# United Nations GENERAL ASSEMBLY



FORTIETH SESSION

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SIXTH COMMITTEE
39th meeting
held on
Friday, 15 November 1985
at 3 p.m.
New York

### SUMMARY RECORD OF THE 39th MEETING

Chairman: Mr. AL-QAYSI (Iraq)

later: Mr. MUTZELBURG (Federal Republic of Germany)

### CONTENTS

AGENDA ITEM 132: PEACEFUL SETTLEMENT OF DISPUTES BETWEEN STATES (continued)

AGENDA ITEM 141: REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION (continued)

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## The meeting was called to order at 3.25 p.m.

AGENDA ITEM 132: PEACEFUL SETTLEMENT OF DISPUTES BETWEEN STATES (continued) (A/40/59; A/40/60-S/16873, A/40/62-S/16876, A/40/63-S/16879, A/40/67-S/16882,A/40/69-S/16883; A/40/70, A/40/76; A/40/79-S/16890, A/40/80-S/16891, A/40/81-S/16892, A/40/83-S/16894, A/40/94-S/16902; A/40/98; A/40/111-S/16916; A/40/116; A/40/120-S/16944, A/40/126-S/16952, A/40/129-S/16955, A/40/134-S/16964, A/40/138-S/16968, A/40/140-S/16970; A/40/146; A/40/155-S/16988; A/40/161, A/40/170; A/40/172-S/17023; A/40/175; A/40/181-S/17041. A/40/182-S/17042. A/40/206-S/17057, A/40/208-S/17060, A/40/210-S/17064, A/40/212-S/17066, A/40/214-S/17068; A/40/220; A/40/234-S/17102, A/40/235-S/17103, A/40/240-S/17109, A/40/255-S/17112, A/40/257-S/17116, A/40/264-S/17126, A/40/268-S/17131, A/40/273-S/17135 and Corr.1, A/40/287-S/17155, A/40/288-S/17158 and Corr.l, A/40/293-S/17165, A/40/294-S/17167 and Corr.1; A/40/296; A/40/297-S/17173, A/40/309-S/17185, A/40/310-S/17186 and Corr.1, A/40/311-S/17187, A/40/316-S/17194; A/40/323; A/40/324-S/17204, A/40/330-S/17208; A/40/332; A/40/333-S/17211; A/40/335; A/40/338-S/17218; A/40/351; A/40/352-S/17236, A/40/364-S/17247, A/40/368-S/17250, A/40/371-S/17256, A/40/378-S/17296, A/40/382-S/17276, A/40/391-S/17285, A/40/401-S/17301, A/40/403-S/17303, A/40/419-S/17311, A/40/424-S/17318, A/40/466-S/17330, A/40/479-S/17339; A/40/484, A/40/495; A/40/499-S/17350, A/40/500-S/17352; A/40/501; A/40/505-S/17359, A/40/507-S/17361, A/40/512-S/17365, A/40/526-S/17377, A/40/538-S/17390, A/40/545-S/17395, A/40/566-S/17403, A/40/568-S/17414, A/40/573-S/17417, A/40/582-S/17420, A/40/599-S/17432, A/40/630-S/17458, A/40/636-S/17464, A/40/640-S/17468, A/40/664-S/17479, A/40/674-S/17489, A/40/675-S/17490, A/40/685-S/17499, A/40/690-S/17504, A/40/732-S/17545, A/40/753-S/17568, A/40/782-S/17582, A/40/786-S/17584, A/40/821-S/17594, A/40/859-S/17613)

AGENDA ITEM 141: REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION (continued) (A/40/33, A/40/77, A/40/308, A/40/377, A/40/726 and Corr.1; A/C.6/40/L.10 and L.13)

- 1. Miss ROVIROSA-PRIEGO (Mexico) said her delegation fully supported the proposal on the establishment of a commission for good offices, mediation and conciliation (A/40/33, sect. II), since it would provide an ad hoc forum for States to settle their disputes in a peaceful way. However, she was concerned that some of the elements of the proposal on which her delegation had commented at the latest session of the Special Committee had not yet been clarified. It had been hoped that the sponsors would have taken account of her delegation's suggestions, which might make the establishment of the commission feasible.
- 2. Her delegation also supported the proposal to strengthen the capacity of United Nations organs for preventive action (A/40/33, para. 60), since it considered that any initiative which would encourage the organs of the United Nations to use fully their powers under the Charter would contribute to improving the effectiveness of the Organization. She wished to repeat her delegation's suggestion that in paragraph 12 of the proposal, which stated that the General Assembly should be encouraged to make full use of the provisions of the Charter,

