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**SIXTH COMMITTEE, 1383rd  
MEETING**

Thursday, 7 December 1972,  
at 11 a.m.

NEW YORK

Chairman: Mr. Erik SUY (Belgium).

**AGENDA ITEM 89**

**Need to consider suggestions regarding the review of the Charter of the United Nations: report of the Secretary-General (continued) (A/8746 and Corr.1 and Add.1-3, A/C.6/L.870/Rev.1, A/C.6/L.881, A/C.6/L.882, A/C.6/L.886)**

1. Mr. REYES (Philippines) introduced revised draft resolution A/C.6/L.870/Rev.1 on behalf of its 20 sponsors, which represented nearly all regions of the world. Although they had varied political orientations and interests, they were united in a common desire to enhance the ineffectiveness of the Charter. The interest displayed during the debate on the question of the review of the Charter fully vindicated their initiative. Nevertheless, some doubts had been expressed concerning the precise purpose of their proposal. In a desire to dispel those doubts and to clarify their intentions, they had revised their original text accordingly.

2. Since they were not suggesting the convening of a general conference, they had had no difficulty in deleting the first preambular paragraph, which had recalled two General Assembly resolutions mentioning the possibility of holding a general conference for the purpose of reviewing the Charter. They had made a consequential change by deleting the word "further", after the word "Recalling", at the beginning of the second preambular paragraph, which became the first preambular paragraph. A new paragraph along the lines of the last preambular paragraph of the Czechoslovak draft resolution (A/C.6/L.881) had been added at the end of the preamble; it would read as follows: "Reaffirming its adherence to the principles and purposes enshrined in the Charter".

3. In paragraph 1 (b), the words "updating the Charter and" had been deleted, in order not to give the impression of prejudging the outcome of the work of the proposed special committee. In response to suggestions made by some delegations, the words "which have not already done so" had been deleted from paragraph 2 and the words "or update" had been added after the word "submit". In addition, the target date for the submission of the comments of Governments had been postponed from 31 March to 31 May 1973. The rest of the operative part remained unchanged.

4. The sponsors hoped that, with those revisions, their text would be more acceptable to all members of the Committee. They had no intention of altering the purposes and principles of the United Nations and wished to make it clear that the terms of reference of the proposed special

committee would be extremely limited and would not imply a revision of the Charter. The sponsors were unable to accept the Netherlands draft resolution (A/C.6/L.886), which had been presented as a compromise. It was not merely a question of reconciling two opposing draft resolutions; matters of principle were involved.

5. Some delegations had attempted to reject the extremely modest draft resolution submitted by 20 countries, because it might affect the position of certain great Powers. The sponsors considered that such an attempt to extend to the General Assembly the veto power which belonged in the Security Council was unacceptable. It had also been argued that the viability of the United Nations was based on a balance of power between the socialist and capitalist systems and that efforts to review the Charter would upset that balance. That argument overlooked the fact that the third world, whose members were neither capitalist in the American sense nor socialist in the Soviet image, was now in the majority in the United Nations. Veiled and disturbing allusions had been made to a perpetual hegemony of the super-Powers in the United Nations. In fact, those Powers defended first and foremost their own national interests. The United Nations alone was the trustee of the fate of mankind and it should be enabled to function more effectively in today's world.

6. The CHAIRMAN announced that in the French, Russian and Spanish versions of document A/C.6/L.870/Rev.1 the words "31 March 1973", in paragraph 2, should be replaced by "31 May 1973". In addition, in the Spanish version of that paragraph, the words "que todavía no lo hayan hecho" should have been deleted.

7. Mr. TOURE (Guinea) read out a passage concerning the review of the Charter from the statement made on 2 October 1972 in the General Assembly (2049th plenary meeting) by the Minister for Foreign Affairs of Guinea. It stated that the presence of new States in the United Nations necessitated a review of the Charter; it had become inconceivable that a few countries should dictate their will to the others. In addition, the veto power was very often used unfairly, in flagrant violation of the principle of the sovereign equality of nations, and should be abolished.

