

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

**GENERAL ASSEMBLY**

**OFFICIAL RECORDS: THIRTY-THIRD SESSION**

**SUPPLEMENT No. 33 (A/33/33)**



**UNITED NATIONS**



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New York, 1978

#### NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.



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## I. INTRODUCTION

1. At its 97th plenary meeting, on 8 December 1977, the General Assembly, on the recommendation of the Sixth Committee, 1/ adopted resolution 32/45, which read as follows:

"The General Assembly,

"Recalling its resolutions 992 (X) of 21 November 1955, 2285 (XXII) of 5 December 1967, 2552 (XXIV) of 12 December 1969, 2697 (XXV) of 11 December 1970, 2968 (XXVII) of 14 December 1972 and 3349 (XXIX) of 17 December 1974,

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

"Recalling especially its resolution 3499 (XXX) of 15 December 1975, by which it established the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, and its resolution 31/28 of 29 November 1976,

"Having considered the report of the Special Committee, 2/

"Noting that the Special Committee has examined in detail the observations received from Governments contained in the Secretary-General's analytical study concerning suggestions and proposals regarding the Charter of the United Nations and the strengthening of the role of the United Nations with regard to the maintenance and consolidation of international peace and security, the development of co-operation among all nations and the promotion of the rules of international law in relations between States, 3/

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

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

"1. Takes note of the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization;

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1/ Official Records of the General Assembly, Thirty-second Session, Annexes, agenda item 116, document A/32/338.

2/ Official Records of the General Assembly, Thirty-second Session, Supplement No. 33 (A/32/33).

3/ Ibid., annex II, document A/AC.182/L.2.

"2. Decides that the Special Committee should continue its work in pursuance of the following tasks with which it is entrusted:

"(a) To list the proposals which have been made or will be made in the Committee and to identify those which have awakened special interest;

"(b) To examine proposals which have been made or will be made in the Committee with a view to according priority to the consideration of those areas on which general agreement is possible;

"3. Requests the Special Committee to be mindful of the importance of reaching general agreement whenever it has significance for the outcome of its work;

"4. Urges members of the Special Committee to participate fully in its work in fulfilment of the mandate entrusted to it;

"5. Invites Governments to submit, or to bring up to date, their observations and proposals in accordance with General Assembly resolution 3499 (XXX);

"6. Requests the Secretary-General to render all assistance to the Special Committee, including the preparation of summary records of its meetings;

"7. Requests the Special Committee to submit a report on its work to the General Assembly at its thirty-third session;

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

2. In accordance with General Assembly resolutions 3349 (XXIX) of 17 December 1974 and 3499 (XXX) of 15 December 1975 the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization was composed of the following Member States:

Algeria	German Democratic Republic
Argentina	Germany, Federal Republic of
Barbados	Ghana
Belgium	Greece
Brazil	Guyana
China	India
Colombia	Indonesia
Congo	Iran
Cyprus	Iraq
Czechoslovakia	Italy
Ecuador	Japan
Egypt	Kenya
El Salvador	Liberia
Finland	Mexico
France	Nepal

New Zealand  
Nigeria  
Pakistan  
Philippines  
Poland  
Romania  
Rwanda  
Sierra Leone  
Spain

Tunisia  
Turkey  
Union of Soviet Socialist Republics  
United Kingdom of Great Britain  
and Northern Ireland  
United States of America  
Venezuela  
Yugoslavia  
Zambia

3. The Special Committee met at United Nations Headquarters from 27 February to 24 March 1978.

4. The session was opened by Mr. Erik Suy, Under-Secretary-General, The Legal Counsel, who represented the Secretary-General. Mr. Yuri M. Rybakov, Director of the Codification Division of the Office of Legal Affairs, acted as Secretary of the Special Committee and represented the Secretary-General at the later part of the session.

5. At its 22nd meeting, on 28 February, the Special Committee agreed upon the composition of the officers of the Committee as follows:

Chairman: Mr. Bengt H. G. A. Broms (Finland);

Vice-Chairmen: Mrs. Shirley Y. Gbujama (Sierra Leone),  
Mr. José Luis Lovo-Castelar (El Salvador),  
Mr. Siegfried Zachmann (German Democratic Republic);

Rapporteur: Mr. Sumaryo Suryokusumo (Indonesia).

6. At the same meeting, the Special Committee adopted the following agenda (A/AC.182/L.17):

1. Opening of the session.
2. Election of officers.
3. Adoption of the agenda.
4. Organization of work.
5. Consideration of the observations of Governments pursuant to General Assembly resolutions 3499 (XXX) and 32/45.
6. Adoption of the report.

7. The Special Committee had before it the documents submitted at its previous sessions. It also had before it documents A/32/58/Add.2 and A/33/65 containing additional observations submitted by Governments in accordance with General Assembly resolutions 31/28 of 29 November 1976 and 32/45 of 8 December 1977.

8. In accordance with the decision taken at its 26th meeting, on 2 March, the Special Committee established an open-ended Working Group which would concentrate

on discussing the topics specified by Mexico (A/AC.182/L.13); first priority would be given to the topic concerning the "peaceful settlement of disputes". The Working Group carried out its work under the chairmanship of Mr. Bengt H. G. A. Broms, Chairman of the Special Committee. There were also eight meetings of informal consultations of the members of the Working Group.

9. At the 27th, 28th, 29th and 30th meetings, held respectively on 10, 16, 22 and 24 March, the Chairman of the Working Group made statements on the work carried out by the Group during its 15 meetings, held between 3 and 24 March. The Chairman also reported on the work of the informal consultations. The texts of those statements are reproduced in section II of the present report.

10. The Special Committee expressed its view that progress had been made in fulfilling its mandate, although it was unable to complete its work.

11. Some members of the Special Committee felt that its mandate should be renewed. Some members felt that that was a matter falling within the competence of the General Assembly.

II. STATEMENTS MADE BY THE CHAIRMAN ON THE WORK CARRIED OUT  
BY THE WORKING GROUP

A. Statement made at the 27th meeting

12. At the 27th meeting, on 10 March 1978, the Chairman made the following statement: 4/

"1. At its 26th meeting, held on 2 March 1978, the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization decided to establish an open-ended Working Group to begin the study of various topics. It was agreed that the Working Group would concentrate on discussing various topics, taking up first the question of the 'peaceful settlement of disputes', followed by a consideration of other questions, such as the 'rationalization of existing procedures' and the 'maintenance of international peace and security'. It was further understood that the plenary meetings of the Special Committee would be convened from time to time, upon request, to assess the progress made in the Working Group and to allow for the possibility of members to make statements which they would wish recorded in the summary records of the Special Committee.

"2. As of today, the Working Group of the Special Committee has held five meetings from 3 to 9 March 1978. The Working Group, following the recommendations of the Special Committee, devoted its attention mainly to the topic of the peaceful settlement of disputes.

"3. At the 1st meeting of the Working Group, the delegation of Mexico made a statement on the peaceful settlement of international disputes and submitted a working paper on the subject which was subsequently revised (A/AC.182/WG.1/Rev.2). When introducing the working paper the representative of Mexico referred to Article 33 of the Charter of the United Nations and to the principle of the non-use of force. He mentioned the four recommendations (see A/605, para. 63) which had been adopted in 1948 by the Interim Committee of the General Assembly - but never acted upon - with respect to:

"(a) The restoration of the full effect of the General Act for the Pacific Settlement of Disputes, 1928;

"(b) Amendments to the rules of procedure of the General Assembly, providing for a rapporteur or conciliator;

"(c) The performance of conciliation functions by a rapporteur or conciliator of the Security Council;

"(d) The establishment of a panel for inquiry and conciliation.

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4/ For a summary of the Chairman's statement, see A/AC.182/SR.27, paras. 1-26.

"He further referred to the inclusion in the agenda of the eleventh session of the General Assembly, at the request of Argentina, of an item entitled 'Draft Convention concerning a system of consultation', an initiative which, however, had not resulted in the adoption of any resolution. In addition, reference was made to General Assembly resolution 380 (V) entitled 'Peace through deeds', to the various mechanisms listed in the report of the Secretary-General (A/10289), and to the Revised General Act for the Pacific Settlement of International Disputes. That Act was viewed as suffering from serious short-comings inasmuch as it left out a number of means of pacific settlement of disputes, provided for too complicated procedures and established what was in fact an optional machinery. It had been noted that only five States had acceded to the Act. The conclusion of the representative of Mexico was that the document gave a somewhat negative impression of the existing means and of the unwillingness of States to resort to them. The delegation of Mexico therefore suggested that there was a need for an international instrument for the peaceful settlement of international disputes. The first step would be the drafting and adoption of a declaration which could later lead to the preparation of a treaty. In accordance with the working paper, the declaration should include the following elements:

- "(1) The obligation to settle all disputes by peaceful means.
- "(2) Exclusion from the application of the declaration of all matters already governed by other treaties or means.
- "(3) The procedures enumerated in Article 33 of the Charter of the United Nations do not imply any particular order, and the parties may resort to the procedure that best suits their interests.
- "(4) This declaration shall not be applicable to matters of internal jurisdiction. If the parties disagree as to whether a matter is one of internal jurisdiction in the light of the decision taken with regard to paragraph 8, the International Court of Justice shall decide.
- "(5) States shall have an obligation not to make diplomatic representations to protect their nationals or to invoke international jurisdiction for that purpose when the said nationals have means of recourse to competent national courts available to them.
- "(6) Recourse to means for the peaceful settlement of disputes shall not limit the right of self-defence under Article 51 of the Charter of the United Nations.
- "(7) Inclusion and elaboration in the declaration of all means for the peaceful settlement of disputes provided for in Article 33 of the Charter of the United Nations.
- "(8) Competence of the International Court of Justice with respect to specific disputes, which will be defined in the declaration.
- "(9) More frequent recourse to the advisory opinions of the International Court of Justice.



"(10) Notification by States of situations which may give rise to international tension; enumeration of situations, which should not be considered exhaustive.

"(11) Reaffirmation of the general prohibition regarding the threat or use of force and any form of coercion."

"4. Later, in response to various requests for clarification, the delegation of Mexico gave additional information concerning the individual provisions of the declaration. Questions concentrated partly on the form of the document. Some delegations suggested that there should be a treaty rather than a declaration. Others, however, supported the idea of a declaration, which could later be replaced by a treaty in accordance with the Mexican proposal. Paragraph 6, including what had been characterized as a Calvo clause, had given rise to certain criticism, and the delegation of Mexico indicated that the following week it would make a fuller statement on the implications of that provision. It was also argued by some delegations that it was not so much the need for further legal instruments that had to be looked into, but rather the lack of confidence in the already existing ones. One representative went on to say, at a later meeting, that that conclusion could be reached, especially in relation to the resolutions of various United Nations organs. He pointed out that many resolutions, even those adopted unanimously, were never implemented. His argument was to the effect that the Special Committee should not concentrate on proposals to amend the Charter until such time as the collective security system had been fully developed. That would mean the conclusion of military agreements under Article 43 of the Charter and the creation of a permanent United Nations force which could act as a deterrent. While agreeing with the main contents of the working paper, that representative concluded that the Special Committee should first concentrate on determining how the various resolutions of the United Nations organs could be implemented.

"5. At the 2nd meeting of the Working Group, the delegation of Romania submitted a working paper (A/AC.182/WG/2). In introducing the working paper, the representative of Romania stressed the practical importance of diplomatic negotiations by referring to the words of Charles De Visscher. He also referred to document A/10289 and regretted the fact that the United Nations had never undertaken any extensive study in the field of peaceful settlement of international disputes and that there had never been a plenipotentiary conference in that field. Furthermore, he described the situation with respect to arbitral proceedings as being at a standstill. He mentioned the work of regional organizations in that field as described in a study published by UNITAR. He made reference also to the work undertaken by the International Law Association in that field, which had led to the adoption of a resolution by the Association.

"6. The representative of Romania then referred to previous proposals submitted by his delegation, as reflected in earlier reports of the Special Committee, and submitted a working paper aiming at:

"(1) The establishment of a permanent commission of the General Assembly to fulfil the functions of mediation, good offices and conciliation;

- "(2) The adoption of measures to accelerate the process of codifying the principles and standards relating to the peaceful settlement of disputes, in order to ensure the effective functioning of the ways and means of peaceful settlement. The adoption, in the longer term, by the United Nations of an international instrument aimed at establishing specific procedures to deal with and solve disputes between States.'

"7. The representative of Romania then pointed out that a pre-condition of the success of the Special Committee was that all the members should be interested in the results of the work. He finally expressed the hope that the Special Committee would be a laboratory to investigate various proposals.

"8. At the 3rd meeting of the Working Group, one representative stated that the study of document A/10289 filled him with melancholy and that the international community and the United Nations seemed more adept at stopping fighting than at solving disputes before they reached the stage of hostilities. Once fighting had begun, the record of the United Nations was quite good, but such was not the case when one looked at results achieved prior to that stage. However, that was not because of the lack of machinery, but rather owing to the fact that the machinery was not made use of to a satisfactory extent. Past history offered no hope of a change of attitudes. The failure had been caused by two factors. One was the reluctance of the parties to bring in a third party to their negotiations and their desire to keep the solution in their own hands. The second factor was that the parties frequently did not want to solve their disputes. If the present time was not favourable, the dispute would be postponed until a more suitable moment. The representative recalled the words of Lord Palmerston on the Schleswig-Holstein dispute and went on to say that the problem was not so much the machinery but how to give impetus to use it. The impetus was there once the fighting had begun, not before. The parties should resort to the various modes for the peaceful settlement of disputes before the dispute got out of hand. He referred to certain regional solutions, such as the Peace Committee of American States which, at one stage, had operated at the request of one party and later at the request of two parties. He stated that his Government had not found the Romanian working paper entirely acceptable. However, it might be possible to create something at the Security Council level. The United Nations organs should become involved at a far earlier stage. States should resort to Article 35 of the Charter more often. Periodic meetings of the Security Council could be called in accordance with Article 28, paragraph 2. The United Nations Secretariat would be used for the purposes of Chapter VI of the Charter. In general, States should adopt a more responsible attitude towards the settlement of international disputes.

"9. The next speaker at the 3rd meeting recalled the principle of the non-use of force and referred to General Assembly resolution 32/150 of 19 December 1977 establishing the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations with the goal of drafting a world treaty on the non-use of force and in international relations as well as the peaceful settlement of international disputes. He stressed in particular the interrelationship of the two principles both embodied in Article 2 of the Charter. In the

opinion of that representative, the system of fact-finding and conciliation could be developed and the provisions drafted at the Third United Nations Conference on the Law of the Sea in that respect could be also investigated as an example. He pointed out that Article 33 was not exhaustive and that the various means mentioned in it were on the same footing. The International Court of Justice should play a more important role and more use should be made of it. As to the Mexican working paper, it was said that, although a declaration might suffice, a treaty was possibly needed. Points 4, 8 and 9 of the Mexican working paper were found to be good. Point 4, in particular, was acceptable as it was similar to point 9 of the combined Italian and Spanish working paper of 1977, 5/ although broader in scope. States parties to disputes should be given the opportunity to ask for advisory opinions of the International Court of Justice and a procedural machinery should be established therefor. With regard to point 3 of the Mexican proposal, the delegation in question had felt that resort to one of the means should not relieve the party from the principle that one suitable method must in any case be found. On point 5, the reaction was one of doubt, but more information was needed. Point 7 was acceptable and, on point 10, the delegation reserved the right to speak later.

"10. The third speaker at the 3rd meeting said that the Mexican proposal had much merit, although it also gave rise to questions. Constructive spirit in the Special Committee had been found good and a strong United Nations was said to be the goal for all. In the opinion of that representative, the idea of a declaration in that field had been covered in various existing documents, notably in Chapter VI of the Charter, the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations /General Assembly resolution 2625 (XXV), annex/, the Declaration on the Strengthening of International Security /General Assembly resolution 2734 (XXV)/ and the Declaration on the Deepening and Consolidation of International Détente /General Assembly resolution 32/155/. In his view the problem of the peaceful settlement of disputes was a consequence of the cornerstone of the Charter - the renunciation of the threat or use of force. The same delegate welcomed the fact that the Mexican delegation conceived of the question of the notion of the use of force also in the context of non-military instruments of pressure, including economic aggression. He recalled what his delegation stressed a year before that while a pacific settlement of disputes represented a posteriori action, the notion of non-use of force constituted a priori action. Hence, he first saw the need for strengthening the principle of non-use of force in order to make pacific settlement of disputes easier. The same delegate thought that the idea of non-use of force as functioning today went even further than its classical notion. It combined into one all other and perhaps older notions, like renunciation of force, refraining from the threat or use of force, prohibition of the use of force. It consolidated and as such contained in itself other legal principles of the comity of nations, especially those of territorial integrity of States, political independence, territorial inviolability, non-interference in internal affairs, sovereign equality of States, equal rights, self-determination of peoples as well as the peaceful settlement of disputes. With reference to the Mexican proposals, he traced in them some kind of a 'regionalist approach'. He also wondered about the relationship between the principle

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5/ See Official Records of the General Assembly, Thirty-second Session, Supplement No. 33 (A/32/33), annex II, sect. J:

of national sovereignty and the peaceful settlement of disputes as contained in and against the backdrop of the Mexican proposals. As to the suggestion of a permanent commission of the General Assembly, he remarked that the idea might violate the sovereign right of every State to determine, in accordance with the Charter, its own means for the peaceful settlement of disputes and was rather difficult to be reconciled with Articles 12, 24 and 29 of the Charter.

"11. At the 4th meeting, one delegate referred to the positive experiences of his Government in providing a meeting-place for a mediation group on the problem of Zimbabwe. He also made reference to the system created by the Charter of the Organization of African Unity. He went on to analyse the various Charter provisions on the settlement of international disputes, taking up also the problem of the difference between a 'situation' and a 'dispute'. He referred to a statement by Sir Hersch Lauterpacht to the effect that it was difficult to differentiate between political and legal disputes. Legal disputes should be brought before the International Court of Justice. The international community was not totally lacking in modalities and what was needed above all was greater political will. The principle of the non-use of force had been said to be important. The proposals of that representative were as follows: negotiations in good faith, even if no precedence should be given to them, should be stressed over other methods. If States negotiated in good faith, that was bound to have a positive effect. Regional arrangements should be made more use of, but should be brought into line with the general United Nations system. The importance of the peaceful settlement of international disputes should be continuously stressed. The integrity of the individuals involved was an important factor. If they had been found neutral, they had credibility. The services of the Secretary-General might be reinforced. Advisory opinions of the International Court of Justice should be more readily used. A treaty in this field or declaration should be carefully studied and welcomed.

"12. Another representative questioned the value of a new declaration, in view of the fact that it was necessary to stop the aggression first and then to bring about the peaceful settlement of international disputes. In his opinion, the Charter provided for enforcement action, and such action was needed between nations. If the Charter was to be made more effective, attention must be given to enforcement action. The horse should be put in front of the cart.

"13. Also at the 4th meeting, one representative said that the peaceful settlement of international disputes was a vast and difficult field. International disputes or situations which might lead to a breach of peace must be settled by peaceful means. The Security Council was given by the Charter an important part to play in this respect. The Charter not only indicated which means were to be used but also provided for the necessary machinery. The Charter emphasized that in so far as local disputes were concerned, the Security Council should encourage the use of regional machinery. According to the Charter, the parties to the dispute had a duty to settle their dispute by peaceful means and had a free choice of means for this purpose. Failure of one of the means did not relieve the parties from the duty of trying other means. Direct negotiations between the parties to the dispute were most important. No State could, however, be forced to the peaceful settlement by a third party without its consent. States had a duty to refrain

from action which meant endangering of the international security. A reference was made to the Constitution of the country of the representative concerned, which included a provision on the peaceful settlement of disputes. The speaker also mentioned in this connexion the Final Act of the Conference on Security and Co-operation in Europe. 6/ Clauses on settlement of disputes were often inserted in international treaties. The work of the Third United Nations Conference on the Law of the Sea provided an example in that respect. The task of the Committee was not to set up new bodies. It was preferable to concentrate on why the existing machinery had not been fully resorted to and on how to make it more effective. The relaxation of international tension created more favourable conditions for peaceful settlement of disputes. There were vast possibilities and reserves in the Charter and the obligation of all Member States was to concentrate their efforts not on review of the Charter, but on ensuring strict and consistent compliance with it. The importance of the draft world treaty on the non-use of force in international relations which was put forward by the Soviet Union was emphasized in this connexion. The representative concerned said he would carefully examine the Mexican working paper without prejudice to the final position of his delegation with regard to the idea of working out a declaration on the subject. Questions were raised especially in relation with points 1, 4 and 5 of the working paper.

"14. In replying to some of the questions put to him, the delegate of Mexico said that the regional settlement of disputes had been unsuccessful in the case of Latin America and that regional bodies often failed. As a result, regional bodies should never be given priority. The main emphasis should be put on the United Nations. The American States, for their part, had no obligation to solve their disputes through the Organization of American States. The representative of Mexico also considered as correct the view expressed by another representative on the need to implement the resolutions of the United Nations organs. He had then made a statement on the rationalization of United Nations procedure. His working paper on that topic (A/AC.182/WG/3) read as follows:

"(1) A limit should be imposed on the number of subsidiary bodies which may be set up by the principal organs of the United Nations.

"(2) The General Committee of each General Assembly should consider, as a matter of priority, the advisability of eliminating from the provisional agenda any items not taken up in the past two years.

"(3) The General Committee should be given broader authority to combine items and abolish unnecessary bodies so as to avoid duplication of effort.

"(4) The general debate in the General Assembly should be done away with and replaced by a document setting forth the positions of States on the world situation in general and on agenda items in particular. This document should be widely circulated not only within the United Nations but throughout the world.

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6/ Final Act of the Conference on Security and Co-operation in Europe,  
Cmnd. 6198 (London, H.M. Stationery Office, 1975).

"(5) There should be a single general debate on all agenda items of Committees, the practice of holding a general debate on each item thus being discontinued.

"(6) A recommendation should be adopted providing for a period of not more than three weeks each year known as 'annual ministerial consultations' during which it would be recommended that the Head of State or Minister for Foreign Affairs of every Member State should be present at the site of the General Assembly session.

"(7) A recommendation should be adopted calling for representatives to subsidiary bodies to be appointed at the highest possible level (ambassador, minister or counsellor), without prejudice to the right to appoint lesser diplomatic officials as alternates or advisers.

"(8) There should be a more equitable distribution of professional and senior posts within the United Nations Secretariat and the secretariats of other United Nations bodies.

"(9) Over-all machinery should be set up to supervise the implementation of resolutions of the principal organs of the United Nations.'

"15. At the 5th meeting of the Working Group, the representative of France submitted a working paper (A/AC.182/WG/4) and said that his country had consistently supported the peaceful solution of international disputes. In addition to its general commitments, France had concluded treaties including provisions in that respect. It was pointed out that the system established by the Charter of the United Nations was in that respect clearly superior to the provisions of the Covenant of the League of Nations. The Security Council could exert the necessary political pressure on the parties in order to ensure that they resorted to the means available for the peaceful settlement of international disputes. More confidence was needed in order to make full use of the existing system. It was also pointed out that document A/10289 was not encouraging, because of the non-use of the facilities offered by the United Nations. On that basis, the working paper made the following proposals:

"(1) Articles 33 and 37 of the Charter should be implemented.

"(2) Provision should be made in bilateral and multilateral conventions for a system of binding settlement of disputes.

"(3) When there has been voluntary recourse to a binding procedure for the settlement of disputes, the decision rendered should be complied with.

"(4) Wider use should be made of regional machinery: the functional decentralization provided for in Article 52 of the Charter.

"(5) Ad hoc and specialized settlement procedures should be developed further.

"(6) A list should be prepared of authorities which would be willing to appoint arbitrators or chairmen of arbitral tribunals.

"(7) A practical United Nations manual on the settlement of disputes should be prepared.'

"16. Also at the 5th meeting, one delegation pointed out that the history of the peaceful settlement of international disputes undertaken by the United Nations had been marked by successes and failures. However, in the view of that delegation sufficient machinery existed in that respect. In its view, the working paper submitted by Mexico should be supported, since some international instrument, whether in the form of a declaration or a treaty, would be needed. The document should cover the principles governing the peaceful settlement of disputes. It should include, especially, a reference to regional means, although States should not be obliged to resort to the regional means before bringing their dispute to the international level.

"17. The same delegation added that it could also agree to the proposal to establish a commission of the General Assembly in accordance with the Romanian working paper. The General Assembly should establish that Commission, even though the Commission would indirectly help the Security Council as well in that field. Perhaps States would find it easier to approach that new organ than the Council in those matters. The suggestion was also made that the members of the Security Council should refrain from using the right of veto in the peaceful settlement of international disputes. That representative supported the idea, expressed by France, of preparing a manual, or what was called a blueprint, on the various methods that existed in the field. States would then be better aware of the existing possibilities. It was further pointed out that the position of the International Court of Justice should be strengthened by amending the Statute to permit States to ask for advisory opinions. An effective ban on the use of force was also to be hoped for.

"18. Another representative said that disputes could explode at any moment as a result of such events as an assassination or even a soccer match, so that it was dangerous to let disputes remain unresolved. It was therefore proper to remember that the Secretary-General or any Member could bring disputes to the attention of the Security Council. Perhaps the Security Council should consider various ways of dealing with such disputes. As an example, he mentioned the holding of informal meetings with the members of the Security Council, as well as periodic meetings as envisaged in the Charter. The establishment of committees of the Council could also be considered. Furthermore, the Council could set up fact-finding missions. The representative concerned informed the members of the willingness of his Government to give all the necessary help it could provide for such missions through its advanced technology. Members should make far greater use of the International Court of Justice, which would allow the Court to become a major source of law. One way of strengthening the position of the Court would be to grant all agencies, including principal organs of the United Nations, the possibility to ask for advisory opinions. The same delegation also suggested the following classification as a general approach to the problem of preparing a list of the various proposals that had been presented:

"(a) Exploration of the reasons why greater use had not been made of the existing machinery for the peaceful settlement of international disputes;

"(b) Ways and means needed to facilitate a greater use of the existing machinery;

"(c) Elaboration of new instruments.

