



**SUMMARY RECORD OF THE 16th MEETING**

**Chairman: Mr. DENG (Sudan)**

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The meeting was called to order at 3.10 p.m.

AGENDA ITEM 135: REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION (continued)  
(A/43/33, A/43/209-S/19597, A/43/629)

AGENDA ITEM 129: PEACEFUL SETTLEMENT OF DISPUTES BETWEEN STATES (continued)  
(A/43/530 and Add.1 and 2; see also A/C.6/43/L.1, pp. 2-4)

1. Mr. CULLEN (Argentina) said that his delegation and many others had never accepted the argument that it was not the General Assembly's responsibility to make recommendations concerning the maintenance of international peace and security, on the pretext that the Security Council had the primary responsibility in that field. Argentina objected to unjustified restrictions of the Special Committee's mandate, and recognized that it had been the co-operation of a group of delegations in submitting, four years earlier, background documents on the prevention of disputes that had enabled the Special Committee to break the deadlock. His delegation therefore welcomed the completion of the draft declaration on the prevention and removal of disputes and situations which might threaten international peace and security and on the role of the United Nations in that field, and fervently hoped that the General Assembly would adopt it. It would have been preferable, however, after so many years of work, for the results to have been more striking. For the most part, the declaration merely reiterated appeals for the implementation of practices already in force, and in some paragraphs, which might have introduced certain innovations, the conditional mode and the useless repetition of provisos attenuated the effectiveness of the provisions. A bolder step should have been taken; the result was another example of how the quest for consensus had overly hampered the work of the Special Committee instead of encouraging it.

2. A decision had to be made as to what would replace the topic of prevention under the heading of the maintenance of international peace and security. Several delegations had mentioned fact-finding procedures. His delegation would welcome any proposal which would fulfil the purposes for which the Special Committee had been established.

3. Turning to the question of the peaceful settlement of disputes, he noted that the Special Committee had again discussed at length Romania's proposal on resort to a commission of good offices, mediation or conciliation within the United Nations. The sponsor of the proposal had submitted a new, revised version. However, doubts remained as to the usefulness of the proposal, on which there was good reason to take a final decision. If some delegations still had fundamental objections, it would be preferable for them to discuss them openly with the Romanian delegation before the various paragraphs were re-examined. His delegation hoped that agreement would be reached on the draft at the following session of the Special Committee so that it could begin its consideration of other aspects of the question.

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(Mr. Cullen, Argentina)

4. With regard to the draft handbook on the peaceful settlement of disputes between States, his delegation hoped that the final version would soon be completed. Such a handbook would certainly be very useful as a tool of reference, and a descriptive section could be included in it containing references to State practice; some delegations were concerned that that would make the work too bulky, but such references could provide useful information to the users of the handbook.
5. The rationalization of existing procedures of the United Nations was a question that had been before the Special Committee for years; its recommendations on the subject had been annexed to the rules of procedure of the General Assembly. It would be desirable for the Special Committee to conclude its debate on the remaining proposals at its next session and for those generally agreed upon to be definitively adopted, so that the Committee could take up new questions.
6. Mr. BATH (Brazil) said that the draft declaration on the prevention and removal of disputes and situations which might threaten international peace and security and on the role of the United Nations in that field, which the Special Committee had completed, could be evaluated from two different points of view. Firstly, in view of the mandate which the Special Committee had been receiving since 1984, there was bound to be satisfaction with the concrete result. For the first time, the Special Committee had made a proposal to the Sixth Committee on the most important item on its agenda, the maintenance of international peace and security. The difficulties which it had encountered had resulted to a great extent from the presence of two approaches to the question of prevention of disputes - one centred on the primary responsibility of States and the other focusing on the role of the United Nations. They were not irreconcilable differences, so long as the attempt was made to elaborate non-normative, practice-oriented provisions. Secondly, the declaration could be placed against the background of the original purposes for which the Special Committee had been created. The declaration could not be considered the successful culmination of a decade and a half of work on the maintenance of international peace and security, but rather the conclusion of efforts undertaken by a Committee whose mandate had been severely restricted. Since the early 1970s, international reality had changed considerably, and it was presently admitted that a realistic perception of what was achievable was a necessary pre-condition for the effectiveness of the Special Committee. The narrowing of its mandate was the price which it had to pay in order to be able to work on the basis of consensus. The improved international climate and the related enhancement of the prestige and effectiveness of the United Nations might enable the Special Committee to widen the scope of its work in future.
7. His delegation found the draft declaration to be acceptable. Its provisions remained within the framework of the Charter and of the practice that had evolved from the mechanisms established therein; it did not really open up new avenues and did not infringe upon the respective fields of competence of the Security Council, the General Assembly or the Secretary-General; it concluded with two provisos which preserved the applicability of the relevant provisions of the Charter. In some cases, such provisos appeared to be unnecessary, where, in paragraphs 16 and 18, for example, which dealt with the General Assembly's functions, the conditionality

