



NOV 27 1984

SIXTH COMMITTEE
31st meeting
held on
Wednesday, 31 October 1984
at 3 p.m.
New York

SUMMARY RECORD OF THE 31st MEETING

Chairman: Mr. GOERNER (German Democratic Republic)

CONTENTS

TRIBUTE TO THE MEMORY OF MRS. INDIRA GANDHI, PRIME MINISTER OF THE REPUBLIC OF INDIA

AGENDA ITEM 121: OBSERVER STATUS OF NATIONAL LIBERATION MOVEMENTS RECOGNIZED BY THE ORGANIZATION OF AFRICAN UNITY AND/OR BY THE LEAGUE OF ARAB STATES: REPORT OF THE SECRETARY-GENERAL

AGENDA ITEM 131: UNITED NATIONS CONFERENCE ON THE LAW OF TREATIES BETWEEN STATES AND INTERNATIONAL ORGANIZATIONS OR BETWEEN INTERNATIONAL ORGANIZATIONS: REPORT OF THE SECRETARY-GENERAL

AGENDA ITEM 124: PEACEFUL SETTLEMENT OF DISPUTES BETWEEN STATES (continued)

AGENDA ITEM 133: REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION (continued)

*This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate fascicle for each Committee.

Distr. GENERAL
A/C.6/39/SR.31
8 November 1984
ENGLISH
ORIGINAL: FRENCH

The meeting was called to order at 3.30 p.m.

TRIBUTE TO THE MEMORY OF MRS. INDIRA GANDHI, PRIME MINISTER OF THE REPUBLIC OF INDIA

1. The CHAIRMAN said that it was his sad duty to inform the Sixth Committee of the tragic death of the Prime Minister of the Republic of India, Her Excellency Mrs. Indira Gandhi. The world was aware of the exceptional qualities of Mrs. Gandhi, who had devoted her whole life to the welfare of her people and to strengthening peace and friendship between the peoples of the world. Mrs. Gandhi had been strongly imbued with the ideals of the United Nations, as evidenced by her extraordinary contribution to the activities of the Organization, and she had also been a prominent figure in the Movement of Non-Aligned countries where, as its current chairman, she had taken a courageous stand against colonialism, racism and apartheid and in favour of fruitful and peaceful co-operation between peoples. The life and work of that great historic personality would forever remain in the memory of the international community. On behalf of the Sixth Committee, he expressed his condolences to the representative of India and through him to the Government and people of India and to Mrs. Gandhi's family.

2. On the proposal of the Chairman, the members of the Committee observed a minute of silence in tribute to the memory of Mrs. Indira Gandhi, Prime Minister of the Republic of India.

3. Mr. KEBRETH (Ethiopia), on behalf of the African States, Mr. AENA (Iraq), on behalf of the Asian States, Mr. GOROG (Hungary), on behalf of the Eastern European States, Mr. ROBINSON (Jamaica), on behalf of the Latin American States, and Mr. OLWAEUS (Sweden), on behalf of the Western European and other States, paid successive tributes to the memory of Mrs. Gandhi. They recalled how for many years, she had worked with devotion and courage for the progress and welfare of her people and to strengthen the role of her country in world affairs. She had been a pioneer of the Movement of Non-Aligned Countries, of which she had been the current chairman, and had helped to make non-alignment a dynamic force for peace in a world torn by conflict. The work of that great contemporary figure was a source of inspiration for all those who shared the ideals of peace and co-operation among peoples which she had defended so well.

4. Mr. RAO (India) expressed the deep gratitude of the Government and people of India to the Chairman of the Committee and to all the delegations which had spoken on behalf of the various regional groups for their moving words of sympathy. Mrs. Indira Gandhi had been a great leader and had not only served the interests of the Indian nation and people, but had also defended the interests of all the world's peoples. The current chairman of the Movement of Non-Aligned Countries and chairman of the latest Commonwealth Heads of Government meeting, she had been unremitting in her efforts in behalf of the survival of mankind, world peace and progress through mutual understanding between nations. With her death, India had lost a courageous and beloved guide and the world had lost an enlightened stateswoman and a tireless fighter for liberty and justice. His delegation would not fail to transmit the condolences of the Sixth Committee to the Government of India, the Indian people and the family of Mrs. Indira Gandhi.

/...

