

United Nations, for enhancing its activities or for furthering the purposes and principles of the Charter. It advocated the idea of consultations among Member States to that end. The relevant questions were: was the time for amendment or review appropriate or ripe; what specific amendments were essential to strengthen the role of the United Nations or to further its purposes and principles; what were the lacunae in the Charter; did the right of veto need to be abolished, and did it actually retard development of international relations or stand in the way of the maintenance of international peace and security?

57. One defect in the United Nations was that there was no machinery for the peaceful settlement of disputes or for the implementation of decisions and resolutions of the Organization. The effectiveness of the International Court of Justice should be increased and it should be made to play a more active role in the process of peace-making. His delegation declared its firm adherence to the purposes and principles of the Charter and would welcome any initiative to reinforce the role of the United Nations and to increase the effectiveness of the Charter. It was not, however, in favour of hasty action and recommended a gradual process of examination of the provisions of the Charter for appropriate amendments. His delegation felt that the strengths of the United Nations were vital for the strength and security of smaller States and would therefore welcome and support any measure to strengthen the Organization's role and to make it more effective. Smaller States were in constant fear for their existence and were not free from the threat or use of force against their territorial integrity and political independence. His delegation felt, furthermore, that a feeling of participation in the affairs of the United Nations would be enhanced by giving adequate representation in the Secretariat to all Member States, particularly the newly independent States.

58. Mr. VANDERPUYE (Ghana) said that the views of his delegation on the question of the review of the Charter had

already been recorded in document A/AC.175/L.2 and Corr.1 (Part II). He reminded the Committee that the issue before it was not whether the Charter should be reviewed; that question had been decided positively by the adoption of General Assembly resolution 3349 (XXIX), which had established the *Ad Hoc* Committee and given it its mandate. The duty of the Sixth Committee was to consider the report of the *Ad Hoc* Committee and plan further action, such as whether to renew the mandate of the *Ad Hoc* Committee so as to enable it to complete its task. In the view of his delegation, such an important task relating to the Charter should not be allowed to lapse and the mandate of the *Ad Hoc* Committee should be renewed. It might also be necessary to renew the invitation to Governments in resolution 3349 (XXIX), paragraph 2.

59. The mandate of the *Ad Hoc* Committee went beyond a mere review of the Charter; it also included consideration of other suggestions for the more effective functioning of the United Nations that might or might not require amendments to the Charter. It was for that reason that the Romanian proposal (A/C.6/437) had recently been submitted to the Sixth Committee. Given the wide scope of functions of the *Ad Hoc* Committee, the name "*Ad Hoc* Committee on the Charter of the United Nations" seemed, in the view of his delegation, to be rather restrictive. That was a matter of some substance and should be considered by the Sixth Committee. It was not clear what would be the relationship between the *Ad Hoc* Committee and other *ad hoc* committees performing similar functions of considering aspects of the strengthening of the role of the United Nations. The *Ad Hoc* Committee on the Charter might, for instance, play a co-ordinating role with respect to the other committees. It might be necessary, in order to avoid duplication, to establish machinery for consultations between those *ad hoc* committees.

The meeting rose at 12.55 p.m.

1572nd meeting

Monday, 24 November 1975, at 10.55 a.m.

Chairman: Mr. Frank X. J. C. NJENGA (Kenya).

A/C.6/SR.1572

AGENDA ITEMS 113 AND 29

Report of the *Ad Hoc* Committee on the Charter of the United Nations (*continued*) (A/10033, A/10102, A/10108, A/10113 and Corr.1 and Add.1-3, A/C.6/437)

Strengthening of the role of the United Nations with regard to the maintenance and consolidation of international peace and security, the development of co-operation among all nations and the promotion of the rules of international law in relations between States: reports of the Secretary-General (*continued*) (A/10218, A/10219, A/10255, A/10289, A/C.6/437)

1. Miss RANA (Nepal) noted that, despite the achievement of near-universality of membership in the United

Nations and the emergence of some forms of international co-operation, little progress had been made towards increasing the Organization's effectiveness as an instrument for maintaining peace and as a centre for harmonizing the actions of Member States. That was due not so much to any inherent defect in the Charter as to the lack of political will on the part of Member States to implement the purposes and principles set forth in it. None the less, her delegation would consider any proposal aimed at strengthening the role and effectiveness of the Organization. In that connexion, it fully concurred with the view that the United Nations should prepare and adopt a universal code of conduct covering the fundamental rights and duties of States. The United Nations could be truly effective only when it could contribute more to the introduction of new

relations based upon the principles of equality, respect for independence and national sovereignty, non-interference in the internal affairs of other States, mutual advantage, renunciation of the use or threat of force and respect for the right of every people freely to choose its own way to economic, social and political development.

