



**REPORT
OF THE
AD HOC COMMITTEE
ON THE CHARTER
OF THE UNITED NATIONS**

GENERAL ASSEMBLY

OFFICIAL RECORDS: THIRTIETH SESSION

SUPPLEMENT No. 33 (A/10033)

UNITED NATIONS



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New York, 1975

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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REPORT OF THE AD HOC COMMITTEE ON THE
CHARTER OF THE UNITED NATIONS

1. At its 2323rd plenary meeting, on 17 December 1974, the General Assembly, on the recommendation of the Sixth Committee, 1/ adopted resolution 3349 (XXIX), which reads as follows:

"The General Assembly,

"Recalling its resolutions 992 (X) of 21 November 1955 and 2285 (XXII) of 5 December 1967 concerning the procedure for the review of the Charter of the United Nations,

"Recalling further its resolutions 2552 (XXIV) of 12 December 1969, 2697 (XXV) of 11 December 1970 and 2968 (XXVII) of 14 December 1972 entitled "Need to consider suggestions regarding the review of the Charter of the United Nations",

"Taking note of the observations which were submitted by Governments in response to the inquiry made pursuant to resolutions 2697 (XXV) and 2968 (XXVII) and which are set out in the reports of the Secretary-General,

"Having heard the views expressed by Member States concerning the need to consider suggestions regarding the review of the Charter of the United Nations during the consideration of the item at various sessions of the General Assembly, including the twenty-fourth, twenty-fifth, twenty-seventh and twenty-ninth sessions,

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

"1. Decides to establish an Ad Hoc Committee on the Charter of the United Nations, consisting of 42 members to be appointed by the President of the General Assembly with due regard for the principle of equitable geographical distribution, with the following aims:

"(a) To discuss in detail the observations received from Governments;

"(b) To consider any additional, specific proposals that Governments may make with a view to enhancing the ability of the United Nations to achieve its purposes;

"(c) To consider also other suggestions for the more effective functioning of the United Nations that may not require amendments to the Charter;

1/ Official Records of the General Assembly, Twenty-ninth Session, Annexes, agenda item 95, document A/9950.

"(d) To enumerate the proposals which have aroused particular interest in the Ad Hoc Committee;

"2. Invites Governments to submit or to bring up to date their observations pursuant to General Assembly resolution 2697 (XXV), if possible before 31 May 1975;

"3. Invites the Secretary-General to submit to the Ad Hoc Committee his views, as appropriate, on the experience acquired in the application of the provisions of the Charter with regard to the Secretariat;

"4. Requests the Secretary-General to prepare, for the use of the Ad Hoc Committee, an analytical paper containing the observations received from Governments and the views expressed at the twenty-seventh and twenty-ninth sessions;

"5. Requests the Ad Hoc Committee to submit a report on its work to the General Assembly at its thirtieth session;

"6. Decides to include in the provisional agenda of its thirtieth session an item entitled 'Report of the Ad Hoc Committee on the Charter of the United Nations'."

2. Under the terms of paragraph 1 of the above resolution, the President of the General Assembly, after appropriate consultations, appointed the following 42 Member States as members of the Ad Hoc Committee: Algeria, Argentina, Brazil, China, Colombia, Congo, Cyprus, Czechoslovakia, Ecuador, El Salvador, Finland, France, German Democratic Republic, Germany (Federal Republic of), Ghana, Greece, Guyana, India, Indonesia, Iran, Italy, Japan, Kenya, Liberia, Mexico, Nepal, Nigeria, New Zealand, Pakistan, Philippines, Poland, 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 and Zambia.

3. The Ad Hoc Committee on the Charter of the United Nations met at United Nations Headquarters from 28 July to 22 August 1975. All the States members of the Ad Hoc Committee took part in its work.

4. At its first and second meetings, held on 28 and 29 July 1975, the Ad Hoc Committee elected the following officers:

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

Vice-Chairmen: Mr. Mario Alemán (Ecuador)
Mr. Edward W. Blyden, III (Sierra Leone)
Mr. Bernhard Neugebauer (German Democratic Republic)

Rapporteur: Mr. Lauro L. Baja, Jr. (Philippines)

5. The session was opened on behalf of the Secretary-General by Mr. Erik Suy, the Legal Counsel of the United Nations. Mr. Yuri M. Rybakov, Director of the Codification Division of the Office of Legal Affairs, acted as Secretary of the Ad Hoc Committee.

6. At its second meeting, on 29 July, the Ad Hoc Committee adopted the following agenda (A/AC.175/L.1):

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 operative paragraph 1 of General Assembly resolution 3349 (XXIX).
6. Adoption of the report.

7. The Committee had before it two documents submitted by the Secretary-General in accordance with General Assembly resolution 3349 (XXIX), namely: (a) an analytical paper containing the observations received from Governments pursuant to General Assembly resolutions 2697 (XXV), 2968 (XXVII) and 3349 (XXIX), and the views expressed at the twenty-seventh and twenty-ninth sessions of the General Assembly (A/AC.175/L.2 and Corr.1 (English only)); and (b) a document on the experience acquired in the application of the provisions of the Charter with regard to the Secretariat (A/AC.175/L.3 and Corr.1 and A/AC.175/L.3/Add.1). A working paper, document A/AC.175/L.4 and Corr.1, on the organization of work was submitted by Mexico (annex II).

8. The Ad Hoc Committee devoted its 5th to 17th meetings, held between 4 and 20 August, to a general debate, during which the following 35 members made statements:

Algeria, Argentina, Brazil, China, Colombia, Congo, Cyprus, Czechoslovakia, Ecuador, France, German Democratic Republic, Germany (Federal Republic of), Greece, Guyana, India, Indonesia, Iran, Italy, Japan, Kenya, Mexico, New Zealand, Nigeria, Philippines, Poland, Rwanda, Sierra Leone, Spain, Tunisia, Turkey, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Yugoslavia and Zambia.

9. During the general debate the members of the Committee, in presenting their views, discussed also the observations received from Governments. Suggestions were furthermore made to enhance the ability of the United Nations to achieve its purposes together with other suggestions for the more effective functioning of the United Nations that may not require amendments to the Charter.

There was, however, a fundamental divergence of opinion on the necessity of carrying out a review of the Charter. Whereas many members stressed the view that amendments to the Charter or other improvements to the functioning of the United Nations were needed, there were a number of members who stressed that especially amendments to the Charter could only result in strain and damage to the Organization. Some of those members regarded however the consideration of proposals not requiring amendments to the Charter, either in the general context of the Committee or in particular organs of the United Nations as a feasible task.

In identifying the areas of activities of the United Nations which are most in need of consideration, several areas were mentioned by many members of the Committee. Whereas formal textual proposals were not made during this session and the general suggestions made in individual statements were not submitted to a wide discussion, the Committee considered that it was unable at this moment to enumerate proposals under paragraph 1 (d) of resolution 3349 (XXIX). However, the Committee agreed to present the statements made during the general debate as an annex to the present report.

The establishment of working groups and two sub-committees was discussed but the Committee did not take a decision on the matter.

Many members of the Committee were of the opinion that the General Assembly should allow the Committee to continue its work next year; the next session should be sufficiently long and summary records should be provided. Some members were opposed to this opinion. The possibility of creating an index to the reports prepared by the Secretariat was also discussed.

ANNEX I

Statements made during the general debate

ALGERIA

/Original: French/

We share the view that the review of the Charter is the most delicate question facing the United Nations. The subject is such a sensitive one that there is a constant tendency to evade the issue and to concentrate on interpreting the original thinking behind the Charter, although the vast majority of the present Members of the United Nations had no part in its formulation.

To be sure, the problem is not a new one. On the contrary, it has been a matter of concern since the very earliest days of our Organization. We must therefore find a solution, without necessarily setting in motion the process of over-all review of the Charter, provided for in Article 109.

The task to which our Committee must address itself will involve much paper-work. But it is not unreasonable at this stage of the proceedings to define the philosophic basis of our work.

Logically, the Algerian delegation should begin with a list of concrete proposals for strengthening the Charter and giving it an effectiveness which it appears to lack in many areas. For the time being, however, we shall refrain from making suggestions as to possible amendments to the Charter because we feel that we should first dwell upon some immediate aspects relating to the intrinsic activities of our Organization.

There is a tendency to forget that these very activities have come to undermine certain provisions of the Charter, perhaps, at times, because of various structural difficulties, but always because of a lack of political will on the part of certain influential Member States.

What has been the nature of the activities of our Organization in recent years? The answer is, all the debates which have been initiated within these walls.

These debates, which some ill-intentioned persons consider sterile, have always afforded Member States an opportunity to engage in dialogue, on a footing of equality, with all the other countries of the world, since they enable small countries as well as great to make their views known on major issues. And, naturally, these debates always result in the adoption of a number of important resolutions. There are some who feel that these resolutions are mere recommendations to be added to the stock of preceding recommendations. There are others who feel that these resolutions have come to constitute a veritable "law of the United Nations". Needless to say, the Algerian delegation belongs to the second group.

Of course, these United Nations decisions also find no favour with certain moralists or with those who want the Organization to fit the mould which certain members of the Security Council deem appropriate for it. This is simply a matter of disregarding the ever-increasing role played by a number of countries which, thanks to détente and decolonization, have made an effective contribution to the maintenance of an international equilibrium. It is also a matter of disregarding the fact that the contemporary world has undergone an irreversible evolution. Furthermore it is a matter of disregarding the fact that today's world is not yesterday's world, and the fact that that concrete reality must be the starting-point for any study of ways and means of strengthening the provisions of the Charter. The Charter must thus follow the evolution of history, constantly adaptive to changes in international life.

To our mind, the most urgent task is to work for the implementation of all the resolutions adopted by our Organization.

What are the obstacles standing in the way of such implementation? At what level are they to be encountered? At what stage in their implementation are these resolutions obstructed? The answers to those questions will determine the *raison d'être* of our Organization.

On many occasions we have dwelt on a subject which has always concerned us: the right of veto. Far be it from us to dispute the prerogatives of the great Powers or to cut into their privileges in order to share the morsels. We realize that necessary inequalities may exist, since it is for the great Powers to assume the role of vigilant watch-dogs and promoters of international peace. That is why the Charter of the United Nations granted them privileges, of which the exceptional burden borne by them is not the least.

Nevertheless, if the right of veto constitutes a privilege, it also entails duties and obligations which must be respected if international life is to proceed smoothly. It is hard to accept cases where a Power with the right of veto uses it for selfish ends and for the protection of unfair privileges which are incompatible with international peace and security.

We recently witnessed an instance of abuse of the veto privilege when the United States, in the Security Council, opposed the admission of the Republic of South Viet-Nam and the Democratic Republic of Viet-Nam to membership in the United Nations.

There are some who think that our work will produce meagre results. This lack of conviction is not necessarily lack of confidence. It may be that we have not adequately explained our intentions, which are consistently prompted by a high regard for the noble purposes and principles of the Charter. In any event, our actions should not be interpreted as moves designed to score points against this or that party. Basically, the weaknesses and short-comings of the Charter are due not to its Articles and its provisions, but to the non-implementation of resolutions - on Namibia, apartheid, the Middle East, to name only the most important - and to abuse of the right of veto, which will certainly have to be regulated one day.

At this preliminary stage, I wish to reiterate our interest in the subject and merely submit a few comments of a general nature regarding the position of my country and the substance of the matter:

My delegation was one of those which, from the beginning, supported the initiatives with regard to studying the possibility of amending the Charter of the United Nations. This attitude was basically motivated by two circumstances, which have already been mentioned here: the first circumstance is the length of time which has elapsed since the adoption of the instrument now in force and the second is the large number of important countries which have jointed the Organization in the recent years and whose impact is responsible for the new keynote in international relations. We felt then and we think now that there is a general need to give an opportunity to all Members of the Organization to express their views in the light of the experience gained and practice evolved over the years.

This position led my delegation to lend its full support, at the last session of the General Assembly, to the establishment of this Committee, while at the same time attaching due weight to the comments made by an important group of countries which on that occasion clearly expressed their opposition to this endeavour. The discussion held in the Sixth Committee, both with regard to procedural alternatives and to the substantive issue, was, moreover, enlightening and an analysis of that discussion suggests that it would be advisable for the time being to maintain a cautious and considered approach to the substance of the problem.

It is by showing a spirit of understanding that we shall make it possible for all the members of the Committee to participate in the common task and thus embark upon the study of the concrete proposals that have been made and their harmonization within the Charter.

There are two aspects on which I would like to touch briefly at the present juncture. The first has to do with the proposals made during the discussion. The second has to do with the organization of our future work. With regard to the proposals, all of them should be examined with attention and flexibility. Some, such as those relating to the obsolete language of some Articles of the Charter, should obviously give rise to no difficulties when it comes to the point of deletion, in spite of the symbolic significance which may be involved. Similarly, we feel that the restructuring of the Trusteeship Council should pose no problems, since that body has reached the final stages of its work. With regard to the machinery for the admission of new Members, we are in a position to endorse what was said by New Zealand a few days ago. In fact, to consider that membership in the Organization is a "duty" for States, is not only a sound concept but is by any reckoning consistent with the principle of universality, which my country firmly upholds and for which the members of the Security Council recently made a verbal declaration of support.

In the matter of peace-keeping operations, there are also many precedents to consider, as in the case of economic questions - a field in which the General Assembly has recently developed various new ideas.

With regard to the Security Council, the experience acquired over the years would appear to indicate that it would be advisable to contemplate some changes. A significant number of views was expressed to the effect that changes might be made in its composition. It must be stressed that any step in that direction - which we do not rule out - must be preceded by the most careful study, so as not inadvertently to interfere with the Council's freedom of action and upset the balance which has been kept from the time of San Francisco up to the present day.

This is one of the most delicate and controversial fields into which the Committee has ventured. It must be bluntly asked whether the suggestions made can help to improve the activities of that organ or whether, on the contrary, they will make it even weaker. In any case, we think that this particular question could be taken up when a greater degree of consensus has been achieved on matters less likely to occasion substantive differences of opinion at this initial stage of our work.

With regard to the organization of work, it would seem sensible to endeavour to identify points where changes might be made, assign them a priority and then consider them individually at all the various levels. The working paper submitted by the Mexican delegation contains interesting organizational suggestions on which we could base our future work.

BRAZIL

/Original: English/

Thirty years ago, in the aftermath of a global and bloody conflagration, this Organization was created with justified hopes "to save succeeding generations from the scourge of war". Brazil, a founding Member, imparted its immediate support to the purposes and principles enshrined in the Charter of the United Nations.

Even at the drafting of the document in San Francisco, my Government put forward a proposal, which, if approved, would have inserted in the Charter a process for its automatic and periodic revision. Current Article 109 reflected in some way the idea I just referred to.

Lengthy discussion, which started at the tenth session of the General Assembly, culminated last year with the adoption of resolution 3349 (XXIX), whose paragraph 1 establishes this Committee, entrusted with the mandate of reviewing our constituent instrument.

Admittedly, the topic before us is not a new one. We have already had the opportunity of hearing the views of quite a few Governments. For some, our exercise is a dangerous one, as we are dealing with something which represents the expression of an agreed but at the same time fragile international equilibrium, and for this reason should not be touched. Furthermore, voices warn us that a review might put in jeopardy the fundamental bases of our concert, namely the purposes and principles upon which this Organization was erected and today rests. I think we are all fully aware of how important, delicate and difficult is our subject-matter and it is in token of this very fact that I also believe that we will all proceed with caution and resolve in our business.

On the other hand, many Members have expressed their approval of the exercise, with a genuine preoccupation for the amelioration of our Organization, for its ability to live up to the expectations the international community has placed on its work and accomplishments. Going through the observations received from Governments and reproduced by the Secretary-General in documents A/AC.175/L.2 (Parts I and II) and A/10113, Add.1-3, one can detect a range of ideas, suggestions and proposals directed at reshaping the United Nations. Among these, I could mention the striking of a better balance between the Security Council and the General Assembly, the problem of the enforcement of resolutions of the main organs, the composition and functioning, including an overhaul of the unanimity principle, of the Security Council, the evolving of new approaches to human rights questions, the streamlining of the means for peaceful settlement of disputes, the new rights and obligations in the economic field, together with the concept of economic collective security, the dwindling role of the Trusteeship Council, the creation of a Council for Science and Technology and the persistence of obsolete provisions.

My quotation does not exhaust the field and does not necessarily indicate my Government's preference for one or another alternative. It is only natural that they should be the subject of a careful and open-minded scrutiny in the future labours of this Committee. This is, I submit, the best way to ascertain their possibilities of mustering widespread support, which is the undeniable prerequisite for triggering any process aimed at concrete modification.

Before concluding, let me add some words on the work of this Committee. It is my firm belief that our proceedings should be impressed with a measure of realism and confidence. No purpose would be served were attempts made to change the Charter by means of impositions or against the will of a significant minority of Members. On the other hand, inasmuch as this body has been established with the affirmative vote of two thirds of the membership, the opinions of such a majority should be duly respected in our deliberations.

A balance of the above considerations, as well as a mutual understanding among all parties, founded on the conviction of the permanent value of the purposes and principles of the United Nations, will be most necessary as we progress in the delineation of our task.

The review of the United Nations Charter is one of the major issues now facing the United Nations. During the last session, the United Nations General Assembly adopted a resolution by overwhelming majority to establish an Ad Hoc Committee on the Charter of the United Nations. Now the Committee is finally being convened on schedule. This is a result of the victorious united struggle waged by the numerous small and medium countries, first and foremost the third world countries. We wish the current session of the Committee positive progress.

In recent years, more and more countries in the world have attached importance to the question of the review of the Charter. Many Governments have expressed their principled stand on the question of the review of the Charter, some in the form of written notes, some in the statements made by their delegations at the meetings of the General Assembly. Judging from the countries that have already expressed their views, those which stand for or support the review and revision of the Charter evidently constitute the great majority. The representatives of many countries have pointed out that since the Charter was formulated 30 years ago, tremendous changes have taken place in the world and that as the Charter can no longer reflect these changes in a number of respects, it is only natural that necessary revision should be made in the Charter on the basis of adherence to the purposes and principles of the Charter. In our related statement at the last session of the General Assembly, the Chinese delegation clearly pointed out that since the formulation of the United Nations Charter, tremendous changes have taken place both in the world situation and in the United Nations itself and that, in particular, with its emergence and growing strength the third world is playing an ever more important role in international affairs. However, owing to super-Power control and obstruction, the United Nations has failed to reflect fully the just demand and views of the numerous third world countries. The Chinese Government firmly supports the reasonable stand and legitimate desire of the numerous third world countries and other small and medium countries for a change in the status quo of the United Nations and the necessary revision to its Charter, and we are ready to join other countries in a serious discussion of the question of the review and revision of the Charter. With the development of history, necessary revision must be made in the United Nations Charter. Only thus can it meet the needs of our time and reflect the changed world state of affairs.

However, there is a super-Power which, while stubbornly opposing the review and revision of the Charter, has gone so far as to slander those in favour of the review of the Charter as "reactionary forces", vilify the views favouring the revision of the Charter as designed "to undermine the United Nations from within" and even liable "to lead to a nuclear world war". The resort to such open bluff, intimidation and abuse not only shows up this super Power as being devoid of all arguments but reveals all the more clearly its vicious intent to continue practising power politics in the United Nations. It must be pointed out that today, when the third world is emerging with increasing strength and engaged in united struggle, it is impermissible for anyone to wield a stick, clamp down on democracy and act against the principle of equality among all countries, big or small. In our opinion, on the question of the review and revision of the United Nations Charter, the only correct approach is to engage in discussions by presenting the facts and reasoning things out.

The Chinese delegation has always held that the review and revision of the Charter is a very serious question of great importance that concerns the vital interests of the great number of States Members as well as the future of the United Nations. At present, quite a number of countries have already put forward ideas and proposals in principle in connexion with the review and revision of the Charter, and more proposals are bound to come up. It can be expected that the Ad Hoc Committee will have a lot of things to do in studying and discussing the proposals of various countries. The Chinese delegation hopes that this year the Ad Hoc Committee will start its work in this field and reflect the discussions and proposals in its report to the thirtieth session of the United Nations General Assembly, so that the General Assembly can further discuss the questions related to the review and revision of the Charter. The Chinese delegation is ready to work for positive results in the Ad Hoc Committee.

COLOMBIA

[Original: Spanish]

I shall postpone my discussion of Colombia's position, which was first stated in 1972, until later on in the debate when I shall explain it and supplement it with some further contributions, since we need to stress other aspects of the problem and draw attention to new conceptual gaps in the Charter.

Today I should like to refer in a general way to the task we have before us and place the various positions of the countries which have sent in their comments on the Charter in accordance with the resolutions adopted at the twenty-fifth, twenty-seventh and twenty-ninth sessions of the General Assembly.

First of all, it should be noted that the silence of many countries cannot be attributed to indifference or to a neutral attitude to the problem. Last year, we saw how expeditiously the draft resolution which became General Assembly resolution 3349 (XXIX), establishing this Committee and assigning it its tasks, was dealt with in the Sixth Committee, and transmitted to the plenary Assembly. Few discussions have been more active or given rise to so many expectations. Eighty-six countries voted in favour, precisely because they were convinced of the need to reform the Charter. Fifteen voted against, for various reasons, and 36 countries abstained because they had no definite opinion. It should therefore be borne in mind that this Committee is the outcome of a positive will to review the Charter and that we are not here to spend time on abstract considerations regarding the advantages or disadvantages of doing so.

We nevertheless need to dispel some unwarranted misgivings which are incompatible with conceptual clarity. These are evident when we read the almost identical comments of certain countries which base their arguments on the following reasoning: the Charter is the result of a broad political agreement reached at the end of the last World War and therefore reflects an interlying reality which transcends its legal significance. All its Articles are interrelated, and to change any one of them might mean undermining the corner-stone of the entire structure, that is, the principle of unanimity of the permanent members of the Security Council.

This kind of reasoning is by no means illogical. The San Francisco Charter not only marked the close of the war era and the opening of the era of peace, but

represented an attempt to create an active and developing instrument which would adapt to world circumstances. Therefore even at San Francisco voices were raised in favour of the periodic review of the Charter and accordingly Articles 108 and 109 were drafted and, in themselves, suffice to show that the Charter must not be considered taboo or an end in itself and that it is not by nature untouchable, but, on the contrary, is a legal instrument for the attainment of certain goals of paramount collective interest. This Committee must therefore dispel the fear of confronting a concrete reality such as the Charter and of comparing it with the only thing it can be compared with, namely, the general desire of all peoples to have an adequate instrument for the achievement of their political, social and economic aspirations in a setting of peace, security and equity. In order to reassure the small number of countries which fear that our labours might end in demolition, we must remind them that each and every one of the States Members of the United Nations is keenly interested in providing the Organization with ample means of achieving its goals. Moreover, fidelity to the spirit of San Francisco can be demonstrated not by disregarding today's realities but by revitalizing and modernizing yesterday's ideals. As Edmund Burke, the leading conservative philosopher said, whenever something is reformed, something is preserved. And that is precisely the task we have before us.

A reading of the official views shows that some countries are adopting a cautious attitude which can be summed up as follows: despite all its shortcomings, the Charter has, in nearly 30 years of existence, proved to be extraordinarily flexible and has made it possible to arrive at global declarations of the utmost importance and to achieve the universality of the institution. This suggests that it is advisable to undertake a very careful review of specific points, only where the necessity is clear, in which case these countries state that they are prepared to take part in the business of reform. It should be noted that this attitude is one-sided because it considers only what the Charter has made it possible to do and pays no attention to the many things that might have been accomplished with a broader and more effective revised instrument. The argument is thus self-defeating and one might say, how vigorous the spirit of the world community must be when, despite paralysis, successive obstacles and limitations to the Charter of the United Nations, these problems have been overcome and we are now witnessing a phenomenon similar to that occurring in the judicial system of various countries which, with old and obsolete codes, manage to produce verdicts, decisions and case-law far broader than the texts on which they are based. Moreover, to say that the Charter should be reformed only with extreme caution is commonplace, like asking hospital patients to undergo blood pressure tests, tests for clotting-time and tolerance to various anaesthetics, before performing surgery. A cursory glance at the Charter will show, for example, that Chapter IX, on international economic and social co-operation, does not reflect the new awareness of global interdependence and cannot be an adequate means of dealing with ecological deterioration, energy crises or protection of the prices of raw materials and manufactured goods. In that Chapter, international co-operation is defined vaguely as a charitable and minor activity.

Experience has also shown that Chapter X, on the Economic and Social Council, must be reviewed so that it can become a far more effective instrument of action.

Chapters XI and XII of the Charter are falling into disuse as a result of the general phenomenon of decolonization and the emergence of new nations, although there are Articles, such as Article 73, which are continually flouted by the racist

mentality of apartheid. It is, however, obvious that the Trusteeship Council is a moribund organ which could be changed into a different forum and cover activities which are now beyond the capacity of the Economic and Social Council.

Chapter XIV leads many countries to consider that it would be possible and advisable for the International Court of Justice to play a much more active role and have greater enforcement powers in the settlement of disputes.

Chapter XV, relating to the Secretariat, suggests that if this body is to have a more direct impact on the co-ordination and execution of economic and social programmes of international assistance and co-operation, as advised by the Group of Experts which recently studied a new structure for the United Nations, such a change would have to be incorporated in the Charter itself, and co-ordinated with the changes recommended for other organs of the Organization.

This is a good time to point out that document A/AC.175/L.3, which was received yesterday and is entitled "Views of the Secretary-General on the experience acquired in the application of the provisions of the Charter with regard to the Secretariat", prepared in accordance with paragraph 3 of resolution 3349 (XXIX), establishing this Committee, is more of an inventory of work carried out than an official view of the Secretariat on the way in which its structures operate in serving the community of Member countries and achieving the lofty aims of the Charter. It is therefore an inadequate and neutral document which neither reaffirms or suggests the best means of achieving the best results.

These considerations are intended to stimulate this discussion and to break the ice which seems to have formed in the Committee. It is true that we have not been very fortunate because the views of Governments were transmitted to us without any indexing as we all know, and this makes it very difficult to handle the material before us. Moreover, the lack of records means that impromptu statements will be confined to procedural matters. Nevertheless, I am optimistic because this is to be the first stage, devoted to the study of general trends which have emerged in our Committee, and to the selection of areas of work, will have to be completed later. Our most important task is to convey to the next General Assembly the undeniable fact that there is a great deal of work to be done and that this work cannot be quantified in terms of the volume of documentation we submit, but must be quantified in terms of the ideas we bring to the attention of that supreme body.

The debates in this Ad Hoc Committee have been characterized by the search for an approach to a task too broad in scope and requiring different but parallel procedures in accordance with General Assembly resolution 3349 (XXIX). There may be a false impression that we have been trying to avoid dealing with the substance of the problem. Earlier on, I made some comments of a general nature. Now, on the express instructions of my Government, I must reiterate Colombia's traditional position on specific matters. But I shall also make some new suggestions for the revision of the Charter.

Colombia whole-heartedly supports the principle of universality. The United Nations is by nature universal. My country has therefore suggested amending Article 4 by deleting the words "peace-loving", since it is assumed that all States which seek membership in the legal community of the United Nations ipso facto express their acceptance of the goals of the Organization and the principles on which it is based. And it is obvious that the most important of all these is the

maintenance of peace. The Charter itself, in Article 2, requires "good faith" in the fulfilment of the obligations accepted by the Members of the Organization. This and the sanctions of suspension and expulsion provided for in Articles 5 and 6 are adequate to safeguard the principles and rules against violations of the Charter or disruptive influences which might endanger the Organization.

In this connexion, Colombia also proposes that, if doubts arise in the Security Council or the General Assembly about the statehood of a country wishing to become a Member of the United Nations, the matter should be decided by the International Court of Justice. Accordingly, the General Assembly should define the general conditions for statehood. Where these conditions are met, it will be possible to determine that we are dealing with a sovereign legal entity which is capable of joining and fulfilling the obligations of the United Nations.

Logically, it would be necessary to eliminate the requirement referred to in Article 18, namely, that of a two-thirds majority vote in the General Assembly and unanimity among the permanent members of the Security Council for the admission of a new State, since membership is neither a gift nor a favour, but a full right of a country which becomes a State, joins the Organization and accepts its principles and rules.

This question leads to the so-called problem of mini-States. If the principle of universality is to be applied, none of these States can be rejected. Recognizing the enormous variety of possibilities, however, Colombia proposes instituting the status of "associated" State for States which have a minimal or reduced capacity as a result of such factors as population, territory or wealth. The status of "associated" State would involve the same duties as those of Member States, but without financial obligations and with the same rights, except for the right to elect and be elected.

