



SUMMARY RECORD OF THE 24th MEETING

Chairman: Mr. FERRARI-BRAVO (Italy)

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AGENDA ITEM 117: 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 117: REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION (continued) (A/33/33, A/33/65, A/33/206 and Corr.1 (French only))

1. Mr. CHAUDRI (Pakistan) said his delegation attached great importance to the work of the Special Committee and was grateful to those delegations which had introduced specific proposals on the questions of dispute settlement and the rationalization of procedures. His delegation had studied with great interest the 51 proposals on the question of dispute settlement recorded in the report of the Special Committee (A/33/33).
2. The effectiveness of the United Nations depended, and would continue to depend, primarily on strict compliance by Member States with the provisions of the Charter. If all States were to comply with the Charter and adhere to the principles and norms established by it, there would be no need for radical amendment of the Charter or the creation of new bodies to deal with the extremely important question of dispute settlement.
3. The effectiveness of the United Nations also depended on the co-operation of States. If States were to endeavour to judge controversial issues on the basis of merit and objectivity rather than of narrow national interests, the Charter would serve adequately the purpose of maintaining international peace and security.
4. His delegation would welcome any initiative to strengthen the role of the United Nations and to enable it to carry out its task more effectively, in accordance with the purposes and principles of the Charter. Unfortunately, it had not always been possible for the United Nations to live up to its primary responsibility of maintaining international peace and security. The Organization's inadequacy in that field could not be attributed to any serious flaws in the Charter itself; it resulted rather from the uncompromising attitude adopted by some Member States which showed reluctance to abide by the Charter and refused to obey the decisions of the United Nations.
5. Referring to the report of the Special Committee he said that the most effective procedures for the peaceful settlement of international disputes might be: the holding of periodic meetings of the Security Council at very high level for a general exchange of views on the international situation; the holding of periodic meetings of the Security Council to review the status of the implementation of its resolutions; the renewal of the practice of establishing subsidiary organs under Article 29 for investigation of situations which might lead to disputes; and the establishment of subsidiary organs for the purpose of inquiry, good offices and conciliation. Where such procedures failed to bring a dispute to an end, the Security Council could either embark on conciliation or mediation, and could call on parties to submit disputes to arbitration or judicial settlement.

(Mr. Chaudri, Pakistan)

6. His delegation believed that a standing arbitration committee might tend to subsume or duplicate the existing functions of the Security Council and that a permanent commission of the General Assembly might not be very helpful either. The creation of ad hoc machinery seemed to be suitable, since its composition and working procedures could take into account the nature of each individual case.
7. He was generally in favour of measures to strengthen the role of the International Court of Justice, including provisions for compulsory jurisdiction. Moreover, more frequent resort to the advisory opinions of the Court might be beneficial. However, the procedures adopted would have to ensure that no unnecessary burden was imposed on the capacity of the Court.
8. Many of the suggestions contained in the working papers submitted by various delegations on the question of rationalization of procedures were useful and, in general, limiting debates, combining items and timely documentation could bring about improvements in procedure. However, the over-all improvement might not be very substantial. Nor would it be possible to hold one general debate on all issues in the Main Committees of the General Assembly, since such a procedure could give rise to marathon speeches which would tax the patience of members of the Committees. Moreover, different items dealt with in a Committee might be dealt with by different members of a delegation. Consequently, one debate would not serve the purpose of rationalization and might in fact result in making the United Nations less effective.
9. In the view of his delegation, all efforts at rationalization should be aimed at streamlining the procedures and improving the efficiency and effectiveness of the United Nations. Improving the quality of Secretariat staff and adherence to the principle of equitable geographical representation would be essential elements in such an exercise.
10. His delegation supported the renewal of the mandate of the Special Committee and expressed the hope that the constructive work done at the previous session would be continued during the next stage of the examination of the proposals listed in the report. His delegation would strive to participate effectively in the work of the Special Committee at its next session.
11. Mr. GAVIRIA (Colombia) said that Colombia, as a founding member of the United Nations, had taken part in the drafting of the Charter. It had been in response to a Colombian initiative that the principle of pacta sunt servanda, had been incorporated into the Charter. The importance of that principle increased with the passage of time. In the turmoil of the contemporary world, the fulfilment of international obligations in good faith was the best means of avoiding and even resolving many of the conflicts threatening international peace and security.
12. Although his country had always observed the provisions of the Charter, it nevertheless considered that it should be updated in many aspects, since its machinery would otherwise become ineffective and its provisions anachronistic. That view had been expressed by the current Minister for Foreign Affairs of Colombia in the general debate of the General Assembly.

(Mr. Gaviria, Colombia)

13. His delegation had participated in the work of both the Ad Hoc Committee on the Charter of the United Nations and of the existing Special Committee and had submitted specific proposals for updating a number of provisions of the Charter. Those proposals were contained in document A/AC.182/L.5 and related to the admission of new Members, the powers of the Security Council and a number of the functions of the Trusteeship Council. His delegation had also been a sponsor of document A/AC.182/L.12/Rev.1 which, in his view, represented a sound basis for negotiation with a view to fulfilling the mandate of the Special Committee.

14. The Special Committee had made little progress either because of the working procedure adopted, or for other reasons. It was essential, therefore, to find ways and means which would guarantee more fruitful results. For that purpose, the mandate to be given to the Special Committee should be clearly defined, so as to avoid unnecessary confrontations over simple questions of procedure or interpretation.