2. Mr. GOBBI (Argentina) recalled that his delegation had stated its position on Charter review at length in the *Ad Hoc* Committee on the Charter of the United Nations (see (A/10033, p. 7). The differences of opinion between the advocates of review and those who favoured the *status quo* were understandable, and indeed essential if a balance was to be maintained within the Organization. The differences were by no means irreconcilable; basically, the advocates of review were not proposing any radical change but merely wished to adapt the Charter to the realities of the modern world. It was significant that the large majority of countries which were in favour of reviewing the Charter owed their own emergence as sovereign States to the principles set forth in it and that they were the ones which had not had an opportunity to participate in its formulation.

3. His delegation believed that the *Ad Hoc* Committee was an essential tool and that specific proposals for reform, the item on the strengthening of the role of the United Nations and other suggestions such as that of the Australian delegation (1565th meeting) concerning peaceful settlement should be studied in a special forum. Refusal to consider the proposed topics was intellectually indefensible, since ignoring a problem was the least appropriate manner of dealing with it. The discussions in the Sixth Committee had opened avenues of communication which would make it possible to avoid forcing decision through and creating insurmountable antagonisms. Caution was essential if the undertaking was to be successful. However, his delegation was convinced that the Charter should not be the expression of the preferences only of the most powerful but should reflect the predominant aspirations of contemporary society as a whole.

4. Mr. JEANNEL (France) asked the Chairman to convey to the Governments whose nationals had recently been elected Judges of the International Court of Justice the congratulations of the French Government.

5. As the position of his Government on the items under consideration was well known, he would make only a few comments on points which he considered particularly worthy of attention.

6. France did not maintain a static attitude in the face of a changing world but sought to adapt its behaviour with respect to important problems, which did not imply changes in the institutional framework. That framework represented a valuable balance with which it would be dangerous to tamper. The Charter had been able to fulfil its role as an instrument of international peace and security because it was flexible. He asked how it could be claimed that the Organization did not meet the purposes and aspirations of its newer Members, when special sessions in the General Assembly had been held to discuss the new economic and social problems of concern to those Members. Moreover, those States played a decisive role in the Organization's activities; without their support, nothing useful could be done.

7. Under those circumstances, his delegation was concerned at the trend of thought in favour of amendment of the Charter, even though it was convinced that the advocates of such change were motivated by a sincere desire to improve the operation of the United Nations. Owing to the strong reservations which it inspired, that trend could only add yet another subject of disagreement to those which the Organization was called on to resolve. Moreover, the fundamental objective of the United Nations continued to be the maintenance of peace and it was primarily because the Charter assigned special competence in matters of peace and security to the organ in which unanimity among the Powers having the heaviest responsibilities was required that real, if incomplete, results had been achieved. There was, of course, always room for improvement and constant efforts should be made to improve the operation of the various organs, particularly the General Assembly, with the resources assigned to them by the Charter. It was clear that the effectiveness of the General Assembly depended upon the support that its resolutions could muster. Rather than pushing things through by majority vote, it would be better to proceed by consensus. Accordingly, draft resolutions should reflect the fundamental concerns of the States involved and should be elaborated in a climate of close collaboration and mutual concession.

8. Generally speaking, the French Government felt that the United Nations could be strengthened by rationalizing the structures of each of its main organs and adapting their rules of procedure. In that connexion, the suggestions made in 1971 during the discussions of the Special Committee on the Rationalization of the Procedures and Organization of the General Assembly could be resurrected. The proposals and suggestions made in response to the General Assembly's request for the opinions of Governments on the agenda item concerning strengthening of the role of the United Nations Organization could also be used. States should take into consideration the report of the Group of Experts on the Structure of the United Nations System¹ established under General Assembly resolution 3343 (XXIX).

9. Those measures were more likely to increase the effectiveness of the Organization than any amendment of texts; for, although the United Nations had not always fully succeeded in doing what it had undertaken, that was due more to a lack of political will than to any inadequacy of the texts.

10. Mr. RESHETNYAK (Ukrainian Soviet Socialist Republic) said that the position of his Government on the question of Charter review, as set forth in document A/10113/Add.1, was based on unwavering adherence to the purposes and principles of the Charter. Firmly believing in the special character, role and significance of the Charter and its viability in contemporary international relations, his delegation was convinced that what was needed in order to increase the effectiveness of the Organization was not a review of the Charter but strict observance of its principles and maximum use of its possibilities.

11. The question before the Committee was whether it would be advantageous at the present time to continue the study of proposals for the review or amendment of the

¹ E/AC.62/9.

