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at 10 a.m.  
New York

SUMMARY RECORD OF THE 26th MEETING

Chairman: Mr. AZZAROUK (Libyan Arab Jamahiriya)

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The meeting was called to order at 10.10 a.m.

AGENDA ITEM 137: REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION (continued) (A/42/33)

AGENDA ITEM 129: PEACEFUL SETTLEMENT OF DISPUTES BETWEEN STATES (continued) (see A/C.6/42/L.1)

1. Mr. AWAWDEH (Jordan) said that the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization had made considerable progress at its most recent session, particularly with regard to the question of the maintenance of international peace and security. That question was of such importance that the success of the United Nations could be measured in terms of the progress it made in that sphere. The existence of good relations between States was predicated on compliance with international law, which presupposed that States practised mutual respect and refrained from imposing their will on other States. The implementation of those principles would enable the United Nations effectively to perform its function in maintaining international peace and security.

2. His delegation considered that the draft declaration contained in document A/AC.182/L.38/Rev.3 was a very serious contribution towards that end, since it referred in particular to the role of the Security Council, to which the Charter entrusted primary responsibility for the maintenance of international peace and security. However, there were some useful ideas in document A/AC.182/L.48, too, since success in that area obviously depended on the commitment of States to respect the principles of the Charter. He therefore urged that efforts be made to reconcile the two documents. Document A/AC.182/L.48 contained provisions which could be incorporated in document A/AC.182/L.38/Rev.3, which was further along in the drafting process. It was to be hoped that at its next session the Special Committee would be able to adopt the draft declaration. Primary responsibility for the maintenance of international peace and security rested with the permanent members of the Security Council, and the Secretary-General had a pivotal role to play in that area as well.

3. His delegation endorsed the proposal put forward by China (A/AC.182/L.54), which was reproduced in paragraph 102 of the report of the Special Committee (A/42/33) and had met with approval in the Committee.

4. Turning to the question of the resort to a commission of good offices, mediation or conciliation within the United Nations, he pointed out that a great many amendments had been incorporated in working paper A/AC.182/L.52/Rev.1 in order to take into account the observations and suggestions made by various delegations. His delegation supported the new text, which was an improvement on the previous version of the document. However, a number of provisions required further study and refinement, including those on the composition of the commission, the procedure for appointing its members, the link between the commission and the United Nations

(Mr. Awawdeh, Jordan)

system, and financial arrangements. Establishment of a commission must always be accepted by all parties to a conflict and must be an optional measure available to States, without prejudice to their right to select any other procedure for the peaceful settlement of disputes. It must be borne in mind that in most conflicts there were an aggressor and an injured party, and that the aggressor was obligated under international law to make good the wrong committed and to restore the right violated before entering into negotiations aimed at bringing about the peaceful settlement of the dispute.

5. On the subject of the rationalization of existing procedures of the United Nations, his delegation considered that the effectiveness of the United Nations depended entirely on the effectiveness of its procedures. The co-sponsors of document A/AC.182/L.43/Rev.1 had submitted amendments in response to the comments made by various delegations. The issue was of such importance that steps to rationalize procedures should be extended to United Nations organs other than the General Assembly. The recommendation that the General Assembly should adopt its resolutions and decisions by consensus would not help to rationalize procedures. On the contrary, it would weaken the General Assembly and lead to stalemate, since any country could use the requirement of consensus to block adoption of any decision or resolution, and that would be tantamount to the exercise of a veto power.

6. Lastly, his delegation found that the Special Committee had made appropriate use of the time made available to it and had made satisfactory progress at its most recent session, which had been characterized by a spirit of understanding, co-operation and flexibility. Thanks to the consultations on procedural issues held before the session of the Special Committee, it had been possible to make optimum use of the time available. It was to be hoped that that example would be followed by the Special Committee at future sessions and by other organs.

7. Mr. STEPANOV (Ukrainian Soviet Socialist Republic) said that, in the current transitional period in world affairs, the role played by the United Nations in strengthening international peace and co-operation was apparent. History had ordained that the United Nations should become the centre for harmonizing the actions of nations aimed at maintaining international peace and security and solving other important problems facing mankind. The Charter was the most important standard-setting document of the contemporary age. Since its adoption, the Charter had been tried and tested, and had become the corner-stone of the international legal order. At the same time, it charted a course for the achievement of a genuinely democratic, non-violent and demilitarized world through concerted efforts on the part of the international community. In the nuclear and space age, it was the only reasonable alternative that mankind had. The universal value of the Charter also stemmed from the fact that it constituted a sound basis for the establishment of a system of international security that was universal in its scope. To achieve that objective there was a need to give tangible form to the new political thinking by making full use of the Organization's potential. As indicated in the article by Mr. Mikhail Gorbachev entitled "Reality and safeguards for a secure world" (annex to document A/42/574), such a system would be effective

(Mr. Stepanov, Ukrainian SSR)

only if the United Nations, the Security Council and other international organs and machinery functioned effectively. That article, inspired by a profound respect for the lofty principles of the United Nations and its Charter, contained a set of wide-ranging proposals to enhance the authority and effectiveness of the Organization.

8. His country, which had taken part in the drafting of the Charter, had always been in favour of strengthening the positive role of the United Nations in world events. Its dedication to the United Nations had been reconfirmed on the recent visit to the Ukrainian SSR by the Secretary-General. His delegation believed that the adoption of effective measures to strengthen the role of the Organization depended on the political will of Member States and their determination to strengthen the Charter and make joint, resolute efforts to achieve the goals of peace enshrined in it. He noted with satisfaction that at the latest session of the Special Committee, considerable attention had been paid to the subject of international peace and security. Consideration of that issue must be comprehensive and aimed at arriving at specific conclusions and recommendations the adoption of which would enhance the effectiveness of the United Nations. The working paper submitted by Czechoslovakia, German Democratic Republic and Poland (A/AC.182/L.48) contained many practical ideas about, inter alia, the arms race and disarmament, world economic security and co-operation in the cultural and humanitarian spheres. The Special Committee's report showed that considerable progress had been made, on the basis of working paper A/AC.182/L.38/Rev.3, on the Draft Declaration on the prevention and removal by the United Nations of disputes, situations which may lead to international friction or give rise to a dispute and matters which may threaten the maintenance of peace and security. The bases had been laid for the possible completion of that Draft Declaration at the Special Committee's next session.

9. His delegation viewed positively the work done by the Special Committee on the question of peaceful settlement of disputes between States and believed that it was essential that all the peaceful means envisaged in the Charter for the settlement of disputes be widely used. The ideas contained in the working paper submitted by Romania (A/AC.182/L.52/Rev.1) were interesting. Efforts must continue to be made to identify possibilities of reaching agreement on specific aspects of that proposal. It was also useful to prepare a handbook on the peaceful settlement of disputes between States and his delegation welcomed the indication by the Secretariat that it would soon be submitting a number of sections of the handbook to the Consultative Group.

