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

Report of the Sixth Committee

Rapporteur: Mr. Antonio VINAL (Spain)

I. INTRODUCTION

1. The item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization" was included in the provisional agenda of the thirty-sixth session of the General Assembly pursuant to the provisions of paragraph 12 of Assembly resolution 35/164 of 15 December 1980.
2. On the recommendation of the General Committee, the General Assembly decided at its 4th plenary meeting, on 18 September 1981, to include the item in its agenda and to allocate it to the Sixth Committee.
3. In connexion with this item, the Sixth Committee had before it the following documents:
  - (a) Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, 1/
  - (b) Report of the Secretary-General on the Repertoire of the Practice of the Security Council and Repertory of Practice of United Nations Organs (A/C.6/36/2).
4. The Committee considered the item at its 26th meeting, on 21 October, at its 28th to 35th meetings, from 22 to 29 October, and at its 37th, 38th, 59th and

1/ Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 33 (A/36/33).

64th meetings, on 2 and 25 November and 1 December 1981. The summary records of those meetings (A/C.6/36/SR.26, 28-35, 37, 38, 59 and 64) contain the views of representatives who spoke during the consideration of the item.

5. At its 4th and 13th meetings, on 24 September and 6 October, the Committee made decisions concerning its consideration of item 122 ("Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization") and item 118 ("Peaceful settlement of disputes between States"). It was decided that the two items would be considered in the same way as at the thirty-fifth session of the General Assembly. Thus, in principle six meetings were allocated to item 122 and four to item 118, it being understood, in view of the elements common to the two items, that all necessary flexibility would be applied in order to allow individual delegations to deal with the two items in the way which seemed to them to be the most appropriate. On 22 September, at its 2nd meeting, the Sixth Committee decided, in light of paragraphs 20 and 21 of the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization on its 1981 session, 2/ to set up an open-ended working group with a view to finalizing the draft Manila declaration on the peaceful settlement of disputes. The results of the deliberations of that Working Group are contained in its report submitted to the Sixth Committee (A/C.6/36/L.19). 3/

## II. CONSIDERATION OF DRAFT RESOLUTIONS

6. At the 59th meeting, on 25 November, the representative of the Philippines introduced a draft resolution (A/C.6/36/L.10), sponsored by Argentina, Bahamas, Bangladesh, Brazil, Chile, the Congo, Cyprus, Ecuador, Egypt, Germany, Federal Republic of, Indonesia, Italy, Jamaica, Japan, Liberia, Madagascar, Mexico, New Zealand, Nigeria, Panama, Paraguay, the Philippines, Romania, Rwanda, Singapore, Somalia, Spain, Sri Lanka, Thailand, Trinidad and Tobago, Uruguay, Venezuela, Yugoslavia, Zaire and Zambia, later joined by Colombia, El Salvador, Suriname and the United Republic of Cameroon (for the text of the resolution, see para. 16).

7. The Committee had before it a statement submitted by the Secretary-General (A/C.6/36/L.14) on the administrative and financial implications of the draft resolution (A/C.6/36/L.10), as well as observations by the Committee on Conferences submitted in accordance with paragraph 6 of General Assembly resolution 35/10 A (A/C.6/36/L.14/Add.1).

8. At the same meeting, the representative of the Libyan Arab Jamahiriya introduced a draft resolution (A/C.6/36/L.12 and Corr.1 (English only)), sponsored by the Libyan Arab Jamahiriya and Mauritania (for the text of the resolution, see para. 17).

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2/ Ibid.

3/ See also the report of the Sixth Committee on its consideration of item 118 (A/36/778).

9. On 1 December, at the 64th meeting, the representative of Mexico introduced and orally revised a draft resolution entitled "Updating of the Repertoire of the Practice of the Security Council and the Repertory of Practice of United Nations organs" (A/C.6/36/L.18), sponsored by Argentina, Chile, Egypt, Germany, Federal Republic of, Italy, Japan, Mexico, New Zealand, the Philippines, Romania, Spain, and Venezuela, later joined by Ecuador, Greece and Sierra Leone (for the text of the resolution, see para. 18).

10. At the same meeting, the Committee proceeded to take a decision on draft resolution A/C.6/36/L.10. Separate votes were requested on the words "and to make recommendations thereon" contained in operative paragraph 2 (b) and operative paragraph 4 (a). The representatives of the Union of Soviet Socialist Republics, the United States of America and France explained their vote before the separate votes.