"With regard to point (a), it was proposed that the Secretariat could be asked to draft a questionnaire addressed to all Members, asking them to explain the reasons why they did not trust the existing machinery to a greater extent.

"19. Another representative said that there were two aspects to be stressed: the strengthening of United Nations functions in fact-finding and the strengthening of the role of the International Court of Justice. Fact-finding should be established by the General Assembly and the Security Council; the right of veto should not be resorted to in that context. The Secretary-General could also consider that possibility. In so far as the Court was concerned, there was a need to widen the use of advisory opinions. States should also accept the compulsory jurisdiction of the International Court of Justice to a greater extent than was the case now. In the opinion of that representative, the Working Group should concentrate on the listing of the various proposals. That task should not be left to the Secretariat.

"20. Also at the 5th meeting, the representative of Romania replied to comments made on the working paper submitted by his delegation. First he noted that all those who had made statements had adopted a constructive approach. Secondly, in view of some doubts expressed by previous speakers, he explained that the establishment of the commission of the General Assembly to fulfil the functions of mediation, good offices and conciliation, as suggested in the working paper, could be done fully in accordance with the existing Charter.

"21. In that connexion, he observed that Article 33 of the Charter did not preclude the resort to a subsidiary organ or the General Assembly for the settlement of disputes. He added that the establishment of such an organ was in full conformity with Article 22, pursuant to which the Assembly could establish such subsidiary organs as it deemed necessary for the performance of its functions. As to the relationship between the proposed commission and the Security Council, he drew attention to paragraph 93 of the report of the 1977 Working Group which stated, inter alia:

"... The proposal to establish a permanent conciliation commission was not designed to deprive the General Assembly or the Security Council of powers vested in them by the Charter. ... the Security Council did not act until a situation had deteriorated to the point where it was endangering international peace and security. Action was needed before matters reached that point. The proposal ... was not an attempt to reduce the sovereign right of States to choose the means of settling a dispute. Negotiation was, of course, the most logical manner of settling an international dispute ... However, ... when negotiations were not successful or when there was disagreement as to the law to be applied, then the United Nations should step in to assist. It was therefore not true that those who were submitting proposals were trying to impose one system regarding peaceful settlement. The aim was to diversify existing methods and enable States to choose from a range of means." 7/

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7/ See Official Records of the General Assembly, Thirty-second Session, Supplement No. 33 (A/32/33), para. 93.



"The same representative added that, as some other speakers had mentioned, the regional organizations should be utilized. In that connexion, he had referred to a study 8/ by a private group (the Davies Memorial Group), in 1966, on the peaceful settlement of disputes within the United Nations; that study had referred to the system of the Organization of African Unity, which included a permanent commission to help the consultative Assembly in the settlement of disputes. Experience had proved that that had not caused any difficulties with regard to the position of the consultative Assembly. Similarly, the existence of a commission such as the one proposed by the delegation in question would not necessitate amending the powers of the General Assembly and of the Security Council. Mention was also made of the need for a new international instrument condemning the use of force and stressing instead the duty of Members to make use of means for the pacific settlement of disputes. Reference was made to the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations and to the Declaration on the Strengthening of International Security. Similarly, the Declaration on the Deepening and Consolidation of International Détente was mentioned as stressing the need to resolve all international disputes speedily. That delegation supported the suggestion to draft a manual on existing facilities. A decision on the future organization of work would have to be taken by the plenary.

"22. Another representative supported the ideas contained in the working paper submitted by Mexico. He saw no harm in being repetitive and felt that a new treaty could fill a need. The Constitution of that representative's country had renounced the resort to war as a means of national policy, and a declaration along the lines proposed in the working paper could be useful. The International Court of Justice should play a more important role. That should also be guaranteed by making, in case of need, amendments to the Statute of the Court or to the Charter of the United Nations. In particular, the Court's jurisdiction should be widened. The suggestion to establish a commission of the General Assembly should be supported and past Presidents of the Assembly should be invited to become members of the commission, in view of their wide experience in international affairs. The States of South-East Asia were currently engaged in efforts to strengthen the system of peaceful settlement of disputes, with a view to regional solution.

"23. Another delegation found attractive the idea of drafting a manual on the various existing systems for the settlement of disputes. States should make greater use of the International Court of Justice by not using the principle of sovereignty in an anachronistic way. It was said that recently the African States had turned more to the International Court of Justice, especially in so far as the use of advisory opinions was concerned.

"24. One delegation had considered records very important and felt that members should be able to speak the same way in the Working Group as they did in the plenary regardless of summary records. Another delegation also felt that records of the meetings were important. Mere working papers could be misleading, as their premises were not indicated. Members who so desired should be able to speak for the record in the plenary at any time.

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8/ Study Group on the Peaceful Settlement of International Disputes, Report (London, David Davies Memorial Institute of International Studies, 1966), 289 pp.

"25. One representative suggested drafting a list of proposals and then proceeding on the basis of the topics mentioned in the list. One delegation supported the views expressed previously concerning the importance of the records. Another delegation felt that records were not needed. Members should take notes and work towards the preparation of a list.

"26. Before closing may I mention a few facts which have made it somewhat difficult to draft this report. As you may recall, we were informed by the Committee Secretary, when the Working Group had already been set up, that there was absolutely no possibility of having the précis writers work with us this year the way they did last year. Therefore it was necessary for me and one or two of the younger secretaries to take notes of the meetings. We have made some comparison of the notes but there may very well be misunderstandings. This is even more so because, in spite of several requests, not a single delegate has submitted the text of his statement to us. Only those delegates which have presented working papers - and I take this opportunity to thank them warmly - have submitted their proposals in a written form. I am not asking for any leniency, but it seems to be fair to point this out. Also, may I remind all members of the possibility always open to everybody to speak for the summary record in the plenary. Corrections may also be made this way. Do allow me to say that the debate has been interesting to follow and I do hope that you all have enjoyed it to the same degree as I have. I should like to thank those who have participated in the debate for their co-operation and for their open and frank attitudes."

B. Statement made at the 28th meeting

13. At the 28th meeting, on 16 March 1978, the Chairman made the following statement: 9/

"1. I should like to report to the Special Committee on the further work of the Working Group. You will recall that at the 27th meeting of the Special Committee, on 10 March, I made a statement on the work of the Working Group during its first five meetings. Today I should like to report on the 6th, 7th and 8th meetings of the Working Group, held on 10, 13 and 14 March.

"2. At the 6th meeting, one representative who, because of his forthcoming departure from New York, had asked for special permission to deal already at this stage with the question of the maintenance of international peace and security, stressed that the question of peace-keeping and the maintenance of international security could not be divorced from the other aspects of the Charter and the work of the Organization. The Members of the Organization were faced with a crucial choice if they wanted the United Nations to remain a relevant force in the modern world. He referred to two opposing concepts of the Organization which had been outlined by the late Secretary-General, Dag Hammarskjöld: one view of the United Nations was that it was a static conference mechanism for resolving conflicts of interests and ideologies with a view to peaceful coexistence, within the Charter, to be served by a Secretariat which was to be regarded not as fully internationalized but as representing within its ranks those very interests and ideologies; a second view held that the Organization should be a dynamic instrument of Governments through which they should try to develop forms of executive action, undertaken on behalf of all Members, aimed at forestalling conflicts and at resolving them, once they had arisen, by appropriate diplomatic or political means, in the spirit of objectivity and in implementation of the principles and purposes of the Charter. He believed that the first view was grounded in the nationalist traditions of the past, while the second pointed to the requirements of the present and the future.

"3. Wishing to make a contribution to efforts to improve the conceptual framework and the machinery for peace-keeping and the maintenance of international peace and security, that representative's delegation had joined a number of other countries in submitting document A/AC.182/L.12/Rev.1 in which the addition of four principles to Article 2 of the Charter was proposed. The first principle, namely non-intervention by a State in the domestic affairs of another State, was deemed necessary since Article 2, paragraph 7, referred only to the non-intervention of the United Nations in matters within the domestic jurisdiction of States. The inclusion of the second principle, international co-operation for development, would serve to acknowledge the importance of economic affairs and reflect the realization that peace-keeping was not simply a matter of keeping hostile armies apart but also involved eliminating the causes of conflict between countries, chief among which was the poverty of many countries. The third principle was that of collective

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9/ For a summary of the Chairman's statement, see A/AC.182/SR.28 and Corr. 1 and 2, paras. 1-28.

economic security. That principle represented a radical change in international law, since the Charter recognized only the principle of collective security in an exclusively military context. The fourth principle was that of general and complete disarmament under effective international control, whereas the concept of disarmament currently embodied in the Charter focused on arms limitation and reduction.

"4. That delegation had also urged the deletion of the so-called 'enemy clauses' from Articles 53 and 107 of the Charter, on the ground that such a course was not only logical but also in accordance with the spirit of Helsinki. It was, however, aware of the objections raised by certain delegations that deletion of the clauses might affect the status of Berlin, but it believed that a solution could be found which would meet the concerns of such delegations while at the same time permitting the deletion of the references in question.

"5. Turning to the operational aspects of peace-keeping, that representative recalled that a number of arrangements for membership in the Security Council had been considered prior to 1950. Two parallel efforts had been made in subsequent years to enhance the effectiveness of the Security Council, by changing its membership and modifying the application of the so-called 'principle of unanimity'. The work of the Security Council had benefited greatly from the increase in its membership as a result of pressure brought by non-aligned countries following the Bandung Conference. Developing countries had not been alone in advocating change; two permanent members had called for specific changes in the Organization at various times in its history. In the view of that delegation, a further slight increase in the membership of the Security Council was called for at the present time. The Special Committee should also endeavour to work out a clear definition of what were procedural matters and eliminate the use of the veto with respect to such procedural matters as the admission of new Members and the establishment of fact-finding missions. In that connexion, he had drawn attention to the proposal in document A/AC.182/L.12/Rev.1 that the permanent members of the Security Council should apply their Joint Declaration of 8 June 1945 on the non-use of the veto to matters concerning the admission of new Members and reach an understanding on the non-use of the veto on matters pertaining to the peaceful settlement of disputes. 10/ His delegation would welcome the comments of the permanent members of the Security Council on that proposal.

"6. With regard to the General Assembly, which, he said, had residual powers for peace-keeping, he drew attention to the proposal in document A/AC.182/L.12/Rev.1 that all Member States should demonstrate their faith in the Organization by referring to it any matter or situation which, according to the Charter, fell within its competence. It was a matter of concern to his delegation that important negotiations, such as the Strategic Arms Limitation Talks (SALT) and the North-South dialogue, had taken place outside the framework of the United Nations. Consideration should also be given to the Romanian proposal for the preparation of a universal code of conduct covering the rights and duties of States. The question of the machinery for implementing United Nations decisions was viewed as a delicate one since even resolutions of the Security Council could be recommendatory. It was thus necessary, he stressed, to take into account the nature of the resolutions adopted by a United Nations body when considering arrangements for implementing them.

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10/ See Official Records of the General Assembly, Thirty-second Session, Supplement No. 33 (A/32/33), annex II, sect. H, para. 17.

'7. That speaker had submitted a working paper on the maintenance of international peace and security (A/AC.182/WG/6, Mexico) which read as follows:

"'PRINCIPLES OF THE CHARTER

"'Additions should be made to Article 2 so as to incorporate into it the following principles:

"'(a) Non-interference by one State in the internal affairs of another,

"'(b) International co-operation for development;

"'(c) Collective economic security.

"'(d) General and complete disarmament under effective international control.

"'ELIMINATION OF OUTMODED PHRASEOLOGY

"'Delete the reference in Articles 53 and 107 of the Charter to "enemy State".

"'OPERATIONAL QUESTIONS

"'Security Council

"'I. Membership. The membership of the Security Council should be slightly enlarged and the criteria governing the election of members of the Council should be modified in the light of the proposals appearing in document A/AC.182/L.12/Rev.1.

"'II. Application of the rule of unanimity of permanent members:

"'(a) A resolution should be adopted enumerating those questions which are to be regarded in the Security Council as procedural in nature (Double veto);

"'(b) An appeal should be made to the permanent members to abide by their Joint Statement of 8 June 1945 concerning the non-use of the veto in questions relating to the admission of new Members and to reach an understanding on the non-use of the veto in questions relating to the peaceful settlement of disputes.

"'General Assembly

"'I. Member States should be urged to demonstrate their faith in the United Nations by referring to it any matter or situation which, under the Charter, falls within its competence.

"'II. An item concerning the preparation and adoption of a universal code of conduct embodying the fundamental rights and duties of States should be included in the agenda of the General Assembly.

"'III. Over-all machinery should be set up to supervise the implementation of resolutions and decisions adopted by United Nations bodies.'

"8. At the 7th meeting of the Working Group, one representative said that it was essential to establish an effective mechanism for the settlement of disputes in order to prevent them from escalating into warfare. In that connexion, it would be useful to develop point 10 of the Mexican working paper on that topic and elaborate on Article 33 of the Charter. It was also important to establish a mechanism for controlling the application of the basic principles of the Charter and the implementation of the decisions and recommendations of the United Nations, particularly those adopted by consensus. In that connexion, the General Assembly, at its regular sessions, could include in its agenda an item entitled 'Consideration of the implementation of the resolutions of the main organs of the United Nations'. The non-use of force in international relations and the peaceful settlement of disputes, as provided for in Article 2 of the Charter, represented the best means of preserving world peace and security.

"9. The role of the Security Council in promoting the peaceful settlement of disputes was very important and it was therefore essential that the Council should be more actively involved in the implementation of its own resolutions and that Article 33 of the Charter should be applied more frequently. In that connexion, it might be useful to hold certain Security Council meetings at the ministerial level and to convene periodic meetings of the Security Council to review progress on the elimination of tensions and international crises. The Romanian proposal to establish a permanent commission of the General Assembly was interesting, but required further discussion. The speaker supported the proposals made in the French working paper and, generally speaking, also supported the Mexican working paper, although the wording in some places could be clarified. With respect to point 5 of the latter paper, his country could not deny diplomatic protection to its nationals in other countries. Its understanding of point 5 was that it included the request to States to refrain from the use of force as a means of protection of their nationals. With regard to the International Court of Justice, the number of Judges should be increased to ensure a better representation of all legal and political systems of the world in the Court, which could make the International Court of Justice more attractive and result in more frequent recourse to its advisory opinions. The Special Committee should recommend to the Assembly that it include the question of the peaceful settlement of disputes in its agenda for the thirty-third session. Once Member States had made their views known, the Assembly could decide whether to draft a declaration. A working paper (A/AC.182/WG.12, Yugoslavia) was subsequently submitted by that speaker's delegation, which read as follows:

- "(1) To define an international dispute;
- "(2) To elaborate the role of the United Nations in the process of prevention of disputes or conflicts;
- "(3) To include in the agenda of the General Assembly the item:  
"Consideration of implementation of the resolutions of the main organs of the United Nations";

- "(4) To urge a more active role of the Security Council in applying Article 33 of the Charter more frequently;
- "(5) To hold ministerial meetings of the Security Council;
- "(6) To convene meetings of the Security Council in the place of some unresolved international dispute which endangers peace and security in the world;
- "(7) To hold periodical meetings of the Security Council in order to review the progress achieved with regard to the elimination of tensions and international crises;
- "(8) To enlarge the number of Judges of the International Court of Justice by electing a certain number of new Judges from different legal and political systems of the world, which should result in more frequent recourse to the International Court of Justice for its advisory opinions;
- "(9) To include in the agenda of the General Assembly the item:  
"Peaceful settlement of disputes."

"10. The second speaker at the 7th meeting said that his delegation welcomed the constructive attitude behind the Mexican representative's suggestions and the balanced and business-like manner in which they were presented, although, in some cases they required further clarification, particularly with respect to points 8, 9 and 10. The extension of the jurisdiction of the International Court of Justice might limit States' choice with respect to the peaceful settlement of disputes. The French suggestion concerning the preparation of a United Nations manual on the settlement of disputes had great merit.

"11. Full use had not been made of the provisions of Chapter VI of the Charter. Disputes between States could be settled in the various ways contemplated in that Chapter if the parties were prepared to abide by the Charter's principles. Greater emphasis must be placed on the principle of the non-use of force in international relations, as had been done by the General Assembly in resolution 32/150. In addition, the decision-making process in the Security Council would be facilitated if provisions contained in the Declaration on the Strengthening of International Security and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations were embodied in a convention that was binding on all States and if the Security Council itself decided to regard those provisions as binding with respect to its own activities. The Romanian proposal to establish a permanent commission of the General Assembly seemed unnecessary, since no additional machinery was required.

"12. The third speaker had said that most of the nations that had participated in the drafting of the Charter had opposed the idea of giving the United Nations the authority to promulgate binding laws. Accordingly, the Charter had allowed the parties to a dispute to select the negotiating framework within which they wished to try to settle the dispute. The efforts of the General Assembly to establish machinery for the settlement of disputes had

mostly been unsuccessful, first, because States had been reluctant to submit to binding arbitration, secondly, because it had been impossible to establish a body that could deal with all problems impartially and, thirdly, because existing procedures had not been sufficiently practical or effective. The best way for States to settle their disputes was through direct negotiation.

"13. The Mexican working paper was very constructive and he had agreed with its basic idea. Points 2 and 3 were quite acceptable, but point 4 was superfluous and point 5 seemed inappropriate. He also had had serious reservations with respect to points 8, 9 and 10. He could not support the Romanian proposals but had found the proposals in the French working paper very realistic and interesting.

"14. Reviewing the record of the United Nations in the field, the same representative said that it was thanks to the Organization that disputes arising from decolonization had been settled satisfactorily and that delicate and thorny problems, such as the Congo and Suez crises, had been prevented from deteriorating into world-wide conflicts. If the burning issues of the Middle East, Southern Rhodesia, South Africa and Namibia had not yet been solved, that was not because of failure of the United Nations or its Charter but because of the interests of certain Powers which were blocking efforts to solve them.

"15. The proposed General Assembly declaration on the peaceful settlement of disputes should provide: first, that States have the obligation to settle all disputes by peaceful means; secondly, that the United Nations should intervene only in situations which endanger international peace and security; and thirdly, that direct negotiations between the parties to the dispute are the most practical, simple and effective of the means provided for in Chapter VI of the Charter. In addition, the United Nations should encourage Member States to conclude bilateral agreements to solve potential disputes in certain specific fields, and a United Nations manual should be prepared on the settlement of disputes. Those ideas were reflected in a working paper submitted by Turkey. (A/AC.182/WG.7/Rev.1), which read as follows:

"(1) Reaffirmation of the principle of international law, confirmed by the provisions of Article 2, paragraph 3, of the Charter, concerning the settlement of international disputes by peaceful means.

"(2) Under the terms of the Charter, the United Nations should be seized only of disputes or situations the continuance of which is likely to endanger the maintenance of international peace and security.

"(3) Direct negotiation between the States parties to a dispute is the simplest, most effective and most practical of the ways and means provided for under Chapter VI of the Charter.

"(4) The United Nations should encourage Member States to conclude bilateral agreements, with a view to the settlement of any disputes which might arise in the future in certain specific fields.

"(5) Preparation of a practical United Nations manual on the peaceful settlement of international disputes.'



"16. The last speaker at the 7th meeting said that any effort by the international community to strengthen the procedures for the peaceful settlement of disputes would have a direct impact on the closely related issue of the maintenance of international peace and security.

"17. The proliferation of ideological and other disputes was nothing new, but the Organization needed to reconsider the matter in the light of the major changes that had occurred since the drafting of the Charter for, with decolonization, the United Nations had virtually tripled its membership. There was an endless potential for future disputes and it was therefore imperative to devise binding arbitration procedures for the settlement of disputes.

"18. As was clear from Article 33 of the Charter, bilateral negotiation was the first important step in seeking to settle a dispute. However, if one party was much more powerful than the other or was acting in bad faith, a solution could be imposed by the stronger on the weaker, or negotiations could be dragged on ad infinitum to prevent any solution being found. An order of progression should therefore be established with respect to the various means referred to in Article 33, and States should be required to make a declaration obliging them to move on to the next stage when a particular stage had proved unsuccessful.

"19. There was also a need to establish machinery for peace observation. Suggestions had already been made that the Secretary-General should have the power to dispatch his own personal observers, at the request of a Member State, to an area under that State's jurisdiction, with a view to providing the Secretary-General with objective information for possible referral to the Security Council.

"20. The same representative was strongly of the opinion that the advisory function of the International Court of Justice should be strengthened and that more consideration should be given to methods whereby conflicting States could obtain advisory opinions from the Court. He said in conclusion that he was largely in agreement with the proposals submitted by Mexico, France and the United States of America.

"21. At the 8th meeting of the Working Group, the first speaker stressed that a strong international organization, capable of taking action, was undoubtedly the common objective of all Members. The discussion that had so far taken place on the proposals submitted had testified to the common endeavour by States to contribute to the strengthening of the role of the United Nations by means of measures that would gain general support. He mentioned differences of opinion on certain questions under discussion which deserved further consideration, such as whether additional bodies should be established within the United Nations, the roles of the Secretary-General and the International Court of Justice, the part the regional organizations should play in the settlement of disputes, and the manner in which third parties should enter into and participate in the settlement of a dispute. He stressed that the Working Group must simultaneously examine not only proposals for concrete measures but also a number of complicated theoretical questions on which opinions still differ. For example, a common definition of the term 'international dispute' must be found. Even negotiations might contain elements

incompatible with the interests of international peace and security. He mentioned that the use of force in international relations, as a means to resolve disputes, constituted another set of problems that have to be considered. His delegation also believed that the requirement to proceed in the peaceful settlement of disputes in the most effective way, in other words, to eliminate the dispute effectively and definitively and to prevent its recurrence, must be respected. Surely it was not the aim of the United Nations, nor was it in the interest of peace and security, to preserve the seeds of disputes and conflicts in a viable state. Finally, he stressed that, without underestimating the importance of the legal, institutional and methodological prerequisites for the settlement of disputes, what was decisive was the political will of the parties to settle the dispute in the first place and to do so by peaceful means and by making use of the wide scope of the possibilities that were offered by international law and by the organizational structure of the international community for the peaceful settlement of conflicts. He did not perceive the problem as one of institutions, but rather as a problem pertaining to their functioning. The reasons why the existing possibilities were not being utilized must be examined. He was convinced that the crux of the matter was in the lack of political will of the parties in a dispute, but also, at the same time, in the insufficient authority of the United Nations in individual cases, namely at the level of adopting, pushing through and implementing concrete measures aimed at the peaceful settlement of a given dispute. In conclusion, he was of the opinion that all questions relating to the mission and to the functioning of the United Nations and its Charter must in the first place be considered from the standpoint of their broad political aspects and that only in the second place should the machinery and the procedures be examined.

"22. The second speaker said that his delegation favoured the integral application of all the provisions of the Charter, including those relating to threats to the peace, breaches of the peace and acts of aggression. The Charter contained ample provisions which, if they had been implemented, would have enabled the Organization to enforce its decisions relating to the maintenance of international order. The working papers on the peaceful settlements of disputes which had been submitted by France, Mexico, Romania and the United Kingdom of Great Britain and Northern Ireland (A/AC.182/WG/5) contained useful suggestions and could be a starting-point for serious efforts to find ways and means of applying the Charter provisions on the peaceful settlement of disputes. His delegation welcomed, in particular, the proposal in point 1 of the French working paper concerning the implementation of Articles 33 and 37 of the Charter because international legal order could be guaranteed only through the implementation of the decisions of the Security Council, the organ which had primary responsibility for the maintenance of international peace and security. Points 1, 7, 8 and 9 of the Mexican working paper also contained useful suggestions. His delegation itself had suggested the preceding year that Member States should conclude an agreement laying down rules for the implementation of the provisions of the Charter relating to the peaceful settlement of disputes and providing for the enforcement of decisions taken by United Nations bodies. With regard to the judicial settlement of disputes, his delegation strongly supported the strengthening of the role of the International Court of Justice. In that connexion, points 2, 6 and 7 of the French working paper contained constructive proposals.

"23. The third speaker said, in presenting a working paper (A/AC.182/WG.8/Rev.1, Tunisia), that while, on the whole, the Charter had functioned well over the years, the Organization had been shown to be somewhat ineffective in enforcing its own decisions. Like any other human product, the Charter was susceptible of improvement and the founding fathers of the Organization themselves had included provisions for bringing the Charter up to date and amending it. He said that the Special Committee had originally been established for the purpose of considering the possibility of further amendments but that consideration should first be given to ways of strengthening the Charter and increasing the effectiveness of the United Nations which would not require formal amendments:

"(a) The interest which his country had in the strengthening of the role of the United Nations in the peaceful settlement of disputes was shared by all Members of the Organization, but the small and medium-sized Powers wished the Organization to be more effective in resolving disputes which might arise between them. While many complained that the Security Council was to some extent ineffective in its role of resolving disputes, the Charter offered a possibility which might prove to be operative: with regard to the strengthening of the role of the General Assembly, Article 10 gave the Assembly the power, except as provided in Article 12, to discuss any questions within the scope of the Charter, in particular the question of the peaceful settlement of disputes. An edifying example had been provided by Assembly resolution 377 (V) of 3 November 1950 entitled 'Uniting for peace'. In the event of the Security Council being paralysed by a veto, the Organization should not be paralysed and blocked.

"(b) With regard to the election of the Secretary-General, he was, under Article 97, appointed by the General Assembly upon the recommendation of the Security Council. At present, he was elected in the absence of a veto. The representative in question proposed that the Security Council should recommend at least two names, or a list of names, to be voted upon by the General Assembly.

"(c) With regard to the admission of new Members, the General Assembly, which tended towards universality, should be able to decide on the admission of new Members.