AGENDA ITEM 121: OBSERVER STATUS OF NATIONAL LIBERATION MOVEMENTS RECOGNIZED BY THE ORGANIZATION OF AFRICAN UNITY AND/OR BY THE LEAGUE OF ARAB STATES: REPORT OF THE SECRETARY-GENERAL (A/39/437)

5. Mr. FLEISCHHAUER (Under-Secretary-General for Legal Affairs, The Legal Counsel), introducing the report of the Secretary-General (A/39/437), recalled that the item under consideration had been included in the agenda of the thirtieth session of the General Assembly, in 1975, at the request of the Secretary-General. From its thirty-first to its thirty-fourth session, the General Assembly had deferred consideration of the item from year to year. At its thirty-fifth session, in resolution 35/167, it had invited all States which had not yet done so, in particular those which were hosts to international organizations or to conferences convened by, or held under the auspices of, international organizations of a universal character, to consider as soon as possible the question of ratifying, or acceding to, the Vienna Convention on the Representation of States in Their Relations with International Organizations of a Universal Character. It had also called upon the States concerned to accord to the delegations of the national liberation movements recognized by the Organization of African Unity and/or by the League of Arab States, and which were accorded observer status by international organizations, the facilities, privileges and immunities necessary for the performance of their functions in accordance with the provisions of the Vienna Convention.

6. At its thirty-seventh session, in resolution 37/104, the General Assembly had renewed its appeal to States and had also requested the Secretary-General to report to the Assembly at its thirty-ninth session on the implementation of the resolution.

7. By a note dated 25 March 1983, the Secretary-General had invited Governments to communicate to him the information and comments that they might wish to provide in order to contribute to the report requested in the last-mentioned resolution. That report, which the Committee had before it, reproduced the replies of Argentina, the Byelorussian Soviet Socialist Republic, Hungary, Mexico, Sri Lanka, the Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics.

8. Mr. AL-KHASAWNEH (Jordan), speaking on behalf of the Arab States, recalled that the Conference which had resulted in the 1975 Vienna Convention on the Representation of States in Their Relations with International Organizations of a Universal Character had, in the first resolution of its Final Act, requested the General Assembly to examine the question of the facilities, privileges and immunities to be accorded to national liberation movements in the context of international organizations. The Conference had also requested that the facilities, privileges and immunities necessary for the performance of their tasks should be accorded to those movements. The Group of Arab States considered that the facilities, privileges and immunities referred to in the Convention were of a functional nature and were also intended to facilitate multilateral diplomacy; it therefore considered that the accession of the greatest possible number of States to that Convention would enhance the effectiveness of international law at the multilateral level.

(Mr. Al-Khasawneh, Jordan)

9. In that connection, several members of the group of Arab States were giving very careful consideration to the possibility of ratifying the 1975 Convention, or of acceding to it. He also wished to point out that in the Arab States, whether or not they were parties to the 1975 Convention, the representatives of national liberation movements recognized by the Organization of African Unity and/or by the League of Arab States enjoyed more favourable treatment, in practice, than that provided for under the 1975 Convention.

10. Mr. ROVIERA (Cuba) said that the Republic of Cuba based its foreign policy on respect for the sovereignty and independence of States. At the same time, it remained absolutely faithful to the revolutionary movement and to the principle of solidarity between peoples. It was therefore natural that Cuba should once again express its support for the active participation, as observers, of the national liberation movements recognized by the Organization of African Unity and/or by the League of Arab States in all events and conferences of the United Nations and of the other international organizations.

11. In particular, Cuba recognized the importance of resolution 37/104, in paragraph 2 of which the General Assembly called upon States to accord to the delegations of the national liberation movements the facilities, privileges and immunities necessary for the performance of their functions in accordance with the provisions of the 1975 Vienna Convention on the Representation of States in Their Relations with International Organizations of a Universal Character.

12. In that connection, his delegation could only approve that initiative, which would lead to more active and direct participation by national liberation movements in the work of the various international bodies and provide further evidence of the authority and prestige enjoyed by those who were struggling for national independence against imperialism, colonialism, racism and apartheid.

13. Mr. RASUL (Pakistan) said that the adoption in 1975 of the Vienna Convention on the Representation of States in Their Relations with International Organizations of a Universal Character had marked a step in the right direction towards regulating relations between missions or delegations on the one side and the host States, whether of an international organization or of a conference convened by such an organization, on the other. His country was studying the convention with a view to deciding whether to become a party to it.

