

purpose—the maintenance of international peace and security—had been well served. A detailed study of the views of Member States indicated that the majority favoured a gradual process of examination of different provisions of the Charter and of their validity in the current situation, with a view to enhancing the effectiveness of the United Nations in maintaining international peace and security. His delegation was of the opinion that, despite its failures, of which Pakistan had had some tragic experience, the United Nations had also achieved some noteworthy results. Although it had not always lived up to its primary responsibility, the failure to do so could be attributed to the overriding pulls of national interests of some Member States, rather than to any inadequacies of the Charter. There had also been instances where some Member States had flouted either the Charter or the will of the international community and where the United Nations had failed to take even such action as allowed or called for by the Charter. Such instances were attributable not to the Charter, but to the lack of political will on the part of some Member States to respect the letter and spirit of the Charter.

4. Referring to the principle of unanimity of the five permanent members of the Security Council, he said that much of the disenchantment in that regard was due to instances when the veto had been used to thwart not only the nearly unanimous will of the international community but also the provisions of the Charter itself. The suggestions made concerning the scope or future of the veto could be attributed more to those instances of misuse than to any senseless obduracy on the part of the majority of Member States.

5. The Charter must be adapted to the changes which had taken place in the world political scene since 1945. His delegation was acutely aware of the very delicate nature of the problem, but was convinced that such changes, when agreed upon after detailed examination, would strengthen the basic principles of the Charter. Provision for such changes had been made in Article 108 of the Charter. The

changes that had already occurred in response to changing realities, such as the enlargement of the membership of the Security Council and the Economic and Social Council, had not eroded, let alone demolished, the balance achieved in the Charter. Nor would similar changes in the future lead to such a catastrophe.

6. While recognizing that proposals for changes in the existing balance among various organs of the United Nations must undergo serious scrutiny, his delegation felt that none of those changes should be rejected out of hand. It had carefully studied the views of the recent deliberations of the sixth and seventh special sessions of the General Assembly which reflected general concerns of the international community and in particular of the developing countries. Existing economic disparities generated much of the dissension and dissatisfaction, subjecting international relations to stress and strain. An attitude of understanding and co-operation with the countries of the third world, particularly in the economic field, would in the opinion of his delegation allay some of the concerns which inspired suggestions for changes in the existing order. That aspect was of increasing relevance to the Charter. There appeared to be a growing area of agreement regarding changes in the provisions relating to the economic structure.

7. His delegation suggested that, while the basic political structure of the Charter should be allowed to function without change for the time being, the *Ad Hoc* Committee on the Charter of the United Nations should be asked to continue its deliberations in 1976 with special emphasis on areas of possible general agreement regarding revision or review.

8. The CHAIRMAN suggested that the list of speakers on items 113 and 29 should be closed at 6 p.m. on Wednesday, 12 November.

It was so agreed.

The meeting rose at 3.40 p.m.

1563rd meeting

Wednesday, 12 November 1975, at 10.40 a.m.

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

A/C.6/SR.1563

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. Mr. DATCU (Romania) said that his country attached particular importance to the items under consideration, as it believed that the United Nations was an important instrument, available to mankind, for solving international problems and promoting the ideals which had inspired the establishment of the Organization. Since the founding of the United Nations, the world had undergone vast changes, new socialist countries had appeared which exerted a positive influence in the contemporary world, the colonial system had collapsed and dozens of new independent States had emerged. All those developments had introduced new characteristic features in contemporary international life,

such as the increasing participation by all States in finding solutions through negotiation and in adopting measures to promote détente and co-operation between States with different systems. In that connexion, he noted the positive achievements of the Conference on Security and Co-operation in Europe, the Final Act of which inaugurated a new era for the countries and peoples of that continent.

2. Nevertheless, acute problems persisted in international life which were of the gravest concern to humanity—in particular, the problem of establishing a new economic and political order, replacing the old relationships based on domination and oppression by new relationships based on equality and equity.