10. Turning to the rationalization of existing procedures of the United Nations, his delegation shared the view of many others as to the importance of that question and the need to continue the work of preparing recommendations in that area. The various proposals aimed, inter alia, at ensuring wider use of United Nations organs, promoting use of the consensus method, increasing the political weight of resolutions and securing the implementation of decisions of the International Court of Justice must continue to be considered in a constructive spirit. That work must

(Mr. Stepanov, Ukrainian SSR)

be aimed at finding a realistic means of enhancing the effectiveness of the United Nations and its role in establishing lasting guarantees of peace and in solving other contemporary world problems.

11. Mr. GOROG (Hungary) said that, from the outset, his delegation had attached great importance to the work of the Special Committee and remained committed to contributing its share so that tangible results could be achieved. As he had stated on other occasions, the proposals to be elaborated must be aimed solely at strengthening the role of the Organization and in no way allow an overly extensive interpretation of the Charter or upset the fine balance of powers allocated to the main organs.

12. His delegation joined with those delegations which attached great importance to the preparation of the handbook on the peaceful settlement of disputes between States, which would be a technical contribution to enhancement of the principle of peaceful settlement of disputes. It hoped that that complex and demanding task would proceed on a priority basis and that even more progress would be reported at the next session.

13. Turning to the proposal contained in the working paper on resort to a commission of good offices, mediation or conciliation within the United Nations, submitted to the Special Committee by Romania in a revised version (A/AC.182/L.52/Rev.1), his delegation maintained its serious reservations and therefore the negative position it had taken earlier on the proposal. The proposed commission was a new organ and not merely a procedure and was inconsistent with the Charter, particularly with regard to the functions of the General Assembly, the Security Council and the Secretary-General. His delegation continued to believe that the main obstacle to the peaceful settlement of disputes lay in the lack of the necessary political will and not of an appropriate mechanism. He shared the observations reflected in paragraph 17 of the Special Committee's report (A/42/33), raising questions about the actual link between the proposed commission and the United Nations system, the authority responsible for the designation of members of the commission and the kind of financing intended for it.

14. With regard to the rationalization of existing procedures of the United Nations, his delegation shared the view that that task should be accomplished in strict observance of the Charter and fully in keeping with the interests of Member States. It hoped that the revised working paper (A/AC.182/L.43/Rev.1) would be able to serve as a basis for reaching agreement at the next session of the Special Committee.

15. Turning to the question of the maintenance of international peace and security, he noted with satisfaction that the Special Committee, having provisionally accepted the major part of working paper A/AC.182/L.38/Rev.3, had made considerable progress towards finalizing its mandate. It was also a promising sign that the views expressed by several delegations reflected points of convergence between that working paper and working paper A/AC.182/L.48. His delegation believed that the time was now ripe for establishing a compromise

(Mr. Gorog, Hungary)

document on the question, based on the two working papers mentioned. The favourable results achieved with regard to enhancing the effectiveness of the principle of non-use of force in international relations served as an example of a new readiness for co-operation which might be extended to other fields. The greatly improved co-operation among members of the Security Council, particularly its permanent members, was another source of inspiration. His delegation was firmly convinced that the Special Committee would soon be able to produce results satisfactory to all delegations and stood ready to assist the Committee in pursuing that effort.

16. Mr. DJORDJEVIĆ (Yugoslavia) said that the recently concluded general debate in the General Assembly gave cause to believe that the process of dialogue and negotiation and the search for solutions to the deteriorating international situation had begun. His delegation perceived greater possibilities for United Nations organs to be used more effectively, in fulfilling their responsibilities under the Charter.

17. On the subject of the maintenance of international peace and security, the Special Committee, after considering for a number of years the working papers prepared by Belgium, the Federal Republic of Germany, Italy, Japan, New Zealand and Spain (A/AC.182/L.38/Rev.3) and by Czechoslovakia, the German Democratic Republic and Poland (A/AC.182/L.48) had during its 1987 session worked out the framework for a future consensus on the joint document concerning the preventive role of United Nations organs in relation to the maintenance of international peace and security. It was clear that the future document, in addition to referring to that preventive role, would have to contain provisions on the conduct of States. Regrettably, in spite of the efforts of a majority of the delegations it had not been possible to reach agreement or to adopt a joint working paper. He hoped that the document would be completed at the next session of the Special Committee.

18. It was important that the work on the draft handbook on the peaceful settlement of disputes between States should be completed soon. The consideration of Romania's proposal concerning resort to a commission of good offices, mediation or conciliation within the United Nations had entered a new phase and it was now possible to foresee its completion. He hoped that on the basis of the progress already made the work would be completed very soon.

19. The Special Committee should continue to consider the proposals already submitted concerning the rationalization of procedures, taking into account all that had already been achieved in that area in other bodies, so as to avoid duplication of work and to make a genuine contribution.

20. As a member of the Special Committee, Yugoslavia had supported all its activities, particularly those concerning the maintenance of international peace and security. The work on strengthening the role of the United Nations was a process which called for great patience and responsibility, as well as the joint efforts of all countries, particularly the permanent members of the Security Council. The contribution of the Special Committee was to be seen not only in

(Mr. Djordjević, Yugoslavia)

terms of the outcome of its work but also in the influence that the ideas and proposal originally discussed in the Committee had in the activities of the main United Nations organs and their subsidiary bodies.

21. More than ever before, the international community needed a strong and efficient United Nations, and to that end his delegation was prepared to participate in consultations on all the issues important for the future work of the Special Committee.

22. Mr. DA COSTA (Angola) said it was the lack of political will rather than the dearth of procedures which was responsible for non-resolution of conflicts by peaceful means. The question of rationalization of existing procedures of the United Nations had been dealt with by various forums of the United Nations as well as other bodies. After more than 40 years of existence, the United Nations remained an indispensable instrument for the promotion and maintenance of international peace and security. The strengthening of its role should become an integral part of the process of establishing a comprehensive system of international security.

23. In the message he had addressed to the Secretary-General of the United Nations on 11 January 1986, the Secretary-General of the Central Committee of the Communist Party of the Soviet Union had advocated the strengthening of the role of the United Nations, wider utilization of the means of peaceful settlement of disputes provided for in the Charter, fuller use of the capabilities of the Security Council and the General Assembly and resort to the mediating efforts of the Secretary-General. The United Nations should play a more active role in strengthening détente, curbing the arms race and creating a climate of security and co-operation, and should ensure the participation of all States in the solution of international problems in accordance with the principle of universality of the United Nations.

24. The People's Republic of Angola had committed itself to the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the United Nations Charter, the Manila Declaration on the Peaceful Settlement of International Disputes and the Political Declaration of the Eighth Conference of Heads of State or Government of Non-Aligned Countries held in September 1986.

25. In flagrant violation of the principles of international law and the provisions of the United Nations Charter, the racist and fascist minority régime of South Africa continued its acts of aggression and subversion against the peoples of the independent States of southern Africa, namely Angola, Botswana, Lesotho, Mozambique, Zambia and Zimbabwe, and continued to occupy a part of Angola's territory in violation of its national sovereignty, independence and territorial integrity. Certain Western countries and Israel continued to collaborate with the minority racist régime of South Africa in the military and nuclear fields and some of those countries had by the use of the veto consistently frustrated every effort in the Security Council to deal with the question of the racist régime of South

(Mr. Da Costa, Angola)

Africa. Over the years Angola had presented several realistic proposals which, had they been accepted, would have brought peace to the peoples of southern Africa long ago.