14. As a former colony which had suffered the injustices associated with colonial rule, his country had consistently espoused the cause of national liberation movements which were fighting to secure their right to self-determination. His delegation understood that according privileges and immunities to the national liberation movements recognized by the Organization of African Unity and/or by the League of Arab States was a necessary requirement. Those movements had been granted observer status at the United Nations and were invited to participate in international meetings. In order to perform their tasks effectively, they had to be accorded the necessary privileges and immunities. That was why the Government of Pakistan had allowed the opening of a resident mission of the Palestine

/...

(Mr. Rasul, Pakistan)

Liberation Organization in Islamabad, which enjoyed the privileges and immunities necessary for the performance of its functions. His delegation would support the resolution which urged States to grant privileges and immunities to the national liberation movements recognized by OAU and/or by the League of Arab States.

AGENDA ITEM 131: UNITED NATIONS CONFERENCE ON THE LAW OF TREATIES BETWEEN STATES AND INTERNATIONAL ORGANIZATIONS OR BETWEEN INTERNATIONAL ORGANIZATIONS: REPORT OF THE SECRETARY-GENERAL (A/39/491)

15. Mr. FLEISCHHAUER (Under-Secretary-General for Legal Affairs, The Legal Counsel), introducing the report of the Secretary-General (A/39/491), traced the history of the subject since the International Law Commission, in the report on the work of its thirty-fourth session, had submitted its draft articles on the law of treaties between States and international organizations or between international organizations to the General Assembly at its thirty-seventh session. The General Assembly had decided initially that an international convention should be concluded on the basis of the draft articles adopted by the International Law Commission (resolution 37/112 of 16 December 1982), and later, that a conference of plenipotentiaries should be convened not earlier than 1985 and that the Assembly would decide the date and venue of the conference, as well as the question of participation in it, at its thirty-ninth session. The Assembly had further invited States and the principal international intergovernmental organizations that had not already done so to submit, not later than 1 July 1984, their written comments and observations on the subject (resolution 38/139 of 19 December 1983).

16. The report of the Secretary-General (A/39/491) reproduced the comments and observations received from Peru and Viet Nam as well as those of UNESCO. FAO, ILO and WHO had indicated that at the current stage they had no additional comments to make on the draft articles. Further, the Commonwealth Secretariat had indicated that, while following developments in the exercise closely, it would not be making any comments or observations. He also recalled that the Assembly, at its thirty-eighth session, had had before it document A/38/145 and Add.1, containing the comments and observations of 13 Governments and 9 international intergovernmental organizations.

17. In implementation of paragraph 6 of resolution 38/139, consultations on the draft articles had been organized for which the Secretariat had provided the necessary meeting rooms and facilities after preliminary contacts with delegations from all regional groups. A general understanding had been reached that the consultations were to be open-ended and entirely informal and would cover both questions of substance and procedural and organizational matters, their sole aim being to help individual States and delegations to define the positions they would take at the time of the conference through the exchange of views with other delegations.

18. He had himself ensured liaison and the exchange of information, mainly with respect to procedural issues and the organization of the conference, between organizations of the United Nations system and the delegations participating in the

/...

(Mr. Fleischhauer)

consultations in New York. He had also informed Mr. Paul Reuter, the International Law Commission's Special Rapporteur on the draft articles, about the results of the consultations.

19. The consultations had covered three main areas: the substance of the draft articles, the final clauses of the proposed convention and the organization of the conference at which it would be adopted.

20. With respect to substance, the consultations had identified three main areas of problems relating, first of all, to a basic difference in the approach to international organizations as subjects of international law; secondly, to the parallels between the draft articles and the 1969 Vienna Convention on the Law of Treaties; and thirdly, to some specific difficulties presented by individual articles.

21. With respect to the issue of parallels between the two instruments, the main concern expressed had been that at the proposed conference, problems of a general nature might be raised concerning the Law of Treaties, rather than problems of particular relevance to treaties of or with international organizations, thus risking the introduction of divergences between the 1969 Convention and the future convention which might weaken the authority of international treaty law as such.