(Mr. Rath, Brazil)

imposed by Article 12 of the Charter was spelled out. Moreover, paragraph 12 overstepped the limits of the "early phase" of the dispute; admittedly, it was often difficult in practice to identify clearly the borderline between that phase and a more advanced phase which required a more direct involvement by the United Nations. In relation to the paragraphs dealing with the Security Council and the General Assembly, the declaration rightly sought to consolidate and systematize procedures which might be very useful in the early stages of a dispute and which should be used more often. However, the most significant parts of the declaration were paragraphs 20 to 24, which dealt with the role of the Secretary-General; they modestly built upon the opportunities offered to the Secretary-General by Article 99 of the Charter, and their embodiment in the declaration would provide a greater legislative basis for action by the Secretary-General.

8. With regard to the proposal concerning resort to a commission of good offices, mediation or conciliation, his delegation was still unconvinced of its usefulness; it felt, however, that the Special Committee had reached a point where it should conclude its work on the matter. The sponsor of the proposal had improved it by making several modifications. Thus, it was now stated clearly that any expenses of the proposed commission should be borne by the parties to the dispute. In addition, the latest version clearly set out the strictly voluntary character of the procedure as well as the respect for the principle of free choice of means. Some problems, however, remained to be dealt with in greater detail. The relationship between the United Nations and the commission, in the case where the latter was set up by direct agreement between the parties to a dispute, was not sufficiently clear. As to the composition of the commission, too little latitude was given to the parties in the selection of the persons who would act as mediators or conciliators. The two-tiered procedure envisaged was too complicated and did not assure the parties that it would be objective and non-partisan. Moreover, the proposal still attempted to differentiate between good offices and mediation, implying that the former were a prerequisite of the latter. In practice, however, there often occurred an overlap between them, and the distinction became irrelevant. The States parties to a dispute should be free to start directly with mediation, conciliation or any other method agreed upon.

9. During the year, the Secretariat had presented new portions of the handbook on the peaceful settlement of disputes between States and should be commended for its work. The only observation that his delegation wished to make in that regard was that the texts on mediation, conciliation and inquiry should include more information on the practice that had evolved both in general and in the application of treaty clauses. The description of practice would show that the distinction between the categories of means was becoming blurred. The end result of the Secretariat's work would be a handbook which must, by definition, maintain a balance between theory and practice in order to be of real help to its users.

10. With regard to the Special Committee's mandate for its next session, his delegation wished to point out that, in general, it rejected any attempt to include in the Special Committee's agenda items which were under discussion elsewhere in the Sixth Committee and which bore no relationship with the subject-matter of the

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(Mr. Bath, Brazil)

Special Committee. It would support, on the other hand, any proposal which sought to build upon the elements contained in the draft declaration on the prevention of disputes, and would be ready to consider any suggestion in that connection.