8. Consequently, while fully aware of the financial implications of the establishment of a special committee, the Guinean delegation would support draft resolution A/C.6/L.870/Rev.1.

9. Mr. KOLESNIK (Union of Soviet Socialist Republics) recalled that his delegation had already spoken in favour of the observance of the Charter. According to the sponsors of draft resolution A/C.6/L.870/Rev.1, its sole purpose was to achieve the establishment of a special committee on the

Charter of the United Nations. Yet the very title of the draft resolution concerned the "review" of the Charter; he wondered if the sponsors had overlooked that word.

10. Under operative paragraph 1 (a), the task of the special committee would be to "review in detail the comments received from Governments". Yet, out of 132 Member States, only 29 had submitted their comments and 7 of them had expressed support for a review of the Charter. Realizing their weak position, the sponsors of the draft resolution had supplemented that provision by paragraph 1 (b), which stated that the special committee would also consider any additional and specific proposals from Governments. The three-month period initially allowed for the submission of such proposals had been extended to five months, but that extension would not alter the situation in any way. Since it was unlikely that the hundred or so Member States which had not submitted written comments would submit proposals before 31 May 1973 and since the committee was requested to report to the General Assembly at its twenty-eighth session, the sponsors of the draft resolution had been obliged to make provision, in operative paragraph 4, for the consideration of the views expressed during the twenty-seventh session of the General Assembly.

11. The sponsors of the draft resolution claimed to be defending the purposes and principles of the United Nations, but they were in fact trying to force the majority of Member States to embark on a general review of the Charter. That intention had been clearly apparent from the use of the expression "updating the Charter", in paragraph 1 (b) of their original text, and nobody should be deceived by the allegedly harmless nature of the text.

12. In his view, the establishment of the proposed special committee was legally contrary to the Charter. Two procedures were provided for the modification of the Charter. In accordance with Article 108, amendments could be made to the Charter if they were adopted by a two-thirds majority of the members of the General Assembly and ratified by two thirds of the Member States. Article 109 envisaged the review of the Charter by a general conference of Member States convened after a two-thirds vote of the members of the General Assembly and a vote by any nine members of the Security Council; any alterations recommended by a two-thirds vote of the conference would take effect when ratified by two thirds of the Member States. Not content with those two procedures, the sponsors of the draft resolution were inventing a third one, which consisted in establishing a special committee. It was true that, under Article 22 of the Charter, the General Assembly "may establish such subsidiary organs as it deems necessary for the performance of its functions". But the functions of reviewing the Charter actually belonged solely to the Member States: it was those States which had introduced amendments to the Charter in order to increase the membership of the Security Council and of the Economic and Social Council. In the case under consideration, the sponsors of the draft resolution were advocating the establishment of a special committee without any specific amendment having been submitted, since the comments of certain Governments obviously could not be considered as formal amendments.

13. Consequently, the delegation of the Soviet Union considered draft resolution A/C.6/L.870/Rev.1 to be unacceptable and imperfectible, and would vote against it.

14. The Czechoslovak draft resolution (A/C.6/L.881), on the other hand, was reasonable and reflected current needs. It stressed the need to strengthen inter State relations, in accordance with the Charter. It was designed to safeguard the integrity of the Charter and of the principal United Nations instruments adopted for its implementation, which constituted contemporary international law. It did not preclude the possibility of an amendment to the Charter, since Articles 108 and 109 could always be invoked.

15. The Netherlands compromise draft resolution (A/C.6/L.886) was motivated by the fact that an insufficient number of States had made known their views on the subject, that no trend in favour of amending the Charter emerged from those views and that an initiative seemed to be jeopardized.

16. Although preferring the Czechoslovak draft resolution, in a spirit of compromise his delegation would vote for the Netherlands draft, which should be put to the vote first. He appealed to all delegations concerned about the future of the United Nations to emulate the choice he had made.

17. Mr. MIMICA (Chile) said that the consensus reached among the founding States of the United Nations had reflected a political balance. Untimely amendment of the Charter would upset that balance and would in fact have an adverse effect. If the Charter was not satisfactory, that was not due to any shortcomings of the text but to a lack of political will on the part of States which did not respect its principles. The United Nations could be only what its Members wished to make it.