15. Thus far, the work of the Special Committee had been limited to preparing a compilation of the proposals submitted on the question of the peaceful settlement of disputes. His delegation attached particular importance to that question and had already had occasion in the Special Committee to express its interest in strengthening and streamlining the procedure provided for in Article 33 of the Charter. At the same time, however, the Special Committee should also give priority to consideration of the question of the maintenance of international peace and security. He expressed the hope that that suggestion, which also represented the views of other delegations, would be taken into account in renewing the mandate of the Special Committee, a measure which his delegation supported whole-heartedly.

16. Colombia was aware that the revision or updating of the Charter could be a time-consuming and costly process. However, with the political will of all States, significant progress could be made in that direction.

17. The United Nations, far from isolating itself from the natural process of change which took place in any political or legal organization, must reflect, more than any other body, the major political, economic and social changes of the contemporary world. It could respond effectively to contemporary problems only in so far as the provisions of the Charter were updated to keep pace with the historic evolution of international society.

18. Mr. DE FARIA (Portugal) said Portugal was keenly aware of the strength which the United Nations, in its current universal form, really represented. In 1974, in overthrowing the dictatorship and putting an end to its colonial wars, the people of Portugal had recognized the right of all peoples to self-determination and independence and implemented the resolutions of the General Assembly, the decisions of the United Nations and the rules established by the international community. In that regard, it was significant to note that the programme made public only a few hours after the overthrow of the dictatorship contained a specific reference to General Assembly resolution 1514 (XV) and a firm commitment to observe United Nations resolutions scrupulously.

(Mr. De Faria, Portugal)

19. The United Nations was a functioning body. Although some resolutions sometimes remained a dead letter, and although certain legitimate aspirations of the majority of peoples might not be realized in the short-term, sooner or later, universal conscience and will prevailed. A prime example was the case of Portugal, which had scrupulously respected the will of the international community, as expressed by the United Nations, by changing the face of one area of the world and enhancing the prestige of the United Nations in that regard. Consequently, Portugal was particularly aware of the fact that the will of the majority of countries, as expressed in the United Nations, must be, and eventually was, respected and that the scrupulous implementation of the provisions of the Charter could result in an appreciable improvement in international relations.

20. Portugal had been a sponsor of General Assembly resolution 32/45 extending and clarifying the Special Committee's mandate. It had done so because it had felt it essential that that mandate should contain a number of guidelines, in particular those set out in paragraphs 2 and 3 of that resolution. He welcomed the progress that the Special Committee had made at its most recent session, despite the difficulty of its task. That progress had been achieved because the Special Committee had taken its decisions by consensus. That was a factor to which his delegation attached great importance. In questions as delicate as those dealt with by the Special Committee, progress was difficult, if not impossible, in an atmosphere of confrontation, so that consensus was essential. His delegation hoped that the Special Committee would continue to work in the same spirit in 1979. Accordingly, he would support any text extending the mandate of the Special Committee as contained in resolution 32/45.

21. He would not comment in detail on the specific proposals submitted to the Special Committee concerning the peaceful settlement of disputes and the rationalization of procedures, since the Special Committee had not yet formulated any recommendations and his Government had yet to submit its observations, in accordance with General Assembly resolution 3499 (XXX). Those observations would soon be forthcoming. However, his delegation attached special importance to a number of those proposals, namely points 4 and 7 of document A/AC.182/WG/4, submitted by France, concerning the wider use of regional machinery and the establishment of a practical United Nations manual on the settlement of disputes; and part II C of document A/AC.182/WG/10, submitted by the United States, calling for greater use of the International Court of Justice as dispute settler and source of law. As far as the rationalization of procedures was concerned, his delegation attached special importance to paragraph 1 of document A/AC.182/WG/14, submitted by the United Kingdom, concerning the possible establishment of an intersessional committee which would have the same composition as the General Committee, and paragraph 2 of document A/AC.182/WG/15, submitted by France, concerning the more extensive consultation of the Sixth Committee on the legal aspects of questions under consideration by other Main Committees. He expressed the hope that, at its following session, the Special Committee would be able to make specific recommendations on the question of the peaceful settlement of disputes and, if it had time, to draw up a list of proposals concerning the rationalization of procedures.

/...

(Mr. De Faria, Portugal)

22. It was often forgotten that the two aspects of the Special Committee's work, although complementary, were nevertheless far from being indissociable. The essential difference between them was that, while the strengthening of the role of the Organization was unquestionably the principle aim of the Special Committee, the review of the Charter was simply one means of achieving that goal which, in some circumstances, could prove useful and, in others, impossible or even damaging. That did not mean that the revision of the Charter was not legitimate; provision was made for it in the Charter itself. Moreover, his delegation understood the concerns of those members who, having been unable to express their views at the time when the Charter was being drawn up, felt that the time had come to change it. The question was not whether the request for revision of the Charter was legitimate, but whether it was advisable. The indisputable fact that no unanimity existed among the five permanent members of the Security Council with regard to revision of the Charter must be taken into consideration by all delegations, regardless of their respective positions on the matter. If a request for revision failed to meet with the unanimous approval of the permanent members of the Security Council, rather than strengthening the role of the Organization, it would become a source of division, as had been demonstrated during earlier sessions of the Ad Hoc Committee on the Charter of the United Nations and the existing Special Committee.

23. All delegations must therefore exercise patience. It was the responsibility of all Member States to strengthen the role of the Organization. Although the day might come when revision of the Charter proved to be the best means of achieving that end, in the meantime, the end should not be confused with the means.

24. Mr. BIALY (Poland) said his country had taken a consistent approach to the provisions of the Charter, and sought to ensure their application in the intensification and expansion of international co-operation. Poland had always taken an active part in the work of the United Nations, and was convinced that the Organization was an indispensable element in international relations. The existing structure of the Organization had stood the test of time, and his Government had always held that no revision of the Charter was necessary in order to make the Organization more effective. It would be unrealistic to expect that an organization which functioned under the influence of political realities could be perfect. It was first and foremost through the political will of States that the activities of the United Nations could be improved and its role strengthened.