11. Mr. YIMER (Ethiopia) said that the most significant outcome of the work of the Special Committee during its 1988 session had been the completion of the draft declaration on the prevention and removal of disputes and situations which might threaten international peace and security and on the role of the United Nations in that field. The draft declaration complemented the 1982 Manila Declaration on the Peaceful Settlement of International Disputes and the Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations. Although the principle of peaceful settlement of disputes embodied in Article 2, paragraph 3, of the Charter was one of the basic principles of contemporary international law, it went without saying that the prevention of disputes was equally important for the maintenance of international peace and security, which was one of the fundamental aims of the United Nations, as was indicated in Article 1 of the Charter. In his report on the work of the Organization (A/43/1), the Secretary-General had stated that resolving conflicts was a prime responsibility of the United Nations but that avoiding them was equally necessary for the maintenance of peace. Those words clearly showed the significance of the draft declaration under consideration.

12. His delegation considered that the first salient feature of the draft declaration was its structure, and the way in which the roles of the various actors engaged in the prevention of disputes and situations - namely States, the Security Council, the General Assembly and the Secretary-General - were clearly identified. As far as substance was concerned, the most significant point in the preamble was the recognition of the fundamental responsibility of States for prevention, and the restatement of the right of all States to resort to peaceful means of their own choice for the prevention and removal of disputes or situations. Such an approach was consistent with Articles 1 and 33 of the Charter. The operative part of the draft declaration began by defining the role of States, stipulating, in paragraph 1, that they should act so as to prevent in their international relations the emergence or aggravation of disputes or situations. Among the other points to which his delegation attached particular significance were the need for States, as indicated in paragraph 3, to consider the use of bilateral or multilateral consultations in order better to understand each other's views, positions and interests, and the importance of approaching the Security Council at an early stage and, if appropriate, on a confidential basis, before requesting a meeting of the Council. For its part, the Security Council had important functions to perform within the context of the draft declaration as a whole, in view of the Council's primary responsibility as provided for in Article 24 of the Charter. Thus, paragraph 7, which called for the holding from time to time of meetings, in particular at the foreign-minister level, to review the international situation and to search for ways of improving it, was a novel idea worth pursuing. The same was true for the ideas contained in paragraphs 8, 9 and 10. Paragraph 12 stated that the Security Council should consider sending, at an early stage, fact-finding or good offices missions or establishing appropriate forms of United Nations presence

(Mr. Yimer, Ethiopia)

as a means of preventing the further deterioration of the dispute or situation in the areas concerned. While there would be no objection to the need for such means of prevention at the disposal of the Council, it was not clear from the text whether the consent of the host State was required; in his delegation's view, such consent was necessary unless the Council was acting under Chapter VII of the Charter. The fact that the Council had the option of requesting an advisory opinion from the International Court of Justice on any legal question should also help the Council to fulfil its role in attaining the objectives of the declaration.

13. In connection with the role of the General Assembly, he referred to paragraph 16 of the draft declaration, which stated that the Assembly should consider making use of the provisions of Article 11 of the Charter; to paragraph 18, which suggested that it should recommend greater use of fact-finding capabilities, and to paragraph 19 concerning the possibility of requesting the International Court of Justice to give an advisory opinion on any legal question. His delegation welcomed the role of the Secretary-General as defined in the draft declaration, which developed Article 99 of the Charter. Paragraph 21, which stated that the Secretary-General should consider approaching the States directly concerned, and paragraph 22, which provided that he should make full use of fact-finding capabilities in the areas concerned, should enhance the Secretary-General's role in the maintenance of international peace and security. Finally, it was appropriate to reiterate, as in paragraph 25, that if prevention failed, the machinery for peaceful settlement should be set in motion.

14. In conclusion, he said that his delegation supported the adoption by the General Assembly of the draft declaration, which came before it at a time when, in a more relaxed international climate, the Nobel Prize had been rightly awarded to the United Nations peace-keeping forces. While the declaration might not be a panacea, it would make a modest contribution towards the promotion of preventive diplomacy.

15. Mr. MADI (Egypt) said that the prevention and removal of disputes were two prerequisites for the maintenance of international peace and security. The settlement of disputes was primarily the responsibility of the United Nations and of Member States; preventive diplomacy was a valuable instrument in achieving that goal. Nowhere was it written that the United Nations should refrain from preventive diplomacy, but the major obstacle to its intervention when a conflict arose lay in the lack of unanimity within the Security Council. Practice had shown that when the States which were permanent members of the Security Council demonstrated the necessary political will and unanimity, the Council was able to fulfil its responsibilities. It was for that reason that it had been able to adopt resolution 598 (1988), which had put an end to the bloody war between Iran and Iraq.