22. Concerning the second subject considered during the consultations, namely, the final clauses of a future convention, emphasis had been placed on the question of the possibility of international organizations becoming parties to the convention. It had been widely felt that participation by international organizations in the convention need not necessarily remain limited to organizations invited to participate in the conference. Entry into force had also been discussed, and likewise certain question concerning the formulation of reservations and the procedure for amending the convention.

23. So far as the organization of the conference was concerned, the discussions had focused mostly on the participation of international organizations. It had been envisaged that approximately 30 organizations which normally received invitations to comment on draft texts prepared by the International Law Commission, in particular those with the most extensive experience with regard to the conclusion of treaties, should be invited to the conference. Another issue discussed had been the procedural rights of the organizations invited to the conference, some delegations considering that the organizations should have full rights of participation except for the right to vote, while others believed they should merely act as observers. Finally, the question of the timing of the conference had also been raised but had not been settled. There had been a general feeling that thorough preparatory work for the conference was essential to ensure its success.

24. Mr. MUDHO (Kenya) said that his delegation, not having been able to take part in the consultations, was extremely interested in the Legal Counsel statement and would like to obtain a copy of it.

/...

25. Mr. FLEISCHHAUER (Under-Secretary-General for Legal Affairs, The Legal Counsel) said that the text of his statement would be distributed at the next meeting.

AGENDA ITEM 124: PEACEFUL SETTLEMENT OF DISPUTES BETWEEN STATES (continued)
(A/39/56-S/16231, A/39/59-S/16241, A/39/60-S/16242 and Corr.1, A/39/71-S/16262, A/39/95-S/16304, A/39/110, A/39/126-S/16394, A/39/134-S/16418, A/39/158-S/16445, A/39/163-S/16460, A/39/187-S/16489, A/39/203-S/16496, A/39/226-S/16522, A/39/318-S/16637, A/39/360, A/39/396-S/16697, A/39/413-S/16707, A/39/448-S/16723, A/39/473-S/16734, A/39/495-S/16742, A/39/550-S/16767, A/39/552-S/16769, A/39/561-S/16774, A/39/581-S/16782, A/39/593, A/39/596-S/16789; A/C.6/39/L.2)

AGENDA ITEM 133: REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION (continued)
(A/39/33, A/39/79 and Corr.1, A/39/180 and Corr.1, A/39/441; A/39/581-S/16782; A/C.6/39/L.2 and L.4)

26. Mr. ABDULLAH (Oman) said that the Charter of the United Nations was the expression of the hopes of humanity at the end of a devastating world war. The founder States of the Organization, in the Preamble to the Charter, had declared their wish for peace and had set forth the noble principles of peaceful coexistence and the maintenance of peace and security. Those principles remained fully relevant today. The Charter was still the supreme instrument regulating international relations and should be preserved as such.

27. For that reason, the work of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization assumed especial importance. A majority of delegations which had spoken had deplored the slow progress made by the Special Committee on essential subjects like the strengthening of international peace and security. They had, moreover, stressed the Organization's apparent inability to enforce respect in the world for the principles set forth in the Charter, to prevent conflicts and to put into effect resolutions adopted by both the General Assembly and the Security Council. His delegation was, however, convinced that the Organization remained capable of accomplishing its task as long as States had the political will to abide by the principles of the Charter, to co-operate in promoting those principles and to assist the Secretary-General in the task entrusted to him by the Charter in the field of the maintenance of peace and security.

28. In that respect, his delegation supported the initiative of the delegation of France, which had proposed the drafting of a handbook on the peaceful settlement of disputes between States. That handbook would be extremely useful in helping States to solve their conflicts, in particular small States little acquainted with the procedures and means of peaceful settlement of disputes. His delegation hoped that the Secretariat would be able to submit the draft handbook at the next session of the Special Committee.

29. His delegation also supported the proposal made by Nigeria, the Philippines and Romania concerning the establishment of a permanent commission on good offices, mediation and conciliation for the settlement of disputes and the prevention of

/...

(Mr. Abdullah, Oman)

conflicts among States (A/38/343, annex). It considered that that proposal constituted a useful basis for continuing work, but that it should be examined in greater depth in order to ensure that the provisions contained therein were not incompatible with certain provisions of the Charter. His delegation also hoped that document A/AC.182/L.38 would give a new impetus to the Special Committee's work.

