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Wednesday, 12 October 1994  
at 10 a.m.  
New York

SUMMARY RECORD OF THE 10th MEETING

Chairman: Mr. LAMPTEY (Ghana)  
later: Mr. MADEJ (Poland)  
(Vice-Chairman)

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The meeting was called to order at 10.30 a.m.

AGENDA ITEM 157: QUESTION OF CRITERIA FOR THE GRANTING OF OBSERVER STATUS IN THE GENERAL ASSEMBLY (continued) (A/49/231)

1. Mr. MWANGI (Kenya) said that, except in a few exceptional political cases and in the case of the International Committee of the Red Cross (ICRC), observer status had in the past been granted only to non-member States and intergovernmental organizations. The request by ICRC had been viewed as exceptional, in view of the special status conferred on it by international law under the four Geneva Conventions as well as the universal recognition by States of its special international character. One hundred and thirty-eight countries had sponsored the ICRC resolution, and it had been noted at the time that that action was not to be seen as a precedent.

2. The General Assembly had also granted observer status to the Sovereign Military Order of Malta, adopting without a vote a resolution sponsored by 71 countries. Some countries, however, had dissociated themselves from the consensus and had called for the elaboration of clear criteria to determine what entities merited the granting of observer status. Other applications for such status were currently pending, and many other worthy and well established non-governmental organizations would no doubt soon be requesting the same treatment.

3. Such a situation must not be allowed to arise. The General Assembly was a principal organ of the United Nations made up of the entire membership, and observer status therein must be limited to non-member States and intergovernmental organizations. The granting of observer status to non-governmental organizations on the basis of their involvement in international humanitarian or environmental affairs would only further erode the dignity of the Assembly and dilute its effectiveness. The most appropriate way to address those concerns was by setting firm criteria governing the granting of observer status, having regard to the provisions of Article 71 of the Charter; and his delegation supported the proposal that the question should be considered in a working group of the Sixth Committee as a matter of urgency.

4. Ms. WILMSHURST (United Kingdom) said that agenda item 157 concerned an issue long overdue for consideration. Had it been considered two or three years previously, the General Assembly might have been spared the difficulties it had recently experienced with regard to the question of observer status.

5. The granting to organizations of observer status in the General Assembly was not governed by any express provisions of the Charter, and the General Assembly had thus created its own practice. While the observer status of the specialized agencies was regulated by agreements with the United Nations, the status of other intergovernmental organizations was dealt with through individual ad hoc resolutions of the General Assembly. Until very recently, and leaving aside national liberation movements, those ad hoc resolutions had covered only intergovernmental organizations; non-governmental organizations had had their own special arrangements, particularly with regard to their

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relationship with the Economic and Social Council under Article 71 of the Charter.

6. In 1990 the General Assembly had made an exception to its general practice by granting observer status to ICRC. It had been made clear in the debate that that proposal would not be considered as in any way a precedent for similar future requests, and it had been stressed that ICRC had a special, indeed unique, role in the light of the mandates conferred upon it by the Geneva Conventions.

7. At its forty-eighth session the General Assembly had granted observer status to another non-governmental entity: the Sovereign Military Order of Malta. While recording the view of the United Kingdom that that decision again should not be regarded as a precedent, her delegation had been aware of the strong support that had existed for the granting of observer status to that body.

8. At the current session the General Assembly had before it an application for observer status from the International Federation of Red Cross and Red Crescent Societies. Her delegation had made known its view that that application should have been considered not in isolation but in relation to the whole question of observer status for non-governmental organizations. It had accepted, however, that that procedure would not now be adopted.

9. Agenda item 157 provided an opportunity to consider the whole question as a matter of principle, without reference to any particular organization. In her delegation's view, the issues were: (i) should the General Assembly revert to its previous practice and decide that, regardless of the exceptions made in recent years, non-governmental entities should not be accorded observer status? Or (ii) should it try to rationalize its recent practice by drawing up criteria encompassing the kinds of entities to which observer status had recently been granted, but excluding other entities? Or (iii) should it decide to be more liberal in the granting of observer status? If so, criteria would still need to be established.

10. The preliminary view of her delegation was that, having regard to considerations of resources, time and space, the General Assembly should simply revert to its old practice, and should refrain from according observer status to other non-governmental entities. It might also be possible to consider establishing other categories of observers. As to the question of procedure, her delegation would be prepared to join any consensus that emerged in favour of establishing a working group.

11. Mr. LEGAL (France) began by endorsing the remarks made by the representative of Kenya. Experience showed that when the General Assembly was called upon to consider requests for observer status on a case-by-case basis, it was likely to attach more importance to the merits of the organization concerned than to the smooth running of the United Nations organs or the actual utility to the requesting organization of the observer status conferred upon it.

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12. The growing tendency for non-governmental organizations to request observer status in the General Assembly must be halted. While non-governmental organizations made an important contribution to the work of the United Nations in many areas, it was not their role to influence the decisions of a political organ whose members represented their Governments, which were themselves responsible to the citizens of their respective countries. Non-governmental organizations were not bound by any such representative mandate; and it was thus not desirable to give them a capacity to influence delegations. One adverse consequence of such an influence might be a geographical imbalance. Furthermore, admission of a few non-governmental organizations might lead to a flood of applications for observer status from rival organizations.