18. His delegation had initially intended to vote against draft resolution A/C.6/L.870/Rev.1; however, in view of the fact that several Latin American delegations were numbered among its sponsors, his delegation would confine itself to abstaining.

19. Draft resolution A/C.6/L.881 submitted by Czechoslovakia seemed close to his delegation's position, but he would not be able to vote for it since it did not fully take into account the position of a number of countries. It would be advisable to defer any decision on the matter for at least two years; accordingly, his delegation would vote in favour of draft resolution A/C.6/L.886. It was likewise of the view that draft resolution A/C.6/L.886 should be put to the vote first.

20. Mr. GONZALEZ GALVEZ (Mexico) recalled that his Government was not convinced of the need for a comprehensive review of the Charter. However, draft resolution A/C.6/L.870/Rev.1, with its proposal to set up a special committee, opened up a wide range of possibilities; in that regard, the importance of paragraph 1, subparagraphs (b) and (c) should be stressed. The draft resolution did not aim at initiating a process of updating the Charter but at creating an appropriate forum for the consideration of

such proposals and comments as might be submitted. The draft made no proposal to convene a conference with a view to revising the Charter. Indeed, such a proposal would do nothing to enhance the effectiveness of the United Nations.

21. The changes made by the sponsors in the draft had made it more acceptable. In particular, the reference to a resolution which appeared to prejudge the outcome of the work of the proposed special committee had been deleted. Paragraph 1 (d) indicated merely that the work of the special committee would lead to the enumeration of proposals which had raised particular interest. His delegation deemed it essential that the special committee should have at its disposal the *Repertory of Practice of United Nations Organs*, since that document was indispensable for any work on reviewing the Charter. However, the *Repertory* was not up to date; consequently, his delegation wished to propose an amendment whereby the following words would be added at the end of paragraph 4: "and also to bring up to date as quickly as possible the *Repertory of Practice of United Nations Organs*". That amendment was proposed also on behalf of the delegation of Ecuador.

22. It would have been desirable to ask that the *Repertory* be brought up to date in time for the meeting of the special committee, but that would entail important financial implications. In the budget estimates for the financial year 1973, a credit of \$23,700 was requested for the purpose of publishing a Supplement No. 4 and an index to the *Repertory*. Nevertheless, even with that supplement the *Repertory* would still not be really up to date.

23. His delegation would vote in favour of draft resolution A/C.6/L.870/Rev.1, and it appealed to all delegations to unite in support of that draft, bearing in mind the numerous possibilities open under the terms of reference of the proposed special committee.

24. Mr. CHARLES (Haiti) said that 27 years had passed since the Haitian delegation had participated in the San Francisco Conference and the establishment of an international organization capable of saving succeeding generations from the scourge of war. Haiti had welcomed that decision and had offered its co-operation to the new Organization. The subsequent period had been attended by some successes, e.g. the fact that 27 years had gone by without a world conflict, but also by some failures attributable to the evolution of the policies of States and shortcomings in the Charter. The world had changed since 1945: where priority had then been given to maintenance of the peace, it would today be given rather to economic security, the elimination of the vestiges of colonialism and the eradication of hunger, poverty and racial discrimination. Without making fundamental changes in the Charter, it would be possible to improve it by appropriately amending certain provisions of Chapter II relating to the admission of new Members, of Chapter V concerning the Security Council and of Chapter VII concerning peace-keeping operations. His delegation would vote in favour of draft resolution A/C.6/L.870/Rev.1 and against draft resolutions A/C.6/L.881 and A/C.6/L.886.

25. Mr. ESPINOSA (Colombia) said that his delegation would vote against draft resolution A/C.6/L.881, the language of which revealed an arrogant attitude inconsistent with the spirit of equality, justice and freedom which should prevail within the United Nations. His delegation further could not support draft resolution A/C.6/L.886, which in effect was virtually the same as the draft adopted by the Assembly in 1970 as resolution 2697 (XXV). Nothing should be done to delay getting down to work on an important task which concerned the very life of the Organization. His delegation took note of the somewhat changed position of the delegation of the Soviet Union, which had come to take a more favourable view of draft resolution A/C.6/L.886, notwithstanding its opposition to a similar draft resolution two years ago. Nevertheless, the new draft resolution was no better than the old: in essence it amounted to asking delegations to acquiesce in another two-year delay.

