



SUMMARY RECORD OF THE 32nd MEETING

Chairman: Mr. CALLE Y CALLE (Peru)

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The meeting was called to order at 3.15 p.m.

AGENDA ITEM 122: REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION (continued) (A/36/33; A/C.6/36/2)

AGENDA ITEM 118: PEACEFUL SETTLEMENT OF DISPUTES BETWEEN STATES (continued) (A/36/447, 116, 518 and 584; A/C.6/36/5)

1. Mr. ECONOMIDES (Greece) said that it could rightly be stated that the Special Committee had made significant progress in the fulfilment of the task entrusted to it. Although the questions which it had to confront were highly complex, from the legal and political viewpoint, the Committee had been able, with regard to the question of the maintenance of international peace and security, to consider 45 of the 74 proposals set forth in the informal compilation contained in its report (A/36/33) and to begin consideration of proposals 46 to 64.
2. Once it had completed the study of the proposals in the compilation, the Committee should, in accordance with General Assembly resolution 35/164, determine those which had aroused special interest and accord priority to consideration of the areas in which it was possible to reach general agreement for the formulation of recommendations in that regard. That work had already been carried out informally, and, as a result, there was now available a document prepared by the Chairman (p. 64 of the report), in which the 45 proposals studied were classified in three categories, and a draft recommendation submitted by the delegation of Egypt on behalf of the non-aligned countries (p. 69 of the report). His delegation shared to a large extent the views expressed in those documents and considered that they would considerably facilitate the future work of the Special Committee.
3. His delegation attached special importance to the aspects relating to the development of United Nations preventive means to check international crises effectively and promptly, to the strengthening of the role of the Organization in the determination of facts and improvement of United Nations capacity in the field of peace-keeping operations and, above all, to respect the decisions of the Organization, particularly those of the Security Council, in the matter of international peace and security. In that spirit, he had submitted proposal 36 of the informal compilation, in the hope that it would serve as a point of departure for institutional machinery capable of contributing to the ensuring of respect for the decisions of the Security Council relating to the maintenance of international peace and security.
4. Although it was possible that the picture painted with regard to the progress made by the Special Committee might be optimistic, there was no doubt that it was moving in the right direction. The critical phase of the work would come when it became necessary to decide on priorities and make the appropriate recommendations. He hoped that the existing extreme positions in the Special Committee would be softened so that positive and reasonable intermediate solutions could be found that would benefit, ultimately, all States Members of the Organization.
5. With regard to the settlement of disputes, it should be pointed out that some progress had been made in the drafting of the Manila declaration, and his delegation wished to thank the delegation of Romania for the efforts made in that field.

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(Mr. Economides, Greece)

6. One point that should be emphasized was the fact that the declaration on the peaceful settlement of disputes would have no raison d'être or use if it did not, constructively, go beyond the corresponding provisions of the Charter, which, in his view, were insufficiently developed, or if it did not reach, at least, the same level as the Charter, explaining, making more precise and interpreting correctly the provisions of the latter. If, on the contrary, the declaration was merely a restrictive and sterile interpretation of the existing provisions of the Charter, there would only have been a regression.
7. With regard to the sphere of application of the future declaration, it should deal with all disputes between States and not only of those capable of endangering the maintenance of international peace and security. That was in keeping with the fundamental provision contained in Article 2, paragraph 3, of the Charter, which also contained an express reference to justice as a whole.
8. The law in accordance with which disputes between States must be resolved was, unquestionably, international law as defined in Article 38 of the Statute of the International Court of Justice. It was regrettable, therefore, that in Section I, paragraph 3, of the draft Manila declaration (para. 271 of the report of the Special Committee (A/36/33)), the words "in conformity with justice and international law" had been left between brackets. The same might be said of paragraph 12 of the same Section. Furthermore, his delegation was amazed that its proposal to add, in Section I, paragraph 5, after the words "an early and just settlement", the words "on the basis of international law" had not been retained in the text, or even between brackets.
9. With regard to "free choice of means" his delegation believed that that was a false principle, or, at least, a principle that was secondary and strictly subordinate, organically and materially, to the fundamental principle of peaceful settlement of disputes. Thus, in the case of disputes, States could not act "with full freedom", and should, on the contrary conform to the Charter and the rules of good faith and reach agreement on an adequate and effective settlement procedure. The principle of free choice of means could not paralyze a higher norm of jus cogens, such as the principle of peaceful settlement of disputes; in the case of opposition between the two principles, the higher norm must take precedence.
10. He would like to add, as of Section II, paragraph 4, of the declaration, a new paragraph designed to bring to the attention of the Security Council its general obligation, laid down in Article 36, paragraph 3, of the Charter, to recommend to States that they should refer their legal disputes to the International Court of Justice.
11. Direct negotiation, dealt with in Section I, paragraph 11, had frequently proved incapable of resolving international disputes, and, although it was, unquestionably, a useful and almost indispensable procedure, it should not be forgotten that it was sometimes accompanied by pressures of every kind, which frequently favoured the strongest States, even though their legal case was not the best founded. It was necessary, therefore, to insist on the provision of Section I, paragraph 5, that was placed in brackets and provided that "If after a reasonable period the States have been unable to settle their disputes through negotiations, they shall promptly utilize other settlement procedures".