3. Throughout its history, the United Nations had played a positive role in the world, but at the same time its activities had revealed certain short-comings and weaknesses. Serious conflicts in various parts of the world, as well as economic and social events with global implications, had been dealt with not within the United Nations but outside it. In other cases, actions alien to the spirit and purposes of its Charter had been undertaken under the auspices of the Organization. The activity of the United Nations had not become adjusted to the rhythm of change and its structure did not fully reflect the new social and political realities.

4. In his delegation's view, it was necessary to create the conditions necessary for greater participation by all Member States, on the basis of complete equality, since that was the only way the United Nations would be able to increase its contribution to the solution of the problems confronting humanity and become a more effective international instrument.

5. Guided by those considerations, his Government had submitted document A/C.6/437, which reflected its position on the items under consideration. Romania believed that the United Nations and its fundamental documents should be in perfect harmony with the realities and trends of the contemporary world. Owing to the historical circumstances at the time it had been drafted, the Charter contained provisions implying *de facto* acceptance and recognition of colonialism, the maintenance of which would be tantamount to perpetuating tyrannical relationships and intervention in the affairs of other States. The Charter must clearly proclaim the full and final abolition of colonialism, neo-colonialism and racism and the determination to eliminate all practices engendered by those systems. The Charter must forcefully proclaim the fundamental right of peoples to decide their own destiny and to exercise permanent sovereignty over their natural resources and it must provide for the equalization of levels of economic development of all States as a real basis for making international life more democratic. The time had therefore come to review such Charter provisions with a view to eliminating the existing contradictions.

6. The retention in the Charter of provisions referring to the concept of an "enemy State" was not only an anachronism but also an obstacle in the way of détente and the establishment of relations of full equality. The Charter must ensure the co-operation of all States in order to usher in a new era in the history of humanity.

7. The Charter should not in any way be interpreted as signifying that there might be different categories of Member States. It must clearly admit the equality of all Member States and uphold their right and duty to participate in efforts to prevent and extinguish conflicts.

8. Convinced of the need to strengthen the role of the United Nations in international life, Romania felt that it was necessary to persevere in efforts to develop, define and adapt the standards and principles governing relations between States. The documents produced thus far by the United Nations were important steps in the right direction. To that end, his delegation proposed that the United Nations should prepare and adopt a universal code of conduct covering the fundamental rights and duties of States. Such a code would be of incalculable significance in promoting international security and the independence and progress of nations.

9. Romania also felt that the United Nations had an important role in the establishment of a new international economic order on which true détente and real peace was dependent. The General Assembly should acquire the necessary organizational structures in order to obtain practical results in that regard. Romania's position and proposals on that subject had been submitted on 5 September 1975.¹

10. The fundamental objective in creating the United Nations had been to save succeeding generations from the scourge of war and to ensure the solution of all international disputes by peaceful means. However, that noble endeavour had not been fulfilled satisfactorily for there continued to be cases involving the threat or use of force. To achieve that objective, the United Nations could and must take the initiative and play a more active role in preventing or settling disputes. To that end, Romania proposed (see A/C.6/437) the establishment of a permanent commission of the General Assembly to fulfil the functions of mediation, good offices and conciliation. The commission would have a preventive role and all interested States, including those which were not parties to the dispute in question, could take part in its work. The commission would also be able to prepare the way for the adoption by the United Nations of an international instrument aimed at establishing specific procedures for the peaceful settlement of disputes. Moreover, universal participation would strengthen the faith of States in the capacity of the United Nations in that respect.

11. General disarmament—and primarily nuclear disarmament—constituted one of the fundamental tasks of the United Nations. His delegation had stated its views and submitted its proposals in that regard in the First Committee during the current session.²

12. The strengthening of the prestige of the United Nations was indissolubly linked with the achievement of universality and with improvement of its structure, organization and operation; those points had been emphasized not long ago by the President of Romania. The strengthening of the democratic character of the United Nations

¹ See A/AC.176/3.