26. Accordingly, his delegation maintained its position in favour of draft resolution A/C.6/L.870/Rev.1, of which it was a sponsor. The representative of the Soviet Union had criticized the title of that draft resolution, which was, however, exactly the same as those of the other two draft resolutions before the Committee and which reproduced verbatim the wording of the agenda item under consideration. The representative of the Soviet Union had also dwelt extensively on the fact that thus far only 29 countries had replied to the Secretary-General's circular note concerning the review of the Charter. However, during the general debate more than 60 delegations, represented in many cases by their ministers for foreign affairs, had mentioned the need for a review of the Charter. It was untenable to make a distinction between statements made in the course of the general debate and replies to the Secretary-General's circular note. The importance of operative paragraph 4 of draft resolution A/C.6/L.870/Rev.1 should be emphasized. The views expressed during the present session of the General Assembly would be very helpful. They should be analysed and reflected upon. The delegation of the Soviet Union appeared to be excessively attached to the Charter, considering it virtually sacrosanct; however, if every State took such an attitude, that would be tantamount to waiving its sovereign independence and, by so doing, violating the very principles of the Charter. At any rate, any amendment to the Charter must be adopted by a two-thirds majority of the members of the General Assembly and ratified by two thirds of the Members of the United Nations, including all the permanent members of the Security Council.

27. In revising their text the 20 Powers had shown themselves willing to accept reasonable criticism. His delegation endorsed the amendment proposed by Mexico and Ecuador and also thanked the delegation of Chile for having taken into account the position of other Latin American countries in determining its own position.

28. Mr. SILVEIRA (Venezuela) said that his delegation would vote in favour of draft resolution A/C.6/L.886, would abstain on draft resolution A/C.6/L.870/Rev.1 and would vote against draft resolution A/C.6/L.881.

29. Mr. KRISPIS (Greece) recalled that his delegation had stated during the general debate that it would abstain in the vote. However, since the delegation of the Netherlands had subsequently submitted a draft resolution A/C.6/L.886 which was in line with his own delegation's views, his delegation intended to vote for that text and urged that it should be put to the vote first.

30. Mr. RAO (India) said that the Charter should evolve according to the situation in the world. The matter at issue was complex and delicate in that most Member States had not replied to the Secretary-General's circular note. New States would be joining the Organization in the near future; their views should also be taken into account. Accordingly, draft resolution A/C.6/L.886 best met the needs of the moment. His delegation supported that draft resolution and hoped that it would be put to the vote first.

31. Mr. YASSEEN (Iraq) said that the Charter, which had shown itself to be remarkably adaptable to the realities of international life, was not an unalterable instrument. Its very text provided for procedures of modification, one by amendment of specific provisions, and the other by review at a general conference. Although his delegation did not believe that it was necessary at the present time to make any changes in the Charter, it was prepared to study any proposal calling for specific amendment or revision. The establishment of a special committee could only be prejudicial, for it would be tantamount to institutionalizing the question of review. His delegation considered the Netherlands draft resolution (A/C.6/L.886) reasonable, for it met the wishes of those who believed that the item required more thorough study. It hoped that the Netherlands draft resolution would be put to the vote first.

32. Mr. NETTEL (Austria) said that in his view two of the three draft resolutions before the Committee represented extreme positions. Draft resolution A/C.6/L.870/Rev.1 proposed the establishment of a special committee to review the comments received from Governments, of whom only 29 had replied so far, since the oral statements made in the Sixth Committee, although meriting consideration, were no substitute for written replies. Draft resolution A/C.6/L.881, on the other hand, stated that it was not desirable to take any steps to review the Charter of the United Nations, although some States had indicated that they favoured such a course.