(Mr. Economides, Greece)

12. The argument that the submission of disputes to a third party violated the sovereignty of States was totally erroneous, since such submission was often voluntary and was done with the full consent of the States concerned. Consent might be given in advance for all international disputes or for certain categories of disputes, or be given on an ad hoc basis. The intervention of the third party then had the character of a conventional obligation and was not, from the legal point of view, any more contrary to national sovereignty than any other obligation resulting from an international agreement.

13. While he shared the view of other delegations that it was necessary to renew efforts to complete the work swiftly, his delegation agreed, at the same time, with the delegation of Argentina that any haste which might diminish the quality of the work undertaken must be avoided. His delegation had a great interest in the question of the rationalization of existing procedures of the United Nations and supported the proposal submitted by the Chairman of the Special Committee that that question should be considered by the Committee in the near future. His delegation fully supported also what had been said by other delegations, and by the United Kingdom delegation in particular, with regard to accelerating the preparation and publication of the supplements to the Repertory of Practice of United Nations Organs.

14. In conclusion, he expressed his support for the extension of the Special Committee's mandate.

15. Mr. SANDIGA (Peru) said that the peaceful settlement of disputes and the non-use of force in international relations were fundamental guiding principles of Peru's foreign policy. In that connexion, the Minister for Foreign Affairs of Peru had declared before the General Assembly on 21 September 1981 that disputes should be settled by the peaceful means provided for in international instruments, since respect for treaty obligations, which was required under the Charter, was the indisputable basis for cementing contemporary international relations.

16. The draft Manila declaration contained in general terms the elements that could serve as a framework for a proper approach to the question of the peaceful settlement of disputes. The aspects dealt with in paragraphs 1 to 14 of section I and paragraphs 1 to 3 of section II of the draft declaration were very important for its purposes. Paragraphs 1 to 3 of section I were acceptable as drafted. However, his delegation believed that the list of principles in paragraph 4 could by no means be considered exhaustive and did not follow any order of precedence or importance.

17. Another principle of cardinal importance for the settlement of any international dispute should be added to that list, namely, the principle pacta sunt servanda, which was a principle of jus cogens of international law. That principle could be inserted in the list in the following form: "the performance in good faith of obligations deriving from treaties". The source of that principle was article 26 of the Vienna Convention on the Law of Treaties.

(Mr. Sandiga, Peru)

18. Paragraphs 7 to 14 presented no difficulties and could serve as a basis for reaching general agreement. Paragraph 11, however, should be amended to make it clear that the intention was not to establish the mandatory jurisdiction of international tribunals. It should be noted, in fact, that national legislations, and most particularly those of the Latin American countries, were definitely opposed to the mandatory submission of disputes to tribunals outside national jurisdiction, because that was considered contrary to the principle of the free choice of means. Paragraphs 1 and 2 of section II presented no problems. As for paragraph 3, it was important to enhance the role of the General Assembly, which also had a direct responsibility, after the Security Council, with regard to the peaceful settlement of disputes.