"As to the proposals on the peaceful settlement of disputes, his delegation welcomed those put forward by the delegations of Mexico, Romania and France. It also welcomed the Mexican proposal for an appeal to the permanent members of the Security Council to abide by their 1945 Joint Statement concerning the non-use of the veto in questions relating to the admission of new Members and to reach an understanding on the non-use of the veto in questions relating to the peaceful settlement of disputes. A declaration on the peaceful settlement of disputes should emphasize the role of regional mechanisms. It should be possible for a dispute to be submitted to a regional body before being submitted to the General Assembly or the Security Council. He was of the view that Article 52 of the Charter was quite clear in that respect and should be applied more often, there being no need to amend the Charter. The Secretary-General should be given greater scope for action with respect to identifying disputes that could endanger international peace so that measures could be taken before disputes escalated into war. His delegation could support the Turkish proposals, and also the French proposals to prepare a United Nations

manual on the settlement of disputes and to make provision in bilateral and multilateral conventions for a system of binding settlement of disputes. Finally, his delegation also supported point 5 of the United Kingdom proposal. The working paper submitted by Tunisia read as follows:

"1. Strengthening of the role and powers of the General Assembly

"(a) By making optimum use of Article 10, as was done by General Assembly resolution 377 (V) of 3 November 1950:

"(b) A greater role for the General Assembly in the appointment of the Secretary-General in accordance with Article 97 of the Charter;

"(c) Admission of new Members: the General Assembly should be able to decide the question of admitting new Members; agreement by the five permanent members not to use the veto in such a case (agreement of 8 June 1945).

"2. Expansion of the Security Council with a view to maintaining the initial proportion and to making the Council more representative.

"Creation of a subsidiary organ of the Security Council in accordance with Article 29 of the Charter. This organ would be called: "Committee for the Supervision of Peace-keeping Operations".

"3. Utilization of regional machinery in the peaceful settlement of disputes: in accordance with Article 52 of the Charter, provision for priority of recourse, in the future treaty, to regional machinery in the peaceful settlement of disputes.'

"24. The fourth speaker said that his delegation shared many of the concerns of the Mexican delegation and, in particular, supported points 1, 2, 3, 6, 7 and 9 of the Mexican working paper on the peaceful settlement of disputes. However, his delegation had reservations with respect to the other points, in particular, point 5. In general, a General Assembly declaration on the peaceful settlement of disputes might not prove very useful, since the problems that had arisen in connexion with the settlement of disputes were the result of a lack of political will on the part of Member States. Similarly, he believed that the Romanian proposal to set up a permanent commission of the General Assembly would not guarantee respect for the Charter. The French proposals were in general acceptable, particularly points 2 and 4. The proposals of the United Kingdom were also constructive. His delegation hoped that the Committee would make every effort to strengthen the International Court of Justice, but in view of the current under-utilization of the Court there was no justification for increasing the number of judges. He stressed that international treaties should include a clause stipulating that disputes arising in connexion with the treaties should be referred to the International Court of Justice.

"25. After the conclusion of the debate on the peaceful settlement of disputes, four delegations which had spoken previously submitted working papers.

"26. One was the working paper submitted by the United Kingdom, which read as follows:

"'1. Where it appears that the continuation of a dispute or situation is likely to endanger international peace and security, Member States which are not directly involved should be mindful of the possibilities of taking an initiative to encourage the parties to seek a solution utilizing the methods indicated in Article 33 of the Charter of the United Nations and, in appropriate cases and having regard to Article 35 of the Charter, should themselves be prepared to bring the matter to the attention of the Security Council.

"'2. In order to facilitate the implementation of Article 33, further consideration should be given to the proposal made in 1965 (in draft resolution A/SPC/L.123 and Add.1-3) that a summary or handbook should be prepared which would describe all means by which the peaceful settlement of disputes may be promoted and would list all existing mechanisms and facilities for this purpose.

"'3. In order that steps may be taken to minimize any threat to the peace or the possibilities of a breach of the peace or act of aggression, the members of the Security Council should be encouraged to review situations of potential crisis and to this end should bear in mind the opportunities for such a review provided by Article 28, paragraph 2, of the Charter of the United Nations and the capacity of the Secretary-General to provide relevant information.

"'4. To the same end, the Secretary-General should be encouraged to utilize fully the machinery available to him under the Charter.

"'5. As a further measure to assist the Security Council, having regard to Article 29 and the provisions of Chapter VI of the Charter, in particular Article 33, paragraph 2, members of the Council should be encouraged to consider the establishment of a standing committee of experts in the techniques of fact-finding and mediation. The Security Council should also be encouraged to bear in mind the use of suborgans, established in accordance with Article 29, in individual cases.'

"27. The second was a working paper submitted by Sierra Leone (A/AC.182/WG/9), which read as follows:

"'1. The General Assembly should prepare a declaration on the peaceful settlement of disputes.

"'2. The proposed declaration, while not giving preference to any procedure for peaceful settlement, should nevertheless emphasize the advantage which negotiation, if and when conducted in good faith, has over other methods of settlement.

"'3. States must choose the most appropriate means for resolving their disputes peacefully. The failure of one method of solution should not preclude the utilization of another while the dispute remains unresolved.

"'4. The declaration should also state that although disputing States are obliged to first use the means set out in Article 33, they, nevertheless, can submit to the Security Council or the General Assembly any dispute dangerous to peace and international security which they cannot settle peacefully.

"'5. The proposed declaration should also emphasize the need to restore the integrity of the decision-making processes or organs. Where a decision is seen to have been arrived at equitably and objectively, such a decision is likely to command respect and implementation. .

"'6. The United Nations should give greater support to specialized or regional organizations in resolving disputes, but these should be brought into an appropriate relationship with the central institution of the United Nations system.

"'7. The role of the Secretary-General under Article 99 should be enhanced and also in the field of fact-finding and mediation.

"'8. The declaration should stress the close connexion between disarmament and the peaceful settlement of disputes. The existence of effective international tribunals with extensive powers to deal with all kinds of disputes will enable nations to disarm completely.

"'9. Increasing use should be made of the advisory opinion of the International Court of Justice.

"'10. The obligation to settle disputes peacefully and at all times should be emphasized.'

"28. Another working paper, submitted by the United States of America, (A/AC.182/WG/10) read as follows:

"'Some suggestions for consideration in connexion with the task set forth in paragraphs 2 of General Assembly resolution 32/45

"'I. Exploration of reasons why States do not make greater use of existing machinery:

"'(a) Questionnaire;

"'(b) Study;

"'(c) Manual.

"'II. Ways of improving existing possibilities that should be considered:

"'A. Make greater use of Security Council:

"'(a) Urge States to bring matters to Security Council;

"'(b) Urge all Members to make greater use of right to call meetings;

"'(c) Urge Secretary-General to make greater use of his ability to bring matters to the attention of the Security Council.

"'B. Security Council should consider:

"'(a) Periodic meetings;

"'(b) Greater use of informal consultations to consider possible difficulties before they get out of hand;

"'(c) Greater use of committees;

"'(d) Exploring means of enhancing fact-finding capacity.

"'C. Greater use of International Court of Justice as dispute settler and source of law:

"'(a) Contentious cases;

"'(b) Advisory opinions:

"'Expand parties entitled to request.

"'III. Elaboration of new instruments:

"'Enhance acceptance by States of third-party dispute settlement

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"'It is suggested that the Committee might wish to consider recommending that it concentrate on areas I and II and that the Committee established pursuant to General Assembly resolution 32/150 consider area III.'

"29. A fourth working paper, submitted by the Philippines (A/AC.182/WG/11), read as follows:

"'1. Elaboration of Article 33 specifically to provide a procedure for higher levels of third-party involvement.

"'2. More frequent recourse to the International Court of Justice and expansion of its competence to render advisory opinion.

"'3. Establishment of a commission of the General Assembly for the peaceful settlement of disputes.

"'4. Establishment or creation of regional machinery in the pacific settlement of disputes.'"

C. Statement made at the 29th meeting

14. At the 29th meeting, on 22 March 1978, the Chairman made the following statement: 11/

"1. At the 27th and 28th meetings of the Special Committee, I reported on the work carried out by the Working Group during its 1st to 8th meetings, held between 3 and 14 March 1978. Today I should like to report on the 9th to 14th meetings of the Working Group, held between 16 and 21 March. At its 9th meeting, the Working Group decided to hold informal consultations among interested members of the Working Group to undertake a preliminary inventory of the proposals on the question of the peaceful settlement of disputes.

"2. At the 11th meeting, the first speaker, referring to the rationalization of procedures, said that the annex to General Assembly resolution 32/197 of 20 December 1977 contained recommendations which should be taken into account by the Special Committee. The United Nations had an important role to play in the establishment of a new international economic order and it was important that the Assembly serve as the main body for identifying and co-ordinating the policies to be followed. Many proposals put forward in the Ad Hoc Committee on the Restructuring of the Economic and Social Sectors of the United Nations System were relevant to the work of the Special Committee: one representative, speaking on behalf of the Organization of African Unity, had emphasized the need for an integrated interdisciplinary approach at the conceptual and institutional levels; 12/ another representative, speaking on behalf of the Group of 77, had pointed out that most of the developing countries had had no part in the establishment of the United Nations or in the early evolution of the system and were now seeking an adequate place in the decision-making process; 13/ one representative had stated that a successful restructuring operation would encompass: an enhanced planning, programming, budgeting and evaluation capability for the Secretariat with a view to the more efficient and productive utilization of the United Nations system's increasing resources; strengthened policy analysis, research and data-gathering capabilities in order to provide the inputs required for more effective consideration of international economic and social issues by the General Assembly and the Economic and Social Council; and the streamlining of structures and management improvement so as to reduce fragmentation and duplication of effort. 14/

"3. In order to attain the Organization's goals and increase its prestige and authority, it was essential to ensure the Organization's universality, in terms of both its composition and its capacity to deal with global problems, and to improve its structure and working methods. The rationalization of procedures was intimately linked with the democratization of the activities

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11/ For a summary of the Chairman's statement, see A/AC.182/SR.29, paras. 1-97.

12/ See Official Records of the General Assembly, Thirty-second Session, Supplement No. 34 (A/32/34/Add.1), 35th meeting, para. 1.

13/ Ibid., 39th meeting, para. 20.

14/ Ibid., 38th meeting, para. 10.



of United Nations bodies. Because the United Nations was the only forum in which global problems could be discussed openly, it was essential that the Organization ensure the effective functioning of the entire United Nations system. The establishment of new bodies and the conduct of multilateral negotiations of general interest should be the responsibility of the United Nations. In that connexion, the United Nations must improve its performance with respect to co-ordination, the establishment of a new international economic order, disarmament and the expansion of co-operation among States. The small and medium-sized States and the non-aligned States had an important role to play in that respect.

"4. Referring to the working paper on the rationalization of United Nations procedures submitted by his delegation (A/AC.182/WG/13, Romania), he pointed out that the first proposal was based on the idea that, in order to fulfil its responsibilities, the General Assembly must make every effort to act on the basis of consensus and, to that end, existing structures should be used as far as possible. Subsidiary bodies should make every effort to fulfil their respective mandates and should not merely pass on unresolved problems to the Assembly. With respect to the second proposal, the trend towards decentralization was developing and should be encouraged. An excessive degree of centralization would prevent the Organization from fulfilling its functions effectively. With respect to the third proposal, the election of members of bodies was particularly important in the case of certain small ad hoc bodies, since the appointment of members by the Presidents of the Assembly and the Economic and Social Council could delay the establishment of the bodies in question. With regard to the fourth proposal, the Secretary-General himself had emphasized the need for constant reorganization and for improvements in the geographical distribution of posts. The fifth proposal was intended to help make better use of the human material resources available to the Organization. Great care must be taken with regard to the establishment of new ad hoc administrative units. The working paper submitted by Romania read as follows:

"(1) Organization of discussion in depth of agenda items, first of all in the existing committees and subsidiary bodies, efforts being exerted to reach a consensus so as to be able to submit to the General Assembly specific conclusions and solutions acceptable to all parties. To this end, the necessary steps should be taken to ensure the direct participation of all interested States in the work of those bodies and in the elaboration and discussion of draft resolutions.

"(2) Expansion as much as possible of the practice of holding meetings of the United Nations and its bodies in different Member States, and expansion of the geographical distribution of the headquarters of certain international bodies and secretariats.

"(3) Consequent application of the principle of the equitable geographical distribution of seats in all United Nations organs, and generalization of the democratic method of appointing by election the States members of those organs.

"(4) Improvement and rationalization of the working methods of the Secretariat and ensuring proper representation in it of all States, on the basis of criteria derived from the present membership of the United Nations.

"(5) Reduction of the ever-increasing staff and expenditure of the Organization by constantly improving the work of the Secretariat, distributing and utilizing funds more judiciously, adopting firm measures against bureaucracy and routinism, keeping the apparatus to rational dimensions and avoiding unjustified expansion of its structures.'

"5. The second speaker at the 11th meeting said that all the remarks and proposals which had been submitted to date to the Special Committee on the most important subject of the rationalization of procedures had their merits and deserved the greatest attention. However, they were often so far-reaching that it seemed doubtful whether they would meet with the general approval of Member States. He felt that if the Special Committee was to tackle this matter effectively, it might be preferable to start with less ambitious goals than, for instance, the suppression of the general debate in the General Assembly. He thought it would be highly useful if the Assembly decided on some clear set of guidelines for the direction of the Committees and strongly recommended that the Chairman and bureaux should stick to them whenever possible. In the opinion of his delegation, the following guidelines, if recommended by the Assembly, might prove somewhat useful:

"(1) The Mexican proposal, for instance, that every Committee should hold a single general debate on all items of its agenda was too radical. It would be awkward for representatives in the First Committee to give the views of their Governments on disarmament and the peaceful uses of outer space in the same context. Representatives in the Third Committee might find it difficult to cover in one single statement and in a rational way such different items as racism, women, the protection of human rights in some countries, crime prevention and control, and freedom of information. However, the First Committee held a general debate on disarmament and another on outer space, and in other Committees as well numerous items could be grouped and a single general debate held on them with a considerable gain of time. Chairmen might be urged to take the initiative of making proposals to this effect during the organization of the work of their Committees.

"(2) It would prove highly useful if the Chairmen were invited to close the list of speakers at a very early stage of the debate on a particular item. That would reduce the number of meetings at which only one or two representatives, if any, took the floor and would probably allow a more rational and orderly distribution of speakers in the days allotted to the discussion of a specific item.

"(3) Chairmen might also be urged to set a time-limit for statements from the start of the work of the Committees. The imposition of such a limit was a usual practice when it became apparent that a Committee would be unable to complete its work. But, normally, when the decision was taken it was too late to recover the time previously lost. The need for exceptions might be recognized on a case-by-case basis, but the adoption of a general rule would probably stimulate many delegations to be more synthetic in their statements.

"(4) It would also be advisable if Chairmen were urged to ensure implementation of rule 110 of the rules of procedure, if necessary by interrupting speakers who had started to address their congratulations to the bureau. A special responsibility for observance of that rule should, in his view, be placed by the General Assembly on the officers of United Nations bodies.

"6. He expressed his delegation's reservations on the proposal put forward in point 2 of the Mexican working paper. Many items on the agenda of the General Assembly might be deleted without major damage and the Secretariat might be entrusted with the task of putting forward proposals in that respect. However, the criterion suggested in the Mexican paper seemed to have rather dangerous implications. The item on freedom of information, for instance, had not been dealt with in the last two years but he firmly believed that it should continue to be included in the agenda of the Assembly until it was taken up.

"7. At the 12th meeting, the first speaker said that the work of the Special Committee on any of the topics before it would not be effective if the system as a whole did not function reasonably efficiently. In that connexion, the working paper submitted by the Mexican delegation on the rationalization of existing procedures contained a number of positive and thought-provoking ideas. The idea of a limit on the number of subsidiary bodies was worthy of consideration since the proliferation of such bodies had placed an intolerable burden on Member States, which were frequently unable to prepare adequately for meetings or send representatives to them. Committees and conferences often failed to achieve results because too many of the participants had to use the period of the meeting as a learning experience instead of a negotiating opportunity. Careful study was needed to determine whether the best solution was an arbitrary across-the-board limit or a limit by area. Giving the Committee on Conferences more authority might be a partial answer. In any event, the proliferation of subsidiary bodies must not continue unchecked.

"8. His delegation endorsed the Mexican suggestion that the General Committee should play a greater role in organizing the work of the General Assembly by meeting before the opening of each session. During the session, the General Committee might make greater use of rule 42 of the rules of procedure to keep the status of the Assembly's work under constant review and make specific proposals for expediting it. The Mexican proposal on the elimination of the annual general debate could not be lightly dismissed. Little of what was said at the general debate each year was new. On the other hand, the general debate provided a valuable opportunity for policy-makers to come together. That same purpose might, however, be achieved more efficiently and economically by adopting the suggestion in point 6 of the Mexican working paper. It might at least eliminate the practice of some States of using the general debate to propose an annual propaganda item of little novelty or urgency. Consideration might be given to making a general debate a biennial or triennial rather than an annual event. With regard to the Main Committees, it might be useful in some cases to have a single general debate, whereas in others two or three mini-general debates might be more appropriate. In other cases, the general debate might well be abandoned entirely in favour of brief specific comments on ongoing work.

"9. The suggestion that States should be represented at a reasonably senior level was compelling. However, it might first be necessary to control the proliferation of meetings so that there would be enough senior personnel to go around. His delegation therefore was prepared to support a proposal along the lines of that contained in point 7 of the Mexican working paper if it was slightly amended to include persons of exceptional professional expertise. His delegation had a fundamental and strong objection to the Mexican proposal regarding geographical distribution in the Secretariat. It would be impossible

to build a Secretariat of international civil servants if the criteria for recruitment was not excellence and competence but nationality and political acceptability. Obviously, it would be wrong if most of the Secretariat came from any one country. But did delegations believe that competence was so ill-distributed in the world that the rigid application of the criterion of professional excellence would result in such a monopoly? The best guidance for the recruitment of Secretariat staff members was still to be found in Article 101, paragraph 3, of the Charter. If Member States were serious about the United Nations they must be serious about having the best possible Secretariat by ensuring that recruitment was on the most objective basis possible. To that end consideration might be given to the establishment of a panel of outside experts to advise on recruitment and to more effective vacancy announcement procedures, the greater use of competitive examinations and more intensive search procedures. The Secretary-General must be freed of the political pressure to which he was currently subjected for almost every significant post in the United Nations. Member States should recognize that career international civil servants were more likely to resist outside pressures than short-term or seconded officials. No one Government could be expected unilaterally to stop pressing its candidates for posts if it knew that other Governments were pressing theirs and would succeed if no counter-pressure was brought to bear. The suggestion contained in point 3 of the Romanian working paper was even more unacceptable to his delegation than the Mexican formulation.

"10. His delegation doubted that machinery to oversee the implementation of resolutions was as simple a matter as the somewhat glib two lines of point 9 of the Mexican working paper seemed to suggest. Many resolutions were vague and general in nature, and most were only recommendations. Member States should hesitate to establish new bodies when political will and responsible conduct was what was needed. His delegation agreed with the first sentence of point 1 of the Romanian working paper. Ways must be found of ensuring that matters were given careful consideration if resulting resolutions and decisions were to be entitled to respect, and the current state of development of international institutions required that every effort be made to attain general agreement at all stages of work in the United Nations. While the Organization must guard against the proliferation of bodies, it must also find ways of ensuring in-depth analyses. Perhaps the United Nations should recognize that it could not do everything and should allow detailed work on some problems to be done outside the system in ad hoc bodies, which would submit their completed work to the United Nations for approval or rejection. Efficiency and effectiveness would not be served if the notion of direct participation of all interested States was slavishly followed. Beyond a certain size, bodies were no longer capable of efficient detailed work. Some delegation of authority was, therefore, essential so long as the general membership was given an opportunity to accept, modify or reject the results. The Romanian proposals regarding the holding of meetings in different Member States and the geographical distribution of headquarters would result in great expense and a lack of central direction and would take considerable human toll. His delegation was puzzled at the use of the work 'democratic' to describe the method which should be used in appointing members of United Nations organs and believed that all delegations should voluntarily forego the use of cant words which obscured more than they clarified. His delegation endorsed the thrust of the suggestion in point 5 of the Romanian working paper.

"11. Attention must be given to pruning the agenda of the Assembly if items were to be considered carefully. Items which had lost their urgency or relevance or were not ripe for consideration should be deleted or deferred. Other items which had become hardy perennials but which did not involve critical problems might be discussed only every other year. Related items should be grouped together and, where possible be handled by one Committee. Agenda items should be rationally distributed among the Committees, and debates which had taken place in other bodies should be reflected upon and not rehearsed. Finally, delegations must begin to take seriously the specific requirements of importance and urgency laid down in rule 15 of the rules of procedure.

"12. The second speaker at the 12th meeting said that while the question of the rationalization of existing procedures seemed somewhat pedestrian, the United Nations must operate efficiently at its workaday level if it wanted to be effective. The rationalization of United Nations procedures was, therefore, an important and practical way of strengthening the role of the Organization. It was necessary to recognize that an international organization by its very nature had many built-in causes of inefficiency which, for political reasons, Member States could not and would not wish to change. If was, in fact, remarkable that the Organization functioned as well as it did, given the number of its working languages and the diverse nature of its staff. There were, nevertheless, a number of practical measures which could be taken to increase the general level of efficiency, and her delegation had circulated unofficially a number of proposals which it would put forward officially in a working paper. A number of those proposals were based on ideas put forward in the Special Committee on the Rationalization of the Procedures and Organization of the General Assembly which either had not been included in its recommendations or had not been implemented. A number of other proposals were designed to reduce the workload of the General Assembly by rationalizing and reducing its agenda and streamlining existing procedures.

"13. With regard to punctuality at meetings, her delegation recognized that some representatives, particularly from small missions, were sometimes late for reasons beyond their control. However, many representatives were late more often than was necessary because they knew that United Nations meetings almost invariably started late. That was the vicious circle which must somehow be broken. Despite a number of useful measures which had been taken in recent years, the proliferation of documents continued unabated. The conscientious permanent representative who wished to keep abreast of all United Nations affairs would have to be prepared to read some 2,000 pages of documents each working day. It was clear that the Organization was getting beyond the human scale. It was in the interests of all to heed the Secretary-General's appeal to delegations to keep documentation within bounds so that really important documents were not drowned in the daily flood of paper.

"14. In order not to duplicate the work of the Ad Hoc Committee on the Restructuring of the Economic and Social Sectors of the United Nations System, her delegation had not included any proposals in its working paper on economic and social subjects. With regard to the Mexican proposal for a limit on the number of subsidiary bodies which might be set up by the principal organs of the United Nations, she noted that annex V of the rules of procedure recommended that the General Assembly should review periodically the usefulness of its subsidiary organs and she doubted the wisdom of imposing in

advance a definite limit on the number of subsidiary bodies without having regard to their possible merits. The proposals in points 2 and 3 of the Mexican working paper were to some extent already covered in paragraphs 20 and 21 of annex V of the rules of procedure. Her delegation therefore doubted whether it would be necessary to give broader authority to the General Committee with respect to combining items although it had no objection to the two proposals. It had reservations over the suggestion in point 3 that the General Committee should be given authority to abolish unnecessary bodies, as such action was outside that Committee's terms of reference. There were technical difficulties in convening the General Committee prior to the General Assembly session since the General Committee of the preceding session had completed its mandate. It might instead be possible to establish an intersessional committee similar in composition to the General Committee for the purpose of rationalizing and, if possible, reducing the number of items on the agenda.

"15. Her delegation had reservations with regard to the proposal to abolish the general debate and in its place to circulate a written document or documents setting forth the position of Member States on world affairs. A general debate at the Head of State/Foreign Minister level was valuable. It was not clear whether the Mexican proposal for annual ministerial consultations was a separate proposal for a multilateral conference at the highest level to consider world problems or was merely implicit recognition of the value of bilateral contact which customarily took place during the General Assembly session. Her delegation had also long held reservations about the proposals to replace oral statements by written texts, since speaking to a live audience imposed some restraint on length. There would also be problems in the case of States wishing to exercise their right of reply. The most serious objection to the proposal was that it would be much more expensive than the current system of producing verbatim records. With regard to the Mexican proposal for a single general debate on all agenda items of Committees, her delegation believed that much depended on the Committee and the nature of its agenda. The proposal would not be helpful in the Sixth Committee, for example. The recommendation in point 7 of the Mexican working paper seemed to be encroaching on the prerogative of Governments. Her delegation also had reservations with regard to points 8 and 9. Finally, her delegation was still considering the proposals put forward in the Romanian working paper, on which it had certain reservations. The working paper submitted by her delegation (A/AC.182/WG/14, United Kingdom) read as follows:

"(1) It has been suggested that the General Committee might meet some time ahead of the General Assembly to rationalize and, if possible, reduce the number of items on the agenda. This proposal presents difficulties since the General Committee of the preceding Assembly has completed its mandate and there would be difficulties in electing the new General Committee a sufficient time in advance of the next session to undertake this. It might however be possible to create an intersessional committee for the purpose, assimilating its composition to that of the General Committee.

"(2) In order to reduce the workload of the General Assembly, consideration should be given to the staggering of items over two or more years and also to the grouping of related items under the same title.

"(3) Consideration should be given to a fuller implementation of the recommendation in paragraph 28 of annex V of the rules of procedure of the General Assembly. (In allocating items, the General Assembly should ensure as far as possible that the same questions, or the same aspects of a question, are not considered by more than one committee.)

"(4) Steps should be taken to distribute more equally the workloads of the First Committee and the Special Political Committee.

"(5) In applying rule 15 of the rules of procedure of the General Assembly (relating to the inscription of additional items less than 30 days before the opening of the Assembly) the Assembly should have regard to the criteria there provided.

"(6) In order to enable the Fifth Committee to finalize the approval of the budget within the 13 weeks of the General Assembly, all other Main Committees should aim to complete work which needs to be considered by the Fifth Committee within 10 weeks.

"(7) Proposals for the circulation of additional papers which add to the budget appropriation of a committee should not be agreed until the financial implications have been stated. The decision should then be taken after a careful weighing of the costs and benefits.

"(8) A further attempt should be made to ensure that meetings start at the scheduled time. With this aim in view the quorum for meetings of the General Assembly was reduced from "a majority" to "one third"; and of committees from "one third" to "one quarter" on the recommendation of the Special Committee on the Rationalization of the Procedures and Organization of the General Assembly. Since this has not proved effective, consideration should now be given to further reducing or abandoning the quorum for the start of meetings while retaining a requirement that a majority of the members should be present for any decision to be taken. The President of the General Assembly and committee chairmen should in future open all meetings at the scheduled time unless there are specific reasons for not doing so.