### (Miss Rovirosa-Priego, Mexico)

reference should be made to the fact that that organ, in carrying out its functions, should also take into account resolutions that it had adopted, in particular resolution 377 (V) of 3 November 1950, entitled "Uniting for peace". Articles 10, 11 and 14 of the Charter conferred subsidiary responsibility on the General Assembly to act when a situation arose that threatened peace and the Security Council was not fulfilling its function of preserving peace.

- 3. Her delegation also agreed with the approach taken in the proposal on the role that the Secretary-General could play in preventing conflicts, acting as an impartial third party. The Special Committee should devise mechanisms to develop fully the concept of preventive diplomacy.
- 4. The rationalization of United Nations procedures was vital for improving the functioning of the Organization, but results had been modest so far in view of the difficult and complex nature of the task. The question should continue to be considered by the Special Committee. She therefore welcomed document A/AC.182/L.43, but had doubts with regard to some of its provisions, particularly paragraph 1. The search for consensus in the adoption of General Assembly resolutions and decisions should be examined in the light of a revision of the international democratic decision-making process. That question went far beyond the rationalization of procedures.
- 5. Mr. MORENO-SALCEDO (Philippines), referring to the question of peaceful settlement of disputes, thanked the delegations which had supported the revised working paper submitted by Nigeria, Romania and his own delegation (A/C.6/39/L.2), as well as those delegations which had indicated their readiness to approach it with an open mind. In reply to the concern expressed by some speakers that the proposal in the revised working paper might run counter to Charter provisions, he reaffirmed that that was by no means the sponsors' intention; on the contrary, the proposal was meant to supplement and reinforce the Charter. In order to remove any vestige of doubt in that regard, the sponsors were prepared to continue working on the paper and would welcome all suggestions which would make the point absolutely clear and the proposal acceptable to all.
- 6. Some concern had been expressed that the proposal might result in an infringement or undesirable realignment of the responsibilities and prerogatives of various organs of the United Nations. He wished to reiterate that the proposal did not call for the establishment of any new organ or institution within the United Nations system. The procedure it envisaged was to be fully integrated into an existing mechanism. It provided no more than an option which would be available to Member States as well as to United Nations organs with a view to facilitating the peaceful settlement of disputes. The proposal did not infringe upon the free choice of means of settlement of disputes. The consent of parties to disputes, as well as of those affected by them, was required. Even the transition from the stage of good offices and mediation to that of conciliation required the consent of the States parties to the dispute. The procedure as such was not automatic; what was automatic was the offer to make use of the procedure. It had been stated on many occasions that peaceful settlement of disputes depended largely on the

### (Mr. Moreno-Salcedo, Philippines)

goodwill of the parties concerned. It was because the sponsors fully agreed with that view that they had offered a procedure through which that goodwill could be exercised.