19. Concerning the way in which the work of the Special Committee was being carried out, it should be noted that the substantive work was being done in the Working Group, which was composed only of States that were members of the Special Committee. The observers to the Special Committee could take part in the general debate but not in the discussions of the Working Group, despite the fact that, as the Chairman of the Special Committee had pointed out, there were no provisions stating that the Working Group must meet in closed session. His delegation was grateful for the Chairman's decision allowing observers to participate in the general debate. The Working Group of the Sixth Committee was open-ended, and delegations which had asked to be admitted as observers to the Special Committee should likewise be allowed to participate fully in the activities of its Working Group.

20. In conclusion, his delegation supported the renewal of the Special Committee's mandate.

21. Mr. ROSENNE (Israel) expressed his respect for the Minister for Foreign Affairs of the Philippines and thanked him for the statement he had made to the Committee on 21 October. He was concerned over the fact that the United Nations had undergone a deformation in becoming a centre for confrontational and publicity-seeking "diplomacy" rather than a centre for harmonizing the actions of nations as called for in Article 1, paragraph 4, of the Charter. The Special Committee ought to devote particular attention to that change, for only when those elements of publicity-seeking confrontation were banished from the United Nations could the role of the Organization in international affairs be strengthened. His delegation therefore strongly urged the Special Committee to keep in mind the true function of diplomacy, both within and outside the United Nations, when it examined the thorny problem of strengthening the role of the Organization.

22. The document prepared by the Chairman and reproduced on page 63 of the report of the Special Committee (A/36/33), in which he attempted to rearrange a multiplicity of proposals in a coherent and systematic way, was without a doubt interesting and welcome. It was to be hoped that work along those lines would continue.

23. There were several references in the report to the question of voting in the Security Council. Israel had expressed its position on that issue in the past, especially in the votes taken during the thirty-fourth and thirty-fifth sessions of the General Assembly. Like many others, his delegation approached the question of the methods of work of the Security Council not merely as an outside observer but as

(Mr. Rosenne, Israel)

a country whose affairs were frequently discussed in the Security Council, and it had difficulties with various aspects of Security Council procedures, including the failure of the Council to apply Article 31 of the Charter in its now frequent and to some extent institutionalized informal consultations, even when a problem had come before it in application of Article 35 of the Charter. However, it was not convinced that, without some expression of interest on the part of the Security Council itself, it was appropriate for the Special Committee or the Sixth Committee, or even the General Assembly itself, to go too far in discussing the methods of work of the Security Council in the exercise of its Charter responsibilities for the maintenance of international peace and security. If the intention of the Charter had been otherwise, Articles 29 and 30 would have been worded differently.

24. His delegation had doubts as to whether the debate in the Committee and the work of the Special Committee were adequately co-ordinated. The same problem arose with regard to all the subsidiary organs created by and reporting to the Committee, but only in the case of the International Law Commission had a workable balance been found. That had been achieved thanks to the topical summary of the discussion in the Committee which was prepared for the International Law Commission and had replaced the analytical report which the Committee used to submit previously to the General Assembly. The value of that summary was widely recognized, for it was an important vehicle for bringing the views expressed in the Committee before the International Law Commission, where they were meticulously examined, in a form that was succinct and systematic and clearly indicated the opposing points of view. It would undoubtedly be useful if similar documentation were made available to all the other special and ad hoc committees which were entrusted with the intersessional examination of topics for the Committee. That would contribute greatly to closing the gap that existed between the debates in the Committee and the work of the Special Committee. Merely transmitting the summary records was not sufficient.