30. Oman had always shown respect for the principles of the Charter and devotion to the Organization. It enjoyed friendly relations with its neighbours and in that context had, on 27 October 1982, concluded an agreement with Democratic Yemen establishing diplomatic relations between the two countries on the basis of the principles of respect for national sovereignty and the peaceful settlement of disputes. His delegation, convinced of the importance of the role that the Organization could and should play in the maintenance of international peace and security, attached the highest importance to the Special Committee's work and favoured renewal of its mandate.

31. Mr. MUBANGA-CHIPOYA (Zambia) said he thought that the founders of the United Nations would have been dismayed nowadays at the ineffectiveness of the organization in which they had reposed their hopes for future peace and security for humanity and their faith in respect for human rights. The Organization had undeniably achieved considerable success in many fields, but it was clearly losing ground, because of difficulties and weaknesses which the authors of the Charter might not have fully discerned.

32. Chief among the causes of that malaise were the lack of political will in some Member States, the drive for economic and ideological spheres of influence, the unbridled arms race and the resurgence of violent racism and apartheid in some parts of the world. In those circumstances, the General Assembly, as the biggest assembly of nations, was duty-bound to re-examine the constitution of the Organization, namely, the Charter, in order to find ways to resolve those burning problems while respecting the basic principles and Article 10 of the Charter.

33. In that regard, the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization had, considering the complexity of the problems connected with peace and security in international relations, accomplished notable successes. One piece of evidence for that was the tacit acceptance of the idea of a handbook on the settlement of differences, the proposal to create a permanent commission on good offices, mediation and conciliation for the settlement of disputes and the prevention of conflicts among States, which had received broad support including that of his delegation, as well as the debates in the Special Committee on the vital principles of jus gentium regarding non-use of force, sovereign equality of States, self-determination of peoples and good-neighbourliness between States.

34. Another positive result of the Special Committee's work was the appeal to the nuclear-weapon States to undertake not to be the first to use those weapons, not to use them against non-nuclear-weapon States, to encourage the formation of nuclear-free zones, to prevent proliferation of nuclear weapons and to work for nuclear disarmament.

/...

(Mr. Mubanga-Chipoya, Zambia)

35. However, those commendable efforts essentially concerned the prevention of conflicts, whereas it was necessary to find more direct ways to settle disputes. The corollary to the prohibition of the use of force enshrined in the Charter was that nations no longer possessed the archaic sovereign right to declare war other than in self-defence. It was questionable whether the authors of the Charter had intended that the Organization should watch helplessly when some Member States resorted to armed conflict against each other when preventive measures had not been able to prevail. The Organization should be able to have recourse to means other than preventive ones to preserve the peace. The Special Committee should be invited to examine that question, relying, if necessary, on the principle of State responsibility. While recognizing that the Charter was delicately balanced in the light of the need to preserve peace and security, his delegation considered that the Charter was not a sacrosanct document: changes in the world since it had been drawn up would be sufficient justification for amending it. The Charter should help to resolve difficulties rather than hinder their solution.

36. On the matter of the peaceful settlement of disputes, the Charter itself provided for that process. The current efforts of the Secretary-General regarding Cyprus might be considered an outstanding example of good offices, mediation or conciliation, and the proposal to create a commission on good offices was intended to extend similar efforts to include Members of the Organization. The proposal also provided an opportunity to consider those issues in more modern circumstances.

37. Justice was one of the main objectives of the Charter, and to that end access to the International Court of Justice should be made more widely available for the peaceful settlement of disputes; States with meagre resources should be able to have recourse more readily to that institution. Consideration should also be given to extending the jurisdiction of the Court to international organizations in well-defined specific cases. In that context it should also be possible to refer to the provisions of the Convention on the Law of the Sea regarding the settlement of disputes.

38. The question of the power of veto for permanent members of the Security Council should be fully considered. That power had too often been used for purposes far removed from the preservation of peace and security, and even to protect certain violations of the Charter instead of upholding it. In those circumstances, the power of veto was to blame for the total paralysis of the Security Council. That had probably not been the original aim of the founders of the Organization, and his delegation had the firm intention at an appropriate time to request full reconsideration of that whole matter in the Special Committee.

39. Mr. DROUSHIOTIS (Cyprus) said that the reason why the General Assembly had, in resolution 38/141, changed the mandate of the Special Committee on the Charter of the United Nations and the Strengthening of the Role of the Organization was that it had recognized that the Special Committee had been unable to carry out its tasks with regard to the maintenance of international peace and security. His delegation had always considered that the Special Committee's main task involved the maintenance of international peace and security and had regretted that it had been unable to achieve any results in that area.