11. By a recorded vote of 89 to 15, with 6 abstentions, the Committee at that meeting retained the words "and to make recommendations thereon" contained in operative paragraph 2 (b) of draft resolution A/C.6/36/L.10. The voting was as follows:

In favour: Algeria, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Bhutan, Brazil, Burma, Burundi, Canada, Chad, Chile, China, Congo, Cyprus, Denmark, Ecuador, Egypt, Ethiopia, Fiji, Gabon, Germany, Federal Republic of, Ghana, Greece, Guinea, Guyana, Iceland, India, Indonesia, Iran, Iraq, Ireland, Italy, Ivory Coast, Japan, Jordan, Kenya, Kuwait, Lebanon, Liberia, Libyan Arab Jamahiriya, Madagascar, Maldives, Mali, Mauritania, Mexico, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Spain, Sri Lanka, Sudan, Suriname, Sweden, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Cameroon, Uruguay, Venezuela, Yemen, Yugoslavia, Zambia and Zimbabwe.

Against: Afghanistan, Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, France, German Democratic Republic, Hungary, Lao People's Democratic Republic, Mongolia, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, and United States of America.

Abstaining: Central African Republic, Democratic Yemen, Finland, Israel, Portugal and Upper Volta.

12. The Committee then decided, by a recorded vote of 81 to 16, with 14 abstentions, to retain operative paragraph 4 (a) of draft resolution A/C.6/36/L.10. The voting was as follows:

In favour: Algeria, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Bhutan, Brazil, Burma, Burundi, Canada, Chad, Chile, China, Congo, Cyprus, Ecuador, Egypt, Ethiopia, Fiji, Gabon, Germany, Federal Republic of, Ghana, Guinea, Guyana, Indonesia, Iran, Iraq, Italy, Ivory Coast, Japan, Jordan, Kenya, Kuwait, Lebanon, Liberia, Libyan Arab Jamahiriya, Madagascar, Maldives, Mali, Mauritania, Mexico, Morocco, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Spain, Sri Lanka, Sudan, Suriname, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Cameroon, Uruguay, Venezuela, Yemen, Yugoslavia, Zaire, Zambia and Zimbabwe.

Against: Afghanistan, Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Finland, France, German Democratic Republic, Hungary, Lao People's Democratic Republic, Mongolia, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, and United States of America.

Abstaining: Belgium, Central African Republic, Democratic Yemen, Denmark, Greece, Iceland, India, Ireland, Israel, Netherlands, Norway, Portugal, Sweden and Upper Volta.

13. Draft resolution A/C.6/36/L.10 as a whole was adopted by the Committee at the same meeting by a recorded vote of 100 to none, with 14 abstentions (see para. 16). The voting was as follows:

In favour: Algeria, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bhutan, Bolivia, Brazil, Burma, Burundi, Canada, Central African Republic, Chad, Chile, China, Congo, Cyprus, Democratic Yemen, Denmark, Ecuador, Egypt, Ethiopia, Fiji, Finland, Gabon, Germany, Federal Republic of, Ghana, Greece, Guinea, Guyana, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Japan, Jordan, Kenya, Kuwait, Lebanon, Liberia, Libyan Arab Jamahiriya, Madagascar, Maldives, Mali, Mauritania, Mexico, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Portugal, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Spain, Sri Lanka, Sudan, Suriname, Sweden, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United States of America, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia, Zaire, Zambia and Zimbabwe.

Against: None.

Abstaining: Afghanistan, Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, France, German Democratic Republic, Hungary, Lao People's Democratic Republic, Mongolia, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, and Viet Nam.

Statements in explanation of vote were made by the representatives of the United States of America, the German Democratic Republic and Poland.

14. Also at the 64th meeting, the Committee adopted draft resolution A/C.6/36/L.12 and Corr.1 (English only) by a recorded vote of 34 to 33, with 43 abstentions (see para. 17). The voting was as follows:

In favour: Algeria, Bahrain, Benin, Burundi, Chad, China, Congo, Guinea, Guyana, Indonesia, Iran, Iraq, Jordan, Kenya, Kuwait, Liberia, Libyan Arab Jamahiriya, Madagascar, Maldives, Mali, Mauritania, Mexico, Nicaragua, Niger, Panama, Romania, Sierra Leone, Uganda, United Arab Emirates, United Republic of Cameroon, Venezuela, Yemen, Yugoslavia and Zimbabwe.

Against: Afghanistan, Australia, Austria, Belgium, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, Cuba, Czechoslovakia, Denmark, Finland, France, German Democratic Republic, Germany, Federal Republic of, Greece, Hungary, Iceland, Ireland, Israel, Italy, Lao People's Democratic Republic, Luxembourg, Mongolia, Netherlands, New Zealand, Norway, Poland, Portugal, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, and United States of America.