26. His delegation had met again recently with the United States delegation and had reaffirmed its latest proposal which, as the President of Angola, Mr. José Eduardo dos Santos had said, far from meaning a retreat from its position or a way of balkanizing the country, expressed the true aspiration of its people for a peace without concessions. The only way to establish peace in southern Africa, and in the southern part of Angola in particular, was through the implementation of Security Council resolution 435 (1978) on Namibian independence. Unfortunately, it seemed that the minority racist régime of South Africa was stronger than the United Nations.

27. Mr. BOUABID (Tunisia) thanked the Under-Secretary-General and Legal Counsel for the unofficial consultations held before the Special Committee's session, in accordance with a proposal made by the Tunisian delegation during the forty-first session of the General Assembly, as reflected in General Assembly resolution 41/83. The purpose of the consultations had been to settle questions concerning the organization of work, particularly the composition of the Special Committee's bureau, so that the Committee could devote all its time to the consideration of substantive questions. The consultations had been very useful, as the Chairman of the Committee had noted in his introductory statement. The co-sponsors of draft resolution A/AC.182/L.43/Rev.2 on rationalization of the existing procedures of the United Nations had also incorporated the idea in paragraph 10 of the draft.

28. The idea should be applied in future sessions and should be reflected in the resolutions the Committee had recommended to the General Assembly for approval, particularly the resolution referring to the report of the Ad Hoc Committee on the Drafting of an International Convention Against the Recruitment, Use, Financing and Training of Mercenaries, and the report of the Special Committee on the Charter.

29. The Special Committee's 1987 session had been characterized by the high quality of its work and the lack of results. His delegation had already expressed its position in the Committee on the peaceful settlement of international disputes and the maintenance of international peace and security, but wished to make some comments concerning the future work of the Special Committee.

30. With regard to the question of the peaceful settlement of disputes between States and in particular the work on the preparation of a draft handbook recommended to the Secretariat, his delegation had taken note of the contents of paragraph 6 of the Secretary-General's report (A/AC.182/L.51), according to which the sections concerning inquiry, mediation and conciliation would be submitted to the Consultative Group before the end of 1987. His delegation would take part in the next meeting and hoped that, in spite of the Secretariat's limited resources, it would give the work the priority needed to complete it as soon as possible.



(Mr. Bouabid, Tunisia)

31. There was an important suggestion put forward in paragraph 13 of the Special Committee's report (A/42/33). At the Committee's next meeting, the Secretariat was invited to submit revised portions of the handbook that had already been reviewed in April 1986.

32. The proposal contained in the working paper on resort to a commission of good offices, mediation or conciliation within the United Nations had been discussed in detail. As a result, the sponsor had been able to put forward a revised version. Considerable work had been done and many improvements had been introduced. There were still some problems concerning the modalities for setting up the new structure. The difficulties mentioned in paragraph 17 of the Special Committee's report were real but not insuperable. It was therefore to be hoped that the Special Committee would complete its consideration of the Romanian proposal at its next session. The results achieved should be submitted to the General Assembly.

33. The same conclusions applied to the work done by the Special Committee since 1984 with regard to the document submitted by Belgium, the Federal Republic of Germany, Italy, Japan, New Zealand and Spain (A/AC.182/L.38/Rev.3). It concerned the preventive action that the United Nations should take in the field of peacekeeping and international security. At the last session, the Working Group provisionally adopted a large number of paragraphs of the future document. He hoped that at its next session the Committee would complete its work on that question on the basis of a document consolidating working paper A/AC.182/L.38/Rev.3 with the proposals appearing in paragraphs 46-102 of the Special Committee's report. The Special Committee should give the proper priority to the question of peacekeeping and international security in all their aspects in order to strengthen the role of the United Nations and especially of the Security Council.

34. Mr. ALI (Democratic Yemen) said that, although his country was not a member of the Special Committee, it had taken part in its work as an observer and now wished to make a few comments on the Committee's report (A/42/33). In the first place, with respect to the peaceful settlement of disputes between States, he stressed that one of the most important principles of the United Nations, embodied in Article 2, paragraph 3, of the Charter was the undertaking by States to settle their international disputes by peaceful means. That text prohibited non-peaceful means of resolving conflicts, including the so-called right of reprisal, the right of blockade and so on, which required the use of military force. Article 33, paragraph 1, defined the peaceful means of settling disputes such as negotiation, mediation, conciliation and arbitration. In the case of failure of those methods, paragraph 2 of the same article entrusted to the Security Council the responsibility for calling upon the parties to settle their dispute. In Chapter VIII of the Charter, the Security Council was authorized to adopt collective measures to prevent or halt aggression. However, in practice the very opposite occurred. Unfortunately, today, many conflicts remained unsolved because, on the one hand, the parties failed to observe that principle and, on the other hand, the Security Council failed to exercise the powers entrusted to it under the Charter.

(Mr. Ali, Democratic Yemen)

35. Democratic Yemen welcomed the revised Romanian proposal (A/AC.182/L.52/Rev.1), which took into account the comments of delegations and would help in the peaceful settlement of disputes between States. His country also attached great importance to the draft handbook on the peaceful settlement of disputes between States prepared by the Secretariat. In his opinion, the Charter already described the machinery necessary to tackle that problem, either through the Security Council, the General Assembly or the initiatives of the Secretary-General. Hence, the important task now was not to put forward new recommendations but to ensure that States showed the necessary political will and acted in accordance with the undertakings they had made.

36. The question of the rationalization of the existing procedures deserved particular attention since it could have a positive effect on the work of the Organization. However, the rationalization of procedures should not be restricted to a single one of the many United Nations organs. Nor should it be approached solely from the viewpoint of possible political advances, since that might constitute a violation of the principles of the Charter and of equality between Member States, or of the democratic operation of the Organization. With regard to paragraph 1 of the working paper on the rationalization of procedures (A/AC.182/L.43/Rev.2), Democratic Yemen considered that consensus was an objective to be sought in all cases. However it should not be allowed to constitute a virtual power of veto in the hands of a few countries. A minority which had such veto power might paralyse the majority and prevent it from adopting decisions. In his view, that document required more careful examination in order to bring it into line with the principles established in the Charter.

37. The principle of peace-keeping and international security, as defined in the Charter, should be strengthened in view of the constant use of force or threat of the use of force, the many centres of tension existing in the world, the arms race and the rejection of United Nations resolutions by the racist and colonialist Powers. All those phenomena constituted a threat to peace and international security. The draft Declaration on the prevention and removal by the United Nations of disputes, situations which might lead to international friction or give rise to a dispute, and matters which might threaten the maintenance of peace and security (A/AC.182/L.38/Rev.3) was a positive step forward. However, before such a Declaration was adopted, it must be determined whether all the parties were ready to respect and apply the decisions of the United Nations.