16. Referring to the draft declaration on the prevention and removal of disputes and situations which might threaten international peace and security and on the role of the United Nations in that field, he said that the draft declaration clearly defined the role of the Security Council and its responsibilities in that

(Mr. Madi, Egypt)

regard. If those responsibilities were fulfilled, the provisions of the nine paragraphs devoted to the Security Council would enable that body to take action in any conflict before it deteriorated into a destructive war. In particular, mention should be made of paragraph 12 of the draft declaration, which authorized the Security Council to send fact-finding or good offices missions at an early stage of a conflict, or to establish a United Nations presence in the form of observers, and paragraph 15, which authorized the Council to request, at an early stage, the International Court of Justice to give an advisory opinion on a particular conflict. If the Council were able to apply both the letter and the spirit of those paragraphs, its effectiveness would thereby be distinctly enhanced.

17. At the same time, the four paragraphs devoted to the role of the General Assembly were inadequate, and would not strengthen its role in preventing and removing disputes. Indeed, they restricted the role of the General Assembly to implementation of the provisions of Articles 11 and 12 of the Charter.

18. On the other hand, the draft declaration was noteworthy for the five paragraphs devoted to the role of the Secretary-General. They stated that the Secretary-General could take action by offering his good offices on his own initiative or at the request of the States concerned, that he could also consider sending representatives or fact-finding missions with the consent of the States concerned, or that he might make use of the powers accorded to him under Article 99 of the Charter in order to draw the Security Council's attention to any matter which might endanger the maintenance of international peace and security. Those were all measures whose effect would be to strengthen the role of the Secretary-General in preventing and removing disputes. In that connection, his delegation welcomed the fact that the Secretary-General, by intensifying his efforts, putting forward solutions and offering his good offices, had opened up possibilities for the peaceful settlement of disputes, and that the States which were permanent members of the Security Council had supported him in that endeavour. At a testing time for the United Nations, his delegation hoped that the Secretary-General would be supported by the permanent members of the Security Council and by all other Member States.

19. The five opening paragraphs of the draft declaration emphasized the role of States in the prevention and removal of disputes by recalling that it was their duty to fulfil their obligations in good faith, to develop their relations on the basis of sovereign equality, and to enter into negotiations and consultations through the United Nations in order to seek ways and means of preventing conflicts. His delegation hoped that all States would use peaceful means, and preventive diplomacy in particular, in order to settle disputes.

20. As a whole, the draft declaration was a valuable tool that defined clearly all the machinery for preventive diplomacy and the role both of the United Nations organs and of States in the area of the maintenance of international peace and security. Egypt hoped that the General Assembly would adopt the draft and that the Special Committee would be able to consider the issue of the powers of the United Nations in the area of fact-finding, which was vital to the fulfilment of its tasks.

(Mr. Madi, Egypt)

21. In the course of the recent discussion of the issue of resort to a commission of good offices, mediation or conciliation within the United Nations, some delegations had expressed reservations about the appropriateness of further consideration of the matter. They had stressed that the proposed machinery was ambiguous and that it was not clear whether directives should be proposed or whether the measures identified should be included in the draft handbook on the peaceful settlement of disputes between States. In any event, States could either make use of the United Nations in that respect or take measures themselves to hold consultations with a view to solving a given dispute. However, some States might need machinery that would enable them to decide what steps should be taken in a given situation. Delegations should therefore hold consultations in order to decide on the best method of work for drafting the paragraphs on that subject.

22. Since the Special Committee had provisionally adopted two paragraphs on the question of the rationalization of existing procedures of the United Nations at its most recent session, it could adopt the other paragraphs at its following session. The time for considering the final wording of those paragraphs had come. Delegations must continue to display the spirit of compromise that had been characteristic of the Special Committee's work, so as to enable the Special Committee to complete consideration of the two other questions before it - resort to a commission of good offices, mediation or conciliation, and the rationalization of existing procedures of the United Nations - with a view to paving the way for the consideration of other more important questions.