- 7. Turning to the topic of the maintenance of international peace and security, he said that the sponsors of document A/C.6/39/L.2 viewed the revised working paper submitted by Belgium, the Federal Republic of Germany, Italy, Japan, New Zealand and Spain (A/AC.182/L.38/Rev.1) as a welcome complement to their own proposal and appreciated the care taken by those countries to respect and maintain the balance established by the Charter between the main organs of the United Nations. One of the issues which had been raised in connection with the revised working paper, and more particularly with the changes to its original title, concerned the Special Committee's mandate, some members of that Committee taking the view that the changes entailed a certain reorientation. An attempt at a clearer delineation of the very broad areas covered by paragraph 3 (a) of General Assembly resolution 39/88 A could hardly constitute a departure from the Special Committee's overall mandate. It should be noted that the revision of the working paper had involved no substantial change of the original version. It was to be hoped that differences concerning matters of terminology would in future be laid aside, especially since the sponsors themselves had already given an assurance of their flexibility in that respect.
- 8. The working paper submitted by France and the United Kingdom on the rationalization of existing procedures of the United Nations (A/AC.182/L.43) had proved to be a sound basis for work in that field. In general, with regard to the proposals pending before the Special Committee, his delegation shared the doubts expressed by several others about the wisdom of over-emphasizing the criterion of literal conformity with the provisions of the Charter. Such an approach could hamper the Special Committee's deliberations; besides, it was surely more important to reflect the spirit of the Charter than merely the letter of its provisions.
- 9. Mr. SUN Lin (China) said that the strengthening of the role of the United Nations in maintaining peace, upholding justice and promoting co-operation was a matter of great concern to all States. At least three conclusions could be drawn from the work carried out by the Special Committee. Firstly, the role of the United Nations must be properly evaluated. More and more countries were reaffirming the positive role played by the United Nations in various aspects of contemporary international relations. The shortcomings and failures of the United Nations must be considered not only in the context of United Nations machinery and functions, but also in the context of the conflicting positions and motives of Governments. The world needed the United Nations, and the United Nations needed support from all Member States, particularly the permanent members of the Security Council. Secondly, a common basis was needed for the work of the Special Committee. His delegation noted that the new mandate for the Special Committee laid down in General Assembly resolution 38/141 was having a positive effect. It would be in keeping with that resolution if the Special Committee explored specific ways of strengthening the machinery and functioning of the United Nations on the basis of the effective working methods and procedures developed in the past, with

(Mr. Sun Lin, China)

the aim of achieving general agreement. Thirdly, the Special Committee should give priority to the study of the strengthening of the role of the United Nations in preventing international conflicts in accordance with the provisions of the Charter dealing with the maintenance of international peace and security.

- 10. While the Special Committee should focus on the prevention of conflicts, it should bear in mind that that was but one aspect of the maintenance of international peace and security, all aspects of which were closely interrelated. Moreover, it was essential to respect the wishes of the countries concerned. As a rule, the Security Council should play a greater role in preventing conflicts. Serious consideration should be given to the suggestions put forward in the revised working paper (A/AC.182/L.38/Rev.1) and in the relevant reports of the Secretary-General. In his recent address before the Security Council, the Minister for Foreign Affairs of China had indicated that the Security Council should heed the views of Member States, support reasonable demands made by them and give expression to their legitimate aspirations. The Minister for Foreign Affairs had also indicated that the permanent members of the Security Council should fulfil in good faith the special responsibilities conferred on them by the Charter. The General Assembly had adopted a number of resolutions on the maintenance of international peace and security that had been of great importance in preventing international conflicts. The Special Committee should therefore focus on the strengthening of the role of the General Assembly in that connection. His delegation supported the efforts made by the Secretary-General to prevent international conflicts in accordance with the relevant provisions of the Charter and with the authorization of the Security Council, and believed that his role should be enhanced.
- 11. Mr. YEPEZ (Venezuela) welcomed the proposal on the establishment of a commission for good offices, mediation and conciliation (A/C.6/39/L.2). It was time to put an end to the incongruous situation in which there was no comprehensive and co-ordinated system for implementing one of the most fundamental purposes of the Organization the peaceful settlement of disputes. At the inter-American level, efforts were being made to establish methods for settling disputes peacefully; at the level of the United Nations, the international community should have at its disposal detailed and prompt procedures for settling disputes. The idea of establishing a commission for good offices, mediation and conciliation deserved the support of States. However, all matters relating to the Commission should be subject to the agreement of the parties concerned.
- 12. His delegation had doubts as to whether the words "early" and "equitable" should be retained in paragraph 1 of the proposal in describing the settlement of a dispute. The commission would obviously take the necessary time to present recommendations, and the parties would arrive at an understanding when they considered it to be appropriate and were satisfied with the solution proposed. His delegation had no special preference as to whether the commission should be composed of States or eminent persons. However, the nature of the dispute might require a State to designate as its representative a specialist in a certain field, as provided for in paragraph 8 of the proposal. It should be made clear whether

# (Mr. Yepez, Venezuela)

the commission was to be of a permanent nature or set up for each specific occasion, who or what organ would select its members and how that selection would be made. In his delegation's view, the commission should be quite small, possibly with just three members. He did not understand why it was recommended in paragraph 9 of the proposal that the chairman of the commission should come from a State that was not a permanent member of the Security Council. Paragraph 18 of the document appeared to be superfluous, as did paragraph 20, which introduced doubts concerning the competence and powers of the Security Council, the General Assembly and the Secretary-General.