25. With regard to the peaceful settlement of disputes, the objective of reviving Article 23, paragraph 1, of the Charter, which was frequently referred to in the document prepared by the Chairman of the Special Committee already mentioned, could be achieved by means of a paragraph along the following lines: "Members of the United Nations, in electing the non-permanent members of the Security Council, should pay full regard to Article 23, paragraph 1, of the Charter". Since the Security Council was elected by and composed of Member States and was not an abstraction, a statement along those lines should be included in the Manila declaration.

26. His delegation, which felt that the Special Committee should submit a final report on the question of a handbook on the peaceful settlement of disputes as soon as possible, welcomed the French initiative contained in the working paper reproduced in paragraph 309 of the report of the Special Committee. In that regard, the United Nations publications entitled Systematic Survey of Treaties for the Pacific Settlement of International Disputes, 1928-1948 (Sales No. 1949.V.3), and A Survey of Treaty Provisions for the Pacific Settlement of International Disputes, 1949-1962 (Sales No. 66.V.5) could be extremely useful. The first of those publications contained an important analysis of the treaties, and the time had probably come for the preparation

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of a new systematic survey which also covered the second volume mentioned. Furthermore, in view of the human and material resources available, it should be considered whether the work should be continued in the term of an independent series or whether it should be combined with the handbook proposed in the French working paper, which might cover somewhat wider ground.

27. In principle, his delegation welcomed the new full analytical study of the practice of the International Court of Justice with regard to the application of its Statute and Rules, which was being undertaken by the Registry of the Court. Nevertheless, there should be adequate co-ordination between the Registry and the authors of the proposed handbook in order to prevent overlapping or gaps in the respective texts.

28. The report of the Special Committee made no mention of the Repertoire of the Practice of the Security Council. On the other hand, the report of the Secretary-General (A/C.6/36/2) submitted in accordance with General Assembly resolution 35/164, mentioned the delay in drafting the Repertoire. In order to overcome that delay, the relevant General Assembly resolution should refer in terms more emphatic than those used the previous year to the need for and importance of the Repertoire.

29. His delegation also attached great importance to the Repertory of Practice of United Nations Organs and recalled in that regard that the Secretary-General in 1979 had mentioned the possibility of submitting information on measures to bring the Repertory up to date and the need to retain the post of co-ordinator of the Repertory within the number of posts available to the Office of Legal Affairs, as was stated in paragraph 13 of the report of the Special Committee.

30. The report of the Secretary-General on the publication of the supplements to the Repertoire of the Practice of the Security Council and the Repertory of Practice of United Nations Organs (A/C.6/36/2) caused surprise and dismay. Paragraphs 6 and 7 referred to delays in the reprinting of out-of-print early volumes without explaining the reasons for that situation. It was merely stated that it was hoped that arrangements could be made for reprints of the French and Spanish texts in 1982, without any explanation of the reasons for the caution expressed in that sentence.

31. Paragraphs 8 to 11 were equally disappointing. The picture described in paragraphs 12 to 14 was even more serious. In the circumstances, his delegation did not object to the fact that Supplement No. 5 would cover a nine-year period, and wished to inquire about the possibility of extending that period as far as possible.

32. He expressed particular concern with regard to paragraph 13 of the report, which characterized the work on the supplements to the Repertory, which was carried out by personnel who were released from other tasks as and when it was possible to do so, as being of a residual nature. That situation increased the delay, because in fact there was little difference between work of a residual nature and unnecessary work and, for that reason, there were grounds for fear that it might be terminated by the Fifth Committee or another organ of the General Assembly. His delegation would welcome assurances from the representative of the Secretary-General that that would not happen and that the report did not contain any veiled allusion to that possibility.

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(Mr. Rosenne, Israel)

33. His delegation also felt that, in order to expedite the work, the modern methods of data processing and storage already being used in the work of the Treaty Section and the Law of the Sea Secretariat should be applied in the publication of the supplements to the Repertory. In order to deal properly with the problems which arose in the preparation of the supplements more than residual arrangements were required, because otherwise the importance of that work might be overlooked.