13. Firm criteria must thus be established. In the past, the practice had been to reserve observer status for governmental or intergovernmental bodies. His delegation was ready to join with other delegations in an attempt to define the precise content and scope of that notion. Currently, non-governmental organizations could enjoy consultative status with the Economic and Social Council under Article 71 of the Charter. In his delegation's view, that arrangement functioned satisfactorily. He endorsed the proposal by the United States representative to set up a working group to consider the question of criteria, and expressed his delegation's confidence that within that framework wisdom would prevail, and that Member States would confirm the practice hitherto followed, by reserving the granting of observer status in the General Assembly to governmental or intergovernmental bodies.

14. Mr. HAFNER (Austria) said that agenda item 157 had a far-reaching impact on the fundamental principles governing the work of the United Nations, namely, efficiency, universality and the all-encompassing scope of its tasks. Thus far, observer status had been reserved for States that had not yet become members of the United Nations, for other subjects of international law such as intergovernmental organizations, or for entities which had to accomplish tasks having a direct bearing on the basic work of the United Nations. The General Assembly had shown some reluctance to grant observer status to non-governmental organizations. In his delegation's view, it had been right to judge each application on its individual merits, since it was impossible to find common criteria applicable to all non-governmental organizations.

15. Observer status implied that the entity in question was considered able to contribute to the general work of the United Nations, to the broader application of the standards and rules emerging from it, and to their effective implementation. The granting of observer status further reflected the view of the General Assembly that the entity was considered directly affected by the basic work of the United Nations carried out through the General Assembly, in particular in the field of international peace and security. Thus far, States, international intergovernmental organizations of a universal or regional nature, or similar agencies of the sort referred to in Chapter VIII of the Charter of the United Nations, were considered sufficiently qualified by their nature to meet the requirements of observer status.

16. As to non-governmental organizations, it must be borne in mind that Article 71 of the Charter and Economic and Social Council resolution 1296 (XLV)

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provided for the possibility of granting consultative status to such organizations. That status had proved to be a very useful device to bridge the gap between those organizations and the United Nations. It followed, however, that entities applying for observer status must have a relation to and possible impact on the work of the United Nations which went far beyond what was entailed in consultative status and which could not be accommodated by that status.

17. Since the Charter of the United Nations was silent on the question of which entities should obtain observer status, one could rely only on more or less clearly defined established practice. Efforts must thus be made to draw up a list of firm criteria to serve as a basis for future decisions on the question. In view of the difficulties of establishing such a list, his delegation favoured the United States proposal that a working group should be established to deal with the problem.

18. Mr. HALFF (Netherlands) said that the General Assembly was being confronted by more and more requests for observer status. While some of those requests were legitimate and concerned organizations which would not only profit from such status, but would also contribute to the work of the United Nations, most of the requests had been granted without much debate and without a thorough examination of the value of such status for the United Nations. The time had come to apply certain criteria when granting observer status.

19. His delegation was of the view that, in future, any organization requesting observer status should meet the following criteria: (a) it should be an international organization of which only States could be members; (b) it should have a clear legal structure; and (c) observer status should be of value not only to the organization but also to the United Nations. Lastly, his delegation was in favour of the establishment of a working group that would ultimately draft a set of criteria to be adopted by the Sixth Committee.

20. Mrs. DASCALOPOULOU-LIVADA (Greece) said that it was a sign of their appreciation of the work of the General Assembly that more and more organizations were expressing an interest in acquiring observer status. However, it was obvious that the over-liberal granting of such status would have an adverse effect on the work of the General Assembly. There was thus an urgent need to establish criteria striking a proper balance between the benefits to be derived from their participation and the dangers that might result from excessive participation. Her delegation believed that the basic principle underlying the criteria adopted should, as in the past, be that the organization accorded such status should be a subject of international law. The matter should be discussed further in the context of a working group set up for that purpose.

21. Mr. ROGACHEV (Russian Federation) said that in the past it had been the practice to grant observer status in the General Assembly only to States that were not yet members of the United Nations and to intergovernmental organizations. Non-governmental organizations had the possibility of acquiring consultative status with the Economic and Social Council. Since 1990, however, there had been a growing trend among non-governmental organizations to seek observer status in the General Assembly, and in two instances, exceptions had

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been made to the established practice. The General Assembly now had before it a third application for such status. While his delegation did not wish to call into question the merits of the organization concerned, it was seriously concerned that what had begun as an exception would soon become the rule. In such circumstances, the General Assembly would be physically impeded from carrying out its work properly, unless restrictions of procedure on participation by observers were written into its rules. His delegation thus supported the proposal by the United States representative to establish a working group to scrutinize all aspects of the question.

22. Mr. VAN DE CRAEN (Belgium) said that his country welcomed the growing interest shown by organizations in the work of the General Assembly and was in principle ready to welcome all those that wished to contribute to it. Nevertheless, it was clear that indiscriminate granting of observer status in the General Assembly would impede its work and would therefore not be in the interest of the Organization. It was thus essential to establish clear and universally accepted criteria governing the granting of such status, while at the same time continuing to guarantee the coherence and effectiveness of its work. Those criteria must be based on the fundamental principles of the Charter and must reflect the aims of the Organization.