Abstaining: Argentina, Bahamas, Bangladesh, Barbados, Bhutan, Bolivia, Brazil, Burma, Central African Republic, Chile, Democratic Yemen, Ecuador, Egypt, Ethiopia, Fiji, Gabon, Ghana, India, Ivory Coast, Japan, Lebanon, Morocco, Nepal, Nigeria, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Saudi Arabia, Singapore, Spain, Sri Lanka, Sudan, Suriname, Thailand, Trinidad and Tobago, Tunisia, Upper Volta, Uruguay, Zaire, and Zambia.

Statements in explanation of vote were made by the representatives of the Federal Republic of Germany, the United States of America, Italy, France, the United Kingdom of Great Britain and Northern Ireland, Panama, Peru, Egypt, Brazil, Zaire, Spain, the Union of Soviet Socialist Republics and Japan.

15. Finally, the Committee adopted at the same meeting draft resolution A/C.6/36/L.18 without a vote (see para. 18).

III. RECOMMENDATIONS OF THE SIXTH COMMITTEE

16. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

The General Assembly,

Reaffirming its support for the purposes and principles set forth in the Charter of the United Nations,

Recalling its resolutions 686 (VII) of 5 December 1952, 992 (X) of 21 November 1955, 2285 (XXII) of 5 December 1967, 2252 (XXIV) of 12 December 1969, 2697 (XXV) of 11 December 1970, 2968 (XXVII) of 14 December 1972 and 3349 (XXIX) of 17 December 1974,

Recalling also its resolutions 2925 (XXVII) of 27 November 1972, 3073 (XXVIII) of 30 November 1973 and 3282 (XXIX) of 12 December 1974 on the strengthening of the role of the United Nations,

Recalling especially its resolution 3499 (XXX) of 15 December 1975, by which it established the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, and its resolutions 31/28 of 29 November 1976, 32/45 of 8 December 1977, 33/94 of 16 December 1978, 34/147 of 17 December 1979 and 35/164 of 15 December 1980,

Having considered the report of the Special Committee, 4/

Noting that significant progress has been made in fulfilling the mandate of the Special Committee,

Noting also the progress of the debate held during the thirty-sixth session on the item entitled "Peaceful settlement of disputes between States", included in the agenda in pursuance of General Assembly resolution 35/164 of 15 December 1981, especially concerning the consideration of the draft Manila declaration on the peaceful settlement of international disputes, 5/

Noting the importance that pre-session consultations among the members of the Special Committee and other interested States may have in facilitating the fulfilment of its task,

Considering that the Special Committee has not yet completed the mandate entrusted to it,

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4/ Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 33 (A/36/33).

5/ Ibid., Thirty-fifth Session, Supplement No. 33, (A/35/33), para. 159.

1. Takes note of the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization;
2. Decides that the Special Committee should continue its work in pursuance of the following tasks with which it is entrusted:
  - (a) To list the proposals which have been made or will be made in the Committee and to identify those which have awakened special interest;
  - (b) To examine proposals which have been made or will be made in the Committee with a view to according priority to the consideration of those on which agreement seems possible and to make recommendations thereon;
3. Also decides that the Special Committee shall convene its next session from 22 February to 19 March 1982;
4. Requests the Special Committee at its next session:
  - (a) To accord priority to its work on the proposals regarding the question of the maintenance of international peace and security, including those relating to the functioning of the Security Council, with a view to continuing its examination of the compilation of proposals contained in its report on the work of its 1980 session 5/ and to considering the recommendations and proposals submitted during its 1981 session or thereafter;
  - (b) To consider proposals made by Member States on the question of rationalization of existing procedures of the United Nations and, subsequently, any proposals under other topics;
5. Also requests the Special Committee to finalize the draft Manila declaration on the peaceful settlement of international disputes with the view to its consideration and adoption by the General Assembly and to submit it to the Assembly at its thirty-seventh session;
6. Further requests the Special Committee, in the light of the progress it has achieved concerning the question of the peaceful settlement of disputes to continue its work on this question by considering the remaining proposals contained in the list prepared by the Committee in accordance with General Assembly resolution 33/94;
7. Requests the Special Committee to be mindful of the importance of reaching general agreement whenever it has significance for the outcome of its work;
8. Urges members of the Special Committee to participate fully in its work in fulfilment of the mandate entrusted to it;

9. Decides that the Special Committee shall accept the participation of observers of Member States in its meetings and, paying due regard to its efficiency and the time at its disposal, allow their participation in the meetings of its working groups;

10. Invites Governments to submit or to bring up to date, if they deem it necessary, their observations and proposals in accordance with General Assembly resolution 3499 (XXX);

11. Requests the Secretary-General to prepare an informal working paper containing an analytical summary of the statements made in the Sixth Committee on the item during the thirty-sixth session of the General Assembly and to submit it to the Special Committee at its next session;

12. Requests the Secretary-General to render all assistance to the Special Committee, including the provision of summary records;

13. Requests the Special Committee to submit a report on its work to the General Assembly at its thirty-seventh session;

14. Decides to include in the provisional agenda of its thirty-seventh session the item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization".