23. Mr. VOICU (Romania), referring to the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organisation (A/43/33), said that, more than ever before, the United Nations was called upon to act with determination in order to enhance its role in resolving the issues of international life. The current complex and contradictory international situation required a renewed effort to strengthen the authority of the United Nations. The Special Committee had an important role to play in the current collective search for ways and means of enabling the United Nations to perform its essential functions better. It had been given the mandate of examining the observations received from Governments concerning suggestions and proposals regarding the Charter of the United Nations and the strengthening of the role of the United Nations with regard to the maintenance and consolidation of international peace and security, the development of co-operation among all nations and the promotion of the rules of international law in relations between States. Romania had therefore always believed that the Special Committee must be an effective tool for detailed consideration of the main questions relating to the overall improvement of the Organization's structures and functioning. Moreover, the Special Committee's activities had always revolved around the idea that the strengthening of the role of the United Nations was inseparable from the maintenance of international peace and security and the peaceful settlement of international disputes.

24. Romania had been consistently of the view that the United Nations should take more practical steps towards the settlement of disputes and provide more effective

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(Mr. Voicu, Romania)

support for the parties to a particular dispute; ultimately the peaceful resolution of problems depended above all on a convergence of interests, and such a convergence both needed to be and could be brought about through sustained dialogue and negotiation. Effective use must therefore be made of the various ways and means of achieving that goal provided by the Charter of the United Nations, and all elements must be taken into account in that process, as stressed by the Secretary-General in his most recent report on the work of the Organization (A/43/1).

25. It was regrettable that owing to lack of time the working group dealing with the issue of resort to a commission of good offices, mediation or conciliation within the United Nations had been unable to consider the proposal put forward by Romania. That notwithstanding, the Special Committee had made real progress in fulfilling its mandate in that respect, as indicated by the fact that it had been decided by consensus that the Working Group should continue consideration of the issue at its following session, on the basis of working paper A/AC.182/L.52/Rev.2, with a view to reaching agreement on appropriate conclusions to be submitted to the General Assembly at its forty-fourth session. Romania hoped that all delegations would give the proposal due attention so that the General Assembly could adopt it at that same session. Furthermore, Romania reaffirmed its support for the drafting of a handbook on the peaceful settlement of disputes between States and applauded the Secretariat's efforts to complete the preparation of such a handbook as early as possible.

26. On the issue of the maintenance of international peace and security proper, his delegation was pleased to note that, as a result of intensive work, the Special Committee was in a position to submit to the General Assembly for consideration and adoption the draft "declaration on the prevention and removal of disputes and situations which may threaten international peace and security and on the role of the United Nations in this field". In particular, it welcomed the efforts made by the sponsors of the initial draft declaration and by the Chairman of the Special Committee, who had submitted an informal paper, as well as by the delegations that had submitted a number of proposals at the 1987 session. However, it would have been advisable to provide more information in the report about the actual work done on the preparation of the draft declaration, which was the first document of its nature on preventive diplomacy within the United Nations. While endorsing the draft, Romania believed that it could have gained in substance if references to disarmament and confidence-building measures had been incorporated into the text. However, in its current form the draft illustrated the fact that the world Organization could not perform its preventive function in a vacuum, independently of the actual behaviour of States and without respect for the principles and norms of international law. The United Nations was composed of sovereign States that were responsible both individually and collectively for maintaining international peace and security and for preventing and removing threats to peace.

27. In order to strengthen the role of the United Nations in the area in question vigorous measures should be taken, on a permanent basis, with a view to increasing the Organization's capacity, authority and prestige. It was to be hoped that, once

(Mr. Voicu, Romania)

it was adopted by the General Assembly, the draft declaration would help to ensure the primacy of international law in world politics, to enhance the effectiveness of the world Organization in dealing with questions relating to the maintenance of international peace and security, and to promote the peaceful settlement of disputes.