"(9) In order to fulfil the intention of rule 99 of the rules of procedure, the bureau of each Main Committee should review its progress every week and, if the work is found to be behind schedule, additional meetings should be held as necessary at night or on Saturday morning.

"(10) The list of speakers on any item in the Main Committees of the General Assembly should be closed at an earlier stage of the discussion than has been customary.

"(11) A call for a roll-call vote should not be made when an electronic voting system is available for recording votes. Rules 87 and 127 of the rules of procedure of the General Assembly should be amended accordingly. Consideration should be given to installing a third electronic voting system in the United Nations in order to further reduce the occasions on which voting takes place either by the unsatisfactory practice of a show of hands, or by the time-consuming method of voting by roll-call.

"(12) A limit of 10 minutes should be imposed on statements made in explanation of vote, as is already done each session in respect of rights of reply by a decision of the General Assembly. (Annex V to the rules of procedure of the General Assembly recommends in both cases that statements should be "as brief as possible". See paragraphs 74 and 77.) Consideration should be given to the installation of an electronic timing device in the General Assembly Hall and in the committee rooms to facilitate the task of the Chairman in enforcing time-limits imposed on speakers.'

"16. The third speaker said that the oral proposals made by the second speaker at the 11th meeting on rationalization which would strengthen the effectiveness of the United Nations was a step in the right direction. Serious consideration should also be given to the conclusions of the Special Committee on the Rationalization of the Procedures and Organization of the General Assembly. It was important, however, that Member States should clearly define what was expected of the United Nations in the present-day world and what were the procedures best suited to achieve those purposes. His delegation believed that the United Nations represented a unique platform at the world level for the considerations of major problems in the political, economic, technological and scientific fields. The Organization represented a mechanism through which necessary changes might be achieved. Many representatives had pointed out that the United Nations had not met its responsibilities. Nevertheless, the United Nations was an Organization which, with some success, had taken up major issues concerning the world during the past 20 years. Among current tasks, special mention might be made of the Third United Nations Conference on the Law of the Sea, in which a great deal was at stake in connexion with the determination of rules covering the resources of a large part of the planet. The question at issue was to determine how rationalization of procedures could contribute to a reduction of confrontation and to progress towards a more just world society. The United Nations had a special, moderating role, in the heterogeneous modern world. A progressive society should seek to obtain progress with the consent of the parties concerned.

"17. The working paper submitted by his delegation contained some suggestions for improving the day-by-day working of the Organization. Other suggestions in the working paper were intended to facilitate the negotiating process within the Organization. His delegation's first proposal called for the regrouping of items on the agenda of the General Assembly with a view to rationalizing their consideration and reducing the number of resolutions. That proposal accorded closely with the first oral proposal made by the second speaker at the 11th meeting and with the third Mexican proposal. A reduction in the number of resolutions would be a major factor in increasing the effectiveness of the United Nations. Currently the number of resolutions adopted was so vast that most finished in the waste-paper basket. A smaller number would be easier to implement. His delegation's second proposal called for an increased role for the Sixth Committee on the legal aspects of items before other Committees. The problem was not new and on 6 November 1952 the General Assembly had adopted resolution 684 (VII), which had been annexed to the rules of procedure. That resolution required review so that the Sixth Committee could play its proper role. His third proposal included two mutually exclusive alternatives. The first was that the First Committee should deal exclusively with the question of disarmament. The second was



that a Disarmament Committee should be re-established within the General Assembly. Currently the First Committee was not in a position to do its work properly because it was overburdened; during the thirty-second session, 24 separate resolutions on disarmament had been adopted by the First Committee. Of the two alternative solutions, his delegation would prefer the first, namely that the First Committee should deal exclusively with disarmament questions. His delegation's fourth proposal called for the introduction of procedures for the reaching of consensus in the General Assembly; that proposal accorded with the first proposal contained in the Romanian working paper. If it should prove impossible to reach consensus, then the rules of procedure should apply. His delegation's fifth proposal called for the amendment of rule 86 of the rules of procedure so that, in a vote, account could be taken of delegations abstaining from voting. Such an amendment would make it more difficult for resolutions to be adopted when abstentions outnumbered approvals. One result would be to reduce the number of resolutions and consequently to make the implementation of those which were adopted somewhat more practical. His delegation's sixth proposal called for the establishment of negotiating procedures and methods which would encourage increased participation by States. Current procedures were adapted to the discussion of political items but were not necessarily those best suited to negotiation on technical issues. The result was that blocks of States adopted the same positions on many items so that individual States, which might have a particular interest or view on a subject, were eliminated from the discussion. The individual contribution of every State was necessary as no results could be achieved except by joint action.

"18. He welcomed the proposals of Mexico, most of which were well conceived and, with minor changes which would provide for increased flexibility, could be accepted. He agreed with those delegations which were opposed to the abolition of the general debate, as such a change would detract from the role of the General Assembly. With regard to the proposals of Romania, particularly on the question of equitable geographical distribution, he believed that the question required further analysis. A priori he had reservations, as geographical distribution could be governed by mechanical criteria and consequently become inflexible. No a priori rigid rules should be imposed. With regard to the composition of the Secretariat, competence should be the overriding consideration. The working paper submitted by his delegation (A/AC.182/WG/15, France) read as follows:

"(1) Topics should be combined so as to rationalize their consideration and reduce the number of resolutions.

"(2) The Sixth Committee should be consulted more extensively on the legal aspects of questions under consideration by other Committees.

"(3) Alternative No. 1: the First Committee should deal exclusively with disarmament questions.

"Alternative No. 2: a Committee on Disarmament should be established.

"(4) The concept of seeking a consensus should be incorporated into the rules of procedure of the Assembly.

"(5) Rule 86 of the rules of procedure should be amended to make the word "voting" refer also to delegations which abstain from voting.

"(6) There should be negotiating procedures and machinery suited to each type of subject so as to encourage participation by States.'

"19. The fourth speaker said that the Mexican working paper contained a number of important suggestions regarding the rationalization of procedures which merited serious consideration. He attached particular importance to the proposal in point 1, the aim of which was to limit the number of subsidiary bodies which might be set up by the principal organs; that proposal not only would contribute to the smooth functioning of the Organization, but also would reduce the financial burden of Member States. The proposal in point 8, which called for a more equitable geographical distribution of Professional and senior posts within the Secretariat, was essential in so far as it was necessary to have a genuinely international and competent Secretariat, in accordance with Article 101, paragraph 3, of the Charter. The provisions of resolution 3417 B (XXX) of 8 December 1975 must therefore be implemented fully. It was, of course, equally important that the standards of efficiency, competence and integrity of individual members of the Secretariat should be maintained.

"20. Certain other proposals contained in the Mexican paper presented difficulties for his delegation. The proposals in points 5 and 6, the aim of which was to abolish the general debate of the General Assembly and to set aside a certain period for annual ministerial consultations, contained bold ideas, but represented radical departures from practices which had been developed through long years of experience; they might not, therefore, prove very practical. He also supported the suggestion that the General Committee should be strengthened and given broader authority as it was essential to have a central body of the Assembly to keep an eye on the smooth and efficient functioning of its various Committees.

"21. The General Assembly's decision-making process needed improvement. There were many instances where totally opposing resolutions were adopted on the same subject or a resolution was adopted with relatively small support. Such resolutions not only were difficult to implement but also were prejudicial to the prestige of the Assembly. The Assembly might study proposals to utilize small consultative groups or to establish a more efficient consulting system in order to achieve real consensus among Member States. The present rules of procedure concerning the meaning of 'Members present and voting' might also be modified to include those delegations which had abstained. Equally, the opposition of a Member State to a resolution should not justify non-payment by that Member of assessed contributions or expenses made necessary by the resolution in question. On the question of the rationalization of procedures, the equitable composition of the various organs of the United Nations was essential for the efficient functioning of the Organization. On the initiative of the Asian group, the Assembly had established a contact group through its decision 32/427 of 15 December 1977. His delegation hoped that the group would be able to commence its task as soon as possible so as to be able to report to the Assembly at its thirty-third session on the results of its deliberations.

"22. The first speaker at the 13th meeting said that his delegation supported the general idea behind the Mexican working paper although it could not agree with certain of its proposals. In particular, the general debate in the General Assembly should not be abolished as was suggested in point 4, as it provided an opportunity for the most competent political personalities to review the international situation. Their statements represented the best indications of trends in international relations and were the platforms for the political stands of individual delegations. During the general debate, Governments introduced new ideas for strengthening the Organization and appraising past results. Furthermore, it provided an opportunity for Ministers to meet and discuss the most important current problems in international relations. In the opinion of his delegation, the general debate should be supplemented and not replaced by annual ministerial consultations.

"23. His delegation supported points 7, 8 and 9 of the Mexican working paper, but wished to study the other proposals further. It also supported points 2, 3, 4 and 5 of the Romanian working paper and considered them to be useful and constructive. It would like to discuss point 1 with the Romanian delegation in order to obtain a clearer idea of its consequences.

"24. His delegation found no difficulty in accepting points 3, 4, 6, 8 and 9 of the United Kingdom working paper. Point 5 should be considered within the context of the importance and urgency of certain problems and should not, therefore, be applied too strictly. His delegation would, however, prefer that the last sentence in point 7 should read as follows: 'The decision should then be taken after a careful weighing of the political importance, costs and benefits.' In the case of point 10, it was the responsibility of the Chairman of the Committee to decide those special cases in which the right to speak after the list of speakers had been closed should be granted. His delegation supported the first sentence of point 10, but did not think that an electronic timing device would be necessary. It was up to the President or Chairman to decide when to stop the speaker after he had used up the time allocated to him. His delegation would study the other proposals and comment on them at a later stage.

"25. His delegation welcomed point 3 in the French working paper and believed that its possible implementation should be discussed. Points 1, 2 and 6 did not cause any difficulties for his delegation, which would, however, like to study points 4 and 5 further.

"26. The Egyptian working paper embodied many useful and constructive proposals. His delegation would like to agree with all of them but wished to review carefully the first proposal, concerning the agenda. In conclusion his delegation hoped that it would be possible to recommend to the General Assembly that some of the proposals contained in the various working papers could be implemented. That would reaffirm the value of the Committee and the need to continue its work.

"27. The second speaker at the 13th meeting said that existing procedures for organizing the work of United Nations bodies were based on fully justified rules and on the most rational practice that had emerged during the life of the Organization. Consequently, the question of rationalizing

procedures should be approached with due caution. The existing rules of procedure did not suffer from any fundamental shortcomings; it was rather a question of their more effective application, as had been pointed out by the Special Committee on the Rationalization of the Procedures and Organization of the General Assembly. There should also be stricter regulation of meetings, greater financial economy and curtailment of documentation, but without detriment to the solution of the major political issues.

"28. United Nations activities could be subdivided into the work of intergovernmental bodies and the work of the Secretariat. With regard to the practical organization of the work of the General Assembly, the representative concerned noted that the large number of items on the agenda greatly complicated their consideration and limited the possibilities of focusing attention on the really vital issues. It would seem to be difficult to restrict the rights of States to introduce items which they considered essential; however, the General Assembly, in preparing its agenda, should take into account the importance of items in the light of the fundamental purposes and principles of the Charter, especially the maintenance of international peace and security. The expansion of the agenda in recent years could be ascribed to the inclusion of economic and social questions that might well be considered by the Economic and Social Council without further need for their consideration by the Assembly. That approach was reflected in Assembly resolution 32/197.

"29. In the Sixth Committee of the General Assembly his delegation had stated its views on improving the work on the codification and progressive development of international law, in which field it was possible to enhance the Sixth Committee's role. Draft conventions prepared by the International Law Commission could be considered not at special United Nations conferences but directly by the Sixth Committee, thereby reducing expenditure and increasing efficiency. The Third Committee could function in a similar manner.

"30. The work of the United Nations would also be improved by eliminating duplication in the consideration of issues. For example, the same issues were considered by the Commission on the Status of Women, the Economic and Social Council and the General Assembly in succession, entailing a waste of effort. Furthermore, new bodies had proliferated to the point where Governments found it difficult to follow the work of those bodies or to prepare serious proposals for them. Such proliferation entailed much wastage of time and often led to duplication in the resolutions finally adopted. That problem existed in a number of fields, including narcotics control and human rights. In addition, many questions were referred from one organ to another without adequate justification. Such irrational duplication and lack of co-ordination reduced the effectiveness of the work of those organs and entailed unjustified expenditure. The closest attention should be given to that aspect of rationalization.

"31. Wider use of the practice of establishing informal, open-ended working groups, where properly organized, could yield positive results, fostering a greater in-depth consideration of questions. Fuller account could be taken of the various views of the participants, and effort and time could be saved. The establishment of such working groups should be decided on a case-by-case basis.

"32. The practice of grouping agenda items made it easier for delegations to consider the items and ensured better co-ordination. In his delegation's view, many of the recommendations in General Assembly resolution 32/197 were useful and would tend to enhance the effectiveness of the United Nations.

"33. His country continued to favour the restructuring of the economic and social sectors in strict accordance with the Charter of the United Nations and on the basis of the most effective use of resources and the elimination of duplication. The process of restructuring should not entail an increase in the budget, the number of bodies or the size of the Secretariat staff; on the contrary, it should lead to a more rational use of existing resources.

"34. The effectiveness of the work of the United Nations was to a large extent dependent on the commendable work of the Secretariat, especially the timely submission of documentation and proper conference servicing. Sometimes, however, documents were submitted with great delay, thereby hampering the work of the United Nations bodies.

"35. Recruitment of staff should be carried out in strict accordance with the principle of equitable geographical distribution of posts. While a number of measures had recently been taken to that end, up to four times the permitted quota of Professional staff from certain countries had been appointed. Furthermore, one group of countries had almost as many posts at the Assistant Secretary-General level as the developing and socialist countries together.

"36. The granting of permanent contracts to Secretariat staff seriously impeded the representation of Member States in the Secretariat. Such contracts constituted about two thirds of the total number of contracts subject to geographical distribution and impeded improvement in the quality of the staff through the appointment of young, highly qualified candidates. He therefore proposed: first, that staff recruitment should be strictly governed by the Charter and basic General Assembly resolutions concerning equitable geographical distribution, with due regard to qualifications; secondly, that there should be an end to the appointment of Professional staff from overrepresented countries; thirdly, that the granting of permanent contracts should be phased out in favour of the system of fixed-term contracts and that no permanent contracts should be granted to staff from overrepresented countries; and fourthly, that the retirement of staff members upon attaining pensionable age should be strictly enforced to create new openings for the appointment of Professional staff from the underrepresented countries.

"37. His delegation fully shared the view concerning the need to reduce the expanding staff and expenditure of the Organization through the rationalization of the work of the Secretariat.

"38. With regard to the United Nations budget, his delegation considered that resources should be utilized rationally and economically and above all directed towards fulfilling the Organization's fundamental tasks. With regard to the high budgetary growth rate in recent years, it was particularly disturbing that contributions were sometimes used for purposes other than those for which the Organization had been founded, indeed, for purposes that contradicted the Charter. Furthermore, his country could not agree to the continued use of United Nations funds in an inefficient and sometimes profligate manner. About 80 per cent of the United Nations budget was consumed by administrative costs.

The inflation of the overbloated staff, already substantially under-utilized, and the unjustified raising of various allowances to staff members bore no connexion to the vital developmental needs of Member States. For example, the budget for the period 1978-1979 was nearly one third higher than that of the preceding biennium, without taking into account supplementary appropriations arising from decisions taken at the thirty-second session of the General Assembly. A number of States, whose contributions to the budget had together exceeded 57 per cent of the total, had not supported that budget.

"39. His delegation believed that the following measures would assist in enhancing the efficiency of the Organization: first, in any United Nations activity, a strict order of priority must be observed, taking into account the importance, urgency and actual possibility of implementation in the set time period; secondly, it was essential that all new activities approved by the General Assembly should to the maximum extent be financed out of resources freed as a result of the curtailment of certain programmes, the elimination of duplication, and the raising of the productivity of the Secretariat and the efficiency of all United Nations activities; thirdly, meetings of new organs and conferences should be financed from funds freed as a result of the setting of priorities, the curtailment of the number of the United Nations organs, reductions in the length of their sessions, a more rational organization of meetings, and a reduction of expenditure on documentation; fourthly, there should be a further reduction in costs incurred on experts and consultants, travel and communications, equipment and building maintenance; and fifthly, the budget should be stabilized through the imposition of a ceiling on annual budgetary growth to be agreed by Member States with due regard to the positions of the main contributors.

"40. With regard to the Mexican working paper, this representative noted that the imposition of a limit on the number of subsidiary bodies which might be set up as provided for in point 1 was attractive in itself and had been reflected in General Assembly resolution 32/197, but, in his delegation's view, the setting of definite limits would hardly be desirable, since a numerical limitation might impede fulfilment of the mandate of such bodies. The proposal in point 2 to eliminate items not taken up in the past two years deserved attention, but a purely mechanical approach to that question was not justified, since the question should be approached from the standpoint of the actual situation, the substance and political significance of the item. In any case, the General Committee had the opportunity to consider each item on the agenda and to decide on its retention in the light of the criteria which he had just mentioned. With regard to giving broader authority to the General Committee to combine items and abolish unnecessary bodies as provided in point 3, his delegation considered that that was not a function of the General Committee and was hardly appropriate.

"41. His delegation felt that the abolition, as suggested in point 4, of the general debate, which many Ministers for Foreign Affairs and Heads of State or Government used to make foreign policy statements or to propose major initiatives, would not enhance the effectiveness of the United Nations. On the contrary, the political weight of the General Assembly would be greatly undermined. The proposal in point 6 concerning annual ministerial consultations was superfluous, since such a practice already existed. The question of the more equitable distribution of posts had rightly been raised in point 8, the formulation of which could, however, be made more specific and expanded. As to

the idea in point 9 of setting up over-all machinery to supervise the implementation of resolutions, it gave rise to serious doubts. The implementation of resolutions should be supervised by the organs that adopted them; the setting up of additional machinery would hardly enhance the implementation of those decisions, which above all depended on the political will of Member States.

"42. Turning to the Romanian working paper, he asked whether the specific conclusions and solutions referred to in point 1 took the form of draft resolutions, and said he was not clear about the steps that should be taken to ensure the direct participation of all interested States: did that mean that all bodies should be open-ended or their membership enlarged? Furthermore, he did not fully understand what was meant by 'meetings of the United Nations and its bodies' in point 2. His delegation supported the proposals in points 4 and 5.

"43. The third representative at the 13th meeting said that his delegation had always supported proposals aimed at strengthening the role of the United Nations and rationalizing its procedures. His delegation was in agreement with a number of the proposals contained in the Mexican working paper. It supported point 1, not only because it was necessary to stop the establishment of new organs but also because there was an equal need to eliminate existing organs which had outgrown their usefulness. A combination of institutional inertia and the interests of certain member countries had hitherto proved obstacles to such elimination. The Ad Hoc Committee on the Restructuring of the Economic and Social Sectors of the United Nations System had done useful work in that field and had made a number of suggestions which merited the greatest attention. His delegation could support points 2 and 3 of the Mexican working paper, which were particularly relevant to the Sixth Committee where a great deal of time was being lost by putting off certain questions year after year. His delegation shared the reservations of other delegations regarding point 4: speeches by Chiefs of State or Ministers for Foreign Affairs were directed not only to the 149 delegations of the General Assembly but were also of importance with regard to the domestic policy of individual countries. Furthermore, public opinion was often ill-informed regarding United Nations activities and such statements, reported in the national press, could stimulate interest in the Organization. Point 6 stressed the importance of the conversations and negotiations undertaken by Ministers outside the context of the Assembly. His delegation believed that it was essential to retain the general debate while stressing that the three weeks at the beginning of the Assembly should be a period reserved for the debate and for consultations. Point 5 would be difficult to implement; on the other hand, some limitations should be accepted with regard to the general debate in Committees and the length of speeches. Point 7 would be difficult for the many countries which were not in a position to send substantial delegations. Furthermore, it was necessary to adhere to the principle that representatives on Committees were entitled to state the positions of their Governments, no matter what their own personal administrative rank might be. Point 8 was contrary to the views of his delegation, which held strongly that Secretariat officials should serve the Organization and not their countries of origin. Competence should be the principal criterion for selection. Geographical distribution was desirable in order to reflect the universality of the United Nations but the Mexican suggestion placed too much stress on that criterion, which should be secondary. On the question of mechanisms for implementing United Nations

resolutions, his delegation believed that such responsibility should lie with existing organs, such as the General Assembly, the Security Council and the Economic and Social Council.

"44. With respect to the Romanian working paper, his delegation reserved its position on the suggestion contained in point 2 calling for meetings of the United Nations and its agencies in different Member States. That proposal contradicted point 5, which called for a reduction in the costs of the Organization. Additional difficulties could arise, in so far as the missions of smaller States would not have the facilities to cope with such meetings in different locations.

"45. His delegation supported the suggestions contained in the working paper of the United Kingdom. He sympathized with the suggestion for organizing meetings at night or on Saturdays, although it did not provoke his enthusiasm. He hoped that the menace implicit in that proposal would encourage delegations to accomplish their task in a more effective and speedy manner. He welcomed the reappearance of several proposals made by the United Kingdom in 1971.

"46. His delegation had noted with interest the working papers submitted by France and Egypt. His delegation had the same reservations on the points made regarding the Secretariat as it had on the similar point made by Mexico.

"47. In conclusion, he wished to draw attention to the frequently excessive length of meetings. A recent example had been the United Nations Conference on the Establishment of the United Nations Industrial Development Organization as a Specialized Agency. Following meetings spread over several weeks, only on the last two days had there been real negotiations, which, moreover, had ended in deadlock. He felt that the four weeks allotted to the Special Committee itself was somewhat excessive. Furthermore, the length of meetings often tended to reduce the level of representation and expertise of delegations participating in the discussions.

"48. The fourth speaker at the 13th meeting said that his delegation attached great importance to the rationalization of work of the United Nations, whose image could only benefit from such a development. His delegation was in agreement with the aims and purposes of points 1, 2 and 3 of the Mexican working paper but had reservations regarding the mechanical approach suggested. The number of subsidiary bodies should be examined carefully, as should the number of existing bodies, but the imposition of a numerical limit would not be appropriate. There was certainly a need to reduce the ever-increasing number of items on the provisional agenda of the General Assembly, as suggested in point 2, but his delegation would not question the right of a State or group of States to put forward an item which it believed to be of importance, although a degree of political restraint was to be recommended. A mechanical means of abolishing items which had not been active for years should be found. If interest in such items revived at a later stage, they could always be reintroduced. In connexion with points 2 and 3 of the Mexican working paper, it would be beneficial if the General Committee could start to organize the work of the Assembly at an earlier stage, as the United Kingdom representative had suggested. It might be worth considering continuing the mandate of the General Committee of the previous Assembly until the work of the next session had actually started.



"49. The same representative agreed with those delegations which had expressed reservations regarding the suggestion in point 4 of the Mexican working paper that the general debate in the General Assembly should be done away with. When Ministers for Foreign Affairs came before the Assembly, their statements were addressed not only to delegations but also to world public opinion and thus provided a means of attracting that opinion to what the United Nations was actually doing. The suggestion in point 5 was currently implemented in practice as Ministers for Foreign Affairs spent most of their time at the Assembly in bilateral discussions which, while not necessarily related to items on the agenda, were nevertheless within the general context of the United Nations. Point 5 was inoperable so far as the Sixth Committee was concerned. It would be better to structure as many items as possible within the framework of some of the larger items such as, for example, the report of the International Law Commission. The implementation of point 7 was within the competence of individual Governments. There was merit in the United States proposal that Committee Chairmen should have previous experience in the field of work of their Committees. He agreed with the representative of the Soviet Union on point 9 and could not see how such over-all machinery would really work.

"50. The same representative considered that there was already an increasing tendency for decisions to be reached by consensus both in the General Assembly and in the Security Council and to that extent the concern reflected in point 1 of the Romanian working paper was already being met. He would await the comments of the representative of Romania on point 4 but found himself in full agreement with point 5 although it seemed to be in conflict to some extent with points 2, 3 and 4.

"51. He supported the United Kingdom working paper. The rules of procedure of the General Assembly were already quite comprehensive but were not always implemented. The staggering of items over a period of several years might be considered. It was desirable that duplication of work by Committees should be avoided so as to avoid a situation in which an item was treated in different Committees with contradictory results. Consideration might be given to abandoning the need for a quorum at the beginning of meetings but a quorum must be present when decisions were taken. It was essential that the progress of different Committees should be kept under constant review.

"52. In connexion with the French working paper, his delegation was strongly in favour of United Nations resolutions being more concentrated. His delegation agreed with the proposal of France on rule 86, also made by the fourth speaker at the 12th meeting. No resolution should be adopted unless votes in favour outnumbered the sum of negative votes and abstentions.

"53. The reference to the Secretariat in section II of the Egyptian working paper (A/AC.182/WG/16) should not be taken as a criticism. Frequently delegates were at fault in making the task of the Secretariat more difficult.

"54. The fifth speaker at the 13th meeting said that there was general recognition of the need to shorten the agenda of the General Assembly. His delegation therefore proposed that the number of new items added each year should be kept to a minimum and that as many items as possible should be eliminated. The precise means of achieving those goals could be agreed upon in consultations.

"55. Statements by delegations should be limited to a maximum of 20 minutes as a rule because one of the chief reasons for delays in the work of the General Assembly and the Economic and Social Council was the sometimes excessive length of statements.

"56. An arrangement whereby the Vice-Chairmen were entrusted with the co-ordination of informal negotiations and consultations had proved to be useful in the Second Committee of the General Assembly and deserved to be generalized.

"57. As to matters involving the Secretariat, his delegation had stressed its satisfaction with the way the Secretariat was carrying out its work but thought that there was room for improvement, for instance the necessity of taking measures to ensure the timely distribution of documents. Every effort must be made to meet requests for the servicing of informal negotiations and consultations so as to avoid difficulties which had arisen in the past in providing meeting rooms and interpretation services.