38. His delegation supported the proposal put forward by the delegation of China (A/AC.182/L.54) appearing in paragraph 102 of the special committee's report (A/42/33). That proposal should be borne in mind when the Declaration was drafted in its final form. His delegation also welcomed the constructive proposal put forward by the Soviet Union with a view to strengthening peace and international security and improving international relations.

39. Finally, his delegation considered that the special committee's mandate should be extended.

40. Mr. KOZUBEK (Czechoslovakia) attached great importance to efforts aimed at the strengthening of the United Nations. Solutions to the continuing problems of the present world and also of new problems occurring at the present time must be sought on the basis of the Charter and in the framework of the United Nations. Those requirements were fully met by the initiative of the socialist States aimed at the establishment of a comprehensive system of international peace and security. His delegation considered that in the conditions of the nuclear and space era when the future prospects of all nations were mutually linked, multilateralism must play an even more important role than it had so far. Czechoslovakia's main expectations were based on the United Nations and it believed that the Special Committee could play an important role in finding ways and means of releasing the still blocked potential of action by the United Nations.

41. His delegation noted with satisfaction that a constructive approach had prevailed in the Special Committee during the consideration of the item on the maintenance of international peace and security. That had been facilitated by the fact that the sponsors of document A/AC.182/L.38/Rev.3 had recognized, in the latest revised version, that the strengthening of the role of the United Nations in the field of prevention of international conflicts could not be confined solely to the issue of improving the internal procedures of the Organization, with no regard to the conduct of States. Consequently, a further step had been taken in the search for a generally acceptable agreement on that issue. During the discussion of the document a number of comments and ideas had been submitted and incorporated, leading to a further improvement of the text and its harmonization with the relevant provisions of the United Nations Charter. Thus, preliminary agreement had been reached on most of the provisions of document A/AC.182/L.38/Rev.3. In his delegation's view, all the prerequisites existed for successful consideration of the remaining provisions and of the additional proposals submitted on that item. He was thinking especially of the proposals made by the Soviet Union and Czechoslovakia aimed at enhancing the role of States in the prevention of conflicts, and of the Chinese proposal (A/AC.182/L.54), which should be included in the final part of the future document. Most delegations recognized the usefulness of those proposals and the sponsors of document A/AC.182/L.38/Rev.3 had shown willingness to negotiate in that connection. However, as a result of the unwillingness of some other delegations the Special Committee had not started considering them at its latest session. Similarly, the consideration of document A/AC.182/L.48, submitted by Czechoslovakia, the German Democratic Republic and Poland, encouraged his delegation to identify those ideas contained in the document that were closely related to the subject of conflict prevention. He was convinced that it would be possible for the Special Committee, at its next session, to complete its consideration of that question on the basis of the provisions on which preliminary agreement had already been reached and the aforementioned proposals, which should be combined in a consolidated text for submission to the General Assembly.

42. The constructive spirit that had prevailed at the latest session of the Special Committee had also been reflected in the new revised Romanian proposal concerning the establishment of a commission of good offices, mediation or conciliation (A/AC.182/L.52/Rev.1). The Romanian delegation had indicated its

(Mr. Kozubek, Czechoslovakia)

readiness to accommodate the observations made during the latest session of the Special Committee, a fact which warranted his own delegation's hope that on the basis of good will it would be possible to find a satisfactory solution to that question.

43. With regard to the question of peaceful settlement of disputes between States, his delegation supported the speedy preparation of the handbook, which was the task of the United Nations Secretariat.

44. The rationalization of existing procedures of the United Nations, considered on the basis of working paper A/AC.182/L.43/Rev.1, submitted by France and the United Kingdom, was likewise a useful item in the work of the Special Committee. Czechoslovakia appreciated the progress made with regard to that agenda item at the latest session and believed that the Special Committee should continue paying due attention to the issue.

45. His delegation had listened with great interest to the statements made in the Sixth Committee by Mr. Vladimir Petrovsky, Deputy Minister for Foreign Affairs of the Soviet Union. He himself considered that the proposals of Mr. Petrovsky, like the views of Mr. Mikhail Gorbachev made public in his article of 17 September 1987, were closely connected with the activities of the Special Committee and would contribute significantly to the orientation of its work aimed at solving the most serious problems linked to the strengthening of the role of the United Nations in current international relations.

46. Mr. HOPPE (German Democratic Republic) said that recent developments, such as the agreement in principle between the Soviet Union and the United States on the conclusion of an accord on the elimination of medium-range and short-range nuclear missiles, had given rise to hope for an improvement in the international situation. All States should intensify their efforts, at both the regional and global levels, to translate into reality the emerging possibilities of a solution to the urgent problems of international coexistence. In view of the increasing interdependence of States and the complexity of current problems, existing international organizations and instruments constituted an irreplaceable potential for intensifying dialogue and peaceful co-operation with a view to safeguarding peace and establishing comprehensive, equal security conditions for all States. The United Nations played a central role in that connection, for it was the most comprehensive, universal instrument for the maintenance of international peace and security.

47. In the conditions of the nuclear and space age, there was an urgent need to strengthen in particular the function of safeguarding peace established in the United Nations Charter. The proposal for the establishment of a comprehensive system of international peace and security submitted by the socialist States at the forty-first session of the General Assembly met that need. In order to implement that proposal, it would be essential to enhance the authority and effectiveness of the principal organs of the Organization, especially the Security Council and the General Assembly, and to strengthen the role of the Secretary-General in resolving

(Mr. Hoppe, German Democratic Republic)

current crucial issues. It was therefore rightly expected that the Special Committee, in accordance with the priorities set forth in its mandate, would give the United Nations an effective impetus with regard to international security, the prevention and peaceful settlement of disputes and situations of tension, and the solution of other global problems.

48. The results achieved at the twelfth session of the Special Committee showed that considerable progress had been made. Despite some remaining differences of opinion, a constructive atmosphere had prevailed during the session, which had been marked by the efforts made by all concerned to find generally acceptable solutions to the question under consideration. The discussion of the item relating to the maintenance of international peace and security had emphasized the need to consider all aspects of the maintenance of peace in a comprehensive and complex way. Working Paper A/AC.182/L.48, submitted by Czechoslovakia, the German Democratic Republic and Poland, had made an important contribution in that connection. It had been generally confirmed that the conduct and role of States in maintaining peace, and in particular their readiness to implement the purposes and principles of the United Nations Charter, were decisive elements, not only with regard to the peaceful settlement of disputes, but also with regard to the strengthening of the role of the Organization and the enhancement of its effectiveness. During the consideration of the revised working paper submitted by Belgium, the Federal Republic of Germany, Italy, Japan, New Zealand and Spain (A/AC.182/L.38/Rev.3), a number of States had emphasized that it was necessary to take into account the special responsibility of States concerning the prevention of disputes. The discussion of that working paper had resulted in substantial progress. The conditions had thus been created for the preparation in the near future of a document acceptable to all sides, which took into account all existing and future proposals relating to the role of States and United Nations organs in the prevention of disputes.