28. Romania had had a number of questions and doubts about the way in which the issue of the rationalization of existing procedures of the United Nations had been presented by the sponsors of the working paper on the subject. Nevertheless, it had taken an active part in the discussion of the working paper submitted by France and the United Kingdom and wished to thank the sponsors for their contribution to the collective efforts undertaken in various forums with a view to improving the efficiency of the General Assembly's work. However, Romania wished to restate the view that the difficulties of the United Nations both could and should be resolved without affecting its priorities, its structures, the democratic machinery for its functioning, or its decision-making procedures, and that no measures that limited or reduced its basic activities or adversely affected its guiding principles, particularly the principle of the sovereign equality of States, should be adopted.

29. To that end, more attention should be paid to the Special Committee's future activities. The Special Committee would be more effective if all its members devoted themselves to the attainment of its fundamental objectives and agreed on the adoption of effective and practical measures to strengthen the Organization's capacity for action. With a mandate extended by consensus and with agreement on its priorities, in 1989 the Special Committee would be able to submit a report containing recommendations of immediate practical value relating to the peaceful settlement of disputes and the rationalization of existing procedures of the United Nations.

30. He stressed, however, that the Special Committee had not yet exhausted its mandate relating to the maintenance of international peace and security in all its aspects. His delegation welcomed the informal consultations for the identification of new proposals concerning the maintenance of international peace and security which could be submitted to the Special Committee for consideration at its 1989 session. The Special Committee's mandate for 1989 should cover all the questions entrusted to it by the General Assembly, and define them clearly, so as to avoid any confusion concerning the actual tasks to be performed. His delegation was convinced that the spirit of co-operation that all delegations had shown thus far would make it possible to find consensus solutions which would render the Special Committee's future activities successful and productive.

31. Mr. XU Guangjian (China) said that the draft declaration on the prevention and removal of disputes and situations which might threaten international peace and security and on the role of the United Nations in that field was intended to enable the relevant United Nations organs to discharge fully the functions assigned to them in the Charter of the United Nations in the maintenance of international peace and security. Against that background, it was to be commended.

(Mr. Xu Guangjian, China)

32. His delegation, which had taken an active part in the work of the Special Committee in formulating the draft declaration, supported the efforts made by the United Nations, in accordance with the purposes and principles of the Charter, to prevent and remove international disputes. China was willing to join other countries in further enhancing the role of the Organization in that field, provided that such efforts were in conformity with the mandates of the various organs of the United Nations as stipulated in the Charter, did not disturb the balance between those mandates, did not prejudice the rights and obligations of States or the provisions of Article 2, paragraph 7, of the Charter, did not hinder the exercise of the right of States to choose freely the peaceful means for the prevention and removal of disputes, and safeguarded the inalienable rights of peoples to self-determination, freedom and independence. On the basis of those principles, his delegation, which appreciated the compromises accepted by various countries, would join the consensus for the adoption of the draft declaration at the current session of the General Assembly.

33. Mr. HOMOUD (Jordan) said that his country recognized the important role played by the United Nations and its organs, on the basis of the principles laid down in the Charter, in preventing and removing international disputes. Jordan welcomed the recent active participation by the United Nations in the settlement of international disputes, and hoped that it would participate in new peace initiatives in the future. It supported the measures adopted by the international community with a view to enhancing the role of the Organization in the maintenance of international peace and security. For such measures to be effective, disputes must be viewed objectively without prejudice to either party. Unfortunately, the negative effects of such prejudice were evident in the case of some regional conflicts. His delegation welcomed the proposals that the Special Committee should examine the question of fact-finding at its next session.

34. Mr. AUST (United Kingdom) said that the draft declaration on the prevention and removal of disputes and situations which might threaten international peace and security and on the role of the United Nations in that field was a valuable complement to the provisions of the Charter. It recognized the key role of the Security Council in the maintenance of international peace and security, which was particularly important in the light of the Council's recent demonstration of its capacity in that field. His delegation was therefore pleased that the draft declaration had been adopted by consensus in the Special Committee, and hoped that such would also be the case in the General Assembly.

