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SIXTH COMMITTEE

42nd meeting

held on

Friday, 12 November 1976

at 10.30 a.m.

New York

SUMMARY RECORD OF THE 42nd MEETING

Chairman: Mr. MENDOZA (Philippines)

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The meeting was called to order at 11 a.m.

AGENDA ITEM 106: REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK OF ITS TWENTY-EIGHTH SESSION (A/31/10) (continued)

Tribute to the Asian-African Legal Consultative Committee on the Occasion of its twentieth anniversary

1. The CHAIRMAN recalled that the Asian-African Legal Consultative Committee was celebrating its twentieth anniversary in 1976. He extended his sincerest congratulations to the Committee and wished it every success in its future work.
2. Mr. BIN AHMAD (Malaysia) said that he wished, on the occasion of the twentieth anniversary of the establishment of the Asian-African Legal Consultative Committee, and on behalf of its President, to give a brief account of the work of the Committee, which enjoyed a special relationship with the United Nations and its specialized agencies.
3. The Asian-African Legal Consultative Committee had been set up in 1956 at the initiative of the Prime Minister of India, Pandit Nehru, and had initially served as an advisory body where Asian and African States could meet to discuss legal matters of common concern. At that time, there had been only seven Member States: Burma, India, Indonesia, Iraq, Japan, Sri Lanka and Syria. Although there had been no significant increase in that number during the first decade of its existence, the Committee had from the outset done outstanding work which had attracted the attention of international legal circles. In 1961, the International Law Commission had established formal relations with the Committee, thereby recognizing its regional competence in the field of international law.
4. The Committee had played a very active role at the Vienna Conference on Diplomatic Relations in 1961 and, even more so, at the Vienna Conference on the Law of Treaties in 1968 and 1969. Since that time, it had been mainly concerned with studying all the legal matters dealt with by the United Nations and its specialized agencies and with assisting the Governments of member States and other Asian and African States to prepare for conferences of plenipotentiaries on legal matters.
5. The Committee's membership had gradually been enlarged and currently comprised 33 full members and two associate members. Further, any country wishing to do so could appoint observers, more than 40 of whom had attended the Committee's four most recent sessions.
6. One subject on which the Committee had made a significant contribution in recent years was the law of the sea, which it had taken up at the initiative of the Government of Indonesia in 1971. The Committee had followed very closely the work of the United Nations Sea-bed Committee and the United Nations Conference on the Law of the Sea. At its latest session, held in Kuala Lumpur in June and July 1976, its member States had examined, together with other African and Asian

(Mr. Bin Ahmad, Malaysia)

countries, the intricate problems arising out of the revised single negotiating text. That preliminary examination had made for a much more meaningful discussion of that text at the fifth session of the United Nations Conference on the Law of the Sea.

7. When inaugurating the Committee's first session, in 1957, the late Prime Minister of India, Pandit Nehru, had expressed the hope that the emergence of independent African and Asian States would have an impact on the scope and content of international law. That dream had now become reality, mainly due to the efforts of the Asian-African Legal Committee. African and Asian States currently contributed in no small measure to the development of international law. In regard to the law of the sea, the concepts of an exclusive economic zone and an archipelagic State, which had been evolved by the Committee to protect the rights and interests of coastal States, had been widely accepted.

8. Since its establishment, the Committee, which had sought to protect the interests of the African and Asian community, had formulated recommendations covering various fields of international law. During the past five years, it had studied such international trade law matters as commercial arbitration and international legislation on shipping, and in the future it planned to examine the problems relating to State succession and State responsibility, to give but two examples.

9. The Committee did not confine itself to assisting member States in studying the legal problems dealt with by the United Nations. It also rendered advisory services, served as a forum for discussion of matters of common interest and provided training facilities in the field of international law for officers of member States. It had also published the constitutions of several African and Asian States, together with their constitutional history.