/...

(Mr. Droushiotis, Cyprus)

40. The authority of the United Nations was measured by its ability to maintain international peace and security - its raison d'être and primary purpose. Its shortcomings in the maintenance of international peace and security took their heaviest toll on the non-aligned countries and the developing countries, especially those which were weak and unable to defend themselves and whose problems seemed to be permanently before the Security Council and on the agenda of the General Assembly.

41. His delegation had always felt that much could be done within the framework of the Charter to strengthen the role of the Organization, particularly in the maintenance of international peace and security. In that spirit, Cyprus, as a member of the Special Committee, had submitted several proposals with a view to ensuring the implementation of United Nations resolutions and the collective security provisions of the Charter. Recently, his delegation had requested the inclusion in the agenda of an item entitled "Implementation of the resolutions of the United Nations", which was to be considered in plenary meeting, and had supported the inclusion in the agenda of an item entitled "Implementation of the collective security provisions of the Charter of the United Nations for the maintenance of international peace and security", which had been allocated to the First Committee.

42. In the same spirit, his delegation would welcome a proposal for the creation of an ad hoc committee to consider the role of the United Nations in the maintenance of international peace and security, as suggested by the representative of Egypt, Mr. El-Araby.

43. While, in the past, the Special Committee had been unable to make progress in its work on the maintenance of international peace and security, the situation had changed at its 1984 session, as a result of its new mandate and the praiseworthy initiative of six of its members, Belgium, the Federal Republic of Germany, Italy, Japan, New Zealand and Spain, which had submitted a constructive working paper on the subject (A/AC.182/L.38). His delegation, which represented a non-aligned country in the Special Committee, hoped that the members would display the necessary flexibility so that the Special Committee might rapidly achieve positive results on the question of the maintenance of international peace and security. The task was difficult but could be accomplished if the necessary political will and spirit of co-operation prevailed.

44. On the question of the peaceful settlement of disputes among States, the Special Committee had already achieved practical results, as could be seen from the adoption by the General Assembly of the Manila Declaration on the Peaceful Settlement of International Disputes. Nevertheless, it was not enough for States Members to adopt instruments reaffirming their commitment to the purposes and principles of the Charter - they also must observe and apply them effectively. There was often a gap between the purposes and principles of the Charter and the actions of States in their international relations. It was for the Special Committee, through practical measures, to work towards bridging that gap.

/...

(Mr. Droushiotis, Cyprus)

45. In that connection, the proposal submitted by Nigeria, the Philippines and Romania for the establishment of a permanent commission on good offices, mediation and conciliation for the settlement of disputes and the prevention of conflicts among States was a positive step; as revised, that proposal deserved to be studied and considered more thoroughly. For its part, his delegation was prepared to examine it fully in the Special Committee.

46. As could be seen from the agreement reflected in paragraph 133 of the Special Committee's report (A/39/33), the Special Committee had made substantial progress with respect to the handbook on the peaceful settlement of disputes between States, the preparation of which had been proposed by France. His delegation hoped that rapid progress would be made in drafting the handbook so that it might soon be completed.

47. On the question of the rationalization of procedures of the United Nations, his delegation considered that the Special Committee, whose conclusions were contained in paragraph 151 of the report, had completed its work in accordance with the mandate given it by the General Assembly in paragraph 3(c) of resolution 38/141.

48. In conclusion, he said that his delegation favoured the renewal of the mandate of the Special Committee so that it could, in particular, continue its work on all aspects of the question of the maintenance of international peace and security.

49. Mr. GOLOB (Yugoslavia) said that, since its establishment 10 years previously, the Special Committee on the Charter of the United Nations and the Strengthening of the Role of the Organization had not been able, in all areas, to fulfil its mandate satisfactorily. That was a consequence of the development of international relations, the stalemate in negotiations on substantive issues and the overall deterioration of the international situation. The results depended directly on the political will of States to face the serious problems confronting the international community and the United Nations and to contribute to their solution.

50. The foundations of the Organization were as strong as ever and the purposes and principles of the Charter had lost none of their value. In fact, more than ever before, the United Nations should be an effective forum for harmonizing the actions of States with a view to achieving common goals. The crisis which some felt existed in the Organization was only the reflection of the real crisis in the system of international relations. Trends towards bilateralism were damaging multilateralism, which was the basis for the democratization of international relations and which alone permitted equitable dialogue and negotiations with a view to solving crucial international issues.