25. According to General Assembly resolution 32/45, the mandate of the Special Committee should be divided into two phases, corresponding to the two subparagraphs of operative paragraph 2 of the resolution: however, neither phase had yet been started. His delegation endorsed the statement of the Chairman to the Special Committee at the 30th meeting of that body to the effect that the compilation of 51 proposals contained in the report (A/33/33) was a preliminary stage in the process of fulfilling the mandate entrusted to the Special Committee. The Special Committee still had a long way to go before beginning either of the two phases of

(Mr. Bialy, Poland)

its mandate. However, he did not feel any impatience regarding the speed of the Special Committee's work, or the consensus report it had submitted. The principle of consensus was one of the most important elements of the Special Committee's mandate, and was essential to its functioning. The Special Committee was dealing with matters of extreme importance to all Member States, and no other procedure was possible. Its task was complex and difficult, and required great prudence and patience. In the circumstances, it could not have achieved better results. It must also be remembered that the Special Committee was duplicating the work of some existing United Nations bodies.

26. The period between the publication of the Special Committee's report and the debate in the Sixth Committee had always been far too short to enable delegations which were not members of the Special Committee to study it in depth, and more time should be allowed for that purpose in the future. If the mandate of the Special Committee were to be extended, he wished to suggest that its next report should be considered no earlier than the thirty-fifth session of the General Assembly. His delegation would not be in a position to vote in favour of any resolution imposing on the Special Committee a mandate that would oblige it to work in haste.

27. Mr. VIÑAL (Spain) said the report of the Special Committee (A/33/33) provided a full and balanced picture of the Committee's work, although the lack of summary records made it impossible to identify those who had expressed the views set forth therein. The quantitative and qualitative change in the basic premises on which the United Nations had been established, resulting from the emergence of new sovereign States and new types of political, economic and social problems, necessitated reconsideration of the Charter. The task of the Special Committee must not be postponed for lack of political will. The adjustment of the structure and functioning of the United Nations to contemporary realities depended on the faithful discharge of the Special Committee's mandate. His delegation attached special importance to the three topics under consideration by the Special Committee, namely the peaceful settlement of disputes, the rationalization of existing procedures, and the maintenance of international peace and security.

28. His delegation was glad that priority had been given to the first of those topics, for in view of the proliferation of disputes, it was particularly important to devise methods of peaceful settlement. His country had therefore been active in regional forums, such as the Conference on Security and Co-operation in Europe, and related meetings, and in the universal forum of the United Nations. He agreed with those who favoured detailed consideration of the peaceful settlement of disputes, with a view to formulating appropriate guidelines and ultimately preparing a generally acceptable treaty on the matter. He did not, however, favour the establishment of a permanent commission of the General Assembly to fulfil the functions of mediation, good offices and conciliation, for he doubted whether such a body would be of any practical value. He attached special importance to the

(Mr. Viñal, Spain)

negotiating process and to mandatory acceptance of means of settlement with the participation of third parties. If States involved in a dispute refrained from engaging in any act which might aggravate the controversy, disputes could be settled more quickly. He also supported the proposal to send observers to the territory of any Member State requesting them which considered that a situation or controversy existed, the prolongation of which might endanger the maintenance of international peace and security. Aware of the important role which the International Court of Justice should play in the peaceful settlement of disputes, he considered it advisable to enhance the consultative role of the Court, and to study methods in order to entitle States parties to a dispute to benefit from an advisory opinion of the Court.

29. With regard to the rationalization of procedures, his delegation had noted the interest shown by various delegations in updating certain aspects of the Assembly's rules of procedure. He agreed with some of those proposals, but did not intend to comment on them in detail. He merely wished to emphasize the importance of strict adherence to the rules of procedure, including annex V, which incorporated the conclusions of the Special Committee on the Rationalization of the Procedures and Organization of the General Assembly. The unsatisfactory functioning of a committee was sometimes due more to faulty application of the existing rules than to any deficiency in the rules themselves.

30. With regard to the maintenance of international peace and security, his delegation supported any initiative aimed at expanding the role and increasing the effectiveness of the Security Council. In that connexion, he particularly wished to single out the possibility of revitalizing Article 29 of the Charter through the establishment by the Security Council of specialized subsidiary organs, with the participation of interested parties where advisable, to consider the main existing areas of tension and conflict. Similarly, the sphere of competence of the General Assembly might be expanded to include the identification and co-ordination of the policies to be pursued in specific areas, such as the establishment of a new international economic order.

31. As the Special Committee had not been able to complete its work, its mandate should be renewed.

32. Mr. KOROMA (Sierra Leone) said it was an admitted fact that the United Nations did not function as fully and effectively as the Charter intended, and that the Security Council had frequently either disregarded its duties or been unable to live up to its responsibilities under the Charter. On many occasions, especially when caught between competing military and ideological blocs or influenced by economic interests, the United Nations had failed to maintain international peace and security. There was an increasing tendency to resolve important issues relating to international peace and security outside the framework of the United Nations, or to get it to rubber-stamp decisions reached elsewhere. The Organization thus became peripheral to the maintenance of international peace and



(Mr. Koroma, Sierra Leone)

security, which has its primordial task, with the result that there was a serious crisis of confidence in the United Nations as an instrument of world peace. Under the Charter, the United Nations was expected to take collective measures for the prevention and removal threats to the peace, breaches of the peace and acts of aggression. The problems of apartheid in South Africa, of the illegal occupation of Namibia, of Southern Rhodesia, Cyprus, the Middle East and Korea, were all part of the United Nations agenda. However, the authority of the United Nations in maintaining international peace and security was almost nil, unanimous decisions of the Security Council remaining inoperative or being disregarded.