23. As Article 4 of the Charter clearly stated, the United Nations was first and foremost an organization of States. Consequently, membership of the General Assembly was reserved for States. One of the main reasons for according observer status had been to take account of the needs of all States, and to ensure that non-member States also had an opportunity to participate in the work of the General Assembly. Observer status had also been granted to intergovernmental, regional or other organizations, again with a view to facilitating their close cooperation with the United Nations. Their presence as observers unquestionably enriched the work of the Assembly.

24. On the relationship between the non-governmental organizations and the General Assembly, account had to be taken of Article 71 of the Charter and Economic and Social Council resolution 1296 (XLV). The division of labour between the General Assembly and the Council established in those texts avoided duplication of work, and must in no circumstances be changed without careful scrutiny of all the implications. That did not necessarily rule out some form of participation by non-governmental organizations with consultative status in certain aspects of the work of the General Assembly. An ad hoc working group would provide the best framework in which to study all aspects of the question of criteria for the granting of observer status.

25. Mr. MARTENS (Germany) said that since the granting of observer status to ICRC in 1990 - a decision based on its unique legal standing deriving from its mandate under the Geneva Conventions, which effectively conferred on it the role of a guardian of international humanitarian law - an increasing number of non-governmental organizations had shown an interest in acquiring observer status. His delegation was pleased to note that interest.

26. The conferring of observer status in the General Assembly should be governed by fundamental principles based on the Charter and reflecting the

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structure of the Organization. However, as was clearly stated in Article 4 of the Charter, the United Nations was, and would remain, an organization of States. Consequently, membership of the General Assembly was restricted to States. Granting of the status of observer in the General Assembly to non-member States was the result of the principle of universality enshrined in Articles 2 (6) and 35 (2) of the Charter. The main purpose of conferring observer status on non-member States had been to enable them actively to participate in and contribute to the decision-making of the General Assembly. It had been intended that the transitory status of some non-member States seeking admission, and of some national liberation movements, should be alleviated by the granting of such status.

27. Since the early days of the United Nations, observer status had also been conferred on intergovernmental organizations, including the regional arrangements referred to in Chapter VIII of the Charter. Their status reflected their importance to the international community as a whole, and was also the result of their vital contribution to international peace and security. Observer status was not a means in itself, but served the purpose of a functioning United Nations system. Observer status must thus be seen in the light of the contribution made by an observer to the work of the General Assembly. The precarious balance between the various United Nations organs as laid down in the Charter must not be jeopardized by a proliferation of observers in the General Assembly. The establishment of criteria for the granting of observer status in the General Assembly in exceptional cases needed very careful consideration in all its aspects. His delegation shared the view that a working group of the Sixth Committee would be the best forum in which to continue that discussion.

28. Mr. AL-MARRI (Kuwait) said that the subject of fixed criteria should be explored and the needs of the Organization thoroughly studied in the light of international law. His delegation supported the proposal that an ad hoc working group should be established to develop criteria for granting observer status.

29. The CHAIRMAN, speaking as the representative of Ghana, welcomed the United States proposal. The primary consideration in the granting of observer status should not be whether there was a proliferation of groups obtaining such status, but whether granting it would benefit the Organization and promote the purposes and principles of the Charter. The International Federation of Red Cross and Red Crescent Societies was a world-wide organization which implemented the objectives of the Charter in the humanitarian field and was therefore worthy of being considered for observer status.

30. Speaking as the Chairman, he suggested that, as all the delegations participating in the discussion had supported the United States proposal, the Committee should hold consultations and revert to the matter in due course.

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AGENDA ITEM 140: REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION (continued)  
(A/49/33)

31. Mrs. LADGHAM (Tunisia) recalled that, in its resolution 48/36, the General Assembly had requested the Special Committee to consider on a priority basis proposals on the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter. In her view, the Special Committee had not devoted sufficient time or attention to the issue which, none the less, urgently required a permanent solution.

32. In his report on the subject (A/48/573-S/26705), the Secretary-General had highlighted the deficiencies of the current system, which was based on a case-by-case approach, and had stressed the need for a permanent mechanism. The Secretary-General had further indicated that, with the exception of the International Monetary Fund and the World Bank, the other international financial institutions, especially the regional ones, were not in a position to alleviate the economic difficulties of third States.

33. While Article 50 of the Charter authorized any State affected by the application of sanctions against another State to consult the Security Council with regard to a solution of the special economic problems it faced, consultation was not an end in itself. So far, the Council had responded to such requests for assistance by instructing the sanctions committees to draw up recommendations, which culminated in an appeal to all States and competent organs and specialized agencies of the United Nations system to provide assistance to the countries in question. In her delegation's view, it was inadvisable to entrust such a responsibility to a committee already burdened with the task of monitoring the implementation of sanctions; moreover, the assistance provided was generally inadequate to the needs of the affected countries.

34. For those reasons, her delegation believed that working paper A/AC.182/L.79 (A/49/33, para. 52), of which it was a sponsor, contained some interesting ideas. In particular, Tunisia supported the proposal that a special trust fund should be established to finance assistance to third States. The suggestion concerning the holding of consultations between the Security Council and those Member States most likely to be affected as a result of the imposition of sanctions also deserved consideration. Tunisia also welcomed the French proposal that the Security Council should hold more frequent formal meetings in order to hear the views of Member States before determining its position on major issues. That would increase the transparency of the Council's functioning and procedures.