Charter and whether the continued existence of the *Ad Hoc* Committee was justifiable. The special significance of the Charter lay in the fact that, as a universal international agreement of a special kind, it had established a firm legal basis for the maintenance of international peace and the development of contemporary international relations under conditions of peaceful coexistence and co-operation between States having different social systems. In times of profound political, economic and social changes, the Charter had shown its viability and its importance for the maintenance of peace and co-operation among Governments and the strengthening of basic progressive principles of contemporary international relations and international law. The principles established in the Charter served, furthermore, as the basis for a wide range of bilateral and multilateral agreements on international co-operation at the regional level, both within and outside the Organization.

12. The importance of the Charter in contemporary international relations made it vital to consider with the utmost seriousness the consequences which might ensue either from deliberate attempts to tamper with or revise the Charter or from ill-considered proposals for its review or amendment which their sponsors imprudently thought might increase the effectiveness of the Organization. In view of the report of the *Ad Hoc* Committee on the Charter of the United Nations (A/10033) and the Secretary-General's report on the matter (A/10113 and Corr.1 and Add.1-3), his delegation wished to bring several points to the attention of the Committee.

13. First, it could objectively be seen that it would serve no purpose for the *Ad Hoc* Committee to continue its work. The *Ad Hoc* Committee had been sharply divided on the question of the need to revise the Charter, and of the relatively small number of Governments which had responded to the Secretary-General's invitations to submit their opinions—only 43 in the last five years—the majority had not felt that a review of the Charter was necessary. Most speakers at the current General Assembly session who had mentioned the question of Charter review had emphasized, first and foremost, the adherence of their Governments to the purposes and principles of the Charter. So important a question as the review of the Charter required a general conviction on the part of a majority of the membership that such a review was necessary. Without that general conviction and agreement there was no justification for the *Ad Hoc* Committee's continuing its work.

14. Secondly, those Governments which had expressed their support for Charter review had attacked the principle of unanimity of the five permanent members of the Security Council, arguing that that principle should be adapted to the realities of the current situation. They were forgetting, however, that that principle of unanimity was one of the basic and central principles of the Charter. There existed a very close link and interdependence between the basic principles and purposes of the United Nations and the realization of those principles in the provisions of the Charter which established the machinery for the functioning of the Organization. The principle of unanimity of the five permanent members was of crucial importance in establishing the relation between the powers of the Security Council and those of the General Assembly and it most

adequately reflected the existing real situation of the coexistence of States having two differing social and economic systems. In accordance with the Charter, the Security Council had primary responsibility for the maintenance of international peace, and the principle of unanimity of its permanent members prevented the use of the Council or of the United Nations for purposes contrary to the maintenance of peace. There were no grounds for asserting that that principle did not allow the interests of the third world countries to be taken into account. In practice, and in accordance with the provisions of the Charter, those countries exercised their own sort of "collective veto". The present structure of the principle organs of the United Nations, including the Security Council, enabled the developing countries to participate on a broad and active scale in all activities of the Organization and in its decision-making process.

15. Thirdly, all Governments had agreed that there were significant unexplored possibilities in the Charter and that the increased effectiveness of the United Nations depended to a significant degree on the determination and will of States to observe the provisions of the Charter strictly and to unite their efforts for the achievement of the goals of the Organization. The only proper and logical course was to turn from examination of the Charter and concentrate all efforts towards a maximum exploitation of the great possibilities in the Charter so as to increase the effectiveness of the Organization and strengthen its role.

16. While his delegation was opposed to attempts to revise or destroy the Charter, it did not reject constructive criticism of the Organization motivated by a genuine desire to eradicate deficiencies, nor did it deny the need for joint efforts by Governments to find effective ways to increase the effectiveness of the Organization. However, his delegation must reject all proposals for strengthening the United Nations which ran counter to the Charter or were aimed at undoing or tampering with its basic provisions. Under present conditions, genuine means for enhancing the role and effectiveness of the Organization could be found and realized only within the framework of the Charter and by strictly observing its provisions.

17. Mr. BUSSE (Federal Republic of Germany) congratulated the delegations of Japan, Nigeria, Poland and the Syrian Arab Republic on the election of nationals of their countries as Judges of the International Court of Justice.

