. The maintenance of international peace and security is an essential duty for each State; and the principles of peaceful co-existence govern relations between States. That is why the Polish Government fully supported the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations (General Assembly resolution 2625 (XXV) of 24 October 1970). The adoption of this Declaration by the General Assembly is a convincing proof that the ideas embodied in the Charter of the United Nations have successfully withstood the test of time.

It should not be forgotten that over 60 per cent of the members of the United Nations achieved their independence after the Charter had come into force and that many of them won their independence as a direct result of the Charter provisions. It can therefore be said that the Charter is an effective and flexible instrument which guarantees a solid foundation for international co-operation.

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This instrument is all the more important because it has created a basis for co-operation among States with different social and political systems and nations with different traditions and ideologies. The Charter is a universal instrument, although the Organization itself does not yet include all States.

The effectiveness of the United Nations and its role in the international community do not depend so much on the terms of the Charter as on the way in which its provisions are applied. In its present form, the Charter still offers many possibilities and indicates guidelines for action which have not yet been explored.

It is not therefore by reviewing the present provisions of the Charter but by changing the attitude of certain States towards those provisions that efforts should be made to strengthen the United Nations and make it a more effective organization that is better adapted to international co-operation, i.e., an organization which includes all States, regardless of their power, wealth, level of development, régime and ideology. The Charter can perfectly well fulfil these purposes in its present form, provided that its provisions are respected and applied in good faith by all Member States.

In view of the above, the Polish Government feels that there is no need to consider the suggestions for reviewing the Charter of the United Nations that have been put forward.

The discussion which took place at the twenty-fourth and twenty-fifth sessions of the General Assembly confirmed the view that, at the present time, there is neither the need nor an appropriate atmosphere for a constructive review of the Charter, that is to say, for a review which would be able to win the acceptance required to bring it into effect.

SWEDEN

Original: English

27 July 1972

In the view of the Swedish Government, it is important and necessary that continuous efforts be made to strengthen the United Nations and promote its role and efficiency as a world Organization. This applies in particular to its primary role as an instrument for international peace and security, but to its other purposes as well, such as the improvement of economic and social conditions in the world and of the respect for human rights, as well as the promotion of cultural and scientific co-operation among nations.

The Swedish Government has endeavoured to contribute, within the means and opportunities at its disposal, to the strengthening of the United Nations, and will continue to do so. In this spirit, the Government will always be prepared to consider also any amendment to the United Nations Charter which, in its opinion, would improve the functioning of the Organization. Such changes of the Charter have been made in order to accommodate the structure of various organs to the increased membership of the United Nations.

However, the Swedish Government is not convinced that a general review of the Charter at the present time would further the aim of strengthening the United Nations. One prerequisite, which appears not to exist, would be a broad support among Member States for undertaking such a review.

Furthermore, the Charter in its present form contains principles which, if strictly observed by Member States, will guarantee international peace and security, the respect for human rights and the peaceful furthering of the aims and purposes in other fields of United Nations activity. The functioning of the Organization and the results it achieves are essentially dependent upon the extent to which Member States are prepared to make use of the United Nations and adhere to its principles.

There is ample room for improvements and reforms within the framework of the present Charter. Such measures include in particular the development, with the support of all Member States, of the capacity of the United Nations to undertake peace-keeping operations; the development and fuller utilization of the various methods for pacific settlement of disputes, which are indicated in Chapter VI of the Charter; and a strengthening of the International Court of Justice in order that more use can be made of its services.

UGANDA

/Original: English/

3 May 1972

The Government of the Republic of Uganda supports any measures that can enhance the effectiveness of the United Nations and promote the principles for which the United Nations stands. However, the failures of the United Nations cannot be attributed to any shortcomings within the Charter of the United Nations itself. It is the non-observance of the principles enshrined in the Charter and the non-compliance with the Security Council and General Assembly resolutions by Member States that have undermined the prestige and effectiveness of the Organization, particularly in the areas of maintenance of international peace and security, decolonization and human rights.

It has been demonstrated that the Charter is flexible and capable of accommodating new situations that had not been envisaged by its architects. The topical questions of human environment, outer space and peaceful uses of the sea-bed and ocean floor beyond the limits of national jurisdiction have been accommodated without any need to amend the Charter. Moreover, the Charter has been amended several times using the provisions of its Article 108. There have been several attempts in the past to convene a General Conference to amend the Charter in accordance with Article 109, but these attempts have not been successful.