51. While it was true that the effectiveness of the Organization could be strengthened only through an improvement in the international climate, it was within the Organization that efforts should be made to change the international situation, since the United Nations was the only organization in a position to alleviate the consequences of the situation and to promote changes aimed at strengthening peace, security and co-operation. That was even more true as increasing interdependence called for the establishment of mutually advantageous

/...

(Mr. Golob, Yugoslavia)

co-operation for the more rapid economic development of all countries, particularly the developing countries. It was for those reasons that many countries, like the non-aligned countries since their first summit conference, held at Belgrade in 1961, were making consistent efforts to strengthen the role of the Organization and make it more effective.

52. Without the joint efforts of all States, particularly the permanent members of the Security Council, there could be no significant changes or results in the work of the Organization. Patience, effort and a sense of responsibility were required. That was why his delegation highly appreciated the efforts made to that end by the Secretary-General.

53. The Charter remained the basic and the most important international legal document. It should not be changed: it should be applied. The unanimity rule among the permanent members of the Security Council should serve precisely to ensure the effective and efficient implementation of the provisions of the Charter and not to legalize their breach. In addition, there must be strict compliance not only with the provisions of the Charter but also with the conventions, declarations and resolutions the United Nations had adopted.

54. In that respect, the work of the Special Committee had generally been positive. Although the absence of political will on the part of some Member States had sometimes prevented the Special Committee from fulfilling the tasks entrusted to it, it had nevertheless never attempted to threaten the authority of the Charter. On the contrary, it had always endeavoured to consider and recommend measures which would ensure, through the effective functioning of the Organization, the consistent compliance by all Member States with the spirit and letter of the Charter. The preparation and adoption of the Manila Declaration on the Peaceful Settlement of International Disputes and the consideration of the list of proposals regarding the maintenance of international peace and security showed that the Special Committee was fully capable of fulfilling new and complex political and legal tasks.

55. With regard to the maintenance of international peace and security, his delegation felt that the working paper submitted by Belgium, the Federal Republic of Germany, Italy, Japan, New Zealand and Spain at the last session of the Special Committee (A/AC.182/L.38) should make it possible to assign new preventive functions to the Security Council, the General Assembly and the Secretary-General in the maintenance of international peace and security. That initiative would encourage all Member States, particularly the permanent members of the Security Council, whose representatives actively participated in the consideration of the questions on the agenda of the Special Committee, to co-operate in the search for substantial and generally acceptable solutions.

56. The proposals submitted to the Special Committee at its previous sessions should also be taken into account. Of particular importance in that regard were the proposals made by the non-aligned countries concerning various aspects of the activity of the United Nations in the maintenance of international peace and security and the proposal to limit the application of the rule on unanimity of the

/...

(Mr. Golob, Yugoslavia)

permanent members of the Security Council, which had been submitted by Egypt on behalf of the members of the Special Committee that were members of the non-aligned movement. Such an approach should enable the Special Committee to make substantial progress in that area and it seemed essential that, in view of the current situation, that the Special Committee should speed up its work.

57. That need was evident in view of the current critical state of international relations: relevant organs of the United Nations, particularly the Security Council, were not adequately carrying out the mandate entrusted to them under the Charter of the United Nations. The ultimate objective of the Organization was to ensure the maintenance of international peace and security and respect for the independence, territorial integrity and sovereign equality of States. The Special Committee should, therefore, aim at its next session at adopting concrete proposals and recommendations concerning the maintenance of international peace and security and thus contribute to the enhancement of the effectiveness of the United Nations.

58. The second question before the Special Committee was closely connected with the first: the peaceful settlement of disputes was one of the prerequisites for the maintenance of international peace and security. In that connection, the proposal submitted by Nigeria, the Philippines and Romania for the establishment of a permanent commission on good offices, mediation and conciliation for the settlement of disputes and the prevention of conflicts among States was very important and should be given careful consideration. The elaboration of a handbook on the peaceful settlement of disputes between States would also be very useful for all States.

59. Noting that the Special Committee, at its last session, had been able to adopt a number of conclusions on the rationalization of existing procedures of the United Nations, which was the third question under consideration, he said that his delegation believed that the results of the Special Committee's work would soon be applied in practice, as they urgently need to be.