33. It was against that background that the Special Committee had been established in 1975 to examine suggestions and proposals concerning the Charter and observations on the strengthening of the role of the United Nations. In the light of its mandate, there was no reason why the Special Committee should have wasted time on trivialities. At the very time when the Special Committee had been discussing the rationalization of existing procedures, Lebanon had been bleeding, and the Smith régime in Rhodesia had been carrying out naked acts of aggression against neighbouring territories. That state of affairs was reminiscent of the recent period of inactivity of the Security Council, which had occurred when areas of conflagration had existed around the world. After an attempt by Finland to resuscitate Article 28, paragraph 2, of the Charter, calling for the holding of periodic high-level meetings of the Council, the Council had reluctantly met; yet the communiqué issued after the meeting was said to have been written before the meeting took place. The Special Committee might reach a similar stage unless it took its mandate more seriously. The key issues at stake were the relevance and credibility of the United Nations itself.

34. The report of the Special Committee (A/33/33) failed to explain why the Committee had concentrated on the rationalization of existing procedures or even the peaceful settlement of disputes instead of the central issue - the maintenance of international peace and security. Nowhere in the report was it stated that Chapter VI of the Charter was obscure or obsolete and therefore in urgent need of study. The Committee had simply wasted time and money. The compilation of 51 proposals presented to the Sixth Committee had cost the United Nations \$517,500; each proposal had thus cost \$10,147 to prepare. However, his delegation did not recommend rejecting the report. Instead, it submitted that the Special Committee should be instructed to carry out the mandate entrusted to it, namely to study ways and means of maintaining and consolidating international peace and security.

35. Mr. MEISSNER (German Democratic Republic) said his country had for many years devoted great attention to the discussions on increasing the effectiveness of the United Nations, in both the Special Committee and the Sixth Committee. Its position was based on the view that there was no reason to alter the well-balanced text of the Charter as formulated in San Francisco. In its existing wording, the Charter

(Mr. Meissner, German Democratic Republic)

had proved to be the most appropriate multilateral document for attaining the lofty goals of the United Nations, despite the fact that international conditions had changed since 1945.

36. If the United Nations was to fulfil its mandate, its effectiveness must be increased. That could be achieved by strict implementation of the purposes and principles of the Charter by all Member States, and the full utilization of its entire potential for the maintenance and strengthening of international peace and security.

37. His delegation noted with satisfaction that the 1978 session of the Special Committee had been more businesslike than the 1977 session. There had been a useful general debate on the peaceful settlement of disputes and the rationalization of current procedures, during which a large number of Special Committee members appeared to have come close to agreement. The mandate of the Committee as contained in General Assembly resolution 32/45 required it to deal exclusively with proposals on which general agreement was possible. His country interpreted that to mean that only measures aimed at increasing the effectiveness of the United Nations while not requiring revision of the Charter could be considered. However, some representatives had tried to impose their own approach to the issue of revision of the Charter. Some realistic proposals had been submitted, but there were others whose objectives were unclear or unacceptable to his delegation, such as the proposal for the establishment of a permanent commission of the General Assembly for mediation, good offices and conciliation. His delegation considered that the over-all objective of the Special Committee would not be served by considering its mandate under resolution 32/45 fulfilled through a mere listing of the proposals submitted as part of the preliminary work. The 1978 session of the Special Committee had shown how much ground had yet to be covered before a general consensus could be reached among its members on strengthening the role of the United Nations and increasing its effectiveness. In view of the momentary importance of any measures that might be taken to that end, it was clear that success would only be possible if all member States could agree; as a first step to that end, agreement among all the members of the Special Committee would be required.

38. His delegation agreed with the many others which held that strict implementation of the provisions of the Charter and full utilization of its potential by all Member States was the only way to strengthen the role of the United Nations. The Charter was a document that had stood the test of time.

39. Mr. DEMBÉLÉ (Mali) said his delegation attached particular importance to the peaceful settlement of disputes, one of the basic principles of the Charter and of peaceful coexistence. More frequent application of that principle would enable the third world countries to devote more of their resources to the welfare of their

(Mr. Dembélé, Mali)

peoples and was essential to improving international relations by strengthening détente, increasing trust between States and halting the arms race. The United Nations was the most suitable forum for the formulation of procedures and machinery for the peaceful settlement of disputes. Unfortunately its authority and credibility were continually being undermined by some of its founding members.

40. He wished to congratulate the Special Committee on its report (A/33/33), but felt that it had not attached sufficient importance to the revision of the Charter, one of its most important tasks. Regarding the strengthening of the role of the Organization, an increase in the number of specialized organs was not desirable; the United Nations and the existing regional organizations already possessed the necessary powers, and their lack of effectiveness in settling disputes was rooted in the lack of political will and the mistrust of Member States. Furthermore, there were already many bilateral and multilateral agreements which could help to reduce international tension. But no matter what machinery or procedures were established, the Organization would remain ineffective as long as imperialism, expansionism, colonialism, neo-colonialism, racism and apartheid had not been eradicated. What was needed was adherence to the basic principle of the Charter. His delegation was therefore in favour of amending the Charter to adapt it to the changes in the world situation and called upon the Special Committee to give its fullest attention to that point at future sessions.

41. Mr. HUDA (Bangladesh) noted with satisfaction that common ground had been found regarding the proposal designed to strengthen the role of the United Nations without amending the Charter. The adherence of Bangladesh to the Charter was embodied in its Constitution. His delegation was convinced that no text, even the most properly formulated, could resist the effects of time, particularly in an age when the international community was facing increasingly vast and complex problems. His country had always been in favour of methods which might improve the efficiency of the Charter without altering its fundamental frame. That position was fully consistent with an absolute faith in the basic principles of the United Nations.