At San Francisco, Colombia very reluctantly approved the veto system whereby unanimity of the five permanent members of the Security Council is required in votes on substantive matters, but it finally accepted it in a spirit of political realism as a reflection of the post-war situation. Thirty years later, it seems that the time has not yet come to abolish this undemocratic device which establishes an aristocracy of nations, conflicting with the principle of sovereign equality in so far as an attempt is made to interpret the established fact that there are differences in responsibilities. Colombia nevertheless urges that unanimity of the five members of the Council, that is, the veto, should not be required for appointments to fact-finding missions or commissions of inquiry or arrangements for humanitarian purposes. The Security Council would thus be stronger, and more flexible and effective, and would consequently gain in prestige.

Chapter VII of the Charter deals with the various steps and measures to be taken by the Security Council in the event of threats to the peace, breaches of the peace and acts of aggression. But practice shows that these provisions have been inadequate and that, contrary to the spirit of its founders, the United Nations has not been equal to one of its main obligations. My Government therefore proposes the establishment of a "permanent peace-keeping force". This will necessitate the drafting of an additional statute to form part of the United Nations Charter. It is obvious that the permanent members of the Security Council and the most powerful and wealthy countries will have to contribute on a priority basis to this task of

international pacification of conflicts. Fortunately, we already have a definition of aggression, which should be included in the Charter either verbatim or in summary form.

As a result of loss of applicability and rapid historical developments, Chapters XI, XII and XIII of the Charter have become irreparably anachronistic. The Trusteeship Council should be converted into a new body to be called the Human Rights and Trusteeship Council. Many questions of a social and humanitarian nature assigned to the Economic and Social Council could come within the purview of this body, whose size would obviously have to correspond to its most important new functions and to the rate of universalization.

We are witnessing the phenomenon of an Economic and Social Council which is functioning inefficiently because of the weight of its burden and the proliferation of satellite bodies, including world conferences originating from General Assembly resolutions. This overgrowth and proliferation has been paralleled by the decline and impoverishment of the Trusteeship Council. It is hardly rational to consider reforming these two bodies or redistributing and replanning their functions.

There have been radical changes in recent years. At the same time, the Organization has expanded with the culmination of the process of decolonization. And accelerated technological and scientific progress has created new goals and new challenges. As awareness has grown of the sovereign equality of States and of man's importance at the head of the scale of values and as the instrument of national and international action, the gap has widened between the developed nations and the nations at various stages of development. The rich industrialized countries have become more and more powerful and the poor countries have become poorer by comparison. This means that the goals of social well-being, dignity and security for the majority of nations are now virtually out of reach. This situation of progressive disadvantage and the race to catch up with a moving and unattainable target led to an instinctive regrouping of the weaker countries. Despite political divisions, there was a desire to bring about immediate improvements in living conditions and more equitable trade relations in order to realize the real value of goods and services. Circumstances such as the energy crisis helped to crystallize this diffuse state of awareness into specific proposals. This explains the Declaration and Programme of Action adopted at the sixth special session. That was a supreme moment in the life of the United Nations, and the future of the Organization and its success depends mainly on how it manages to reconcile the aspiration of the overwhelming majority of nations, expressed at that time, with necessary changes in attitude and approach by the countries which have been accumulating trade, technological and monetary privileges or which have immense natural wealth.

In the light of these facts, the list of the purposes of the United Nations contained in Article 1 of the Charter seems inadequate. Today it is not enough to maintain international peace and security or to promote a friendship among nations which is at odds with the diversity of social conditions among peoples. International co-operation viewed as lateral, rather than central, assistance is also inadequate. Today we must recognize what the world is seeking at heart. We must accept global interdependence as a new and radical development in a world which has grown denser and smaller as a result of the efforts of science and technology on the one hand, and population growth on the other hand. We must also introduce the concept of economic equity and to take account of the aspirations

manifested at the sixth special session of the General Assembly. In this connexion, Colombia advocates the broadening and revitalizing of Article 1 of the Charter.

We propose that Article 99 should be reformed so that the Secretary-General may not only bring matters to the attention of the Security Council, but also request the convening of that body if he considers it necessary, in order to study problems which, in his opinion, may pose a threat to international peace and security.

Having examined the contents of the Charter, Colombia is of the opinion that it is necessary to delete Article 53, which refers to "enemy States", because the term no longer has any real justification. It is also necessary to eliminate Article 106, which refers to a transitional situation and establishes machinery for consultations which has become obsolete as a result of developments and the amendments which are being proposed. Article 107 should also be deleted for similar reasons and because it constitutes an undesirable link with the circumstances prevailing in 1945. Paragraph 3 of Article 109 should also be deleted because it refers to an event which was due to occur 17 years ago, and its only useful purpose is to demonstrate that, at San Francisco, the founders considered the periodic and systematic review of the Charter to be essential.

The Statute of the International Court of Justice forms an integral part of the Charter. My country attaches the greatest importance to the activities of the Court, which is the supreme legal organ of the United Nations, but recognizes that there is no general feeling in favour either of the Court or its work. This creates an action vacuum which can be filled. In a desire to make this organ more effective, we suggest that the chambers which the Court may form in accordance with Articles 26 to 29 of the Statute should be made permanent bodies under the Statute, since it would be desirable to have permanent chambers for sea, air and financial law. My Government considers that, in addition to the summary procedure provided for in Article 29, time-limits should be established for the consideration of cases and a decision regarding them. Similarly, my Government is in favour of the possibility of forming regional chambers or courts as legal forums to reflect the law and traditional usage of the geographical and cultural areas of the world, which should be provided for in the Statute of the Court.

With regard to Chapter IV on advisory opinions (Articles 65 to 68), we feel that there should always be assessors, and that we need not necessarily follow the analogy of contentious jurisdiction on this point. We also consider that the Statute should provide for the establishment of time-limits for summary procedures in the case of advisory opinions on urgent matters, at the discretion of the parties requesting an opinion. Colombia fully supports the proposal to create a propitious climate for the inclusion in international treaties of the clause giving the Court jurisdiction in the settlement of any disputes which may arise in connexion with their application and interpretation.

I should like this statement which I have just made to be included by the Rapporteur in the report of the Committee to the next General Assembly, not only for the purpose of making my country's position clear, but also for the purpose of making a contribution to our collective effort and to the set of proposals being put forward here on the subject of the review of the Charter.

Our Committee has a very broad mandate. It is obvious that, at this stage, we are holding a general exchange of views and trying to identify problem areas in

accordance with the opinions expressed by Governments and voiced in this Committee. The delegations of Japan and Indonesia have provided a very clear analysis of the problem before us and of the methods of work we can use to solve it. It is, however, obvious that the Committee has been given only four weeks, in which it will be impossible to accomplish the tasks assigned to it in paragraph 1 of General Assembly resolution 3349 (XXIX). The Committee has therefore not been able to consider in detail the comments by Governments nor has it been able to deal with additional concrete proposals. Nor has it had an opportunity to consider other suggestions for the more effective functioning of the United Nations which might be followed without reforming the Charter. And, lastly, it will not be able to deal with proposals which have aroused particular interest here. All these points logically call for a further stage in our proceedings. Consequently, it is extremely important that the Committee's report to the General Assembly should be as detailed as it is analytical.

The delegation of Mexico has submitted a valuable document which calls for the establishment of two working groups, one to consider increasing the effectiveness of the United Nations system by means which do not require a review of the Charter, and one to deal with matters which require a review of the Charter. In the time at our disposal, it will be difficult to act on this initiative and deal at the same time with the preparation and consideration of the report, but the Mexican proposal remains an avenue that must be explored. Only at the end of this session will we have an approximate idea of the broad and difficult, but stimulating and essential, task of reviewing the Charter.

CONGO

/Original: French/

My Country's position on the question with which we are currently concerned is widely known. We expressed our views clearly in the Sixth Committee at the twenty-ninth session of the General Assembly and therefore I may be brief.

Thirty years have now elapsed since the United Nations was established, and during those 30 years the world has undergone far-reaching changes. The Congo, which fully subscribes to the aims and objectives set forth in the Charter, has always been in favour of adapting the Charter to the realities of a constantly changing world. That is why it co-sponsored General Assembly resolution 3349 (XXIX).

Being anxious to contribute to any effort aimed at strengthening the role, authority and effectiveness of the Organization, my Government considers that the Charter ought to be revised. It is not a perfect document, nor is it as immutable as some States, for their own reasons, would like it to be. A means must be found of preventing repeated violations of the Charter, because we have noted with regret on many occasions that a number of decisions taken by the Security Council have not been implemented. We must therefore reflect on the composition of the Security Council. We also advocate the outright abolition of the right of veto and propose that all decisions should be adopted by a two-thirds majority.

We would also like to do away with everything that has become anachronistic and useless, such as the term "enemy State" and the provisions relating to the international trusteeship system. On the other hand, we propose that provisions relating to concepts such as the new international economic order should be included in the Charter.

In conclusion, the States which met at San Francisco in 1945 were aware of the imminent necessity of reviewing the Charter in the light of the constant upheavals which the world would undergo.

Articles 108 and 109 were no doubt included with that end in view. The Congolese Government, which unhesitatingly accepts all that is durable and valuable in the Charter, does not intend to propose any unnecessary repetitions in it; but what we must do is make our constitutional document correspond to present-day realities by correcting its imperfections; in short, we must bring it up to date so as to rid it of its conservative and unstable features.

CYPRUS

/Original: English/

Cyprus is a small, non-aligned, developing country which, ever since it joined the United Nations upon its emergence from colonial status in 1960, has - like so many other countries in a similar position - attached cardinal importance to its membership in the Organization and has tried, with its very modest means, to do its utmost in support of the Charter and the application of its principles in all cases. It so happened that since the end of 1963 and, much more gravely, since the

events of last summer, the United Nations has been very much involved with the situation in and around Cyprus, and the Charter principles have been put to the test in a variety of ways in this respect. While I am fully cognizant of the fact that this is not the proper forum to discuss these problems and, consequently, shall carefully refrain from giving rise to any unnecessary controversy here, I am certain you will understand and find it in order and perhaps even useful if, in stating my delegation's position on the subject-matter before the Committee, I keep in mind some of the lessons learned from this experience.

Under its parent resolution 3349 (XXIX), the mandate of our Committee is to discuss in detail the observations received from Governments, to consider any additional specific proposals as well as suggestions for the more effective functioning of the United Nations that may not require amendments to the Charter and to enumerate the proposals which have aroused particular interest for the consideration of the General Assembly.

It is undeniable that considerable developments have occurred in the world since 1945 when the Charter was signed and these have very considerably transformed the international community, both in its composition and in its thinking. While the Charter was negotiated as a multilateral treaty and was agreed upon by only some 50 States, the United Nations membership today is nearly three times as many and still growing to achieve universality. The tremendous technological developments of the past 30 years have naturally affected the then existing outlook in several fields and established new priorities for the United Nations (nuclear non-proliferation, law of the sea, outer space and environment - to mention just a few), while the increased recognition and the changes which have occurred to the politico-economic structure in the world have resulted in a new awareness of the importance of social and economic questions and the roles which different groups of States play have been accordingly affected. Political transformations and shifts in power relationship have also had their effect and the overlapping concepts of political non-alignment and the striving for economic development, which characterize the attitude of the third world, have gained increasing recognition.

Yet, despite all of these changes, when we look at the Charter today, we find that it has proven to be a remarkably flexible document capable of growth and adaptation in response to changing conditions and the emerging needs of the international community. The basic purposes and principles are as valid today as they were 30 years ago. At the same time, changes with regard to particular aspects have in fact occurred through a process of dynamic interpretation and pragmatic evolution.

To give just two examples, the sweeping exemption of matters "essentially within the domestic jurisdiction of any State" (Article 2, para. 7) was diluted to virtual non-existence in matters of apartheid and the protection of human rights and the requirement of the "concurring votes" of the permanent members of the Security Council, required under Article 27, paragraph 3, has come to be interpreted to mean absence of a negative vote.

Likewise, points of uncertainty and dispute regarding the exact juridical content of particular provisions and principles, notably the prohibition of the use of force in Article 2, paragraph 4, the principles of non-intervention, self-determination, peaceful settlement of disputes - to mention only a few - have been elaborated upon and clarified through the adoption by the General Assembly by

unanimous or near-unanimous votes of such landmark resolutions and declarations as those on decolonization (1514 (XV)), friendly relations (2625 (XXV)), strengthening of international security (2734 (XXV)) and, more recently, the definition of aggression (3314 (XXIV)) and the strengthening of the role of the United Nations (3282 (XXIX)).

Furthermore, in order to meet specific needs in particular cases, ways have been found to avoid doctrinaire positions and to approach the issues pragmatically by applying a careful process of trial and error and of what is politically feasible in particular situations. Ad hoc peace-keeping operations, of which we have had firsthand experience in Cyprus, have proven - in view of the, until now at any rate, political impossibility of applying the collective security scheme of Chapter VII and in the absence of a permanent United Nations force - a realistic answer to emergent needs and have developed a substantial body of practice and experience which can be relied upon for the future if the political and other circumstances permit it.

These are all examples of how improvement can be and has been achieved within the present framework of the Charter without any formal revision of it.

In the course of the debate here, as well as in the Sixth Committee and in the written observations of Governments, particular points have been raised where the formal process of revision - which, until now has been strictly limited to increasing the membership of the Security Council and of the Economic and Social Council - might be applied, with a view to updating the Charter and making the Organization more effective.

It is evident that the reference in Articles 53 and 107 to "enemy States" is anachronistic, although one might wonder whether bilateral diplomacy would not be the most appropriate way for preparing the ground of any formal change in this regard. There can also be little doubt that the Trusteeship Council has become of considerably diminished relevance in view of the radical changes that have occurred in the past 30 years to the Trusteeship system. It is equally true that, on the economic and social side, "some restructuring of the system" - as the Secretary-General remarked in his current Introduction to the Annual Report (A/10001/Add.1) - "is essential if we are to meet successfully the great new challenges which interdependence poses to the international community" and we look forward to the consideration of the report of the Group of Experts on the Structure of the United Nations system by the forthcoming seventh special session. A great deal has been said about the veto power in the Security Council. While it is a fact that the veto provision is a derogation from sovereign equality in its full sense, it is nevertheless a realistic price which had to be paid by the rank and file of the Organization in the process of the transition from the League of Nations to the United Nations system. Politics is the art of the possible and no one can realistically expect to do away with it under present or in the foreseeable circumstances. While there might be validity to the argument for redistributing the veto power to reflect changes in the world power structure, any move for its proliferation might well open a Pandora's box and lead to complete paralysis. At the same time, we have heard with interest the suggestion made regarding ways of voluntary self-imposed restrictions upon the exercise of the veto, through gentlemen's agreements, in particular categories of cases such as the question of admission of new members.

While the above and other suggestions merit consideration and careful examination, the basic problem continues to be - as aptly observed by the representative of Mexico - one of bridging the gap between the principles enshrined in the Charter and the political will of the Member States to apply in practice these principles. For example, the provisions of the Charter on sovereign equality, on non-use of force in international relations, on non-intervention, on the peaceful settlement of international disputes are as valid today as they were 30 years ago and, to the extent that any room for misinterpretation existed, the Declarations and other unanimously adopted resolutions to which I referred earlier, have clarified them further and closed any loopholes, taking into account the intervening experiences. And yet, we see that time and again - and the situation with which my country is presently confronted is a glaring example - there is in fact a striking inconsistency between what Member States profess in theory and what they do in practice. Of course, to state the problem is not to solve it. But recognizing it for what it is can be a positive step in the right direction. When a transgression occurs by one or more Member States against another, it is the obligation of all the others, under the Charter, to take a position on the merits of the case. In matters involving international peace and security, Article 24 makes it clear that "In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility, the Security Council acts on their behalf". Moreover, under Article 25, "The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter". And yet, time and again this solemn obligation has not been fulfilled and no appropriate action is taken to enforce it. The problem of the Middle East and that of South Africa are typical examples of General Assembly and Security Council resolutions remaining unimplemented through this lack of political will on the part of a small minority of States. The case of Cyprus is an even clearer example. Unlike the Middle East situation, the relevant resolution 3212 (XXIX) was adopted not by majority but by unanimity. And, unlike the South Africa situation, there was no veto in endorsing that resolution by the Security Council which asked, in its resolutions 365 (1974) and 367 (1975), unanimously for the urgent and effective implementation of the provisions of the aforementioned General Assembly resolution. Yet this has not been done and no "prompt and effective action" - to quote again the language of Article 24 - has been taken to enforce this decision which all Members of the United Nations undertook to carry out, under Article 25.

As I indicated earlier, I will refrain in this forum from going into the substance of any particular situation the examination of which properly belongs elsewhere. But my delegation strongly believes that the question of the implementation of General Assembly and Security Council resolutions, and especially those which were adopted by unanimity, is an important question for the consideration of this Committee, and I was very interested to hear in this respect the similar views of the distinguished representative of Algeria. Ways and means will have to be considered as to how to bridge the gap between theory and practice in this respect if we expect the deliberations of this Committee to be meaningful and to be related to reality. Because otherwise our discussions here, however well-meaning and serious they may be may bring to the mind of those outside the Committee the old story of when the barbarians broke into the walls and occupied the city while those defending it were preoccupied with discussing how many angels could stand on the point of a needle. I am confident, however, that this will not be the case here and that the proper results will be reached.

To recapitulate, my delegation's position on the question before us is as follows: the answer is not easy and many valid ideas and arguments have been put forward which deserve serious consideration. While the Charter is not in all respects perfect and, in some limited respects, particular provisions may be considered outdated, any wholesale or general review involves risks (such as confrontation and hardening of positions which might make progress through evolution more difficult) which outweigh, under present circumstances and on balance, the possible advantages of any such major undertaking. At the same time, we have an open mind and would consider on its merits every specific suggestion for improvement in the light of the experience gained in the past 30 years and the changes which have occurred since 1945 with the over-all aim of strengthening the Organization and giving practical expression to these changes. More particularly, the Committee will be performing a useful and necessary function by reminding Member States of the obligations they already have under existing provisions of the Charter for strictly respecting its principles in reality as well as in theory and for doing what is necessary in order to apply promptly and effectively the resolutions of the United Nations bodies and especially those adopted by unanimity. While we fully realize that, as the Secretary-General points out in his Introduction, "in our present world there is no rational alternative in international relations to the principles and procedures of the United Nations" we, and I am sure all the small, militarily weak, economically developing State Members, attach cardinal importance to seeing our Organization stronger and well and willing to apply, in fact, the Charter by which all Member States, small and large, are legally bound.

I was rather surprised when the representative of Turkey, in the course of his statement yesterday, took exception to the reference the head of my delegation made on Monday about the situation in Cyprus, and proceeded to make specific comments on it, especially since, in fact, the name of Turkey was never even mentioned in the course of our statement.

I fully agree with him that, as we said on Monday, this is not the proper forum to go into the substance of the Cyprus question and we carefully refrained from doing so. But since we are considering the validity of the Charter principles, and these are very much put to the test in the case of Cyprus, it was only natural that, together with other examples given to illustrate our points, we should have also mentioned Cyprus.

However, we heard yesterday the representative of Turkey giving his Government's interpretation of resolution 3212 (XXIX). It would be easy for me to do the same and to point out to him that the resolution does provide for a time-factor in regard to its provision on the speedy withdrawal of foreign troops from Cyprus and the urgent measures for the return of all the refugees to their homes in safety. As regards the constitutional aspects, these are indeed the concern of the two communities, but the resolution speaks of an agreement being reached "freely" and one might perhaps wonder if such negotiations can be free if carried out under the agonizing pressure of 200,000 refugees and more than 40,000 troops of occupation. This is the correct interpretation, as also stated and put on record in the General Assembly by the sponsors of resolution 3212 (XXIX).

Be that as it may, and to come back to what started it all, my Government would very much like to see the Security Council take "prompt and effective action" with a view to implementing all the provisions of resolution 3212 (XXIX), and nothing would make me happier than to hear that the Turkish Government is also

for that. If so, I am only sorry that we do not have records in this Committee. But if this was not so, the representative of Turkey might have been better advised not to refer to our statement - and to his country's role in Cyprus - for people who live in glass houses should not throw stones.

CZECHOSLOVAKIA

/Original: French/

The Czechoslovak Socialist Republic is not an advocate of a review of the United Nations Charter. My Government's position on this question is well known and remains unchanged. It is set forth in detail in the documents prepared by the Secretariat for the deliberations of our Committee, and also in earlier documents, including the records of recent sessions of the General Assembly.

We are firmly convinced, and the discussions held in our Committee seem to indicate it more and more clearly, that the real way to ensure greater efficiency in the activities of the United Nations is for all States Members to respect and consistently apply the principles and provisions of the Charter.

The Czechoslovak Government, in common with some other Governments, is seriously concerned about the possible danger to the Organization of embarking on the process of reviewing the Charter and particularly the well-balanced and tried system of safeguarding international peace and security which is based on the Charter.

In the thirtieth year of the existence of our Organization we can certainly objectively assess the role which the United Nations has played in the course of these 30 years and note with satisfaction that, as a result of the efforts made by the Organization, we have been successful in safeguarding peace and preventing a new world war. During this period the Organization has achieved great successes in realizing the aims laid down in the Charter. There are few who venture to deny the soundness and relevance of these aims now and even for the future. The fact that new States which have freed themselves from colonialism, and which outnumber the original membership of the Organization, are taking part in the activities of the United Nations is one of the greatest successes achieved. These States have successively and unreservedly accepted the Charter as an instrument which contributed considerably to their liberation, and new States which have recently achieved independence are prepared to subscribe to the Charter.

It is an indisputable fact that during the 30-year history of the Organization the Charter has played a positive role and has demonstrated its vitality and its great possibilities for the extension and intensification of co-operation between States with different social systems. The Charter has created the conditions for that co-operation to develop in peace and in accordance with the generally recognized principles of international law. The Charter has become and still remains a solid basis for the progressive development of international law. There is a very close link between the Charter and the international instruments elaborated on the basis of the Charter, such as the United Nations declarations and conventions concerning the struggle against colonialism, racism and apartheid, concerning friendly relations among peoples, and concerning the protection of human rights, and many other legal instruments of wide scope. This all constitutes

an inseparable whole. Any move in the direction of reviewing the Charter must inevitably affect the whole system for the maintenance of international peace and co-operation.

The heads of State who recently met at the Conference on Security and Co-operation in Europe confirmed the obligations of their States deriving from the United Nations Charter and declared that those obligations take precedence over the obligations deriving from other international treaties, and my delegation considers that this is a very significant fact - also where the work of our Committee is concerned - as is the positive evaluation of the role of the United Nations and its Charter contained in the Introduction to the report of the Secretary-General on the work of the Organization.

My Government is convinced that the Charter as it stands affords States large and small considerable opportunities for expanding and intensifying genuine co-operation, and that these opportunities are not always used. For example, the realization of some of the resolutions adopted in the sphere of disarmament could make an exceptional contribution to the solution of the difficult economic and social problems confronting us. We consider that the attention of all States Members of the Organization should be concentrated not on reviewing the Charter but on solving real and pressing problems with regard to the strengthening of international peace and security, general and complete disarmament under effective international control, the total elimination of colonialism and racism, the creation of an equitable international economic order and the solution of social and other problems, in keeping with the principles and the spirit of the Charter. The process of reviewing the Charter can only be detrimental to the real and justified interests of mankind and the Organization alike. The way to strengthen international co-operation lies in the consistent fulfilment of the obligations deriving from the Charter by all States and the full use of the opportunities afforded by the Charter for the achievement of its aims.

/Original: Spanish/

The debate on the review of the Charter of the Organization obviously does not centre on the legal aspect of the question. In this respect, the Charter itself undeniably makes provision for the necessary procedures for its amendment - procedures which, moreover, have already been applied in order to increase the original membership of the Security Council and the Economic and Social Council.

However, it must be recognized that factors of a political nature are involved in the consideration of this subject. Consequently, we can make little progress unless we first establish a climate of mutual trust and dispel any misgivings which might stand in the way of the candid and constructive dialogue which should characterize the exercise entrusted to us by the General Assembly.

The task of Charter review should lead us not to confrontations but to negotiation, since all the participants are concerned for the preservation of the existence of our Organization, whose protective shelter covers all Member States equally.

With regard to the study of the Charter two tendencies have emerged which, in so far as they are not antagonistic, should not be irreconcilable.

Just as it cannot be denied that there are provisions of the Charter which have stood the test of time and managed to adjust to the changing aspirations of mankind, so there are other provisions which are obsolete, such as certain references to "enemy states", or others which will soon have served their purpose, such as those relating to the Trusteeship Council, and, lastly, some which do not properly reflect the changes which have occurred on the world scene in recent years as a result of the inclusion in the membership of the United Nations of the countries which have obtained their independence since 1945.

From the foregoing it is clear that the Charter contains provisions of continuing value for one reason or another, which do not need to be updated, at least not immediately, whereas others require an essential, carefully weighed and agreed adjustment to the realities of the present-day world; an adjustment which by no means implies a general revision of the Charter - which no one is demanding - and which to a large extent can be achieved by means of changes which do not constitute amendments.

Perhaps the previous statement should be viewed in the light of the contents of the Charter itself, in an attempt to discover why in some cases the latter has lent itself to rapid and dynamic adaptation to events in the outside world, and why in other cases the process has been painfully slow.

According to an eminent Latin American authority and member of the International Court of Justice, Professor Jiménez de Aréchaga, the United Nations Charter, unlike other international instruments, is in the nature of a constitutional blue-print for the world community, since, like State constitutions, it includes a doctrinal and an organic part.

The first part establishes the fundamental principles and purposes to govern action, and the second establishes the bodies or the institutional structure to give effect to such action.

The purposes and principles of the United Nations Charter correspond to the doctrinal part of constitutions, since they embody the basic rights underlying the organization of the international community.

It is the doctrinal part which has not only given the Charter great dynamism, but has enabled it to be a flexible instrument of change and progressive development of international law. This is what has made possible the adoption of various solemn United Nations declarations such as the Declaration on the Granting of Independence to Colonial Countries and Peoples, 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 the Declaration on the Strengthening of International Security, among others.

There is therefore no doubt that from the foundation of the United Nations up to the present time and in the foreseeable future the present purposes and principles of the Charter have maintained, still maintain and will continue to maintain their full validity. It is also true that, for the same reason, all States belonging to our Organization have without exception reaffirmed their faith in and continuing support for the proposals and principles which guide its activities. It also follows, as a result of this general attitude, that the relevant adjustments in the Charter have been facilitated by a spirit of understanding and have not encountered greater resistance.

Unfortunately the same cannot be said about the organic part of the Charter, where the few changes which have been brought about were only achieved after a long and intense struggle.

But these changes have come about in fact and in law and it is precisely in the organic part of the Charter that the only amendments altering the original San Francisco text have been introduced, and it is common knowledge that those who proposed them had to overcome serious difficulties and face a protracted process of negotiation.

At all events, the new order of things has provided the impetus for the adjustments which the Charter has been undergoing, and this is only natural since law has always had to adapt to situations created by life or by society in a given period.

If it is recognized that the world of today is a different world from the one that existed when the Charter was born, and therefore requires new approaches and new decisions, and if it is further recognized that the United Nations, which is the organization of the international community, must continually adapt its structures in order to consolidate international peace and security, as well as the fundamental economic, political and social rights of all Member States on a basis of true justice, the way should be paved for a serious and conscientious study of the Charter.

The need to adapt the structure of the United Nations to the complex and urgent problems of contemporary life, in which economic and social issues deserve

at least the same attention as problems of a political nature, has led the Secretary-General of the United Nations to appoint a group of experts, which has already submitted a report containing suggestions on the subject. For its part, the General Assembly, at its twenty-ninth session, established this Ad Hoc Committee on the Charter of the United Nations, whose main task will consist in determining which proposals concerning the review of the Charter call for amendments and which do not.

It is quite possible that many of the suggestions put forward by some Governments will require no changes in the Charter, and the Committee should strive to achieve maximum results in this area.

But it cannot be assumed, on the other hand, that this is the only course open to the Committee, since it will not be possible to resolve certain situations without resorting to concrete amendments.

In any case, my delegation believes that the work of the Committee and of each of its members should be to consider carefully and constructively, on their own merits, the proposals that have been submitted or reiterated at this stage, and subsequently determine, at a later stage, which ones enjoy a substantial measure of general support.

My country, which believes in the desirability of dialogue and the uselessness of monologue, entertains the hope that we shall be able to achieve positive results in the task that has been entrusted to us.

FRANCE

/Original: French/

"The United Nations Charter is inadequate. Those who conceived it lacked a sense of history and foresight ... As for those who gave the Charter its form in drafting it, they lacked the imagination, the sense of succinctness, clarity and precision that is characteristic of great legislators."

Those words, coming from the representative of France, will certainly cause surprise, and rightly so. But it is, of course, a quotation and although this definitive statement was pronounced some 20 years ago by an eminent professor, who also held an important position in the United Nations Secretariat, I shall be careful not to endorse it in any way.