60. In view of the importance of the questions considered by the Special Committee and the need to create conditions for overcoming the crisis in multilateral negotiations, his delegation supported the renewal of the mandate of the Special Committee and expressed the hope that in 1985, the year of the fortieth anniversary of the establishment of the Organization, it would be able to work in a constructive atmosphere, endeavouring to find the means of strengthening the role and enhancing the effectiveness of the United Nations. Yugoslavia would do its best to contribute to the achievement of that goal.

61. Mr. MAHMUD (Bangladesh) said that his Government shared the view expressed by other delegations that strict adherence to the Charter of the United Nations, the fundamental principles of international law and the principles of the sovereign equality, political independence, and territorial integrity of States and the right of peoples to self-determination without foreign interference were prerequisites for the establishment and maintenance of international peace and security.

/...

(Mr. Mahmud, Bangladesh)

62. In keeping with its commitment to the purposes and principles of the Charter of the United Nations, Bangladesh was convinced that the principles of non-use of force and the peaceful settlement of disputes between States were of crucial importance in order to ensure the maintenance of international peace and security, strengthen the role of the United Nations and enable it to carry out its responsibilities under the Charter.

63. His delegation therefore believed that States must: first, renounce the threat or the use of force against other States and undertake to settle their disputes without resorting to force and in accordance with the Charter; secondly, reaffirm their commitment to conduct their international relations on the basis of the principles, purposes and provisions of the Charter, particularly with regard to integrity, political independence and non-interference in the internal affairs of other States; and thirdly, reaffirm that the right of self-defence could be exercised only in accordance with the provisions of the Charter.

64. His delegation believed that every effort should be made to prevent conflicts by using all possible means, such as strengthening the early warning capacity of the United Nations through information gathering and monitoring, fact-finding missions and the systematic use of information at its disposal. Although that was not always easier, preventing a potential conflict was certainly preferable to stopping an ongoing conflict.

65. In that regard, quiet diplomacy and good offices of the Organization were of particular importance and his delegation felt that States should approach the United Nations at the earliest possible time, and not as a last resort, to enable it to resolve disputes and defuse potentially dangerous situations. The approach, however, should be comprehensive and acceptable to the parties to the conflict. The sovereignty of the States to the dispute must be respected and they must be able to choose freely between the various means of settlement at their disposal.

66. The question of the peaceful settlement of disputes was indissolubly linked to the question of the maintenance of peace and security. In that connection, States should endeavour to strengthen the capability of the United Nations to act more effectively and less formally in finding solutions to international disputes by means of on-going contacts with the States in order to promote negotiated settlements between the parties. Experience showed that the procedure of good offices, mediation and conciliation, although difficult to institutionalize, was one of the best methods of putting an end to a dispute without resorting to armed force. Furthermore, it was encouraging that the Special Committee had decided by consensus that the Secretary-General should be requested by the General Assembly to prepare, on the basis of the outline drawn up by the Working Group, a draft handbook on the peaceful settlement of disputes.

67. The proposal to establish a commission on good offices, mediation and conciliation for the settlement of disputes and the prevention of conflicts among States raised certain questions, such as the relationship of such a commission with the General Assembly, the Security Council and the Secretary-General, the nature

/...

(Mr. Mahmud, Bangladesh)

and composition of such a body and whether it would succeed, in the matter of its role, any existing United Nations machinery. The Special Committee should thoroughly study those questions and arrive at a consensus on the question of establishing such a commission. In that regard, States should be careful and open-minded. Bangladesh appreciated the fact that the Special Committee, in its report, had highlighted the various issues and questions which that proposal involved and was convinced that the Special Committee would give them due consideration before making any recommendation on the establishment of such a commission.

68. The fact that the Special Committee had formulated only 12 proposals concerning the rationalization of existing procedures of the United Nations merely indicated that it had always endeavoured to reach a consensus in dealing with its task. Nevertheless, his delegation felt that the Special Committee should in future consider the question further and try to reach a consensus on other proposals. Lastly, his delegation believed that the work carried out by the Special Committee on the three questions under consideration was quite comprehensive and it hoped that the Special Committee would be able to reach a consensus in order to achieve acceptable results in those three areas.

The meeting rose at 5.30 p.m.