42. His country was pleased to lend its support to the proposal regarding the preparation of a practical United Nations manual on the peaceful settlement of international disputes which would describe all the existing means by which disputes could be settled in a peaceful manner and would help the parties in dispute to select any of the existing means which they deemed appropriate. The future of the Organization was bound up with the work of the Special Committee and its ability to propose generally acceptable solutions that would adapt the United Nations to the realities of the modern world. His country placed great hope in the direct participation of the United Nations in the establishment of a new international legal, political and economic order to ensure lasting peace, justice and equity. His delegation wished to see the role of the United Nations improved and strengthened with more emphasis on democratizing it in order to provide the most favourable procedures for the effective participation of all nations in international political life.

43. Mr. RUSITA (Uganda) said the Special Committee's mandate, as set forth in General Assembly resolution 32/45, paragraphs 2, 3 and 4, was so vague that it set the Committee an impossible task. His delegation could not understand how the Special Committee would identify those proposals which had "awakened a special interest". Did that mean proposals supported by many members of the Special Committee or those about which certain delegations felt strongly? His delegation also had difficulty in understanding the phrase "consideration of those areas on which general agreement is possible" in paragraph 2 (a). Did the words "general agreement" mean unanimity, consensus or an overwhelming majority? The Special Committee was also directed "to be mindful of the importance of reaching general agreement whenever it has significance for the outcome of its work". That seemed to be a directive coupled with a warning to the Special Committee that it had to do its work under pressure from certain big Powers, bearing in mind certain consequences which would ensue should the outcome of its work not be favourable to them. His delegation felt that the phrases he had mentioned were meant to be a warning of a veto.

44. In the circumstances, the Special Committee had faced tremendous difficulties in its work, the main reason why it had deliberated without summary records seemed to be in order to hide attributable views so as to conceal the views on which there was real general agreement and present the report as reflecting the general agreement of the Committee as a whole. His delegation found it hard to believe that that procedure, like the Special Committee's vague mandate, was not part of a general conspiracy aimed at rendering the Committee impotent. That suspicion was confirmed by the fact that the proposal of the representative of Sierra Leone that paragraph 10 of the draft report should be deleted had been brushed aside (A/AC.182/SR.30, paras. 21-26).

45. The real reason why some Members of the Organization adopted an adamant position regarding the review of the Charter and the strengthening of the role of the Organization was their desire to exploit the Charter for their own ends. His delegation found the Charter a useful instrument with a number of shortcomings. The Charter should be made more effective and up to date so that it could better cope with the current and future problems of the international community. The new generation had valuable contributions to make in that regard. Their aim was not to compete for power or to weaken the Charter, but to co-operate in strengthening the role of the Charter and of the Organization. His delegation wondered about the ulterior motives of some of the big Powers which maintained that there was nothing lacking in the Charter, that the rotation of the membership of the Security Council was fair enough to spread representation, and that they needed the veto to ensure peace and international security. The development of friendly relations among nations based on respect for the principle of equal rights and self-determination of all peoples had not been a preoccupation of some of those big Powers, and some third world nations had had to resort to arms and violence to liberate themselves.

46. Changes could surely be made in the Charter that would satisfy all concerned. Since 1945 even the constitutions of a great majority of Member States had been

(Mr. Rusita, Uganda)

changed. Why should the Charter, which had likewise been framed for the benefit of the people, not be changed to keep pace with a rapidly changing world? The international community would like to try ways and means of ensuring that quick and effective decisions were taken in the Security Council and that those decisions were implemented. Member States would like to re-examine the possibilities of turning the General Assembly into an effective organ. Owing to the fear of a veto, the Security Council had often been bogged down in what it called consultations, and its deliberations had frequently ended in a resolution calling for a cease-fire when it was already too late. Wherever the conflict concerned was located, it was more often than not the big Powers which were involved in the defence of their material or ideological interests. His delegation wished to do away with the veto in the Security Council. If the veto was to be kept because it was useful in saving succeeding generations from the scourge of war, it could be equally useful rotating amongst the members of the Security Council, as did the Presidency. The mandate of the Special Committee should be renewed, but the Committee must be given clearer, more practical terms of reference. There should be no indirect intimidation or conspiracies designed to prevent it from making progress. Finally, all the records of the Special Committee should identify the representatives who had expressed the views set forth therein.

47. Mr. GILCHRIST (Australia) said it was no cause for either surprise or discouragement that the Special Committee had been unable to complete its task. The magnitude of that task and the sensitivity of some of the issues raised were not reasons for abandoning the work assigned to the Special Committee. The report of that body (A/33/55) lacked clarity and conciseness, although it might well be a faithful reflection of the complicated trends and uncertain purposes within the Special Committee itself. It was to the Special Committee's great credit that it had moved away from impassioned but sterile confrontation towards a more rational, realistic and objective examination of proposals regarding Charter review and the strengthening of the Organization. It ought to be warmly commended for moving significantly in the direction of seeking common ground.