- 13. The draft handbook on the peaceful settlement of disputes between States should include not only recent procedures or instruments, but also those drawn up prior to the Charter which were still in effect and did not contradict its provisions. Resolutions which contained a detailed reference to the peaceful settlement of disputes should also be included, as should the Declaration on Friendly Relations and the Manila Declaration. The handbook should cover all the available mechanisms which could assist States in settling their disputes. The procedures listed should not contradict one another. The handbook should be systematic in order to be of practical use. The Secretary-General might perhaps consult the Organization of American States with regard to regional instruments and procedures in that field.
- 14. On the question of the maintenance of international peace and security, he welcomed the revised version (A/AC.182/L.38/Rev.1) of the working paper submitted by Belgium, the Federal Republic of Germany, Italy, Japan, New Zealand and Spain. The sponsors' proposal to cover the stage of possible United Nations activities preceding the start of the pacific settlement of disputes was appropriate and had been drafted with sufficient flexibility to allow Member States freedom of choice.
- 15. With regard to the rationalization of existing procedures of the United Nations, his delegation considered that the Special Committee should continue to study the question and congratulated the delegations of France and the United Kingdom on their working paper (A/AC.182/L.43). Some of its provisions could indeed contribute to the rationalization and improvement of those procedures. However, his delegation had serious doubts as to the approach taken in paragraph 1.
- 16. Mr. MORAGA (Chilé), referring to the natural disaster that had recently occurred in Colombia, said that Chile wished to offer its sincere condolences to the people and Government of Colombia.
- 17. In his statement at the closure of the tenth session of the Special Committee, the Chairman of the Special Committee had himself expressed a certain amount of regret at the outcome of the session, inasmuch as the Committee had been unable to produce tangible conclusions on any of the questions before it to be presented on the occasion of the fortieth anniversary of the Organization. However, the Special Committee had made a certain amount of progress, particularly where the draft handbook on the peaceful settlement of disputes between States was concerned. Chile attached great importance to the principle of peaceful settlement of disputes, as demonstrated by the recent settlement of a dispute with a neighbouring country through negotiations and mediation.

(Mr. Moraga, Chile)

- 18. It must be stressed that certain provisions of the Charter of the United Nations were outdated. With the necessary political will, international instruments could be adjusted so as to take account of new situations. The concept of consensus was not referred to in the Charter or in any other basic text, although it had later been referred to in the context of the law of the sea and a number of conferences. His delegation wished to propose the following definition of the concept of consensus: an agreement reached with the active participation of the presiding officer at a meeting, without a vote, where there was no formal objection to a proposal, which generally took the form of a compromise text whose adoption did not mean that there was unanimity on the decision in question.
- 19. His delegation believed that the clarification of matters relating to international law should not be the sole responsibility of the International Law Commission.
- 20. Mr. TREVES (Italy) said that the 1985 session of the Special Committee had been a constructive one although no conclusions had been reached which could have been submitted for adoption by the Sixth Committee. The year 1984 had been the first year since 1979 in which the Special Committee had worked on the basis of a resolution adopted by the General Assembly without a vote. The same had happened again in 1985, and it was to be hoped that it would become a tradition for the Special Committee to work in the co-operative atmosphere facilitated by the adoption without opposition of the resolution containing the mandate.
- 21. His delegation had been particularly active in the Special Committee's deliberations on the topic of the maintenance of peace and security. The Committee's Working Group had concentrated on the revised version (A/AC.182/L.38/Rev.1) of the working paper submitted by Belgium, the Federal Republic of Germany, Japan, New Zealand, Spain and his own delegation. It should be emphasized that the revised version was not wholly the product of its sponsors' efforts. In addition to taking into account the comments made on the original version at the Special Committee's 1984 session and at the thirty-ninth session of the General Assembly, it incorporated suggestions made during extensive consultations.
- 22. The subject of the maintenance of peace and security was as difficult as it was important. To avoid any risk of inconsistency with the Charter and to maintain the balance of powers between the various United Nations organs was a delicate matter indeed. The approach which had to be adopted was a modest one based on the practice of the United Nations and on the expectations and proposals which emerged from long years of reflection on the problem by various States and individuals. That was what the sponsors of the proposal had tried to do. In line with the relevant resolutions of the thirty-eighth and thirty-ninth sessions of the General Assembly, they had concentrated on the preventive aspect of the question, while keeping their proposal within the limits of the United Nations Charter and of the Organization's practice. They had been particularly encouraged to see that some documents issued at the present session of the General Assembly went in the same direction as their own and put forward some similar proposals. That was true, in