49. With regard to the peaceful settlement of disputes, his Government welcomed the revision of document A/AC.182/L.52 by the delegation of Romania as a result of the discussion in the Committee. The revised version (A/AC.182/L.52/Rev.1) was a great improvement over the previous text. At the forthcoming session of the Special Committee, the German Democratic Republic would actively participate in the finalization of that document and also of document A/AC.182/L.43/Rev.2 submitted by France and the United Kingdom regarding the rationalization of existing United Nations procedures. As a matter of principle, his delegation attached great importance to all proposals suitable for enhancing the effectiveness of the United Nations and its organs, and it would support such proposals provided that they were in conformity with the Charter and helped to improve the work of the United Nations organs and thus enhance the Organization's effectiveness.

50. Mr. SELVA GUTIERREZ (Nicaragua) welcomed the progress made in drafting a handbook on the peaceful settlement of disputes, whose prompt publication in all official languages was of great importance. His Government also supported the

(Mr. Selva Gutierrez, Nicaragua)

Romanian proposal on the resort to a commission of good offices, mediation or conciliation within the United Nations, contained in document A/AC.182/L.52/Rev.1.

51. The principle of the peaceful settlement of international disputes was one of the main pillars of the Charter and was linked to other principles, which together constituted the corner-stone of international order. For almost seven years, his Government had been facing aggression of serious proportions on the part of a nuclear Power, which had become the scourge of the peoples of Latin America and the third world and whose policies were a threat to all small peoples and countries fighting for their independence and sovereignty. To remedy that situation, Nicaragua had turned to bilateral dialogue and the procedures enumerated in Article 33 of the Charter. In June 1986, the International Court of Justice had condemned the Government of the United States for its military and paramilitary actions in and against Nicaragua in a judgement that was a model of legal wisdom, objectivity and justice. His delegation wondered what would become of the international legal system if the Court's decision was not respected.

52. Nicaragua had done everything in its power to guarantee the success of the peace efforts of the countries making up the Contadora Group and the Support Group, had on two occasions been the only country prepared to sign the various versions of the Contadora Act, and had formulated innumerable proposals and appeals for the bilateral dialogue initiated in Manzanillo by the good offices of Mexico and interrupted for no reason by the Government of the United States.

53. Nicaragua was not abandoning the peaceful settlement of disputes. For that reason, its Government had signed in Nicaragua the "Procedure for the establishment of a firm and lasting peace in Central America", for the implementation of which the respect and co-operation of countries with interests in the area was of vital importance. The President of Nicaragua had again urged the Government of the United States to start a dialogue without pre-conditions in order to find a solution to problems of security.

54. With regard to the rationalization of existing United Nations procedures, his delegation doubted the desirability of continuing within the Special Committee an activity which was being conducted satisfactorily in other organs, and it shared the concern voiced in paragraph 8 of document A/AC.182/L.43/Rev.2.

55. With regard to the maintenance international peace and security, his delegation welcomed the reference to the fundamental responsibility of States for the prevention and removal of disputes in accordance with their obligations under the Charter. Owing to the lack of political will on the part of certain permanent members of the Security Council, however, little progress had been made in reinforcing the United Nations preventive function. Particular attention should be given to the role which the Secretary-General might and should play in preventing disputes and promoting peaceful settlements.

56. It was a fact that a number of trouble-spots had sprouted up that jeopardized international peace and security, and the United Nations had been unable to find a

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solution to those conflicts. That being the case, it was necessary to turn to account the experience acquired by the Organization in observer missions and peace-keeping operations and to reactivate multilateralism without delay, which was the sole way to reach negotiated settlements.

57. His delegation regretted that certain Members of the United Nations had repeatedly contravened the purposes and principles of the Charter and had disregarded the resolutions adopted by United Nations bodies. The misuse of the veto in the Security Council must stop. Furthermore, Chapter VII of the Charter must be applied in cases of flagrant non-compliance with its resolutions, as in the case of apartheid South Africa.

58. His delegation was confident that sooner or later the rule of law would triumph over the use of force and that the right to self-determination of peoples fighting for their dignity, sovereignty and independence would be guaranteed.

59. Mr. MAPANGO ma KEMISHAGA (Zaire) said that the report before the Committee (A/42/33) was of overriding importance for his country. The three questions dealt with were essential elements capable of enhancing the Organization's effectiveness and strengthening States' confidence in it. All depended on the political will of States.

60. With regard to the peaceful settlement of disputes, his delegation was perplexed by the proliferation in recent years of texts on the same subject, a development which threatened to culminate in a new situation characterized by a lack of documents or absolute rules and, hence, a legal vacuum. Therefore, instead of dwelling on new procedures for the peaceful settlement of disputes, the Special Committee should, wherever possible, review existing rules and procedures for the adoption of decisions within the competent organs of the United Nations. His delegation therefore joined those who advocated the holding of consultations to reconsider the Special Committee's mandate in its entirety.

61. His Government recognized the potential importance of a handbook, which in practice contributed to strengthening the principle of peaceful settlement of disputes, and it would refer again to that question once the Secretariat's work was more advanced. It would also accept, with certain drafting changes, the Romanian proposal on resort to a commission of good offices, mediation or conciliation within the United Nations.

62. With regard to the rationalization of existing United Nations procedures, his delegation could hardly accept the first paragraph of the version that appeared in paragraph 34 of the report. A general application of the rule of adoption by consensus amounted to the veto system in thin disguise and in the long run would undermine the majority rule, thereby opening the way for non-compliance with the relevant provisions of the Charter, in particular Article 18, paragraph 2. If the situation in a given region were to deteriorate because of the opposition of a State or small group of States, his delegation wondered who in the final analysis would adopt the decisions in the United Nations. The so-called balance of power of

(Mr. Mapango ma Kemishaga, Zaire)

the United Nations bodies not only was contrary to the rule of the majority, but also tended to replace it. Hence, his delegation was not prepared to support a provision of that nature, which was tantamount to transposing the veto to the General Assembly and ran counter to the principle of universality and the higher interests of the international community.

63. With respect to the maintenance of international peace and security, the question on which the Special Committee had been requested to concentrate its efforts, his delegation generally supported paragraph 106 of the report and noted that the proposal submitted in document A/AC.182/L.48 satisfied his expectations. His delegation favoured a democratization of the decision-making process in order to avoid situations in which the Committee would be both judge and party. It also deplored the deviationist tendency in the Committee aimed at stripping its mandate of a substance. It endorsed paragraph 108 of the Committee's report, which invited the Committee to reflect on the current international situation. It also supported the proposal contained in document A/AC.182/L.54.

64. Lastly, and in so far as all those proposals, including the third revision of working paper A/AC.182/L.38/Rev.3, had the same objective, his delegation suggested that the Special Committee should make a comparative analysis of the proposals at its next session and to that end, it favoured renewal of the Committee's mandate.

65. Mr. MADI (Egypt) said that he was pleased that the Special Committee on the Charter had held a very important session during which it had demonstrated the will of all delegations to reach an agreement on the most important aspect of the Committee's work in accordance with the provisions of General Assembly resolution 41/83.