My purpose, in prefacing my statement with this quotation is simply to show that the criticism expressed in recent years of the United Nations Charter is not new and, contrary to appearances, does not owe much to the 30 years that have elapsed since the San Francisco Conference.

It is therefore not, as many statements have given us to understand, a matter of a quarrel between ancients and moderns the outcome of which, would, of course, be settled in advance.

In actual fact, the revisionist trend is as old as the Charter itself and it will suffice to recall in that connexion that proposals for a general or

substantial review were even put forward at the first and second sessions of the General Assembly, some of those proposals, moreover, being made by States represented today in our Committee.

What would have happened if the world community had complied at that time with their pressing demand? I, for one, am sure that if the realistic foundations of our Charter had been challenged, particularly on such points as responsibility for the maintenance of peace, our Organization would, in all probability, have embarked on a course of chaos and disruption.

The French delegation therefore feels that it must convey to the Committee its Government's very grave concern over the possible risks to the United Nations inherent in the trends which have emerged from the debates held at the twenty-seventh and twenty-ninth sessions of the General Assembly, from the replies of certain Governments to the Secretary-General's enquiries and from several statements made in our Committee, although we are firmly convinced that the various statements and observations were prompted by a sincere desire to improve the functioning of the Organization.

The French Government, too, is naturally very anxious to see the role of the United Nations strengthened and its action made more effective. In its view, the first and most essential prerequisite for the achievement of this aim is the firm intention of all Member States to respect the Charter and the principles set forth in it. Another prerequisite is also of fundamental importance, and that is the desire to make full use of the organs of the United Nations and the possibilities that they afford, under the Charter, for harmony in international life, and, above all, for ensuring the maintenance of international peace and security.

The Charter has stood the test of time. It has provided the basis for the adoption of some extremely important texts. I might refer, for example, to the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States, or to the Definition of Aggression. We can thus see that such developments have been possible without any amendment of the Charter. I might also mention the conventions that have been prepared within the framework of the United Nations, or which are in course of preparation, and which may contribute to the achievement of its goals. Besides various conventions that have to do with the codification and development of international law, I should like to single out, in the field of human rights, the two Covenants which were adopted by the General Assembly, and, which seem to meet the legitimate concerns that have been expressed here.

Similarly, the existing structures of the Organization make it possible to debate all the new issues affecting peoples, either in the social or in the economic field. The special session of the General Assembly held last year and the one which will open in a few days time are evidence of this.

But above all the Charter makes it possible - and that is its essential function - if not always, unfortunately, to avoid tragic conflicts, at least to counter international confrontations with the most realistic and therefore the most effective machinery that can be provided for the security of States, given the current state of relations between them. It is because the Charter gave the power of decision, in matters relating to international peace, to the organ governed by the principle of unanimity among the Powers bearing the heaviest responsibilities in this field that this result, however inadequate it may still seem, has been achieved.

We must also take care not to alter the balance of power between the various organs of the United Nations. Any alteration could only be detrimental to the Organization and institute a theoretical system unsuited to the present state of relations among States. That would be particularly true if the General Assembly tried, by means of majority votes, to interfere with the sovereignty of its Members. Its attempts would be doomed to failure and, consequently, its prestige would suffer.

The only real solution lies in establishing genuine co-operation among nations, and this co-operation can, of course, only come about through the political will of States. But the Charter is a suitable framework for such an evolution of international relations. It is not a strait jacket but a living instrument, rich in possibilities, which has made it possible, and will continue to make it possible - if we remain true to it - successfully to ensure co-operation and understanding between nations.

The Security Council has already satisfactorily improved some of its procedures, specifically with regard to consultations, the establishment of consensus and the dispatch of fact-finding missions. This trend should be continued and, in particular, the efforts initiated some time ago to establish general rules governing the undertaking and conduct of peace-keeping operations should be successfully conducted.

The effectiveness of action by the General Assembly depends on the amount of support that its resolutions can muster. In fact, as we have said, instead of trying to compel nations we should endeavour to persuade them and enlist their support for joint action to which they have freely consented.

It would therefore be advisable to try to proceed, as has already become the custom among some subsidiary organs, by consensus rather than by majority vote. To this end it is obviously necessary that draft resolutions should reflect - with all the necessary nuances - the basic concerns of the States involved and that, consequently, the texts should be drawn up in a climate of close co-operation and, if necessary, at the cost of some mutual concessions. Thus, by means of more systematic consultations, notably between countries and groups of countries, it should be possible to improve the Assembly's methods of work and, consequently, the scope of its decisions.

A consensus is, of course, the most ambitious but also the highest manifestation of international co-operation provided, needless to say, that it reflects real agreement, both on the general drift of the text and its detailed contents. It is not so much a matter of devising new machinery for enforcement as by means of sensible practice, establishing and strengthening the kind of dialogue and accommodation which alone can enable an organization of sovereign States to translate their growing interdependence and necessary solidarity into action.

More generally speaking, the French Government believes that the United Nations could eventually be strengthened through rationalization of the structures of each of the Organization's main organs and by adjustment of their rules of procedure, since the Charter leaves them every latitude in that regard. What we need is a veritable "strategy" for the application of the Charter.

On the other hand, we do not think that the time has come to undertake a review of the Charter. Such a review would seem to be all the more untimely in that, while a number of States is in favour of making a survey of the various proposals to either amend the Charter or improve the functioning of the Organization without touching its constituent instrument, some comments received from Governments, as well as statements that we have heard, have shown that States were not in agreement either on the need for a review of the Charter or on the points that such a review should cover. Consequently, if we embark on the exercise advocated in some quarters, there is the risk either that the authority and prestige of the Organization may be jeopardized by criticism of the existing system without the necessary consensus being reached on any solution, or that the end result would be the destruction of an instrument which, as we have said, has stood the test of time under difficult circumstances.

In conclusion, the French delegation reaffirms its view that what is required is not a review of the Charter but the strict application of its provisions and full utilization of the possibilities that it affords.

Strict compliance with that text is the surest guarantee of fulfilment of the aims, and respect for the principles of the United Nations, to which all States are firmly committed.

/Original: English/

The Ad Hoc Committee on the Charter of the United Nations has been charged by the twenty-ninth session of the General Assembly with a most delicate and complicated task. We have followed with attention the viewpoints the representatives of various States have presented here in the Committee, we have studied the documents before us, and we have come to believe that all members of the Committee consider its work to be of utmost importance, because we are dealing with the fundamental document of our organization - an organization which should not simply be seen as an international organization but as an international instrument for peaceful, world-wide and equal co-operation which has emerged as a result of the bitter and sacrificial experiences of the world from the struggle against reactionary and anti-human fascist and militarist régimes, and which was a midwife for the liberation of many peoples from colonialist and imperialist oppression.

Therefore, it is very important, in the view of my delegation, that the Committee strictly follow the mandate given by the General Assembly and that, as before, all decisions be made on the basis of consensus. We believe that only such an attitude will guarantee the fulfilment of the tasks conferred on it.

My Government has explained its basic view on this subject in the report of 26 June 1975 (A/10113/Add.1). Permit me to touch on a number of questions again.

Like the overwhelming majority of Member States, we also believe that the Charter of the United Nations has stood its test in the past 30 years. When difficulties or problems came up, it was not the fault of the Charter, but lack of political will on the part of some Members of the Organization. The only effective way to increase the effectiveness of the United Nations would, therefore, be to strictly fulfil its provisions.

Any changes in the United Nations Charter imply, in our view, the danger of eroding proven principles, conjuring up new conflicts in the broadest sense, and the danger of new obstructions to the growing co-operation of States.

Valid international law is based on the Charter of the United Nations. Bilateral and multilateral treaties refer to it. Thus, the Charter is a basis for an extensive contractual system which serves the interests of all States, big and small, and with different social orders. For this reason, we advocate that the Charter of the United Nations be maintained in its present form and contents, which is in accordance with the views of a majority of States.

The Government of the German Democratic Republic has declared in its statement on resolution 3349 (XXIX):

"... that conditions of international détente and of implementation of the principles of peaceful co-existence make it easier for the United Nations to contribute to overcoming complicated international conflicts and to heighten its role in the settlement of international problems, in the strengthening of peace and the development of co-operation between all peoples. This occurs on the basis of strict observance of the Charter of the United Nations and confirms once again that the viability of the Charter is not diminishing but growing'...

"In the view of the Government of the German Democratic Republic, the principles embodied in the Charter are political and legal principles, the universal respect and implementation of which is the prerequisite for ensuring a lasting peace, strengthening international security and developing peaceful co-operation between peoples and States on a basis of equal rights. These principles and their observance made possible the positive changes that have occurred in international relations since the Charter was adopted."

In this connexion, my delegation would like to point to the fact that at one of the most recent and historically important conferences for strengthening and maintaining peace in Europe, namely the Conference on Security and Co-operation in Europe, the validity and topicality of the Charter of the United Nations has been underlined in the final act. So it has been stipulated in the final act signed by the participating States that in case of a conflict between the obligations resulting from the Charter for Member States of the United Nations and the obligations within any other treaty or any other international agreement, their obligations under the Charter prevail.

The fundamental principles of the Charter, such as the sovereign equality of States, non-interference in internal affairs, and respect of the right of peoples to self-determination, have stood their test in the 30 years the United Nations has existed, and they are generally recognized. We also want to emphasize again that the rules for the functioning of the United Nations, based on them, have stood the test of time. It has repeatedly been mentioned here that the Charter should be adapted to realities. But is it not that the principle of unanimity of the permanent members of the Security Council is an expression of taking into account the existing balance of forces in the world and of existing realities?

The principle of unanimity has proven to be an effective instrument for the implementation of peaceful coexistence, and under the conditions of détente it can promote the necessary collaboration between the permanent members of the Security Council, the Union of Soviet Socialist Republics, the United States of America, the United Kingdom of Great Britain and Northern Ireland, France and China, which are the militarily most important States, for international security and disarmament.

In this connexion, it seems very remarkable to us that the Secretary-General in his introduction to this year's annual report, points out that the United Nations and its Charter have stood their test in the past 30 years. The role of the Security Council, which, according to the Charter, is chiefly responsible for maintaining peace, is given a special place and appreciated in that report, and it is the view of my delegation that these well-founded experiences of the Secretary-General should be taken into account.

During the 30 years our Organization has existed, many States have been admitted to the United Nations as new Members. The great majority of these States achieved independence not least on the basis of the principles of the Charter and of the Declaration on the Granting of Independence to Colonial Countries and Peoples, based on the Charter. Today, all of them are participating actively and directly in the drafting, adoption and implementation of all United Nations resolutions.

In this connexion, great attention is paid to the questions of assisting the

developing countries in constructing and extending their national economies and to the establishment of equitable economic relations between all countries.

Especially this part of the Charter offers a broad range of possibilities for safeguarding the interests of the developing countries, possibilities which, in our view, have by far not been exhausted.

We believe that there are a number of unused possibilities and reserves in the Charter which could be used for extending the United Nations system and for making it more efficient. We consider it to be a decisive task to fully utilize these possibilities.

In the view of my delegation, it can by no means be called dogmatism when we advocate that the Charter of the United Nations be maintained in its present form and contents. And the repetition of the too well-known phrases on the so-called super-power control of the United Nations does not help us to fulfil the mandate of the Ad Hoc Committee.

On behalf of my delegation, I would like to reaffirm, therefore, the viewpoint of the Government of the German Democratic Republic that the only effective way to increase the effectiveness of the United Nations in the spirit of its purposes and principles can only be to strictly implement and fully apply the provisions of the Charter, to oppose with determination any violation or disregard of the Charter, and to remove forthwith all remaining consequences of infringements of the Charter.

GERMANY (FEDERAL REPUBLIC OF)

/Original: English/

In its reply to the Secretary-General of July 1974 and in its statements in the Sixth Committee, my Government has emphasized the importance of the Charter of the United Nations as the basic instrument by which the international community of nations organized itself. Its principles and purposes reflect the ideas and aspirations cherished by peoples and countries all over the world. The Members of our Organization, whether they were among the founding Members of the United Nations or joined the community of nations at a later stage, as was the case of my country, have all, on the occasion of their accession and by the mere fact of it, pledged their support for these principles and purposes.

The outstanding significance of the document we are considering here obliges us to proceed in our deliberations with the utmost care. The Charter being an instrument of such high sensitivity, it might, like a clockwork which is handled carelessly, cease to work at all. Or, to use another example, we shall have to act like a good and considerate doctor who tries to cure his patient by using the least innocuous drug first. Surgery, even of the most skilful and sophisticated nature, should not be applied where there is the slightest danger of the patient's vitality being diminished or even completely destroyed.

The fundamental principles and purposes of our Charter remain unchallenged and are not subject to discussion. In the opinion of my Government the basic organizational structure of the United Nations, too, has proved its worth and largely stood the test of time. It seems to us, therefore, that it should be possible to achieve such adjustments of the Charter as may be necessary to adapt

it to changing circumstances without jeopardizing the basic structure of the Organization. Any further development of the Charter, and in particular any changes in its provisions, will require careful consideration of its imaginable consequences and will have to be based on general agreement, both as to their necessity and desirability and to their nature.

The Charter, as it stands now, has proved to be an instrument of considerable flexibility in itself which has, in its first 30 years, constantly adapted to changing circumstances. This does not mean, of course, that we consider the Charter in all its parts and components to be perfect and sacrosanct - which the instrument itself does not purport to be. Limited changes to specific provisions might be contemplated, including proposals to abrogate provisions which have become obsolete. Many of the obvious short-comings of our Organization might be cured, given the political will of all concerned, within the existing framework of the Charter which is in itself an efficient instrument of change. Necessary adjustments might even be achieved by adding something to the existing structure rather than by altering it. Examples for this may be found in the report of the Committee of Experts on a new United Nations structure for global economic co-operation (E/AC.62/9) which is presently being studied carefully by Governments. As is apparent from some of the recommendations in that report, important reforms could be achieved without amending the Charter.

Other deficiencies of our Organization, for which it is being criticized, are a consequence not so much of structural short-comings than of the existing political situation. They cannot be remedied, therefore, by amending the Charter but only by a change in the over-all political landscape of the world.

Under these circumstances, two ways of enhancing the efficiency of our Organization seem to be realistic and at our disposal at the present stage:

First, to intensify international co-operation and consultation with a view to harmonizing the political position of the international community, and to this end make use in a fair and co-operative manner of all ways and means the United Nations Organization offers under its present structure.

Second, to exploit thoroughly and fairly the possibilities existing under the Charter for adaptation and development of the Organization.

In the course of this procedure there might well emerge the necessary broad consensus also for an adaptation of the Charter to a changing world.

/Original: English/

At this preliminary stage of the discussion, I will confine myself to state a few remarks only.

We consider that the mandate entrusted to our Committee is indeed a serious one in more than one aspect, since it deals with the most important international institution after the calamity of the Second World War, namely with the Charter of the United Nations and consequently with the United Nations themselves. Greece attaches great significance to this issue, the more so since it belongs to the founding members of the Charter.

It is, therefore, not necessary for me to go into great lengths in order to prove that we have to proceed with the utmost care. The Greek delegation will participate in the discussion and the work of the Ad Hoc Committee with an open mind and we will seek, with other delegations, to find out what, if any, improvements can be made either to the Charter or to its functioning, while preserving at the same time the essential provisions that have usefully served the lofty ideals of the United Nations and have withstood the proof of time.

So, in order to make up our mind we shall await to hear the views of other delegations as well as the analysis and the report that will be made at the conclusion of this first session of the Committee.

There is, however, a fundamental point on which we would like to draw attention and that is that, in case there are specific proposals regarding revision or improvement of certain parts of the Charter, these should be accompanied by a concrete assessment as to how these proposals, if accepted, would enhance the implementation of the resolutions and decisions adopted by United Nations organs, particularly by those entrusted with the maintenance of peace and security. It is sad to admit that this is indeed the main problem and my delegation will be grateful to those delegations who will wish to make constructive proposals or bring forward ideas in this regard.

/Original: English/

We are meeting at a time when the peoples of the world, we are told, are losing faith in the usefulness of the United Nations. While those of us who work here ought not to share their pessimism, nevertheless it is understandable. But the fact that the Committee is meeting at all should be ample testimony to the peoples of the world that their Governments are concerned about the future of this Organization and its Charter and are prepared to sit down and talk about it, dissect it if necessary, examine the parts thoroughly, discard what is dead or diseased, put back what is healthy, and I hope infuse new life into the body. Those of us here who are privileged to be members of this Committee have an opportunity to recapture the world's faith in the United Nations - in its usefulness and, indeed, in its necessity. I would be surprised if there is any Government in the world which would not agree that if the United Nations did not exist today it would be necessary now to invent it - or something like it.

The distinguished Foreign Minister of the Soviet Union, Mr. Gromyko, in addressing the General Assembly five years ago when we celebrated the twenty-fifth anniversary of the United Nations said that in his view it was not sufficient to stamp out fires on the international scene; he added that it was "more important to take effective measures to protect the world generally from fires, and to remove in good time the sources of potential conflicts and complications". That is a view with which my Government whole-heartedly agrees. As the representative of a small country, we believe that peace-keeping operations of a preventive character are exactly the ones which are of the greatest significance to small countries. And by "preventive" we mean that the machinery must be put into action sufficiently early to forestall a conflict. We therefore see a clear distinction between preventive peace-keeping and the kind of enforcement action provided for under Chapter VII of the Charter. To us, there is a lacuna in the Charter's peace-keeping language - and it is the absence of machinery which may be activated in advance of a conflict by States under the threat of aggression. My delegation will lend its support in this Committee to any useful and reasonable proposals to fill this gap in the Charter. Without going too much into detail in this general exchange of views and at this early stage of our work, let me say that my delegation has in mind the creation of international peace observation machinery which would be capable of establishing a United Nations presence whenever and wherever in the world there is a danger to international peace. As my own Foreign Minister in 1970 had put it, "we believe that a system under which United Nations observers may be sent, on the authority of the Secretary-General, to any area under the jurisdiction of a State at the request of that State and to any area whatever at the direction of the Security Council or of the General Assembly would contribute immeasurably to the prevention of breaches of international peace". The Security Council is after all the organ charged with the primary responsibility for the maintenance of international peace and security. Why should it not initiate action when conflict threatens?

Preventive peace-keeping is one of the prime concerns of my delegation as we review the Charter. Another is the concept of democracy as it should apply to decision-making within the United Nations.

In the words of a distinguished former Foreign Minister of Brazil, Mr. Gibson, we are facing a trend towards "a new world directorate". He has eloquently

described the tendency in the United Nations towards dealing with certain questions in narrow and even dwindling circles by a process of transference from the 138-Member General Assembly, to the 15-member Security Council, to the 5 permanent members, to the 2 super-Powers. (And here I would like to assure our colleagues that I use the term super-Powers not in a discourteous manner but in the factual sense.)

So democracy is facing a crisis now in the United Nations. That is why my delegation would reject any proposals - such as weighted voting - which would further entrench the oligarchy of those who are powerful. The United Nations is founded upon the principle of the sovereign equality of all its Member States. Under the Charter once you're a member, once you're in, that's it, you are equal. You don't have to prove that you are equal. But we have a situation under the Charter when the veto of any one of the five permanent members may frustrate the effectiveness of the Security Council and thereby of the United Nations. We have seen this over the last 25 years in relation to the maintenance of peace and the admission of new Members. Lately, we have seen it in relation to suspension and even expulsion when the legal conditions for expulsion and suspension under the Charter have been met.

Now we must be realistic. The veto exists, it can't be wished away, even argued away; we should face the fact that it seems to be here to stay at least for a long, long time. In San Francisco in 1945 the four great Powers - "the four horsemen" as President Roosevelt called the Governments of France, the United Kingdom, the United States and the USSR - sought to ensure security by resorting to the "concert" system of a century ago. They invented the Security Council and assigned the veto power to themselves. And I for one am not naive enough to believe that they're going to surrender it now. When the small States grumbled at San Francisco, Senator Tom Connally of the United States told them, "you may go home ... and report that you have defeated the veto. But you can also say, 'we tore up the Charter'". I have no reason to believe that any of the five permanent members would like to have the veto "defeated" now; nor have I any reason to believe that any of the other Members of the United Nations would like to have the Charter "torn up".

Faced with this fact of the veto, therefore, what can the other members of the United Nations expect in the way of achieving a greater degree of democracy in the decision-making process? My delegation is not at this stage persuaded that the answer lies in giving the veto power to more States. Then, we might simply have more vetoes being cast and that's all. But, surely, we can look at the possibilities of so reforming the Security Council that the existing veto powers of the five permanent members will not frustrate the effectiveness of the Council and indeed of the United Nations.

The Foreign Minister of Guyana had put it in 1970 in this way: "If we are going to achieve the ordered international society that was the vision at San Francisco ...; that achievement must rest upon an acceptance by the major Powers that the rule of law in international affairs is a higher good than the passing rewards of power at any moment of history."

Surely we can look at the possibilities of so limiting the areas for use of the existing veto power by any of the five permanent members. Do we, for example, still need the veto power when questions such as the admission of new Members, or the suspension or expulsion of Members are being considered? Over the past few

years we have seen the kind of confrontation engendered by the use of the veto in these areas - areas which really have nothing to do with the maintenance of international peace and security.

Let us consider together a modification of the veto power that would avoid unnecessary confrontation. Let us work together to promote democracy in decision-making even in the Security Council.

We have heard the warning by some delegations that it would be "extremely grave" to try to alter the relationship between the General Assembly and the Security Council. But excesses and inequities in the use of the veto have already altered that relationship and are likely to continue to do so. We have already the Uniting for Peace resolution. Already this is an example of a de facto amendment to the Charter. Moreover, we are already seeing the grey areas around the competences of the Security Council and the General Assembly in matters of maintenance of peace, suspension and maybe even admissions. Even the concept of peace has changed from what it was when the Charter was drafted in 1945. We need to look at how that concept is expressed in the language of the Charter in the light of developments over the past 30 years.

Now I have touched upon international security and what I have called the crisis for democracy with particular reference to the veto power. But my delegation also has other concerns. I would not, however, at this stage of our preliminary exchanges go into further detail. Suffice it to say that my delegation finds interesting - and we are ready to study them - the proposals which could lead to ensuring within the terms of a revised Charter machinery for achieving universal human dignity and the securing of economic justice. I refer to the ideas for transforming the Trusteeship Council into a human rights council; for reflecting more adequately within the Charter the principles of the new world economic order; and for transferring to the developing countries some more of the benefits of science and technology which the admirable skills of the developed countries are producing. My delegation is ready to study proposals aimed at strengthening the International Court of Justice so as to enable it to enforce international law or to settle international disputes.

And we join all of those delegations who have appealed to the Members of this Organization to be guided in their conduct by the principles of the Charter, to respect the resolutions of the General Assembly and of the Security Council and to fulfil their basic obligations as Members.

[Original: English]

The general views of my delegation on the review of the Charter of the United Nations were set out by me in our statement to the Sixth Committee of the last General Assembly session on 5 December 1974. The majority of the Members of this Organization clearly desire a review of its Charter because they feel that several of its provisions are not in keeping with present-day conditions. We see no harm in such a review procedure, because a general discussion of the points raised and the proposals made could only lead to a better appreciation of the realities of today, the relative practical importance of those provisions of the Charter that seem objectionable, and the essentiality of the need for amending such provisions as may have become obsolete. In saying this my delegation is conscious of the limited mandate of this Committee, which is to discuss and consider observations and suggestions made by Member States and to submit a report to the thirtieth session of the General Assembly. It is quite possible that this discussion and consideration has not yet been comprehensive and exhaustive, and in that event the next session will no doubt decide whether to prolong the life and mandate of this Ad Hoc Committee, or to devise other means for continuing this important task. Our own view, which was stated before, is simply that every Member State has an equal obligation and an equal concern in the question of the review of the Charter and should be given an equal opportunity to make its contribution and to participate in the discussions.

Our approach to this question is conditioned by our objectives, which in terms of General Assembly resolution 3349 (XXIX) are to enhance the ability of the United Nations to fulfil its purposes and principles, which continue to be valid and have received reaffirmation of support. There are of course several ways of going about it. One could take the line that those parts of the Charter that are obsolete, have never been utilized or have been fulfilled ought to be deleted, revised or amended as the case may be. One could also hold the view that such provisions do no harm in being present in the Charter, and that it is a part of the process of natural evolution of human institutions that some sections of their original framework may wither away and become dead wood. One does not necessarily strengthen the Organization by removing the dead wood, although of course it would be tidy to do so. We have no strong views on this aspect of the Charter review.

There are, however, two other aspects that are more controversial. I am referring to suggestions concerning the updating of the Charter, structurally and otherwise, so that it conforms more closely to the aspirations of the majority of Member States. These suggestions relate to restructuring or enlarging certain organs, creating new bodies, providing for better representation of the so-called third world, introducing new procedures for dealing with specific situations etc. Undoubtedly such suggestions are important and deserve serious and comprehensive examination. But I am not sure that this Committee is the appropriate forum to initiate such discussions. I should have thought that suggestions in the nature of reforms should be initiated in the very organs that are in need of reform, and perhaps this Committee might consider them at a later stage from the angle of Charter revision.

In any case the Charter does not appear to stand in the way of such changes. It is not necessary to amend the Charter in order to establish machinery for

fulfilling its principles and purposes. Several areas in the United Nations Charter have been reviewed and elaborated by means of legal instruments such as covenants, declarations, definitions, treaties etc. There are also many United Nations committees, commissions and other organs that are currently examining the working of different areas of the Charter and applying them to cope with new problems not envisaged when the Charter was written. I have in mind environmental questions, outer space, the law of the sea as well as areas in the field of introducing a new international economic order. But one does not begin to deal with these practical problems by making appropriate changes in the Charter. It is more important to find practical solutions to the problems facing us than revising the Charter, which cannot be an end in itself. The Charter allows us full scope in practice to innovate and seek solutions, and indeed it is through practice that we can enrich the contents of the Charter.

The second controversial aspect relates to the privileged position of a handful of Members. Some object to the right of the veto and others to its abuse. There are also those who would extend this power to more than a handful of Members. But some would like to see the veto abolished, or modified, or limited in its use to certain stipulated questions. The veto system is clearly discriminatory but it was the price that had to be paid for the creation of the United Nations. It is the principal basis for the membership and co-operation of the big Powers. Without the veto the United Nations would not have come into being, because the United Nations was conceived by the big Powers as primarily an organization for maintaining international peace and security. I am certainly not an advocate of the veto system, but I wish merely to stress its fundamental importance to those that have the power of the veto. It is significant that not one of them has offered to relinquish the right of the veto.

It seems that the United Nations has been cursed with this mixed blessing. On occasion the veto system has prevented the Security Council from taking wrong decisions on questions affecting international peace or self-determination. On other occasions the veto has been exercised to prevent the Security Council from admitting new Members or from taking action against States that have persistently violated the Charter. On balance, however, the existence of the veto and the likelihood of its use has deterred a world war and has moderated the search for realistic solutions to problems concerning breaches of international peace. Unfortunately, even resolutions that were unanimously adopted by the Security Council have remained unimplemented so far, as in the case of the Middle East and Cyprus. It is thus an open question as to which is preferable: the principle of complete unanimity, or the principle of majority decisions subject to the veto.

However, one thing is clear to us and that is that if the power of the veto were to be abolished, I am not sure that the world would be in a better or happier situation. Nor would the extension of the veto power to others induce a change for the better in the international situation. It is not rules of voting procedure that change situations for the better, but the will to adhere scrupulously to the provisions, principles and purposes of the Charter. It is violations of the Charter that have created problems for us, and we have yet to agree how best to prevent such violations. We have not yet exploited to the full the unused potential of the Charter. For example, Article 1, paragraph 4, envisages the United Nations as a centre for harmonizing the actions of nations in the attainment of their common ends. What we see today is not a harmonious whole after 30 years of the United Nations existence, but a forum in which nations feel obliged to divide themselves into groups and to confront each other in order to secure their group interests rather than to attain the common purposes of the Charter.

/Original: English/

My delegation would like to reiterate its respect and adherence to the purposes and principles of the United Nations, as stated in Articles 1 and 2 of the Charter. It is our firm belief that these declared purposes and principles should remain unchanged and should continue to be adhered to by the Members.

It has always been the view of the Indonesian Government that our Organization has achieved a great deal in realizing its declared purposes and principles in such fields as the maintenance of international peace and security, the development of friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the development of international co-operation in solving economic, social, cultural and humanitarian problems, and the progressive development of international law and its codification. At the same time, it is also our view that there are occasions in which our Organization has failed to realize its purposes and principles and to respond constructively and decisively to the problem with which it is confronted. My delegation strongly believes that, although some of the failures may be the result of a lack of political will on the part of some of the Members, it is equally true that they may be the result of structural inadequacies of the Charter.