18. The opinion of his Government on the subject of strengthening the role of the United Nations had been expressed in the written statement sent to the Secretary-General on 15 July 1974² and in the statements made by his delegation at the twenty-eighth (2104th plenary meeting) and twenty-ninth (2307th plenary meeting) sessions of the General Assembly. The purposes of the Charter—to maintain peace, to ensure respect for human rights and to promote economic and social progress—had not lessened in significance after 30 years. Developments during the past few years had demonstrated the growing interdependence of States; indeed, an increasing number of problems could be solved only through world-wide co-operation. The Organization would be able to meet the growing expecta-

² See A/9695.

tions it was called on to fulfil only if there was a general determination to use it as a forum for reasoned discussion and an instrument for the achievement of an equitable balance of interests. One means of strengthening the role of the United Nations was by reviewing its efficiency and examining its functioning with a view to streamlining and simplifying it. The possibilities offered in that respect by the Charter and the rules of procedure should be more fully utilized. The same applied to the procedures envisaged in the Charter for the peaceful settlement of disputes between States. The International Court of Justice, as the main judicial body of the United Nations, played a significant role in that connexion. The interrelationship between the peaceful settlement of disputes and the strengthening of the effectiveness of the United Nations should be taken into account in the further planning of the Committee's programme of work.

19. With regard to the review of the Charter, he said that the purposes and principles of the Charter must continue to be the basis for peaceful coexistence among States and the fundamental Charter principles must, therefore, remain intact. However, the question how to make allowances for profoundly changed circumstances should be examined and in that connexion it would also be possible to discuss on a rational basis provisions which had become obsolete. In view of the difficulty of the task before it, the *Ad Hoc* Committee should proceed very carefully in considering possible amendments. At the present stage, that Committee's mandate should be extended for another year and be defined more clearly. It would also be useful to provide the Secretary-General with more details concerning the papers to be prepared for the *Ad Hoc* Committee.

20. Mr. JAZIĆ (Yugoslavia) noted that the increase in the membership of the United Nations confirmed the Organization's vitality and helped to strengthen it. Indeed, the United Nations had contributed greatly to maintaining world peace and solving important international problems, particularly through the expansion of co-operation in a number of fields far beyond those that had been of interest when the Organization was established. While it was true that the United Nations had not always been successful in its efforts and had frequently been paralysed in situations involving aggression and foreign military intervention, the Organization could only be what the Member States made it. The behaviour of States, rather than the shortcomings of the Charter or any organizational weaknesses, was the decisive factor that determined the Organization's role.

21. Many difficulties were due to the refusal of certain Member States to bring their behaviour into conformity with the obligations they had assumed under the Charter. While the result of the achievement of the principle of universality should be to bring the main international problems before the United Nations, certain international elements tended to bypass the United Nations machinery and to seek accommodations in closed groupings. In the past, efforts to impose sanctions on countries that persistently violated the decisions of the United Nations had been prevented, despite the will of the majority of Members. More recently, efforts had been made to discredit the Organization because of some decisions which had been adopted by large majorities, even though the adoption of decisions by majority vote had not previously been opposed.

22. Another unacceptable practice was the labelling of countries participating in certain decisions and the threat to withhold regular or voluntary contributions. His delegation could not accept attempts by any country to prescribe norms of behaviour to others, for all countries must be free to express their views, and decisions should be taken in a democratic manner. Accordingly, his delegation could not agree to solving problems without the direct participation on an equal footing of the countries involved.

23. Experience had shown that progress could not be arrested and that persistent and concerted efforts in a just cause could make what had once been considered unacceptable eventually acceptable to all. The adoption of correct decisions did not in itself, of course, amount to a solution of problems. Accordingly, the aim should be to adopt joint decisions through a system of timely consultations among Member States. One of the pre-conditions for the proper functioning of the Organization was greater co-operation between the General Assembly and the Security Council and abstention by the permanent members of the Council from abusing their right of veto. While many Member States had pointed out that the Charter offered broad possibilities for solving disputes peacefully under Chapter VI, the calling for the application of measures under that Chapter should not be used as a pretext to oppose application of sanctions and other measures under Chapter VII. Efforts to strengthen the role of the United Nations were related to the activity of the Organization in solving economic problems. In that connexion, the practice of convening special sessions of the General Assembly should be continued and should also be extended to other fields such as disarmament.

24. The question of review and revision of the Charter depended on the extent to which changes were really essential to strengthen the role of the United Nations. Consideration should be given to every possibility of enhancing the effectiveness of the Organization. In that connexion, a certain restructuring of the system would be necessary. The importance of new fields of international co-operation had increased since the Charter was adopted; accordingly, periodic reviews of conditions and of the possibility of amending the Charter would seem justified. In any event, the review of the Charter should be undertaken only on the basis of the broadest possible consensus.