33. It was draft resolution A/C.6/L.886 that was after all preferred by the Austrian delegation, because it adopted a more flexible approach by inviting the States which had not already done so to submit their views on the question within a reasonable period of time. The Committee should vote on that text first.

34. Mr. KASEMSRI (Thailand) said that in comparing the three drafts, his delegation endeavoured to take a pragmatic view of international realities in a changing world. In that light, it was difficult to accept the premise of the third preambular paragraph of draft resolution A/C.6/L.881 or of the fourth preambular paragraph of draft resolution A/C.6/L.886. His delegation would therefore vote for draft resolution A/C.6/L.870/Rev.1, because, while

proposing the establishment of a special committee to review the Charter, it did not call for any radical change. Any change that might impair the principles enshrined in the Charter which have become rules of international law would only have detrimental effects on the community of nations, and particularly on the smaller countries, some of which were co-sponsors of the draft resolution.

35. Mr. REYES (Philippines) announced that the sponsors of draft resolution A/C.6/L.870/Rev.1 accepted the oral amendment of Ecuador and Mexico to paragraph 4 of their text. He also indicated that Zaire had become a sponsor of that text so that there were presently 21 sponsors.

36. Mr. FLEITAS (Uruguay) recalled that at the 1382nd meeting, his delegation had become a sponsor of draft resolution A/C.6/L.886. His delegation would vote against the Czechoslovak draft (A/C.6/L.881), because it was self-evident that proper attention should be given to an item which the General Assembly had decided to put on its agenda. While respecting the position of the sponsors of draft resolution A/C.6/L.870/Rev.1, his delegation would abstain from the vote on that draft resolution. As the Iraqi delegation had said, the establishment of a special committee would be very dangerous for it would amount to institutionalizing the question of reviewing the Charter. Too many delegations were opposed to a review at the present time and those which favoured changes should begin by making specific proposals.

37. Mr. SPÄČIL (Czechoslovakia), replying to the observations made on his delegation's draft resolution, said that it was not correct to say that it excluded any change in the Charter. Paragraph 2 clearly stated that it was not desirable "at present" to take any steps to review it, but it did not prejudice the future. Along with those who wished to revise the Charter and those who wished to leave it untouched, there was a third tendency, reflected in the Czechoslovak draft, which was to defer the question to a time when a need for review would be felt. In comparison with the two other draft resolutions, the Netherlands draft undoubtedly represented a compromise solution, and in his delegation's opinion it should be given priority in the voting.

38. Mr. VINCI (Italy) said that his delegation would vote against the Czechoslovak draft if it was put to the vote, for the reasons which had been stated by the delegation of Colombia. Similarly, his delegation would vote against the Netherlands draft as worded at present. Lastly, the Italian delegation endorsed the Colombian delegation's reply to the USSR representative's criticism of draft resolution A/C.6/L.870/Rev.1.

39. Mr. JEANNEL (France) expressed the view that draft resolution A/C.6/L.870/Rev.1 would initiate a process which would be difficult to control and that the observations of the representatives of Iraq and Uruguay on the subject were quite to the point. The changes which the sponsors of that draft resolution had made in their original text were not of a fundamental nature and did not allow sufficient time, especially for Governments, to study them. While recogniz-

ing the efforts made by Ecuador and Mexico to improve the wording, his delegation did not think that their amendment achieved its intended purpose, inasmuch as the documentation would still be inadequate since it was not provided that the special committee would meet only when it had the necessary documents. For that reason, the French delegation would vote against that draft resolution. On the other hand, it would vote for the Netherlands draft resolution, which was moderate and reasonable and which, by inviting Governments to give more thought to the question, was likely to contribute to preserving the Organization's harmony. His delegation was in favour of giving the Netherlands draft priority in the voting.

40. Mr. SCHERMERS (Netherlands) asked that his delegation's draft resolution should be put to the vote first and that the vote should be a registered vote.

41. Mr. STEEL (United Kingdom) supported the Netherlands representative's motion for priority. He agreed with the representative of Austria that, in dealing with two drafts representing extreme positions, the Sixth Committee should follow its traditional policy of choosing the middle way offered by the Netherlands draft resolution, which provided a reasonable period for reflection.