² See A/C.1/1066.

activities required a broadening of the powers and competence of the General Assembly so as to improve its operation and ensure that the resolutions adopted received the unanimous support of Member States. Thus, the United Nations should extend the practice of convening special sessions for the purpose of analysing major problems and drawing up programmes for the solution of such problems. In that connexion, the General Assembly should utilize all the provisions of the Charter to strengthen its relations with the Security Council with regard to problems of international peace and security, an area in which it would no doubt be useful to provide for a consensus procedure in the Charter. The consensus rule should be defined in such a way as to facilitate the solution of problems through negotiations with the participation of all interested parties, without implying that the current procedures would be discarded in cases where it was impossible to reach a consensus. Provisions should also be included in the Charter stipulating that the resolutions adopted by consensus or by a unanimous vote constituted firm commitments for all Member States. Moreover, the Charter should include provisions reaffirming the practice of the General Assembly and the Security Council to establish procedures, machinery and organizations responsible for ensuring the full implementation of the resolutions adopted by those organs.

13. The improvement of the structures of the bodies and organs of the United Nations and the democratization of their activities would greatly help to increase the Organization's effectiveness. In that regard, it would first be necessary to adopt measures to permit greater participation by the small and medium-sized countries in the system of collective security, which would require an increase in the number of members of the Security Council in proportion to the number of Member States and to the changes made in the structure of the United Nations. Secondly, each geographical region should have one or two representatives who, by means of annual rotation, would enjoy the same rights as the permanent members of the Council with regard to the adoption of substantive decisions. The principle of equitable geographical distribution should be applied broadly in all the activities of the Organization, including the selection of headquarters of agencies. The practice of holding meetings in various Member States should also be extended. Lastly, Romania considered it appropriate to improve the Secretariat's methods of work to ensure an adequate representation of all States.

14. Concerned like other States with the strengthening of the capacity of the United Nations, Romania submitted its proposals relating to the matter in an awareness of the fact that humanity was now on the threshold of a new era and that the Charter should incorporate the most advanced forms and principles of international law. The Romanian Government would continue to collaborate closely with all States in the development and reaffirmation of the role of the United Nations in international life, since it was in the interest of all nations that the Organization should perform in accordance with the provisions of the Charter and the resolutions adopted by it.

15. Agenda item 29 had its origin in resolutions 2925 (XXVII), 3073 (XXVIII) and 3282 (XXIX), adopted unanimously by the General Assembly, and there were three reports of the Secretary-General which contained the

observations and proposals of some 40 Member States on the question. Concurrently, and prompted by the same concern, a debate had been initiated on ways in which to improve the Charter; the *Ad Hoc* Committee on the Charter of the United Nations, the report of which (A/10033) had been published in connexion with agenda item 113, had been created the previous year. Romania considered it appropriate to examine the two items jointly, since they dealt with the same question and complemented each other.

16. His country had expressed, at the outset, its desire to be a member of the *Ad Hoc* Committee, a desire which had not been fulfilled for well-known reasons. His delegation was firmly in favour of the extension of the *Ad Hoc* Committee's mandate and proposed the enlargement of its membership in order to permit the participation of countries wishing to contribute to its work. In that spirit of co-operation, his delegation was prepared to hold consultations for the purpose of preparing a draft resolution on the continuation of the work.

17. Mr. URIBE (Colombia) said that the daily changes in the balance of world power and the emergence of new developments in international relations made it necessary to reflect on measures to improve the operational machinery of the United Nations. Failure to accept the changing situation in the international community was tantamount to ignoring the evidence of the factors which delimited and determined its pattern. Yet accepting that the legal order must keep pace with the new circumstances strengthened, rather than weakened, the international Organization.

18. The legal order collapsed if it ceased to reflect new social and political facts. The political situation had changed substantially in the 30 years since 1945. Such changes were mainly due to the proper exercising of the functions assigned to the bodies of the United Nations; in that respect, decolonization was an excellent example of that phenomenon.

19. It was essential to update the United Nations at the present time, but the question was whether the indispensable changes should originate solely from a privileged group of States or whether, on the contrary, all Governments, including medium-sized and small States, should have the possibility of co-operating in the major undertaking of the operational development of the United Nations.

20. The idea behind the establishment of the *Ad Hoc* Committee had been to give Members of the United Nations, and in particular the members of the Sixth Committee, an opportunity to make a direct contribution to the difficult but essential task of updating the machinery of the international Organization. There could be no doubt that the consideration of the suggestions made with respect to the revision of the Charter could not be accomplished in a short period of time without running the risk of improvisation. In any case, it was undeniable that the task of bringing the Charter of the United Nations up to date was under way and that all States were confidently awaiting the promising fruits of that effort.