25. Mr. BROMS (Finland) said that the views of his Government on the question of Charter review had been sent to the Secretary-General on 26 September 1972.³ His delegation had, furthermore, participated in the 1975 session of the *Ad Hoc* Committee on the Charter of the United Nations and had found the exchange of views fruitful. No delegation had insisted on a rapid and revolutionary general review of the Charter and it had often been stressed that it was essential to try to reach consensus on any given problem. Several members of the *Ad Hoc* Committee had presented ideas concerning provisions of the Charter which, in their opinion, most needed to be amended. No textual proposals had been presented, which could be interpreted as indicating an awareness of the lack of consensus among members at the present stage. In accordance with the mandate of the *Ad Hoc* Committee,

³ See A/8746/Add.3.

ideas had also been presented on ways and means for the more effective functioning of the Organization which did not require amendments to the Charter.

26. As to the future of the *Ad Hoc* Committee, the current debate showed a strengthening of the trend which had prevailed at the preceding session. A clear majority of statements seemed to favour the continuation of the work of the *Ad Hoc* Committee. If the General Assembly decided to renew the mandate of the *Ad Hoc* Committee, the latter need not engage in as extensive a general debate as had taken place during its first session. It was also to be hoped that all members of the *Ad Hoc* Committee would be prepared to agree on a programme for its continued work and on the working methods to be adopted. The Mexican proposal in annex II to the report of the *Ad Hoc* Committee advocated the setting up of two sub-committees, one to study proposals for strengthening the United Nations which would seem to require amendments to the Charter and the other to consider suggestions and proposals which did not require amendments to the Charter. His delegation did not favour that criterion, which was likely to stress unduly the proposals which seemed to require Charter amendments. His delegation felt that subject-matter provided a better criterion for assigning proposals to sub-committees.

27. Miss DAHLERUP (Denmark) stated that her Government fully adhered to the Charter of the United Nations, which had shown itself to be a flexible and unique instrument for the furtherance of the ultimate purposes of the Organization. The Charter was not perfect and several of its provisions had become obsolete, but that did not detract from its usefulness when it was loyally adhered to and used in a proper, fair and conciliatory manner. The Charter had foreseen the possibility of amendment in Article 108 and of review in Article 109. At the twenty-ninth session of the General Assembly, her delegation had had serious doubts as to whether the time was ripe for Charter review, although part of the *Ad Hoc* Committee's mandate seemed very useful and realistic, especially the request to the Committee to consider suggestions for the more effective functioning of the United Nations that might not require amendments to the Charter. Her Government, in its reply of 19 July 1972 to the invitation in General Assembly resolution 2697 (XXV) to express its views and suggestions on review of the Charter, had stated that it felt that a general review would serve no useful purpose at the present time, as there seemed to be no substantial measure of agreement among Members on the matter and the initiation of a process of review would therefore be unlikely to lead to a strengthening of the United Nations.⁴ That view had, unfortunately, been confirmed by the report of the *Ad Hoc* Committee, which seemed to indicate that the gap between the different points of view of members had widened. However, the *Ad Hoc* Committee should not abandon its efforts to find ways of strengthening the role of the United Nations. It should be possible to find areas where the members could find common solutions in a pragmatic way.

28. Her delegation agreed with the Australian delegation that methods and machinery for the peaceful settlement of international disputes, as described in the Secretary-

General's report (A/10289), deserved further examination. The Committee might also usefully take advantage of ideas and suggestions contained in the report of the Group of Experts on the structure of the United Nations System.

29. Mr. VAN BRUSSELEN (Belgium) said that his delegation, when it had abstained from voting on General Assembly resolution 3349 (XXIX), had had very serious doubts about undertaking a complete revision of the Charter and about establishing a committee for that purpose. After one year, during which he had personally attended almost all of the meetings of the *Ad Hoc* Committee, he could only say that his delegation's doubts had been very considerably reinforced. As stated by the Belgian Minister for Foreign Affairs, who had set forth his Government's position on that question during the general debate in the General Assembly on 25 September 1975 (2361st plenary meeting), his delegation had not wished to vote against examining how to improve the functioning of the United Nations or possible necessary changes in the Charter. He believed that that stand had been correct, but events had now proved that it was impossible to reach agreement on even the principle of a broad review of the Charter. The *Ad Hoc* Committee's report showed such deep differences of opinion and lack of understanding that one could hardly hope for a solution.

30. The Rapporteur of the *Ad Hoc* Committee, in his excellent introduction of the report at the 1561st meeting, had properly drawn the Committee's attention to paragraph 9, the only paragraph with substantive content, and had rightly pointed out the need for a resolution in which differences would be replaced by efforts at co-operation. His delegation fully joined in that appeal, since it believed that co-operation was possible.