34. With regard to the rationalization of existing procedures of the United Nations, his delegation accepted the document reproduced in paragraph 312 of the report of the Special Committee as a point of departure. Since rationalization, like charity, should begin at home, he drew attention to the fact that no provision had been made for the participation of the Sixth Committee in the examination of the draft standard rules of procedure for United Nations Conferences under agenda item 105, which had been allocated to the Fifth Committee. It was curious that the draft standard rules envisaged the participation of the Sixth Committee in the amendment of their provisions, but did not recognize the important contribution which it could make to the drafting of those provisions. The consideration of those standard rules raised extremely delicate legal questions and his delegation therefore proposed that the Chairman of the Sixth Committee should inform the Chairman of the Fifth Committee that the General Assembly should be acquainted with the views of the Sixth Committee before taking the necessary final decisions.

35. The CHAIRMAN said that he would undertake the necessary consultations in order to determine the means by which the Sixth Committee could make its views known in that regard.

36. Mrs. MALIK (India) said that the strengthening of the role of the Organization, together with amendments to the United Nations Charter, was an item which had been under consideration since 1969. Likewise, the Special Committee had been considering in detail the various proposals made in that regard since 1974.

37. Many delegations had expressed dissatisfaction and frustration because of the lack of results achieved by the Special Committee. Nevertheless, her delegation was impressed with the efforts of the Special Committee to fulfil its mandate, considering the large number of proposals before it. The reasons for the lack of results did not lie with the Special Committee, but with the current general political climate in the world and the lack of political will.

38. A further reason for the slow progress of the Special Committee's work was the large number of proposals regarding the maintenance of international peace and security. The document prepared by the Chairman and referred to in paragraph 268 of the Committee's report distinguished between proposals on which further work should be done and those to which it would be futile to devote more time, as agreement did not appear to be possible on them.

39. There were, therefore, some proposals which should be dropped so that the Special Committee could concentrate on a limited number of proposals on which constructive results were expected. Her delegation had no objection to proposal 3,

(Mrs. Malik, India)

regarding the preparation of a universal code of conduct embodying the fundamental rights and duties of States, but it doubted whether in the present political climate it would be possible to achieve a consensus on it. Proposal 4, concerning the drafting of an international treaty on the non-use of force, seemed to overlook the fact that that task had already been entrusted to the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations. Proposal 5 was vague and, according to the document prepared by the Chairman of the Special Committee, agreement did not seem possible on it. Similarly, general agreement did not seem possible on proposal 6, which would provide that the Definition of Aggression should be added to the Charter, or on proposal 10, envisaging an appropriate mechanism for controlling the implementation of the decisions and recommendations of the United Nations.

40. Her delegation wished to express its satisfaction that it had been possible to work out the texts of some paragraphs of the draft Manila declaration on the peaceful settlement of disputes. The French delegation was to be commended for the paper entitled "Proposed outline of a handbook on the peaceful settlement of disputes", reproduced in paragraph 309 of the Special Committee's report. The question of rationalization of existing procedures of the United Nations was an area where speedy progress was possible. Her delegation had noted the statement of the Under-Secretary-General for Political and General Assembly Affairs that some advances had been made in that connexion. Finally, she reiterated the request to the Secretary-General to give high priority to the preparation and publication of the supplements to the Repertoire of Practice of the Security Council and the Repertory of Practice of United Nations Organs.

41. Mr. El-Banhawy (Egypt) took the Chair.

42. Mr. GHARBI (Morocco) said that the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization had a hard road before it. That road was obscured both by doubts and by distrust. The obstacles confronting the Committee in fulfilling its mandate were caused not so much by differences of opinion as by lack of concern, indifference and scepticism which, to say the least, were unexpected and disturbing.

43. In the view of his delegation, consideration of the Special Committee's report should involve something more than a technical, legal debate; rather, it should be an occasion for real soul-searching. That would serve to shed light on the reasons why, 36 years after it had been proclaimed, the historic promise enshrined in the United Nations Charter to achieve more humane and co-operative international relations had not yet been fulfilled.