35. At the time of the submission by Cuba of the revised version of its working paper entitled "Strengthening of the role of the Organization and enhancement of its efficiency" (A/49/33, paras. 90-97), some delegations had expressed the view that, as the question of increase in the membership of the Security Council was already under consideration by an Open-Ended Working Group, it was inappropriate for the Special Committee to consider such a document. Her delegation believed

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that, on the contrary, the Special Committee had an important contribution to make in that area. The working paper contained proposals that deserved further study, such as those concerning the preparation of definitive rules of procedure of the Security Council and the study of cases in which Chapter VII of the Charter had been invoked.

36. Her delegation welcomed the finalization by the Special Committee of the draft declaration on the enhancement of cooperation between the United Nations and regional arrangements or agencies in the maintenance of international peace and security (A/49/33, paras. 83-89). The growing role of the United Nations in the maintenance of international peace and security would be further enhanced if it could rely on the contribution of regional organizations, especially in the area of preventive diplomacy. Such organizations, by virtue of their familiarity with local situations, were in a better position to detect threats to peace at an early stage. However, in order to maximize the role of such organizations, ways of strengthening their capacity for intervention must be considered. For example, the draft declaration could have placed greater emphasis on the development of training programmes for the military personnel of the States members of such organizations participating in peace-keeping operations and the provision of technical, financial and logistical support.

37. Mr. DENYER (New Zealand) welcomed the completion of the Special Committee's work on the draft declaration on the enhancement of cooperation between the United Nations and regional arrangements or agencies in the maintenance of international peace and security (A/49/33, paras. 83-89). That issue was of particular relevance to New Zealand and other countries which were participating in a South Pacific regional peace-keeping force with a view to resolving the long-standing dispute over the island of Bougainville. The draft declaration provided a useful framework for the involvement of regional organizations in efforts to maintain international peace and security. Most importantly, the draft declaration recognized that such involvement must be in conformity with the provisions of the Charter of the United Nations. It also acknowledged the primary role of the Security Council in that field.

38. With the increasing resort by the Security Council to economic sanctions, the adverse consequences of such measures were being felt not only by the targeted countries but often by third States as well. His country appreciated the seriousness of that situation and noted that the Council had recently attempted to apply more narrowly focused sanctions in order to minimize their impact on innocent parties, whether individuals or States. Nevertheless, his delegation continued to believe that the adverse consequences for third States should be addressed on a case-by-case basis, rather than through the creation of new institutions or mechanisms.

39. With regard to the peaceful settlement of disputes, New Zealand welcomed the progress made by the Special Committee on the draft articles entitled "United Nations Model Rules for the Conciliation of Disputes between States" (A/49/33, paras. 102-111). It was to be hoped that the Special Committee would be able to conclude its work on the proposed Model Rules at its 1995 session. In view of the substantial body of instruments for the peaceful settlement of disputes which had been developed thus far, the Special Committee should give

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priority to promoting recourse by States to existing procedures and institutions, rather than to the elaboration of further instruments.

40. New Zealand welcomed the draft resolution submitted by Poland (A/C.6/49/L.3) urging the Special Committee to give consideration, as a matter of priority, to the deletion of the "enemy-State" clauses of Articles 53 and 107 of the Charter, as they had little relevance to the current situation in the United Nations.

41. Mr. KHAN (Pakistan) said that, while the United Nations had achieved many successes in diverse areas, its failures and omissions had, at the same time, partially eroded its credibility. The lack of effective action by the United Nations in the face of naked aggression and ethnic cleansing in one instance had encouraged repressive actions in other areas. Some States continued to exhibit contempt for international norms, and were using their armed forces to perpetrate massacres, genocide and brutal repression of innocent people struggling to exercise their right to self-determination. The cry of distress of the innocent people of Jammu and Kashmir was a constant reminder of that phenomenon.

42. The United Nations and the international community must play an active role in defusing tensions by helping to resolve disputes between nations in volatile regions. The Organization must encourage the States concerned to conclude agreements for the non-proliferation of nuclear weapons and ballistic missiles, and must institute disarmament and confidence-building measures.

43. In recent years the role of the United Nations in peace-keeping had expanded and evolved. The General Assembly should adopt clear guidelines for the conduct of peace-keeping operations in the light of experience. His country believed that United Nations peace-keeping operations should be initiated or terminated only with the prior approval of the Security Council. Accordingly, it was essential to create mechanisms to provide advance warning of crises or conflicts.

44. His delegation was concerned at the emerging tendency to attribute a peace-keeping role to regional Powers. Such a role should be inadmissible when countries had direct political interests in the area of the conflict. The States Members of the United Nations should in no way abdicate their responsibility for collective security under the Charter. The selectivity with which Security Council mechanisms had been used in the past had created a sense of grievance in various States and should be redressed.

45. While his country was aware of the financial difficulties which the United Nations was facing in carrying out its peace-keeping operations, those constraints should not be allowed to impinge upon the Organization's obligation to uphold peace and security around the world.

46. His delegation shared the sense of urgency with regard to establishing a permanent mechanism to deal with the financial and economic difficulties encountered by third States as a result of the increasing resort to sanctions by the Security Council. The developed countries and the international financial

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institutions had a special responsibility to mitigate the economic hardships suffered by developing countries which had scrupulously implemented the sanctions regimes.