35. The proposal to establish a commission of good offices, mediation or conciliation within the United Nations raised important questions concerning the relationship between the proposed commission and the organs of the United Nations. It was essential that such a commission should in no way prejudice the primary role of the Security Council in seeking peaceful settlements to disputes whose continuation was likely to endanger international peace and security. It was also important to ensure that such a commission would not adversely affect the mediation functions of the Secretary-General and his staff, the importance of which had been shown by the recent successes of the Secretary-General. Although the revised

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proposal went some way towards clarifying the relationship between the proposed commission and existing United Nations organs, several delegations had continued to express doubts about the usefulness of establishing such a body. His delegation considered that the willingness of States to employ existing machinery for peaceful settlement of disputes was more likely to lead to positive results than the construction of new machinery.

36. As always, the texts prepared by the Secretariat for the draft handbook on the peaceful settlement of disputes between States were of a very high standard. His delegation was sure that the final text of the handbook would represent a most significant addition to the material in that field on which States could already draw.

37. Although the Special Committee had not finished its consideration of the French and United Kingdom proposals for rationalisation of existing procedures of the United Nations (A/42/33, para. 34), which formed the basis for that aspect of the Committee's work, considerable progress had been made during the 1988 session. His delegation trusted that further progress, leading to adoption of the proposals, would be made at the 1989 session.

38. The United Kingdom, which had always been a staunch supporter of the International Court of Justice and had from the beginning accepted its compulsory jurisdiction, was particularly interested in the ideas put forward by the Soviet Union at the forty-second and current sessions of the General Assembly, concerning enhancement of the role of the Court, and was willing to explore any suggestions which would lead to a wider acceptance of the jurisdiction of the Court. If relations between States were genuinely to be governed by the rule of law, States must be willing to see the Court play its proper role. There were various ways in which that objective could be achieved. Firstly, the most obvious way was for States which had not yet done so, and in particular the permanent members of the Security Council, to accept the compulsory jurisdiction of the Court. The United Kingdom was currently the only permanent member of the Security Council which accepted that jurisdiction. Secondly, more States might accede to the optional protocols to many multilateral conventions under which the parties agreed to refer to the Court any disputes regarding the interpretation and application of the conventions. Thirdly, more multilateral conventions, particularly conventions of a universal character, should provide for the compulsory jurisdiction (or mandatory arbitration) of the Court on matters arising under their provisions. Fourthly, and despite the difficulties that such proposals raised, more interest should be taken in the proposed schemes whereby States would agree, at least on a multilateral (and perhaps on a bilateral) basis, to accept the compulsory jurisdiction of the Court with certain exceptions, or conversely, only for certain subjects.

39. Extreme care must be exercised in choosing a new agenda item for the Special Committee. It must be a topic designed to strengthen the role of the United Nations with regard to the maintenance of international peace and security, the development of co-operation among all nations, and the promotion of the rules of

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(Mr. Aust, United Kingdom)

international law in relations between States. It must also help to enhance the effectiveness of the principal organs of the United Nations. His delegation had listened with interest to the proposals made on the subject during the debate, and in particular to those made by the Soviet Union.

40. Mr. AL KHALIFA (Bahrain) said that the statement made by his country's Minister for Foreign Affairs at the current session of the General Assembly had emphasized the indispensable role of the United Nations in resolving international problems and conflicts. His delegation fully endorsed the following statements by the Secretary-General in his report on the work of the Organization (A/43/1): "Multilateralism has proved itself far more capable of inspiring confidence and achieving results than any of its alternatives. Millions around the world have had a gratifying demonstration of the potential of the Organization and the validity of the hopes they place in it."

41. His delegation congratulated the Special Committee on the results it had obtained at its 1988 session, particularly with regard to the question of maintenance of international peace and security in all its aspects. The draft declaration adopted by the Committee constituted a praiseworthy effort, and it was to be hoped that it would be adopted by consensus at the current session of the General Assembly.

The meeting rose at 5 p.m.