The Charter was drafted 30 years ago to serve the needs of the international community after the Second World War, as seen by the then Members of the Organization. Tremendous changes and developments on the international scene have occurred since, changes and developments which have in fact profoundly affected the functioning of the Organization itself. It is clear that the Charter must be able to cope with those changes and developments and to respond adequately to new challenges and problems of global magnitude. For the Organization to continue as a dynamic and useful instrument, it is necessary to undertake a review of the Charter for the purposes of seeking measures whereby its short-comings could be remedied. Such a review would entail an exchange of views and a thorough evaluation of the proposals made during the exchange, which may or may not lead towards a revision. It may well be that measures short of revision or amendment of the Charter may suffice for such purpose.

These views are shared by a large number of Member States, as evident in the debate which has taken place on this issue for several years in the General Assembly. The decision of the General Assembly to establish the Ad Hoc Committee on the United Nations Charter last year, in the opinion of my delegation, reflects the desire of the Members to deal with the short-comings of the Charter in a more concrete and systematic manner.

It is not the intention of my delegation to repeat the views which we have already expressed on previous occasions. We are now here to discharge in its entirety the broad mandate entrusted to the Ad Hoc Committee by the General Assembly, which is clearly defined in its resolution 3349 (XXIX). We have before us the analytical paper prepared by the Secretary-General containing the observations received from Governments and also the views expressed at the twenty-seventh and twenty-ninth sessions of the General Assembly. In addition, we

have also the views of the Secretary-General on the experience acquired in the application of the provisions of the Charter with regard to the Secretariat.

It is significant to note that these documents contain constructive observations and concrete proposals concerning different aspects of the Charter and, in the view of my delegation, merit further study. One of the issues is the decision-making procedure of the Security Council provided for in paragraph 3 of Article 27 of the Charter. We are fully aware of the fact that the principle of the unanimity of the permanent members embodied in this Article was adopted on the basis of the reality of the international power structure which prevailed immediately after the war. We also recognize that there are occasions in which this principle has in fact contributed to the maintenance of world peace and security. However, history has indicated more frequently that the principle of unanimity has been used or misused, rather, by some permanent members to protect their national interests, irrespective of its bearing on international peace and security. Permanent members have abused their privilege of veto to block the admissions of legally qualified States or to block the will of the majority of the Members to implement certain principles and objectives of the United Nations, including those embodied in the Universal Declaration of Human Rights.

Such abuses of the unanimity principle should, in the opinion of my delegation, be eliminated so that the effective functioning of the Council - which has the primary responsibility to maintain world peace and security - will no longer be hindered. The Ad Hoc Committee should consider the possibility of finding a way to limit the use of the veto, at least an effort should be made to give an agreed interpretation as to its use by the permanent members. Such a restrictive régime or interpretation may include a formula based on special majority rule - in which the unanimity of all the permanent members would not be required - for decisions on certain matters other than enforcement actions contemplated in Articles 42-54 of the Charter. Of course the Ad Hoc Committee has to decide what "certain matters" will be excluded from the confines of a veto régime.

The Ad Hoc Committee should also, in the opinion of my delegation, take into consideration the existing practice of the Security Council which has in fact modified the principle of unanimity. My delegation wonders whether paragraph 3 of Article 27 should be amended to incorporate the practice by which abstention or "non-participation" of a permanent member is considered as a concurring vote

With regard to the membership of the Security Council, the Indonesian delegation is inclined to the view that the present structure of the Council's membership should be maintained. We are, however, prepared to be convinced by adequate arguments that change in the structure will indeed lead towards a more effective functioning of the Council.

Still within the domain of the Security Council, my delegation would like to touch briefly upon the problem of peace-keeping. It can be said with caution that one of the functions of the Security Council which has proven to be effective in its efforts to maintain peace and security is the peace-keeping activities undertaken by the Council. I am not referring to peace-keeping operations in the context of enforcement actions provided for in Articles 42-54, but rather to the international peace-keeping by interposition to prevent further deterioration of a conflict. This type of peace-keeping has been developed

in practice and has proven to be an effective and helpful means of creating a favourable atmosphere conducive to a process leading towards a peaceful settlement of a conflict. Having participated in such peace-keeping operations in the past, and currently taking part in the United Nations Emergency Force in the Middle East, Indonesia is convinced that peace-keeping operations by interposition will increasingly become an indispensable means for assisting in the settlement of international conflicts. The peace-keeping operation by interposition should, in our view, be institutionalized in the Charter as another means at the disposal of the Security Council.

There are also other aspects of the Charter which my delegation is concerned with. The provisions on the peaceful settlement of disputes in Chapter VI constitute an important element in the peace-making role of the Organization. Article 33 provides the Members with options of procedures for the peaceful settlement of disputes, ranging from non-compulsory procedures to compulsory ones, and obligates the Members, first of all, to seek solutions to their disputes through those procedures. This wide range of choice open to the Members seems to my delegation to be consistent with the political reality that not all States are prepared - in the prevailing international system - to accept compulsory procedure for settling their disputes. It might be argued that such a provision may cause under-utilization of the procedures.

To overcome this short-coming, some alternative solutions may be considered. One such alternative - which in the opinion of my delegation might strengthen the peace-making role of the Organization - is the establishment of a standing commission which would provide the Members with a broader choice of procedure for settling disputes. The main function of such a commission would be to act as a third party in a dispute, and the procedures to be used should stress mediation, conciliation, enquiry and fact finding. Arbitration will be included only in cases where the parties have given their prior consent. The element of flexibility with regard to the procedures should be the main distinguishing feature of this commission.

In the past few years events in the world economic sphere have made clear the contradiction between the tendency towards economic nationalism on the one hand, and the tendency toward global approach and solution on the other. The breakdown of the international monetary system, the growing resource scarcities, especially of energy and food, the oil crisis, the new awareness of the limits to the carrying capacity of the globe's ecosystem, the ocean and the air with regard to the industrial pollutants have created an impetus in the direction of global action, while at the same time they have caused a tendency towards economic nationalism. Such a contradiction should be eliminated, if we want to put priority for an effective solution.

To deal with problems of such magnitude we need a concentrated and organized international effort. The United Nations, being the most appropriate forum to deal with those problems, has initiated positive steps toward solutions by convening special sessions of the General Assembly on economic issues, the second of which will be held next month. In the meanwhile, we are aware of the valuable work done by an expert group appointed by the Secretary-General in undertaking a comprehensive study on restructuring the economic and social sectors of the United Nations system, which will be one of the items to be considered at the coming special session of the General Assembly devoted to development and international co-operation. We are

looking forward to the successful conclusion of the deliberations on this issue at that special session which is so vital to the Organization. Within this context, my delegation is sympathetic to the proposals made by Governments to strengthen the Economic and Social Council, as a part of efforts to realize a new international economic order. The outcome of the deliberations may well result in subsequent changes in the relevant provisions of the Charter.

Finally, let me now turn to the organization of our work. The Ad Hoc Committee is entrusted with a broad mandate. To discharge this mandate effectively, it is imperative that we should have a clear method of work which will facilitate progress. We are now in the middle of a general exchange of views, the first important stage of our work which is necessary in order to get some indication of the direction which the Members wish the Committee to take. This general exchange of views, in the opinion of my delegation, should be followed by identification of problem areas in accordance with the observations and views of Governments expressed in our documents and in this Committee, as well as the views of the Secretary-General. The identification of problem areas should be closely linked to an order of priority, on the basis of which each of the problem areas will be discussed. It might be useful also to group these problem areas into two categories, namely those views and proposals which imply amendment of the Charter and those which do not. It must be stressed, however, that such identification of problem areas should not be construed as being a device to exclude certain ideas or positions from equal treatment by the Ad Hoc Committee. It is merely a technical expedient to facilitate our work. In this regard, it might also prove feasible to initiate our discussions with the least controversial issues.

The next stage is the question whether, in order to facilitate our work in achieving agreement, it would be necessary to set up a working group or groups which would be entrusted to deal with one or more of the problem areas. The Indonesian delegation believes that the setting up of a working group or groups is most essential. With regard to the nature of the specific mandate, the timing and the number of such working groups, however, my delegation has an open mind.

The General Assembly has entrusted this Committee with a very important and complex task, which in one way or the other may affect the institutional aspect of our Organization. It is, therefore, obvious that all the Members have great interest to know what we are doing. In view of this consideration, my delegation is of the opinion that the report of the Ad Hoc Committee should reflect the main trends of views expressed during the session. It will also enable the members of the Committee to prepare and work better for the next session. Such a report should also contain recommendations to the General Assembly to continue the work of the Ad Hoc Committee, a method of work for the next session, and a request to the Secretariat to prepare an index of observations and views of Governments expressed in our documents and in this Committee - a request which has since obtained considerable support during the first stage of our deliberations. Furthermore, summary records for the next session should also be recommended to the General Assembly.

In conclusion, my delegation would like to express its sincere hope that the Ad Hoc Committee will discharge its mandate constructively in a spirit of co-operation.

As a Member State of the United Nations, Iran has a strong interest in enhancing the efficiency of the United Nations and strengthening its capacity to deal with international problems. In our efforts to contribute to this end, we have consistently been guided by the belief that the Charter is a sound and workable legal instrument and has shown ample capacity for adaptation to changing circumstances. But the Charter is not self-executing. Its implementation depends in the first instance upon the degree of willingness on the part of Member States to work through the United Nations and to abide by its decisions. This, however, does not imply that the Charter is an immutable document to which no change is possible. Legally, the founders of the Charter contemplated such possibility. Special provision is made in the Charter for its amendment, and, be it noted, for its review by a general conference. We have already made several changes in order to accommodate the structure of various organs to the increased membership of the United Nations.

It is an undeniable fact that since the adoption of the Charter, international practice has created new areas of international relations which could not be encompassed by it, to the effect that in some of these areas the application of the Charter to the requirements of the international community has been difficult, if not impossible. Consequently, in some cases the recourse to the interpretation of the related provision of the Charter does not provide the necessary answer and a formal revision seems to be indispensable.

Bearing these principles in mind, my delegation supported the establishment of this Committee and voted for resolution 3349 (XXIX) at the last session of the General Assembly. We are obviously prepared to give serious consideration to all proposals for improvement or more effective utilization of the Charter. It is, of course, essential that proposed changes be analysed carefully and their procedural administrative, financial and, indeed, political implications be examined in detail. This logically leads us to the focal point of our deliberations, namely, what seems to be the most reasonable and effective procedure for a thorough examination of the Charter? Whether we should have a comprehensive review of the Charter, as has been suggested by some, or proceed through amendment of specific Articles of the Charter, as advised by others.

Without denying the truism of one and the realism of the other, my delegation believes that the question is to be approached as a first step on a general determination of the priority of the subjects in terms of their importance, as well as urgency.

In our view, the very root of international problems lies in the continuing economic disparity between the haves and the have-nots and the anachronistic nature of the international economic order.

The international community is still severely gripped with the problems of poverty, food, population, energy, natural resources, industrialization, environment,

trade and monetary system. Of course, the United Nations has played a major part in identifying these basic problems, in promoting global and national recognition of them and in trying to establish the framework for a collective attack on them.

Indeed, the adoption of the Declaration and the Programme of Action on the Establishment of a New International Economic Order, as well as the Charter of Economic Rights and Duties of States are all positive steps in this direction. These attempts are quite impressive, but they are not necessarily enough. In our view, this process is to be supplemented and complemented by the thorough assessment of Chapters IX and X of the Charter and restructuring of their related organization.

The Economic and Social Council, under its present mandate as delineated in the Charter, lacks the necessary power and mandate in the areas with which it is concerned. The result has been the emergence of a makeshift system of institutions, attempting to deal with questions which should have been the Council's responsibility. Overlapping of undefined mandates, confrontation between the United Nations organs and the Secretariat units and lack of a clear policy orientation and firm co-ordination and direction have been the results.

Substantial reform of the Economic and Social Council, together with the establishment of a new mandate for the Council with adequate authority, is urgently needed. It is to be noted with satisfaction that the Secretary-General, in the introduction to his annual report, has emphatically stressed the necessity of such a reform: "On the economic and social side there can be no question that some restructuring of the system is essential if we are to meet successfully the great new challenges which interdependence poses to the international community" (A/10001/Add.1, p. 18).

We have read with great interest the report of the Group of Experts on the study of the structure of the United Nations system for international economic co-operation (E/AC.62/9). Certainly this report will provide a useful basis for evaluating what changes are needed and will also assist Governments in deciding the direction in which they wish the system to evolve. This also will be an important aspect of the work of the seventh special session of the General Assembly.

We should decide as soon as possible whether we wish to reform the Economic and Social Council and provide it with the necessary means to deal effectively with the tasks entrusted to it, or to create some new agency with less adequate powers to perform the task. If it is decided to elevate the status of the Council and to provide it with the means to become "master of its own house", the actual Charter amendments required may be small, other aspects of the change requiring much more effort and planning.

In short, we continue to believe that the very root of international crises lies in the structural maladjustment of the international economic system. Therefore the complete revision of the existing order and the establishment of a new set of international economic relationships based on the equality and common interests of all countries are the most important and urgent tasks which are to be accomplished. In this connexion, a comprehensive assessment of Chapters IX and X of the Charter, with a view to incorporate the new basic economic principles and to bring about appropriate changes to the structure of the Economic and Social Council commensurate with its new mandate and responsibilities is a positive step in this direction and, indeed, should be given prior consideration.

I now turn to the work of our Committee. My delegation believes that the report of the Ad Hoc Committee should, in an objective and judicious way, reflect the main trends of views expressed during the session. It should also contain recommendations to the General Assembly to continue the work of the Ad Hoc Committee and a method of work for the next session.

As to the establishment of a working group, my delegation, in principle, has a sympathetic view, but with regard to the nature of the specific mandate, the timing and the size of such a working group, we believe the question is to be further discussed and evaluated.

ITALY

/Original: English/

On behalf of the Italian delegation I would like to develop some reflections of a general character about the tasks which our Committee faces.

We are here following a resolution of the General Assembly, resolution 3349 (XXIX), adopted last year. It is a resolution adopted after a majority vote - but it was a rather large majority; it ended a year-long debate in the General Assembly about the opportunity of starting a comprehensive review of the functioning of the United Nations and of the present status of the Charter.

Dissatisfaction with many aspects of the functioning of the United Nations, as well as the necessity of bringing some of the provisions of the Charter up to date, after so many years of experience - some positive, some ... less positive - have been voiced for a long time.

Already on the occasion of the replies given to the Secretariat with regard to the celebration of the twenty-fifth anniversary of the Organization, some Governments, Italy among them, raised this question. The number of voices asking for general reflection on the present state of the United Nations has thereafter increased year by year.

On the other hand, initiatives limited to certain fields are going on. We can mention the activities of the Special Committee on Peace-keeping Operations, or the extremely useful and stimulating work done by a group of qualified experts, created, following a resolution of the General Assembly, for the study of a new United Nations structure in the field of international economic co-operation. The suggestions of this group will be discussed at the forthcoming special session of the General Assembly. They imply changes in the functioning of the Organization which could lead also to amendments of the Charter, especially with regard to the Economic and Social Council.

The long debate terminated last year concerning the best ways of enhancing the role of the International Court of Justice can also be mentioned. Suggestions and information gathered on the occasion represent an important contribution also vis-à-vis topics which relate to the core of the United Nations system.

Finally, it has to be pointed out that in the course of the years a large number of documents, while not in any way altering the Charter, have nevertheless influenced the practice of the Organization at every level. This can be said of the many declarations relating to decolonization, from the famous General Assembly resolution 1514 (XV) on the granting of independence to colonial countries and peoples, onwards; or of the Declaration on Friendly Relations; or of the definition of aggression. It is without doubt that those declarations which have behind them the generalized consensus of the Members of the Organization are vested with a high moral value so that they can de facto orient the practice in the interpretation and the application of the rules of the Charter.

These simple remarks seem to be enough for justifying a work of general review whose purpose would be the rationalization of the suggestions coming from so many and multifarious experiences.

The Charter is 30 years old. Thirty years of a strong dynamism in international relations, where crises, even major ones, have occurred. But none of these crises has led to such a breakdown in international relations as to indicate that the Charter had dramatically failed in the achievement of its main, fundamental goals. From this point of view we can say that despite the weaknesses of the United Nations system, notwithstanding the short-comings which all the Member States, on one occasion or another, have complained of, despite the possibility of abuses in the application of its rules, all this given, the Charter has nevertheless proved to be a crucial bulwark in the defence of peace. This is certainly a sign of the wisdom of its framers and the strength of its basis principles. And this is the very reason why such principles must be strictly preserved, without modifications, whose only effect would be to diminish their scope and to damage the foundations of the system.

When I speak of basic principles I refer not only to the general behavioural rules as they are expressed in Article 2 of the Charter, I refer also to the basic rules concerning the structure of the Organization. It would be extremely grave, indeed, to try to alter the relationships between the major organs of the United Nations, the General Assembly and the Security Council, to modify their respective fields of competence, to change the fundamental structure of these organs. In particular, we believe that even today the defence of peace and of international security urgently demands that every decisive action in this field should be based on the consent of those five major Powers to which the Charter confers a special position in the voting in the Council. Unanimity of the five permanent members of the Security Council, that is to say the necessity of finding a consensus and a peaceful co-operation among this group of States, is, in the opinion of the Italian delegation, a basic value which has to be kept very firmly in the current age, being founded as it is on important historical, political and ideological factors. Every attempt to impair this principle, every decision aimed at limiting the so-called veto power of the five permanent members of the Security Council, would render a reform of the system both utopic and extremely dangerous.

But if this is true, it is also true that several rules written in the Charter are overcome by the practice of the Organization. There are not only those rules which are dictated with reference to the post-war situation when the victors were opposed to the losers. There are also other rules. So, to give just an example, what can we say about that timid reference, contained in Article 73, to the duty of giving "information" about Non-Self-Governing Territories?

I ask myself who, in the United Nations today, would be prepared to assert that the only obligation incumbent upon States who still exercise colonial domination consists in the delivery of information about Non-Self-Governing Territories?

On the other hand, there are fields which, even being taken into consideration by the Charter, have tremendously expanded, perhaps just because of the soundness of the general framework of the United Nations system. In those fields, new and more articulated needs are insufficiently met by the rules of the Charter. I refer, in particular, to economic and social co-operation as well as to the field of international protection of human rights. The steady broadening of these domains

makes it useful to verify whether the actual situation, with the linkage to the Economic and Social Council, is still the most adequate, or whether, on the contrary, it would be better to give autonomy within the Charter to the problems of human rights vis-à-vis the problems of world economic development.

But these are not the only actual short-comings of the system. All the observers of the United Nations reality have had the opportunity to see, in recent years, how the current organization of the peace-keeping system reacts in an overly slow and hampered way even to minor and geographically-limited crises. The conciliatory procedures do not always function in a proper manner and the consequence is that the work of narrowing differences and the search for a solution acceptable to all the parties are extremely difficult. Even the interposition of the Organization between States in dispute is often impossible and it very frequently happens that the Organization also loses the possibility of clarifying the real issues at stake, thus failing to accomplish a task which is preliminary to the search for any solution. From this point of view, an improvement of the patterns for the peaceful settlement of disputes, a broadening, if I may express myself in this way, of the ideas enshrined in Chapter VI of the Charter, seems to be useful. It does not require altering basic principles or the competences of the United Nations organs.

In this framework it is certainly important to reconsider, once again, the role that, in the activities of the Organization, can be assigned to an institution which, according to its rules, is independent of the parties in dispute: the International Court of Justice. Enhancing the role of the Court is a leit-motiv of the policy of my delegation, which has always been of the opinion that the United Nations system does not make sufficient use of the possibilities offered by the existence of the International Court of Justice. In particular, we think that very much could be done at the level of consultative activity of the Court. Of course we ought to study very carefully the most appropriate procedures for taking into due account the legitimate interests of all the groups of States, so different with respect to their political creeds, their historic traditions, their geographical positions, and so on.

To these last remarks is linked, on the other hand, the question of the peace-keeping system and the improvement of its procedures, of course under the authority of the Security Council.

I could add other examples. But those already mentioned suffice to justify an effort of thorough study and rethinking, such as that which our Committee is asked to do. A general review, in other words, of 30 years of the life of the Organization.

With regard to many of the short-comings which are so commonly admitted, it is not necessarily true that the only possible cure is the amendment of rules written in the Charter.

As a matter of fact, much can be done by improving procedural rules of the various organs, or in general by reassessing the practice of the Organization. To be sure, it is not by chance that the General Assembly requested the Secretariat to prepare a document where the different aspects of the practice followed so far are expressed. This is a document which, together with that digesting the positions of the Member States about the review of the United Nations Charter, must be studied very carefully and in a quite objective way as a starting point for the work of our Committee.

Amending, if necessary, the rules of procedure and the practice of the Organization is, on the other hand, a precise suggestion which can be found in paragraph 1 (c) of resolution 3349 (XXIX), where the mandate of our Committee is found. Now, it is evident that, if proper results can be reached through an action which does not imply an amendment of the Charter, this method should be preferred. Such a method allows achievements in a shorter period of time, as it does not require the long and uncertain process of ratifications. On the other hand, it proves to be more flexible in the solutions proposed, which can be confronted with the coming events and perhaps reassessed again according to practical experience.

The review to be made from this point of view has to be an ample one. In the opinion of the Italian delegation, it has to deal particularly with the rules of procedure of the General Assembly where the situation today is far from satisfactory. Too many resolutions are carried out, according to the current practice, with the concurring vote of too small a group of States, many members of the General Assembly abstaining or not participating in the vote. And this situation very much prejudices the credibility of the General Assembly. Even if it is true that General Assembly resolutions do not have a binding force on the Member States of the Organization, it is also true that more careful and patient search for generalized consensus at the Assembly level, a more open-minded approach to the legitimate demands of the minority, could help the adoption of resolutions - perhaps less numerous and shorter - which could be endowed with a higher degree of political achievability.

The Italian delegation does not deem it useful at this preliminary stage of our work to go into details of specific proposals. On the other hand, the Italian Government has had the opportunity, on many occasions, to express its ideas about changes which it would be wise to introduce in the United Nations system. And I must add, in this context, that pursuant to operative paragraph 2 of resolution 3349 (XXIX) we have delivered today to the United Nations Secretariat a new statement of our official position. Anyway, we will have other occasions to express our views in the course of the work of this Committee. And we reserve, therefore, the right to introduce at the proper time specific proposals, or to support proposals made by other delegations. What is important now, in this phase of our meetings, is to fix very precisely the method of our work.

First of all, the Committee should not, in our opinion, assume a hasty attitude. Solutions not studied with sufficient care and consideration can do more harm than good. Moreover, they can hardly meet generalized consensus, which the United Nations, whose political philosophy has to be above all the search for unifying elements, is expected to promote. The experience of other Committees, for example that on the Definition of Aggression, has to be a guide to show us how it is possible, with patience and sincere goodwill, to reach generally acceptable solutions even on problems where the starting positions seemed quite irreconcilable.

This means, in the opinion of the Italian delegation, that this first session of the Ad Hoc Committee should be essentially devoted to framing the general guidelines of the Committee's work in view of the future sessions.

On the basis of the most valuable documents prepared by the Secretariat, we have to do a sort of inventory of the problems which deserve attention. And we have to put the various issues in an order which can ensure the coherency of our work, but which could also permit us to start with the study of those reforms on

which a more generalized consensus is easier to arrive at. On the other hand we have to consider, as I have already pointed out, whether results can be achieved without modifying the Charter but only by amending the rules of procedure and/or the practice of the Organization.

It is only when this preliminary work has ended that examination of specific proposals for change can be started with serious prospects of fruitful achievements.

This is said not in order to unduly prolong the work of our Committee, but to avoid both the risk of running into irreconcilable positions and the risk of turning our discussions into a useless academic exercise.

It is well known that the Government of Japan has long emphasized the need to review the Charter. My delegation was one of the sponsors of the resolution to establish this Committee, which was adopted by the General Assembly last year with the support of the overwhelming majority of the Member States of the United Nations. The basic thinking of our Government and some specific proposals which our Government made in connexion with the review of the Charter are contained in the observations of the Japanese Government communicated to the Secretary-General in 1972, reproduced in document A/8746. But I nevertheless consider it appropriate to expound, at this stage of the work of the Ad Hoc Committee, the basic position of my delegation with regard to the task we now have before us, namely the review of the United Nations Charter.

Our conviction that the Charter should be reviewed stems from our belief that in today's interdependent world, with weapons of mass destruction threatening the survival of mankind, the United Nations should be strengthened. Our stand in favour of reviewing the Charter and, with it, the functioning of the United Nations, arises from our commitment and allegiance to the purposes and principles of the Charter, which are dear to the Japanese people who feel most deeply the sentiment of "never again" and who, in their Constitution, have explicitly renounced the use of force as an instrument to solve international disputes. I would like to make it clear at the outset that we are not advocating any change in the purposes and principles of the Charter. We are urging that the Organization be strengthened so that it can give these purposes and principles real substance.

Thirty years have now passed since the signing of the Charter. During these 30 years the United Nations and the world which it reflects and in which it functions have undergone vast changes.

First of all, the expansion of the United Nations from an Organization of 51 Member States to one of 138 Member States has been accompanied by an important change in the character of the Organization. The new Members who joined the United Nations after 1945 are of two main categories: liberated colonial Territories, and the so-called "enemy States" of the Second World War. The admission of these two categories of States has made the United Nations a universal Organization, not one whose main roots are in Europe and the western hemisphere. And an aspect of the United Nations as an alliance against some of the members of the international community has lost its relevancy.

Secondly, the world which the United Nations reflects and in which it functions has become increasingly interdependent. Today not only are peace and security indivisible, but the problems of economic development, inflation, environment and resources, which have become matters of global concern, require global solutions in the framework of the United Nations. In this interdependent world the relevancy of the United Nations to world problems is increasing, not diminishing. These two factors, the universalization of the United Nations and the expansion of the relevancy of the United Nations to the world problems,

necessitate the adaptation of the United Nations to the new situation and demonstrate the need for added strength for the Organization, without which the United Nations may be bound to failure.

This year we are celebrating the thirtieth anniversary of the United Nations, and it is indeed opportune for us to reflect on the achievements of the Organization and the reasons for its short-comings. The Government of Japan is mindful of what the United Nations has achieved, despite the inescapable limitations imposed upon it by the fact that it functions, not as a world government, but as an Organization in a world of nation-States. But our Government is compelled to admit that the United Nations has not fully satisfied the hopes and expectations held for it by mankind. In spite of the recent developments increasing the relevancy of the United Nations, the Organization has not always functioned during these 30 years as it was meant to. There were special circumstances, each of its own kind, on every occasion when the Organization failed to be true to itself. There are cases in which certain Member States disregarded the obligations contained in the Charter, and there are cases in which the United Nations was simply by-passed by some Member States even when it could have been utilized effectively for the solution of their problems.

In the view of my delegation, there is an interaction between the behaviour of the Member States and the effectiveness of the United Nations itself which could become a vicious circle, leading to the weakening of the United Nations. A United Nations which functions improperly and ineffectively would discourage States to look to or rely on the Organization for the solution of their problems, and this would further lead to a weak and unreliable United Nations. My delegation believes it necessary to prevent this from happening and to strengthen the United Nations as a reliable instrument for peace, justice and progress.

Those who are opposed to a review of the Charter have said that if the Member States strictly complied with the provisions of the Charter, the United Nations would achieve much more, and hence there is nothing wrong with the Charter. My delegation does not share this rather one-sided view. While we admit the need to urge Member States to comply with their obligations contained in the Charter, my delegation believes that the Charter of the United Nations is much more than a simple contractual treaty. It is the constitution of the Organization called the United Nations.

These two aspects of the Charter, that is, an aspect of the Charter establishing the contractual obligations of the Member States and another aspect of it, which organizes and structures the Security Council, the General Assembly and other organs, should be taken into account when discussing the need to review the Charter.

As far as the provisions establishing the obligations of a Member State are concerned, it is useful and meaningful to stress the need for Member States to comply with them; but as far as the provisions which organize and structure the General Assembly, the Security Council and other organs of the United Nations are concerned, the call for the compliance with them is simply the call for the status quo of the organizational structure, created 30 years ago. While my delegation does not favour a drastic change in the present structure of various organs of the United Nations or in their relations with each other, it believes

it necessary for Member States to review them in order to enhance the effectiveness of the United Nations and to ascertain whether or not the Organization is consistent with today's world reality.

Having stated the basic position of my Government, I should like to turn to the more concrete problems facing this session of our Ad Hoc Committee. This Committee was established pursuant to General Assembly resolution 3349 (XXIX), which gave this Committee very widely-phrased terms of reference. The task which the Committee faces is broad and far-reaching. I agree with the Italian delegation which characterized our task as "a general review of 30 years of life of the United Nations". To tackle this broad and far-reaching task, it is essential to organize our work well.

