



Chairman: Mr. Paul Bamela ENGO (Cameroon).

**AGENDA ITEM 88**

**Need to consider suggestions regarding the review of the Charter of the United Nations (continued) (A/8053, A/C.6/L.817/Rev.1)**

1. Mr. GARCIA BAUER (Guatemala) said that in the twenty-five years that had elapsed since the drafting of the Charter of the United Nations, great events and great discoveries had transformed the world so that it was no longer the world which had existed in 1945, when the San Francisco Conference had determined the basic structure of the Organization. The Charter was undoubtedly the most important legal and political document the world had ever known, and had made it possible to use and co-ordinate international co-operation in an unprecedented manner. In view, however, of the changes that had taken place in the previous twenty-five years in the world, in States and in the United Nations itself, and in view of the vast experience that had been acquired in international co-operation, it was logical that consideration should be given to the advisability of reviewing the basic instrument of the Organization. The Charter itself, wishing to make the United Nations a dynamic rather than a static organization, had, in Articles 108 and 109, foreseen that a time would come when its provisions might have to be amended.

2. In 1955, the General Assembly, which was the most representative organ of the United Nations, had, in resolution 992 (X), expressed the view that it was desirable to review the Charter in the light of experience gained in its operation and had decided to appoint a Committee consisting of all the Members of the United Nations to consider the question of fixing a time and place for, as well as the organization and procedures of, a General Conference to review the Charter. It had not, however, been possible to proceed along those lines at that time and the question had now arisen again.

3. His delegation agreed with those who thought that the necessary steps should be taken to review the Charter, at least in some respects. The international trusteeship system, for example, was less important than it had been and, as a result, the Trusteeship Council was languishing. At the same time, questions relating to human rights and to economic and social matters were increasing in importance, and he therefore felt that the suggestion of the Philippine representative (1238th meeting) concerning the conversion of the Commission on Human Rights into a Council equal in stature to the Economic and Social Council, merited careful

consideration. Other questions which deserved to be re-examined included the relationship between the United Nations and the specialized agencies and regional organizations, with a view to ensuring more effective co-ordination and utilization of the resources of countries and avoiding the current duplication of effort and expenditure; the question of defining more clearly the regional arrangements and regional agencies mentioned in Chapter VIII of the Charter, their status within the United Nations system and the way in which they could collaborate with that system; the question of regional organizations similar to those laid down in Chapter VIII for regional arrangements or agencies concerned with the maintenance of international peace and security; and the question of the pacific settlement of disputes.

4. His delegation had welcomed Colombia's proposal that the item under consideration should be included in the agenda of the twenty-fourth session.<sup>1</sup> The procedure for the review of the Charter would take a considerable period of time. Great caution was required and also the determined co-operation of all Member States and in particular of the permanent members of the Security Council, whose agreement to any amendments was required under Chapter XVIII of the Charter. To judge from the debate, it could not be expected that all countries would be ready to co-operate at the current stage in a study of the review of the Charter, at least in general terms. Some had voiced strong opposition to a review, and others had expressed the view that the time was not yet ripe. It was clear that the sponsors of the draft resolution under consideration (A/C.6/L.817/Rev.1) realized that no great progress could be achieved on the question at the moment since the revised text had been made more moderate than the original text in order to gain general support. His delegation would support the draft resolution because it believed that the procedure which it provided for might yield positive results and would give the General Assembly a further opportunity to consider the question at its twenty-sixth session, after the views and suggestions of Member States had been received.

*Mr. Houben (Netherlands), Vice-Chairman, took the Chair.*

5. Mr. SECARIN (Romania) said his delegation shared the view that the time was not ripe for any action directed towards a revision of the Charter; the moment had been badly chosen even to discuss the matter. His country had always attached great importance to the strengthening of the role of the Organization in international relations. It was deeply convinced that the promotion of the purposes of the United Nations and the strict observance by all

<sup>1</sup> See *Official Records of the General Assembly, Twenty-fourth Session, Annexes*, agenda item 107, document A/7659.