47. His delegation welcomed the completion of the draft declaration on the enhancement of cooperation between the United Nations and regional arrangements or agencies in the maintenance of international peace and security (A/49/33, paras. 83-89). Pakistan shared the view that regional organizations could make an effective contribution in the field of preventive diplomacy, especially through fact-finding missions, and commended the positive role played by the Organization of the Islamic Conference.

48. The rule of law in international relations should be promoted through greater recourse to the International Court of Justice, both for adjudication of disputes of a legal nature and for advisory opinions on legal aspects pertaining thereto. His country had accepted the compulsory jurisdiction of the Court and encouraged other States to do so.

49. His Government's views on the question of increasing the membership of the Security Council had been conveyed to the Secretary-General separately. Pakistan agreed that the non-permanent membership of the Security Council should be enlarged in an appropriate manner and that its working methods and procedures should be rendered more transparent. The concept of permanent membership was at variance with the principle of the sovereign equality of States. It was necessary to avoid creating new centres of power and privilege within the Organization.

50. Mrs. DASCALOPOULOU-LIVADA (Greece) said that although the draft declaration had been improved in many ways, it had also lost some elements, particularly those concerning the role of regional arrangements or agencies in the promotion and protection of human rights. Greece, which had acutely felt the adverse repercussions of the application of such sanctions, had a special interest in the question of assistance to third States affected by the application of sanctions under Chapter 7 of the Charter.

51. Her delegation welcomed the working paper submitted by the Russian Federation entitled "New issues for consideration in the Special Committee" (A/AC.182/L.65/Rev.1) and, in particular, its proposals concerning sanctions against States which violated the peace or failed to implement Security Council resolutions. The international community should not forget that the Council's resolutions concerning Cyprus continued to be ignored, which was an unacceptable state of affairs.

52. Greece also supported the Russian Federation's proposals for strengthening the collective security system established by the Charter. The three main pillars upon which the United Nations was based were non-use of force, the peaceful settlement of disputes and collective security. Over the years, the Special Committee had successfully examined the first two principles and had elaborated two valuable declarations on them. It was now important to examine the question of collective security by elaborating on Chapter VII of the

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Charter, even though a declaration on that subject might not be strictly necessary.

53. As for the modalities of implementing Security Council resolutions within the internal legal order of States, few members of the international community had established the relevant legislative provisions, and the implementation of such resolutions was therefore rather haphazard. The Special Committee should consider that question in the context of working paper A/AC.182/L.65/Rev.1.

54. On the question of the peaceful settlement of disputes between States, Greece supported the proposed United Nations Model Rules for the Conciliation of Disputes between States. However, her delegation continued to have strong misgivings about article 8 of the Model Rules, which did not enumerate international law or the principles of international law among those elements which should guide the conciliation commission. It was odd that vague notions, such as objectivity, equity and justice, should provide the only guidance to the commission to the exclusion of international law, which was, by all standards, the most solid basis for the settlement of international disputes. Such an omission would only discourage States from resorting to the services of an otherwise commendable mechanism.

55. The proposal submitted by Sierra Leone entitled "Establishment of a Dispute Settlement Service offering or responding with its services early in disputes" (A/48/398, annex) deserved careful examination to determine whether it offered a substantial alternative to States seeking to settle their disputes. The answer to the question of whether the services envisaged should be centred around mediation or conciliation would determine the direction in which the proposal should be further elaborated.

56. Mr. SARDENBERG (Brazil) said that, at a time when the United Nations was assuming additional burdens and undertaking more complex and multifaceted functions, the apparent contradiction between overcoming ideological rivalries and the continuation of areas of instability provided a great opportunity for a necessary re-evaluation of the role of the United Nations and its Charter, which was the fundamental objective of the Special Committee.

57. The improvement of cooperation between the United Nations and regional organizations was a question of increasing importance in the process of strengthening international peace and security. A better definition of the responsibilities of the United Nations and the regional organizations would enhance the effectiveness of the collective security system provided for in Chapter VIII of the Charter. Also, the relationship between the United Nations and regional organizations should be mutually reinforcing and complementary and should be based on full respect for the mandates and spheres of competence of each organization. The most effective response to a threat to international peace and security was to ensure proper coordination of the efforts of the United Nations and regional organizations. Indeed, regional organizations could sometimes play a more effective role in the maintenance of international peace and security than the United Nations. Where the democratic process was disrupted, for example, the Organization of American States had its own mechanisms and methods of settling internal conflicts. The Special Committee's

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work had therefore been greatly enriched by the participation of representatives of intergovernmental organizations in the 1993 and 1994 sessions of the Special Committee.

58. In view of the resurgence of numerous regional conflicts as a consequence of the new international reality, regular meetings should be held between the Secretary-General and the leaders of regional organizations. Closer ties should also be established between other United Nations officials and officials of regional organizations.

59. On the question of the maintenance of international peace and security, the ideas expressed in the working paper on the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter (A/AC.182/L.79) had become more urgent as a result of the increased activity of the Security Council in the application of sanctions under Chapter VII of the Charter and the growing economic interdependence of States. The international community should seriously consider the issues raised in the working paper, in particular the idea of sharing the costs of a system of collective security, the principle of mutual assistance and the need for specific mechanisms for providing assistance to third States affected by the application of sanctions.