66. The Egyptian delegation was satisfied by the progress made in the work on the preventive role of the United Nations. The discussions of document A/AC.182/L.38/Rev.3 had facilitated the drafting and tentative approval of a number of paragraphs, which would make the Committee's labours next year easier because it would be basing them on a consolidated document which would include the proposals contained in the revised text and in paragraph 46 and 102 of the report.

67. The Egyptian delegation appreciated the Secretariat's efforts to prepare a handbook on the peaceful settlement of disputes between States. While it was not unaware of the difficulties involved, his delegation felt that priority should be given to completing the handbook.

68. With reference to the Romanian proposal on resort to a commission of good offices, mediation or conciliation within the United Nations, he took note of the work which had culminated in the working paper (A/AC.182/L.52/Rev.1) but felt that while the document took into account previous proposals, it failed to clarify many important points such as the legal aspects of the process of establishing the commission, the actual relationship between the commission and the organs of the United Nations, how its members were to be selected - whether as individuals or States - the holding of meetings away from United Nations Headquarters and, lastly, how it was to be financed.



(Mr. Madi, Egypt)

69. Although his delegation regarded the question of the rationalization of the established procedures of the United Nations as very important, it considered that the Special Committee was not the proper forum to discuss it and that there were other United Nations forums better suited for that purpose with specific mandates.

70. The Egyptian delegation had listened attentively to other delegations and was convinced that the immense majority supported the completion at the next session, if possible by consensus, of the principal item before it, namely, the United Nations function of preventing conflicts. In that connection, he stressed the need to take advantage of the momentum generated in the debate and pointed out that all States were prepared to approve a draft prepared by the Committee. Accordingly informal consultations should be held on the basis of a consolidated text. Talks and negotiations on the Committee's future mandate in the area of the maintenance of international peace and security should also be opened soon; Egypt was prepared to collaborate in that endeavour.

71. Mr. LOULICHKI (Morocco), referring to the proposal contained in the working paper on resort to a commission of good offices, mediation or conciliation within the United Nations (A/AC.182/L.52/Rev.1), considered that the commission was defined in paragraph 1 of the paper as a "procedure" at the disposal of States and of the competent organs of the Organization. That procedure led to the establishment of a special "organ" for every situation; consequently, the ambiguity remained.

72. On the other hand, the wording of paragraphs 14 and 15 of the paper seemed to suggest that while the commission's proceedings would be confidential, the outcome of those proceedings would not necessarily remain confidential. Thus, paragraph 15 of the paper stated that "upon conclusion of its activity the commission will prepare its report and communicate it to the States parties to the dispute and to the United Nations organ concerned", but it stated further that "the States parties to the dispute decide if a report is to be made public". By providing that its report would automatically be communicated to the United Nations organs concerned, paragraph 15 failed to take due account of the difference in each particular case referred to in paragraph 2 and, specifically, the case where the commission was established entirely on the basis of an agreement of the States parties to a dispute. Consequently, the Moroccan delegation felt that the words "as appropriate" should be inserted before the words "to the United Nations organ concerned" in paragraph 15. Notwithstanding those considerations, his delegation appreciated the efforts which the Romanian delegation was continuing to make to eliminate the ambiguities inherent in some aspects of its proposal.

73. Referring to the peaceful settlement of disputes between States, he reiterated his support for the preparation of a draft handbook on the question and expressed the hope that the human and financial resources required for it to complete its work would be made available to the Secretariat.

74. With regard to the question of the rationalization of the established procedures of the United Nations and with reference to document

(Mr. Loulichki, Morocco)

A/AC.182/L.43/Rev.1, his delegation felt that after the proposals formulated following the fortieth session of the General Assembly by various organs, the Special Committee should have concentrated its efforts on the question of the maintenance of international peace and security. However, it had no objection to having the Committee continue to discuss the document at its next session with a view to reaching general agreement on some proposals and recommending them to the General Assembly for adoption. In that respect, the Moroccan delegation shared the opinion expressed in the Committee that the working paper should include provisions on the rationalization of the procedures of the Security Council with the object of strengthening the principal function exercised by the Council under the system established in the Charter.

75. His delegation noted that the Special Committee had made considerable progress on the elaboration of a draft declaration on the prevention and removal by the United Nations of disputes, situations which might lead to international friction or give rise to a dispute and matters which might threaten the maintenance of international peace and security. Out of the 21 paragraphs in the draft, 16 had already been the subject of agreement, which gave grounds for hoping that, at its 1988 session, the Special Committee would be able to approve a revised version of that draft which took into account the relevant elements of document

A/AC.182/L.48. From the beginning of the Special Committee's work, his delegation had stressed the need to develop the preventive aspect of the role of the United Nations in the maintenance of international peace and security. Recent events had once again shown that it was extremely difficult to put an end to a declared conflict and that the prospects for settlement became more remote as the conflict intensified. Proceeding from that premise, his delegation supported the working paper submitted by six Western countries (A/AC.182/L.38/Rev.3). It would nevertheless have preferred that the draft declaration include the text of the paragraphs accepted provisionally. Furthermore, it considered that the document should be entitled "Declaration on the strengthening of the role of the United Nations in the prevention and removal of disputes, situations which might lead to international friction or give rise to a dispute and matters which might threaten the maintenance of international peace and security". It would be appropriate to include in the first preambular paragraph a reference to the Declaration on the Enhancement of the Effectiveness of the Principle of Non-Use of Force in International Relations, since that Declaration included paragraphs on the prevention of conflicts and disputes. The wording of paragraph 8 might be improved by the deletion of the word "further", which served no purpose, and of the words "where appropriate", since the Security Council alone had the task of considering sending fact-finding or good offices missions. The text would then read: "The Security Council should consider sending, at an early stage, fact-finding or good offices missions or establishing appropriate forms of United Nations presence, including observers and peace-keeping operations, as a means of preventing the deterioration of the dispute, situation or matter in the areas concerned".

76. Apart from the preceding comments of a formal character, his delegation noted that the draft declaration contained only two paragraphs, in the preamble, on the obligations of States. It was necessary to recall those obligations in the

(Mr. Loulichki, Morocco)

declaration. Moreover, his delegation was in favor of adding the first two saving clauses proposed by the delegation of China (A/AC.182/L.54), the general character of which adequately covered the ideas expressed in paragraphs (c) and ( ) of that proposal.

77. Lastly, he pointed out that, in view of the possible adoption of the above-mentioned declaration in 1988, the Sixth Committee should reflect on the new mandate to be given to the Special Committee in the sphere of the maintenance of international peace and security. He hoped that that new mandate would better reflect the concerns arising out of the current state of international relations and the aspirations of the international community for the establishment of relations involving less conflict and more solidarity.