44. It must be recognized that, instead of being "a centre for harmonizing the actions of nations in the attainment of these common ends", as provided in Article 1, paragraph 4, of the Charter, the Organization was gradually becoming an arena where some countries settled accounts with others and where bilateral or regional conflicts were broadened rather than solved. That mentality, a product of the cold war, was the main cause of the malaise from which the Organization was suffering. If the Organization could boast of some successes in the fields of the maintenance of international peace and security, decolonization, economic, cultural and social

(Mr. Gharbi, Morocco)

co-operation and the condification and progressive development of international law, that had been possible not because of such a mentality but in spite of it.

45. Internationalism could at any time present two different aspects. The first, reflected in the creation of the great empires, could be termed "hegemonistic internationalism", and the second, a product of the present century, "collective internationalism". However, the latter, which had been the principal objective of the authors of the San Francisco Charter, remained purely potential and was even losing ground to hegemonistic internationalism. That was the reason for the disparity between the purposes and ideals of the Charter and the patently egocentric mentality, which very often dominated the functioning of United Nations bodies. At a time of many simultaneous world crises, when the possible scenarios for the third world war were being coldly calculated, the inability of United Nations bodies to confront and shape international realities was strikingly apparent. Rectification of that situation could not be limited merely to textual revisions or improved procedures; what was needed was a revival of the collective spirit itself.

46. It was essential that the Special Committee should persevere with its work and to eliminate any procedural difficulties. The report was a cause both for satisfaction and for concern - satisfaction because of the proposals on which there was now general agreement and to which the Committee should devote its next series of meetings, in accordance with paragraph 3 (b) of its mandate, and concern because of certain proposals which threatened to sow new seeds of discord in the United Nations system. Generally speaking, the many and varied proposals contained in the Special Committee's report related to the implementation of United Nations resolutions, to voting in the Security Council and to the preparation of new international legal instruments.

47. On the question of the implementation of the resolutions of the United Nations, and in particular of the Security Council and the General Assembly, a number of proposals had been submitted with the aim of making them mandatory almost self-executing. One such proposal clearly conflicted with the Charter, or at least would require a radical revision of a number of its Articles, since its effect would be to equate all resolutions by giving them the same legal force, irrespective of the organ from which they emanated. The other proposals relating to the legal effect of resolutions referred to the power conferred on the Security Council and the General Assembly with respect to peace-keeping. So far as the Security Council was concerned, Article 25 of the Charter was explicit. United Nations practice also showed that the title, purpose and method of adoption of a resolution were not enough to give it normative force.

48. His delegation welcomed the proposals on fact-finding and on increased use of observer missions and investigative techniques in areas of tension, dispute or conflict. Another method for facilitating the peaceful settlement of disputes was recourse, as a matter of priority, to regional organizations in accordance with Article 52 of the Charter. Other proposals relating to the prevention of threats to international peace and security, were aimed at strengthening the practice of holding meetings at the ministerial level for periodic review of the international scene, encouraging the Security Council to engage in informal consultations more frequently and urging the Secretary-General to make fuller use of the power conferred on him by the Charter.

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(Mr. Gharbi, Morocco)

49. Some proposals related to the veto. Certain delegations strongly advocated changing the unanimity rule in the Security Council. However, it should be recognized that the evolution of international relations had led to a subtle change in the impact of the right of veto, and the requirement of an affirmative vote by the five permanent members had at times become a means of limiting certain conflicts. The proposal to eliminate it was the outcome of a purely theoretical exercise, since those empowered under Article 108 of the Charter to change that right were the very ones who enjoyed it. Misuse of the veto to serve the individual interests of a State or a small group of States damaged the prestige of the United Nations, as the Secretary-General had noted in his latest annual report on the work of the Organization (A/36/1). The permanent members of the Security Council should therefore be urged to exercise restraint in the use of the veto, in accordance with resolution 290 (IV).

50. Some proposals were designed to institutionalize the consensus procedure and to treat all resolutions adopted by consensus as binding. However, the effectiveness of the consensus procedure depended on its flexibility, and any attempt to codify it might hinder the development of a procedure which had proved its value in many negotiations.