The Government of Uganda recognizes that there are certain articles in the Charter that are outdated (for example, Articles 53 and 107, which refer to enemy States, and Article 86, which no longer provides the equilibrium between administering States and non-administering States in the Trusteeship Council) but they could be amended by any session of the General Assembly without having to convene a General Conference. It is the view of the Government of Uganda that more emphasis should be put on the need to find ways of implementing the General Assembly and Security Council resolutions rather than on the need to review the Charter; and on the need to implement the provisions of the Charter rather than amend the Charter. Article 43, for example, one of the most important articles of the Charter, has not been implemented because of Member States putting their national interests above the need for international peace and security through the United Nations.

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UNION OF SOVIET SOCIALIST REPUBLICS

/Original: Russian/

13 July 1972

The Soviet Union regards the United Nations Charter as an extremely important document of international significance which contributes to the strengthening of peace and the development of co-operation between States. In its active participation in the work of the Organization, the Soviet Union takes a position in favour of enhancing the latter's authority and effectiveness through strict compliance with the United Nations Charter.

The historical situation in which the United Nations was established did much to determine the political nature and characteristics of the world Organization. In the drafting of the United Nations Charter, account was taken of the unfavourable experience with the League of Nations, which had proved unable to prevent the outbreak of another world war, and of the lessons which the peoples of the world had drawn from the common struggle against fascism. In the course of long, complex negotiations, agreement was reached on a text for the United Nations Charter which was acceptable to all. It was based on the just and democratic principles of the equal rights and self-determination of peoples, the sovereign equality of States, and respect for human rights and for fundamental freedoms for all, without distinction as to race, sex, language or religion.

Maintaining international peace and security and saving succeeding generations from the scourge of war, which is the primary task of the United Nations, as set forth in the Charter, remains a matter of pressing importance. It is this task that is and will continue to be the focal point of the Organization's activities so long as forces exist which are concerned not with co-operation between States in order to give effect to the principles of the Charter but with suppressing the liberation struggle of peoples, preserving breeding-grounds of war and aggravating international tensions.

One of the key principles of the United Nations Charter is that which calls for unanimity among the permanent members of the Security Council. This principle reflects the need for decisions to be taken on an agreed basis, particularly on a matter of such tremendous importance as the maintenance of international peace and security. The States which founded the United Nations showed great wisdom in formulating the principle of unanimity among the permanent members of the Security Council. Without that principle it would have been inconceivable for the United Nations to be established and remain viable in the present-day world, in which there are States with different social systems. The principle of unanimity among the permanent members of the Security Council is meant, first and foremost, to provide a guarantee that the Council will not be transformed into the instrument of a particular group of States and used in a manner that violates the United Nations Charter and damages the vital interests of countries with a different social system. Concrete experience has shown that the danger of such a turn of events has arisen more than once during the period of the Organization's existence. The principle of unanimity, which sprang from the war-time co-operation between the

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main Powers making up the anti-Nazi coalition, is the foundation of the entire edifice of the United Nations, and without it the Organization would foster not unity but disunity among States, not the settlement of disputes and the prevention of conflicts but the intensification of discord and crises in relations between States. Without this principle the United Nations could be used to serve the narrow interests of particular States or groups of States.

The principle of unanimity has often helped to prevent hasty decisions which might have had grave consequences for the cause of peace. It is of particular importance to the new developing States, small countries, and peoples fighting for freedom and independence. The Soviet Union has not only used the unanimity rule to protect the interests of its own State and the other States of the socialist community but has at all times - and, indeed, only recently - made use of it in order to protect the national liberation movements, support the struggle of colonial peoples and defend the legitimate interests and rights of small States. The principle of unanimity is therefore important to the overwhelming majority of States Members of the United Nations. Of course, the unanimity rule has also been abused; there have been cases where it was used against national liberation movements. However, the principle of unanimity is a realistic approach and the best possible one, and its revision or abolition would undercut the basis for the existence of the United Nations and doom the Organization to destruction. It is the Soviet Union's conviction that feelings of dissatisfaction should be directed not against the principle of unanimity but against those who make use of it in a manner that is contrary to the United Nations Charter and to the aspirations of peoples. Those who contend that, in a world which has changed during the past quarter of a century, the principle of unanimity is not in keeping with new conditions should bear in mind that the nature of the nuclear age is such that any attempt by certain permanent members of the Security Council to employ coercion or even force in the name of the United Nations against other permanent members of the Council would in fact mean unleashing a world war with all its disastrous consequences.