In the view of my delegation, the first session of this Ad Hoc Committee might as well be devoted to the organization of our work, which is not an easy task in itself. In order to do this, my delegation believes that it is necessary, first of all, to identify the areas of the United Nations activities in which Member States have found short-comings. These areas may include, in the view of my delegation, the peaceful settlement of disputes including the role of the International Court of Justice, peace-keeping operations, the decision-making process in the General Assembly and in the Security Council, functioning of the United Nations in the economic and social fields and others. Except in the case of some obsolete clauses in the Charter, we cannot know a priori whether the remedies we should propose in these problem areas will involve a Charter amendment or not. Therefore, my delegation believes that the approach to identify, first of all, the problem areas, then to discuss them one by one, or in conjunction with others in depth and to decide on the most appropriate remedies to the problem, which may or may not require a Charter amendment, would be most productive.

In the view of my delegation, the slow pace of the work of our Committee is due not to the apathy of various delegations, but to the broad and far-reaching character of our task and to the lack of a good method of work essential for it.

Lastly, my delegation should like to see this Committee working, not in an atmosphere of confrontation, but in one of accommodation. Member States of the United Nations should have a sound interest in the work of this Committee, which is to deal with the functioning of the United Nations in general with a view to amending, if necessary, the basic constitutional document of our Organization and which, as such, has a great potentiality. This potentiality of our Committee should be utilized for the good of our Organization, for peace, justice and progress in the world. It can be so utilized if we proceed with care and in the spirit of accommodation.

/Original: English/

My delegation wishes to take this opportunity to reaffirm its faith in the purposes and principles of the Charter and at the same time restate its position with regard to the proposed review of the Charter. Our position has been that such review is made absolutely necessary in view of the changed international situation since the Charter came into force on 24 October 1945.

It is abundantly clear that the majority of States are in favour of recommending that a review of the Charter should be undertaken. The reasons for doing so are not far to seek. The international community itself has undergone tremendous changes, both in attitudes and status, since the Charter came into force, which make it necessary to review the practice of States with respect to the principles enunciated in it. It is to be observed that the basic attitudes of States towards the Charter are still those that were considered at the time the Charter was established, that is to say, an undertaking by the States concerned to save mankind from the scourge of war and to reaffirm the international community's faith in fundamental human rights and the maintenance of international peace and security through justice.

It is therefore through the proposed review of the Charter that it is hoped the international community would be afforded time to re-examine the provisions thereof in order to discover whether or not any of them are still valid to this day or whether a change in any of those provisions is desirable. In doing so, the same good faith that has prevailed since the establishment of the Charter some 30 years ago would be applicable to any such re-examination of the provisions of the Charter. If there was any delicate balance with which the Charter was originally enjoyed, this too would be examined with a view to adapting it to the changed circumstances. The proposed revision of the Charter is, therefore, a matter for discussion, negotiation and agreement. It is not the intention of the sponsors of the resolution to impose their will on others, but it is their intention that, given goodwill and understanding, the review should be undertaken without much difficulty.

It is with this in view that my delegation, together with others, has put forward certain suggestions for consideration in connexion with the review of the Charter. Already certain provisions of the Charter have been amended, chiefly to reflect the changed international situation since it came into operation. It is precisely for the same reasons which motivated this change that the review of the Charter is being urged in order to modernize it. Accordingly, certain proposals have been put forward for consideration in this regard. The mandate of the Ad Hoc Committee should therefore be extended to facilitate the consideration of the specific proposals.

/Original: Spanish/

On this occasion the Mexican delegation would like to make some preliminary remarks concerning the important work of the Committee. It is undeniable, and we wish to take this opportunity to repeat it now, that for my country, the fundamental task facing the United Nations is to close the gap between the Charter and the political will of States to comply with its fundamental purposes and principles.

It should be recognized that the mandate established by the General Assembly in resolution 3349 (XXIX) is the broadest that could have been expected and will make it possible not only to examine proposals on the review of the United Nations Charter, but also, as specifically stated in paragraph 1 (b), to consider any specific proposals that Governments may make with a view to enhancing the ability of the United Nations to achieve its purposes. Following a careful study of the observations included in the documents circulated by the Secretariat, my delegation draws the following general conclusions.

None of the countries which offered their observations in those documents wishes to appear as being against reform. At the same time, however, very few consider a general review of the United Nations Charter feasible at this time. With the possible exception of the Philippines, Colombia and Zambia, very few States making concrete observations offered specific suggestions as to how to amend the constituent Charter of this Organization.

It should not be forgotten that it was possible to adopt the United Nations Charter in 1945 - and this is a historical phenomenon - because the international community was still experiencing the trauma of the Second World War, and that, if it is agreed that it is a matter of necessity and priority to review the United Nations Charter, and I attach special meaning to the word "review", the following pitfalls must be taken into account.

Firstly, to attempt to amend the Charter might merely increase the differences which exist in practice among Member States, and it is frankly difficult to believe that at this moment, when we hear references to "détente", a significant agreement can be reached on some of the key Articles of the Charter.

Secondly, in Mexico's view the fact of the matter is that the differences which divide us are the product of differences in the policies of sovereign States, and not of defects of this Organization. Thirdly, the United Nations Charter is a dynamic document and it has been possible to keep it up to date through a clear and important process of interpretation. Fourthly, to add a historical element, if we bear in mind that it was the introduction of the right to cast a veto in the Security Council and the concentration of authority in this organ with respect to the others that prompted the small countries to insist in San Francisco on including the possibility of reviewing the United Nations Charter, the fact is that the situation has changed and does not appear as urgent now that the review is being carried out.

Furthermore, we cannot fail to recognize that there are Articles in the Charter which must be deleted or brought up to date. I should like first of all to refer to the structural changes which do not require an amendment to the United Nations Charter. Before indicating specifically what changes or ideas might be considered in this regard, I would recall that ever since 1945, various methods to sustain the

dynamic nature of the Charter have been employed. The first is the method of "non-application" of certain Articles of the Charter, for example, Article 43, Article 106 and Article 23, paragraph (1). In Article 23, paragraph (1) - and I believe this has already been mentioned by another speaker - two criteria for the election of the members of the Security Council are established, whereas in reality only one of those criteria has been applied, namely equitable geographical distribution. The "contributions ... to the maintenance of international peace and security" element has never been applied in the election of members of the Security Council. Another method is the "interpretation" of one or more Articles of the Charter, the most obvious and important of these undoubtedly being that applied to Chapter XII of the United Nations Charter. If there is one Chapter which must be amended as a matter of priority, it is Chapter XII. I also believe that the Chapter on economic and social principles could be brought up to date with a series of elements approved up to now by the international community. I shall not refer solely to changes which the process of "interpretation" has wrought as concerns the structural aspects of the United Nations Charter, but shall also include the fundamental principles which govern our Organization, and I cannot fail to mention the adoption of the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations. In 1964, when the process that culminated in the adoption of that Declaration began, a meeting of the Special Committee was held in Mexico. At that meeting, one of the two super-Powers, which certainly is represented here, denied the existence of the principle of non-intervention by a State in the affairs of another State. That country considered that there was such a thing as non-intervention by the United Nations in the affairs of States, but no such thing as the prohibition against a State intervening in the affairs of another State. If we interpret the scope of that Declaration modestly, it can be confirmed that, now that that important process has been completed, there is no State, including the great Power to which I referred, that does not accept that the Charter specifically prohibits intervention by a State in the affairs of another State. These are some, but not all, of the examples which can be cited in connexion with that process.

The Secretary-General of the United Nations has submitted an interesting report of a Group of Experts which will be considered at the seventh special session, entitled A New United Nations Structure for Global Economic Co-operation. Frankly, my country has many observations and objections to make with regard to this report. However, it does provide us with guidelines as to the type of suggestions, amendments and modifications which could be considered under what I would call the subheading of suggestions which do not constitute amendments to the United Nations Charter.

Furthermore, there are Articles in the United Nations Charter which require amendment. My country, which has made itself quite clear on this issue, has made specific proposals and I refer here to document A/9143, in which Mexico makes some specific observations concerning the composition and powers of the membership of the Security Council. The Minister for Foreign Affairs of Mexico, speaking in the general debate at the 2050th plenary meeting of the General Assembly on 3 October 1972, expressed the conviction that the participation of the third world in the United Nations system of collective security should be improved and institutionalized and to that end proposed that the third world should be given permanent representation on the Security Council, enjoying the same powers as the five permanent members.

That proposal remains valid; I believe it falls within the bounds of our discussion and there are now other delegations which have made comments thereon. Mexico has no specific and clear idea about the kind of changes required to achieve this objective, but I believe that it is very important that, when we come to consider amendments to the United Nations Charter, we should be able to examine this suggestion together with other very important proposals made thus far.

What could this Committee achieve at its first session? Firstly, I believe it is very important that there should be general agreement among the participants that this Committee should meet again next year, and my delegation will reject any suggestion to the effect that the Committee has accomplished its mandate by drawing up a list of the proposals submitted. That was not at all the intention of the Assembly's mandate, at least not that of the Mexican delegation, when it voted in favour of establishing the Committee.

Secondly, we should establish some kind of priority for the work to be done in the future. I must confess that without having had the chance to speak to many delegations, I do not know what the general feeling is regarding the establishment of such priorities by the Committee. Obviously it is not essential; the priorities can be established by the General Assembly of the United Nations when it considers the report to be submitted to it by this subsidiary organ. But it might perhaps be advisable to give the General Assembly some guidance concerning the kind of priorities which could be established. In my delegation's opinion, it should be made very clear in establishing such priorities, that we must give a certain force to the arguments of those who believe that our Organization should be brought up to date, without changes to its constituent Charter. But, at the same time, we cannot accept either the implication or the statement that the Charter is a "sacred" instrument. The Charter, in my delegation's opinion, must be brought up to date, but this can be done through a slow and careful process which will not create greater confrontation than already exists, and through a process of negotiation which the Chairman of this Committee and a group of representatives could very well lead. I believe, for example, that there are certain provisions of the United Nations Charter which frankly should be deleted. Mexico has always been against losing time in United Nations committees, a position with which I am sure you will all agree, and feels that in addition to suggesting certain priorities to the General Assembly the Committee could submit a specific suggestion for the deletion of one or two provisions which every one here, or the large majority, believes to be obsolete. I was greatly surprised to find that there was no consensus on deleting the provision referring to "enemy States", particularly after the adoption of the important Helsinki Declaration, which is a fundamental step towards the legal consolidation of peaceful coexistence.

Mexico's suggestion consists - and here I am concluding my delegation's preliminary remarks on the Committee's work - in establishing certain priorities which this Committee recommends, without excluding the possibility of also recommending to the General Assembly that one or two totally obsolete provisions be deleted from the Charter. In this way, we would be confirming the following basic thesis:

(a) The Charter should be amended as the large majority of countries agreed during the last Assembly;

(b) Although it is true that we must amend the Charter, it should be done by a slow and careful process, so as to avoid unnecessary confrontation, since what we are trying to achieve is the updating of the basis of relations between States and;

(c) Amendments to the Charter are not the only structural problem with which we are faced, since there are innumerable changes concerning the work of the Organization which can be made without altering the Charter of the United Nations.

In this context, special consideration might perhaps be given to what we call "A New United Nations Structure for Global Economic Co-operation". The most important point in this study, which we have analysed with great care, is that the Economic and Social Council should regain the function of a co-ordinating body accorded to it in the United Nations Charter. No change in the United Nations Charter is required for that purpose.

I believe that we could begin there. Now, how should we set about these two very specific and clear tasks which the Committee has before it? In the Mexican delegation's view, two sub-committees could be set up. I have already heard the view expressed that, once we finish our general debate, we should proceed to draft the report to the General Assembly. I would not be so pessimistic; I would say that we could try setting up two sub-committees, one responsible for the structural changes which do not call for amendments to the Charter, and the other responsible for a very preliminary analysis of those specific amendments to the Charter suggested by countries represented here or the observations contained in the documents we all have before us. Only from such a careful and detailed analysis in a smaller and more informal forum will we be able to ascertain our potential for success. In the light of such action, the priorities for recommendation to the General Assembly could be established and I repeat that I am not very convinced that this Committee is obliged to suggest priorities to the General Assembly concerning the work to be done next year. However, I do believe that it is absolutely essential and fundamental that there should be a consensus to the effect that this Committee has not completed its work now and that it is only beginning a task which can be of the greatest significance if it is handled with the responsibility and care it deserves.

/Original: English/

In supporting the establishment of this Committee to review the Charter, the New Zealand Government acknowledged the undoubted fact that a substantial number of United Nations Members clearly considered such a review to be timely and necessary.

The Charter has now been in existence for 30 years. Fifty-one States were founding Members of the United Nations. There are now 138 Members, and before the year is out the total may be something like 145. Thus little more than a third of the present membership had a voice in drawing up the constitution of the most important international Organization to which any of us can belong.

This, in itself, seemed to us sufficient reason for supporting what was clearly the desire of the majority for Charter review. It should not be assumed that, in taking this position, New Zealand saw a need for a top-to-bottom revision of the Charter. Neither, on the other hand, do we consider that it should be treated as sacrosanct. Specific provision is made in the Charter for its amendment, and, be it noted, for its review by a general conference. Several useful and necessary amendments have already been adopted. New Zealand was from the beginning strongly critical of certain provisions of the Charter, especially the unanimity rule and the indefensibly wide scope of its application. But leaving aside this basic defect, which was included in the Charter on the faulty premise that the permanent members of the Security Council would carry forward their war-time alliance in a joint endeavour to preserve the peace, it is our view that the Charter has stood the test of time surprisingly well.

It is certainly true that as a consequence of the basic defect in the voting procedure of the Security Council, to which I have referred, and of the great-Power rivalry which caused the cold war, the enforcement machinery envisaged in Chapter VII has never been established. The Military Staff Committee meets regularly, secretly, and presumably harmoniously - surely the most underemployed military organization of all time - but no forces have been placed at its disposal. Nevertheless, a substitute form of peace-keeping machinery has developed, in which the armed forces of the permanent members play no part, and this has proved in a number of situations, and within certain limitations, to offer a very effective means of dampening tensions, and of reducing the chances of an outbreak or resumption of hostilities.

Would an amendment to the Charter be helpful in regularizing the organization and financing of peace-keeping forces? Interesting suggestions have been made by, among others, the Governments of Colombia and Italy. The concept of a permanent peace-keeping force, or at least of a permanent staff for the planning and direction of peace-keeping operations, with perhaps the nucleus of a permanent field force, deserves further study. Provisions which ensured a more equitable sharing of the burden of providing forces for peace-keeping purposes, de-emphasizing as far as possible the national character of peace-keeping contingents, might also remove obstacles which exist at present to improving the effectiveness of peace-keeping operations.

My Government does not, however, consider it essential to seek amendments to the Charter where an equally efficacious reform or innovation can be secured by some less cumbersome means. It may well be that substantial improvements in the

present arrangements for the provision of peace-keeping forces could be equally well achieved by decisions of the Security Council or the General Assembly. This observation relates not only to the question of peace keeping, but to other matters which I shall mention in the course of this statement. Only a thorough-going review of the kind on which we have now embarked, however, can determine whether a particular change or improvement requires a constitutional amendment, or for that matter whether there is the necessary support from Governments to justify an attempt to make that change.

There appears to be widespread sentiment in favour of reviewing the present provision concerning the admission of new Members. Most Members, we believe, support the principle of universality. The condition that an applicant must be "peace-loving" is a highly subjective one, and there is room for widely divergent opinions about the "peace-lovingness" of particular applicants - or, for that matter, of some States that are already Members.

In my Government's view, membership of the United Nations should be regarded primarily as a duty. Membership should be subject only to the criteria of statehood generally accepted in international law. While it might have been desirable at an earlier stage to establish limits of population size for United Nations membership, or perhaps to establish a form of associate membership for micro-States, it does not seem to be practicable at this stage, when a number of very small States have already been admitted to membership of the United Nations and associated agencies, to attempt to institute restrictive rules.

If the criterion for admission were to be the simple and objective one of independent statehood, there would seem to be little justification for retaining the present voting procedure for the admission of new Members. The present procedure, which makes it possible for a permanent member of the Security Council to veto an applicant for any number of extraneous reasons, has led to many abuses. In the past a number of well-qualified applicants, including some members of this Committee, were denied admission for many years. My Government would therefore favour a change in Article 4, paragraph 2, of the Charter which would make admission of a new Member subject only to a two-thirds majority vote in the Security Council and the General Assembly.

The philosophy of universality, in my Government's view, is opposed to the tendency which has lately become evident to invoke the expulsion provision in Article 6 of the Charter. My Government, as I have said, attaches first importance to the legal and moral obligations which a Member of the United Nations assumes. Expulsion deprives a State of its rights as a United Nations Member, but it also relieves it of its obligations.

In my Government's view, the Charter is at present defective in that it provides that a Member may be suspended from the exercise of the rights and privileges of membership only in a situation where it has had preventive or enforcement action taken against it by the Security Council, and that the only penalty provided for in the case of violation of the Charter is expulsion. It seems to us that it would be more logical and appropriate to provide for a variety of sanctions against a Member which violates the Charter, up to and including suspension from the exercise of some or all of the rights and privileges of membership, but not from the obligations of membership. Since we are not in favour of relieving an erring Member of the obligations of membership, it follows that we

would regard expulsion as a punitive measure which ideally should never be resorted to. Provided that other sanctions for violation of the Charter could be introduced, including suspension from the rights and privileges of membership, we would in fact regard the expulsion provision as unnecessary.

I emphasize that this comment does not apply to the Charter as it is, but to the Charter as we would like to see it. We do not underestimate the difficulties of securing change, particularly in an area such as this where the voting procedure for the imposition of punitive measures is a matter of special difficulty and importance. Again, as in the case of the admission of new Members, we do not regard the unanimity rule as appropriate in cases involving measures up to and including suspension of rights and privileges. We agree that there should be a requirement for a specially qualified majority to avoid ill-considered or hasty action against an unpopular Member: perhaps the same majority that we have suggested in the case of admissions, e.g. two thirds in both the Security Council and the General Assembly.

I appreciate that in raising these particular instances where, in our view, a change in the present voting procedure would be desirable, we have touched on the most sensitive issue in the whole area of Charter review, and the one that has provoked the most opposition to the Assembly's undertaking any review at all: i.e. the privileged voting position of the permanent members of the Security Council, and the role which was envisaged for them by the authors of the Charter.

My delegation would not be so unrealistic as to suggest that the unanimity rule should be abolished, and indeed we readily concede that it may not be without value as a brake on hasty decisions by a majority which is not necessarily always responsible. There is in fact no danger that the privileges and powers of the permanent members will be diminished against their will, since the unanimity rule applies also to the amendment process itself. What we would hope for is the voluntary recognition by the permanent members that there are questions, such as those which I have already mentioned, where there is little or no justification for the application of the unanimity rule, which was clearly intended as a safeguard in regard to major issues affecting international peace and security. If amendment of the Charter in some of these areas is regarded as too ambitious, there is still the possibility of a gentleman's agreement among the permanent members not to invoke the unanimity rule on certain questions. There has, for many years, been an invaluable convention that an abstention by a permanent member does not invalidate a substantive decision of the Security Council, although a strict construction of Article 27.3 might suggest otherwise. Similar conventions might well be developed in other areas. At the present time we would not be especially sanguine of early agreement by the permanent members on self-denying ordinances of the kind we have been suggesting. But if, as we judge, dissatisfaction with the present state of affairs grows and the movement for comprehensive Charter review develops further momentum, the permanent members might seriously consider this suggestion as a preferable alternative, from their point of view, to opening the door to actual amendment of the Charter.

A further question is whether there should not be some change in the size and composition of the Security Council. It is certainly arguable that there are a number of Member States whose size, population, economic strength and general capacity and willingness to play a leading role in the United Nations is comparable with that of some of the present permanent members of the Security Council, and that such countries have a reasonable case for argument in favour of

extending the privileges of permanent membership to a larger number than the present five. It is true that the present permanent members are the only known nuclear-weapon States, but this does not appear to us to constitute an adequate claim to a special status. However, in view of our general policy of seeking to limit the scope of application of the unanimity rule to the minimum, we would not favour extending the privileges of permanent membership beyond the present five. Nor would we favour a category of semi-permanent members, which would impair still further the principle of sovereign equality which should remain the corner-stone of the Charter. A case might be made for an increase in the size of the Council, but for the present we do not regard it as a compelling one.

There are a number of provisions of the Charter which, with the passage of time, have become out of date or redundant or have been outpaced by developments in the attitude of the international community to the problems with which they deal.

Thirty years after the end of the Second World War it appears no longer appropriate to retain references to enemy States, States which are now Members of the United Nations in good standing, in some cases leading Members. We would favour removal of the references to enemy States in Article 53 and the deletion of Chapter XVII, Transitional Security Arrangements.

The objectives of the Trusteeship System have been very largely achieved. It should before long be possible to abolish the Trusteeship Council on the completion of its task. It has been suggested that it might be transformed into a human rights council, but the question of establishing new machinery in the human rights field appears to us to be a quite separate question. We remain to be convinced of the need for revamping the present Human Rights Commission, especially if, as recommended by the Group of Experts set up under Assembly resolution 3343 (XXIX), it is made directly responsible to the General Assembly.

The provisions of Chapter XI of the Charter certainly no longer state with any adequacy what the international community expects from Members which administer Non-Self-Governing Territories. These expectations were cogently set out in the Declaration on decolonization adopted in 1960. Events in this field have moved with such speed, however, that it is doubtful whether it is now necessary to consider a major revision of Chapter XI. We shall, however, be ready to consider carefully any proposals that may come forward in this regard.

There is clearly scope for wide-ranging structural reform in the field of economic and social co-operation - perhaps more here than in any other area of United Nations responsibility. But paradoxically the need for reform does not, as we see it, require any significant amendment of the Charter. It is not our wish to prejudge the Assembly's consideration of the report of the committee of experts on a new United Nations structure for global economic co-operation, but it is notable that the Group of Experts has found it possible to recommend a series of important reforms which would not require amendment of the Charter. These include the creation of a post of Director-General for development and international economic co-operation, second only to the Secretary-General himself; the establishment of a United Nations development authority, in which all technical assistance and pre-investment activities would be consolidated; the reorganization of the operation of the Economic and Social Council to give new emphasis to its central role in global policy formulation and implementation; the abolition of a number of subsidiary bodies; and a number of consequential changes.

The New Zealand Government is carefully considering these important ideas, and would regard it as premature to take up major proposals for amendment of Chapters IX and X of the Charter until the acceptability and practicability of the proposals for change within the framework of the present text had been fully tested. We do, indeed, attach as much importance to subparagraph (c) of the first operative paragraph of resolution 3349 (XXIX) in which the terms of reference of this Committee were defined, as we do to the other subparagraphs. We are all the more anxious that this Committee should not neglect this aspect of its work, because a sense of realism suggests to us that it is in this area that early progress is more likely to be made. The attitudes of the permanent members of the Security Council to the possibility of Charter amendment are not likely to change overnight. As is so often the case, time and patience will be needed for a consensus to emerge among the other Members of the Organization as to what measure of reform, if any, they consider essential, and for that consensus to have its due effect, as it must, on the attitudes of those permanent members who at present oppose all change.

My delegation has, with considerable interest, read through the views of some Governments as contained in document A/AC.175/L.2 (Parts I and II) and the views of the Secretary-General on the experience acquired in the application of the provisions of the Charter with regard to the Secretariat, contained in document A/AC.175/L.3 and Corr.1 and Add.1. Going through the diverse views expressed by the various Governments on the various Chapters and Articles of the United Nations Charter, it would be naive for anybody to think that the task before this Committee of 42 Member nations is an easy one. My delegation feels that the burden on this Committee is no less heavy than that on the founding fathers of this Organization when they met in San Francisco 30 years ago to give efficacy to the United Nations Charter by signing it. The Committee's assignment as enumerated in paragraph 1 of General Assembly resolution 3349 (XXIX) is no less important. The General Assembly has, in good faith, entrusted to this Committee the uneasy task of considering these suggestions already submitted and those that will be made during the course of our current meetings regarding the review of the Charter of the United Nations. To succeed in this arduous task, each member of the Committee will have to forget narrow national interests and look at the issues and suggestions before us in the context of what is good for the Organization in particular and international relations in general. We should work for agreement on issues over which there are indications of disagreement. We should let goodwill, mutual confidence and compromise prevail. Without these our efforts would be futile and we would let down the Organization which has entrusted us with this difficult but honourable task.

My delegation has noted with concern the extreme position taken by some Members of the Organization that the United Nations Charter is perfect and therefore should not be made subject to review. This position contradicts the spirit and letter of Article 109, paragraphs 1 and 2, of the Charter in which the founding fathers of the Organization in their wisdom made provision for the review and alteration of the Charter. By making such an important provision, the founding fathers of the Organization demonstrated a remarkable foresight. The provision is also a declaration of their intent not to regard the Charter of the Organization as sacrosanct. They showed awareness of the fact that the world situation will continue to change as the world continues to mature.

It is 30 years since the United Nations Charter came into effect. The world situation has changed and continues to change. The membership of the Organization has increased more than twofold and continues to increase. Former colonial Territories have since become independent Member States of the Organization. Common ideological and economic interests have united them into a third-world force working side by side with the older States of East and West Europe in interpreting the major political systems that have dominated international life for as long as the Organization has existed. The aim has remained the same - the search for a world order and international peace and security within the context of the purposes and principles of the Charter, which have served us well.

The world power as it was then known has undergone changes. Today, enormous power is concentrated in the hands of two Member States of the Organization. Some Member States which were regarded as world Powers 30 years ago have since lost some

of their powers to the point that their claim to world power ascendancy is questioned in certain quarters. On the other hand, some entities unknown 30 years ago have acquired some measure of power today to the point where they can now be regarded legitimately as world Powers.

These are examples of some of the important changes that the world and our Organization have gone through in the past 30 years. My delegation believes that the Charter of the Organization should reflect these changes. We hold this view believing that, given the circumstances of today, the founding fathers would have produced a different Charter.

We support the views that the purposes and principles of the Organization remain as valid today as they were 30 years ago. We support those who call for the review of specific provisions of the Charter either because they are obsolete or because they do not reflect the present world situation.

We have heard statements to the effect that the ills and failures of the Organization should be blamed on the Organization itself and not on the Charter. We find it difficult to understand the logic behind this statement. It is difficult for us to separate the Organization from the Charter which regulates its functions. We believe that with all the good intentions in the world, the Organization cannot work well if its constitution is defective and unrealistic. It is our view that the Charter is unrealistic of the present world order, and in the circumstances no amount of manipulations by the Organization can make it work efficiently.

As for specific proposals, my delegation would like to reiterate some of my Government's previously expressed positions on the principle of unanimity, permanent membership and the size of the Security Council.

(a) Abolition of the veto. My Government believes that there is need to consider amending Article 27, paragraph 3, so as to remove the veto power which has proved a major hindrance to Security Council action and effectiveness. However, we are aware of the provision of Article 108 of the Charter which requires the concurrence of those who hold the veto powers in the Security Council in order to effect any amendments to the present Charter.

In this connexion, the Nigerian delegation has taken note of the proposal of our distinguished colleague from Sierra Leone who proposed that the five veto powers be exercised on equitable geographical basis as it has been the long-standing practice in this Organization. One veto power should remain exercised by Western Europe, Eastern Europe and Asia, respectively. The remaining two positions should go to the two regional groups of Africa and Latin America which had hitherto been kept out of the exercise of this privilege. We support this wise proposal in principle. However, in view of the effect of Article 108 on a proposal like this, we propose that if the veto institution cannot be abolished, then the privilege of veto should be extended to the two regional groups of Africa and Latin America. This we believe will be an equitable and wise solution to the problem of the veto.

(b). Abolition of the permanent membership of the Security Council. Article 23, paragraph 1, of the Charter established the system of permanent membership of the Security Council reserved to five Member States which have continued ever since to enjoy a privileged position of veto power under Article 27,

paragraph 3. As indicated earlier, the conditions prevalent at the time of the designation of the five permanent members of the Security Council can no longer be held to be the same at the present time. Furthermore, democratization of the Organization as a whole should also apply to the Security Council. We do not see any need, in the present-day circumstances, for any Member State to enjoy any special privilege: all members of the Security Council should be on a non-permanent basis.

This is another issue on which we hold different views from those who advocate the retention of the permanent membership of the Security Council. We can agree to retain permanent membership of the Council provided that the membership is enlarged to ensure representation of all regions among the permanent members. We believe that the regions of Africa and Latin America which are hitherto excluded from permanent membership of the Security Council should be included.

(c) Enlargement of the Security Council. With membership of the General Assembly steadily increasing over the years, my Government believes that there is need for a modest increase in the over-all membership of the Security Council to provide a fairer representation of the geographical regions.