78. Mr. SUKHBAATAR (Mongolian People's Republic) said that the events of recent decades showed that, owing to the protracted arms race and the existence of unresolved conflicts in various regions, the world was becoming increasingly interdependent. In those circumstances, unco-ordinated measures adopted by some States or groups of States might have consequences for others. At the same time, there was a noticeable trend for States to harmonize their activities in the sphere of the maintenance of international peace and security, which was expressed, for example, in efforts to strengthen the role of the United Nations. The Organization was the most universal entity currently existing, and in it States large and small with different ideologies and economic and social systems could discuss common problems and adopt decisions acceptable to all. The work of the Special Committee formed a part of the efforts made by States to strengthen international peace and security. Accordingly, his delegation took a great interest in the work of the Special Committee and agreed with the view expressed by the Chairman of the Committee that it had made considerable progress at its last session.

79. With regard to the report of the Secretary-General on the progress of work on the draft handbook on the peaceful settlement of disputes between States, his delegation felt that it constituted an excellent basis for a full consideration of questions relating to the peaceful settlement of disputes, the rationalization of existing procedures of the United Nations and the maintenance of international peace and security. It therefore attached great importance to the handbook, which constituted a practical contribution to the strengthening of the principle of peaceful settlement of disputes.

80. The working paper on resort to a commission of good offices, mediation or conciliation within the United Nations (A/AC.182/L.52/Rev.1), submitted by Romania, was useful, in keeping with the provisions of the Charter and clearly important. A positive assessment could be made of its provisions. In particular, point 12 was extremely important in the light of events in the world at present.

81. With regard to the rationalization of the procedures of the United Nations, he drew attention to the article by Mr. Gorbachev, General Secretary of the Communist Party of the Soviet Union, concerning safeguards for a secure world (A/42/574), in which practical measures were proposed for the strengthening of the United Nations

(Mr. Sukhbaatar, Mongolian  
People's Republic)

and its main organs. His delegation wished to associate itself with those delegations that had deemed it essential to strengthen the preventive function of the Security Council as the organ entrusted with primary responsibility for the maintenance of international peace and security. The powers of the Security Council should be strengthened in the sphere of disarmament, particularly nuclear disarmament.

82. General Assembly decisions adopted by consensus should be accorded priority over other decisions because they were a clear demonstration of the will of States. The exercise of the peace-keeping functions of the Secretary-General could also help to augment the authority of the United Nations. In his recent statement in the United Nations General Assembly, the Minister for Foreign Affairs of Mongolia had referred to the growing importance of the United Nations as an instrument for the harmonization of State action aimed at finding solutions to world problems.

83. Mongolia felt obliged to contribute to the strengthening of the role of the United Nations in all spheres, as was demonstrated by its contribution of \$US 20,000 for the year 1987-1988. With a view to the strengthening of the United Nations, consideration should be given to the possibility of co-ordinating the work of the United Nations with that of other public international organizations that made a major contribution to the maintenance of peace and the moulding of public opinion.

84. Mr. CERVALOV (Bulgaria) said that, in his report on the work of the Organization, the Secretary-General had noted that countries of disparate political orientations and economic systems had begun to deal with problems of an interdependent world with a new pragmatism and awareness of the dangers of immobility. That could provide a promising basis for broadened multilateral co-operation. The result could be fuller realization of the principles of the Charter of the United Nations.

85. His delegation fully shared the conclusion of the report that the improvement of the international situation, the exercise of the necessary political will in the elimination of crises and tensions and the promotion of co-operation among States would result in fuller realization of the principles of the United Nations. The Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization had contributed to the positive developments underlying that conclusion.

86. His Government attached major importance to the strict observance of the Charter of the United Nations and to the strengthening of the role of the Organization. A stronger United Nations would have a favourable effect upon the maintenance of international peace and security. There was a growing need for preventive measures in that field to be adopted by the organs of the United Nations. The establishment of additional mechanisms for the peaceful settlement of disputes - mechanisms which neither entailed further financial expenses and new

(Mr. Garvalov, Bulgaria)

permanent organs, nor affected the freedom of States to choose from among the existing mechanisms - was another important aspect of the prevention of conflicts and the maintenance of international peace and security. It was obvious that the effectiveness of United Nations efforts depended on the actions of Member States. Positive results could be attained only through the co-ordinated actions of States aimed at achieving a constructive approach, positive co-operation and strict compliance with the obligations set forth in the Charter.

87. The working paper submitted by Belgium, the Federal Republic of Germany, Italy, Japan, New Zealand and Spain on the prevention and removal by the United Nations of disputes, situations which might lead to international friction or give rise to a dispute and matters which might threaten the maintenance of peace and security (A/AC.182/L.38/Rev.3), and the working paper submitted by Czechoslovakia, the German Democratic Republic and Poland (A/AC.182/L.48) were documents on which his delegation would like to express its position simultaneously. The texts submitted had been substantially improved, and it was now possible for the Special Committee to complete its drafting work at the next session. The effect of the adoption of the draft declaration on the role of the United Nations in that field would largely depend on the reaffirmation of the rights and duties of Member States. His delegation shared the opinion, reflected in paragraph 46 of the Special Committee's report (A/42/33), that the future document should consist of two sections, one dealing with the responsibilities of States, the other with the preventive role of United Nations organs. In that respect, the delegations of the Soviet Union and Czechoslovakia had introduced specific proposals at the most recent session of the Special Committee. That had been recognized by the sponsors of the working paper on the draft declaration, as could be seen in the second preambular paragraph.

88. Equally important was the addition to the working paper of the four paragraphs proposed by the Chinese delegation. As pointed out in paragraph 103 of the Special Committee's report, those paragraphs had met with a favourable response in the Committee.

89. The Romanian proposal on a commission of good offices, mediation or conciliation within the United Nations was a most useful one, and provided an opportunity to increase the range of available mechanisms for the peaceful settlement of disputes. His delegation shared the opinion expressed by the Romanian representative in the Sixth Committee to the effect that, as a result of the discussion, the proposal could be viewed as the common achievement of all delegations. Bulgaria hoped that the Special Committee, at its next session, would address the remaining issues relating to the working paper so that it could be submitted for adoption at the forty-third session of the General Assembly. Lastly, his delegation wished to commend the Special Committee for its useful work on the question of the rationalization of the procedures of the United Nations and its organs.

90. Mr. ZLITNI (Libyan Arab Jamahiriya) said that the question of revising the Charter of the United Nations and strengthening the role of the Organization was very important to his country, given its firm conviction that the current situation was completely different from the situation at the time of the adoption of the Charter. Because of the radical changes that had since occurred and because of international tension, racism, imperialism and the nuclear threat, it was imperative to find ways of improving the Charter, strengthening the role of the Organization and guaranteeing its continued existence.

91. The Special Committee's report (A/42/33) focused on the draft handbook on the peaceful settlement of disputes between States, on the need to finalize it as soon as possible, on the Romanian proposal concerning a commission of good offices, mediation or conciliation within the United Nations (A/AC.182/L.52/Rev.1), and on the debate regarding the form, the jurisdiction and the financing of such an organ. The report also focused on the rationalization of the procedures of the United Nations and its implications for the provisions of the Charter, as well as on the draft declaration on the prevention and removal by the United Nations of disputes. In his opinion, all those questions afforded the means whereby the Special Committee could carry out its task, which was to revise the Charter and strengthen the role of the Organization. The proposals in the report must not be used as a pretext for halting progress towards a collective formula meeting the interests of the entire international community.