48. His delegation did not take a doctrinaire position regarding the amendment of the Charter. The world had changed dramatically since 1945, and continued to change in many ways, and the Charter should reflect the temper of the times. However, his country's approach to Charter revision was tempered with a large measure of caution. When criticizing aspects of the Charter, one should not overlook some fundamental realities. While it was important to keep the Charter under review and to consider measures to improve it, it was of much greater importance that all States should strictly observe its principles. The Charter was not a rigidly inflexible instrument. It had shown itself to be remarkably adaptable to a range of evolving situations. Like any other great constitutional instrument in a period of change, it had been subject to a continuous process of interpretation, and some of the more important interpretations of the Charter undoubtedly reflected the way in which the world had changed in the past one third of a century. That process of reinterpretation was

(Mr. Gilchrist, Australia)

certain to continue as the international community continued to evolve. Peaceful change was a necessary element in the preservation of peace and security, but experience showed that it was the sustained, patient and deliberate process of striving to reach agreed solutions that had kept the peace, or had restored it when it had been broken. Constructive diplomacy sought no victories, but only agreed solutions.

49. His delegation welcomed the trend of events in the Special Committee and particularly its efforts to seek a consensus in its work. Spectacular progress had not been made, and the compilation contained in paragraph 15 of the report was currently little more than a catalogue. Nevertheless, it marked an advance on the previous year, and constituted a starting-point for further endeavours. His delegation welcomed the considerable interest shown in measures to promote the settlement of international disputes by peaceful means and attached importance to further study by the Special Committee of possible measures in that field. His delegation hoped that the General Assembly would renew the Special Committee's mandate in terms similar to those of resolution 32/45, in order that the Special Committee might complete its listing and analysis of proposals for Charter review and for the strengthening of the Organization, paying particular attention to those proposals on which general agreement seemed possible.

50. Mrs. KOHRAD, (Hungary) said that in considering ways of increasing the effectiveness of the Organization, her delegation took the purposes and principles set forth in the Charter as a starting-point. Those purposes and principles determined the over-all structure of the Organization, while the provisions of the Charter concerning the powers and functioning of the various organs contributed to their realization. All the provisions of the Charter were closely linked and disruption of that organic unity might have very serious consequences. Although the world had changed greatly since the establishment of the United Nations, the Charter had not only successfully stood the test of time but had enabled the United Nations to contribute to the strengthening of international détente and to social and economic development. The world was in a state of constant and rapid evolution which had been and was being encouraged by the Charter itself and by the United Nations activities carried out according to the Charter. For all those reasons her Government remained firmly convinced that it has greater respect for the Charter, rather than amendments thereto, that would enhance the effectiveness of the Organization. It was primarily the strict implementation of the provisions of the Charter which would make it possible to strengthen the role of the Organization. Furthermore, her delegation agreed with the many delegations which felt that the role of the Organization could be made more effective by appropriate measures not involving the amendment of the Charter.

51. Her delegation had studied the report of the Special Committee (A/33/33) on the basis of that position of principle. With regard to the topics studied by the Committee, the peaceful settlement of international disputes was of primary importance. The Charter attributed a special role to the Security Council in that

(Mrs. Konrad, Hungary)

regard and enumerated many means of settling disputes, leaving States entirely free to choose among those means. That freedom of choice permitted the States to employ in each particular case the means best suited to a settlement, taking into account the nature of the dispute and all other circumstances. Means for the peaceful settlement of disputes were not lacking; it was the will of States to employ them which was of primary importance. Her delegation could not accept certain proposals contained in the report, such as those which entailed amending the Charter or the one envisaging the creation of a permanent commission of the General Assembly for mediation, good offices and conciliation. The list of proposals in paragraph 15 of the report, although marking a step forward in the work of the Special Committee was merely a compilation of proposals made thus far and constituted only a preliminary stage. In preparing that list, the Special Committee had still not carried out the first part of its mandate, as set out in General Assembly resolution 32/45, paragraph 2, and its members had not yet an opportunity to consider the substance of the proposals in depth. The Special Committee was still far from being able to identify those proposals which had awakened special interest and was even less able to indicate those on which general agreement was possible.

52. With regard to the second topic studied by the Special Committee, namely the rationalization of existing procedures, her delegation felt that the present rules of procedure did not need any amendment. Better organization of work, the elimination of overlapping and duplication, good co-ordination between the various organs of the United Nations, and a better utilization of available resources would certainly increase the effectiveness of the Organization's work. For example, as other speakers had already observed, the role of the Sixth Committee could be strengthened by entrusting it with the final consideration and adoption of certain draft conventions drawn up by the International Law Commission. That would reduce the expenses of the United Nations and Member States and would enable the Sixth Committee to contribute directly and more effectively to the codification and progressive development of international law. In examining the proposals concerning the rationalization of procedures it must not be forgotten that the United Nations was the forum for the most important political questions and that its working methods must be adapted accordingly. It would not be desirable, for example, to eliminate the general debate in the General Assembly, which enabled the high officials of Member States to voice their opinions on questions of world-wide interest in the spirit of co-operation which had characterized its 1978 session. The Special Committee should, in accordance with its mandate, concentrate on the questions on which general agreement was possible, in other words, on proposals which did not concern the Charter. The questions under consideration in the Special Committee were such that they could be resolved only on the basis of general agreement or consensus. The Special Committee should follow its mandate strictly and continue its work in a constructive atmosphere.

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53. Mr. KUMI (Ghana) reminded the Committee that the membership of the Organization had tripled since its establishment and that a whole new generation was currently involved in trying to help it to play an effective part on the international political scene. The case for the infusion of new ideas into the concepts underlying the Charter with a view to bringing the Organization into harmony with the peculiar demands of the times was overwhelming.

54. To the developing countries, the United Nations represented the medium through which the world might be made a more equitable place and the lot of the poorest ameliorated. While the Organization had coped admirably with the intricate demands made on it in peace-keeping and peace-making, it still required strengthening in the economic field.

55. The United Nations was close to its goal of achieving universality of membership. The world environment was constantly changing and, in order to be effective, the Organization must reflect that changing environment in its composition and institutional arrangements. Nevertheless, while it was generally recognized that there were ways in which the Organization could be strengthened, the various approaches made to the problem had not been accompanied by the necessary political will.