# (Mr. Treves, Italy)

particular of some points made by the Secretary-General in his report on the work of the Organization, namely, that it was in the interest of the United Nations to develop further the Secretary-General's capacity to serve as an objective third party and that, although there was much to be said for quiet diplomacy, more was sometimes required, such as a wider and earlier use of fact-finding and observation as well as more systematic and regular surveying of the world-wide state of international peace and security (A/40/1, p. 5). All those concerns were also reflected in document A/AC.182/L.38/Rev.1.

- 23. The Declaration read out by the President of the Security Council at the end of the Council's 2608th meeting - according to which the members of the Council had agreed that there was an urgent need to enhance the effectiveness of the Security Council in discharging its principal role of maintaining international peace and security and, accordingly, had resolved to continue the examination of the possibilities for further improvement of the functioning of the Security Council in carrying out its work in accordance with the Charter - also went in the same direction as the proposal, especially as the members of the Council had paid special attention to the suggestions addressed to them in the Secretary-General's annual reports on the work of the Organization. Those reports had also been given priority consideration by the sponsors of document A/AC.182/L.38/Rev.1. Clear support for ideas contained in the proposal, in particular of the idea of holding periodic meetings of the Security Council to review the international situation, that of resorting to the good offices of the Secretary-General in order to defuse potential conflicts and that of recourse to Article 99 of the Charter and, in general, to quiet diplomacy, was also to be found in the comments by India, Morocco and Nigeria contained in document A/40/454.
- 24. For the Special Committee to proceed in 1986 to a third reading of the proposal, perhaps on the basis of a further revision, would, in his delegation's view, be repetitious. Unless a clear indication were given that such a reading was to be a definitive step towards a conclusion, it would even imply that the General Assembly did not want real progress on the item. An invitation to continue working on the document such as that contained in resolution 39/88 A would not be enough after a further year of discussions. The sponsors were, of course, aware that their paper did not entirely cover the subject of maintenance of peace and security. It should be borne in mind, however, that the relevant General Assembly resolutions gave particular prominence to the prevention and removal of threats to the peace and of situations which might lead to international friction or give rise to a dispute, and that no other document had been presented on that subject. The time had come for the Special Committee to enter upon a more advanced and, it was to be hoped, final stage of its work on document A/AC.182/L.38/Rev.1.
- 25. Turning to the subject of peaceful settlement of disputes, he said that in-depth discussion on document A/C.6/39/L.2, submitted by Nigeria, the Philippines and Romania, had shown that the proposal still gave rise to many problems for many delegations and that its sponsors continued to take a flexible attitude towards the concerns which caused those problems. The debate had also shown, however, that the more changes were made in the proposal in order to meet those concerns, the more

(Mr. Treves, Italy)

the proposed commission lost its specific function, so that the question whether it was really necessary appeared increasingly well-founded. The technical problems arising from the proposal could surely be resolved, but it was doubtful whether the same was true of the fundamental problems involved, which ranged from the question of compatibility with the Charter and with the existing balance of powers between United Nations organs to the proposed commission's real usefulness.