92. The Libyan Arab Jamahiriya believed that the Gordian knot was the weakness of the mechanism established in the Charter. Amid all the talk of a commission of good offices, a draft handbook, the rationalization of procedures and a declaration on prevention and removal of disputes, it was being forgotten that the United Nations and its various organs would be able to fulfil the relevant functions if only they were allowed to do so. The United Nations had failed in its task of maintaining international peace and security because of the weakness of the mechanism established in the Charter, which made it impossible to punish the aggressor. The use of the veto in the Security Council prevented the adoption of legitimate sanctions under the Charter. The principle of unanimity was contrary to all democratic principles, and prevented the adoption of collective measures to strengthen the role of the United Nations in protecting mankind. That had diminished the system of collective security, which was the corner-stone of the maintenance of peace. The most important United Nations mechanisms relating to peace and security had been paralysed and incapacitated by the abuse of the veto by certain permanent members of the Security Council.

93. It was therefore necessary to change the orientation of the Security Council, which, as it now functioned, was incapable of taking effective action, especially in cases of aggression such as that suffered by the Libyan Arab Jamahiriya. It was also essential to reconsider the right of veto, which had been laid down in the Charter without any basis in law. The right of veto was contrary to the spirit and letter of the Charter, contrary to the principle of equality and in violation of General Assembly resolution 1514 (XV) on the right of peoples to self-determination. Those countries which had the right of veto must assume their responsibilities and commitments, and honour them in accordance with the Charter.

(Mr. Zlitni, Libyan Arab  
Jamahiriya)

At the same time, there must be limits on the situations in which the use of the veto was permissible. It was also essential to strengthen the role of the General Assembly, especially with regard to decisions adopted by consensus, which must have binding force. The Assembly should be competent to settle disputes involving permanent members of the Security Council.

94. There was a growing tendency to restrict the functions of the Security Council to its permanent members. That constituted a further violation of the principle of equality, and denied Member States an opportunity to fulfil the functions which they could fulfil under the Charter.

95. In view of that stalemate, which resulted from the lack of co-operation and trust in international relations, his delegation wondered whether the revision of the Charter could be regarded as likely to impede the functions of the United Nations; whether an increase in the number of members of the Security Council would give rise to confusion for the Organization; whether the limitation of the right of veto might not be in the interest of peace, security and freedom; or whether the request to dispense with the veto would be a threat to peace and security.

96. His country had consistently supported the Special Committee's efforts and was not opposed to the consideration of any proposal designed to prevent threats to international peace and security, but it stressed that the problem derived from the weakness of the mechanism established by the Charter. That did not, however, prevent it from abiding by the provisions of the Charter and respecting the United Nations and its various organs, as was demonstrated by the fact that it had resorted to the International Court of Justice in order to settle certain legal problems. In that regard, his country wished to emphasize the important role played by the International Court, an organ which should be strengthened and whose judgments and decisions should be adhered to strictly.

97. His country had sponsored on a number of occasions a draft resolution on abandonment of the veto on the ground that, if the exercise of so unjust a privilege continued to be tolerated, it would remain an obstacle to international peace and security and would undermine the work of the United Nations.

98. In conclusion, his country supported General Assembly resolution 41/83, which accepted the participation of observers of Member States, and it also supported the Special Committee, which required a new lease of life and should continue to be an open-ended body. His country believed that the Special Committee should consider the proposals which had the support of the majority of the international community and which enabled the Security Council and the General Assembly to adopt effective decisions and settle disputes in accordance with the principles of equality and democracy. The Special Committee should focus its attention on issues of importance to all Member States and should endeavour to avoid the negative effect of the principle of unanimity, in order to limit it to vital questions. It should recommend that the adoption of decisions in the Security Council would derive from

(Mr. Zlitni, Libyan Arab  
Jamahiriya)

consistent agreements and that the principle of equitable geographical distribution should be respected, since it was only right to involve everyone in the effort to maintain international peace and security.

99. Mr. BOULANDI (Chad) said that the Charter of the United Nations was an effective instrument for averting and settling disputes. Although all invoked the principles of the Charter, in practice very few countries observed them faithfully. One might ask, therefore, what should be done to ensure that the Charter contributed effectively to the safeguarding of international peace and security. His delegation saw the outline of a solution in chapters II and IV of the Special Committee's report.

100. Although the working paper submitted by Romania (A/AC.182/L.52/Rev.1) provided a sound basis for reflection, it called for a number of comments. Paragraphs 3 and 4 of the document referred to the recommendation to establish a commission of good offices, mediation or conciliation which could be formulated by the Security Council or the General Assembly. In his delegation's view, when one of the principal organs observed that a dispute could be settled by that means, that organ should be the one to decide, after consulting with the parties, to set up the aforementioned commission. That comment also applied to the second sentence of paragraph 6. The chairman of the commission should preferably be appointed by the Secretary-General, with the consent of the parties. Regarding paragraph 9, he said that mediation should precede the start of direct negotiations, since that would enable the commission to iron out difficulties from the outset.

101. States frequently resorted to the Security Council or the General Assembly once the path of direct negotiation had been blocked by a refusal of one of the parties to accept conciliation. That was what had happened in the dispute between his country and Libya. The Tripoli régime's refusal to engage in dialogue had obliged Chad to resort to the Security Council and the General Assembly on a number of occasions, since Libya had invariably greeted suggestions of dialogue with gun-fire. Under the circumstances, his delegation would prefer that the commission should first draw up its report and then endeavour to reconcile positions, before recommending direct negotiations. However, beforehand, in the legal document establishing the commission, the General Assembly or the Security Council should specify the period of time and the task to be performed. Accordingly, the wording of paragraph 11 should be modified and the second sentence of paragraph 13 should be deleted.

102. Although aware that it would be difficult to secure from States with divergent interests an open pronouncement in favour of the adoption of sanctions against another State, his delegation believed that it would be possible to establish binding measures ensuring that States parties would co-operate fully with the commission.

103. The text of the draft declaration on the maintenance of international peace and security fully deserved the Committee's attention. That text should contain



(Mr. Boulandi, Chad)

not only recommendations to the Security Council but also provisions to improve the Council's functioning. To that end, his delegation would like the principal mediation role to belong to the Secretary-General. It therefore proposed the deletion of the word "consider" in paragraph 16. It also seemed desirable to provide for the possibility of the Secretary-General's taking immediate charge of any situation which might endanger peace. His delegation also supported the strengthening of the dispute-prevention function of the Security Council.

104. With regard to the strengthening of the United Nations role, his delegation welcomed the inclusion of new paragraphs in the main text. It, nevertheless, had reservations about paragraph 8 of the addition, which in its opinion gave precedence to action under regional arrangements. His delegation felt that resort to the Security Council or the General Assembly in any situation which might endanger international peace and security should be left to the discretion of the Members of the United Nations, as was provided for in Article 35 of the Charter. The attempt to regionalize the peaceful settlement of disputes satisfied those who sought to diminish the importance of the United Nations role.

The meeting rose at 1.05 p.m.