



## General Assembly

Distr.  
GENERAL

A/39/144

24 September 1984

ENGLISH

ORIGINAL: ARABIC/ENGLISH/  
FRENCH/SPANISH

UN LIBRARY

OCT 8 1984

Thirty-ninth session  
Agenda item 69

UN DOCUMENT

IMPLEMENTATION OF THE COLLECTIVE SECURITY PROVISIONS OF  
THE CHARTER OF THE UNITED NATIONS FOR THE MAINTENANCE  
OF INTERNATIONAL PEACE AND SECURITYNote by the Secretary-General

1. The General Assembly, at its thirty-eighth session, adopted resolution 38/191 of 20 December 1983 entitled "Implementation of the collective security provisions of the Charter of the United Nations for the maintenance of international peace and security". In paragraph 1, the General Assembly decided to establish an Ad Hoc Committee on the Implementation of the Collective Security Provisions of the Charter of the United Nations for the purpose of exploring ways and means of implementing the said provisions. In paragraph 2 of that resolution, the Assembly requested the Secretary-General urgently to invite the views and comments of Member States on the matter not later than 30 May 1984 and to transmit them to the Ad Hoc Committee as soon as possible. In paragraph 3, the Assembly requested the Ad Hoc Committee, in considering the matter, to take due account of the views and comments of Member States, including their recommendations, and to submit a progress report to the Security Council for its consideration and comments and to the Assembly at its thirty-ninth session, and a final report to the Assembly at its fortieth session. In paragraph 4, the Assembly decided to include in the provisional agenda of its thirty-ninth session the item entitled "Implementation of the collective security provisions of the Charter of the United Nations for the maintenance of international peace and security".

2. Pursuant to the request of the General Assembly, the Secretary-General, on 7 February 1984, addressed a note verbale to the Governments of Member States inviting them to communicate their views and comments in accordance with paragraph 2 of the resolution. On 7 June, the Secretary-General sent a reminder to Governments. Seven substantive replies were received from Member States, the texts of which are reproduced in the annex hereto.

3. Extensive consultations were conducted by the Chairmen of the Regional Groups in an effort to obtain agreement on the constitution of the Ad Hoc Committee. The exchange of views indicated that there were differing opinions concerning the composition of the Ad Hoc Committee. Since it has not yet been possible to arrive at a generally accepted distribution of seats, the Ad Hoc Committee has not yet been constituted. Accordingly, the report called for under paragraph 3 of General Assembly resolution 38/191 will not be available at the thirty-ninth session.

ANNEX

COLOMBIA

[Original: Spanish]

1. Like most Members of the United Nations, Colombia has been noting with concern the constant breaches of the provisions contained in the constituent Charter of the United Nations, particularly those relating to the operation of the collective security system for the maintenance of international peace and security.

2. The lack of respect for the principle of non-interference, the aggression between States, the proliferation and deployment of nuclear weapons, the constant breaches of the obligations arising from treaties and other sources of international law are obvious causes of the world-wide instability which undoubtedly threatens the peace and security of the planet.

3. As a member of the Movement of Non-Aligned Countries, Colombia subscribes to and fully endorses the Declaration adopted by the Seventh Conference of Heads of State or Government of Non-Aligned Countries, held at New Delhi from 7 to 12 March 1983, paragraph 175 of which calls for the strengthening of the role of the United Nations in the maintenance of international peace and security.

4. Article 2, paragraph 2, of the United Nations Charter, concluded with the participation of our country's delegation at the San Francisco Conference, states that the Members of the United Nations "shall fulfil in good faith the obligations assumed by them in accordance with the ... Charter". While it is true that this concept has been developed to the point where it is now considered to be one of the basic principles governing international relations, unfortunately it is often violated.

5. What is needed therefore is unanimous action, as well as a willingness by all and, in particular, a desire on our part to become champions both of peace and of security, in order to offer future generations a new world, full of hope and progress.

GHANA

[Original: English]

1. The paramount requirement for any effective action by the United Nations and especially by the Security Council is for member States to show greater willingness to use the Organization in settling disputes and in preventing an aggravation of the situation where there is a breach of the peace. It is illusory to seek real security in an arms build-up.

2. Once there is the necessary political will, it should be easy to set up the national contingents for combined international enforcement action envisaged in Articles 43 and 45 of the Charter of the United Nations.

/...

3. Hence, serious efforts should be made to conclude agreements that will enable all States Members of the United Nations to make available to the Security Council, on its call, armed forces, assistance and facilities necessary for maintaining international peace and security.

4. It is clear that the veto power has been too frequently misused and has become a major stumbling-block in the maintenance of international peace. An eventual examination of how this power could be redistributed to reflect the changing realities of the world is called for. For the time being, however, present arrangements could stay while attempts proceed to remove the mistrust and suspicions that gave rise to the cold war and the current arms race.