"58. Some delegations concluded from the geographical imbalance which existed in the Secretariat that competence could be found only in some geographical areas or States. That was obviously not the case; many qualified candidates existed throughout the world. A second criterion was therefore needed for the selection of staff and that criterion should be equitable geographical distribution. In the view of his delegation, there need be no incompatibility between the criteria of competence and equitable geographical distribution. Those views were reflected in the Egyptian working paper, which read as follows:

"I. GENERAL

"A. Agenda: Combat the tendency of proliferation of items in the General Assembly and the Economic and Social Council by considering ways and means of:

"1. Limiting to the minimum the number of additional items every year;

"2. Eliminating as many items as possible.

"B. Interventions: Should be limited to a maximum of 20 minutes as a rule, with exceptions left to the decision of the Chairman with the consent of the Committee.

"C. Negotiations: The Vice-Chairman should be entrusted with the co-ordination of informal negotiations and consultations (example of the Second Committee).

"D. Resolutions:

"1. To combat the proliferation and repetition of resolutions;

"2. Should be shorter and more concise.

"'E. meetings

- "'1. Should start on time;
- "'2. Combat their cancellations;
- "'3. More respect of plan of work (number of meetings allocated to each item etc.)

"'F. Reports: Moderation in the number of reports to be prepared by the Secretariat.

"'II. SECRETARIAT

"'A. Documentation:

- "'1. Review of format and content with the objective of making them more concise, more clear, more directly to the main points;
- "'2. Timely distribution and elimination of delay;
- "'3. Combat the proliferation of unnecessary documentation;
- "'4. Improvement of the standard and quality of translation.

"'B. Conference facilities:

- "'1. Maximum attention to informal negotiations and consultations;
- "'2. Improvement of the standard and quality of interpretation.

"'C. Personnel: More equitable balance between developed and developing countries, especially in high-ranking posts.'

"59. The same representative expressed reservations with regard to the Mexican proposal to abolish the general debate in the General Assembly and its Main Committees, but agreed with the general thrust of the Mexican working paper, in particular, points 8 and 9.

"60. Turning to the Romanian working paper, he agreed that while consensus should be sought to the greatest extent possible, he believed that it was not necessary to achieve consensus at all costs. Particularly where it was essential to take action, the Assembly might abandon the requirement of consensus. His delegation agreed with the Romanian proposals, on the whole, and in particular with point 5.

"61. The proposal in point 12 of the United Kingdom working paper for the installation of an electronic timing device to facilitate the enforcement of time-limits of statements was interesting.

"62. His delegation had reservations with regard to the interpretation which the French delegation wished to see given to the word 'voting' in rule 86 of the rules of procedure. It supported the stress expressed by the French proposals on informal negotiations and consultation but would welcome more detailed suggestions from the French delegation as to precisely what kinds of methods were suited to the various subjects dealt with in the United Nations.

"63. The last statement at the 13th meeting related to the peaceful settlement of disputes. The representative concerned said that procedures for the peaceful settlement of disputes were of great importance in view of the proliferation of conflicts throughout the world, a phenomenon which reflected the profound changes occurring in the contemporary world as a result of the decolonization process, which had greatly increased the number of States in the international community. In addition, the large-scale revision of international law that was currently being carried out in such fields as the law of the sea could result in new conflicts. His delegation had therefore put forward a number of proposals on the peaceful settlement of disputes in a working paper (A/AC.182/WG.17/Rev.1, Spain), which read as follows:

"(1) The General Assembly should include in its agenda an item entitled "Peaceful settlement of disputes" in order to formulate appropriate guidelines with a view to the preparation of a generally acceptable treaty on this matter.

"(2) If after the lapse of a determined period of time the parties involved in a process of negotiation have not been able to reach agreement, they should have recourse to means of settlement with the participation of third parties the mandatory acceptance of which they would agree upon in advance in the case of certain types of controversy.

"(3) The parties to a dispute which is made subject to any method of peaceful settlement should refrain from engaging in any act which might make the solution more difficult or aggravate the controversy.

"(4) At the request of a Member State, the Secretary-General may send observers to the territory of the requesting Member State which considers that a situation or controversy may exist the prolongation of which may endanger the maintenance of international peace and security. These observers would keep the Secretary-General continuously informed so that he could use more effectively the machinery provided for in Article 99.

"(5) The advisory function of the International Court of Justice should be strengthened and, to that end, methods should be studied which would enable States parties to a dispute to avail themselves of an opinion of the International Court of Justice.'

"64. The sponsor of that working paper had stressed that points 1 and 5 restated proposals contained in document A/AC.182/L.15, 15/ submitted the

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15/ Ibid., Supplement No. 33 (A/32/33), annex II, sect. J.

preceding year. Consideration should be given to ways of enabling parties to a dispute to seek an advisory opinion of the International Court of Justice, perhaps through the General Assembly. The proposal would not require any amendment of the Statute of the International Court of Justice.

"65. The other proposals in the working paper were aimed at preventing bilateral negotiations from dragging on indefinitely or being used by a more powerful party in bad faith to obstruct a solution. In point 2, it was proposed that a specific time-limit should be established for each set of negotiations, after which the parties would have to submit to a settlement procedure involving third parties. The proposal in point 3 was intended to prevent unilateral action after the outbreak of a conflict from making the solution more difficult.

"66. The proposal in point 4 would empower the Secretary-General to send observers to the territory of any Member State at its request if the latter felt that such action might be useful in dealing with a situation which it deemed to constitute a threat to international peace and security. Such observers would keep the Secretary-General continuously informed so that he could use more effectively the machinery provided for in Article 99. The Security Council, for its part, could, in exercise of its responsibilities for the peaceful settlement of disputes under Articles 34 and 36 of the Charter, request the Secretary-General to provide it with any information gathered by the observers, which it could use in its own consideration of the situation and in the formulation of recommendations. The observers would thus have a dual purpose: their presence would serve as a deterrent to potential aggressors and they could also help in the fact-finding effort.

"67. An additional working paper on the peaceful settlement of disputes was submitted by Greece (A/AC.182/WG/18). It read as follows:

"'(1) Chapter VI of the Charter related to pacific settlement of disputes should be integrally implemented.

"'(2) The procedures enumerated in Article 33 of the Charter do not imply any particular order, and the parties may resort to the procedure that best suits the settlement of disputes.

"'(3) A collateral treaty must be concluded which will include rules indicating means and methods for the implementation of the Charter's provisions and the enforcement of decisions adopted by the Security Council under Article 37 of the Charter.

"'(4) The role of the International Court of Justice in the solution of disputes should be strengthened. A binding system of pacific settlement of disputes should be established.'

"68. An addendum to the working paper on the peaceful settlement of disputes, submitted by the Philippines (A/AC.182/WG/11/Add.1) was also circulated and it read as follows:

"(1) Article 33 should be redrawn, in the first instance to provide a specific procedure for moving sequentially from two-party negotiations to higher levels of third-party involvement in intractable disputes. Further, parties to a dispute should agree in advance to accept arbitration or judicial settlement where negotiation, inquiry, mediation or conciliation may prove insufficient.

"The International Court of Justice,

"(2) Referral of disputes. Disputes containing adjudicable legal elements and having proved intractable under the voluntary aspects of the revised Article 33 (as suggested above) on peaceful settlement of disputes will, in accordance with that Article, be referred automatically to the International Court of Justice for judicial settlement.

"The Statute of the Court should be amended to make this responsibility explicit; thus, Article 36, paragraph 1, of the Statute would read:

"The jurisdiction of the Court comprises all cases which the parties refer to it and all matters especially provided for in the Charter of the United Nations, in treaties and conventions in force. In particular, the jurisdiction of the Court includes any dispute submitted to the Court by one or more parties pursuant to a request of the United Nations under provisions concerning peaceful settlement of disputes considered to be a threat to international peace and security.

"(3) Empowering the United Nations to bring cases before the Court. The United Nations, in the effective discharge of its duties, should itself be enabled to bring a case before the Court. At the present time it can only seek an advisory opinion. The affected Articles could be worded as follows:

"Article 94 of the Charter - add a new paragraph to read:

"The United Nations and any Member may at any time agree to submit to the International Court of Justice legal aspects of disputes between them concerning the interpretation or application of the Charter.

"Article 34 of the Statute, paragraph 1: States and the United Nations may be parties in cases before the Court.

"These amendments, if adopted, would add substantially to the effectiveness and prominence of the International Court of Justice in upholding the observance and implementation of international legal justice.

"(4) Advisory opinions. At the present time provisions for use of the Court for advisory opinions are too restrictively drawn with the result that little use has been made of the Court in this respect. The Charter now authorizes the General Assembly or the Security Council, and any United Nations organ or specialized agency so authorized by the

General Assembly, to request advisory opinions. It is suggested that in addition, regional organizations, individual States and the Secretary-General be so authorized. Wording for the affected Articles would read as follows:

"Article 96, paragraph 1, of the Charter: The General Assembly, the Security Council or the Secretary-General may request the International Court of Justice to give an advisory opinion on any legal question.

"Article 65, paragraph 1, of the Statute: The Court may give an advisory opinion on any legal question at the request of whatever body may be authorized by or in accordance with the Charter of the United Nations to make such a request, and also at the request of regional organizations and individual States.

"(5) Article 37 will be revised to provide for the creation of a conciliation and arbitration commission which should be composed of a small group of persons universally accepted, such as past Presidents of the General Assembly.'

"69. The first speaker at the 14th meeting of the Working Group, introducing working paper A/AC.182/WG.19 (Philippines), said that his delegation had included in that working paper a variation on the Mexican proposal concerning the general debate in view of the fact that several speakers had argued against the latter proposal. His proposal was that the texts of policy statements in the general debate should be distributed two days in advance of delivery and that a 10-minute summary of the statement should be delivered for the record, the full text being annexed to the record of the particular meeting. Such a practice would save a considerable amount of time and would be helpful to those delegations wishing to exercise their right of reply. The General Assembly usually devoted approximately 13 working days to the general debate and the time that would be saved if his delegation's proposal was adopted would enable the Main Committees of the Assembly to begin their work much sooner than they currently did, thereby making it possible to conclude the work of the session earlier. An exception to the proposed procedure would be made in the case of Heads of State or Government.

"70. The Mexican delegation had also made a proposal regarding annual ministerial consultations during the period of the General Assembly. His delegation proposed that Ministers for Foreign Affairs should endeavour to stay for three weeks during the Assembly in order to provide an opportunity for consultations among themselves, which was one of the most valuable aspects of the general debate. The proposals in the United Kingdom working paper concerning the General Committee would promote a more effective preparation for the Assembly. His delegation suggested that the Secretary-General should convene a meeting of the chairmen of the regional groups as early as possible after the beginning of each year in order to reach agreement on the composition of the General Committee for the next session of the Assembly. In the past, failure to reach agreement at the beginning of the Assembly session on the chairmanships of the Main Committees had resulted in delays in the work of the General Committee and in the opening of the general debate. The emphasis of his delegation's

proposal was on early informal agreement on the composition of the General Committee since the actual election of officers at the Assembly session was a technical formality. Machinery would then be devised reflecting the composition of the General Committee which could begin consideration of organizational and other matters in advance of the opening of the Assembly session. Adopting such an arrangement could save four or five days at the beginning of each session and would avoid the need to extend the session beyond its scheduled closing date.

"71. The working paper submitted by the Philippines read as follows:

"(1) General debate on policy statements:

"(a) Distribution of the text of the speech two days in advance of delivery.

"(b) A 10-minute summary of the speech should be delivered for the record. The full text of the speech should be annexed to the record of the particular meeting.

"The proposals in (a) and (b) should not apply to speeches of a Head of State or Government, which should be treated according to the existing arrangement and procedure.

"Foreign Ministers should be available to stay for three weeks during the General Assembly in order to have an opportunity for consultation among themselves.

"(2) General Committee:

"(a) Informal consultations at the beginning of the new year between the Secretary-General and regional groups to achieve agreement as early as possible on the composition of the General Committee for the next General Assembly.

"(b) Devise machinery reflecting composition of the General Committee which could begin consideration of the organizational and other tasks in advance of the opening of the General Assembly.'

"72. The second speaker said that the success of the United Nations was contingent on the provisions of its Charter, the structure and working methods of its organs and the dedication, competence and integrity of its staff. The Special Committee had, therefore, acted wisely in deciding to give a degree of priority to the question of the rationalization of United Nations procedures. Given the great diversity of its activities, the United Nations was bound to suffer from ineffectiveness and bureaucracy. The time had come, therefore, to concentrate the efforts of the Organization on a number of well-defined objectives. Accordingly, the number of subsidiary bodies should be limited and their functions clearly spelt out in order to avoid overlapping and duplication.

"73. The areas on which the United Nations should concentrate its attention should be chosen with due regard to the needs of the international community and the international situation. The Organization should concentrate first



and foremost on decolonization, a field in which it had already made a valuable contribution, with a view to the final elimination of colonialism wherever it persisted. It should also direct its efforts towards two interrelated goals, namely disarmament and the development of the under-developed countries. Every year hundreds of billions of dollars were spent on arms while poverty, hunger and disease still existed in many parts of the world. The solution of almost every major international political or economic question depended on the achievement of general and complete disarmament, which would free immense sums for the economic development of poor countries. It would, moreover, continue to be impossible to establish an equitable and lasting peace without first closing the gap between the rich and the poor countries.

"74. The Secretariat of the United Nations must include individuals of the highest professional calibre and integrity. In the recruitment of staff every effort must be made to eliminate the influence exercised by Governments on the Secretary-General in behalf of their nationals.

"75. His delegation agreed with the Mexican proposals concerning a limit on the number of subsidiary bodies and a reduction in the number of items on the agenda of the General Assembly so as to make it more manageable. In that connexion, consideration might be given to the establishment of a committee of the General Committee to consider all requests for the inclusion of new items in the agenda and make recommendations on such requests. Such an arrangement would ensure that the importance and merits of each item proposed for inclusion in the agenda were objectively assessed.

"76. Referring to point 4 of the Mexican paper, he said that his delegation felt that the general debate was very useful and helped facilitate finding solutions to dangerous situations through direct contacts. It was difficult to support proposals 5, 6, 7 and 8. The ninth proposal, concerning the establishment of over-all machinery to oversee the implementation of the resolutions of the main United Nations organs, was not feasible because practically the only area in which the General Assembly had the power to take binding decisions vis-à-vis those concerned was in the internal affairs of the United Nations. Most General Assembly resolutions, particularly those dealing with international peace and security or with the peaceful settlement of disputes were, in fact, merely recommendations. Obviously, in a democratic community it was not possible to require and force the implementation of a mere recommendation. As far as the Security Council was concerned, according to the provisions of Chapter VI of the Charter, the Council's resolutions relating to the peaceful settlement of international disputes were recommendations without binding force. As for Council resolutions relating to action in the event of a threat to the peace, a breach of the peace or an act of aggression, taken under the provisions of Chapter VII of the Charter, they could be implemented only by the Security Council itself. If the Council itself could not implement its decisions, taken in accordance with provisions of the Charter, how could machinery be expected to implement those same decisions? Would such a body be more powerful than the Security Council or would it be above it? Unless the Charter was revised and unless the United Nations was completely reorganized, how would it be possible to set up a body with the power to oversee the implementation of the resolutions of all the main organs of the United Nations? A realistic approach must be taken, otherwise the efforts made to strengthen the role of the Organization would be counterproductive.

"77. His delegation supported the proposals submitted by Romania (A/AC.182/WG/13), the United Kingdom (A/AC.182/WG/14), and France (A/AC.182/WG/15) as being both realistic and practical. In the Egyptian paper (A/AC.182/WG.16), it supported proposals I A, D and F as well as II A and B. Referring to the first proposal in the paper submitted by the Philippines (A/AC.182/WG/19), he said that it would be difficult for the foreign ministers to remain for three weeks in New York. The second part of that proposal, however, was interesting and realistic and deserved attention.

"78. The third speaker at the 14th meeting said that the Working Group must keep in mind what had previously been done in the United Nations with respect to rationalization of procedures. He had drawn particular attention to documents A/4776, 16/ A/8426 17/ and A/32/34 and Corr.1. 18/ The Special Committee on the Rationalization of the Procedures and Organization of the General Assembly had concluded that existing procedures were satisfactory and that improvement could be effective through making better use of the existing rules and through a better climate in international relations and a day-to-day improvement in the work of the Organization. With respect to the latter point, he drew attention to the Mexican, French, Egyptian and United Kingdom proposals. It was important to proceed with caution. It was useful to combine related items but the six items on the agenda of the General Assembly concerning the Middle East, for example, could hardly be combined, and he drew attention in that connexion to rule 40 of the rules of procedure. With respect to the Mexican proposal, he noted that the Special Committee on the Rationalization of the Procedures and Organization of the General Assembly had pointed out that most Member States were opposed to the submission of written statements on substantive, technical and financial grounds. The Mexican proposal, like the United Kingdom proposal, also referred to a single general debate on all agenda items. That proposal should not be given a rigid interpretation. There had to be exceptions, such as the items before the Special Political Committee. The general debate was very useful to the Main Committees and should not be changed without consultation with the Committees concerned. The United Kingdom proposal with respect to closure of the list of speakers deserved consideration.

"79. The sixth and seventh Mexican proposals were not clear and required clarification. As for the United Kingdom and French proposals concerning the practice of consensus, his delegation favoured broader application of consensus but not at the expense of prejudicing the right of every Member State to make its views known. The French proposal regarding the negotiating process required clarification. As to the Romanian proposal on holding meetings hosted by Member States, his delegation felt that those States which wished to hold meetings should have that opportunity. Equitable geographical distribution of seats was fine, but the expression 'generalization of the democratic method' was not clear.

"80. As to the United Kingdom proposal that the General Committee should meet before the General Assembly with respect to the number of items on the agenda, he noted that the Special Committee on the Rationalization of the Procedures and Organization of the General Assembly had not endorsed that idea and had felt that it could not make recommendations regarding

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16/ Ibid., Sixteenth Session, Annexes, vol. II, agenda item 61.

17/ Ibid., Twenty-sixth Session, Supplement No. 26.

18/ Ibid., Thirty-second Session, Supplement No. 34.

the General Committee. In that connexion, he noted the need to keep in mind rules 22 and 40 of the rules of procedure.

"81. The Mexican proposal with respect to the limitation on the number of subsidiary bodies had to be viewed in the light of Articles 22 and 29 of the Charter. It was also in conflict with the ninth Mexican proposal. As to the United Kingdom proposal regarding the workload and the French proposal concerning the First Committee and disarmament, he felt it would be better to wait to consider them until the special session of the General Assembly devoted to disarmament had convened. The First Committee was essentially a political one and should concentrate on peace, security and disarmament. As to the Special Political Committee, the thirty-second session of the General Assembly showed that it could play an important role. The United Kingdom and French proposals concerning the Sixth Committee and the allocation of items to not more than one Committee at a time contradicted each other. His delegation did agree, however, that the same aspects of the question should not be considered by more than one Committee. He endorsed the references in the United Kingdom working paper to punctuality at meetings, the holding of extra meetings and references to the budget, but felt that the abandoning of the quorum referred to in the eighth proposal was incompatible with democratic principles. As to the references in the United Kingdom and Egyptian proposals to time-limits on speeches and explanations of vote, he said that his delegation could agree in principle but it nevertheless felt that delegations should not be deprived of an opportunity to state their views as comprehensively as possible. As to the inscription of additional items on the agenda, he said that the 30-day limit had to be flexible. As to the Egyptian recommendation for fewer and shorter resolutions, the Special Committee on the Rationalization of the Procedures and Organization of the General Assembly had said that only the delegations concerned should decide on their content, and his delegation agreed with that, although it shared Egypt's concern for moderation. The Egyptian recommendation with respect to the Vice-Chairmen was fine, but the rule should apply to all Committee officers.

"82. As to the United Kingdom suggestion that the roll-call should not be used when the electronic system was available, he noted that the roll-call vote was a political and psychological device, although he agreed that it should not be used without good reason. The United Kingdom proposal concerning the installation of a third electronic voting system would probably be taken care of by the construction work in progress.

"83. His delegation fully agreed with proposals concerning the more equitable geographical distribution of senior posts within the Secretariat. The criteria established in Article 101, paragraph 3, of the Charter must be given paramount consideration, but those criteria were in no way inconsistent with the principle of the equitable geographical distribution of posts. A more extensive use of fixed-term contracts would also benefit the United Nations. It was to be regretted that candidates from the developing and socialist countries were often recruited at lower grades than might be expected and that no representative from the socialist countries was the head of a specialized agency. In general, it was essential that the various regions, cultures and political and economic systems be equitably represented in the Secretariat; it was not just a question of the developed and developing countries, as suggested by the Egyptian proposal.

"84. With respect to the Romanian proposal to reduce staff and expenditure and the United Kingdom proposal whereby proposals for the circulation of additional papers would not be agreed until the financial implications had been stated, it was true that not enough thought was being given to the financial burden which Member States were prepared to accept, and his delegation supported the Romanian proposal. In that connexion, it was important that the provisions of General Assembly resolution 3534 (XXX) of 17 December 1975 be implemented. With respect to the Egyptian proposals concerning documentation and conference services, his delegation was on the whole satisfied with the documents produced by the Secretariat.

"85. The fourth speaker, referring to the Mexican working paper, said that his delegation sympathized with the proposals in points 1, 2 and 3, but had some difficulty with respect to expanding the authority of the General Committee, since the latter was basically an administrative organ. His delegation could not agree with point 4, since the general debate in the General Assembly was necessary and useful. With respect to point 5, a single general debate in Committees would be impractical, but it might be possible to group related items and hold a single debate for each group of items. The proposals concerning annual ministerial consultations and machinery to supervise the implementation of resolutions (points 6 and 9) deserved consideration.

"86. His delegation supported points 3, 4 and 5 of the Romanian working paper, and had no major difficulties with respect to points 3, 5, 6, 9 and 10 of the United Kingdom working paper. With respect to points 11 and 12 of the United Kingdom paper, his delegation sympathized with the proposals concerning the installation of a third electronic voting system and an electronic timing device in the General Assembly Hall, but would find it difficult to support the proposal to do away with roll-call votes when electronic voting systems were available.

"87. With respect to the French working paper, the first paragraph was similar to point 5 of the Mexican working paper and point 2 of the United Kingdom paper. Point 2 was noteworthy, and the related oral proposal of the second speaker at the 13th meeting to the effect that the Sixth Committee should be able to assume the status of a plenipotentiary conference for the conclusion of international legal instruments drafted by the International Law Commission should also be considered seriously. His delegation sympathized with point 3 of the French paper, particularly the second alternative, and considered that point 6 should be considered favourably. Finally, his delegation had no major difficulties with the Egyptian working paper.

"88. The fifth speaker said that the question of the review of the methods of work of the Organization in general and the General Assembly in particular had been raised at the seventeenth session when the General Assembly had established the Ad Hoc Committee on the Improvement of the Methods of Work of the General Assembly. 19/ In its resolution 1898 (XVIII) of 11 November 1963, the General Assembly had taken note of the observations

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19/ See General Assembly resolution 1845 (XVII).

contained in the Ad Hoc Committee's report 20/ and had approved the recommendations contained therein. If the Committee's recommendations had been implemented and full advantage taken of the rules of procedure, there would have been no need for the General Assembly to establish the Special Committee. One point made by the Ad Hoc Committee had been that the General Assembly would gain in efficiency if the possibilities offered by its rules of procedure were better known to, and applied regularly in letter and in spirit by, those responsible for their application, including presiding officers, members of delegations and the Secretariat. The Ad Hoc Committee had made specific reference to the greater use of sub-committees and working groups and had expressed the opinion that the examination of agenda items by committees would be greatly facilitated if, as soon as possible and especially when the main points of view had been expressed, a committee decided to set up a sub-committee or working groups, in conformity with rule 102 of the rules of procedure (rule 96 in the case of the plenary Assembly). Such a procedure might be particularly helpful when there was general agreement on the question under discussion but disagreement on points of detail. Thus, instead of set speeches on, for example, the reports of the International Law Commission and the United Nations Commission on International Trade Law, efforts should be made to discuss individual issues of the reports in depth. The Ad Hoc Committee had pointed out that under rules 35 and 106 presiding officers were responsible for directing the discussion and that their role was by no means a passive one or confined to calling upon speakers requesting the floor. Those provisions reaffirmed that the presiding officer might propose limits on the time to be allowed to speakers and the number of times each representative might speak on any question, the closure of the list of speakers or the closure of the debate. On the question of time lost because of late starts of meetings, he had recalled that the President of the seventeenth session of the General Assembly had made it the practice to open plenary meetings at the times scheduled and that most delegations had willingly submitted to that discipline and had appreciated its advantages.

"89. Commenting on the working papers which had been submitted, he wished to emphasize that, when items were introduced, they should be relevant to achieving the principles and purposes of the Charter. Accordingly he supported proposals 1 and 2 in the Mexican working paper and section I A of the Egyptian working paper.

"90. He considered that the general debate had helped to create international law in addition to providing an opportunity for States to state their position on major international issues of the day. For example, in 1966, in the South West Africa cases, Judge Jessup had found that the accumulation of condemnations of apartheid, especially as recorded in the speeches and resolutions of the General Assembly, had been of decisive practical and juridical value in determining the international community's standard to be used in the interpretation of the requirements of the Charter that South Africa promote the well-being of the inhabitants; that, he had said, was no longer a rebuttable presumption but conclusive. Commenting on

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20/ Official Records of the General Assembly, Eighteenth Session, Annexes, agenda item 25, document A/5423.

point 7 of the Mexican working paper, he said that his delegation held steadfastly to the concept of ostensible authority: if a representative was given sufficient power to negotiate, his rank concerned the sending State only. He agreed with point 8 in the Mexican working paper and section II C of the Egyptian working paper that there should be a more equitable distribution of high-ranking posts but with the proviso that the conditions of Article 101 of the Charter be observed. His own approval of the concept of appointing individuals who would be dedicated to the Organization for the rest of their lifetime had been tempered by the twin dangers of smugness and complacency, and he therefore found the suggestion by the second speaker at the 13th meeting concerning the reduction of permanent contracts to be quite in place. He agreed with point 2 in the French working paper that the Sixth Committee should be consulted more extensively on the legal aspects of questions under consideration in other Committees. He had welcomed the proposals contained in the United Kingdom working paper which would go a long way towards facilitating the work of the Organization.