31. Although his delegation certainly did not share all the ideas or subscribe to all the proposals by Romania put forward in document A/C.6/437, it shared the concern of the Romanian delegation, subscribed to the general philosophy underlying that document and accepted the basic idea that it was desirable and even necessary to strengthen the role of the United Nations and improve its functioning. Indeed, in previous years his delegation had sponsored draft resolutions introduced by Romania on that subject.

32. The United Nations had been created as the result of an exceptional historical period, by a handful of leaders who had sought certain well-defined goals but who had not thought of creating a world government. As emphasized by the representative of the Netherlands (1566th meeting), they had also differed as to the means of achieving their goals. Belgium, for example, had strongly opposed at the San Francisco Conference the right of veto. Yet the founders of the United Nations had at least been united about their goals and the present debate showed that that was certainly no longer the case for the moment.

33. The Charter had strong and weak points, like all constitutions, and it contained some ideas which had been very advanced for their time but lacked others which had since emerged and become very important. Since 1945 the world had undergone rapid changes and some seemed to regard the Charter as having only a historical character. He wondered, however, whether those changes were sufficient

⁴ See A/8746.

reason to discard an instrument which had served so well and which still had so much service to render. The Belgian constitution had not been amended until nearly 100 years after its original promulgation in 1830, and that was the constitution of a State, not of an organization whose purpose was to promote understanding and co-operation among sovereign and independent States.

34. Although some speakers had taken it as axiomatic that, since circumstances had changed, the Charter also must change, the debates in the *Ad Hoc* Committee and the Sixth Committee showed little substantive criticism of the Charter. Many supporters of Charter revision had expressed views that came close to an ideal: that which the Charter could be if only some countries would voluntarily agree to apply certain carefully chosen principles. Those views were either insufficiently realistic or intended to construct an organization entirely different from what the United Nations currently was.

35. However, many opponents of Charter revision had given the impression of being content, perhaps too easily, with what had been accomplished, without wishing to look towards the future, as if they rejected the notion that what the Soviet representative had called the history of the United Nations could be different from its pre-history. Even during its pre-history, the Charter had undergone several amendments dictated by necessity. Hardly anyone, in 1945, could have foreseen the speed with which the decolonization process would go forward and the decisive role of the United Nations in that process, or the fact that the Trusteeship Council would have virtually lost its *raison d'être*. Few could now maintain that inadequacies in the Charter had halted the working out of a new economic order, or that a different wording of certain Chapters of the Charter could have accelerated that process.

36. If there was one lesson to be learnt from the *Ad Hoc* Committee's report, and one matter on which all could agree, it was that the subject under discussion was exclusively a political one. With that as a starting-point, much could be done if there existed the necessary political willingness at all levels. The very text of the Charter would then become secondary, since the Charter would no longer be anything other than what it should be—a body of principles and mechanisms to guide that political will towards the realization of goals accepted by all. The Charter would not have to undergo a complete revision as there were no advantages to its doing so, and many dangers. That did not mean that the functioning of the United Nations should not be changed at all, but it was essential to agree on an order of priority. In that regard, he was sceptical about the assertion of some speakers that review of the Charter did not necessarily mean amendment of the Charter.

37. Many delegations who favoured a rewording of the Charter had spoken of the need to introduce more equality and more democracy into the United Nations. More equality meant that the veto should either be abolished or be given to all Member States. He would point out in reply that, although his delegation had fought against the veto, the veto had never since 1945 prevented it playing the role which it had believed it should or could play in the United Nations. Furthermore, the veto, although perhaps a privi-

lege, was more certainly a burden of obligations and heavy responsibilities which few would be willing to assume.

38. However desirable the elimination of the veto might appear in the abstract, one had to be realistic. In that connexion, he quoted from a statement made in the *Ad Hoc* Committee by the representative of India, who had observed that elimination of the veto would not necessarily make the world better, nor would its extension to other Members necessarily improve the international situation, since it was not voting procedures that corrected situations but willingness scrupulously to respect the provisions, principles and purposes of the Charter (see A/10033, p. 40).

39. Making the United Nations more democratic meant, if he had correctly understood that idea, basically two things: putting the General Assembly and the Security Council on an equal footing, and giving decisions of the General Assembly a binding character. In his view, however, there was a democracy in the General Assembly if each State had one vote and resolutions were adopted by simple majority. In most bicameral national legislatures, one house had broader powers than the other. Making General Assembly decisions binding would mean creating an organization entirely different from the present one and would inevitably lead to the withdrawal of many of its present Members, since few countries would be prepared to belong to an organization which had the character of a world government.