These are the three main areas on which my Government has made observations, without prejudice to our rights to make further observations of a specific nature in due course.

We have taken note of other Governments' proposals on issues such as the status, the Trusteeship Council, the General Assembly and the International Court of Justice. We are studying these various observations with the aim of reconciling our positions and views with them in the spirit of accommodation that is needed for the successful accomplishment of our difficult task in this Committee. We reserve the right to make our views and positions known on these issues at appropriate stages of this Committee's deliberations.

On the difficult issue of the programme of work to be adopted by this Committee, my delegation would like to suggest for the consideration of the Committee that in view of the little time left at our disposal during this session of our meeting, we should endeavour to locate areas of agreement, that is, those provisions of the Charter on which we all agree that there is no need for any review, and from there go on to locate problem areas beginning with the non-controversial to the most controversial provisions. Chapter 1 on the purposes and principles of the Organization is an example of area of agreement. There appears, to my delegation, to be a consensus that there is no fault with this Chapter. We suggest this line of action because we believe that there is need for both the proposers and the opponents of the review to know that their views are adequately represented. There is need for mutual confidence and goodwill, and unless we begin with the less controversial problems, the spirit of accommodation which we most need for the success of our meeting may elude us.

In conclusion, we would wish to join other distinguished delegations which have made pertinent observations on the slow pace of our work. The Nigerian delegation, however, believes that given the importance of the task before us and the desire of each delegation to give its utmost, we understand the slow take-off the Committee has experienced so far. We do not share the view that the slow pace is a reflection of lack of desire on the part of the Members of this Organization to review such provisions of the Charter that have been known to be obsolete or out of keeping with the present circumstances of the Organization. We of the Nigerian delegation are determined to be guided by the needed spirit of accommodation and what we believe to be in the interest of the Organization in order to make the difficult task of this Committee come to a successful end. We expect no less of the other distinguished delegations.

PHILIPPINES

/Original: English/

The attitudes and the position of the Philippine Government on the need to consider suggestions regarding the review of the Charter of the United Nations are of record. The idea of a review of the United Nations Charter had been eloquently espoused by the Secretary of Foreign Affairs of the Philippines as early as the twenty-fifth anniversary of our world Organization. Specific suggestions of the Philippine Government regarding the Charter are contained in the relevant documents of the United Nations. I will therefore be quite brief in my statement and will deal mainly with what I consider basic considerations of the Philippine position. We continue to adhere to the belief in the centrality of the United Nations in world affairs and in the necessity of ensuring that the Organization adapt itself to the role expected and oftentimes demanded of it. The United Nations is an offspring of change and it is both logical and necessary that an active, functioning organization keeps pace with change. There have been extraordinary changes in almost every sphere of human activity which has shifted and broadened the focus of emphasis of the work of the United Nations since the Charter was drafted 30 years ago in San Francisco.

These changes, including the rapid birth of many new independent nations, the impact of nuclear weapons, vast and continuing technological changes, closely interrelated global economic and social problems, to mention only a few, require an examination of the adequacy of the United Nations in the present-day world. These problems will not yield to piecemeal and national or even regional solutions. We therefore view the Ad Hoc Committee as an appropriate forum to consider the ideas and proposals to meet these changes and problems in the context of strengthening the United Nations, the only agency capable of applying global solutions to global problems.

We continue to adhere to the validity and relevance of the purposes and principles of the United Nations as embodied in Articles 1 and 2. We have used these Articles as our criteria in offering our suggestions for enhancing the effectiveness of the United Nations and we intend to use the same guidelines in determining our position towards other suggestions.

Resolution 3349 (XXIX) enumerates in paragraph 1 the mandate of the Committee. We note that this broad mandate calls for a thorough study of all ideas and proposals submitted by Governments on the United Nations Charter, whether or not they require amendments to the Charter. Various Governments have, and will continue to have, their own proposals on various aspects of the United Nations Charter. The Philippine Government, for example, has submitted specific suggestions on those aspects of the Charter dealing with the primary function of the United Nations, i.e. the "maintenance of international peace and security". Given the extremely high level of danger which accompanies unresolved disputes in the modern world, we have proposed a standing conciliation and arbitration commission. We have also proposed that the process of peace-keeping by observation and interposition should be spelled out in general terms and given a place in the United Nations Charter. With respect to the Security Council, we have made proposals both on its membership and on its procedure, including that aspect involving the principle of unanimity.

We have also advocated, in the form of some specific suggestions, the strengthening of the International Court of Justice and the Economic and Social Council. And we have proposed the creation of a human rights council.

We do not expect that every Government will agree with our various proposals. We do expect, however, that Governments will discuss and review them as we will their own views and suggestions. In our rapidly changing world, it would be unrealistic to expect an organization established in 1945 to be adequate in meeting all the challenges of the remainder of this century. The United Nations must continue to grow if it is to implement adequately the will of the peoples of the world in problem areas too large and too complex for effective solution by national or regional action. My delegation is confident that many of the changes proposed will facilitate the fuller response of the United Nations to the many problems it already confronts as well as the new tasks placed upon it by its Members.

The Philippines has advocated a considered step-by-step approach in an appropriate forum towards this all-important question. The forum is this very Committee, and we are taking the first step in what we hope will be a productive undertaking. For this first session of the Committee, my delegation will give high priority to the identification of areas in which the United Nations has obvious short-comings. We would support the establishment now or at a later stage of working or study groups on each of the areas of the Charter which Members of the United Nations find to be in need of strengthening. In our view, the immediate task of the Committee is to adopt a systematic method of work, a plan of action, which will afford an opportunity for all ideas and proposals to get the attention and examination they deserve. This would forestall hasty decisions and should allay the fears, unjustified though they may be, that these ideas and proposals may pave the way for the destruction of the United Nations.

We are not aspiring to a perfect United Nations, only for a realistic and effective one. The lessons of time, present-day realities and the needs of the future will undoubtedly influence our deliberations. There will be need for good faith, a great deal of understanding, tolerance and co-operation as we tackle the problem before us. If we can build mutual confidence and understanding and can take the highest interest of the Organization into account in our deliberations, the problems we now confront need not be insoluble. We intend to participate in the Committee with these considerations in mind.

POLAND

/Original: English/

The Polish delegation has very carefully studied all the relevant documents before us. We have also attentively listened to the general debate, which we are now joining in the spirit of responsibility and guided by our profound conviction that the road to a more effective United Nations leads neither through the review nor the revision of its Charter.

I am invoking these two words - review and revision - as I see some gross incompatibility between certain statements in this Committee which seemed to have insisted upon them in the Charter's context and the present role of the Charter of the United Nations as an international document of outstanding value, which has not

only stood the test of time of the last 30 years, but has likewise contributed new encouraging and enriching contents to the life of the international community. For on the one hand, less than two months ago we proudly observed the thirtieth anniversary of the signing of the Charter. Only last month heads of State and Government and foreign ministers of 33 States of Europe as well as the United States and Canada signed at Helsinki the Final Act of the Conference on Security and Co-operation, so rightly termed the Magna Carta of European peace, based on and reaffirming the purposes and principles of the United Nations Charter. At the same time we have just received the Introduction to the Report of the Secretary-General of the United Nations on the work of the Organization in which he restates unequivocally that the United Nations has shown a remarkable capacity to take on new tasks, to adjust to a changing world, and to meet new and unforeseen challenges within the conceptual and organizational framework laid down by the Charter. Many more examples to that effect might be quoted. On the other hand, as we could see in our debate so far - also in the form of attempts at changing the mandate of our Committee - some voices are being raised in favour of a "review" or "revision" of the Charter which cannot but serve the weakening rather than the strengthening of the United Nations.

In the view of my delegation, those two trends are indeed incompatible. Fortunately enough, the first of them remains the dominating factor of international relations of today, whole-heartedly supported as it is by the overwhelming segments of world public opinion.

In substantiating Poland's position on the Charter of the United Nations, at this stage of our debate I should like to dwell on the following points of merit against changes in the Charter.

First - is the historical consideration.

With all due respect to some of my distinguished colleagues in this room, none of us should be bound to forget or try to erase the memory of the fact that this Organization has been founded in the aftermath of a global conflict which took the toll of 60 million human lives. The Polish people alone paid its own price of more than 6 million innocent victims of Nazi criminal acts, including the gravest crime of genocide. That high price for the victory was not paid only on behalf of the 51 original Members of the United Nations or in the name of the generation 1945. Therefore, in terms of history and practice of international relations, the opening phrases of the Charter: "We the peoples of the United Nations determined to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind" will always retain their indefinite validity.

Second - is the political consideration.

The Charter of the United Nations has not been drawn up merely to solve problems resulting from the Second World War. Its purpose has always been to set up far-sighted principles of a new model of international relations, based on the preservation of international peace and security, the promotion of freedom and equality and the achievement of broad co-operation in solving world economic and social problems. It has never been confined to a restricted membership of the United Nations. Quite to the contrary, from the very outset, the Charter was so devised as to anticipate, encourage and welcome enlargement of the United Nations

membership. In fact, we owe it to Charter provisions that today the Organization is approaching universality of membership.

Two thirds of the present members of the United Nations achieved their independence after the Charter had come into force, in most instances as a direct or indirect result of the latter's imaginative provisions, to mention only the ensuing Declaration on the Granting of Independence to Colonial Countries and Peoples.

It is true that due to many revolutionary developments in the world, owing to the unprecedented growth in the Organization's membership and with the intensification of the processes of international détente, the United Nations of today is not what it was in 1945. But the latter is precisely the result of the correctness of the political foundations of the Charter and the confirmation of implementation in practice of its purposes and principles, including the extremely important principle of unanimity of the permanent members of the Security Council.

The fundamental significance of the Charter of the United Nations in forming the rules of the comity of nations continues therefore to retain its full topicality and under no circumstances has it been reduced by considerable growth of the membership in the Organization. Moreover, every newly admitted Member State of the United Nations assures of and lends its unreserved support to all the provisions of the Charter and undertakes to strictly respect them. Hence, any argumentation to the contrary can hardly give reason to initiate work on the review of its provisions. All the more so, as they safeguard well the interests of all States of the world; they have been both reconfirmed as well as developed, and thereby consolidated, through a great number of international bilateral and multilateral agreements as well as in other international documents, which give ample testimony to its continued validity.

In the light of the foregoing, as an original Member of the United Nations under the terms of Article 3 of the Charter, yet which had not been given the chance to participate in the Conference on International Organization at San Francisco, Poland shares and supports the numerous views already expressed in this Committee to the effect that there is no justification in taking up suggestions to review the Charter.

This is the legal and practical consideration.

The Charter of the United Nations is an integrated act of jurisprudence. There is a very close relationship of interdependence among all its provisions, be they less or more substantial. In an association of almost 140 Members, a proposal on one, seemingly less important, amendment will immediately release - as it actually has done - a chain reaction of new proposals undermining the very principles and purposes of the Organization. For let us not lull ourselves that amendments short of the changes in Chapter I of the Charter will not seriously affect the latter.

In fact, any attempt at reviewing the Charter would only serve to divert the United Nations from its primary work on most urgent international questions. Initiation of work in that direction and introduction of certain abstract proposals, disregarding the realities in the international situation, may only lead to reduction of mutual confidence and understanding, which will substantially hamper the role of the United Nations in strengthening peace and international security, disarmament, co-operation, economic and social development.

After all the real efficiency and effectiveness of the United Nations do not rest upon the wording of the Charter provisions alone. They first and foremost depend on how much respect they enjoy among Member States. In the view of the Polish Government, strict respect by all States of the purposes and principles of the Charter is the best way to strengthen this Organization, to increase its role and make it a better and more effective instrument of co-operation among States, regardless of their size, level of development and political, economic and social systems. Given more goodwill and understanding, that latter goal will be achieved within the present framework of the Charter. There is now ample room in all the Charter provisions to carry a constructive and beneficial co-operation among States on all planes.

The crux of the problem lies not in the real need for the Charter's revision. What we actually need is faithful and unselective adherence to all its provisions. Otherwise, as the Secretary-General put it in his latest introduction to his report on the work of the Organization, "as the United Nations grows older and many long-term problems in all fields remain on its agenda unsolved, frustration and disillusionment will inevitably produce a dangerous tendency increasingly to take drastic short-term measures regardless of their long-term consequences".

It would be very dangerous indeed if tendencies to review the United Nations Charter were to turn into such a measure, fraught with far-reaching and adverse repercussions.

We therefore propose that according to its ad hoc mandate, as defined by the General Assembly, this Committee conclude its work with a succinct report on its proceedings and thus dispose of the task placed upon it by resolution 3349 (XXIX). In a situation where most of the speakers in the debate have stressed the importance of the basic principles of the Charter and agreed that what really counts is faithful adherence to them, this is the only correct way to proceed if we do not want to get into conflict with both the Assembly's instructions and the views of the majority.

RWANDA

/Original: French/

The delegation of Rwanda has stated its position on the question of the revision of the Charter both in the Sixth Committee and in the General Assembly.

To quote the words used by the Minister for Foreign Affairs of Rwanda in his address to the General Assembly at the last session: "It is the duty of each one of us, within the limits of his ability and his specific responsibility, to work to build peace and international security."

As a member of the ever-growing group of countries which constitute the United Nations, my country is greatly interested in its evolution. It wants the Organization to evolve as harmoniously as possible and does not want it to be weakened by situations which are incompatible with its fundamental principles and which its Members are quite capable of settling.

Consequently, my country, which has unswervingly supported the purposes and principles of the Charter since it was admitted to the Organization, will once again explain its position, in the hope of helping the Ad Hoc Committee to carry out its mandate more effectively.

Rwanda is anxious to reaffirm and secure the recognition by all Member States of the right of the third world to play a real part in the preparation and adoption of important United Nations decisions.

The third world is entitled to ask to what extent the Organization is obeying the principles of the sovereign equality of and mutual respect among States.

Experience has provided ample evidence that the veto privilege held by a few Member States has frequently led to deplorable abuses, particularly by excluding the third world countries from participation in major decisions even when it was they which were most directly affected by those decisions.

In that connexion, my delegation should like to draw attention to the spirit of Article 2 of the Charter, and particularly paragraphs 1, 2 and 5.

It must be admitted, on the eve of the thirtieth anniversary of the United Nations, that the exercise of the veto has often relegated to the background or totally disregarded the principles of the international community cited above.

The failure of the United Nations to have an impact on the South African political system and the Rhodesian rebellion constitutes an indisputable example of how the exercise of the veto has consistently been an impediment to the moral conduct of the Organization and its humanitarian concerns.

Moreover, while a sense of insecurity in an atmosphere of fear haunted by the spectre of the Fascist war led to the granting of the veto as a kind of war trophy, there can be no doubt that the voting procedure of the Security Council, as outlined in the Charter, does not take into account the interests of all the Members of the United Nations or the role every Member State has in maintaining peace.

It should not be forgotten that since 1945 100 States which were not represented at San Francisco because of foreign domination or for other reasons have joined the international community and that they are imbued with a profound faith in fundamental human rights and in the equality of rights of States, great and small.

It is therefore the view of Rwanda that, now that post-war conditions no longer prevail, it is not only timely but necessary to adapt the statute of the United Nations.

Upon closer examination of the question, it can be held that up to a certain time there may have been some justification for leaving the guardianship of the United Nations in the hands of a few Member States immediately after a brutal and devastating war which they had won and by which they were still haunted. For, just as every child has to be cared for and reared by his parents or someone else until he becomes an adult, so in the beginning, the Organization may also have needed such godparents.

However, the universality of the United Nations, which has enabled a hundred peace-loving non-founding countries to become Members, should not allow that situation to go on.

In the view of my delegation, the United Nations, which is 30 years old, is sufficiently mature to do without that guardianship and to build up its strength on new foundations adapted to the current international situation.

We shall not delve into the reasons why its maturity was not recognized earlier, when, for example, it reached the age of 18, the age at which all minors (at least in Rwanda) are emancipated and gain the right to exercise their civic rights and duties.

But we know that some children are precocious and others remain under their parents' wing even beyond the age of 18. Is that to be the case with our Organization, which at the age of 30 is still under the guardianship of a few Members although the circumstances justifying that guardianship no longer exist?

My delegation remains firmly convinced of the need to correct that situation, which is certainly not helping the third world. It is a situation which still affects and characterizes the United Nations, and it must be changed in order to enable the countries of the new world to have their point of view treated in the same way as that of the countries of the old world without incurring the censure to which they have been subjected until now.

We have always been taught that the law must be flexible, and my delegation believes that the United Nations Charter, the main source of international law, whose purposes and principles are still the focus of international life, should not be an exception to that rule.

Consequently, if the Charter was not rigid, if it was flexible, why should we find it difficult to change it? How can we accomplish this? By petitioning? Who is to submit the petitions and to whom?

These are simple questions in themselves but, simple as they are, they sum up the work our Committee has to do and the Assembly will have to do afterwards when it rules on our recommendations.

Anyone trying to give an objective answer to these questions will find that the present situation of the United Nations is not as normal as some would have us believe.

And it is our hope that the force of circumstances and the tide of history, combined with the responsible will of Member States, will lead us towards a just solution acceptable to all, without invoking might is right, a bad habit already rampant in the quarter of the twentieth century which is just behind us.

Rwanda sees the revision of the United Nations Charter as a way of building a more peaceful and realistic world.

As a sponsor of draft resolution A/C.6/L.1002, introduced by the delegation of the Philippines in the Sixth Committee during the twenty-ninth session, my delegation made a statement supporting the review of the Charter. Extracts of that statement are contained in pages 124 to 126 of document A/AC.175/L.2 (Part II).

Prior to my delegation's contribution mentioned above, my Government had made its position clear on this issue in the Foreign Minister's statement during the twenty-eighth session, from which I quote:

"Sierra Leone pledges to do all in its power to assist the United Nations Organization in achieving its full potential. To do this, we are convinced that the situation where one nation can by the exercise 'arbitrary or otherwise' of a veto, frustrate the wishes and often the collective wisdom of the rest of the entire international community is unacceptable. It is also our position that now is an appropriate time for a review of the entire question of the permanent membership of the Security Council."

Following this line of thought, my delegation has decided to put forward concrete proposals concerning the membership and voting rights of the Security Council.

There are some delegations in this Committee who have categorically stated that they do not favour any review whatsoever of the Charter. Such a dogmatic statement to my mind is unprogressive and shows a lack of initiative and flexibility to changing situations and circumstances. Others suggest that any attempt to review the Charter will undermine its universality. It is to ensure the Charter's universality that a review is necessary. Another delegation said the main criticism which those who favour a review of the Charter have is that the Charter is 25 years old. No delegation is asking for a review of the Charter because it is 25 years old. What we are saying is that because of the Organization's present composition, and taking into account the political and international changes which have occurred since the Charter was written, it is necessary to seriously examine the Charter with a view to making amendments to some of its Articles consistent with the changes that have taken place.

Some delegations who are not totally against a review of the Charter strongly advise that Member States should be very careful not to introduce amendments which will undermine the foundations of this Organization. No Member State will, I am sure, be radical or irresponsible enough to present amendments that will eventually ruin the foundations of this Organization. Frank discussions and exchange of views on amendments suggested would surely cause no harm but would in the long run become at least useful.

Certain delegations are very much concerned about keeping intact what they call the two existing social systems - socialist and capitalist - in international relations. They have nothing to fear. Developing countries do not intend to disturb these systems at all. What we are mainly concerned with is a fair representation on a geographical basis in the key organs of this Organization.

I will now put forward some concrete suggestions, as I indicated above. When the United Nations Charter was first drafted, the political and international situation then was completely different from what it is now. Even the composition of the Organization was different. There may have been sufficient reason for having five permanent members of the Security Council with veto powers. All five of them at the time were considered to be world Powers or great colonial Powers. Is the situation the same today? There is definitely sufficient reason to give the same privilege today to two of these Powers, the super-Powers. Are the other three permanent members still powerful enough to retain veto powers in the Security Council? Or if the general idea is that these members should retain their "permanent" membership, should we not consider a redistribution of the veto power in the Security Council on a geographical basis? Will it not be reasonable for the two super-Powers to continue to have the veto power and for Africa and Latin America to have a veto each in the Security Council? The Asians as represented by China should also retain the veto power they already have.

The African and Latin American States in the Security Council will determine who should have the veto power at any one time. If this formula is adopted, the United States will naturally take care of Western European interests as brothers in the North Atlantic Treaty Organization (NATO) and, in a similar manner, the Soviet Union will take care of Eastern European interests.

My delegation is convinced that such a change would not only ensure the balance of power between the two super-Powers, but would also contribute to the maintenance of international peace and security in the world and peaceful co-operation among all the peoples of the world.

In an attempt to bring the Charter up to date, certain anachronistic provisions should be deleted. The reference in Article 53 to "enemy State" should be deleted. We do not have "enemy States" any longer. Rather than that, there has been so much talk these days about "détente", a word whose meaning is perhaps only clear to the two super-Powers. In a similar manner, Article 107 should be deleted as it refers to a particular circumstance which no longer exists.

The Trusteeship Council should be given a new structure. My delegation agrees with Italy's suggestion on page 86 of document A/AC.175/L.2 (Part I) that the Article dealing with its structure and functions should be amended. A new structure should be given to the Council, consistent with the promotion of decolonization and the elimination of minority racist régimes in central and southern Africa.

The International Court of Justice seems unable to perform its functions efficiently. For some reason or the other, it does not seem to have the full confidence of Member States. If the Court should carry any influential role in the international community, Member States should have more confidence in it. Probably if the Court were given more powers to settle complicated legal matters arising in our Organization, it might be able to carry more prestige.

Those of us who co-sponsored draft resolution A/C.6/L.1002 in the Sixth Committee last year which eventually led to the establishment of this Ad Hoc Committee, are fully aware that delegations who are totally against a Charter review have decided to keep silent until they hear our views. This was probably one of the reasons why no statement was made last week. This being the case, my delegation decided to put forward its proposals now to start the ball rolling. The ball is now rolling and I am anxiously waiting to hear the statements of other delegations.

My delegation has always been interested in the subject of the review of the Charter; it is not that we believe that a document of this type has to be systematically amended but we do believe that, since the Charter was the work of eminent persons, who were none the less human, it was not possible that they could foresee future situations, above all taking into account the fact that a body comprising 51 founding Members has grown to comprise 138, or more by the next General Assembly.

There is therefore nothing surprising about the fact that one third of the General Assembly was unable to foresee the aspirations that the other 90-odd additional members might have.

Furthermore, it should be recognized that the Charter itself, in Articles 108 and 109, provided for its amendment. Provision was made for the convening of a General Conference before the tenth session of the General Assembly, but 20 more sessions have elapsed, indeed the thirtieth is due to begin, and Members have confined themselves to making the amendments necessary to enlarge the membership of the main organs with, of course, the grudging approval of certain privileged Members.

The United Nations is becoming a universal body and most of its present Members had no part in drafting the Charter.

We believe that the Charter is a good document and that all its provisions have not yet been implemented, but it is none the less certain, as stated at the solemn moment of the San Francisco meeting that "no plan is perfect and whatever plan is adopted in San Francisco it will have to be amended again and again over the years".

What changes would be advisable? Firstly, consideration should be given to correcting or redrafting those Articles which have fallen into disuse, in accordance with United Nations practice - for example, Article 27, paragraph 3. Why maintain a provision which is not implemented: "Decisions of the Security Council on all other matters except procedural matters shall be made by an affirmative vote of nine Members including the concurring votes of the permanent members; ...". Everyone knows that the veto must be used actively and not passively through the abstention of a permanent member. There have been many Security Council resolutions adopted despite the abstention of permanent members and, since the change in the structure of the Security Council, decisions can even be taken without a single favourable vote by a permanent member.

It should therefore be recognized that there are five vetoes specified in the Charter but there is also a sixth which can be used by a certain number of non-permanent members of the Security Council.

The language of the Charter can unquestionably be embarrassing at other times. It is unthinkable that 30 years after the end of one of the worst conflagrations that mankind has ever known, the international community should continue to talk about

friendly and enemy States; after the recent Helsinki Conference on co-operation and security, it is clearly advisable to update the language of the Charter.

This is not the only example of an anachronism. An integral part of the Charter of the United Nations is the Statute of the International Court of Justice, in Article 38, paragraph 1 (c), of which reference is made, in listing the sources of international law, to "the general principles of law recognized by civilized nations". Can the world today be divided into civilized and uncivilized nations? What sort of language is that?

We believe that the Security Council should have greater flexibility in its work and act with greater dispatch and should be able to adopt decisions more in conformity with its purpose. It should not be forgotten that it was set up to ensure rapid and effective action by the United Nations in the maintenance of peace and international security and that international public opinion judges the United Nations by its success or failure in fulfilling that primary responsibility.

The Economic and Social Council, which has already been enlarged twice and which today is without a doubt more representative than in the past, is still, in our opinion, not what it should be. There are now 54 States members and the advantages of working with only 18 have therefore been lost. The Council now operates through a number of functional committees with very limited membership.

What happens in such cases? Only that there is no way of satisfying so many countries interested in belonging either to the functional committees or to the organ itself. If the principle of rotation was effectively observed, it might be thought that sooner or later everyone would have an opportunity to participate in the work of the Committees and the main bodies.

But why, if at any given moment the interests of one country are such that it considers it essential to be a member, can it not be a member, instead of having to be content to be an observer, a position which is very precarious and does not allow for participation in internal discussions?

If the Economic and Social Council were enlarged yet again, it would offer the possibility of limiting the number of members of the functional committees, except for those in which there was a definite interest which would make it advisable for them to comprise all those countries which wished to take part, in other words, what is called in English "open-ended committees".

Another advantage of an enlarged Economic and Social Council with broader membership would be that it would then be possible to eliminate those committees already established whose functions duplicate those of the Council.

The Trusteeship Council would also require considerable readjustment. Its activities have, in practical terms, been reduced to a minimum, and it should be properly reorganized in order to avoid having a body which is of no use at all.

In short, my delegation considers that the purposes and principles of the Charter of the United Nations are highly commendable and therefore should be immutable.

We believe in the effectiveness of the United Nations, and in the need for its existence, but we also feel that, given the time that has elapsed, the Charter

should be updated. Updating it does not in any way mean that we are going to take steps to eliminate the United Nations, and, furthermore, and we wish to stress this point, to remove the privilege of the permanent members, because it would be unrealistic to try to do so after 30 years of the United Nations' existence. However, we do ask that that privilege should not be abused, and that there should be no special right or condition permitting automatic membership in any given organ or committee, unless it is so stipulated in the Charter. We agree to those mentioned in the Charter, but to no others. The Security Council should have greater flexibility in its proceedings; the Economic and Social Council should be enlarged; the Trusteeship Council should be reorganized, and the language of the Charter should be amended; that would revitalize the United Nations for the good of the international community.

So far, 43 States have stated their position in writing on the subject of the review of the Charter.

If these replies are carefully considered, it will be seen that, of the 43 States in question, 31 have expressed themselves in favour of review, although they tend to prefer a general review, pointing out specific aspects and particular articles, or advocate a procedure for submitting specific amendments, which should have the general support of the Members of the United Nations. In either case, it is clear that most States replying to the request from the Secretary-General are in favour of reform.

My delegation believes it would be advisable if the Secretary-General's request was repeated in the future and it is convinced that once the Ad Hoc Committee has begun an in-depth analysis of the subject, States Members of the United Nations will be quicker to send replies to the Secretary-General.

On the other hand, there is one fact that should not be ignored, namely that in the course of the current general debate, 10 delegations which had thus far not expressed an opinion concerning the substance of the item now under consideration by the Committee, have declared themselves in favour of a review of the Charter and have put forward specific proposals on particular areas which in their opinion should be revised.

My delegation, which has already expressed itself in favour of review, now wishes to put forward its point of view about the future of our work. Firstly, we reiterate that the purposes and principles of the Charter must be immutable. The privileged position of the permanent members should continue as before, taking into account the fact that, as a guarantee for the permanent members, any change is liable to a veto, but the veto should not be abused nor should privileged positions be considered unless specifically stipulated in the Charter. We consider that this Committee's report should be substantive in character, as can be inferred from the mandate given to the Committee under General Assembly resolution 3349 (XXIX), paragraph 1 (d), in which the Committee is requested "to enumerate the proposals which have aroused particular interest in the Ad Hoc Committee". In our opinion, these proposals are those which refer to the review of the following topics:

1. Anachronistic provisions,
2. The Trusteeship Council,
3. The Economic and Social Council,
4. The voting procedure in the General Assembly and the Security Council,

5. Those referring to the Statute of the International Court of Justice, together with other provisions relating to teams of observers and peace forces.

My delegation wishes to make a formal proposal that the text of all the statements made by delegations in the course of the general debate should appear in an annex to the report to be prepared by the Rapporteur. This proposal is motivated by the need to overcome the difficulty arising from the fact that the Committee has been obliged to work without summary records, and by the importance of the statements that have been made here.