- 26. With regard to the draft handbook on the settlement of disputes, approved in outline at the 1984 session, the Secretariat was known to be actively working on some chapters, but the representative group of competent individuals from the permanent missions who were supposed to assist the Secretariat in drafting the handbook had not been convened. It was to be hoped that some results would soon become available. Lastly, on the question of the rationalization of existing procedures of the United Nations, the Special Committee had confined itself to a brief debate of a general character on a working paper submitted by France and the United Kingdom (A/AC.182/L.43). In the current fortieth anniversary year of the United Nations, there was much talk of rationalization of procedures. The General Committee was supposed to hold a meeting on the subject. Interesting proposals were to be found in the paper submitted by the Asian-African Legal Consultative Committee (A/40/726 and Corr.1) and in the conclusions of the UNITAR Meeting of Presidents of the General Assembly (A/40/377). A proposal to increase from two to three the number of Vice-Chairmen of the Main Committees of the General Assembly was being circulated informally. While not advocating that the priorities set in resolution 39/88 A should be changed, his delegation was of the opinion that the Special Committee should give those new elements its attentive consideration.
- 27. Mr. Mützelburg (Federal Republic of Germany) took the Chair.
- 28. Mr. QAZI (Pakistan) expressed sympathy in connection with the tragedy which had taken place in Colombia.
- 29. Pakistan remained committed to the purposes and principles of the Charter and maintained its faith in the United Nations. However, it was hoped that the Organization would not allow such faith to be undermined by fundamental failures, especially failure to implement its own resolutions, which, in the long run, created a feeling of frustration and dissatisfaction.
- 30. Turning to the question of the Charter in the context of the maintenance of international peace and security, he rejected the extreme views which had been expressed during discussions in the Special Committee. Indeed, the idea that the Charter was immutable implied that its drafters had been perfect and that succeeding generations were incapable of matching their wisdom. Moreover, it also implied that circumstances had not changed or that the Charter was intrinsically flexible. The opposite view, namely that the Charter was an ordinary document which could be altered at will, was likely to have catastrophic consequences. The Charter was neither an immutable document nor a toy to play with. The only viable approach from the point of view of the purpose and mandate of the Special Committee would be to adopt a middle course. His delegation acknowledged the need to make

# (Mr. Qazi, Pakistan)

certain amendments to accommodate changes in circumstances, but it was not prepared to subject the Charter to a wholesale surgical operation.

- 31. The reiteration of obligations under the Charter had not been the moving force for the establishment of the Special Committee. Its establishment reflected recognition of the fact that sincerity had generally not been forthcoming since the adoption of the Charter. Some of the fundamental changes that had taken place since that time must be acknowledged. Allies had become opponents, and enemies had become allies; colonies had become partners; and unprecedented scientific and technological progress had taken place. The United Nations should take those developments into account, but the balance envisaged in the Charter must be maintained.
- 32. Referring to the division among the members of the Special Committee regarding the question of the maintenance of international peace and security and, in particular, the position of the Security Council, his delegation considered that, given existing provisions and conditions, the Security Council enjoyed a ubiquitous position. The Council was responsible for the failure of the United Nations to achieve its basic objective. However, the problem was not caused by the Council's lack of power or lack of strength. On the contrary, the strengthening of the Security Council, as had been advocated by a group of delegations in the Special Committee, would only exacerbate the situation. In view of the Security Council's failure to achieve its aims, consideration should be given to the potential of the General Assembly in that respect.
- 33. He welcomed the discussions which the Special Committee had held on the prevention of nuclear war - an objective of the utmost importance. However, the only way of preventing a nuclear war was to dismantle nuclear arsenals. diverging views expressed about the working paper on the maintenance of international peace and security, he said that, given the paper's direct relationship to, and effect on, the provisions of the Charter, it deserved careful consideration. In connection with the peaceful settlement of disputes, he appreciated the spirit of compromise displayed by the sponsors of the proposal for the establishment of a commission for good offices, mediation and conciliation. He was confident of their ability to work out a generally acceptable formula despite the complications that were likely to arise regarding working procedure and interrelationships with United Nations organs. Regarding the preparation of the handbook on the subject, his delegation was satisfied with the emphasis being placed on strict conformity with the Charter, and with the general recognition that the handbook should include relevant documents from the pre-United Nations period. It should also include extensive information to enable the States concerned to select a method or a combination of methods, because the ultimate objective was the settlement of disputes rather than the imposition of a specific means of settlement. Lastly, he drew attention to the Special Committee's concluding observations contained in paragraph 232 of its report (A/40/33), and stressed how important it was for States to perform their obligations in good faith.
- 34. Mr. SANYAOLU (Nigeria) said that the vision of 1945, upon the founding of the United Nations, of a world in which armed force would not be used, except in the common interest, a world in which international co-operation for the common good

(Mr. Sanyaolu, Nigeria)

would be the order of the day, was far from being a reality. The mandate of the Special Committee must therefore be to provide a way of achieving those goals, taking account of the current size and complexity of the United Nations.