10. The International Law Commission was not the only body with which the Committee had a very close relationship. It also co-operated with the United Nations Commission on International Trade Law, the United Nations High Commissioner for Refugees, the United Nations Environment Programme and the United Nations Conference on Trade and Development as well as with specialized agencies such as the Food and Agriculture Organization of the United Nations, the Inter-Governmental Maritime Consultative Organization, the Economic Commission for Europe and the Economic Commission for Africa. The Committee also had relationships with other organizations such as the Arab League, the Directorate of Legal Affairs of the Council of Europe and the Commonwealth Secretariat.

11. When inaugurating the Committee's seventeenth session, held at Kuala Lumpur, the Prime Minister of Malaysia had urged the Committee to pursue its efforts so that the rule of law would prevail in a world which lived in a state of permanent conflict and knew only the law of the jungle.

12. Over the past 20 years, the Committee had established its position as a very useful forum in which African and Asian States had learned to co-operate both with each other and with States in other regions. He trusted that the fruitful co-operation established between the United Nations and the Committee would be extended still further.

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13. Mr. SAROVIC (Yugoslavia) congratulated the Asian-African Legal Consultative Committee on its twentieth anniversary and wished it every success.
14. The action undertaken to promote the progressive development and codification of international law had entered a new phase with the establishment of that Committee which was symbolic both of the success of the decolonization process and of the growing interdependence of the different regions of the world.
15. The General Assembly, the International Law Commission and the main diplomatic conferences had managed to achieve positive results only by respecting the interests, traditions and legal systems of African and Asian countries whose influence on the development of international relations had continued to grow since the establishment of the Asian-African Legal Consultative Committee.
16. For the International Law Commission, the Committee's work was far more than a source of documentation, extremely valuable though that was, because it relied heavily on that work in endeavouring to find solutions to the new problems with which the international community was faced. The International Law Commission therefore paid close attention to the statements of the representatives of the Asian-African Legal Consultative Committee and of all other regional legal bodies, and was represented at their sessions.
17. He trusted that the scope and forms of that co-operation would be increased in the future.
18. Mr. OMAR (Libyan Arab Republic) said that he wished, on behalf of all the members of the Organization of African Unity, to pay tribute to the Asian-African Legal Consultative Committee on the occasion of the twentieth anniversary of its establishment. As the representative of Malaysia had brilliantly recalled, the Consultative Committee had, since its creation, strengthened its ties with the organizations concerning themselves with international law and had participated in all the codification conferences held under the auspices of the United Nations. In addition, it had permitted States not belonging to the African and Asian continents to send observers to its sessions. That was a very useful initiative which should be commended. He was also pleased to note that the work of the Consultative Committee had provided an opportunity for closer contact between countries with different legal systems. He therefore congratulated the Consultative Committee on its efforts during the past 20 years and wished it continued success.
19. Mr. SUY (Legal Counsel), speaking on behalf of the Secretary-General, extended his warmest congratulations to the Asian-African Legal Consultative Committee on the occasion of its twentieth anniversary and, on behalf of all those devoted to the development of an international community governed by the rules and principles of international law, expressed his satisfaction at the success achieved by the Committee during the past 20 years.
20. The Asian-African Legal Consultative Committee provided an invaluable service in harmonizing the views of its members on various legal problems confronting the

(Mr. Suy)

world community as a whole. The benefit of its work was felt far beyond its regional scope and had contributed considerably to the progressive development and codification of international law on a universal plane.

21. The General Assembly had fully recognized the importance of close co-operation between the Committee and the various United Nations bodies dealing with the progressive development and codification of international law, as evidenced, for example, by the permanent relationship established between the Committee and the International Law Commission (ILC) on the basis of a provision in the Statute of the Commission approved by the General Assembly. Furthermore, under a provision of its own Statute, the Asian-African Legal Consultative Committee also examined all questions under consideration by the ILC.

22. The Asian-African Legal Consultative Committee also did extremely useful work in studying and analysing issues of special importance to Africa and Asia, with a view to assisting its member Governments to prepare for international codification conferences such as the United Nations Conference on Diplomatic Intercourse and Immunities, the United Nations Conference on the Law of Treaties and the Third United Nations Conference on the Law of the Sea.