The Soviet Union considers that it is in the interests of all States, without regard to their level of economic development, to focus attention not on the revision of the Charter but on strict, unswerving compliance with it. Fuller use should be made of the great potential which the Charter offers.

It is not, of course, by chance that the basic purposes and principles of the United Nations Charter have been solemnly reaffirmed and given expression in a series of major actions **recently** taken by the United Nations, namely, the Declarations of the General Assembly on the Strengthening of International Security and on Principles of International Law concerning Friendly Relations and Co-operation among States, as well as the Declaration on the Occasion of the Twenty-fifth Anniversary of the United Nations, in which States Members of the Organization above all proclaimed their loyalty to the United Nations Charter. States are also guided by the provisions of the Charter in the useful and important work which has recently been done in the progressive development and codification of the principles and rules of contemporary international law and in the regulation of various areas of co-operation between States through the adoption of a number

of new instruments forming part of international law. It is here that the strength of the United Nations Charter, which has well stood the test of time, finds expression.

The effectiveness and success of the work of the United Nations depend primarily on the determination of States Members of the world Organization to strive for the consistent implementation of the peaceful aims which have been set for it. If the United Nations has not yet attained its objectives, if there are breeding-grounds of war that have not yet been eradicated and if some conflicts have not been settled, that cannot be attributed to imperfections in the Charter but to the unwillingness of certain countries to act in strict conformity with its provisions. If the effectiveness of the United Nations is to be enhanced, the useful decisions taken by the Security Council and other United Nations organs must be given effect and not permitted to remain a dead letter, as has often occurred in the past and is sometimes the case today. Unless States strive to fulfil steadfastly and fully their obligations under the United Nations Charter, it is not possible to solve the problems facing the Organization, and revision of the Charter will not eliminate difficulties in the work of the United Nations but threatens rather to create serious new difficulties.

Whenever the requirements of the Charter have not been complied with, the United Nations has proved unable to find the necessary solutions and has failed to justify the hopes placed in it. However, when the Members of the Organization have joined efforts and taken action in conformity with the Charter, the United Nations has made a positive contribution towards maintaining peace, improving international conditions and resolving crises and urgent contemporary problems and has helped to ensure that mankind has for more than a quarter of a century been saved from a world war.

The action taken by the United Nations under the Charter to support the national liberation struggle of peoples, particularly the United Nations Declaration on the Granting of Independence to Colonial Countries and Peoples, has contributed to the attainment of independence by numerous States, which have set out on the path of independent economic and political development. This has resulted in a substantial increase in the Organization's membership. Up to the present time, 132 States have become Members of the United Nations, assuming the obligation to carry out the provisions of its Charter. That fact was taken into account in considering the question of enlarging the membership of the Security Council and the Economic and Social Council, and the countries of Asia, Africa and Latin America were given greater representation in those bodies.

All this makes it clear that there is no basis for raising this question again. Article 23 of the Charter, which provides that in the election of the non-permanent members of the Security Council due regard shall be paid, in the first instance, to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution, provides ample opportunity for ensuring that the Security Council is effective and representative in a manner that reflects the actual situation in the world.

The Soviet Union, as one of the founders of the United Nations and a permanent member of the Security Council, has always upheld and continues to uphold the lofty purposes and principles of the United Nations Charter.

Precisely because of the position of principle which it adopts, the Soviet Union considers that there is no need for revision of the United Nations Charter. The United Nations must concentrate its efforts on its main task, which is that of attaining the objectives for the sake of which it was established: the prevention of war and the strengthening of peace.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

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In the light of the comments already made on this subject, the United Kingdom Government believe that any general review at the present time of the Charter is not in the best interests of the United Nations. There is no substantial measure of agreement and the initiation of a process of review is likely to lead to the weakening rather than the strengthening of the United Nations. The Government of the United Kingdom are, however, willing to consider any specific amendments which are sound and have wide support among all sections of the membership of the United Nations.