"91. The sixth speaker said that it was important for the Organization to consider the rationalization of procedures on a periodic basis. In that connexion, it might be useful for former Presidents of the General Assembly and Chairmen of the Main Committees to give their views on the matter and for the United Nations Institute for Training and Research to organize a seminar of experts on the rationalization of existing procedures in order to try to improve those procedures. The conclusions of the Special Committee on the Rationalization of the Procedures and Organization of the General Assembly were also important. However, there were very few new recommendations that could be made, and the most important thing was to abide by existing rules of procedure and ensure that the President of the General Assembly and the Chairmen of Committees had the necessary qualities to enforce strict compliance with those rules.

"92. With respect to the United Kingdom working paper, the proposal in point 1 had much merit, but it was important that the composition of the intersessional committee be identical to that of the General Committee of the previous session. Point 2 was closely linked with point 1, since the staggering and grouping of items would be one of the functions of the intersessional committee. With respect to point 3, his delegation agreed that the same questions should not be considered by more than one Committee, but that should not prevent the consideration of legal questions by the Sixth Committee. In that connexion, his delegation agreed with the proposal in point 2 of the French working paper. Annex II to the rules of procedure of the General Assembly already contained a provision to that effect. His delegation agreed with points 4 and 6 of the United Kingdom paper, but with respect to point 8, although it agreed that meetings should start at the scheduled time, it was not sure that abandoning the quorum was the right approach. It was for the Chairman to ensure that delegations arrived on time. With respect to point 9, machinery already existed, since the President of the General Assembly held weekly meetings with the Chairmen of the Main Committees during the General Assembly. However, additional meetings could be arranged if necessary. His delegation agreed with respect to the desirability of holding meetings at night or on Saturday morning if necessary. The proposal in point 11 concerning the installation of a third electronic voting system had been rejected by the Fifth Committee but should be reconsidered, since such a system would save time and the resulting

savings might offset the initial cost of the system. His delegation agreed with the proposal in point 12 to limit statements made in explanation of vote to 10 minutes. The related Egyptian proposal to limit statements to 20 minutes also deserved support.

"93. It had been proposed that draft conventions of a legal nature should be dealt with by the Sixth Committee. The Special Committee for the Consideration of the Methods and Procedures of the General Assembly had considered the matter and had noted, in particular, that a Main Committee, if entrusted with the detailed study of conventions, often did not have time to deal satisfactorily with the other questions for which it was responsible. In the work of the Third Committee, legal issues had tended to be treated in a superficial manner. An example had been the convening of an international conference to draw up a draft convention on territorial asylum.

"94. On the question of reducing documentation, particularly the records of subsidiary organs, his delegation considered that it was very important that members of main organs, before making decisions on items which had been considered by subsidiary bodies, should know what had been said during the discussion in the subsidiary body. Records were therefore very important.

"95. His delegation considered that emphasis should be placed on the application of the rules of procedure which were already available. The most important instrument for the implementation of the rules of procedure was the President or Chairman, who must have experience of the United Nations and a thorough knowledge of the rules of procedure, as well as the will to apply those rules impartially and defend the powers stemming therefrom. His delegation had observed how the atmosphere of a committee could change with a change of chairman. Members therefore had a responsibility, when candidates were submitted for the bureau and particularly for the post of Chairman, to bear in mind the importance of the personality and character of the individuals chosen.

"96. The seventh speaker said that he found many useful elements in the working papers submitted by Mexico, France, the United Kingdom, Egypt and the Philippines on the question of rationalization. In reply to comments which had been made in regard to his working paper (Romania), he pointed out that proposal 1 in that paper had been intended to broaden efforts to reach decisions by consensus. During the thirty-second session of the General Assembly, 256 resolutions had been adopted, of which 155 had been adopted by consensus. The Commission for Social Development had adopted all its resolutions in 1977 by consensus. Efforts to reach decisions by consensus in a larger number of cases should be made in the other bodies also. In that connexion, the Sixth Committee had set a good example. He agreed with the suggestions of Egypt and France regarding the wider use of informal consultations. Proposal 2 in his delegation's working paper had been aimed at achieving wider geographical distribution with regard to the venue of conferences and there were ample precedents in that respect, such as the convening of conferences on population, environment, status of women and habitat in various Member States. The United Nations Conference on Trade and Development also had met traditionally in different Member States, while in 1964 the Economic Commission for Europe had met for the first time away from its headquarters. That trend should be encouraged. The first part of his delegation's proposal 3, regarding the equitable geographical

distribution of seats in all United Nations organs, was certainly not applicable to the General Assembly, in which all Member States were represented. It should, however, be considered in relation to limited membership bodies. As to the second part of proposal 3, the necessity of improving the existing practice was illustrated inter alia by the difficulties experienced in the implementation of Economic and Social Council resolution 2079 (LXII) of 13 May 1977 on reinforcing the social development sector within the United Nations. In reply to comments made on his delegation's proposals 4 and 5, he found himself in agreement with the concept that importance should be attached to competence in the selection of staff members of the Secretariat; that, however, did not affect the need for equitable geographical distribution in appointments to Secretariat posts.

"97. The eighth and last speaker at the 14th meeting said that he wished to reserve the right to comment on some of the working papers at a later stage. In reply to one speaker, he indicated that his delegation had said that the Sixth Committee should consider draft international conventions which had been drafted by the International Law Commission but not that it should reconsider conventions which had already been adopted at international conferences.

"98. He also drew attention to the amount of time lost as a result of late starts and the ending of meetings before the scheduled time. In that connexion the Sixth Committee had lost 38 hours as a result of late starts and an additional 33 hours 35 minutes because meetings had ended before the scheduled time. Ways could always be found to start on time. He pointed out that the draft convention on territorial asylum had had nothing to do with the Third Committee. A special conference had been convened for that purpose. What was true was that the conference had not been properly prepared."



D. Statement made at the 30th meeting

15. At the 30th meeting, on 24 March 1978, the Chairman made the following statement: 21/

"1. At its 9th meeting, the Working Group of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization decided to hold informal consultations among interested members of the Working Group on the question of the pacific settlement of disputes. The participants in the informal consultations had at their disposal the working papers on this topic submitted during the present session of the Special Committee (A/AC.182/WG/1/Rev.2, A/AC.182/WG/2, A/AC.182/WG/4, A/AC.182/WG/5, A/AC.182/WG/7/Rev.1, A/AC.182/WG/9-11 and Add.1, A/AC.182/SR.12, A/AC.182/WG/17/Rev.1, A/AC.182/WG/18 and A/AC.182/WG/21). They also had before them the documents of the session of the Special Committee held in 1977 (A/AC.182/L.2, A/AC.182/L.4-7, A/AC.182/L.9, A/AC.182/L.12/Rev.1, A/AC.182/L.13 and A/AC.182/L.15). Finally, the statements made by me at the Special Committee's 27th and 28th plenary meetings were also before the participants in the informal consultations of the Working Group. Nine meetings were held. The debate was based on the above-mentioned material and the participants tried to find all proposals which had been made on the peaceful settlement of disputes. In this search, main attention was directed to the criteria whether any individual proposal could be classified as one within the confines of the peaceful settlement of disputes. It was not the intention of the participants to make final statements on the substance of the various proposals, but rather to present questions and listen to answers on the contents of those proposals in order to get clarification as to the intentions of the various delegations which had made proposals. They reserved their positions as to the submitted proposals until the Special Committee enters upon the next stage of its work on this topic.

"2. The work at this stage resulted in the compilation of the following 51 proposals:

"(1) The preparation of a General Assembly declaration on the peaceful settlement of disputes as a first step towards the possible preparation of a treaty on the subject.

"The declaration should include the following elements:

"(a) The obligation to settle all disputes by peaceful means;

"(b) Exclusion from the application of the declaration of all matters already governed by other treaties or means;

"(c) The procedures enumerated in Article 33 of the Charter of the United Nations do not imply any particular order, and the parties may resort to the procedure that best suits their interests;

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21/ For a summary of the Chairman's statement, see A/AC.182/SR.30 and Corr.1, paras. 1-9.

- "(d) This declaration shall not be applicable to matters of internal jurisdiction; if the parties disagree as to whether a matter is one of internal jurisdiction in the light of the decision taken with regard to paragraph (h), the International Court of Justice shall decide;
- "(e) States shall have an obligation not to make diplomatic representations to protect their nationals or to invoke international jurisdiction for that purpose when the said nationals have means of recourse to competent national courts available to them;
- "(f) Recourse to means for the peaceful settlement of disputes shall not limit the right of self-defence under Article 51 of the Charter of the United Nations;
- "(g) Inclusion and elaboration in the declaration of all means for the peaceful settlement of disputes provided for in Article 33 of the Charter of the United Nations;
- "(h) Competence of the International Court of Justice with respect to specific disputes, which will be defined in the declaration;
- "(i) More frequent recourse to the advisory opinions of the International Court of Justice;
- "(j) Notification by States of situations which may give rise to international tension; enumeration of situations, which should not be considered exhaustive;
- "(k) Reaffirmation of the general prohibition regarding the threat or use of force and any form of coercion.
- "(2) The establishment of a permanent commission of the General Assembly to fulfil the functions of mediation, good offices and conciliation. [See point 29.]
- "(3) The adoption of measures to accelerate the process of codifying the principles and standards relating to the peaceful settlement of disputes, in order to ensure the effective functioning of the ways and means of peaceful settlement. The adoption, in the longer term, by the United Nations of an international instrument aimed at establishing specific procedures to deal with and solve disputes between States.
- "(4) Articles 33 and 37 of the Charter should be implemented.
- "(5) Provision should be made in bilateral and multilateral conventions for a means of binding settlement of disputes.
- "(6) When there has been voluntary recourse to a binding procedure for the settlement of disputes, the decision rendered should be complied with.

"(7) Wider use should be made of regional machinery pursuant to Article 52 of the Charter.

"(8) Ad hoc and specialized settlement procedures should be developed further.

"(9) A list should be prepared of authorities which would be willing to appoint arbitrators or chairmen of arbitral tribunals.

"(10) A practical United Nations manual on the settlement of disputes should be prepared. /See points 14 and 19./

"(11) As a further measure to assist the Security Council, having regard to Article 29 and the provisions of Chapter VI of the Charter, in particular Article 33, paragraph 2, members of the Council should be encouraged to consider the establishment of a standing committee of experts in the techniques of fact-finding and mediation. The Security Council should also be encouraged to bear in mind the use of suborgans, established in accordance with Article 29, in individual cases.

"(12) (a) In order that steps may be taken to minimize any threat to the peace or the possibilities of a breach of the peace or act of aggression, the members of the Security Council should be encouraged to review situations of potential crisis and to this end should bear in mind the opportunities for such a review provided by Article 28, paragraph 2, of the Charter of the United Nations and the capacity of the Secretary-General to provide relevant information.

"(b) To the same end, the Secretary-General should be encouraged to utilize fully the machinery available to him under the Charter.

"(13) Where it appears that the continuation of a dispute or situation is likely to endanger international peace and security, Member States which are not directly involved should be mindful of the possibilities of taking an initiative to encourage the parties to seek a solution utilizing the methods indicated in Article 33 of the Charter of the United Nations and, in appropriate cases and having regard to Article 35 of the Charter, should themselves be prepared to bring the matter to the attention of the Security Council.

"(14) In order to facilitate the implementation of Article 33, further consideration should be given to the proposal made in 1965 (in draft resolution A/SPC/L.123 and Add.1-3) 22/ that a summary or handbook should be prepared which would describe all means by which the peaceful settlement of disputes may be promoted, and would list all existing mechanisms and facilities for this purpose. /See points 10 and 19./

"(15) Reaffirmation of the principle of international law, confirmed by the provisions of Article 2, paragraph 3, of the Charter concerning the settlement of international disputes by peaceful means.

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22/ See Official General of the General Assembly, Twentieth Session, Annexes, agenda item 99, document A/6187, para. 7.

"(16) Under the terms of the Charter, the United Nations should be seized only of disputes or situations the continuance of which is likely to endanger the maintenance of international peace and security.

"(17) Direct negotiation between the States parties to a dispute is the simplest, most effective and most practical of the ways and means provided for under Chapter VI of the Charter.

"(18) The United Nations should encourage Member States to conclude bilateral agreements with a view to the settlement of any disputes which might arise in the future in certain specific fields.

"(19) Preparation of a practical United Nations manual on the peaceful settlement of international disputes. [See points 10 and 14.]

"(20) Utilization of regional machinery in the peaceful settlement of disputes: in accordance with Article 52 of the Charter, provision for priority of recourse, in the future treaty, to regional machinery in the peaceful settlement of disputes.

"(21) The General Assembly should prepare a declaration on the peaceful settlement of disputes:

"(a) The proposed declaration, while not giving preference to any procedure for peaceful settlement, should nevertheless emphasize the advantage which negotiation, if and when conducted in good faith, has over other methods of settlement.

"(b) States must choose the most appropriate means for resolving their disputes peacefully. The failure of one method of solution should not preclude the utilization of another while the dispute remains unresolved.

"(c) The declaration should also state that, although disputing States are obliged to use first the means set out in Article 33, they, nevertheless, can submit to the Security Council or the General Assembly any dispute dangerous to peace and international security which they cannot settle peacefully.

"(d) The proposed declaration should also emphasize the need to restore the integrity of the decision-making processes or organs. Where a decision is seen to have been arrived at equitably and objectively, such a decision is likely to command respect and implementation.

"(e) The United Nations should give greater support to specialized or regional organizations in resolving disputes, but these should be brought into an appropriate relationship with the central institution of the United Nations system.

"(f) The role of the Secretary-General under Article 99 should be enhanced and also in the field of fact-finding, mediation and good offices.

- "(g) The declaration should stress the close connexion between disarmament and the peaceful settlement of disputes. The existence of effective international tribunals with extensive powers to deal with all kinds of disputes will enable nations to disarm completely.
- "(h) Increasing use should be made of the advisory opinion of the International Court of Justice.
- "(i) The obligation to settle disputes peacefully and at all times should be emphasized.
- "(22) Exploration of reasons why States do not make greater use of existing machinery:
  - "(a) Questionnaire;
  - "(b) Study.
- "(23) The Security Council should consider greater use of informal consultations to consider possible difficulties before they get out of hand.
- "(24) The Security Council should consider greater use of committees.
- "(25) Greater use of the International Court of Justice as dispute settler and source of law.
  - "(a) Contentious cases;
  - "(b) Advisory opinions:
    - "Expand parties entitled to request.
- "(26) Elaboration of new instruments:
  - "Enhance acceptance by States of third-party disputes settlement.
- "(27) Elaboration of Article 33 specifically to provide a procedure for higher levels of third-party involvement.
- "(28) More frequent recourse to the International Court of Justice and expansion of its competence to render advisory opinions.
- "(29) Establishment of a Commission of the General Assembly for the peaceful settlement of disputes. /See point 2./
  - /Specific proposals relating to points 27 to 29 above were submitted in document A/AC.182/WG.11/Add.1./
- "(30) Establishment or creation of regional machinery in the pacific settlement of disputes.
- "(31) To include in the agenda of the General Assembly an item entitled 'Peaceful settlement of disputes'.

"(32) To define an international dispute.

"(33) To elaborate the role of the United Nations in the process of prevention of disputes or conflicts.

"(34) To include in the agenda of the General Assembly an item entitled 'Consideration of implementation of the resolutions of the main organs of the United Nations, in particular those concerning the peaceful settlement of international disputes'.

"(35) To urge a more active role of the Security Council in applying Article 33 of the Charter more frequently.

"(36) To hold ministerial meetings of the Security Council.

"(37) To convene meetings of the Security Council in the place of some unresolved international dispute which endangers peace and security in the world.

"(38) To hold periodic meetings of the Security Council in order to review the progress achieved with regard to the elimination of tensions and international crises.

"(39) To enlarge the number of Judges of the International Court of Justice by electing a certain number of new Judges from different legal and political systems of the world, which should result in more frequent recourse to the International Court of Justice for its advisory opinions.

"(40) Appeal to permanent members of the Security Council to reach an understanding on the non-use of veto in matters pertaining to the peaceful settlement of disputes.

"(41) The General Assembly should include in its agenda an item entitled 'Peaceful settlement of disputes' with a view to formulating appropriate guidelines and, eventually, elaborating a generally acceptable treaty on the subject.

"(42) The consultative role of the International Court of Justice should be enhanced and, to this end, methods should be studied in order to entitle States parties to a dispute to benefit from an advisory opinion of the International Court.

"(43) If, after the lapse of a determined period of time, the parties involved in a process of negotiation have not been able to reach agreement, they should have recourse to means of settlement, with the participation of third parties, the mandatory acceptance of which they would agree upon in advance in the case of certain types of controversy.

"(44) The parties to a dispute which is made subject to any method of peaceful settlement should refrain from engaging in any act which might make the solution more difficult or aggravate the controversy.

"(45) At the request of a Member State the Secretary-General may send observers to the territory of the requesting Member State which considers that a situation or controversy may exist, the prolongation of which may endanger the maintenance of international peace and security.

"These observers would keep the Secretary-General continuously informed so that he could use more effectively the machinery provided for in Article 99.

"(46) Chapter VI of the Charter related to pacific settlement of disputes should be integrally implemented.

"(47) The procedures enumerated in Article 33 of the Charter do not imply any particular order and the parties may resort to the procedure that best suits the settlement of disputes.

"(48) A collateral treaty must be concluded which will include rules indicating means and methods for the implementation of the Charter's provisions and the enforcement of decisions adopted by the Security Council under Article 37 of the Charter.

"(49) The role of the International Court of Justice in the solution of disputes should be strengthened. A binding system of pacific settlement of disputes should be established.

"(50) The fact-finding capacity of the Security Council, the General Assembly and the Secretary-General should be enhanced.

"(51) In order to assist the Security Council, the General Assembly or the Secretary-General in carrying out fact-finding functions, expert groups and fact-finding panels should be more efficiently used.

"3. That compilation was a preliminary stage in the process of fulfilling the mandate entrusted to the Special Committee by paragraph 2 of General Assembly resolution 32/45, namely:

"'2. Decides that the Special Committee should continue its work in pursuance of the following tasks with which it is entrusted:

"'(a) To list the proposals which have been made or will be made in the Committee and to identify those which have awakened special interest;

"'(b) To examine proposals which have been made or will be made in the Committee with a view to according priority to the consideration of those areas on which general agreement is possible'.

"4. Three new working papers (A/AC.182/WG/20-22) have been submitted since the previous meeting. The first of those papers (A/AC.182/WG/20), concerning the maintenance of international peace and security, was submitted by Cyprus. It read as follows:

"(1) In order to strengthen the role of the United Nations in the maintenance and consolidation of international legal order, security and peace, as envisaged in the Charter and as spelt out in the present item, it is necessary to ensure respect for the decisions of the Security Council by taking appropriate steps thereto under the Charter.

"(2) To this end, the Security Council should be requested to give early consideration to the provisions of Article 43 of the Charter regarding special agreements by Member States of the United Nations undertaking to make available armed forces, assistance and facilities required for the purpose of maintaining international peace and security.

"(3) Request the Security Council to proceed, as a first step, with the early negotiations of the above agreements.'

"5. The second working paper (A/AC.182/WG/21), concerning the peaceful settlement of disputes, was submitted by the United States of America. It read as follows:

"LIST PER PARAGRAPH 2 OF RESOLUTION 32/45\*

"I. Proposals of a general nature:

"A. The preparation of a General Assembly declaration on the peaceful settlement of disputes as a first step towards the possible preparation of a treaty on the subject. One suggestion was to have the General Assembly include in its agenda an item on the peaceful settlement of disputes in order to formulate guidelines with a view to the preparation of an international instrument on the subject.

"The concept of a declaration on peaceful settlement is a proposal that awakened special interest and, although reservations were expressed to some of the suggested elements for such a declaration and to the idea of an eventual treaty, this appears to be a proposal on which general agreement is possible.

"(Some suggested elements for such a declaration and for a subsequent treaty are contained in Committee working papers A/AC.182/WG/1/Rev.2, A/AC.182/WG/2, A/AC.182/WG/7, A/AC.182/WG/9 and A/AC.182/WG/10.)

"B. The preparation of a practical United Nations manual or handbook on the settlement of disputes which would describe all means by which the peaceful settlement of disputes may be promoted and would list all existing mechanisms and facilities for this purpose.

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"\* The United States of America endorses this method of listing but does not necessarily agree or disagree with the proposals contained herein.



"This proposal awakened special interest and is a proposal on which general agreement is possible.

- "C. The General Assembly should include an item in its agenda on the peaceful settlement of disputes in order to define an international dispute and to elaborate the role of the United Nations in the process of prevention of disputes or conflicts.

"It is not clear that this proposal in this form awakened special interest.

- "D. Examine, through use of a questionnaire and study, why States do not make greater use of the existing machinery for peaceful settlement of disputes and explore how existing machinery can be made more effective.

"This topic is one which awakened special interest and proposals along these lines are ones on which general agreement is possible.

- "E. Provision should be made in bilateral and multilateral conventions for a system of binding settlement of disputes including possible referral to the International Court of Justice.

"This concept awakened special interest and proposals along this line are proposals on which general agreement may be possible.

- "F. In certain cases ad hoc and specialized settlement procedures should be developed further.

"This proposal awakened special interest and proposals along this line are proposals on which general agreement may be possible.

"II. Strengthening existing procedures and machinery:

- "A. In order that steps may be taken to minimize any threat to the peace or the possibilities of a breach of the peace or act of aggression, the members of the Security Council should be encouraged to review situations of potential crisis at an early stage and, to this end, should, inter alia, consider the greater use of informal consultation and bear in mind the opportunities for a review provided by Article 28, paragraph 2.

"The concept of increasing the effectiveness of the Security Council awakened special interest and proposals along these lines are ones on which general agreement is possible.

- "B. Where it appears that the continuation of a dispute or situation is likely to endanger international peace and

security, Member States not directly involved should be mindful of the possibilities of taking an initiative to encourage the parties to seek a solution utilizing the methods indicated in Article 33 of the Charter of the United Nations and should be prepared to bring the matter to the attention of the Security Council in accordance with Article 35.

"This concept awakened special interest and it appears that proposals along these lines are ones on which general agreement is possible.

- "C. The Security Council should take a more active role in applying Article 33.

"This proposal awakened special interest and is one on which general agreement is possible.

- "D. Enhancing the role of the Secretary-General in the field of peaceful settlement of disputes by encouraging the Secretary-General to utilize fully the machinery available to him under Article 99 of the Charter including calling for meetings of the Security Council, encouraging the greater use of "good offices", and bearing in mind the fact-finding capacity of the Secretary-General through the sending of observers he could designate to the territory of a Member State to monitor a given situation in its territory.

"The concept of enhancing the effectiveness and role of the Secretary-General awakened special interest and it appears that proposals to that end which do not require Charter revision are ones on which general agreement might be possible.

- "E. The permanent members of the Security Council should be appealed to in order to reach an understanding on the non-use of the veto in matters pertaining to peaceful settlement.

"While this proposal may be said to have awakened special interest, it does not appear to be one on which general agreement is possible.

- "F. In order to enhance the role of the International Court of Justice and increase its effectiveness, there should be more frequent recourse to the Court in contentious cases and an expansion of parties entitled to request advisory opinions and, to this end, methods should be studied which would enable States parties to a dispute to avail themselves of an opinion of the Court.

"The concept of enhanced effectiveness and greater use of the International Court of Justice awakened special interest and it appears that proposals to that end which do not require Charter revision are proposals on which general agreement may be possible.

"'G. Enlargement of the International Court of Justice to be more representational of the various legal and political systems.

"'This proposal did not awaken special interest and general agreement on it does not seem likely.

"'H. There should be wider use made of regional machinery in the peaceful settlement of disputes pursuant to Article 52. The United Nations should lend its support and prestige to regional efforts to resolve disputes and, in regions without regional machinery on the peaceful settlement of disputes, consideration should be given to its establishment.

"'The concept of wider use of regional machinery awakened special interest although there were differing views on whether the regional mechanism must be used before turning to the United Nations.

"'I. Greater adherence to the provisions of Article 33 by providing a procedure for higher levels of third-party involvement which might include recourse to specific third-party settlement procedures if, after a predetermined period of time, a particular process of negotiations has not achieved results.

"'The elaboration of Article 33 and the application of the provisions of Article 33 awakened special interest and proposals along these lines which do not require Charter revision are proposals on which agreement is possible.

"'J. When there has been voluntary recourse to a binding procedure for settlement, the decisions rendered should be complied with and the parties to a dispute subject to a method of peaceful settlement should refrain from engaging in any act which might make the solution more difficult or aggravate the controversy.

"'These proposals awakened special interest and are ones on which general agreement is possible.

"'K. Preparation of a list of authorities which would be willing to appoint arbitrators or chairmen of arbitral tribunals. The list could include such international authorities as the United Nations Secretary-General, heads of specialized agencies, President of the International Court of Justice and such national authorities as the heads of national courts.

"'This proposal awakened a measure of interest.'

"6. The last of the documents referred to (A/AC.182/WG/22), concerning the peaceful settlement of disputes, was submitted by Algeria. It read as follows:

"'Before the question of the peaceful settlement of disputes can

be discussed, the concept must be defined. It is not possible to speak of settling disputes when, for example, a third country has designs on a territory under colonial rule and wishes to assume the role of the United Nations in the field of decolonization by trying to settle a non-existent dispute through an agreement with the administering Power of the territory in question. In such cases, neither the administering Power nor the third country can invoke Article 33 of the Charter.'"

ANNEX

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21st meeting

Monday, 27 February 1978, at 4 p.m.