40. Since the arguments to which he had referred looked toward the ideal of an organization which had little in common with the United Nations, they were not likely to help the United Nations to function more effectively. It was therefore natural that they should give rise to disagreement. On the other hand, he had been surprised to note that all the delegations in the Sixth Committee were in agreement on the need to strengthen the role of the United Nations and to make it function more effectively. There was thus hope that the majority of the Committee could take that as their common ground and reach agreement on what should and could be undertaken.

41. A number of suggestions made in the *Ad Hoc* Committee should be studied in greater depth. As examples, he mentioned the Colombian proposal to change the Trusteeship Council into a Human Rights and Trusteeship Council (*ibid.*, p. 15), the proposals made by many delegations for strengthening the role of the International Court of Justice, and the calls for revision of the procedures of the United Nations. There was also the report of the Group of Experts on the Structure of the United Nations System.

42. He agreed with the representatives of Australia and the United States and others on the need to study in greater depth ways and means for the prevention and peaceful settlement of disputes.

43. Some of those suggestions might lead to proposals for amending the Charter and, as in the case of the enlargement of the Security Council, such proposals would have a good chance of being adopted. All of the suggestions, for that matter, might lead to a strengthening of the role of the United Nations and to improvements in its functioning.

44. His delegation remained convinced that the Charter could continue to render valuable service in the future if its provisions continued to be interpreted consistently and dynamically. Broad revision, however, would deepen existing disagreements, create new ones and no doubt lead to failure. Agreement on ways of strengthening the role of the United Nations, which he believed was possible, would serve the United Nations and all its Member States well.

45. Mr. MANSFIELD (New Zealand) said that his delegation, in deciding to support General Assembly resolution 3349 (XXIX), had taken due account of the fact that, in the light of major changes in the composition of the United Nations and in the political, economic and social realities with which it was confronted, a large proportion of the membership clearly favoured consideration of how the Charter might be updated. At the same time, it had been conscious that the proponents of that resolution were not seeking a wholesale rewriting of the Charter and were well aware that Charter review was a sensitive and delicate task which must be approached in a moderate and responsible way, without expecting early results or resorting to majority voting and other pressure tactics.

46. New Zealand, as a member of the *Ad Hoc* Committee, had been under no illusion that that Committee would be able to fulfil its broad mandate at its first session. Everyone, including those who had been most committed to Charter review, were well aware of the boundaries of the possible in that field. Aside from the obvious fact that the unanimity rule in the Security Council extended to the process of Charter amendment, it was widely recognized that if progress was to be made it was necessary to build the confidence of all the Members of the Organization that no precipitate action would be taken and that no one wished to tear up the Charter.

47. It was therefore unreasonable to suggest that the lack of concrete results at the first session of the *Ad Hoc* Committee was a ground for declining to renew its mandate. The *Ad Hoc* Committee had accomplished about as much as could legitimately have been expected in the circumstances. The preliminary exchange of views it had held had undoubtedly been useful, as it had made possible closer understanding of the positions of delegations and provided an opportunity to air new ideas and clarify or develop ideas previously expressed.

48. He would mention briefly some of the more important substantive views of his Government, which were set out more fully on pages 61-65 of the *Ad Hoc* Committee's report.

49. On the question of membership in the United Nations, his Government believed that the condition in Article 4, paragraph 1, of the Charter that an applicant for membership must be "peace-loving" introduced an unnecessarily subjective criterion. The principle of universality and the widely shared view that membership should be regarded primarily as a duty suggested that membership should be open to any entity which met the criteria of statehood generally accepted in international law. That being so, there was no particular justification for subjecting applications for membership to the unanimity rule, and it would be

preferable to require only a two-thirds majority vote in the Security Council and the General Assembly.

50. Secondly, his Government believed that there was room for some change in the provisions concerning actions which could be taken against an erring Member State. Again, the philosophy of universality and the belief that membership was not so much a privilege as an obligation pointed up the undesirability of invoking the expulsion provision of Article 6 and thus relieving a violating State of its obligations under the Charter. At present, however, the Charter provided in Article 5 that a Member could be suspended rather than expelled only if it had had enforcement action taken against it by the Security Council. Surely it would be better to provide for a variety of sanctions against a Member which violated 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. The decision to apply those sanctions, unlike decisions regarding expulsion, would not seem to require the application of the unanimity rule, although perhaps some qualified majority would be appropriate, perhaps again two thirds in both the Security Council and the General Assembly.

51. Other areas in respect of which his country had expressed itself willing to consider proposals for change, not all of them involving Charter amendment, were peace-keeping operations, the terms of Chapter XI of the Charter and structural reform in the field of economic and social co-operation. There were also, of course, Charter provisions which were now out of date or inappropriate, such as the references to "enemy States" in Article 53. Those references should be deleted.