17. The Sixth Committee also recommends to the General Assembly the adoption of the following draft resolution:

The General Assembly,

Recognizing the importance of the fundamental role entrusted to the Security Council in the maintenance of international peace and security,

Noting that the experience of previous years regarding the application of the rule that decisions of the Security Council on all non-procedural matters require the concurring votes of all the permanent members has shown abuse in many cases, causing thereby a default in the fulfilment of the important tasks of the Council,

Noting also that several times the application of that rule has weakened the enhancement by the United Nations of the inalienable rights of peoples suffering from the policies of apartheid, foreign domination and occupation,

Taking into account resolution 486 (XXVII), 6/ adopted by the Council of Ministers of the Organization of African Unity at its twenty-seventh ordinary session, held at Port Louis from 24 June to 3 July 1976, resolution 4, 7/ adopted by the Fifth Conference of Heads of State or Government of Non-Aligned Countries,

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6/ See A/31/196 and Corr.1, Annex.

7/ See A/31/197, Annex IV, section B.



held at Colombo from 16 to 19 August 1976, resolution 7 of the Sixth Conference, 8/ held at Havana from 3 to 9 September 1979, and resolution 3/8-P, 9/ adopted by the Eighth Islamic Conference of Foreign Ministers, held at Tripoli from 16 to 22 May 1977,

1. Decides that the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization shall examine the abuse of the rule requiring the unanimity of the permanent members of the Security Council for the adoption of decisions on non-procedural matters, namely, those relating to the inalienable rights of peoples struggling against racism including apartheid, and all other forms of foreign domination and occupation, taking into consideration, inter alia:

(a) The need for the strengthening of the role of the Security Council in the maintenance of international peace and security;

(b) The fact that the maintenance of international peace and security under the Charter is the primary responsibility of the Security Council requiring the active participation of all Member States of the Organization to maintain international peace and security;

(c) The need for assessing the best means to eliminate the harmful and detrimental effects to international peace and security as a result of the abuse in the application of the rule of unanimity;

2. Requests the Special Committee to include its deliberations concerning the aforementioned paragraph 1 in its report to the General Assembly at its thirty-seventh session.

18. The Sixth Committee also recommends to the General Assembly the adoption of the following draft resolution:

Updating of the Repertoire of the Practice of the Security Council  
and the Repertory of Practice of United Nations Organs

The General Assembly,

Recalling its resolutions 602 (VI) of 1 February 1952 and 686 (VII) of 5 December 1952 concerning the preparation and publication of the Repertoire of the Practice of the Security Council,

Recalling also its resolutions 796 (VIII) of 27 November 1953 and 992 (X) of 21 November 1955 concerning the preparation and publication of the Repertory of Practice of United Nations Organs,

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8/ See A/34/542, section VI A.

9/ A/32/235, Annex I.

Recalling as well its resolution 2482 (XXIII) of 21 December 1968 on the budget for the financial year 1969 which provided new posts for the continuing work on the repertoires relating to the Charter, the practice of United Nations organs and the rules of procedure of the General Assembly, to be undertaken by the General Legal Division of the Office of Legal Affairs of the Secretariat,

Recalling further its resolution 35/164 of 15 December 1980 concerning the preparation and publication of the supplements to the Repertoire and the Repertory,

Taking note of paragraph 13 of the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization on its 1981 session, 10/

Taking note also of the report of the Secretary-General on the status of the preparation and publication of the Repertoire and the Repertory, 11/

Recognizing the importance and usefulness of the Repertoire and the Repertory as the principal sources of records for the analytical studies of the application and interpretation of the provisions of the Charter of the United Nations and of the rules of procedure made thereunder,

Requests the Secretary-General to give high priority to the preparation and publication of the supplements to the Repertoire of the Practice of the Security Council and the Repertory of Practice of United Nations Organs in order to bring those publications up to date as quickly as possible and to submit a progress report on the matter to the General Assembly at its thirty-seventh session.

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10/ Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 33 (A/36/33).

11/ A/C.6/36/2.