21. The desire to participate in world decision-making was characteristic of small and medium-sized States, which were

traditionally placed in a marginal position vis-à-vis the great Powers. However, in addition to the spirit of participation, perhaps the sole task which no State was prepared to relinquish was that of discussing and co-operating with respect to the changes to be made to the structure of the United Nations, a body which represented the best symbol of a world of harmony and constructive co-operation.

22. The proposal to extend the mandate of the *Ad Hoc* Committee sought to make the work of that body more effective. Members of the Organization were fully aware of the need to update the machinery of the United Nations. The desire to ensure that all Member States collaborated in the performance of the tasks entrusted to the *Ad Hoc* Committee was complemented by the prudent appeal to extend the life of that study group since the commitment undertaken by the signatories of the San Francisco Charter for the maintenance of peace also included collaboration in any initiative designed to make the United Nations more effective, without allowing new developments in the world to remain outside its competence or allowing the responsibility for peace to be limited to a single group of States excluding the new States, whose freedom was perhaps the greatest achievement of the Organization's 30 years of existence.

23. Miss VEGA (Peru), recalling the Secretary-General's remarks, said that the United Nations had evolved from the 51-nation association closely linked with the circumstances of the Second World War to the world Organization which with over 140 Members, was approaching universality. In the aftermath of a global conflict, it had been natural that the founders of the United Nations should be primarily concerned with devising a system of keeping the peace which would avoid a repetition of the events which had led to the Second World War. However, the evolution of the post-war world had created a new geopolitical structure in the past 30 years. Thus the basis of political and economic power in the world as a whole had changed radically in a way which could not have been foreseen at San Francisco.

24. Of the provisions contained in one of the last chapters of the San Francisco Charter, one related to the possibility of introducing amendments (Article 108) and another concerned the possibility of revising the Charter (Article 109). There was a vast difference of substance and scope between the terms "amendment" and "revision". When the aim was to maintain the fundamental principles underlying an instrument and to modify only certain provisions, one could speak of amendment. However, revision involved an attempt to alter those principles. The problem of the revision of the Charter had therefore been raised at the very moment when it had entered into force, perhaps because of

certain short-comings which had become apparent in the Organization at the very outset.

25. On the one hand, Article 108 empowered the General Assembly to amend the Charter; to do that, it was sufficient for a State to include the proposed amendment in the provisional agenda. If the Assembly decided to consider it and approved it, it was submitted to the States Members of the United Nations for ratification; if it was ratified by two thirds of those States, including the five permanent members of the Security Council, it was incorporated in the Charter.

26. On the other hand, Article 109 conferred on a General Conference of the Members of the United Nations the power to revise the Charter, in other words, it provided for a new body, a kind of constituent or *ad hoc* assembly entrusted with the revision of the Charter.

27. With regard to the question of the revision of the Charter, three main groups had emerged in the Sixth Committee, namely: those which were frankly opposed to any revision of the Charter and who maintained a conservative position; those which were firmly in favour of a revision of the Charter; and those which had expressed opposition to a revision of the Charter in general, but which did not rule out specific amendments.

28. In view of the existence of those three groups, the report of the Group of Experts on the Structure of the United Nations System³ might constitute a compromise formula with respect to that delicate question. The report, which had been submitted to the Secretary-General in the framework of a general structural plan for consideration by the Preparatory Committee for the Special Session of the General Assembly, was intended to help to correct certain shortcomings in the structure of the United Nations which were preventing the Organization from becoming a more effective instrument. In view of those considerations, it could be concluded that there was an urgent need in the United Nations family for a restructuring of the system and for adaptation to the latest new international changes.

29. Whatever method was chosen for revitalizing the Organization would be welcome; whether through the *Ad Hoc* Committee or through the work of the Group of Experts. The important point was to become aware of the situation and to take the first steps in that direction.

The meeting rose at 11.55 a.m.

³ E/AC.62/9.