51. Some delegations had suggested that a treaty on the non-use of force and a universal code of conduct embodying the fundamental rights and duties of States should be prepared and added to the draft Manila declaration on the peaceful settlement of disputes. Although his delegation agreed in principle with those proposals, it believed that it would be best to wait until the Special Committee had finished its work on the non-use of force before considering them. A code of conduct had been partly sketched out in the Charter of Economic Rights and Duties of States, and it should be completed. The Working Group should finish its work on the draft Manila declaration before the end of the current session.

52. The draft before the Working Group, which appeared in paragraph 272 of the report of the Special Committee, was a synthesis of the principal international instruments on the maintenance of international peace and the settlement of disputes. In stressing the implementation in good faith of agreements validly concluded by States, the need to exhaust domestic remedies and regional arrangements for the settlement of disputes, and the reaffirmation of the obligation of States not to vitiate the consent of a State to the use of a given means of settling disputes, the draft had judiciously set out the prerequisites for the success of any procedure for the peaceful settlement of disputes.

53. The principle of self-defence recognized in Article 51 of the Charter should be reaffirmed in section I of the declaration, instead of being relegated to the final provisions as a clause precluding responsibility. A paragraph based on the relevant provisions of the Vienna Convention on the Law of Treaties should also be elaborated, stressing the inadmissibility of any interference designed to influence the choice of a particular form of peaceful settlement of disputes. Section I, paragraph 4, could include a simple reference to the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations. It was especially important to bring the Repertory of Practice of United Nations Organs and the Repertoire of the Practice of the Security Council up to date, in view of their value as a source of information.

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(Mr. Gharbi, Morocco)

54. It was necessary to persevere in the efforts to prevent the United Nations from turning aside from the attainment of its objectives, and his delegation therefore proposed that, before the Organization's fortieth anniversary, all Member States should adopt the necessary laws and regulations to have United Nations Day celebrated in their territories as a holiday with the same standing as the national holiday, and that the study of the great principles of the Charter and of international institutions should in future form part of all courses in civic education for all children throughout the world.

55. Mr. SHAIKHO (Bahrain) stressed the fundamental importance which his country attached to agenda items 122 and 118, now before the Committee.

56. Despite its leading role in its various fields of competence - whether in the execution of development programmes, the codification of international law, the promotion of cultural exchanges or the maintenance of international peace and security - the United Nations had not achieved all the success desired, and that was due primarily to the fact that its resolutions were not faithfully implemented.

57. Some provisions of the Charter, such as Articles 42 and 43, were not duly applied and others, such as Article 107, had become irrelevant. The international community today was not identical with that of 1945. The premises and basic criteria of international life had changed, and positive law must be a juridical means of regulating a given situation. The Charter was not exempt from that rule; consequently, it was natural that jurists should wish to incorporate in its provisions the changes that were needed to bring it up to date and adapt it to modern conditions. Otherwise, the gap between what was enunciated in the Charter and international practice would prevent the attainment of the purposes set forth in Article 1.

58. Originally it had been assumed that the Security Council would take both political and military action, with the support of the major countries which were permanent members of the Council. That assumption had been wrong, as experience had very quickly shown. Nevertheless, a small minority of countries still advocated the retention of the existing formulation of the Charter, particularly with respect to the Security Council, basing their position on some Articles that had not been applied, which naturally weakened that position.

59. The Special Committee should consider all the proposals that had been received, giving priority to those designed to enhance the effectiveness of the United Nations, especially with respect to the maintenance of international peace and security and the peaceful settlement of disputes. In that connexion, his country believed that the proposals submitted by the non-aligned countries included positive elements and should not be rejected. It was not advisable for a small minority to oppose the decisions of the majority or the recommendations of the Special Committee; the veto should apply only to substantive resolutions of the Security Council.

60. His delegation therefore advocated the renewal of the Special Committee's mandate and hoped that it would adopt its recommendations by consensus, and if possible unanimously.

The meeting rose at 5.25 p.m.