23. After wishing the Committee success in the future, he said that he was confident that the close working relationship between it and the United Nations would be maintained and would contribute to the search for world peace through the progressive development and codification of international law.

24. Mr. SUCHARITKUL (Thailand) congratulated the Asian-African Legal Consultative Committee on its twentieth anniversary and recalled that it had been within the framework of that Committee that the leading Asian and African legal authorities had met for the first time.

25. The Committee, which had started with only a handful of Asian countries and a few African countries, had grown in size and strength with the passage of time and as a result of the crises which it had had to overcome. After 20 years of existence, it now had a solid foundation and sound legal traditions. It played an extremely useful role.

26. First, it was a body of regional experts, willing to give advice to member Governments on questions of international law, or even of private law.

27. Secondly, the consultations held among its members during and between sessions had brought about a spirit of Asian-African solidarity, which could only be welcomed.

28. Thirdly, the Committee had been working in close co-operation with the United Nations and, with the assistance of regional experts, its members had been able to exchange views and to co-ordinate their respective positions so as to adopt, as far as possible, a common attitude at international conferences.

29. Fourthly, the Committee had undertaken studies in the legal fields of

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(Mr. Sucharitkul, Thailand)

greatest interest to the countries of Africa and Asia, with a view to solving some of the problems existing in those regions.

30. Finally, with the assistance of the Secretariat, the Committee had been able to collect and distribute legal documentation on a number of subjects of interest to its member Governments.

31. On the occasion of its twentieth anniversary, the Committee was publishing a compilation of its work which would provide a guide to the contribution made by African and Asian jurists to the codification and progressive development of international law and to the unification of different systems of private law.

32. He recalled that he had had the privilege of leading the Thai delegation at the Committee's sessions in Rangoon in 1961 and in Cairo in 1962, and that he had attended the fifth session of the Inter-American Juridical Committee in San Salvador in 1965 as official observer of the Committee.

33. He welcomed the fact that the Asian-African Legal Consultative Committee, as a legal consultative body, maintained good relations with the International Law Commission and the Sixth Committee. He wished every success to the Asian-African Legal Consultative Committee in its endeavours so that peace and order would finally prevail in the world.

34. Mr. QUENTIN-BAXTER (New Zealand) said that his country, which was situated within the Asian region and maintained close relationships with other Pacific and South-East Asian countries, was privileged to attend the meetings of the Asian-African Legal Consultative Committee as an observer. He therefore congratulated that Committee on its twentieth anniversary.

35. The work of that Committee had greatly benefited not only its member Governments, but the international community as a whole. In attending the meetings of the General Assembly and the legal conferences held under the auspices of the United Nations, the representatives of the member Governments of the Committee were better prepared, better informed and better able to promote the rule of law in international society. He was convinced that the Committee would continue to do useful work in the future.

36. Mr. BO-HADDOUD (Qatar) congratulated the Asian-African Legal Consultative Committee on its twentieth anniversary and stressed the important role played by that Committee, which had submitted legal opinions to the United Nations on a number of occasions, including the various sessions of the United Nations Conference on the Law of the Sea. He also wished to congratulate the Chairman of that Committee, Mr. Abdul Kadir Ben Yusof, Minister of Justice and Attorney-General of Malaysia.

37. The activities of the Committee enabled Africans and Asians to be better informed of their legitimate rights and of the truth regarding zionist colonialism and what was happening in southern Africa.