The Committee's report should also contain a summary of the various positions of its members and a list of the areas of the Charter requiring reform.

For the rest, in my delegation's opinion, there is no doubt at all that there is a general desire that this Committee should continue its work at a future session, which should be longer than the current one and for which summary records should be provided.

TUNISIA

/Original: French/

The slow pace at which our Committee is proceeding in its work is an indication of the importance of the question before it and the awareness we all have of the need for our consideration to be thorough so that the suggestions we eventually make will be adapted to the real needs of the United Nations, taking into account the changes in the international situation since 1945, and will reflect the concerns of its Members in the light of the achievements of its 30 years of existence.

What in fact is involved here? In recent years opinions have been voiced regarding the desirability of making the United Nations more effective in the performance of all facets of its task - political, economic, social and cultural. At present, the United Nations and its agencies cover a field of activity so vast that there is hardly a State or a branch of human activity in which the United Nations system is not involved.

It is no longer possible to compare the Organization's task of ensuring international peace and security as it was conceived during the most difficult years of the Second World War with its present task.

My delegation therefore believes that it has become necessary to make an objective, honest and constructive appraisal of the results obtained by the Organization after a period of 30 years in which so many changes have transformed the world.

There is no need to enumerate all the changes, but some of them are so fundamental that one can hardly fail to mention them. Examples are the emergence of 90 nations from the dark night of colonialism, the introduction into world political thinking of ideas and principles leading to new moral rules to govern political relations among nations, and unprecedented population growth requiring the development of new structures to ensure the necessary fairness and flexibility in international relations in the economic, scientific and technological field.

While the United Nations has accomplished a great deal and achieved remarkable results in some fields, it is quite obvious that it has not attained its primary objective, namely, the maintenance of world peace and security.

Among the reasons for this failure, in the view of the Tunisian delegation, are, firstly, the concept of peace embodied in the Charter, a concept which was valid 30 years ago but has now become manifestly inadequate, and, secondly, the kind of peace-keeping machinery which was established.

As regards the concept of peace embodied in the Charter, this was the outcome of a process of maturation which began in the darkest years of the Second World War and ended in the San Francisco Declaration.

The sole ambition of the promoters of the Charter, traumatized by a war which spared no continent as it sowed death and desolation, was, quite understandably, to spare humanity from renewed suffering. The desire of all the world's peoples for military peace was so fervent that the resolve was formed by the super-Powers to eliminate all risk of military conflict among themselves - conflict which, through the operation of alliances and the use of new weapons of destruction, would inevitably have degenerated into a new generalized conflagration of deadly and devastating proportions.

Furthermore, the concept of peace as understood at that time embraced only the notion of military peace among the super-Powers, and it is precisely on account of the restrictiveness of this definition that the Charter has so disappointed the hopes of the international community for the maintenance of international peace and security.

The concept of peace as we understand it today is inseparable from the concept of universality; we aspire to a deep and universal peace, not merely among super-Powers, but a broader peace, a peace of mind and heart; not a nuclear peace, but a peace that will structure the relations among men, harmonize the action of peoples, elicit enthusiasm and solidarity and provide solutions to the everyday problems of the international community; a peace that encompasses such concepts as peaceful coexistence, economic co-operation, the right of peoples freely to dispose of their natural resources, concerted and organized commitment to the struggle against under-development, which constitutes a factor of instability and a latent threat to peace, the legitimacy of the struggle against racism and racial discrimination, non-interference in the internal affairs of States, non-occupation of territories of other countries by force, the right of peoples to regain their spoliated territories, and so on.

My delegation believes that the concept of peace which permeates the provisions of the Charter would be expanded, enhanced and strengthened if the principles I have just mentioned were incorporated into it; for military peace, important and essential as it may be, is not enough if the rights and the dignity of peoples continue to be infringed with impunity, as is unfortunately the case in Palestine, Namibia, South Africa, Rhodesia and elsewhere, and if the economic future of nations remains uncertain.

Such is my delegation's analysis of the inadequacy of the concept of peace as embodied in the Charter and as being one of the two reasons for the repeated failures of the United Nations with regard to the maintenance of international peace and security.

The second major reason for those failures is, in the opinion of the Tunisian delegation, the imperfections of the peace-keeping machinery which was established.

If we call to mind the wartime atmosphere in which the Charter was drawn up, we can easily understand how the concept of universal peace was linked to an alliance of four or five Powers which, with the help of a few others, bore the burden of defending mankind's right to survival. It is also easy to see how, in such circumstances, those four or five Powers were given a kind of sacred mission which could not be accomplished without their unanimous and concerted co-operation. This is the origin of the assumption, which can be clearly seen in the Charter, that all questions relating to the maintenance of world peace and security are within the exclusive competence of the five major allies of the Second World War.

This monopoly, this right, this prerogative, this onerous privilege, or whatever one wishes to call it, was accepted, agreed to and desired because it was dictated by the logic of a profoundly traumatized generation. However, it was not too long before the quite unreasonable character of this arrangement and the extent of its short-comings became evident, especially in the Security Council, owing to the requirement of unanimity which governed the functioning of the Council and the inevitable right of veto it entailed.

It seems that, in their understandable rejoicing at the victory, the five great Powers, transcending their ideological differences, wanted to take into account only what they had in common, namely, their desire to spare mankind from a renewal of such suffering.

Everything proceeded as if they had not foreseen that, with the return of peace, their differences would soon come to the fore and would, in the tense atmosphere of the cold war, take the form of the use of the veto, thus blocking any initiative and any important action by the Security Council.

As the Minister for Foreign Affairs of Tunisia has stated, "while it is somewhat difficult for the contemporary mind to accept the idea that there are major countries and minor countries, we do not propose the outright abolition of the veto, but thought should be given to how many countries ought to exercise it in the future, and especially how its use may be moderated so as to be more consistent with the objectives of the Organization".

In addition to these reflections concerning the definition of peace and the question of peace-keeping machinery, my delegation would like to see initiated a process of thinking about the functions and powers of the political organs of the United Nations.

In the view of my delegation, the General Assembly, as the plenary organ in which all States are represented, should be vested with greater powers.

With a membership of 138, we now have a General Assembly which is almost universal, which is vigorous and innovative, democratic and egalitarian, but whose decisions are not binding. On the other hand, we have a Security Council which is often swayed by its internal contradictions, is outmoded in its constitution and is set in its negative ways, the most recent examples of this being its latest decisions on the questions of South Africa and Namibia.

The General Assembly, for its part, owing to its constant enrichment through the admission of new members, has been able over the years not only to develop new ideas but also to sweep along, with its dynamism, a conservative and disappointing Security Council.

Examples of this dynamic moving force, this pioneering and innovating action, are numerous and I shall mention only its special sessions, convened because of serious situations which the Security Council, despite its primary responsibility for such matters, had been unable to deal with; as a result, tensions were eased and a worsening of the situation was avoided.

It was thanks to the General Assembly that the concept of the right of peoples to decolonization was finally accepted as a fundamental principle - a concept which the Security Council, taking refuge behind Articles 2 and 7 of the Charter and arguing that colonial problems were matters of the domestic policies of the colonial Powers, refused even to consider in the early years. It was thanks to the General Assembly that the Security Council also came to agree that the continuation of colonial occupation constituted an infringement of the Universal Declaration of Human Rights and a threat to international peace.

It is thanks to the General Assembly that the Security Council has adopted the view that the maintenance of peace is inseparable from harmonious co-operation among peoples, and it is thanks to the General Assembly that the specialized agencies of the United Nations are today playing the significant role for which we once again commend them.

My delegation therefore takes the view that, primary and basic as the competence of the Security Council may be in matters of peace and security, it can no longer exclude at least a supplementary competence of the General Assembly in such matters.

It is the hope of my delegation that we may act together so that the two principal political organs of our Organization will cease to go their separate ways, avoiding all mutual contact, will cease to view each other as rivals, and that we may seek, through patient consultation, the best solution to enable these two organs to establish harmonious co-operation and to move in the same direction, along the same path and at the same pace.

President Habib Bourguiba, President of the Republic of Tunisia, who is numbered among the statesmen having the deepest faith in the irreplaceable role of the United Nations and supporting any initiative aimed at strengthening its action and influence, made a brief analysis of the problems besetting the United Nations in his message on the occasion of the twenty-fifth anniversary of the Organization, in which he stated:

"The most important and most immediate of these problems is to restore the authority and prestige of our Organization by recognizing fully its responsibilities under the Charter and by giving it the means to assume those responsibilities. Of course, the world has changed a great deal in 25 years; the Organization has changed too. Therefore, it is necessary to find the adjustments which take into account those changes, especially the new forces for peace and progress that have been released by decolonization

These are the few thoughts which my delegation submits for the attention of the members of our Committee at this stage in our discussions, in the hope that they will be considered as objectively and calmly as my delegation will consider the proposals which have been or will shortly be submitted to us.

My delegation's participation in the work of this Committee is guided by a constructive spirit, a spirit of positive and sincere analysis aimed exclusively at strengthening the role and influence of our Organization. My delegation is convinced that this exercise in joint thinking will enable us to identify the inevitable weak points of the Organization and to seek and devise together the most appropriate solutions to the problems besetting the most impressive machinery for peace and co-operation ever created by mankind.

/Original: English/

The position of the Government of Turkey as to whether there is need to review the Charter of the United Nations is on record. Therefore I will be very brief in my statement and will merely emphasize the basic views of my Government.

AS all of us well know, the Charter of the United Nations was adopted under extraordinary circumstances and in an atmosphere of understanding created during and after the Second World War. My delegation is of the opinion that there exists unanimous agreement in the international community on the purposes and principles of the Charter reflecting its basic concepts and that the international co-operation achieved in various fields since the adoption of the Charter was realized due to this consensus.

Many of the States which attended the San Francisco Conference adopted the United Nations Charter with the hope that it would be reviewed in the future. Paragraph 3 of Article 109 of the Charter was included in it as a compromise in order to satisfy the countries opposing some of the provisions of the Charter and insisting on convening a Charter review conference after a certain period of time. The possibility of convening a conference to conduct a "general review" of the Charter was provided, apart from the provisions of Article 109, by General Assembly resolution 992 (X) of 21 November 1955, which stated that a review was desirable and that a committee should be appointed to consider the question of fixing the time and the place for a conference. According to the same resolution, the review "should be conducted under auspicious international circumstances". Although 20 years have passed since the adoption of this resolution, it was not possible to convene such a conference. In fact, any conference for the purpose of reviewing the Charter involves the risk of weakening the effectiveness and authority of the United Nations instead of enhancing it.

As stated by many of the distinguished delegates, the effectiveness and vitality of the Charter depends not so much upon its review, but upon the common political will of Member States to fulfil the obligations and responsibilities bestowed upon them by the Charter and to implement its provisions in its spirit and letter. Furthermore, taking into consideration the sensitive balance reflected in the Charter and the debates held in the Sixth Committee and in the General Assembly, the Turkish Government doubts whether the international atmosphere is more suitable today than it was in 1955 for a general review. Before taking up a review of this range, Member States must be confident that the international atmosphere is appropriate for the success of such an initiative.

In view of the difficulties of undertaking a general review at present, the Turkish Government is of the opinion that by adopting a constructive approach and starting from a functional point of view partial reforms may be realized within the present framework of the Charter.

As a matter of fact, the Charter has shown remarkable vitality and adaptability during the 30 years of its existence by following closely the development of the international community and by meeting its requirements in general..

On the other hand, the problem of reviewing the Charter of the United Nations, which is the constitution of the international community such as any other constitution, constitutes a complex, sensitive and a very important political and legal problem. While understanding the core of the aspirations of the countries which support the idea of reviewing the Charter, the Turkish Government, taking into consideration the discussions in the General Assembly and the provisions of the Charter which show the ways and means to review it, considers that it is not possible to undertake a total review under present international conditions. However, Turkey is ready to study concrete proposals for change which will enhance the effectiveness and the authority of the Organization.

The only way to reach a sound decision on whether there is need to review the Charter is by studying thoroughly and in detail all the related documents, by analysing replies from Member States to find out their political stand and by evaluating the results carefully and realistically with the provisions of the Charter concerning its review in mind.

Before concluding, I wish to respond briefly to a remark made at this Ad Hoc Committee by the representative of Cyprus. He did not fail to use this opportunity to cite the resolution of the General Assembly concerning Cyprus as one of the resolutions which in his view had not been implemented. I do not think that this is the proper forum to discuss this issue; yet I would wish to emphasize that the resolution alluded to should be taken as a whole whose implementation rests on the political solution of the problem in the core of which lies the principle of the equality of the two communities living in Cyprus. Had this principle been observed by the Greek Cypriot side, we would have made more progress in the implementation of that resolution.

UNION OF SOVIET SOCIALIST REPUBLICS

/Original: Russian/

The Soviet delegation has repeatedly stated in the United Nations its position of principle with regard to the inadmissibility of revising the United Nations Charter. The question regarding the Charter which is before the Ad Hoc Committee is so closely bound up with the very concept of the United Nations and is such a serious matter that the Soviet delegation considers it necessary to draw the attention of members of the Committee once again to the Soviet Government's letter to the Secretary-General of the United Nations on the question of the Charter (A/10102) and to state again officially that the position of the USSR in this regard remains unaltered.

The United Nations is a unique international organization for co-operation between States with different social systems, and its task is to promote the solution of a number of important international problems in the political, economic, cultural, social and other spheres; above all, its task is to help solve the fundamental question of concern to all the peoples of the world - that of ensuring and strengthening international peace and security.

The United Nations came into being as a result of the great victory over fascism and militarism, after the terrible ordeals experienced by the Soviet people, which suffered the loss of 20 million lives. All the peoples of the

anti-Hitler coalition, which subsequently became the founders of the United Nations, made their contribution to this world-wide victory. This is why we value so highly this Organization, its Charter and its main purpose, which is to save succeeding generations from the scourge of war. In drawing up the Charter the founder Members of the United Nations were guided primarily by the lofty, humane aim of preventing any recurrence of the tragedy of a world war. The Charter reflected new objective realities in the development of international relations. The just and democratic principles of the sovereign equality of States, the freedom and self-determination of peoples, and peaceful coexistence between States with different social systems were made the basis of the Charter.

The history of the post-war development of international relations and the work of the United Nations are convincing evidence that the struggle to strengthen international peace and security, on the one hand, and unswerving compliance with the provisions of the Charter, on the other hand, are closely interrelated and inseparable. Experience shows that those States which strive to create real preconditions for and guarantees of a lasting peace also speak out actively in favour of making fullest use of the possibilities and potential of the United Nations Charter and oppose any revision of its basic provisions. Naturally, the Soviet Union, together with the overwhelming majority of States genuinely interested in the development of international relations on the basis of peace, social progress and democracy, has stood and will continue to stand for strengthening the international legal order and for creating real preconditions and guarantees for consolidating the universal peace and security of peoples and enhancing the effectiveness of the United Nations on the basis of strict compliance with the Charter.

The significance of the United Nations Charter lies not only in the fact that it is a constitutional instrument designed to regulate the functioning of an international organization which has proclaimed as its main objective "to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind". The Charter also represents a distinctive code of conduct to be followed by the States forming this international community and an effective instrument for promoting mutually beneficial co-operation between States with different social systems. On the basis of the Charter, a vast, complex system of international bilateral and multilateral treaties and agreements regulating the relationships of States in the most varied fields of human activity has emerged and continues to function and grow. All of this means that the United Nations Charter is not an ordinary international agreement whose revision would affect the interests of only two States or a group of States. The Charter represents a unique universal treaty which, through legal and political means, protects the interests and rights of all States, without exception, regardless of whether they belong to the socialist or capitalist social and economic system. That is why a revision of its basic provisions may have the most serious consequences for all members of the international community and - what is most important - may irreparably damage the cause of strengthening world peace.

Over a period of 30 years, the Charter has stood the test of durability and has proved its viability in a rapidly changing world. As the introduction to the Secretary-General's Report on the Work of the Organization (A/10001/Add.1) rightly states: "Despite all the unforeseen developments of the last 30 years, the Organization has shown a remarkable capacity to take on new tasks, to adjust to a changing world, and to meet new and unforeseen problems within the conceptual and organizational framework laid down in the Charter." The Charter had made it

possible for former colonies to become sovereign States and full-fledged Members of the United Nations. It ensures the provision of substantial assistance to the developing countries. Acting in conformity with the Charter, the United Nations has made, and is making, a useful contribution to the cause of strengthening peace and solving pressing international problems. It is playing a constructive role in furthering the process of détente in international relations.

It was not by chance that in the Final Act of the Conference on Security and Co-operation in Europe, signed on 1 August 1975, the leaders of 35 States not only reaffirmed their commitment to the purposes and principles of the United Nations Charter but made a tremendous contribution to their development and application with regard for the needs of the whole continent. A major step towards ensuring a lasting, stable peace in Europe was made, and as L. I. Brezhnev, the General Secretary of the Central Committee of the Communist Party of the Soviet Union, pointed out in his statement: "This is a victory of reason. Everyone has won: countries of East and West, peoples of socialist and capitalist States, aligned and neutral, big and small. This is a prize for all who cherish peace and security on our planet." Should not countries on other continents follow the example of Europe and give serious thought to implementing the purposes and principles of the United Nations Charter by applying them to the practical needs of other continents, such as Asia, Africa and Latin America, instead of concerning themselves with revising the Charter? It is in this direction that much could be done to put the purposes and principles of the Charter into practice with regard for the needs and special characteristics of each region.

We clearly and explicitly uphold the immutability of the United Nations Charter. We urge that serious consideration be given to the consequences which could result from the tendency of some countries to undermine the Charter.

The proponents of revision cannot deny that the fundamental principles of the Charter have fully stood the test of time, that the founders of the United Nations and the authors of the Charter succeeded in making it a universal instrument available to the United Nations for the progressive and democratic transformation of international relations and for strengthening, developing and enriching the work of the whole Organization. As the statement of the Government of the USSR on the question of the Charter of the United Nations (A/10102) points out: "The efforts undertaken by the United Nations and by Member States in accordance with the Charter have helped to ensure that, for a period of 30 years now, mankind has been spared the horrors of a world war. This is an important political result of the work of the United Nations which bears witness to the great possibilities of its Charter."

The proponents of Charter revision, both in the General Assembly and here in the Committee, tirelessly repeat that during the past 30 years the world and the international situation have changed. It is true that today's world is not what it was 30 years ago and that the international situation has undergone tremendous changes.

However, analysis of these changes and identification of the basic trends of post-war development clearly indicate that these changes and trends are in the direction of closer conformity to the purposes and principles of the Charter rather than deviation from it. The fact that the peace-loving forces for 30 years now have been able to prevent another world war with all its disastrous thermonuclear

consequences, that the unrestricted domination of the international arena by imperialist forces has now been ended, that the world colonial system has totally collapsed and that the socialist States as well as dozens of newly independent States in Asia, Africa and Latin America have established themselves in international affairs as equals among equals - all this cannot of course be regarded as a reason for revising and undermining the Charter. On the contrary, this can only inspire the peace-loving nations to continue to work for the realization of the lofty purposes and principles of the United Nations laid down in the Charter.

Nearly all those who have spoken here in favour of revising the Charter have contended that revision is necessary because of the increase in the membership of the Organization. However, this generally known fact argues in precisely the opposite direction. The increased membership of the United Nations is evidence not of the short-comings of the Charter but of its strength and its acceptability to new States, since the process of decolonization has been the result of implementation of the Charter's lofty purposes and humane principles. The increase in the membership of the United Nations brought about the enlargement of the Security Council and the Economic and Social Council. This was a response by the United Nations to the influx of new members.

The ranks of the United Nations have been swelled by dozens of young African, Asian and Latin American States which have won their freedom and national independence since the adoption by the United Nations, on the initiative of the USSR and on the basis of the Charter, of the Declaration on the Granting of Independence to Colonial Countries and Peoples. The Soviet Union views with understanding the legitimate aspiration of young Member States to play an active role in the United Nations, and the Charter gives them the necessary scope and unlimited opportunities for this purpose. The developing States participate directly in the formulation and adoption of all decisions in all United Nations organs, including the General Assembly and the Security Council. It is wrong to contend that the interests of the "third world" are not taken into account within the present structure of the United Nations. The "third world" countries are today playing a decisive role in the adoption of decisions in the United Nations. Without their support and their votes, it is not possible to adopt decisions which are contrary to their interests in the General Assembly, the Security Council and the Economic and Social Council. Moreover, the "third world" countries alone can ensure the adoption of any decision they wish in the General Assembly and the Economic and Social Council. This is all the more true because they can always rely on the support of the socialist countries in questions having to do with enhancing of the effectiveness of the United Nations and strengthening peace. It would be wrong to think that the work of the United Nations can be improved by increasing the privileges of one group of States or by infringing the rights and interests of the socialist group of States. Today and in the foreseeable future, the solution of any international problem will be possible only by reconciling the wishes of States with different social systems. This fundamental idea is adequately embodied in the present Charter. The socialist countries cannot abandon their interests and their fate in the United Nations to the discretion of the capitalist countries, and, conversely, the capitalist countries would not wish to abandon theirs to the discretion of the socialist countries.

The United Nations, with the active participation of the "third world" and the

socialist countries, has adopted many useful decisions on the strengthening of international security, disarmament, the struggle against colonialism and racism, the development of progressive rules of international law, and social and economic development. All these decisions develop and supplement, in a unique and useful way, the ideas embodied in the Charter. A prominent place in the work of the United Nations has been given to questions connected with providing assistance to the developing countries, accelerating their economic development and establishing new and genuinely equal economic relations between all countries. The results of 30 years of work by the United Nations are convincing proof that its Charter meets the needs of the day and the tasks now facing this Organization.

The central task of the United Nations as embodied in the Charter, namely the maintenance of international peace and security, has lost nothing of its urgency and timeliness, since the danger of war has still not been completely eliminated. Aggressive reactionary forces unceasingly seek to arrest the process of détente, to turn the course of events back to the "cold war" period, to preserve the breeding grounds of tension and conflict, and to step up the arms race, compelling the world to spend \$275 thousand million a year on means of destruction rather than of construction and development. This must be the main focus of our attention.

In considering the question of possible revision of the Charter, one cannot but ask: "Who would benefit from such a revision?" There is no question that revision of the Charter and the stirring up of discord and disputes between States that would inevitably result from consideration of the question could benefit only those forces of reaction and militarism, as well as those pseudo-revolutionary circles, which are not interested in promoting greater all-round co-operation between States, in the establishment of a climate of confidence and mutual understanding between peoples, in the strengthening of international peace and security and in the relaxation of international tension.

The especially dangerous feature of the various proposals and plans for revision of the basic provisions of the United Nations Charter now being put forward is that their consideration is diverting the United Nations and the entire world community of States from the solution of genuinely pressing, vital and urgent international problems, such as general and complete disarmament under strict international control, convening of the World Disarmament Conference, elimination of the vestiges of colonial and racist domination, finding solutions to unresolved crisis situations, the formulation of measures aimed at deepening the process of détente, and questions of economic development.

The Soviet Union is profoundly convinced that the reasons why some useful decisions of United Nations organs remain a dead letter, why the shameful evils of colonial and racist domination have still not been finally eliminated, why the danger of war still exists in some parts of the world are not to be found in the Charter. The reason is that some States Members of the United Nations are not complying with the provisions of the Charter and are violating its purposes and principles. One cannot, of course, accept a situation in which some States strictly comply with their obligations under the Charter while others permit themselves to ignore those obligations. As is pointed out in the statement of the Government of the USSR on the question of the Charter: "There can be no exceptions to the demand for strict compliance with the obligations imposed by the Charter. It is along these lines that ways of enhancing the effectiveness of the United Nations and strengthening its authority must be sought."

An analysis of the documents submitted by the United Nations Secretariat shows that revision of the Charter is essentially favoured by only a very small group of States, including some which may claim to have opposed the Charter from the very inception of the United Nations. Their behaviour comes as no surprise to us. On closer examination, the various ideas and proposals put forward by this group are found to serve either individual ambitions or narrow group interests. It seems difficult to convince these countries that their position is not only profoundly wrong but also dangerous to the United Nations and to the cause of co-operation among States.

The statements of those in the Committee who favour revision of the Charter make it clear that they regard the principle of unanimity of the permanent members of the Security Council as virtually the main reason for short-comings in the work of the United Nations. They infer from this that it is necessary to reform the Charter, to eliminate or limit the application of the principle of unanimity, and to give the General Assembly the powers assigned by the Charter to the Security Council. Nothing could be more incorrect, for the principle of unanimity is the keystone of the Charter. It is the basis of the work of the United Nations. This principle is the most realistic of all the possible solutions and the only reasonable one, given the existence in the world of States belonging to two different social and economic systems - socialism and capitalism. The statement of the Government of the USSR on the question of the Charter says: "The key principle of the United Nations Charter - the principle of the unanimity of the permanent members of the Security Council - has served and continues to serve as a strong barrier to the use of the Security Council for purposes contrary to the maintenance of international peace and security. As experience has shown, the principle of unanimity in the Security Council has great significance for young developing States and small countries and peoples struggling for freedom and independence. The Soviet Union has repeatedly made use of its rights as a permanent member of the Security Council to support national liberation movements and to defend the just cause of peoples struggling against colonial and racist domination. All States, irrespective of their size, military strength, stage of economic development or adherence to a given social system, have an interest in preserving unshaken the principle of unanimity. Without that principle, the very existence of the United Nations would be unthinkable ...". This must be especially stressed and kept in mind.

On the whole, the principle of unanimity plays a positive role in dealing with questions of the maintenance of international peace and security, and the Soviet Union vigorously objects to any and all attempts to alter that principle.

Some speakers here contended that the principle of unanimity provides the permanent members of the Security Council with privileges and special rights which infringe upon the rights and interests of small and medium-sized States. In actual fact, what that principle does above all is to impose upon the permanent members of the Security Council major obligations in dealing with the most important questions connected with the maintenance of international peace and security. Under present-day conditions, it is obviously impossible to solve such problems by means of a vote and to take decisions concerning them by a mechanical majority, since, given the realities of the nuclear age, an attempt by certain permanent members of the Security Council to take coercive measures on behalf of the United Nations against other permanent members would in fact mean a thermonuclear world war with all the ensuing fatal consequences for mankind.

It follows that the principle of unanimity is not a privilege but a historical necessity. Those who oppose the principle of unanimity at the same time fail to mention the practical fact that, after the enlargement of the Security Council to 15 members, the number of non-permanent members of the Council from the non-aligned group of countries has increased to such an extent that it now represents a kind of "collective veto". Even when the principle of unanimity of the permanent members of the Security Council is applied in its ideal form, that is, with their concurring votes, no decision can be adopted by the Council without the participation, support and affirmative votes of the non-permanent members of the Council.

The Soviet delegation would like to emphasize that consideration of the question of revising the Charter serves no useful purpose. Instead of focusing their attention on looking for imperfections in the text of the Charter or on introducing amendments to it, States Members of the United Nations should make every effort firmly and resolutely to uphold the authority of the Charter and to implement its lofty purposes and principles. It is that course which serves the vital interests of peoples, since it gives the United Nations wider opportunities to help to strengthen international détente, make détente stable and irreversible, and strengthen international peace and security.

That is why the Soviet Union is opposed to even raising the question of revision of the Charter. It is our firm conviction that attempts to revise the United Nations Charter would merely result in "confrontation" between large countries without giving the small ones any more special privileges than they already have. If the non-aligned countries were given a permanent seat in the Security Council, as some speakers have proposed, that might only cause discord between them. On the whole, an attempt to revise the Charter would impair the authority of the United Nations and the cause of international co-operation among all States.

The Soviet delegation believes that the Ad Hoc Committee on the Charter will be able to fulfil the task assigned to it only if it concentrates on how to make effective use of the possibilities afforded by the Charter, on how to make further progress on the basis of and in compliance with the Charter in such important areas of mutual relations between States as the strengthening of détente, the maintenance of international peace and security, general and complete disarmament under strict international control, decolonization, the elimination of apartheid and racial discrimination, and the social and economic development of peoples.

That approach would be in keeping with the mandate of the Ad Hoc Committee. Conversely, the formulation of amendments to the Charter or of recommendations for its revision which some delegations are urging upon the Committee, is obviously beyond the Committee's mandate as set forth in General Assembly resolution 3349 (XXIX) and means leading the Committee into a blind alley. It should be kept in mind that the Committee was established not to revise the Charter but to consider the question of whether its revision is advisable. This is borne out by the documents of the twenty-ninth session of the General Assembly.

As far as the discussion in the Committee is concerned, it vividly demonstrates how futile and far-fetched the very idea of revising the Charter is. No mature politician would propose such a dangerous "operation" on the living body of the United Nations when there are no convincing arguments in favour of revision and when there is no agreement whatsoever regarding the very idea of revision.