Temporary Chairman: Mr. SUY (Under-Secretary-General,  
The Legal Counsel)

A/AC.182/SR.21

OPENING OF THE SESSION

1. The TEMPORARY CHAIRMAN declared open the 1978 session of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, reconvened in accordance with General Assembly resolution 32/45. He informed the Committee that its reports (A/31/33 and A/32/33) contained an account of the work carried out at the 1976 and 1977 sessions on the basis of the analytical study submitted by the Secretary-General (A/AC.182/L.2). He was convinced that, in the conduct of its deliberations, the Committee would proceed with the circumspection and sense of responsibility called for by such an important and delicate question as the one before it. He assured the Committee that the Secretariat would do everything in its power to provide the necessary assistance.

2. On the question of documentation, he reminded the Committee that, in pursuance of General Assembly resolution 32/45, the Secretary-General, by a circular note of 12 January 1978, had requested Governments to submit, or to bring up to date, their observations in accordance with General Assembly resolution 3499 (XXX). No observations had been received as yet.

ELECTION OF OFFICERS

3. The TEMPORARY CHAIRMAN said he had been informed that informal negotiations were under way regarding the election of the officers of the Committee and he therefore intended to adjourn the meeting in order to give delegations time to continue those negotiations.

The meeting rose at 4.05 p.m.

22nd meeting

Tuesday, 28 February 1978, at 3.50 p.m.

Temporary Chairman: Mr. SUY (Under-Secretary-General,  
The Legal Counsel)

Chairman: Mr. BROMS (Finland)

A/AC.182/SR.22

ELECTION OF OFFICERS

1. The TEMPORARY CHAIRMAN said that he had been informed in the course of informal consultations that the Committee wished Mr. Broma to continue as Chairman. If he heard no objections, he would take it that the Committee wished to re-elect Mr. Bengt H. G. A. Broma (Finland) as Chairman.
2. It was so decided.
3. Mr. Broma (Finland) took the Chair.
4. Mr. GONZALEZ-GALVEZ (Mexico) said that the re-election of Mr. Broma as Chairman reflected recognition of the exceptional services he had rendered to the Special Committee but did not constitute a precedent and was without prejudice to the principle of rotation.
5. Mr. ALBORNOS (Ecuador), speaking on behalf of the Latin American group, nominated Mr. José Luis Lovo-Castelar (El Salvador) for the office of Vice-Chairman.
6. Mr. YANGO (Philippines), speaking on behalf of the Asian group, nominated Mr. Sumaryo Suryokusumo (Indonesia) for the office of Rapporteur.
7. The CHAIRMAN said that if he heard no objections, he would take it that the Special Committee wished to re-elect Mrs. Shirley Gbujama (Sierra Leone) and Mr. Siegfried Zachmann (German Democratic Republic) as Vice-Chairmen and elect Mr. Lovo-Castelar (El Salvador) as the other Vice-Chairman and Mr. Suryokusumo (Indonesia) as Rapporteur.
8. It was so decided.

ADOPTION OF THE AGENDA (A/AC.182/L.17)

9. The agenda was adopted.

ORGANIZATION OF WORK

10. Mr. GONZALEZ-GALVEZ (Mexico) said that his Government attached particular importance to the work of the Special Committee, a position not shared by most of the Committee's members. It was important that the Special Committee should work towards a formula on which those who favoured a revision of the Charter and those who opposed it could agree. Accordingly, it was to be hoped that those members of the Special Committee who had obstructed the Committee's work in the



past would rethink their position and assist the Committee in its consideration of the proposals before it.

11. His delegation had submitted working paper A/AC.182/L.13 containing guidelines for the Special Committee's work. With respect to paragraph 2 of that document, it might be preferable for the Special Committee to establish one open-ended sub-committee and one sub-committee with limited membership. The working paper also indicated topics that should be given priority and topics that should be considered by the Working Group in plenary. With regard to the latter, the maintenance of international peace and security should be considered in the light of proposals to amend the Charter in respect of the composition of the Security Council and questions subject to the veto. With regard to the question of decolonization, it should be noted that, in practice, Chapters XI and XII of the Charter had been amended by the adoption of General Assembly resolution 1514 (XV) and the establishment of the Special Committee of 24. He was aware that several great Powers did not share the views of his country and he noted in that connexion that the United States Government was expected to submit proposals on the strengthening of the role of the United Nations and the amendment of the Charter in the very near future. The fact that the question of the Charter was in the minds of the policy-makers of all countries represented in the Special Committee should give the work of the Committee added impetus.

12. His delegation believed that, at the current session, the Special Committee should devote itself exclusively to proposals which did not involve amendment of the Charter. The Committee might then be in a position to submit proposals to the General Assembly for adoption at the thirty-third session. It would be wrong for the Special Committee to wait until it had dealt with all issues before it submitted proposals to the General Assembly.

13. It was important not to forget the relationship between the work of the Special Committee and that of the Ad Hoc Committee on the Restructuring of the Economic and Social Sectors of the United Nations System. In its resolution 32/197, the General Assembly had made specific recommendations on restructuring. In view of the importance of those recommendations, his country suggested that the officers of the Special Committee and of the Ad Hoc Committee should meet as soon as possible (A/AC.182/L.13, para. 2).

14. His delegation did not want working paper A/AC.182/L.13 to become a subject of dispute. If any disagreements arose in that connexion, the document should be regarded as withdrawn.

15. Mr. ROSENSTOCK (United States of America) said that the comments made by the representative of Mexico concerning the status of General Assembly resolution 1514 (XV) and the nature of any statements that might be made by the United States Government were perhaps not absolutely accurate.

The meeting rose at 4.15 p.m.

23rd meeting

Wednesday, 1 March 1978, at 10.55 a.m.

Chairman: Mr. BROMS (Finland)

A/AC.182/SR.23

ORGANIZATION OF WORK (continued)

The CHAIRMAN said it was his understanding that the various groups were still holding informal consultations on the organization of work. Stressing the importance which the decision to be taken on that matter would have for the satisfactory progress of the Committee's work, he said that, if he heard no objection, he would adjourn the meeting, in the hope that the various groups would be able to state their positions when the afternoon meeting began.

The meeting rose at 11.05 a.m.

24th meeting

Wednesday, 1 March 1978, at 3.20 p.m.

Chairman: Mr. BROMS (Finland)

A/AC.182/SR.24

ORGANIZATION OF WORK (continued)

1. Mr. VOICU (Romania) urged the Committee to complete the organization of its work as soon as possible so that it could proceed to deal with matters of substance.
2. Mr. MACAULAY (Nigeria) said that however the Committee organized its work, it was important that the views of all Member States should be heard and recorded in plenary meetings.
3. With respect to the Mexican working paper (A/AC.182/L.13), three points should be made. Firstly, the rule of unanimity was now out-dated and the five permanent members of the Security Council should be asked to re-examine their views on that subject. Secondly, those same members should also be asked whether the veto power had not been subject to abuse, especially with respect to United Nations membership. Thirdly, it must be recognized that the machinery provided for in the Charter unfortunately was not working as it should. He was not against the Mexican proposals, but felt that they should be examined carefully in order to make sure that they did not conflict with the proposals made by the countries of the third world in document A/AC.182/L.12/Rev.1. He did not seek a confrontation with the great Powers but simply wanted to discuss with them how to make the Charter a viable instrument.
4. Mr. GONZALEZ-GALVEZ (Mexico) said that his delegation's working paper was intended only to supplement document A/AC.182/L.12/Rev.1 and was not incompatible with it. The important thing was to begin the substantive work of the Committee as soon as possible.
5. Mr. GAVIRIA (Colombia) said that he agreed with the representative of Mexico that the time had come to start the actual work of the Committee. He wholeheartedly supported the Mexican proposals because he felt that they would provide an excellent starting-point but he was prepared to hear other proposals as well.
6. Mr. ABDALLAH (Tunisia) suggested that documents A/AC.182/L.12/Rev.1 and A/AC.182/L.13 might be combined. Instead of sub-committees, two working groups could be established to deal respectively with questions which would and questions which would not require changes in the Charter. The groups could work in parallel, but, as a convenience to the smaller delegations, they should not meet at the same time. The results could then be reported to the plenary Committee for endorsement. That would expedite the discussion and facilitate agreement.
7. The CHAIRMAN suggested that the sponsors of General Assembly resolution 32/45 could meet, as suggested at the preceding meeting, after the plenary meeting rose.
8. Mr. MACAULAY (Nigeria) appealed to the developed countries and the founding Members of the United Nations, particularly the permanent members of the Security Council, to give their views on how the Special Committee should proceed.

9. Mr. YANGO (Philippines) supported the suggestion that the sponsors of General Assembly resolution 32/45 should meet immediately after the meeting of the Special Committee in order to discuss the organization of work.
10. Mr. ROSENSTOCK (United States of America) said that his delegation would like to hear the views of the sponsors of the resolution before indicating its own views. Some of the proposals put forward by the Mexican delegation in document A/AC.182/L.13 were premature, particularly the proposal in paragraph 3, but the general approach was useful and deserved consideration.
11. Mr. MACAULAY (Nigeria) said that it was not necessary to hear the views of the sponsors of the resolution before discussing the Mexican proposals. It was important that those who opposed any revision of the Charter should make their views known.
12. Mr. GONZALEZ-GALVEZ (Mexico), supported by Mr. GAVIRIA (Colombia) and Mr. BUENO (Brazil), suggested that the question of the organization of work should be dealt with by a small group consisting of the officers of the Committee and a few other members of the Committee selected with a view to ensuring equitable geographical representation. The group should meet after the meeting of the sponsors of the resolution but before the next meeting of the Committee as a whole.
13. Mr. FIFOOT (United Kingdom), supported by Mr. KOROMA (Sierra Leone), Mr. MUSEUX (France) and Mr. ONDA (Japan), said that his delegation agreed with the representative of Mexico that the organization of work should be discussed by a smaller group, but such a group should meet after the next meeting of the Committee as a whole, not before, in order to give all delegations an opportunity to express their views on any proposals that the sponsors of the resolution might submit after their meeting.
14. Mr. MACKAY (New Zealand) suggested that the decision as to whether the small group referred to by the representative of Mexico should meet before or after the next meeting of the Committee as a whole should be postponed until the following day. Once the sponsors of the resolution had met, informal consultations could be held to decide which approach was preferable.
15. The CHAIRMAN suggested that the small group should consist of two representatives from each regional group in addition to the officers of the Committee. If he heard no objections, he would take it that the Committee wished to adopt the proposal of the representative of New Zealand.
16. It was so decided.

The meeting rose at 4.40 p.m.

25th meeting

Thursday, 2 March 1978, at 11.05 a.m.

Chairman: Mr. BROMS (Finland)

A/AC.182/SR.25

ORGANIZATION OF WORK (continued)

The CHAIRMAN said that if he heard no objections, he would adjourn the meeting so that the members of the Special Committee could meet informally.

The meeting rose at 11.10 a.m.

26th meeting

Thursday, 2 March 1978, at 3.35 p.m.

Chairman: Mr. BROMS (Finland)

A/AC.182/SR.26

ORGANIZATION OF WORK (concluded)

1. The CHAIRMAN said that an informal group of about 20 members had met that morning and had decided to recommend that the Special Committee should have one working group which would meet without summary records. The working group would concentrate on discussing the topics specified by Mexico (A/AC.182/L.13) and first priority would be given to the topic concerning the peaceful settlement of disputes. The working group would formulate new topics for discussion at a later meeting. Plenary meetings would also be held during the period when the working group would be meeting so that the progress made in the working group could be assessed. There would be summary records for the plenary meetings. If he heard no objections, he would take it that the Committee wished to adopt that recommendation.

2. It was so decided.

3. Mr. HSU Chao-chun (China) said that the Committee had already during its first two sessions completed its consideration of the Secretary-General's analytical study (A/AC.182/L.2) concerning suggestions and proposals received from Governments regarding the review of the Charter. It had considered the proposals of Governments paragraph by paragraph and had thus accomplished a great deal. It had criticized and refuted the fallacies contrived by the super-Powers to oppose review and revision of the Charter. It could be seen from the work at the two previous sessions that the overwhelming majority of Member States favoured Charter revision. The mandate given to the Committee under General Assembly resolutions 3499 (XXX) and 32/45 clearly required the Committee to carry on with its unfinished task. It must therefore draw up a list of proposals and identify priorities. Some proposals were of great concern to the third world and must be given serious consideration during the current session. In order to cope with that task it was essential that the Committee should organize its work efficiently. The Special Committee must consider proposals for the revision of the Charter. That was the main task which had been entrusted to it by the relevant resolutions of the General Assembly.

4. Mr. ABDALLAH (Tunisia) said that during its first two sessions the Committee had encountered great difficulty in drafting its reports because of the lack of records for many of the meetings which had taken place. His delegation would therefore reserve its position on any decision not to have records. He considered that there should be at least one meeting per week at which progress made could be formally recorded for the information of members. That would provide a starting-point for further discussion.

5. The CHAIRMAN said it was his understanding that the point made by the representative of Tunisia had already been met by the consensus which had been

reached. There would be meetings of the plenary Committee with records during the period when the working group would meet. If there were no objections, he would take it that a satisfactory order of procedure had been agreed upon.

6. It was so decided.

The meeting rose at 3.45 p.m.

27th meeting

Friday, 10 March 1978, at 11 a.m.

Chairman: Mr. BROMS (Finland)

A/AC.182/SR.27

CONSIDERATION OF THE OBSERVATIONS OF GOVERNMENTS PURSUANT TO GENERAL ASSEMBLY  
RESOLUTIONS 3499 (XXX) AND 32/45

1. The CHAIRMAN ... /for the text of the statement, which was contained in paragraphs 1 to 26 of the present summary record, see above, sect. II, part A, of the report of the Special Committee/.

27. Mr. ROSENSTOCK (United States of America) said that the Chairman's exhaustive summary of the discussions in the Working Group was a satisfactory substitute for summary records. It would be desirable to have further such summaries as the various items were considered.

28. In his report, the Chairman had emphasized the usefulness of submitting working papers. However, that practice, by linking a specific formulation with the name of the country in the document, could make it difficult for the Working Group to work as flexibly as was desired; that had been demonstrated by the experience of the Special Committee in 1977.

29. Mr. GONZALEZ-GALVEZ (Mexico) said that the Chairman's report had been very useful; however, it might be advisable in future to have a far more general summary which would reflect the general trends of opinion expressed in the Working Group, so that the various delegations would not feel the need to give detailed explanations in plenary. It would be useful if, in his summaries of the Working Group's work, the Chairman would comment not only on the written proposals but also on those made orally.

30. The CHAIRMAN recalled that, at the preceding session, delegations which had referred to the preparation of the Committee's report had requested that it should be as comprehensive and detailed as possible.

31. Mr. FIFOOT (United Kingdom) said that he felt some concern at the method used for reporting on the discussions of the Working Group. The report which the Chairman had read out, although of high quality, could not be considered a report on the work of the Working Group, for if it were, it should have been submitted to the Group for its consideration and approval.

32. Mr. KOROMA (Sierra Leone) said he could not agree with the delegation of Mexico that the Chairman's report should be only of a general nature. If there were no summary records, the information on the Working Group's activities should be as full and detailed as possible. The report submitted by the Chairman accurately reflected the discussions in the Working Group, which had been most useful. It was clear that all delegations wanted to see disputes settled by peaceful means. His delegation had always held the view that the peaceful settlement of disputes was as much an obligation as the non-use of force. However, at least one delegation had expressed the opposite view. Some interesting proposals



had also been submitted which showed a determination to reach agreement on the peaceful settlement of disputes and various delegations had proposed ways of improving the machinery for that purpose.

33. It had also been stressed that the United Nations had failed in its mission of settling disputes by peaceful means, but that was due to a lack of political will on the part of Governments rather than to deficiencies in the machinery. In any case, the very fact that the United Nations had existed for more than 30 years should give cause for hope. It must be recognized that, even though it had not always been possible to prevent breaches of the peace and of security over that period, the United Nations had achieved fairly positive results.

34. Currently, it was important to continue trying to improve the existing machinery and persuade States Members of the United Nations that that machinery offered the best means of solving disputes.

35. Mr. LOVO-CASTELAR (El Salvador) concurred in the view of the representative of Sierra Leone that the Chairman's report on the activities of the Working Group should be as full and detailed as possible. In the present instance, it would be useful if the Chairman's report could be reproduced as accurately as possible in the summary record.

36. Mr. VOICU (Romania) requested that the report that had been read out by the Chairman should be reflected as accurately as possible in the summary record and that it should be made available as a report to all members of the Committee. His delegation wished to make some comments on that report but would not do so until it had had a chance to see the text in writing.

37. His delegation had always insisted on full and detailed reports being submitted so that the General Assembly could have an accurate picture of the Committee's work, which was proceeding satisfactorily under the system of work currently applied.

38. Mr. MUSEUX (France) expressed the view that a report such as that just submitted by the Chairman was one way of reconciling the opinions of those delegations which preferred not to have summary records of meetings and those which wanted all the discussions to be recorded. However, his delegation, like that of the United Kingdom, believed that a report of that type gave rise to problems, because it had not been submitted to the Working Group for consideration. Although it would be possible to submit amendments at a later date, the amendments to summary records appeared much later and in a separate document, which made them less effective.

39. Mr. ABDALLAH (Tunisia) shared the opinion of other delegations that the report on the Working Group's discussions should be as full as possible. He regretted that the Committee had decided to function as a Working Group without summary records as that created special problems for small delegations which could not follow all the discussions. He felt that there should be a plenary meeting at least every two or three days at which a detailed report of the Working Group's discussions would be submitted.

40. His delegation would comment at a later stage on the proposals submitted in the Working Group but it wanted to place on record at once its disagreement with

the Mexican proposal with regard to the function of regional organizations in the settlement of disputes. Mexico did not believe it was appropriate to use those bodies, but his delegation thought that disputes should be referred to them as a first step. Without summary records it was impossible to understand the considerations on which the delegation of Mexico based its opinion.

41. His delegation reserved the right to intervene at a later stage with respect to the other proposals that had been submitted.

42. Mr. PICO de COANA (Spain) observed that, in the particularly delicate circumstances in which the Committee had to work, it was very useful to have a detailed summary of what happened in the Working Group. His delegation reserved the right to comment on the report which had just been submitted by the Chairman after it had had an opportunity to study it carefully.

43. Mr. SMIRNOV (Union of Soviet Socialist Republics) said that the Chairman's report provided a satisfactory summary of the Working Group's discussions. However, it should be noted that it did not constitute a report of the Working Group and that the members of the Committee had wisely reserved their positions with regard to it pending an opportunity to study it.

44. His delegation agreed with the Romanian delegation that the method of work adopted by the Committee had so far proved to be excellent.

45. Mr. GAVIRIA (Colombia) said his delegation had always considered it important that the Committee's deliberations should be recorded in summary records but, for practical reasons, it thought that the system suggested by the representative of Tunisia, whereby plenary meetings would be held more frequently so that reports on the Working Group's activities could be considered, was a useful one. Such reports should be as full and detailed as possible.

46. It was important to take account of the suggestion made in the Working Group by the representative of Japan to the effect that the Committee should embark on a new stage in its work in order to fulfil its mandate. It was time to begin listing and sifting the proposals from Governments.

47. With respect to the substantive issue, his delegation had always maintained that it was necessary for the international community to work out an agreement on the basis of which the parties to a dispute, after exhausting the means provided for in Article 33 of the Charter, would mutually agree to submit their dispute to an international judicial settlement, which would be binding.

48. His delegation was studying with great interest the proposals submitted by France and Romania and the suggestions from the United States delegation. Generally speaking, it approved in principle of the proposals submitted by Mexico in document A/AC.182/WG.1/Rev.2. However, it felt strongly that the proposed General Assembly declaration on the peaceful settlement of disputes should recognize the need to prevent an international dispute from remaining unresolved at the wish of one of the parties when the other had agreed to refer it to the competent international organs.

49. Mr. HSU Chao-chun (China) noted that during the preceding two days many delegations had expressed their opinions on the organization of work of the Special Committee. Some had said that it was very inconvenient for the Working Group of the

Special Committee not to have summary records. Others held the view that the Special Committee should proceed in conformity with the mandate set out in the General Assembly resolution, namely, by preparing a list of specific proposals on each item and, on that basis, enumerating the proposals which were of general interest and then going on to draw up a list of priorities with respect to the proposals to be considered. His delegation maintained that the opinions expressed earlier on ways of improving the organization of work warranted detailed consideration by the Special Committee.

50. In its statement made at the 26th plenary meeting, held on 2 March, his delegation had said that, in accordance with the mandate contained in General Assembly resolutions 3499 (XXX) and 32/45, the Special Committee should first of all draw up a list of proposals, including those relating to revision of the Charter, and then proceed to consider those proposals, in particular the ones concerning such revision. The sponsors of General Assembly resolution 32/45 had already requested that the proposals for revision of the Charter should be included in the list. That was a reasonable request and the Special Committee's work should proceed along those lines.

51. The Special Committee did not have much time left and not many proposals had been discussed. If a list of main proposals were made, its work might perhaps advance more rapidly. He hoped that when the Special Committee came to examine the next topic, in particular the maintenance of international peace and security, it would first make a list of main proposals, including proposals on review of the Charter. For instance, in so far as the maintenance of international peace and security was concerned, that list should include proposals which involved a review of the Charter, such as the broadening of the powers of the General Assembly, changes in the membership of the Security Council, restriction of the use of the veto, elimination of the veto and elimination of certain outdated provisions. In the view of his delegation, that would increase the Special Committee's effectiveness.

52. Replying to a question by the representative of France, the CHAIRMAN said that the consulting group would be meeting again shortly.

53. Mr. ONDA (Japan) suggested that before that group met, the Special Committee should consider ways of facilitating its own future work. If it continued to function as it had over the preceding two weeks, it would be very difficult for it to draft a reasonable report for submission to the General Assembly. So far, the Committee had discussed only the peaceful settlement of disputes, and it did not seem to have exhausted that subject. The various proposals which had been made should therefore be classified in order to determine what topics were of interest to the majority of countries. The Committee could not go on discussing the various proposals, which now numbered more than 10, without any kind of order.

54. Mr. LOVO-CASTELAR (El Salvador) said that the system for peaceful settlement of disputes had remained at the stage reached by the League of Nations and that progressive development of international law in respect of that matter had not taken place. In view of the paramount importance of the matter, an effort should be made to develop the framework established by the Charter of the United Nations and thereby to contribute directly to strengthening the role of the Organization. Failure to develop the norms set forth in Article 33 of the Charter had frequently limited or paralysed the ability of the United Nations to deal with situations of

conflict. Furthermore, in many situations which had threatened world peace the Security Council had been unable to take action because of the improper use of the veto.

55. In most cases where the means of peaceful settlement of disputes mentioned in Article 33 had been used, that had been done outside the framework of the United Nations, largely because the requisite legal instruments had not been elaborated. The Charter revealed a major lacuna as far as the powers of the Secretary-General were concerned. The Secretary-General's personal intervention in providing his good offices had been decisive in connexion with numerous international problems. Yet no provision of the Charter conferred that power on the Secretary-General, although it had been confirmed in practice and was one function in the exercise of which the personal qualities of successive Secretaries-General had been most evident. Chapter XV should expressly include a reference to that power.

56. Several of the proposals submitted to the Special Committee were very useful and warranted support. However, it was regrettable that, for methodological or political reasons, some members of the Committee had limited themselves to examining at that stage only those proposals which did not involve a review of the Charter, even though the Committee was first and foremost the "Special Committee on the Charter of the United Nations".

57. His delegation supported the Mexican proposal that the General Assembly should issue a declaration on the peaceful settlement of disputes as a first step towards the possible preparation of a treaty on the subject and believed that the 11 points mentioned in document A/AC.182/WG/1/Rev.2 should be included in that declaration. They constituted a good working basis for later detailed drafting of the text of the declaration. At a later stage, the Committee should consider including new procedures and recourses, drawing mutatis mutandis on the work being done on settlement of disputes by the Third United Nations Conference on the Law of the Sea. It should also take into account the various regional systems for the settlement of disputes such as the European Convention for the Peaceful Settlement of Disputes, the Latin American Treaty on Peaceful Settlements, or Bogota Pact, and the system established within the Organization of African Unity. The declaration proposed by Mexico should include reference to the role of regional arrangements or agencies, developing the principle established in Article 52, paragraph 2, of the Charter according to which, at the beginning, every effort should be made to achieve pacific settlement of local disputes through such regional arrangements or agencies. The declaration would thus formalize what had been confirmed in practice and would make it possible to settle the well-known argument among prominent Latin American internationalists as to the obligation to submit disputes first of all to regional procedures. The proposals by France (A/AC.182/WG/4) also referred to that subject.

58. He also generally supported the various proposals made so far in the Working Group, in particular by Romania.

59. Mr. ROSENSTOCK (United States of America) said that it would be regrettable if the Committee's work became disorganized. The Working Group must complete its consideration of the peaceful settlement of disputes before the next topic could be taken up. At the same time, ways of carrying out the task assigned to the Committee in paragraph 2 of General Assembly resolution 32/45 must be considered.

60. As far as the Committee's method of work was concerned, his delegation had no special preferences as to meetings of the Working Group or plenary meetings, but it felt that some system must be established. The system applied so far had proved useful in that it allowed all members of the Committee greater freedom to express their views and to cite examples. However, time-limits should be established in order to enable the Committee's work to be better organized.

61. Mr. SOKALSKI (Poland) said that in general he shared the views expressed by the representative of the United States. The proposals made by Japan seemed to be significant and to warrant consideration.

62. His delegation hoped that the Secretariat would provide the Committee with the Chairman's report as soon as possible, so that it could be considered in plenary. The proposals made by Japan could be considered at a later meeting of the Working Group.

63. Mr. PEDAUYE (Spain) said that the system of holding meetings of the Working Group gave the Committee greater flexibility and opened the way for a freer exchange of views. However, it would be useful if, at the end of each week, the Chairman presented a report similar to the report made to the current meeting which would give a detailed account of the progress of work in the Working Group.

64. After a procedural discussion in which Mr. ROSENSTOCK (United States of America), Mr. SOKALSKI (Poland), Mr. GONZALEZ-GALVEZ (Mexico) and Mr. KOROMA (Sierra Leone) took part, the CHAIRMAN ruled that the meeting would be adjourned.