38. Mr. JAGOTA (India) recalled that the Asian-African Legal Consultative Committee had been established 20 years previously at the suggestion of, among others, the Prime Minister of India, Pandit Nehru, in order to enable jurists from the Asian region to engage in exchanges of views on legal matters of interest to their continents. Following the accession to independence of the African countries, the Committee had brought together jurists from Asia and Africa and had been named the Asian-African Legal Consultative Committee. It had a current membership of 35 and had become the most important legal institution of the two continents.
39. The Committee had considered a large number of subjects of special interest to its member Governments, as well as subjects being considered by the International Law Commission or conferences of plenipotentiaries. It had made a particularly important contribution to the work on the law of treaties and the law of the sea by helping the countries of Asia and Africa in their preparations for the Conference on the Law of Treaties held at Vienna in 1968 and 1969, for the meetings of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction and the various sessions of the United Nations Conference on the Law of the Sea. It had also considered such subjects as the treatment of aliens, the status of refugees and the uses of waters of international rivers, and had thus contributed to the development of law in many fields such as asylum and refugees.
40. More recently, the Committee had been concentrating on questions concerning international economic law; it had published documents concerning the investment laws of Asian and African countries and had prepared model contracts for export and import of commodities of special interest to the developing countries of Asia and Africa. It had also considered the question of international shipping and commercial arbitration. Finally, it had published two volumes on the constitutions of Asian and African countries. In that connexion, he congratulated the Secretary-General of the Committee, Mr. Sen, on the quality of the technical assistance rendered by the Committee's secretariat.
41. The membership of the Committee was steadily increasing, and there was every reason to hope that the Committee would soon become fully representative of all sections of Africa and Asia and that in the decade ahead it would enhance its contribution substantially to the cause of the progressive development and codification of international law.
42. Mr. PANCARCI (Turkey) recalled that his country, which had the honour of being a member of the Asian-African Legal Consultative Committee, had always been a cross-road where the great civilizations had met, and it hoped to become a link between the industrialized countries of the West and the developing countries of the East so that it could contribute to the building of a better world by such means, principally, as the establishment of a new legal order corresponding to the needs of the international community.
43. Since the end of the eighteenth century, the effort had been made to develop international law by reaffirming the existing rules or by formulating new rules in order to remedy the uncertainties of international customary law. However, the conventions and other legal instruments that had been originally drawn up had applied only to certain specific regions.

(Mr. Pancarci, Turkey)

44. At the present time, the legal experts of Asia and Africa were firmly convinced that reliable legal norms could be elaborated only with the assistance of the great majority of the States that would be required to apply them. That was why those experts were appealing to their colleagues in other continents to unite their efforts so that a new legal order could be established which would safeguard the fundamental rights and freedoms of the peoples inhabiting the five continents. The Asian-African Legal Consultative Committee therefore defended not only the cause of the peoples of Africa and Asia but also those of all peoples because the Law of Nations was indivisible.

45. Mr. ALKAFF (Democratic Yemen) said that he wished, on behalf of the African-Asian Group of the Sixth Committee, to congratulate the Asian-African Legal Consultative Committee on the occasion of its twentieth anniversary. There could be no doubt that the work of the Asian-African Legal Consultative Committee was enriching international law and helping to make it universal. The experience of the African and Asian countries, which had known colonialism and foreign domination and had fought for their liberation, most certainly enabled them to make a useful contribution to the codification and development of international law. There was accordingly reason to hope that the Asian-African Legal Consultative Committee, which had always worked closely with the United Nations and its specialized agencies, would be even more successful in future.

46. Mr. FIFOOT (United Kingdom) said that he wished, on behalf of the Western European and other States Group, to congratulate the Asian-African Legal Consultative Committee on the occasion of its twentieth anniversary and extend to it the best wishes for its future success. The initiative that had been taken by the Governments of Burma and India had borne fruit, for the influence of that Committee was being felt beyond Asia and Africa, and its activities were benefiting the entire international community.

47. Mr. ZENKEVICHUS (Union of Soviet Socialist Republics) said that he wished, on behalf of the delegations of the Eastern European States, to congratulate the Asian-African Legal Consultative Committee on the occasion of its twentieth anniversary. That Committee worked in close co-operation with the United Nations, and it assisted in drawing up the draft conventions that were prepared by the International Law Commission and considered by the Sixth Committee. For its own part, it carried out studies in the different fields of law and thus contributed to the codification and progressive development of international law. His delegation therefore expressed to the Committee its wishes for a successful future.