56. His delegation considered that the Special Committee's report (A/33/33) contained a number of proposals which could benefit the Organization. Serious consideration should be given to the Mexican proposal for an international treaty for the peaceful settlement of international disputes. Such a treaty would amplify the procedures enumerated in Article 33 of the Charter while emphasizing the useful role which the International Court of Justice might eventually be asked to play. His delegation could support the Romanian proposal for the establishment of a permanent commission of the General Assembly to fulfil the functions enumerated in Article 39 and had no difficulty in reconciling the idea of such a commission with the sovereign right of every State to determine its own means for the settlement of disputes, as well as with Articles 12, 24 and 29 of the Charter. The intended role of the commission was to obviate the inherent difficulties of the Security Council associated with the principle of unanimity, while not usurping nor denying the constitutional right of that Council to undertake any measures it might deem necessary to maintain international peace. It had to be remembered that Article 24 conferred on the Security Council the primary responsibility for the maintenance of peace and not absolute responsibility. Further support for that position stemmed from the general power for action which Article 10 clearly conferred on the General Assembly. Furthermore, the "Uniting for Peace" resolution of 3 November 1950 had shown that the General Assembly could be innovative in its search for results. His delegation would therefore support a General Assembly declaration on the peaceful settlement of disputes as a first step toward a treaty on the matter.

57. His delegation considered that the principle of international economic co-operation for development should become a basic principle of the Charter.



58. The position of the Secretary-General was one that might spell success or failure for actions of the United Nations, depending on what part the incumbent might choose to play. It was imperative that Member States should co-operate with the Secretary-General to the fullest extent possible. His delegation appreciated the sensitive political reasons underlying the sparing use which Secretaries-General had made of Article 99. Nevertheless it was to be hoped that the machinery set out in Article 99 and in the other provisions relating to the effective maintenance of peace would be fully utilized.

59. His delegation considered that the major regions represented in the Organization should consider establishing five-member regional supranational courts to adjudicate disputes and other matters capable of resolution by legal process. Appeals could be made to the International Court of Justice.

60. His delegation wished to express its satisfaction with the work of the Special Committee and to support the renewal of its mandate.

61. Mr. LYON (Chile) said the item before the Committee was of fundamental importance in so far as it involved nothing less than the construction of a new world order. A step-by-step approach to that task had therefore been necessary. In historical terms, the United Nations had represented the best effort to organize the international community. While its mechanisms were capable of improvement, they nevertheless reflected standards and principles of universal validity. Before considering reform, it was therefore essential to make the maximum use of the institutions and methods which had been embodied in the Charter and which had subsequently evolved within the framework of the system. His delegation considered nevertheless that a need existed to remedy obvious deficiencies. The Minister for Foreign Affairs of Chile, in addressing the plenary at the current session, had pointed out that the prestige of the United Nations had been eroded by problems stemming from the difficulty of reaching decisions, by the inefficiency of certain procedures, by the impact of politics and the lack of objectivity in matters affecting a number of countries, by the policy of blocs and by the tendency to deal with problems outside the Organization. His delegation would give favourable consideration to reforms which might contribute to the finding of better solutions to current difficult international problems and to the increased efficiency of the Organization.

62. The Special Committee's report (A/33/33) had been a significant step forward in that it had listed the different proposals made by delegations including, in particular, those on which general agreement seemed to be possible. His delegation had been particularly interested in the proposal that a limit should be placed on the number of items which should be added to the agenda each year and that items of lesser interest should be eliminated. Of equal interest had been the proposal that statements should be limited in time and that the requirement of a quorum at the beginning of a meeting should be eliminated.

63. His delegation laid particular stress on the proposals concerning the peaceful settlement of disputes. The system established by the Charter was in

(Mr. Lyon, Chile)

itself sufficiently strong. Better use should be made of the mechanisms available through the exercise of political will.

64. Major improvements could nevertheless be made and his delegation therefore attached particular significance to a number of proposals. An item entitled "Peaceful settlement of disputes" should be included in the agenda of the Assembly with a view to formulating appropriate guidelines for the drafting of an acceptable treaty on the subject which would supplement and develop the provisions of the Charter. The role of the International Court of Justice in the settlement of disputes should be strengthened. It was encouraging that most delegations had been in agreement on that point and, in particular, on the need to make provision for the automatic submission to the International Court of Justice of all disputes involving legal elements where it had not been possible to find a solution within the voluntary procedures established in the Charter. That proposal was of particular importance for countries which did not have bilateral agreements for the settlement of disputes. His delegation had noted with interest the proposal that the number of parties permitted to request advisory opinions from the Court should be increased. However, it felt that the proposal that when there had been voluntary recourse to a binding procedure for settlement the decision rendered should be complied with was redundant, since such compliance was already required according to existing ethical standards and principles of international law.

65. His delegation hoped that, at the next session, the Special Committee would take up the question of revising those provisions of the Charter which dealt with the maintenance of international peace and security but nevertheless did not meet the needs of the modern world. That matter should, however, be approached cautiously. His delegation nevertheless believed that consensus could be reached on proposals which would increase the effectiveness of the United Nations and at the same time guarantee the principle of the equality of States without changing the basic structure of the Charter. The essential point was that the Charter, with or without change, should be strictly observed both in letter and in spirit.