MEXICO

[Original: Spanish]

1. The Government of Mexico, as it has stated in the debates in the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, recognizes the primary, but not exclusive, responsibility of the Security Council for the maintenance of international peace and security, under Articles 11, 14, 24 and 52 of the Charter.

2. Accordingly, the Government of Mexico considers that the Security Council must be in a position to fulfil the preventive role entrusted to it by Article 34 of the Charter. Member States should systematically turn to the Security Council to avert and defuse crises at the very outset, thus preventing them from degenerating into violence. It is also necessary to increase the Organization's general capability to gather information about situations that are potentially dangerous to international peace and security.

3. In this connection, the Government of Mexico would welcome a review of the procedures of the Security Council to enable it to take decisive action in any situation likely to cause a breach of international peace and security. The new procedures might include the following:

(a) Periodic meetings of the Security Council to review the international situation;

(b) Security Council meetings bringing together ministers for foreign affairs or heads of State or Government to discuss questions of particular importance to the maintenance of international peace and security;

(c) Sending fact-finding missions, entrusted with an appropriate mandate, to look into developments or verify information before the Council concerning regions of possible tension, and to prevent any aggravation of a situation of conflict, in accordance with Article 29 or 34 of the Charter;

(d) Strengthening peace-keeping operations;

(e) Reactivating the role of the Secretary-General within the framework of the powers conferred on him by Article 99 of the Charter. In an effort to prevent a given situation of conflict from deteriorating, it would be desirable for the Secretary-General to take the initiative of contacting the States concerned;

(f) Holding informal consultations with the parties directly involved in settling a dispute. States should resort to this process of quiet diplomacy early in a conflict, and both the Security Council and the Secretary-General should respond immediately by offering their good offices or other means at their disposal;

(g) Support, as and when appropriate, for efforts undertaken at the regional level to avert conflicts in the region in question.

PERU

[Original: Spanish]

1. The Peruvian Government has formulated its views and comments on the implementation of resolution 38/191 entitled "Implementation of the collective security provisions of the Charter of the United Nations for the maintenance of international peace and security".
2. In this connection, the Peruvian Government welcomes the decision to establish an Ad Hoc Committee for the purpose of exploring more appropriate and effective ways and means of implementing the collective security provisions of the Charter.
3. This attitude is consistent with the support expressed by the Peruvian delegation for the agreements embodied in the aforementioned resolution and with Peru's concern at the present dangerous tendency by States to use force in international relations, in violation of the principles of the Charter.
4. It is therefore necessary to explore new ways and means of enhancing the capability of the United Nations to strengthen the collective security system, which is vulnerable because most conflicts involve the interests of the great Powers, with the result that the permanent members of the Security Council bring their antagonisms into the Council.
5. We share the often-expressed view of the Secretary-General of the United Nations that Governments need now more than ever a viable collective security system in which they can have real confidence.
6. Accordingly, the Ad Hoc Committee should concentrate on exploring ways of making the functioning of the Security Council more rational and more effective, with a view to preventing further damage to its credibility and effectiveness by the veto or the non-implementation of its resolutions. In other words, the aim should be better regulation of the functioning of the Security Council so as to enable it to fulfil satisfactorily its noble responsibilities in accordance with the United Nations Charter.



7. The proposed Committee should be established on the basis of equitable geographical representation so that the interests and aspirations of various countries or regions would be reflected. In the light of the present situation in which the world is witnessing antagonisms and regional wars, the Committee should review and redesign the collective security machinery. In this it should be guided by the very *raison d'être* of the United Nations, which is to provide States, large and small, with a means of collective security so as to permit peaceful coexistence and genuine co-operation among States.

#### PORTUGAL

[Original: French]

1. Portugal attaches very great importance to the collective security provisions of the Charter of the United Nations, since they are destined to play a significant role in the efforts of the international community for the maintenance of peace and security. For 38 years, their application has unfortunately been neither easy in itself nor facilitated by others - a fact which weakens the efficacy of the provisions themselves and causes frustrations harmful to the easing of international relations.

2. The Portuguese Government shares the concern of those who consider a radical change in that state of affairs to be both necessary and urgent. Such a change must, however, take place within the general framework of efforts to strengthen the role of the United Nations in the maintenance of international peace and security. This is because the collective security provisions are an integral part of the Charter as a whole.

3. The mere creation of a new organ will not suffice and may even complicate efforts made to the same end by other United Nations organs. A more appropriate framework could be found in the mandate of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, which would be able to guarantee respect for the universality and balance which must characterize efforts to achieve the objective in question. Portugal would nevertheless welcome the establishment of a working group within the Committee with a mandate to address itself to the matter on a priority basis, given the importance of the collective security provisions of the Charter.