States of the principles of the Charter were the key to the Organization's effectiveness in the exercise of its constitutional functions in regard to the maintenance of international peace and security, and the development of friendly relations and co-operation among States.

6. In his address to the General Assembly on 19 October 1970 (1872nd plenary meeting) the President of the Council of State of Romania had outlined the position very clearly when he had said that the United Nations should play a more important part and contribute more efficiently to the *rapprochement* of States and to the promotion of a policy of peace. He had said that it should act more firmly to prevent war, to thwart any aggression, to bring about the political settlement of disputes between States, and to defend the principles enshrined in the Charter. This called for a substantial improvement in the activities of the United Nations and, above all, for the realization of the principle of universality.

7. In other words, far from directing their attention to a revision of the Charter, Member States should concentrate on means of increasing its authority and prestige, on scrupulous respect for its principles and provisions, on its interpretation in good faith, and on the adaptation of United Nations activities to the changing world. Most of the previous speakers had adduced arguments to show that there existed sufficient practical means to ensure that the Charter was applied flexibly to the realities of the modern world and that the Organization's contribution to the very important positive and progressive changes which had occurred in the structure of international society was based on the flexible application of the Charter.

8. It had been argued that the twenty-fifth anniversary of the United Nations was the best time for a review of the Organization's constitutional instrument. His delegation wondered, however, whether it was opportune to discuss what was an essentially political question, in view of the adoption at the commemorative session of certain documents of supreme political and legal importance, in which States had expressed their attitude to the United Nations and to the Charter and their determination to uphold its purposes and principles.

9. For example, in resolution 2625 (XXV), which contained the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, the General Assembly had emphasized the paramount importance of the Charter for the maintenance of international peace and security and for the development of friendly relations and co-operation among States, and had declared its deep conviction that the adoption of the Declaration "would contribute to the strengthening of world peace and constitute a landmark in the development of international law and of relations among States, in promoting the rule of law among nations and particularly the universal application of the principles embodied in the Charter". Furthermore, numerous references to the Charter in the Declaration itself illustrated the close link between the two documents. One of the principles embodied in the Declaration, that of the peaceful settlement of disputes, confirmed Article 33 of the Charter, the validity of which had been questioned during the debate. The conclusion was

obvious: by calling the Charter into question, members were in fact casting doubt on the Declaration, which was based on the Charter. Was it necessary to stress the adverse effects of such action on the future role of the United Nations? Similarly, in the Declaration on the Occasion of the Twenty-fifth Anniversary of the United Nations (General Assembly resolution 2627 (XXV)), Member States had solemnly reaffirmed their dedication to the Charter and their will to carry out the obligations contained therein. How could the solemn commitment undertaken by Member States in those Declarations be reconciled with a revision of the Charter? It was clearly inappropriate to discuss the matter so soon after the adoption of those documents.

10. Under Articles 108 and 109 of the Charter, the procedure for amendments required the concurrence of the permanent members of the Security Council. His delegation maintained, as it had always done, that no process of revision could be begun in the absence of one of the permanent members of the Security Council, namely, the People's Republic of China.

11. Mr. JAZIĆ (Yugoslavia) said that the revision of the Charter was a very complex problem of a primarily political nature. While wishing to stress that there was no urgent need to initiate a formal process of revision, his delegation felt that it was useful to hold an occasional exchange of views on the relationship between the existing text of the Charter and the realities of the contemporary world, particularly during the current session, since the General Assembly had recently adopted documents of great importance for the future role of the Organization. For example, the Declaration on Friendly Relations not only reaffirmed all the basic principles of the Charter but also specified their contents in a carefully balanced manner, reflecting the stage of development of the United Nations and the common legal conscience of Member States. His delegation hoped that the document would become a major source of interpretation of the main principles of the Charter. Similarly, the International Development Strategy for the Second United Nations Development Decade (resolution 2626 (XXV)), and the Programme of action for the full implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (resolution 2621 (XXV)), were of long-lasting importance for future concerted action to solve some of the major problems of the contemporary world.