66. Mr. COPITHORNE (Canada) said his delegation welcomed the improved methods of work adopted by the Special Committee and the progress which had been made. The decision to establish an open-ended working group to concentrate on topics in a systematic fashion had clearly proved worthwhile. His delegation had taken note of the progress made towards the elaboration of a list of proposals concerning the peaceful settlement of disputes as well as of the proposals made by delegations regarding the rationalization of procedures and the maintenance of international peace and security. It believed, however, that the Special Committee could improve its work methods further. The compilation of 51 proposals on the peaceful settlement of disputes, contained in paragraph 15 of the report (A/33/33), was no more than a routine listing of national proposals. His delegation suggested that, in future, all elements of a specific item should be grouped together in order to facilitate perusal of the report by delegations which were not members of the Special Committee.

(Mr. Copithorne, Canada)

67. The proposals on the peaceful settlement of disputes fell into two categories, namely those advocating greater utilization of existing mechanisms and those proposing the establishment of new procedures under a new legal framework, either by amendments to the Charter or by the adoption of new international legal instruments. His delegation would prefer that the Special Committee should give priority to the first category. An examination of the effectiveness of existing mechanisms and of the reasons which had militated against their full utilization would be highly instructive before new initiatives, involving the creation of additional legal obligations, were undertaken. Finally, it was the view of his delegation that the peaceful settlement of disputes was a concept which was inseparable from that of the non-use of force, which was being considered in another committee. If a new legal régime on the peaceful settlement of disputes were to be elaborated, the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations would seem to be a more appropriate forum.

68. His delegation supported the view that a manual on the peaceful settlement of international disputes would help parties to a dispute to choose among available mechanisms and facilities. The general acceptability of a number of less purely descriptive proposals, aimed at improving the current system, had also become clear. His delegation hoped that the next report of the Special Committee would duly reflect such acceptability and, if possible, include concrete suggestions for the implementation of the proposals concerned.

69. Some of the suggestions made regarding the rationalization of procedures would require a degree of self-discipline and preparedness on the part of Member States which had not hitherto been evident and would therefore in all probability be impractical at the current stage. His delegation hoped that the Special Committee would concentrate on those proposals which appeared to be generally acceptable and would produce concrete suggestions in the immediate future. His delegation fully endorsed the observations of the Secretary-General in his report regarding the importance of making an effort to improve and streamline the workings of the General Assembly (A/33/1, p. 19). The agenda of the General Assembly was clearly in danger of being overloaded. His delegation hoped that it would be possible in the immediate future to devise procedures which would ensure, first, that the number of items before the General Assembly remained manageable and, second, that items would normally only go to plenary for final disposition after a full discussion in committee. His delegation was in full agreement with the Secretary-General's assessment that the practice of arbitrarily selecting certain items for discussion in the plenary meetings was likely to result in duplication and loss of impact and to confuse the Assembly's programme of work. His delegation also supported those delegations which had proposed that the General Assembly should invest the General Committee with the power of meeting prior to the next session of the Assembly with a view to discussing, with more time than was currently available, such questions as a reduction in the number of items by elimination or combination, in order to reduce overlapping and lack of balance in the workload. The recent reallocation of items between the First and Special Political Committees was to be welcomed and he would favour any proposals aimed at reviewing the format and content of documentation or at limiting the number of subsidiary bodies of the General Assembly.

(Mr. Copithorne, Canada)

70. His delegation considered that the maintenance of international peace and security represented an area of fundamental importance and one in which the Special Committee could play a very constructive role. It hoped that the Special Committee would focus initially on those proposals on which general agreement was likely to be possible, rather than seek to discuss and perhaps reopen basic decisions which had been taken at the time the Charter had been drafted.

71. His Government supported the renewal of the mandate of the Special Committee, which had currently reached a point from which it should be possible to make relatively quick progress to attain its goals. His delegation would expect that, at its next session, the Special Committee would complete its list of proposals on the peaceful settlement of disputes and a comparable listing of proposals for the rationalization of procedures and for the maintenance of international peace and security.

72. It had become clear from the comments of other speakers that there was a degree of dissatisfaction with the work of the Special Committee. His delegation believed that the task of the Special Committee was to develop an equilibrium between continuity and change and, in that context, considered that the path pursued by the Special Committee had probably been the most realistic in the circumstances. His delegation felt that the Special Committee was on the right track and deserved the encouragement and support of the Sixth Committee.

73. Miss SAMPIETRO (Argentina) said her delegation firmly supported the Charter and felt there was an imperative need to strengthen the United Nations. The latter goal could be achieved by increasing the operational capacity of United Nations organs so that they functioned more efficiently thus permitting complete fulfilment of the Organization's purposes.

74. Her delegation noted the difficulties encountered in the Special Committee with regard both to the substance of the proposals discussed and to matters of procedure. With regard to the latter, the consensus procedure should be used primarily when the plenary Special Committee made recommendations to the General Assembly or adopted decisions on substantive matters. In order to make progress in its work, the Special Committee should seek to amalgamate or consolidate proposals which were of a similar nature or related to a single topic. In dealing with the substance of the proposals, it should begin with those on which it was possible to reach agreement, or which were less likely to be controversial.

75. With regard to the topics studied by the Special Committee, the maintenance of international peace and security and the peaceful settlement of disputes were the two main fields of action of the United Nations, peaceful settlement being a means of attaining the ultimate objectives of maintaining international peace. Her delegation regretted that some of the topics studied by the Special Committee duplicated others which fell within the competence of the Sixth Committee.

(Miss Sampietro, Argentina)

76. Her delegation hoped that despite the difficulties encountered, the Special Committee would achieve positive results in the form of decisions and recommendations for future action. All members of the Special Committee should play a constructive role in the search for solutions, especially those States which wielded particular influence in the world and in the United Nations. Her delegation supported the renewal of the mandate of the Special Committee, and hoped that a report on its work would be submitted to the next session of the General Assembly.

The meeting rose at 6.10 p.m.