42. Mr. SETTE CÂMARA (Brazil) was opposed to giving priority to draft resolution A/C.6/L.886 because, under rule 133 of the General Assembly's rules of procedure, the Committee had to vote on draft resolutions in the order in which they were submitted, unless it decided otherwise. The argument that the draft resolution in question would be a compromise solution could not be accepted, since the sponsors of draft resolution A/C.6/L.870/Rev.1 had not been consulted.

43. The CHAIRMAN invited the Committee to vote on the motion of the Netherlands representative that draft resolution A/C.6/L.886 should be voted on first.

*At the request of the representative of Italy, a recorded vote was taken.*

*In favour:* Afghanistan, Austria, Bahrain, Belgium, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Canada, Chile, Cuba, Czechoslovakia, Democratic Yemen, Denmark, Egypt, Ethiopia, Finland, France, Gabon, Gambia, Greece, Hungary, India, Iran, Iraq, Ireland, Kuwait, Lebanon, Liberia, Libyan Arab Republic, Mongolia, Morocco, Netherlands, New Zealand, Norway, Oman, Pakistan, Poland, Portugal, Qatar, Romania, Saudi Arabia, South Africa, Sri Lanka, Sudan, Sweden, Syrian Arab Republic, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia.

*Against:* Albania, Algeria, Argentina, Australia, Bolivia, Brazil, Burundi, Cameroon, Chad, China, Colombia, Congo, Costa Rica, Dominican Republic, Ecuador, El Salvador, Fiji, Ghana, Guatemala, Guinea, Haiti, Honduras, Indonesia, Italy, Jamaica, Japan, Kenya, Khmer Republic, Lesotho, Madagascar, Malawi, Nicaragua, Nigeria, Philippines, Rwanda, Senegal, Sierra Leone, Singapore, Spain, Thailand, Trinidad and Tobago, Tunisia, United Republic of Tanzania, Zaire, Zambia.

*Abstaining:* Barbados, Botswana, Cyprus, Dahomey, Israel, Laos, Malaysia, Mali, Mexico, Paraguay, Peru, Togo, Upper Volta.

*The motion for priority was adopted 57 votes to 45, with 13 abstentions.*

*At the request of the representative of the Netherlands, a recorded vote was taken on draft resolution A/C.6/L.886.*

*In favour:* Afghanistan, Austria, Bahrain, Barbados, Belgium, Botswana, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, Chile, Cuba, Cyprus, Czechoslovakia, Dahomey, Democratic Yemen, Denmark, Egypt, Ethiopia, Finland, France, Gabon, Gambia, Greece, Hungary, India, Iran, Iraq, Ireland, Kuwait, Lebanon, Libyan Arab Republic, Madagascar, Mali, Mongolia, Morocco, Netherlands, New Zealand, Norway, Oman, Pakistan, Peru, Poland, Portugal, Qatar, Romania, Saudi Arabia, South Africa, Sri Lanka, Sudan, Sweden, Syrian Arab Republic, Togo, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia.

*Against:* Albania, Australia, Bolivia, Brazil, Burma, Cameroon, China, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Fiji, Ghana, Guatemala, Guinea, Haiti, Honduras, Indonesia, Italy, Japan, Lesotho, Mexico, Nicaragua, Nigeria, Philippines, Senegal, Sierra Leone, Singapore, Spain, Tunisia, United Republic of Tanzania, Zambia.

*Abstaining:* Algeria, Argentina, Burundi, Chad, Congo, Israel, Jamaica, Kenya, Khmer Republic, Laos, Liberia, Malawi, Malaysia, Nepal, Paraguay, Rwanda, Thailand, Trinidad and Tobago, Upper Volta, Zaire.

*The Draft resolution was adopted by 63 votes to 33, with 20 abstentions.*

44. The CHAIRMAN noted that since the Committee had adopted draft resolution A/C.6/L.886, it was unnecessary to vote on the two other draft resolutions.

*The meeting rose at 1.10 p.m.*