48. Mr. GAVIRIA (Colombia), speaking on behalf of the Latin American Group, congratulated the Asian-African Legal Consultative Committee on its contribution to the progressive development and codification of international law and emphasized the bonds which linked that Committee with the Inter-American Juridical Committee. It was his hope that the existing relations between the countries of Latin America and the countries of Africa and Asia would be strengthened and thus make it possible to find effective solutions at the international level to problems that were common to both regions.



49. Mr. LAUTERPACHT (Australia) said that Australia had taken part in the sessions of the Asian-African Legal Consultative Committee as an observer for many years and that he himself had represented his country at that Committee's session at Kuala Lumpur in the current year. He paid a tribute to the Committee's secretariat, and in particular to the Secretary-General of the Committee, Mr. Sen, who had guided the Committee in its research activities. The Australian Government commended the Committee for its contribution to the progressive development of international law, which was of considerable importance for the Pacific region, to which his own country belonged.
50. Mr. MUDHO (Kenya) said that his country had participated in the activities of the Asian-African Legal Consultative Committee from the time of its establishment, and he shared the views expressed by the representative of Libya with regard to the Committee. He appreciated the contribution made by the Committee to the progressive development of international law in the fields of the law of treaties and the law of the sea, and particularly, in the latter case, with regard to the concept of the exclusive economic zone. The Committee had helped to strengthen relations between Asia and Africa by bringing the legal systems of those two regions into conformity. He accordingly commended the Committee for the excellent work it had done and assured it of his Government's full co-operation.
51. Mr. TSURUOKA (Japan) joined with the speakers who had preceded him in offering his congratulations to the Asian-African Legal Consultative Committee on the occasion of its twentieth anniversary. Since its establishment in 1956, the Committee had played an important role in the development of international law in Africa and Asia, owing to the co-operation of its members in the study of various legal questions of common concern. His country, which took part in the work of the Committee, trusted that the Committee would continue to lend its aid in the search for peace through law.
52. Mr. LOPEZ (Philippines) said that international law could not develop unless the various legal systems were taken into account. The Asian-African Legal Consultative Committee had in that regard played an active role in the development of international law, for it had enabled the legal experts of Africa and Asia to express their respective points of view. His Government, which had taken part in the work of the Committee, wished to congratulate it on the occasion of its twentieth anniversary and hoped that its future work would be crowned with success.
53. Mr. MUNIM (Bangladesh) said that the Asian-African Legal Consultative Committee had rendered priceless services in connexion with the progressive development of international law. The Committee's research activities reflected the urgency of the problems confronting the countries of Asia and Africa and showed that the interests of those countries differed from, but were not opposed to, those of the other regional groups. The most recent session of the Committee, which had been held at Kuala Lumpur in June and July 1976 and at which he had been present, was a testimony to the unity that existed between its members despite differing points of view. He was especially appreciative of the efforts of the Committee's Secretary-General, Mr. Sen, and of those of the other members of the secretariat.

54. Mr. KURUKILASURIYA (Sri Lanka) joined with the other members of the Sixth Committee who had congratulated the Asian-African Legal Consultative Committee on the occasion of its twentieth anniversary. His country, which was one of the founding members of that Committee, had been closely associated with its activities for the past 20 years. The Committee played a vital role in furthering co-operation and understanding among the countries of Asia and Africa, for its annual sessions gave African and Asian legal experts an opportunity to discuss common problems and to co-operate in the progressive development of international law. The Committee's contribution in two important areas of international law - the law of the sea and the law of treaties - had been recognized by the International Law Commission.

55. The increase in the membership of the Committee from 8 in 1956 to 35 in 1976 was a measure of its importance. He commended the secretariat of the Committee and, in particular, its Secretary-General, Mr. Sen, and he expressed the hope that the Committee would continue to grow and to contribute to the progressive development of international law.