12. Despite its shortcomings, the Charter had fully withstood the test of time. Hence, the basic provisions concerning relations among States were of lasting value. In a manner showing great foresight, the Charter had envisaged international relations based on the principles of sovereign equality, peaceful relations and co-operation among all States, and non-interference in the internal affairs of other States, all of which required the renunciation of the threat or use of force and all attempts to impose foreign domination. In his delegation's opinion, the principles of the Charter were unconditionally valid for all States, irrespective of their social systems, size or level of development and no breach of those principles could be justified under any circumstances.

13. The United Nations was not capable of an independent existence without any regard for the policies of

Member States, which were consequently responsible for its success or failure. His delegation shared the view that the causes of the unsatisfactory state of world affairs should not, therefore, be sought in the deficiencies of the Charter. That document was by no means perfect, but it was obvious that without the broadest political consensus it would be impossible to revise it without threatening the basic functioning of the Organization. It was true that some provisions or formulations in the Charter were now obsolete or were given different interpretations in contemporary practice. Even assuming agreement could be reached, which was highly doubtful, account must be taken of the danger of initiating a process for the deletion of such provisions, which would inevitably lead to political conflicts, just as if a revision of the whole Charter were being undertaken.

14. His delegation believed that greater efforts could be made to adjust the interpretation of the Charter to contemporary needs and to the aspirations of Member States, the majority of which had been admitted to membership since the adoption of the Charter. It was therefore largely a question of how to interpret the provisions of the Charter, and what criteria should be used for that purpose. With regard to the principle of universality, for example, there was clearly a growing conviction among Member States that the sooner the United Nations became universal, the better for its world role. Article 4, containing provisions on the admission of new members, had in the past often been interpreted in a restricted way, with emphasis on the strict fulfilment of the conditions for admission, rather than on the necessity for the Organization to comprise as soon as possible the whole community of States. To ease the way for achieving full universality, Article 4 could be given a broader, more realistic interpretation without it being changed in any way.

15. There was a need to examine ways of gradually bringing the Charter up to date with new developments or functions which had not been envisaged when it had been written. One example was peace-keeping operations; but Member States must of course agree on the substance of the matter before seeking the proper place in the Charter for such operations. His delegation's position was that there was no need for haste or for a commitment to any rigid procedure concerning future discussion of the question of revision; the views and suggestions of Member States should be assessed more fully before a decision was taken on future action.

16. Mr. ROSSIDES (Cyprus) said that the Charter, the most important political document produced by mankind, represented a great advance on the Covenant of the League in that it made the principles in Article 2 the basis of international relations and outlawed the threat or use of force. If Member States adhered to the Charter's principles, scarcely any problems would face the international community today. The Charter had served it well, and still did so; it was not inadequacies in the Charter but the national policies of Member States which created the problems. That was where the main attention should be directed, for as long as nations acted in their own short-term interests instead of in the long-term interests of the international community, the United Nations would continue to falter.

17. Was it therefore necessary to revise the Charter? Some held that the existing Charter was satisfactory because, if its principles were respected, it offered ample scope for the improvement of world conditions; it did not require amendment immediately because its goals had not yet been realized. The opposing view was that although the principles enshrined in the Charter were immutable, any human document, as time went by, needed not only reinterpretation but also modification to adapt it to unforeseen changes in circumstances. The Charter had been founded on co-operation in a world of separate sovereign States, and did not contemplate the vastly altered society of today, with its universal perils and needs: a community which technological progress had brought to a condition of total interdependence. It was therefore argued that a Charter whose primary purpose had been to avert war should be transformed into an instrument which would inspire allegiance to a truly international community and acceptance of a universal authority responsible for matters of common concern to the world as a whole.

18. Whatever basic view was held of the Charter, Cyprus was opposed to any hasty moves towards its revision. States must be allowed time to consider the matter and express their opinions on it before any further action was taken. An idea would thus be gained of how far the international community wished to go in the setting of new goals. It should be remembered that the very establishment of higher and more distant objectives created a psychological impetus towards the attainment of the nearer and more familiar ones.

*The meeting rose at 4.20 p.m.*