60. The establishment of procedures to implement Articles 49 and 50 of the Charter was a complex and time-consuming endeavour. A mechanism should therefore be devised to identify criteria for assessing the special economic problems confronted by third States from the carrying out of the preventive or enforcement measures taken by the Security Council against any State. Such a mechanism could be financed from the opening of special credit windows in international financial institutions.

61. On the question of the peaceful settlement of disputes between States, the document submitted by Guatemala entitled "United Nations Model Rules for the Conciliation of Disputes between States" was an important initiative aimed at strengthening existing methods of peaceful settlement of disputes between States which could lead to the establishment of a set of model rules designed to facilitate recourse to conciliation. For its part, the proposal submitted by Sierra Leone entitled "Establishment of a Dispute Settlement Service offering or responding with its services early in disputes" formed a good basis for the future work of the Special Committee in that area.

62. On the question of wider participation by the international community in the decision-making process of the United Nations, and in particular of the Security Council, his delegation was of the view that a more representative and balanced composition would enhance the effectiveness of the Council's actions and the authority of its decisions. The adoption by consensus of General Assembly resolution 47/62 was a reflection of the international community's recognition that the time had come to reassess the composition of the Council in light of not only the substantial increase in the Organization's membership but also the Council's increasingly active and important role in a dramatically changing international environment. His delegation considered, further, that references in the Charter to "enemy State" were no longer appropriate.

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63. Recent developments had led to widespread expectations of a new and more equitable international order in which the United Nations would play a larger role. The transition from confrontation to cooperation could hardly be achieved and sustained, however, without the strengthening of the Organization and its Charter.

64. Mr. WAH TECK (Singapore) said that the Committee should ensure that the draft declaration on the enhancement of cooperation between the United Nations and regional arrangements or agencies contained positive proposals which were consistent with the legal principles underlying the structure and operations of the United Nations. Of particular importance were the proposals that regional arrangements and agencies should assume greater responsibility for the maintenance of peace and stability in their respective regions. It had also been suggested that regional arrangements and agencies could be utilized by the Security Council for enforcement actions in appropriate circumstances.

65. Regional arrangements and agencies clearly had important roles to play in regional affairs, including the maintenance of international peace and security, provided that such activities were in accordance with the purposes and principles of the United Nations. Under the Charter, the Security Council had primary responsibility for the maintenance of international peace and security. Indeed, Article 53 of the Charter provided that "no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council." In that connection, Singapore was of the view that anachronistic references to "enemy States" in the Charter should be removed.

66. The existing provisions of the Charter relating to the role of regional arrangements and agencies in the maintenance of international peace and security reflected a carefully thought through consensus by the framers of the Charter and there was little evidence that the considerations of that time were no longer valid today. The United Nations had been and still was the basic global organization for peace and security, and regional organizations functioned within that framework and were subject to the same overriding purposes and principles. The Organization was the only vehicle capable of providing an integrated approach to global peace and development. Because a breach of the peace anywhere in the world was a threat to the peace and security of the whole world, it was the responsibility of the international community as a whole, acting through the United Nations, to address that threat. That principle had been validated by recent experiences. In Cambodia, for example, the United Nations Transitional Authority in Cambodia was widely regarded as one of the most successful United Nations operations. It was doubtful whether the same success could have been achieved if that had been a purely regional effort.

67. Regional arrangements and agencies were of different kinds. Most regional arrangements were economic in nature and could not be used for security enforcement. Whatever the situation, it was imperative to first ascertain whether such organizations had the requisite legal powers in their charters before assigning responsibilities to them for the maintenance of peace and security.

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68. As a member of the Association of South-East Asian Nations (ASEAN), Singapore had seen the benefits of regional arrangements in the promotion of regional peace, prosperity and dialogue. It was in such ways that regional organizations and agencies, together with the United Nations, could contribute to the maintenance of international peace and stability.

69. Mr. STRAUSS (Canada) commended the efforts made to ensure that the draft declaration which recognized the importance of regional arrangements in the peaceful settlement of disputes between States and set out parameters for cooperation between the United Nations and those regional arrangements was fully consistent with the Charter, in particular Chapter VIII thereof. Canada would therefore support the adoption of the draft declaration by the General Assembly. His delegation also supported the suggestion that a handbook should be elaborated on that subject.

70. His delegation regretted that it had not been possible to conclude work on the Model Rules for the Conciliation of Disputes between States. The sponsor had done an excellent job in accommodating the comments made by States and his delegation would work towards the adoption of the Model Rules the following year.

71. His delegation also regretted the limited progress which the Special Committee had made in its consideration of the working paper on the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter. It recognized the seriousness of that issue for many countries and the fact that the mechanisms put in place so far had proved inadequate. There were no magic solutions, however, and efforts must continue to find a universally acceptable solution.

72. Although the Special Committee would be pressed in 1995 because some of its time had been taken up with preparations for the Congress on Public International Law, he hoped that it would nevertheless consider the subject of granting the Secretary-General the authority to seek advisory opinions from the International Court of Justice as an additional instrument for aiding the peaceful settlement of disputes between States.

73. On the question of membership of the Special Committee, his delegation believed that the Special Committee should be opened to all States on an equal basis. Limited membership of the Special Committee was not appropriate to the subjects which it considered nor was it an accurate reflection of the real participation in the Committee.