In conclusion and in the light of what I have said, my delegation considers it necessary to emphasize the following:

The Soviet Union is consistently in favour of enhancing the role and effectiveness of the United Nations as an important instrument for the strengthening of peace. It believes that this can be achieved in strict compliance with the Charter, since that document in its present form fully serves the interests of maintaining peace and international security, which is the main task of the United Nations under the Charter. On the other hand, revision of the Charter, and in particular any change in the procedure for adopting decisions in the Security Council may well shake the foundations of United Nations work and call into question the very existence of the Organization. The Charter provides the necessary scope for broad participation by all States in United Nations activities. Proof of this is the active part played by the non-aligned countries in the adoption of important United Nations decisions on matters of strengthening peace, disarmament, decolonization and economic relations. We are firmly convinced that not revision of the Charter but its strict observance by all Member States without exception is the way to enhance the effectiveness of the United Nations and strengthen its authority.

The Ad Hoc Committee on the Charter of the United Nations could, after its members have set forth their views, complete work on the submission to the General Assembly of a factual document on the discussion that has taken place.

/Original: English/

There may, possibly, be some relation between a State's attitude to Charter review and its domestic constitutional experience.

My country does not have a written constitution. The relations between the various institutions are regulated in part by law and in part by political convention. Changes in the machinery of government are brought about by these same means, and above all by the exercise of a political capacity in determining what is needed and what is possible at any particular time, in determining whether change should be brought about by formal measures, or by new political conventions, and in determining whether there is any need for giving formal definition to a particular and possibly temporary pattern of relationship between institutions. Nor are we much concerned with a tidying-up process of obsolete or obsolescent provisions; disuse has its own constitutional effect.

There are, of course, obvious differences between the constitutions of States and those of international institutions. But our experience of the former certainly colours our approach to the question of Charter review. It is reflected in our written observations on that question.

Of course, the Charter is not a perfect document. I doubt if there is anyone who suggests it is. But is that the point? The point is does it work and can the process of review or change be pursued without endangering the structure and arrangements it provides? Much has been made of the fact that the Charter is the product of the Second World War and reflects the preoccupations of 30 years ago. Are we any the less preoccupied today with the problems of international peace and security, the development of friendly relations between States and international co-operation in solving international problems of, to take only one item, an economic nature? The framework is there, the objectives are agreed upon. No one proposes amendments to Article 1. The significance of 1945 is not that it is 30 years ago, but that the circumstances of the time were unique and they produced the will to unite, on a particular basis - the basis on which this Organization has functioned ever since.

In reply to the invitation of the Secretary-General pursuant to resolution 2697 (XXV), my Government stated their belief that any general review was not in the best interests of the United Nations, that there was no substantial measure of agreement and that the initiation of the process of review was likely to lead to the weakening rather than the strengthening of the United Nations. However, my Government stated their willingness to consider any specific amendments which were well founded and had wide support among all sectors of the membership of the United Nations.

My Government also submitted written observations in reply to the invitation of the Secretary-General pursuant to resolution 3349 (XXIX), stating our view that the Charter continues to provide a rational framework and an effective machinery for the activities of the United Nations, and that we did not consider any amendments to the Charter were required to enhance the ability of the United Nations to achieve its purposes. As to specific proposals that may be made for amendment to the Charter, we suggested certain criteria by which the practical

possibilities could be tested. These, shortly, are a specific and present need for a particular change which can only be achieved by an amendment to the Charter, and the likelihood that the proposal would in fact command the support required by Article 108.

We also suggested that there were steps that might be taken to facilitate the working of the machinery of the United Nations which did not require amendment of the Charter and we listed some of them. It is in this area, in my Government's view, that the possibilities of a constructive approach may be achieved.

Those are the views of my Government on this issue. I now turn to the views of other Governments in respect of the matters for which this Committee was appointed. This is not a committee to review the Charter or even - despite the contrary impression which may be gleaned from some statements - to set a review in train. The sponsors of what became resolution 3349 (XXIX) were careful to spell out its purpose. As the distinguished representative of Sierra Leone said in the Sixth Committee:

"The draft resolution was a simple one and the mandate of the Ad Hoc Committee was limited to consideration of the possibility of revising the Charter, without stipulating which sections of the Charter should be given particular attention. In other words, it dealt only with procedural questions and was non-committal."

Let us look, then, at what Governments have written and said about the suggestion that there should be a review of the Charter.

There is, it goes without saying, a wide variety of opinion in the statements made here, in the written observations of those who have responded to the Secretary-General's request in 1972, 1974 and 1975, in the speeches in the Sixth Committee on what became resolution 3349 (XXIX). We have been accorded ample opportunity during the first part of the meetings of this Committee to refresh our memories of these earlier observations and statements and so to appreciate the differences and shades of differences that they exhibit. It would not be fair to describe any as disclosing expressions of indifference to this question, but there are a number of cases of a lack of interest in the question of Charter review as compared with other, more pressing, problems of the Organization. And, as the distinguished representatives of India pointed out yesterday, there are ways of achieving particular structural and functional changes without amending the Charter.

The number of written replies received by the Secretary-General would seem to indicate that there is no widespread interest, let alone commitment, to a review of the Charter. When the various resolutions were being discussed in the Sixth Committee, it was noted that less than 40 States had submitted written observations. An examination of those observations shows that some States are for review, some against it; some were interested in the amendment of a particular provision; some, despite their interest in the amendment of a particular provision, were not persuaded of the necessity or desirability of a review of the Charter. And there is no need for me to remind this Committee of the fundamental difference between a step-at-a-time approach and a step-by-step approach.

Fewer States which made written observations were positively in favour of a review of the Charter than either were positively against it or (whatever their

views on specific issues) were not persuaded of its necessity or desirability. We recognize the strength and sincerity of the opinions of those who are for review. I hope they too will recognize the strength and sincerity of the opinions of those who are opposed to that course or who do not see it as a means of effecting change.

It was said in the Sixth Committee that to draw attention to the fact that only 38 States had replied to the Secretary-General's questionnaire was a "formalistic view" and that there was hardly a Member State which had not at one time or other expressed its views on the functioning of the Charter. This may be so; but then we have the resolution setting up our Committee which also invited Governments to submit, or to bring up to date their observations, so that they could be examined here.

It might be expected that those who had an interest, who wished to express an interest, in this subject would think it appropriate to express their views - particularly so if they were not to be members of the Committee - and the probable membership of the Committee was known to a greater extent in time for non-members to submit their observations in writing.

In the event 20 further observations were received, (11 from members of this Committee, 9 from State not members of this Committee) but only 5 were from Governments which had not previously submitted observations and only 3 of them from Governments not represented on the Committee. The pattern of these new 20 observations reflected the pattern of the earlier written observations. There were fewer positively in favour of a review of the Charter than there were either positively against or not persuaded of its necessity or desirability. Thus, over-all, we have only 43 Members of the Organization, less than one third, sufficiently interested to submit written observations.

I very much regret that I was unable to be in this Committee when the distinguished representative of Colombia spoke the week before last. I have, however, studied carefully what he said and I hope I do not misrepresent him when I say that I understand Ambassador Caicedo to have introduced his serious and moderate argument of the case for review with the observation that the silence of many countries was not to be attributed to an indifference or a neutrality towards the problem.

It is not infrequently difficult to interpret speech - or, to be more precise, to determine the intent and direction of a statement drafted with caution and expressed with care. One must take extra care in seeking to interpret silence.

Twenty-two States represented on this Committee have submitted observations in writing. We know where they stand - even if we had to revise our views in one case - about two thirds of the way through its representative's statement in this Committee. A number of the members of this Committee, whose Governments had not submitted written observations, have broken their silence here. Now we know specifically where a dozen more members of this Committee stand.

Let us extend our examination beyond the members of the Committee, beyond the 21 States not members of this Committee who have submitted written observations, and look to the 38 other States whose representatives spoke in the context of Charter review in the Sixth Committee.

Many States voted for the establishment of this Committee. But they voted for a Committee to consider the possibility of revising the Charter - to examine the views of Governments. A vote for this Committee is not automatically a vote for Charter review. In a number of cases the representatives of these States which voted for this Committee said explicitly - in terms which banish any doubt about the matter - that they were not committing themselves to a review. Thus an examination of the speeches of these representatives of these 38 other States by no means indicates any ground-swell of a positive will to review the Charter or a conviction of the necessity of Charter review.

Having regard to the diversity of opinion of those who have spoken or submitted written observations on the issue of Charter review and to the limits to which a number of these who voted for this Committee put on their vote, I must take leave to doubt that any inference can be drawn from the silence of others.

Having regard to the diversity of opinion of those who have spoken or submitted written observations on the issue of Charter review and to the limits to which those who voted for this Committee put on their vote, there is no evidence before us that, as has been asserted, a majority of States is in favour of a general review of the Charter.

There is evidence of a strong commitment to that end; there is evidence of strong opposition to that course; there is evidence of a middle ground which, while it may have various interests in specific matters is adverse to, or not for, a general revision of the Charter. In these circumstances, my delegation is unable to discern a situation in which the necessity and practicability of a review of the Charter is established.

/Original: English/

We have spoken later rather than earlier because we believed we owed it to those who advocated the creation of this Committee to listen to their views. We have done so with interest.

Our own views on the question of Charter review are not unknown to the members of this Committee.

Our doubts as to the utility of the exercise are not based on a belief that the United Nations is functioning perfectly or in the manner hoped for in 1945. Far from it. The United Nations, for all its considerable success in the field of international peace and security and in certain economic and social fields, can and must do a far better job if it is to meet the urgent and immediate needs of the world. We, however, do not believe that the provisions of the Charter are the cause of any of the impediments to the greater effectiveness of the Organization.

Our doubts are, moreover, not based on any attempt to maintain the status quo of 1945, a position long since gone, or for that matter to maintain the status quo of 1975. We do not view the Charter as some rigid, inflexible document which would force the realities of the present, the immediate past, or the future into a mould suitable only for the world of 1945. Rather we believe the Charter has adapted continuously to the currents of time, truly fulfilling its role as an organic instrument. The drafters of the Charter at the San Francisco Conference were wise enough to realize that 1945 was but a moment in the course of history - a brilliant one full of opportunity but still only a moment in an ever-changing human drama. The Charter they drafted was meant to stand the tests of time, to grow, bend and develop with the evolution of history. The extent to which the Charter has done just that is a tribute to their wisdom and foresight. Even a cursory look at the 30 years of the United Nations establishes clearly the flexible manner in which the Charter has evolved to meet changing needs and desires. We gave detailed examples of this evolution in our statement in the Sixth Committee at the 1517th meeting and other delegations have cited examples in this debate.

In so far as my delegation is concerned, we continue to believe that the risks in any effort at comprehensive Charter review at this time far outweigh the chances of accomplishment. Mention has already been made by other speakers of the dangers of review leading to a heightening of disagreement and confrontation - the last thing the Organization needs at this time and also the enemy of continued evolutionary development. As we see it, tinkering with the constitutional structure of the institution runs the further great risk of diverting attention and concern from the urgent problems with which the institution can and must deal. As the United States declared in its comments to the Secretary-General: "We believe that the United Nations' overriding need at present is to function as a 'center for harmonizing the actions of nations' as stipulated by the Charter itself. We believe that the rededication to this objective and the taking of practical steps to encourage respect for both assenting and dissenting views in the decision-making process is the most important contribution that could be made to move the United Nations toward the ideal of international co-operation that the Charter was designed to attain."

In this general context, there are the suggestions, or variants thereof, that were made during the 1971 discussion of the Assembly's Special Committee on the Rationalization of the Procedures and Organization of the General Assembly that warrant further examination. There are also proposals and suggestions not requiring Charter amendment that have been made in response to General Assembly requests for governmental views in connexion with its agenda item on strengthening the role of the United Nations, which have yet to be carefully considered by any United Nations working group, as the French Government has pointed out. Most recently, there is the report of the Group of Experts on the Structure of the United Nations System prepared in response to General Assembly resolution 3343 (XXIX) of last December, which will come before the seventh special session of the General Assembly next month. Whether or not one agrees with any or all of the suggestions in that report, one cannot ignore the breadth and scope of the changes proposed which, with but one or two minor exceptions, could be accomplished without a single change in the text of the Charter.

Progress along these lines, in the opinion of my delegation, is far more likely to lead to a strengthening of the United Nations than any attempt at wholesale review of the Charter. This is particularly true because we have seen no evidence so far of any general agreement on the objectives of such a review or on any specific suggestions or amendments that are desirable to enable the United Nations to function more effectively.

Finally, it must be recognized that the proposals for procedural and structural reform of the United Nations remain before the United Nations for consideration in the appropriate bodies. For example, the Economic and Social Council at its last session recommended that the seventh special session of the General Assembly next month establish a committee to study the restructuring of the United Nations system to improve its performance in the economic and social fields. In the resolution on the rationalization of the procedures and organization of the General Assembly adopted at its twenty-sixth session, the Assembly decided "to review from time to time the progress achieved in rationalizing its work". The item on strengthening the role of the United Nations is again on the Assembly's agenda at its upcoming thirtieth session. The United States remains prepared to co-operate fully in any efforts along these lines that the Assembly may decide to undertake.

My delegation will now return to the question of the views of other States.

We have analysed the comments submitted by Governments in response to resolution 2697 (XXV), resolution 2968 (XXVII) and resolution 3349 (XXIX), and we note that the majority of those who responded did not favour review of the Charter. The fact that only 43 Member States, less than a third of the Members, responded at all in a five-year period is further evidence of the lack of support for such an understanding. At the twenty-ninth session of the General Assembly a number of delegates favoured the establishment of an ad hoc committee whose main purpose, as described by the delegate of Pakistan and others, would be to ascertain whether there is a need to embark on a review. In the fulfilment of our mandate, we must take full account of the fact that most States Members have neither responded nor supported the idea of Charter review. Furthermore, the statements made in this Committee since its inception on 28 July by no means suggest a ground-swell of enthusiasm for review of the Charter.

In our view there is a substantial risk to all if this matter is pressed when the time is so clearly not right.

Yugoslavia voted in favour of the resolution establishing the Ad Hoc Committee on the Charter of the United Nations considering that it was imperative that questions concerning the possibility of improving the various provisions of the Charter, in harmony with the changes and requirements dictated by general development and the needs of democratization of international relations, should be kept under continual review within the framework of the United Nations, with the participation of all the Members of the world Organization. The question of the review or possible amending of the Charter should actually be a component of a broader action aimed at strengthening the role of the United Nations in solving the most important, acute and long-term problems of the present-day world, as the world Organization must constantly adapt itself to new situations, while its organs and agencies must become even more capable to deal with the requirements of the time. The question of the review of the Charter cannot be enclosed within the narrow framework of legal and procedural problems, nor can it be solved exclusively by legal and procedural means, because it is a question of paramount political significance having far-reaching implications.

The consideration of this question in the Committee so far has been very useful, both with regard to the general approach adopted by a number of delegations here and with respect to some concrete proposals submitted by various delegations, proposals that require further study. We do not expect the Committee to submit already to the forthcoming session of the General Assembly concrete proposals for the updating of the Charter before these questions are thoroughly examined in the Committee itself and by the other Members of the United Nations, and before general agreement is reached.

In this connexion, I would like to add the following considerations that my delegation had in mind in examining this important but, at the same time, very delicate issue. First, in spite of the fact that there are some short-comings in the Charter, it has nevertheless withstood the test of time and of all the changes which have so significantly altered the face of the world since the founding of the United Nations. The basic principles of the Charter, designed to regulate relations among States, have promoted the development of the international community on the basis of active and peaceful coexistence and the realization and strengthening of democratization of international relations. Moreover, in the struggle for progressive changes in international political and economic relations now under way, the Charter has always provided a political and legal foundation open to all such trends, as the Charter itself has been both the corner-stone and the signpost of coming equitable relations in the world.

All this does not mean, of course, that the Charter is unchangeable, that its every word and element is sacrosanct in its present form and that the various provisions of the Charter cannot be improved so as to reflect new relations and needs.

Second, a number of delegations have referred in their statements to these changes, such as the emergence of a large number of new States, the coming to an

end of colonialism (with the exception of some areas), changes in political and economic relations, reflecting the endeavour of all countries and peoples to participate in the solving of major international problems on a footing of equality and, within this context, the efforts aimed at establishing a new international economic order. Not to speak of changes in the concept of peace and security founded on the global interdependence of the contemporary world, the need for a universal character of an international détente, the responsibility and interest of all in solving outstanding problems of economic and political development, or crisis situations etc. Besides, international practice has created new areas of international relations which are not encompassed by the Charter, such as new prospects and possibilities for international co-operation in the spheres of outer space, of the law of the sea, of the human environment and so on. Further, the function of peace-keeping operations - which have been used by the United Nations on several occasions - has not been regulated by the Charter. We feel that the further and constant promotion of the principle of the equitable geographical representation of regions and countries in all United Nations organs and in the Secretariat of the Organization is of utmost importance. This is already sufficient to show that this Committee was established at the right moment and that it is faced with important tasks.

Third, the mere amendment of some of the Articles of the Charter - no matter how useful and agreed - does not automatically guarantee its application, which depends on the behaviour and the political will of the Member States. This is also confirmed by examples of disregard for the principles of the Charter, the frequent and brutal violation of which constitutes a threat to international relations in general and to the world Organization itself. Actually, this is part of the wider problem of effectiveness of the United Nations, which depends on the attitude of its Members towards the world Organization and, in particular, towards the implementation of the decisions and recommendations of its principal organs. Therefore, we feel that the Third Conference of Heads of State or Government of Non-Aligned Countries, held in Lusaka in 1970, adopted a correct stand in stating that:

"The Conference is of the firm conviction that if the United Nations has not been very successful in some of its various endeavours, it is not only because of any inherent defect of the Charter but also because of the unwillingness of some Member States to fully observe the principles of the Charter."

It should also be noted that the United Nations has succeeded in introducing into international consciousness and practice, and even international law - through some of its most important decisions and documents - new concepts and notions, in keeping with the requirements of our time. We have in mind the declarations on decolonization, on friendly relations between States, the Definition of Aggression, the Declaration and the Programme of Action on the Establishment of a New International Economic Order, the Charter of Economic Rights and Duties of States, etc.

The views expressed in the debate so far, drawing attention to some problems, to the shortcomings and inadequacies of individual provisions of the Charter, merit our full attention and call for further study on our part. However, in

doing so, we must have a positive, active approach, directed towards the adoption of necessary additions and changes. We must also evince an indispensable degree of realism with regard to what and when is something possible and appropriate. We are referring here to the views which were expressed with regard to the necessity of amending the Charter in such areas as the increased membership of the Economic and Social Council, of the Security Council, the restrictive interpretation or restraint in the use of the veto, the future new function of the Trusteeship Council, the regulation of peace-keeping operations etc. However, we do not feel that the time is ripe for definitive stand with regard to these views. All these questions should be studied. The Charter can be amended only on the basis of the broadest possible consensus.

May I be permitted, at this point, to, at the same time, stress that we have not yet secured the establishment of a new economic order; the process of decolonization has not been brought to an end; interference and the use of force continue to be practised, primarily against some non-aligned and developing countries; détente is still limited to some countries and some parts of the world; the achievements of technology and nuclear energy are still in the hands of a narrow circle of countries; disarmament, on the whole, continues to amount to an unfulfilled programme, while the arms race constitutes increasingly a special aspect of political, economic and technological pressure brought to bear on the non-aligned and other developing countries.

Priority should be accorded to the solving of these problems, while fully relying on the Charter as it is or with the amendments that might possibly be incorporated into it.

We witness, and we are part of, a growing disposition to bring the United Nations as a whole, the United Nations system, into harmony with the needs and conditions of our time. In this our Committee should have, and already has, an important role to play. This is why we support it and believe that the thirtieth session of the General Assembly should extend its mandate, and that the Committee should continue to deal with this matter in a dedicated manner. My delegation shall endeavour to contribute to the best of its abilities towards making the work of the Committee as effective as possible.

The development of democracy and the growth of democratic ideals have made it more and more apparent that political problems covering fields of vast importance to all nations cannot be dealt with coincidentally or ad casum. Indeed this was the democratic conviction that led world leaders twice in this century to resort to international organizations as instruments of preserving international peace. It is with a great sense of sadness that we recall that the forces of evil did not spare the League of Nations and consequently the entire world was plunged into a devastating war. Today, we are all glad to have the United Nations that resounds everywhere as not only a hope but a warning that the forces of evil still persist and could triumph if not constantly checked and plunge the world into untold sorrow.

In our present state of anxiety regarding the stature and relevance of the United Nations Charter, the topic "The review of the United Nations Charter" is therefore refreshingly hopeful and, I think an accurate statement of the world's preoccupation. It implies a realization that the present state of the Charter requires a positive reappraisal and that it cannot continue to operate on a negative basis.

The United Nations has been built as an instrument by which relations between nations are regulated. It provides a platform on which different opinions and approaches are supposed to be resolved in a spirit of mutual understanding. Mutual understanding has become even more important and relevant because of the realization that we have in the United Nations Organization, a dynamic philosophy which could be made effective in shaping a better world of tomorrow.

The Charter was drafted by about 50 States which had scarcely recovered from the shock of the Second World War and it bore the marks of the world situation at that time. Since then, empires have fallen, new nations have emerged and taken their rightful place in the world community and in the struggle to improve the human lot. The authors of the Charter had hoped that that instrument, which was to transport the world community toward progress, would be reviewed after 10 years; however, it has not been reviewed for 30 years. There have been warnings of the greatest perils if the review were to take place. Surprisingly enough, some of these warnings have come from those Powers that claim to support third world countries. It is possible that those who defend the Charter in its present form have studied the Charter and have found it satisfactory as far as they are concerned, but as far as we of the third world are concerned, the review of the Charter is long overdue.

Nobody in 1945 could envisage the contribution of the new nations of the third world in 1975, for instance, because they did not exist and were therefore not represented. Today, they are a reality with a profound impact upon the United Nations. The impact of the third world countries has been reflected in the United Nations General Assembly more than anywhere else. The General Assembly indeed represents the democratization of international relations.

The third world or the developing countries have two main preoccupations, namely, security and development. Security considerations necessitate their bandying together in an attempt to ward off efforts by major Powers to encroach on them. They also find that when they unite against such encroachment their

sovereignty and territorial integrity are respected by the more powerful and aggressive nations with ill motives. Unity of purpose also enables the group to exchange experiences which are beneficial to their developments.

The mere fact that the majority of the Member States of the United Nations identify themselves as a distinct group of poor nations means that their preoccupations would be reflected in the work of the Organization if it is truly democratic. This has in fact proved to be the case in the past, and especially during the twenty-ninth session of the General Assembly. This is a natural development and should be assisted to evolve in the right direction for the benefit of the poor of the world. A considerable amount of the work of the United Nations depends on decisions of the General Assembly, so much so that the critics of that organ assert that the resolutions of the General Assembly are merely statements of advice and that they stand the risk of living in an ivory tower.

In the view of my delegation, efforts aimed at the effectiveness of the United Nations should start here. There is need for Member States to commit themselves unreservedly to the cause of peace in the first place, and to back that up by implementing decisions of the General Assembly which cover all aspects of national and international life. This is more than urgent now that the United Nations has been recognized as the only international forum which offers hope for the realization of international understanding, peace and security.

The United Nations Charter provides a valid guide whose principles are, as reflected in the General Assembly, based on collaboration and compromise. However, these principles are constantly violated by the existence of the anachronistic provisions of the Security Council as represented by the veto power enjoyed by its five permanent members.

Those who considered themselves chiefly responsible for designing the Charter in relation to the role of the permanent members in the Security Council took it for granted, rightly or wrongly, that there would always be unanimity at all times on the question of determining the course to be steered for the world body.

However, on closer analysis and after 30 years of the United Nations operation, it is evident that in reality it meant that no great Power would be bound by any number of votes against it, not even by a unanimous decision of the other Members.

It is also easy to realize that in 1945 a world still flushed with the achievements of victorious democracy had just begun to realize that before it lay the long and laborious road of reconstruction, and that in spite of the differences that were attendant at the time, agreement was easier during that period of war, for in war-time, everything was subordinated to the achievement of victory without which salvation could not be imagined. Inconvenient differences of any kind were apt to be shelved until victory had been consolidated. With the coming of peace over the past 30 years inevitably has come also the need to look facts in the face.

As we look facts in the face, many of us are perturbed by the fact that, as an institution, the veto does not have a good record. We are apt to recall, for instance that it was the veto that barred many willing States to join the United Nations as members in the 1950s on ideological grounds. It is difficult to justify this use or rather misuse of the veto in a democratic tradition.

My delegation deplores the existence of the veto on the grounds that although the Charter allocates to the Security Council the task of ensuring prompt and effective action for the maintenance of peace, the attitudes of the practitioners of the veto have led to stalemates due to the veto exercise. However, if the veto was cast against decisions inimical to the cause of peace it would be most welcome. But more often than not, when a resolution embodies action which is in direct conflict with the national interests of a permanent member of the Security Council, the member concerned obstructs the work of the Council through the veto application.

It is my delegation's view that the fate of the world should not be entrusted in the hands of five permanent members of the Security Council because their narrow interests are opposed to the interests and wishes of the vast majority of the peoples of the world. World security is too precious to be left to the whims of big-Power manoeuvres. They should give up the veto power in the interests of world peace and security. As a State guided by humanism, Zambia values human life and welfare above ideology. It is time the five permanent members of the Security Council began to serve man the world over, instead of their narrow national interests.

As suggested by my country, Zambia, the veto has been a subject of animated debate aimed at either abolition or a modification of Article 27 of the Charter, upon which the veto power of the permanent members is based, to do away with this special privilege. Total democracy would prevail in the United Nations system without the veto, because without it the Security Council would cease to be the notorious graveyard of United Nations General Assembly resolutions.

The founding fathers of the United Nations saw the strength of the United Nations as consisting of the principle of equality of States, and not the principle of domination of one State over another. But the history of the veto represents the latter principle. The veto has become an institutionalized difference between permanent and non-permanent members of the United Nations Security Council, and indeed those of the entire membership.

My delegation is of the view that the veto represents a double standard, in that whereas an act committed by one nation may be judged differently when committed by another, the exercise of the veto commits permanent members of the Security Council to act differently without considering the reactions of the majority of members of the Organization. The veto therefore is an antithesis of the equality principle and the democratization of the United Nations system as reflected in the General Assembly.

The Zambian Government also considers it imperative that the permanent membership of the Security Council should be altered to enable third world countries to be represented. This could be on a rotational basis or through an equitable geographical representation. If the latter were applied, the permanent membership of the Council would therefore be increased by two members, one each from Africa and Latin America.

My delegation, therefore, welcomes all efforts aimed at the strengthening of the role of the United Nations at all levels and I hope this Committee will not fail to tackle some of the major anachronisms that frustrate the operations of the United Nations as the world's only hope and preserve of world peace.

ANNEX II

Working paper submitted by Mexico

In accordance with the proposal by the Mexican delegation in the Ad Hoc Committee on the Charter of the United Nations at its 11th plenary meeting on 13 August 1975, we consider it necessary, in order to comply with the mandate given the Committee by General Assembly resolution 3349 (XXIX), to establish a method of work along the following lines:

(1) Two sub-committees should be set up, one to study the proposed amendments to the Charter of the United Nations and the other to consider the suggestions and proposals to increase the ability of the Organization to achieve its aims, suggestions which of themselves do not require amendments to the constitutional instrument of the United Nations.

(2) The first sub-committee could begin its work during the current session, establishing priorities in the areas in which it would be working on the basis of the specific proposals submitted. In the opinion of the Mexican delegation, Chapters IX, X XI, XII and XIII of the Charter should be reviewed as a matter of priority. That suggestion of priority does not affect the importance Mexico attaches to the proposal made by the Secretary for Foreign Affairs of Mexico, Mr. Emilio O. Rabasa, to the General Assembly at its 2050th plenary meeting on 3 October 1972 concerning the participation of the third world in the collective security system of the United Nations through the inclusion in the Security Council of at least one representative of the third world with the power of the veto, according also to the terms of the reply to the Secretary-General's questionnaire (A/9143, p. 18) whose very relevance requires informal consultations which are already being held.

(3) The second sub-committee could perhaps begin its work by making a comparative study, with the usual effective help of the Secretariat, of the way in which each organ of the United Nations carries out its mandate, in order to propose solutions designed to halt the proliferation of bodies and the duplication of effort in these organs. This concern of the Government of Mexico coincides with what was said by the Secretary-General in his opening address to the Group of Experts when they began work on the study of the structure of the United Nations system for international economic co-operation (E/AC.62/9).

The suggestions contained in this working paper in no way detract from the position of the Government of Mexico in the sense that the fundamental problem facing the Organization is the lack of political will on the part of many of its Members to comply strictly and in good faith with the obligations they assumed on gaining admission to the United Nations (A/8746, pp. 38-40).

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