56. Miss AGUTA (Nigeria), pointing out that she had represented her country at the session of the Asian-African Legal Consultative Committee at Teheran in 1974, said that she wished to join in the congratulations which the representatives of Libya and Kenya had addressed to that Committee on the occasion of its twentieth anniversary, and she wished it further success.

57. Mr. BIN AHMAD (Malaysia), speaking on behalf of the Chairman of the Asian-African Legal Consultative Committee, thanked all the members of the Sixth Committee who had congratulated the Asian-African Legal Consultative Committee on the occasion of its twentieth anniversary for the kind words they had addressed to that Committee. He would convey the good wishes of the Sixth Committee to the Chairman and other members of the Asian-African Legal Consultative Committee as well as to its secretariat and in particular to its Secretary-General, Mr. Sen. He was sure that that congratulatory message would encourage the Committee in its work.

AGENDA ITEM 110: REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION (A/31/33, A/31/51 and Add.1; A/C.6/31/L.6) (continued)

58. The CHAIRMAN announced that the following States had joined the sponsors of draft resolution A/C.6/31/L.6: Burundi, Congo, Ghana, Kenya, Libyan Arab Republic, Mali, Niger, Thailand and Uruguay.

59. Mr. LAUTERPACHT (Australia) observed that the task of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization was to examine the observations formulated by Governments with regard to "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

(Mr. Lauterpacht, Australia)

law in relations between States". It was difficult to contemplate a more extensive mandate, for no specific restriction was imposed upon it and accordingly virtually every subject which touched the Charter and the activities of the United Nations might be brought within its ambit.

60. The scope of that mandate was a source of both strength and weakness: it was a source of strength because it was entirely appropriate to take a good hard look at the fabric and operation of the instrument and institution which for 30 years had played a dominant role in world affairs, without peremptorily excluding from that review any specific facet of the organization or its activities; it was a source of weakness because a comprehensive assessment of all that an organization whose field of operation was coextensive with almost every facet of international activity stood for was a task of such magnitude that it could not be discharged successfully or even helpfully.

61. It had therefore been necessary to proceed in an orderly manner. That was what the Secretary-General had done in his analytical study submitted in accordance with General Assembly resolution 3499 (XXX) (A/AC.182/L.2), which presented in systematic form the opinions expressed by Governments on various aspects of the functions of the United Nations, classifying them under six principal headings, namely: maintenance of international peace and security, means, methods and procedures for the peaceful settlement of disputes, economic and social questions, decolonization, rationalization of the existing procedures, and administrative, financial and other aspects of the functioning of the United Nations.

62. What the Special Committee had done after receiving the Secretariat study was only partially revealed in its report. All that was known was that nine meetings had been devoted to a general debate which was "reflected in the summary records of the Committee" (A/31/33, para. 8). That laconic formula presumably meant that the Special Committee had been unable to agree on a faithful summary of the differing attitudes expressed during its debate. In any event, it did not enable the two thirds of the States Members of the United Nations which were not members of the Special Committee to obtain a clear picture of the content of that debate. The report confined itself to indicating that after the general debate the Special Committee had established an open-ended Working Group to consider the analytical study paragraph by paragraph. The report of that Group, which was annexed to the report of the Special Committee, provided a very helpful insight into the diversity of approaches to the subject.

63. It was necessary to note, however, that the Working Group had considered only part of the analytical study, i.e., the whole of section I and only part of section II, heading A, concerning the maintenance of international peace and security. It still had to consider the other headings, namely means, methods and procedures for the peaceful settlement of disputes, economic and social questions, decolonization, rationalization of the existing procedures, and administrative, financial and other aspects of the functioning of the United Nations.

64. In assessing the views expressed in the Working Group, it should be remembered first, that the Charter was the constitution of an international

(Mr. Lauterpacht, Australia)

organization; second, that it conferred upon that organization a wide range of functions, predominantly related, but not limited, to the maintenance of international peace and security; and third, that it contained major elements of a code of international conduct. The debate in the Working Group had covered basically those three aspects of the Charter.