74. Mr. GUILLEN SALAS (Peru) said that the international developments of the previous year highlighted the urgent need to enhance the effectiveness of the United Nations in the field of peace-keeping and in the peaceful settlement of disputes between States. It was important for the Special Committee to recognize the new realities and to suggest new, flexible and consensus-based approaches which could become elements of a new system of international security that would permit the Organization to continue to play its key role in that area. The Special Committee should bear in mind that, unlike in the case of

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conflicts between States, the nature of current internal conflicts in various States meant that the provisions of Chapter VII of the Charter could not be automatically applied. Internal conflicts also needed urgent and appropriate action by the Organization, with respect for the principles of the Charter and without encroaching upon the primary responsibility of the Security Council for the maintenance of international peace and security. That was the current dilemma being faced by the Special Committee on the Charter.

75. One course of action could be to improve cooperation between the United Nations and regional organizations for the maintenance of peace and the peaceful settlement of disputes between States. Such cooperation, however, must be sufficiently flexible and must take account of the specific characteristics of each regional organization, their mandates, experience and real capacities. It would also be useful in certain cases to develop the capacities which regional organizations needed in order to contribute more effectively to peace-keeping.

76. The rule of law was indispensable to the achievement of peace, and the International Court of Justice had a constructive role to play in that area. Careful and positive consideration should therefore be given to the possibility that, in very special circumstances, the Secretary-General should be authorized to request advisory opinions from the Court, thereby avoiding legal and political difficulties.

77. In light of the primary responsibility which the Charter conferred on the Security Council for the maintenance of international peace and security the question of equitable representation in the Security Council, the increase in its membership and the reform of its working methods were of crucial importance. Since both matters were being considered by a Working Group of the General Assembly, it might be advisable for the Special Committee to consult with the Working Group in order to avoid duplication of efforts.

78. Mrs. COBO (Venezuela) said that the practical measures contained in the draft declaration on the enhancement of cooperation between the United Nations and regional arrangements or agencies in the maintenance of international peace and security would support the activities of the United Nations in that field. The draft declaration should be supplemented by a handbook on cooperation between the United Nations and regional organizations and by the holding of seminars on the subject, possibly as part of the activities planned to commemorate the fiftieth anniversary of the Organization.

79. On the question of the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter, Venezuela was aware of the need to achieve a practical and equitable solution to the economic problems that confronted third States as a result of the application of sanctions by the Security Council. States so affected should be able to rely on automatic mechanisms for appropriate compensation. The establishment by the specialized agencies of transitory preferential mechanisms in the areas of trade and finance would provide reasonable compensation for third States. The experience and practical modalities for doing so already existed.

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80. Because of the increasingly important role of the United Nations in international relations, the subject of the strengthening of the role of the Organization and the enhancement of its effectiveness should be considered by the Special Committee at its following session. The Organization's capacity to respond to the increasing demands being made on it were determined to a large extent by its very structure and the manner in which it took its decisions. The Charter should therefore be revised and the Organization democratized in order to adapt it to current needs. Venezuela supported the suggestion that the Special Committee should consider the reforming of the Security Council, the strengthening of the General Assembly and the use of Chapter VI of the Charter and of preventive diplomacy.

81. Her delegation welcomed the progress made in the consideration of the revised document submitted by Guatemala containing the proposed "United Nations Model Rules for the Conciliation of Disputes between States". The proposed Model Rules for establishing the mechanism of conciliation, which was also envisaged in the Charter, would institutionalize a mechanism under which action would be based on the will of the parties. She hoped that a flexible mechanism could thus be established which would offer States alternative options and methods for the settlement of their disputes. The existence of different instruments which could be used by the Organization in its search for peaceful solutions to disputes did not create confusion but rather broadened the range of available options.

82. Finally, her delegation supported the proposal that the Special Committee should review the references to "enemy States" in the Charter at its next session.

83. Mr. CAMACHO (Ecuador) said that his delegation supported the draft declaration on the improvement of cooperation between the United Nations and regional organizations, submitted by the Russian Federation, since such cooperation would strengthen the capacity of the international community to face the challenges of peace and security by making fuller use of the strengths of regional arrangements and agencies in such areas as the early detection, the prevention and the peaceful settlement of disputes. In view of the diversity of the composition of regional arrangements, Ecuador shared the view of other delegations that such cooperation should be tailored to each particular case.

84. The proposed United Nations Model Rules for the Conciliation of Disputes between States represented a useful contribution, and he hoped that the Special Committee would be able to complete its consideration of the draft rules during its next session. He also welcomed the proposal by Sierra Leone for the establishment of a Dispute Settlement Service and hoped that the Special Committee would, likewise, give consideration to that document during its next session.

85. Finally, in view of the changed circumstances in the modern world, Ecuador supported the proposal by Poland that the references to "enemy States" in the Charter should be deleted, and he hoped that the Special Committee would adopt a resolution to that effect at its next session.

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86. Mr. KOLOMA (Mozambique) said that international peace and security were the underlying sine qua non for the attainment of all other goals of the Charter, and Mozambique therefore welcomed all the documents relating to that issue which had been submitted for consideration by the Special Committee.