52. The *Ad Hoc* Committee's first session might not have produced results in the narrow sense, but it had prepared the ground for future work. It was obvious that the Committee should be allowed to continue its work and such was the clear wish of the great majority in the Sixth Committee.

53. In order for that work to be constructive, however, two important and related conditions must be met. First, the level of opposition to the work of the *Ad Hoc* Committee from those opposed to Charter review must be moderated. To that end, it appeared that some way must be found to modify what the report described as the "fundamental divergence of opinion on the necessity of carrying out a review of the Charter". Secondly, the *Ad Hoc* Committee must establish appropriate methods of work. Some progress towards meeting those conditions could be made if it was borne in mind that no delegation had yet insisted that amendment of the Charter was the only method by which the functioning of the United Nations could be enhanced. For example, the New Zealand representative in the *Ad Hoc* Committee had explicitly said that the New Zealand Government did not consider it necessary to press for amendments to the Charter where a reform or improvement could be achieved equally well by another, and perhaps less cumbersome, means. He had added that New Zealand attached as much importance to General Assembly resolution 3349 (XXIX), paragraph 1 (c), which directed the *Ad Hoc* Committee to consider suggestions for the more effective functioning of the United Nations that

might not require Charter amendments, as to the other part of the Committee's mandate (*ibid.*, pp. 61 and 65).

54. However, it was very clear that many believed it to be both desirable and necessary to consider aspects of the functioning of the United Nations and its Charter which might lead to amendment of that instrument. Delegations which took that view were obviously primarily concerned with enhancing the functioning or strengthening the role of the United Nations, but they were not prepared to accept that a critical re-examination of the functioning of the United Nations should artificially rule out Charter amendment. It had, of course, also been pointed out that some proposed amendments to the Charter, such as those relating to the deletion of outdated or no longer relevant clauses, were not strictly speaking encompassed in the notion of strengthening the role of the United Nations.

55. The *Ad Hoc* Committee might therefore expect to make early progress more easily in the realm of proposals which did not involve Charter amendment and it should take due account of that possibility in organizing its work. At the same time, there should be no attempt to set aside or postpone discussion of suggestions which would involve amendments.

56. His delegation firmly hoped that with some understanding of the points he had raised, and with a degree of goodwill on all sides, the path of confrontation could be avoided and that, with full support and assistance from the Secretariat, the *Ad Hoc* Committee could look forward to useful and constructive future sessions.

Organization of work

57. The CHAIRMAN said that, since the Committee was eight meetings behind schedule, he would request delegations wishing to speak on agenda items concerning human rights in armed conflicts, implementation by States of the Vienna Convention on Diplomatic Relations and the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law to be prepared to do so at any time during the current week so that those items could be completed by the end of the week. That was highly important if the Committee was to complete its programme of work on time, as it had always done in the past. The items he had mentioned would be taken up one after the other.

58. If there was no objection, he would take it the Committee agreed to organize its work in that manner.

It was so decided.

AGENDA ITEMS 114 AND 70

Respect for human rights in armed conflicts: report of the Secretary-General (A/10195 and Corr.1 and Add.1)

Human rights in armed conflicts: protection of journalists engaged in dangerous missions in areas of armed conflicts (A/10147)

59. The CHAIRMAN suggested that the Committee, as it had regularly done in past years when considering the question of respect for human rights in armed conflicts, should accede to the request of the Swiss Government, which played a significant role in that field, to participate in the debate without the right to vote.

60. If there was no objection, he would take it the Committee authorized him to make the necessary arrangements for that purpose.

It was so decided.

AGENDA ITEM 110

Report of the United Nations Commission on International Trade Law on the work of its eighth session (*continued*)* (A/10017, A/C.6/L.1016, A/C.6/L.1017, A/C.6/L.1021)

61. The CHAIRMAN announced that Afghanistan and Gabon had become sponsors of draft resolution A/C.6/L.1021.

AGENDA ITEM 109

Succession of States in respect of treaties: report of the Secretary-General (*continued*)** (A/10198 and Add.1-5, A/C.6/L.1019, A/C.6/L.1022, A/C.6/L.1023)

62. Mr. RASHID (Afghanistan) said he wished to correct his delegation's amendment (A/C.6/L.1022) to draft resolution A/C.6/L.1019. The intention of his delegation's third amendment was not to replace operative paragraph 1 (a) but to insert in operative paragraph 1 a new subparagraph (a) and to reletter the present subparagraphs (a) and (b) as (b) and (c) respectively.

The meeting rose at 1.10 p.m.

* Resumed from the 1533rd meeting.

** Resumed from the 1569th meeting.