65. With regard to the constitutional aspect, some proposals, in particular those relating to the Security Council, its composition and voting arrangements, involved amendment of the Charter, whereas other proposals did not necessarily entail formal amendment and could be adopted by a simple decision of the General Assembly. For example, the proposals aimed at giving greater formal effect to General Assembly resolutions would require Charter amendment, whereas other very interesting suggestions aimed at giving those resolutions more bite by introducing a procedure for reporting on compliance could, at least in part, be implemented by a General Assembly resolution. Proposals relating to the creation of new organs did not necessarily require Charter amendment, as was demonstrated by the establishment of such bodies as UNCTAD.

66. With regard to the functions of the United Nations, the report of the Working Group simply indicated, without any further explanation, that some States would favour the expansion of its functions. On the other hand, the role of the Charter as a code of conduct had been the subject of much more specific suggestions, which touched upon both the substance of the matter and the procedure to be followed.

67. The suggestions relating to procedure, which concerned the role of General Assembly resolutions, the sources of international law, the function of General Assembly declarations and the use of ad hoc committees, did not require any specific Charter amendment.

68. The same was true of the substantive proposals concerning, in the economic and social sphere, the regulation of multinational corporations, the sea, space, food, the environment, population, sovereignty over natural resources, collective economic security and generally the development of a new international economic order and, in the political sphere, the restatement of the rights and duties of States, disarmament, prohibition of nuclear weapons, elimination of colonialism and the maintenance of détente. It was evident that in so far as those suggestions involved actually incorporating the proposed changes into the Charter they would require Charter amendment. But the fact remained that their objectives could be achieved as effectively without formal Charter amendment. The discussion in the Working Group led to the conclusion that it was necessary to identify the constitutional, functional and law-stating aspects of the Charter which required improvement.

69. That discussion also demonstrated that, thus far at any rate, the number of proposals involving significant amendment of the Charter was relatively small. Many of the improvements suggested could be achieved by decisions of United Nations organs, alterations of procedure or multilateral conventions concluded under United Nations auspices.

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70. The breadth of the topics taken up during the discussion should prompt the members of the Special Committee to ask themselves whether the review of the Charter should cover the whole range of international problems associated with those provisions of the Charter which constituted a code of international conduct, or whether the review should be given a more limited role, namely that of examining the structure and operations of the United Nations so as to improve the latter's discharge of its principal functions, especially in regard to the maintenance of international peace and security. His delegation felt that it was necessary to be realistic and that a limited review was more likely to lead to positive action.

71. Moreover, his delegation felt it was premature, at the current stage of the work of the Special Committee, to attempt to identify those topics on which that Committee should concentrate, for it had as yet only partly discharged its task. Only after the Special Committee had completed the over-all survey on which it had embarked could a judgement be formed as to what the next step in the Charter review process should be. That was why his delegation had co-sponsored draft resolution A/C.6/31/L.6, which invited the Special Committee to continue its work in accordance with paragraphs 1 and 2 of General Assembly resolution 3499 (XXX).

72. However - and that was the fifth conclusion to be drawn from the report - the fact that the Special Committee was continuing its general review did not preclude the Sixth Committee or any other United Nations body from considering certain specific topics which had been or might be touched upon in the course of the Special Committee's work. Given the comprehensive scope of the survey which the Special Committee was undertaking, the attribution to it of any exclusive rights over the subjects it was studying would bring the work of other United Nations bodies to an end, which was certainly not the purpose of establishing the Special Committee. His delegation hoped in particular that the Sixth Committee would in due course take up two very important questions: a review of the multilateral treaty-making process and the peaceful settlement of disputes.

73. With regard to the peaceful settlement of disputes, his delegation was content for the moment to see it examined within the context of the work of the Special Committee and hoped to be able to submit appropriate observations to that Committee in due course. However, in view of the fact that it would be some time before the Special Committee concluded its work, it reserved the right to request that the question of peaceful settlement of disputes be included as a separate item in the Sixth Committee's agenda.

The meeting rose at 1.10 p.m.