87. Mozambique had a history of severe economic suffering incurred as a result of its strict application of sanctions against the former Rhodesia in compliance with the relevant Security Council decision, and it therefore supported the proposal contained in document A/AC.182/L.79 regarding the creation of a trust fund to assist third States affected by sanctions applied under the Charter. In addition, it welcomed the suggested establishment of a permanent mechanism for consultations between the Security Council and those third States most likely to be affected by the implementation of sanctions. His delegation questioned how the problem of adverse economic effects could be solved within the framework of the Bretton Woods institutions, as had been suggested by some members of the Special Committee, and it regretted the failure to reach consensus on the issue. It therefore hoped that the Special Committee would be able to achieve a more positive result after its analysis of the requested report by the Secretary-General on the issue.

88. In view of the importance of regional arrangements or agencies in the maintenance of international peace and security, Mozambique welcomed the adoption by the Special Committee of the draft declaration on the enhancement of cooperation between the United Nations and such arrangements or agencies and shared the view expressed in the report by the Special Committee that the activities of the United Nations and regional arrangements or agencies in the maintenance of international peace and security should be complementary and based on close cooperation. To that end, the United Nations should make full use of the provisions of Chapter VIII of the Charter, but such cooperation should be based on respect for the autonomy of each organization concerned.

89. In view of the positive changes in international relations following the end of the cold war, there was an urgent need to refashion the Organization, and Mozambique therefore welcomed the reforms currently under way within the United Nations system in compliance with General Assembly resolution 48/168. In particular, it welcomed the establishment of the Open-ended Working Group on the question of equitable representation on and increase in the membership of the Security Council. The more than threefold increase in the number of States Members of the United Nations had rendered essential an increase in the membership of the Security Council. Furthermore, as stressed by the Council of Ministers of the Organization of African Unity (OAU), the requirement for equitable geographical representation necessitated extending permanent membership to developing countries, in particular those in Africa.

90. Ms. FLORES (Mexico) said that, notwithstanding its considerable past achievements, the Special Committee faced growing new challenges and had to play an increasingly important role in response to the major changes in international relations. The growing number of observers attending meetings of the Special Committee was evidence of the importance attached by the Members of the United Nations to its work and suggested that careful consideration should be given to the need to open the Special Committee's work to all Members of the

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Organization, which should be able not merely to contribute as observers but also to participate in the adoption of decisions.

91. The current international climate necessitated closer coordination and cooperation between the United Nations, on the one hand, and, on the other, regional arrangements and agencies. Such cooperation should, however, be achieved in accordance with the provisions of Chapter VIII of the Charter, with due recognition of the autonomy of the two systems and respect for their various constitutive instruments. The participation of regional arrangements and agencies in the maintenance of international peace and security was an issue which must be decided on a case-by-case basis, taking into account the specific competence and legal mandate of the regional body concerned. It was vital to safeguard the sovereign right of each State to decide whether to bring its concerns before regional or world bodies.

92. In view of the increasingly wide use of sanctions by the Security Council, Mexico supported the proposals by the Special Committee relating to assistance to third States affected by the implementation of such sanctions. In particular, it believed that consideration should not be confined to the consequences of such sanctions but that recommendations should be prepared on measures which the Security Council could adopt prior to the imposition of sanctions, with a view to preventing or mitigating their adverse economic consequences for third States.

93. She conveyed Mexico's support for all the proposals contained in the working paper entitled "Strengthening of the role of the United Nations in the maintenance of international peace and security". She noted in addition that the consideration by other bodies of the political ramifications of increasing the Security Council's membership and revising its working methods would be complemented by the discussions in the Sixth Committee, which would focus on its legal implications.

94. Her delegation supported the document submitted by Guatemala on the conciliation of disputes between States (A/49/33, para. 105) and hoped that the work of the Special Committee on the Charter would help transform the Organization into a truly democratic body with more transparent working methods.

95. Mr. CHATURVEDI (India), speaking in exercise of the right of reply, said that the Minister for Foreign Affairs of Pakistan, in his address to the General Assembly on 4 October 1994, had displayed the traditional Pakistani obsession with attacking India. While his delegation did not share Pakistan's mind-set and did not intend to emulate that country's display, he pointed out that the Minister's allegations were a travesty of the facts, intended to draw attention away from Pakistan's role as the world's foremost promoter of international drug-related terrorism. He was confident that the States Members of the United Nations would not endorse the terrorist practices of Pakistan and urged that country to mend its ways.

96. Mr. AKRAM (Pakistan), speaking in exercise of the right of reply, said that, in his statement, the Indian representative had failed to address the principal issue: India's consistent violations of the Charter and of Security

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Council resolutions relating to the situation in Jammu and Kashmir. Over the previous five years, Indian armed forces had engineered a campaign of genocide in Kashmir, involving widescale rape and incarceration and the slaughter of 40,000 Kashmiris. Those atrocities were well documented by such organizations as Amnesty International and Asia Watch and he appealed to the international community to put pressure on India to halt the genocide in Kashmir.

97. As for the allegations concerning terrorism, he said that Pakistan would revert to that issue at a later date. He pointed out, however, that it had been India which, in the early 1980s, had opposed the adoption by the South Asian Association for Regional Cooperation (SAARC) of a convention on terrorism, proposed by Sri Lanka, because India had been - and still was - engaged in campaigns of terrorism against every one of its neighbours in south Asia.

The meeting rose at 1.05 p.m.