The meeting rose at 1.20 p.m.

28th meeting

Thursday, 16 March 1978, at 10.55 a.m.

Chairman: Mr. BROMS (Finland)

A/AC.182/SR.28 and Corr.1 and 2

CONSIDERATION OF THE OBSERVATIONS OF GOVERNMENTS PURSUANT TO GENERAL ASSEMBLY RESOLUTIONS 3499 (XXX) AND 32/45 (continued)

Report of the Chairman on the work of the Working Group

1. The CHAIRMAN ... /for the text of the statement, which was contained in paragraphs 1 to 29 of the present summary record, see above, sect. II, part B, of the report of the Special Committee/.

30. Mr. SOKALSKI (Poland) said that, in view of the decision taken by the Committee at its 26th meeting that the Working Group should devote its attention as a first priority to the question of the peaceful settlement of disputes, it was necessary for the sake of logic to indicate in the summary record of the current meeting why the Working Group had allowed statements to be made on two other matters before they were actually under consideration.

31. Mr. ABDALLAH (Tunisia) said that he would like greater emphasis to be placed in the summary of his statement on the specific example which he had given to illustrate the manner in which the General Assembly had reacted to an impasse in the Security Council in 1950 and prevented a further deterioration of the international situation by adopting resolution 377 (V) entitled "Uniting for peace".

32. Mr. KOROMA (Sierra Leone) observed that no objection had been raised when the Mexican representative had stated at the 6th meeting of the Working Group that his understanding of the agreement reached by the Committee was that the question of the maintenance of international peace and security would be given the same priority as that of the peaceful settlement of disputes. The situation should not be depicted as a concession to the representative of Mexico and it was wrong to attempt to doctor the record after the event.

33. Mr. LOVO-CASTELAR (El Salvador) asked the Chairman to outline the progress made by the Working Group in preparing a list of proposals.

34. The CHAIRMAN said that the smaller group of the Working Group had held two meetings so far. At the 1st meeting, it had discussed the method to be followed in preparing the list and at the 2nd meeting it had identified 40 proposals for inclusion in the list. It had not been able to discuss all the working papers, owing partly to the fact that the sponsors of some of the documents had not been present at the meeting.

35. Mr. ROSENSTOCK (United States of America) noted that the Committee had recognized that its task was to deal with all the matters raised in the analytical study (A/AC.182/L.2) submitted by the Secretary-General pursuant to General Assembly resolution 3499 (XXX) but had decided to begin its work at the current session with the question of the peaceful settlement of disputes. The

representative of Mexico had indicated that he would be unable to be present in New York for the entire session and had requested permission to make a statement before his departure on two items before they were scheduled to be taken up by the Committee. The Committee had granted that request as a courtesy and without prejudice to the agreed order in which the various topics were to be dealt with. It was necessary to indicate clearly the circumstances surrounding the statement made by the representative of Mexico.

36. Mr. SMIRNOV (Union of Soviet Socialist Republics) welcomed the fact that the Chairman had invited comments and corrections to his report from delegations. He agreed that the Committee should indicate that it had allowed the representative of Mexico to speak on a number of topics before his departure as a courtesy since that explained why other delegations had not yet had an opportunity to express their views concerning the Mexican working paper in document A/AC.182/WG/6.

37. Mr. MUSEUX (France) recalled that he had explicitly stated that his delegation would agree to allow a statement to be made on questions not yet formally under consideration only as a personal courtesy to the representative of Mexico.

38. Mr. DROUSHIOTIS (Cyprus) said that his delegation continued to hold the view that the Committee should take up the question of the maintenance of international peace and security at the current session after its discussion of the peaceful settlement of disputes.

39. Mr. KOROMA (Sierra Leone) said that the sound recording of the 5th meeting of the Working Group should be consulted in order to ascertain what understanding had been reached regarding the consideration of the question of the maintenance of international peace and security.

40. Mr. FIFOOT (United Kingdom) said that the progress made by the smaller Working Group at its meeting the preceding day augured well for its success in preparing a tentative draft list of proposals.

41. Mr. MUSEUX (France) agreed that it would be well to listen to the sound recording of the 5th meeting of the Working Group.

The meeting rose at 12.15 p.m.

29th meeting

Wednesday, 22 March 1978, at 3.15 p.m.

Chairman: Mr. BROMS (Finland)

A/AC.182/SR.29

CONSIDERATION OF THE OBSERVATIONS OF GOVERNMENTS PURSUANT TO GENERAL ASSEMBLY  
RESOLUTIONS 3499 (XXX) and 32/45 (continued)

Report of the Chairman on the work of the Working Group

1. The CHAIRMAN ... /for the text of the statement, which was contained in paragraphs 1 to 98 of the present summary record, see above, sect. II, part C, of the report of the Special Committee/.

99. Mr. ROSENSTOCK (United States of America) commended the Chairman for his thorough and accurate statement but wished to stress that it was virtually a summary record of the discussions in the Working Group and therefore contrary not only to what the Committee had decided but to binding decisions of the General Assembly concerning permissible documentation. He found it particularly reprehensible that such an act was being perpetrated by the Committee while discussing rationalization. He objected very strongly to that procedure, but realized that the Chairman was merely accommodating the majority of delegations, which unfortunately insisted on it.

100. Mr. ROSSIDES (Cyprus), speaking on the topic of the maintenance of international peace and security, said that some wars had never been brought before the Security Council because the parties involved did not think that the Security Council would be effective. Was that because of the Charter or because of the abuse of the veto? The veto was a reality under the Charter. The real problem was not the veto but the fact that the Security Council was ineffective because it could not implement its resolutions. He drew attention in that connexion to Article 2, paragraphs 4 and 5, of the Charter. The need for implementation of decisions of the Security Council and the General Assembly relating to peace and security was greater than ever because of such problems as increasing terrorism. The problem of Cyprus in particular highlighted that need. The Committee must therefore give content, meaning and effect to Security Council resolutions. He would accordingly propose as soon as possible a working paper aimed at ensuring compliance with Chapter VII of the Charter and giving effect to the decisions of the Security Council, especially the provisions of Article 43.

101. Mr. KOROMA (Sierra Leone) said that the maintenance of peace and security was the primary objective of the United Nations and he called particular attention to Articles 24, 25 and 26 of the Charter. He also noted that the principle of the non-use of force applied to non-members as well as Members. It was therefore very important to find ways to implement the provisions of the Charter, especially Articles 39, 41 and 42. Article 24 had often been violated with impunity, to the detriment of the Organization's effectiveness. The fact that the provisions of Chapter VII of the Charter had never been put into effect in the cases of aggression in southern Africa and in the Middle East was the fault of the members of the international community. States must make it clear that aggression could not be committed with impunity and the Security Council must therefore be asked to implement resolutions unanimously in accordance with the Charter.



102. Mr. HSU Chao-chun (China) said that many proposals had been made in the Committee reflecting the desire of many States to change the status quo in the United Nations. His delegation favoured the review and revision of the Charter. Nothing was immutable. The world situation had changed and it was therefore essential to meet current needs. The Special Committee must give particular consideration to the proposals relating to the maintenance of international peace and security, such as those concerning the powers of the General Assembly, increasing the permanent membership of the Security Council and abolition of the veto. They referred to very important issues and should be included in the list, despite the strenuous efforts of the super-Powers to exclude them. The struggle to revise the Charter would continue and would eventually be crowned with success.

103. Mr. BOUAYAD-AGHA (Algeria) said that before the question of the peaceful settlement of disputes could be discussed, the concept must be defined, for it was not possible to speak of settling disputes when, for example, a third country had designs on a territory under colonial rule and wished to assume the role of the United Nations in the field of decolonization by trying to settle a non-existent dispute through an agreement with the administering Power of the territory in question. In such cases, neither the administering Power nor the third country could invoke Article 33 of the Charter (see A/AC.182/WG/22).

104. Mr. ROSENSTOCK (United States of America) said that his delegation did not think it was possible to debate an issue such as the maintenance of international peace and security in a body which kept summary records so soon after the adoption of Security Council resolutions 425 (1978) and 426 (1978) without noting how well the existing system had worked in the case in question. He hoped that all States would honour their obligations under resolution 425 (1978) as well as under Article 17 of the Charter.

105. Mrs. MUTUKWA (Zambia) expressed regret that the Committee had not been able to take up the question of the maintenance of international peace and security and wished to place on record her delegation's hope that it would be one of the first items, if not the first, to be discussed at the next session of the Committee.

106. She also regretted that some of the countries which in the view of her delegation were mainly responsible for the continuation of the situation in Southern Rhodesia had refused to take a decisive stand on resolution 425 (1978). Part of the problem of the maintenance of peace and security was that Member States, by such failure to co-operate in United Nations undertakings, made efforts to apply the provisions of the Charter only partially successful.

107. Mr. ABDALLAH (Tunisia) said that since the Working Group had no summary records, the Chairman had a special responsibility to remind the Committee of its decisions, including the decision to take up the question of the maintenance of international peace and security after the discussion of the questions of peaceful settlement of disputes and the rationalization of United Nations procedures.

108. The CHAIRMAN said that a number of delegations had previously spoken in the plenary Committee on the peaceful settlement of disputes and that therefore the agreed procedure had not been disregarded. Cyprus had been given permission to speak on that topic.

109. Mr. ROSSIDES (Cyprus) said that the maintenance of international peace and

security and the international settlement of disputes were related, and called attention to Article 33 of the Charter, which referred to settling a dispute before an act of aggression had taken place. Chapter VII made no mention of peace and security or the undoing of aggression. An act of aggression or occupation could not be settled by peaceful means or by negotiation under the existing provisions of the Charter.

The meeting rose at 6.25 p.m.

30th meeting

Friday, 24 March 1973, at 11.50 a.m.

Chairman: Mr. BROMS (Finland)

A/AC.182/SR.30 and Corr.1

CONSIDERATION OF THE OBSERVATIONS OF GOVERNMENTS PURSUANT TO GENERAL ASSEMBLY  
RESOLUTIONS 3499 (XXX) AND 32/45 (concluded)

Report of the Chairman on the work of the Working Group

1. The CHAIRMAN ... /for the text of the statement, which was contained in paragraphs 1 to 6 of the present summary record, see above, sect. II, part D, of the report of the Special Committee/.

7. Mr. KOROMA (Sierra Leone) objected to the publication of document A/AC.182/SR.28/Corr.1 (English only).

8. After a procedural discussion in which Mr. LENNUYEUX-COMNENE (France) and Mr. ROSENSTOCK (United States of America) took part, the CHAIRMAN said that, according to the minutes of the meetings in question, the document referred to adequately reflected the discussions in the Working Group and, if he heard no objections, he would take it that the Special Committee wished to adopt his report on the work of the Working Group, the final part of which he had just read out.

9. It was so decided.

ADOPTION OF THE REPORT

10. Mr. SURYOKUSUMO (Indonesia), Rapporteur, introducing the Special Committee's report to the General Assembly (A/AC.182/L.18), said that the document contained the introduction, in which the current state of the Special Committee's work was described. As was indicated in paragraph 9 of the draft report, the statements made by the Chairman on the work done by the Working Group were to be reproduced in section II of the report. As in the case of the preceding session, he intended to reproduce the summary records of the Special Committee's meetings as an annex to the report. However, in order to avoid duplication the statements of the Chairman to which he had referred would not be included. There would merely be a reference to section II of the report, in which the complete texts of those statements would appear.

11. He had agreed with the members of the Committee that the following text, which would constitute paragraph 11, should be added to the draft report:

"Some members of the Special Committee felt that its mandate should be renewed. Some members felt that that was a matter which fell within the competence of the General Assembly."

12. He would also take into account any further decision which the Special Committee might adopt before the closure of the session.

13. Replying to a question asked by the representative of Cyprus, he said that the statements made by the Chairman in the Working Group were reflected in the Special Committee's report and he read out the part of the statement made by the Chairman at the 27th meeting of the Special Committee, on 10 March 1978, in paragraph 1 of which it was said that "It had been agreed that the Working Group would concentrate on discussing various topics, taking up first the question of the 'peaceful settlement of disputes', followed by a consideration of other questions, such as the 'rationalization of existing procedures' and the 'maintenance of international peace and security'".

14. Mr. ROSSIDES (Cyprus) said that in paragraph 8 of the report (A/AC.182/L.18), although it was said that the Working Group would concentrate on discussing the topics specified in the Working Paper submitted by Mexico (A/AC.182/L.13), no mention whatever was made of the maintenance of international peace and security. Without bringing up for the time being the question of the priority of one item over another, which was also important, he asked whether the representative of Mexico had requested the omission from the report of any mention of the item concerning the maintenance of international peace and security.

15. Mr. CORREA (Mexico) said that the problem could be solved by reflecting in paragraph 8 of the report (A/AC.182/L.18) exactly what was said in the summary record of the 27th meeting.

16. The CHAIRMAN said that if he heard no objections, he would take it that paragraph 8 of the report was amended in accordance with the suggestion of the representative of Mexico.

17. It was so decided.

18. Mr. SOKALSKI (Poland) recalled what the representative of Mexico had said at the 22nd meeting to the effect that his delegation did not wish document A/AC.182/L.13 to become a subject of dispute and that if any disagreements arose in that connexion, the document should be regarded as having been withdrawn. He (Mr. Sokalski) observed that there was a lack of coherence in the summary records.

19. Mr. CORREA (Mexico) said that at the time when the 22nd meeting of the Special Committee was held there had been no objections to having the topics mentioned in Working Paper A/AC.182/L.13 constitute the basis for the deliberations of the Working Group.

20. The CHAIRMAN invited the members of the Special Committee to submit whatever amendments to the Special Committee's report they thought were necessary.

21. Mr. KOROMA (Sierra Leone) said that paragraph 10 of the draft report was trivial and he proposed that it should be deleted.

22. Mr. KAPETANOVIĆ (Yugoslavia) said that paragraph 10 had been accepted in the informal consultations held on the previous day and the delegation of Sierra Leone had not raised any objection at that time. He thought that it would not be appropriate at that stage of the Special Committee's work to delete anything from the report as it had been accepted in the informal consultations and he suggested that if the representative of Sierra Leone so wished, his objections to the paragraph could be shown in the summary record.

23. The CHAIRMAN reminded the members that the Special Committee had carried out its work on the basis of consensus. Although it was for the General Assembly to evaluate the extent of the progress made by the Special Committee, the drafting of paragraph 10 had been accepted in informal consultations and he asked the representative of Sierra Leone if he intended to press his proposal for the deletion of that paragraph.

24. Mr. KOROMA (Sierra Leone) reiterated his objection.

25. The CHAIRMAN said that the objection voiced by the delegation of Sierra Leone would be recorded and that if he heard no other objections he would take it that the Special Committee wished to adopt the report (A/AC.182/L.18).

26. It was so decided.

27. Mr. VOICU (Romania), referring to paragraph 11 of the report that had just been adopted, stressed two aspects of the statements made by the Chairman. Firstly, the Special Committee was beginning the next phase of its work, and, secondly, the compilation of items to be considered or suggestions was a preliminary stage of the process of fulfilling the mandate entrusted to the Special Committee. He also noted that in the Chairman's statement on the working paper submitted by the delegation of the United States the Chairman had said that it had been decided that a fuller debate should be held later. The only possible interpretation of those ideas appearing in the report was that there was a general desire to continue the work of the Special Committee. If there was a preliminary stage, there must obviously be other stages. That logical conclusion should be expressly set forth in the Committee's report. After four weeks of work the Committee had not only the right but also the obligation to inform the General Assembly of its intentions regarding the continuation of its work. His delegation was convinced that the overwhelming majority of members of the Committee were in favour of renewing its mandate. In addition, his delegation welcomed the first part of paragraph 10 of the Committee's report, in which it was stated that the Committee expressed its view that progress had been made in fulfilling its mandate. His delegation believed that the very future of the United Nations was bound up with the activities of the Special Committee and its capacity to offer generally acceptable solutions with a view to adapting the United Nations to the realities of the present-day world. The success of the Special Committee's work would demonstrate the capacity of the United Nations to make the necessary adjustments and adapt itself to reality.

28. It was well known that Romania, like many other countries, attributed great importance to the future work of the Committee. Those countries placed, and always had placed, great hopes in the participation which the United Nations should have in the establishment of a new international order, in the building of a better and more just world. The debates held during the Special Committee's current session had drawn attention to the multiplicity, scope and seriousness of the problems which mankind must solve in order to ensure its own survival and the progress of all peoples. In the almost unanimous opinion of those who had participated in the debate, the early and lasting solution of those problems required the co-operation and contribution of all members of the international community. It had been demonstrated once again how great was the desire of the immense majority of Member States to use the United Nations as an instrument capable of mobilizing joint action in favour of co-operation and peaceful and friendly coexistence.

29. The basic idea in accordance with which the Special Committee had been established was that the activities of the United Nations should be improved so as to increase its effectiveness in the consideration and solution of international problems. In essence, the United Nations must take into consideration and ponder more appropriately its own structure, as also the activities carried out and the great changes which had occurred in the world during the 30-odd years that had passed since its establishment. Imperfections and deficiencies had been noted from the start and the United Nations had taken some unjust decisions and measures which were contrary to the purposes and the spirit of the Charter. In addition, despite the scope of the powers conferred on the United Nations there had been a tendency to disregard the Organization and try to solve outside the United Nations framework certain problems which were of direct interest to all peoples and affected the progress and the peace of the entire world. An inevitable consequence of that tendency had been the weakening of the United Nations and the impairment of its functioning. Aware of that situation, the States which had proposed the establishment of the Special Committee and supported its activities were seeking the continuous improvement of United Nations activities as a whole, the enhancement of the prestige of the United Nations and its authority in international life and a greater contribution by that forum to the lasting solution of the problems confronting mankind. It was in that spirit that the proposals submitted by Romania to the General Assembly and the Special Committee had been conceived. With those proposals Romania, in agreement with other countries, wanted the functioning of the United Nations to be improved and strengthened and the process of its democratization to be accentuated in order to provide the most favourable framework for the effective participation of all nations in international political life. His delegation wanted the new realities of the world and the current concerns of peoples to be reflected more broadly and faithfully in the activities of the United Nations; that could be achieved by perfecting its structure and its organizational framework and improving the way in which United Nations bodies functioned and their methods of work.

30. His delegation was convinced that the Committee could fulfil its mandate if all delegations showed a real desire to achieve solutions. There was no question that solutions could result only from the participation and contribution of all. It was therefore essential that all should contribute with their political will to co-operation in the achievement of the Committee's tasks. His delegation considered that all States which had accepted the Committee's mandate and had agreed to form part of it had thereby committed themselves to contributing to the implementation of a decision of the General Assembly. It was convinced that, thanks to the concerted efforts of the Member States, the Special Committee would succeed in its future sessions in deciding on specific measures, as requested by the General Assembly. His delegation felt that the work of the Committee was sufficiently far advanced, having regard to the discussions held, to enable it to formulate draft recommendations on which there would be general agreement and which could be discussed and adopted by the General Assembly. If it was to be possible to submit such recommendations the work of the Committee would have to be carried out in an atmosphere of friendly co-operation among all delegations, in a spirit of mutual esteem and respect for the opinions of each participant. He felt that the current session was a first step in that direction. The Special Committee could surely be transformed into a real laboratory in which ideas would be analysed and synthesized so that the best solutions could be found. His delegation was convinced that the collective wisdom of the 149 States Members of the United Nations that were to study the report of the Special Committee could give the Committee new impetus at both the political and legal levels so that it could fully carry out its mission.

31. Mr. ZACHMANN (German Democratic Republic) said that in the course of its deliberations the Special Committee had made progress with respect to the topics "peaceful settlement of disputes" and "rationalization of existing procedures". As everyone was aware, it had not yet reached a stage where it was possible to speak of a listing or even an identification of proposals which had awakened special interest. What it had done was to attempt to find out and enumerate proposals submitted prior to or during the deliberations on the topic "peaceful settlement of disputes". That compilation of proposals was of a purely technical nature and represented a preliminary task, but it might serve as a basis for future work towards the completion of the Special Committee's mandate, on condition that the members were willing to respect the provisions of the Charter. His delegation had also stated its views on the topic "peaceful settlement of disputes" and had learned with satisfaction that to a great extent they coincided with those put forward by other delegations.

32. A number of the proposals enumerated during the informal consultations had merit, but there were others whose intention or meaning lacked clarity for his delegation and which it could not therefore accept. He was thinking of such proposals as the enlargement of the International Court of Justice, the establishment of a permanent commission of the General Assembly to fulfil the functions of mediation, good offices and conciliation, and the expansion of the Security Council. It therefore seemed to his delegation that there was still a long way to go before a consensus was reached on proposals which were of general interest and - what was even more important - whose implementation would serve to strengthen the role of the United Nations on the basis of a strict adherence to the Charter. However, if the future work of the Committee continued to be conducted constructively, and if all the members considered themselves strictly bound by resolution 32/45, paragraph 3, the Committee would not fail to achieve further results. His delegation was prepared to continue to act in that manner. As to the renewal of the mandate of the Committee, his delegation held the view that a decision on such a question was within the competence of the General Assembly.

33. The current session of the Special Committee had made it clear again that the role of the United Nations could be strengthened and the effectiveness of the work of the Organization in the interest of one of its main purposes, namely, the maintenance of international peace and security, could be enhanced, only if all the Members strictly abided by the provisions of the Charter, which had stood the test of time.

34. Mr. LENNUYEUX-COMNENE (France) commended the spirit with which the Special Committee had worked in successfully preparing and adopting its report and the consensus by which its work had continued to be governed at a session which had seen the submission of many working papers, from every corner of the world and representing every school of thought.

35. Mr. SMIRNOV (Union of Soviet Socialist Republics), summarizing the work of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, said that the current session had been held in conditions of constructive co-operation, which had made it possible for the Committee to adopt the report for submission to the General Assembly. His delegation, like the Mexican, Cypriot and other delegations, had from the beginning urged the Special Committee to concentrate its energies on the proposals which would increase the effectiveness of the United Nations and which would not require revision of the Charter. It considered that it was the only correct approach; the

strengthening of the role of the United Nations should be based on the strict observance of the provisions of the Charter and on the use of the resources contained in the Charter. He was convinced that any other approach would stand in the way of the efforts to strengthen the United Nations, would undermine the foundations of the Organization and would threaten its very existence.

36. During the work, general discussions had been held on the peaceful settlement of disputes and the rationalization of existing procedures; delegations had stated their views on those topics and had suggested various ideas and proposals, including the topic of the better organization of the work of United Nations bodies and the Secretariat. His delegation considered that the statement made by the Chairman summarizing the work of the Working Group quite fully reflected the general discussions and the proposals which had been made. During the informal consultations held within the Working Group, an initial step had been taken in pursuance of the Special Committee's mandate, as affirmed in General Assembly resolution 32/45. At the present juncture, the compilation of proposals which had been submitted in the Special Committee was not a finished or final list but represented rather an initial approach to the fulfilment of the Special Committee's task of preparing an inventory. That approach had been adopted on an informal basis, the substance of the proposals had not been discussed and delegations had the right to formulate other proposals if they so wished. Delegations had not yet expressed their views concerning those proposals because all of them would be considered subsequently.

37. His delegation considered that, when the Special Committee discussed the question of the peaceful settlement of disputes at the next stage of its work, delegations would state their opinions on the substance of the proposals submitted. At the current stage, consideration should not be limited to the formally submitted proposals, but should include all the opinions which States had formulated, including those which opposed revision of the Charter of the United Nations. He wished to make it perfectly clear that his country, which adopted a position of principle in defence of the unalterable character of the Charter of the United Nations, was not able to give support of any kind to proposals aimed at the revision of the Charter.

38. In his delegation's view, the Charter fully corresponded to the interests of the maintenance of international peace and security, which was the fundamental task of the Organization. It was not the Charter that contained the reasons for the fact that useful decisions adopted by the United Nations simply remained pieces of paper. That was because certain Member States did not observe the provisions of the Charter. His delegation considered that the Charter had stood the test of time and had proved its viability under conditions of a constantly changing world. Acting in accordance with the Charter the United Nations had contributed and continued to contribute to the strengthening of international peace and security, the reinforcement of détente in relations among States, the promotion of economic and social progress. The Charter was an integral part of the system of international treaties and agreements which had been created after the Second World War and, accordingly, attempts to revise it were not only equivalent to weakening the Organization but also detrimental to international peace and security and the process of easing international tension. His delegation was firmly convinced that the increase of the effectiveness of the United Nations should be achieved not by transforming the Charter but on the basis of its observance by all Member States, implementing useful decisions of the Security Council and of other United Nations organs, and on the fuller use of the



possibilities provided for in the Charter. Similarly, there should be strict respect for international agreements and treaties concluded on the basis of the Charter and aimed at ending the arms race, preventing the threat of nuclear war and the liquidation of hot-beds of international conflicts.

39. Mr. ONDA (Japan) said that he shared the hopes of the representative of Romania that the Special Committee would convene again the following year under a mandate conferred on it by the General Assembly. As was stated in paragraph 10 of the draft report introduced by the Rapporteur, the Committee had not yet completed its work.

40. The method used at the current session had not been the most suitable one. Full use had not been made of the Working Group, which had met without summary records of its proceedings, like some kind of "think-tank". In fact, the method adopted had given rise to a delay, which could have been avoided if the Special Committee had adopted his delegation's suggestion that the Secretariat should be asked to prepare a preliminary list of proposals, thereby freeing the Special Committee for other tasks. It would have taken the Secretariat 24 hours to perform the work to which the Special Committee had devoted 10 days.

41. Mrs. MUTUKWA (Zambia) expressed the hope that at a forthcoming session it would be possible to give maximum priority to the question of the maintenance of international peace and security and to discuss that question substantively in conjunction with the question of the peaceful settlement of disputes, in view of the close relationship of the two topics.

42. Mr. GAVIRIA (Colombia) said he hoped that the General Assembly would renew the Special Committee's mandate.

43. After an exchange of courtesies, the CHAIRMAN observed that it was a promising sign that all the decisions of the Special Committee had been adopted by consensus and declared the 1978 session closed.

The meeting rose at 1.35 p.m.

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