4. It is to be noted, moreover, that the recommendations contained in General Assembly resolution 37/119 of 16 December 1982, which was adopted without a vote, still have possibilities which have not yet been fully exploited. In order to do so and to make a contribution to the solution of the difficulty under consideration, the Security Council must continue to study the problems surrounding the effective implementation of the collective security provisions of the Charter. Since this organ is the principal one responsible for their practical implementation, the conclusions it reaches could have immediate beneficial effects and would also be a very useful contribution to the work of the Special Committee on the Charter of the United Nations.

SENEGAL

[Original: French]

1. The collective security provisions of the Charter of the United Nations are formulated in a set of clear and precise articles. Therefore the only problem preventing their implementation is, in our view, the lack of unity of purpose among the permanent members of the Security Council which, indeed, seem never to agree on the effective implementation of those provisions. There is also the fact that, on the rare occasions when the Council has taken unanimous decisions to safeguard international peace and security (as in the case of the Israeli aggression against Lebanon, for example), its resolutions have ultimately remained a dead letter.

2. Hence the problem of the credibility of the Council, which must not only take appropriate steps to prevent and resolve conflicts as soon as they arise but must also ensure that its decisions are properly applied. As it happens, however, the system is so designed that it cannot function effectively without a certain amount of agreement among the permanent members of the Council.

3. Unless the system is changed, the Ad Hoc Committee should, in our view, give attention, inter alia, to:

(a) The consideration of existing machinery and methods of work and, if necessary, propose new ones, so as to strengthen the authority and the enforcement powers of the Security Council under the Charter;

(b) Consideration of the advisability of holding regular Council meetings, under Article 28 of the Charter, at a ministerial or higher level to enable it to play a more active role in the prevention and settlement of conflicts.

4. Ultimately, the objective must be to convince States that the Council will intervene rapidly and effectively in situations involving a threat to international peace and security, and thus encourage them to resort more systematically to the United Nations system.

SUDAN

[Original: Arabic]

1. The situation with respect to international peace and security is in a process of constant deterioration because of the arms race and repeated recourse to the threat or use of force. This state of affairs poisons the international atmosphere, has a negative effect on all aspects of international political relations and places obstacles in the way of the practical implementation of peaceful coexistence among States as laid down in the Charter of the United Nations. An observer of the situation with respect to international peace and security can clearly see the enormous distance separating the present status of international relations and the achievement of that security to which the peoples of the world aspire. The problems experienced by this planet are becoming

increasingly complex and the focuses of tension and conflict in the world have, through their negative repercussions, begun to threaten the security and safety of the entire world.

2. More than at any other time in the past, the present situation with respect to international peace and security calls for a strengthening of the security role played by the United Nations and, in particular, of the role of the Security Council, which bears fundamental responsibility for the maintenance of international peace and security. Article 1 of the Charter refers to effective collective measures for the maintenance of international peace and security. Among such measures are those laid down in Chapter VII, in Article 43 of which Member States undertake the following:

"to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.

"Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided."

3. Article 43 also stipulates that "The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes". It might perhaps also be useful to recall that the agreements for which the Security Council is required to call in accordance with Article 43 of the Charter are to provide the Security Council with the resources necessary to maintain international peace and security, resources the use of which would be based upon the decisions of the Security Council itself in accordance with Article 27 of the Charter.

4. It is truly saddening that, in spite of the continuing deterioration in the situation with respect to international peace and security, such measures, which are the foundation of collective security, are still far from being implemented. The Sudan wishes to reaffirm that the implementation of collective security measures continues to represent the only way to ensure that the United Nations will perform its basic duty of preserving international peace and security, bearing in mind that such implementation would constitute a protection for small and weak States and would conserve the enormous resources squandered in the arms race and in the use of force.

5. Proceeding from this premise, we commend the report of the Independent Commission on Disarmament and Security Issues and agree with the Commission in all of its recommendations concerning the implementation of the collective security measures laid down in the Charter. We believe, moreover, that these proposals represent a practical and effective basis for strengthening the security role of the United Nations.



6. The failure of a number of States to use the Security Council to settle disputes and preserve the peace, or their having recourse to the Council when the time for doing so has passed, threatens the basic goal for which the United Nations exists and the role it was hoped it would fulfil. It must nevertheless be recalled that recourse to the Council and appeals made to it must be accompanied by an assurance from the Council of its readiness to assume all of its responsibilities and by a commitment from those States which are permanent members of the Council to perform their duties to the same extent that they enjoy their rights within the Council.

7. Accordingly, the Sudan reaffirms its deep faith in the role of the United Nations in preserving international peace and security and its absolute belief in the appropriateness of collective security measures as a means of maintaining international peace and security. It likewise asserts its readiness to co-operate in action to facilitate the conclusion of agreements for the implementation of the collective security measures laid down in the Charter.

-----