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REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER
OF THE UNITED NATIONS AND ON THE STRENGTHENING
OF THE ROLE OF THE ORGANIZATION

Report of the Secretary-General

CONTENTS

	<u>Page</u>
I. INTRODUCTION	2
II. OBSERVATIONS RECEIVED FROM GOVERNMENTS	3
Netherlands	3

* A/35/150.

I. INTRODUCTION

1. On 17 December 1979, the General Assembly adopted resolution 34/147 entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization". Paragraphs 2, 3 and 6 of the resolution read as follows:

"The General Assembly,

...

"2. Decides that the Special Committee should continue its work in pursuance of the following tasks with which it is entrusted:

"(a) To list the proposals which have been made or will be made in the Committee and to identify those which have awakened special interest;

"(b) To examine proposals which have been made or will be made in the Committee with a view to according priority to the consideration of those areas on which general agreement is possible:

"3. Requests the Special Committee at its next session:

"(a) To continue its work on the proposals made by Member States regarding the question of the maintenance of international peace and security with a view to listing and examining those proposals:

"(b) To consider proposals made by Member States on the question of rationalization of existing procedures of the United Nations and, subsequently, any proposals under other topics"

...

"6. Urges members of the Special Committee to participate fully in its work in fulfilment of the mandate entrusted to it". 1/

2. Pursuant to paragraph 6 quoted above, the Secretary-General, by a note dated 3 January 1980, invited Member States to communicate to him, as soon as possible, the observations and proposals referred to in that paragraph.

3. As at 28 August 1980, observations had been received from the Netherlands. Any further observations will be published as an addendum to the present report.

1/ The session referred to in paragraph 3 was held at Manila from 22 January to 22 February 1980; for the Special Committee's report, see Official Records of the General Assembly, Thirty-fifth Session, Supplement No. 33 (A/35/33).

II. OBSERVATIONS RECEIVED FROM GOVERNMENTS

NETHERLANDS

/Original: English/

/28 March 1980/

1. In the view of the Netherlands, the most important item on the agenda of the Special Committee is the peaceful settlement of disputes. The Netherlands has always advocated an increasing use of methods of peaceful settlement of disputes, including binding settlement of disputes by the International Court of Justice or through arbitration. Consequently the Netherlands recommends that in bilateral and multilateral treaties provisions will be included for the peaceful settlement of disputes which may arise from the application or interpretation of the treaty. All possible endeavours should be undertaken to make States renounce their traditional objections to third-party-settlement.
2. Furthermore the Netherlands is of the opinion that it would be useful to study why States do not use the existing machinery for peaceful settlement of disputes more fully and how the existing machinery can be improved.
3. The Netherlands position on peaceful settlement of disputes will be elaborated in the reply of the Netherlands to the questionnaire in pursuance of General Assembly resolution 34/102 entitled "Settlement by peaceful means of disputes between States".
4. The Netherlands favours a strengthening of the possibilities for United Nations organs to be engaged in fact-finding, good offices, conciliation and mediation. In particular the Netherlands wishes to stress the importance of independent fact-finding. This could be done by the stationing of representatives of the Secretary-General, for the purpose of fact-finding, in areas of the world where conflicts may erupt or have erupted. International practice and experiments in the framework of scientific peace research have clearly shown that the recording of facts in an objective manner by a neutral third party can have a considerably restraining effect on parties to a conflict. In this way the chances of an eventual peaceful solution for a conflict can be enhanced.