- 35. With regard to the peaceful settlement of disputes between States, his delegation was a sponsor of the working paper on the establishment of a commission for good offices, mediation and conciliation (A/C.6/39/L.2). It wished to state, on behalf of the sponsors, that the powers of the proposed commission were not intended to conflict with those of either the Security Council or the General Assembly in the area of the peaceful settlement of disputes between States or to conflict with the concept of the free choice of means of settling such disputes. The sponsors wished to emphasize the effective use of good offices, mediation and conciliation for the pacific settlement of disputes. Primary responsibility for the maintenance of international peace and security would still rest with the Security Council and the General Assembly. The sponsors would endeavour to remedy the flaws to which a number of delegations had drawn attention.
- 36. His delegation noted with satisfaction the progress made on the draft handbook on the peaceful settlement of disputes between States. It believed that the Special Committee should continue its work on the basis of the mandate entrusted to it by the General Assembly.
- 37. Mr. GARVALOV (Bulgaria) said that the obligations of States under the Charter took precedence over obligations under all other treaties and agreements. The principles enshrined in the Charter were universally recognized as the law of international relations. Although 110 new States had become Members since its inception, the Organization had firmly adhered to the provisions of its Charter throughout that period. However, the potential of the United Nations was far from exhausted. Indeed, it must play an increasingly important role in international affairs and strive for the effective implementation of the Charter and related instruments. Efforts to strengthen the role and authority of the United Nations should be based on that approach. Indeed, the effectiveness of the United Nations was contingent solely upon the will of its Members, and current difficulties merely reflected that fact. It was not because of the imperfection of the Charter that its provisions had not been implemented. Therefore, it was necessary to recognize that as long as the provisions of the Charter were not fully respected, especially by militaristic forces, there was no political or legal justification whatsoever for blaming the Charter.
- 38. The guestion of the maintenance of international peace and security was by no means limited to the prevention of conflicts, and the Special Committee's new mandate provided an opportunity to examine the problem in all its aspects, including the role of the principal organs of the United Nations, especially the Security Council, as well as the role and obligations of States in the prevention of international disputes. The balance between the responsibilities of the main organs of the United Nations would be upset by the modification or circumvention of certain provisions of the Charter, particularly with regard to the Security Council. The problem could be solved only through strict and consistent observance of the principles of the Charter.

# (Mr. Garvalov, Bulgaria)

- 39. Regarding the peaceful settlement of disputes, he reaffirmed his country's support for the idea of drafting a handbook on the subject with a view to guiding parties to disputes in their choice of appropriate settlement procedures. The handbook should be concise, practical and based on the Charter. In addition, it should provide for negotiations. However, attempts to introduce a new element in the established, balanced procedure as provided for under Chapter VI of the Charter, would be inconsistent with the Charter.
- 40. On the basis of the good results achieved by the Special Committee on the important question of the rationalization of existing United Nations procedures, additional progress should be made in clarifying the remaining possibilities for rationalization.
- 41. Despite the difficulties involved in the task of strengthening the role of the United Nations and enhancing its effectiveness, positive trends had emerged from the work of the Special Committee, particularly after the adoption of General Assembly resolutions 38/141 and 39/88. A growing number of Member States were supporting the Organization and the strengthening of its role and effectiveness in international relations. The past four decades had shown that the United Nations was in fact indispensable. Having always defended it as an important instrument for the maintenance of international peace and security and the promotion of co-operation among peoples, Bulgaria would continue to support any proposal aimed at strengthening its role in that respect.

The meeting rose at 5.25 p.m.