

ment action against aggressors provided for in Chapter VII of the Charter.

52. The current period of détente and near-universality of the United Nations gave new reasons for moving towards the implementation of the provisions of the Charter. His delegation was against any changes in the United Nations which would affect the careful balance established by the Charter, including the right of veto. The number of States possessing that right should not be increased. His delegation merely wanted the Organization to function better, in the interests of legal order. In that connexion, the International Law Commission should turn its entire attention toward the development and codification of the principles of the

Charter so as to establish legal order and international security.

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/Rev.1, A/C.6/L.1023)

53. The CHAIRMAN announced that Kenya had become a sponsor of the amendments contained in document A/C.6/L.1023.

The meeting rose at 1 p.m.

1574th meeting

Tuesday, 25 November 1975, at 3.20 p.m.

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

A/C.6/SR.1574

AGENDA ITEMS 113 AND 29

Report of the Ad Hoc Committee on the Charter of the United Nations (continued) (A/10033, A/10101, 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. DIENG (Senegal) said he regarded the two questions being discussed as particularly important because his country, since acceding to full sovereignty, had believed firmly in the United Nations, which played a vital role in the struggle of all peoples to make the world more just and more humane. Accordingly, Senegal had always actively supported the universality of the Organization, the improvement of its procedures and working methods and its democratization through the genuine participation of all its Members in the taking and effective execution of decisions, in accordance with the principle of the sovereign equality of States. It was logical, therefore, to consider agenda items 113 and 29 together, since the ultimate purpose of the proposals submitted with a view to making certain amendments to the Charter of the United Nations was the strengthening of the role of the Organization.

2. He regretted that not all the Members of the Organization had yet understood the legitimate demands of the international community for the establishment of a more just and humanitarian society. However, the reasons militating in favour of a restructuring of the United Nations system were obvious, for they were based on common sense. First, since its establishment, the United Nations had

admitted to membership a large number of new States whose interests could not have been taken into consideration 30 years before. Furthermore, the political, economic and social changes which had taken place during the past 30 years must be institutionalized. In particular, the solution of problems relating to development, a more equitable distribution of wealth, the full development of mankind within a more balanced environment and the prevention or resolution of serious situations, could not remain the sole responsibility of the great Powers. The Arab-Israel conflict, the situation in Cyprus and the troubles in Angola provided ample proof of the mistakes which could be made by the great Powers which took decisions contrary to the interests of the peoples concerned.

3. His delegation had studied with care the arguments put forward by those Member States which thought that the United Nations system could be made more effective without a review of the Charter. In particular, it had studied the suggestions contained in the report of the Secretary-General on the peaceful settlement of international disputes (A/10289) and in the report of the Group of Experts on the structure of the United Nations System¹ and had noted the observations of the States concerned. The proposals aimed at strengthening the role of the General Assembly and the Economic and Social Council, reorganizing the Secretariat, consolidating operational activities and funds, strengthening regional structures and revising procedures for settling disputes and the procedures of the Security Council were very interesting, but would not suffice to bring the United Nations to the desired level of effectiveness, for the functioning of certain United Nations organs could never be improved if certain States which put narrow national considerations before everything else refused to comply with United Nations resolutions, if the wealthy nations continued to block the establishment

¹ E/AC.62/9.

of a new international economic order and if the major Powers continued to abuse the right of veto.

4. In studying the report of the *Ad Hoc* Committee on the Charter of the United Nations (A/10033), his delegation had been struck by the fact that a majority of States were in favour of a review of the Charter. In addition to the arguments he had just put forward, the States in favour of reviewing the Charter had made concrete proposals aimed, not at destroying the achievements of the United Nations, but at consolidating them. Even if sceptical, those States which opposed a review of the Charter ought to keep an open mind and not systematically oppose all legitimate desire for change. The *Ad Hoc* Committee ought to study the relevant proposals of a number of delegations, particularly those of Mexico (*ibid.*, p. 57) and Romania (A/C.6/437), aimed at amending certain specific Articles of the Charter. Such a study would no doubt make it possible to find functional solutions, taking into account the views of a large number of Member States.

5. In reply to the main arguments against a review of the Charter, he said the United Nations could not be improved without such a review: first, because it was necessary to incorporate into the Charter provisions on economic relations; secondly, because a majority of States were in favour of a review of the Charter; thirdly, because the danger of upsetting the equilibrium was non-existent, because it had long been upset; and because the Charter contained specific provisions concerning its review. According to certain States, the principle of the sovereign equality of States was unrealistic, because it was necessary to take into account the responsibilities and privileges of the great Powers, but that was precisely the cause of the imbalance which had to be corrected. Furthermore, it had been clear for more than 10 years that a large number of States which professed neither capitalist nor communist beliefs were seeking to set their own course and wished to preserve their identity. It was therefore legitimate for the third world States to request that they too be given the right of veto. In fact, his delegation thought that it would be unrealistic to seek to regulate the use of that right, and even more so to call for its abolition, but felt that the third world countries ought to have greater negotiating power.

6. He said that his delegation would support any proposal aimed at strengthening the United Nations system by means of a review of the Charter.

7. Mr. SABEL (Israel), speaking in exercise of the right of reply, said he regretted that certain Arab delegations had made it a practice to use every possible United Nations forum and project for their own nefarious purposes and that they had succeeded, in the Third Committee, in clear violation of the principles and purposes of the Charter, in wrecking United Nations action against racism and racial discrimination. During the debate on review of the Charter, they had even said that the aim of the United Nations should be to conduct a campaign against the Jewish State.

8. On the thirtieth anniversary of an Organization created against the background of the Second World War, it was a sinister irony that representatives should be calmly discussing the review of the Charter in order to tailor it to the requirements of their pernicious campaign against the State

of Israel. It would be a grievous blow to the United Nations if the Sixth Committee was allowed to join those United Nations organs manipulated to suit the objective of certain Arab representatives, but he earnestly trusted that would not come about. He reminded the representatives concerned of those fundamental principles of the Charter which called for respect of sovereignty and peaceful settlement of disputes between States and said that the blatant and gross violations of those principles was perhaps the most grievous fault that the United Nations had seen.

9. Mr. ABUL-KHEIR (Egypt) recalled that at the previous meeting he had said that the question of strengthening the role of the United Nations was linked, not to a review of the Charter, but to the behaviour of States, and he had given a certain number of examples. Who violated the Charter of the United Nations? Who had occupied territories by force? Who did not respect the resolutions of the United Nations? Who violated human rights within occupied territories? Who refused to grant the right of self-determination to the Palestinian people? Who tore up resolutions in front of the General Assembly? History would answer such questions.

AGENDA ITEM 117

United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law: report of the Secretary-General (A/10332, A/C.6/438)

10. Mr. SUY (Under-Secretary-General, The Legal Counsel) introducing, on behalf of the Secretary-General, his report on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law (A/10332), recalled that the Programme had been established in 1965 by General Assembly resolution 2099 (XX), and had been continued under resolutions adopted annually until 1971, when the Assembly had decided, in its resolution 2838 (XXVI), that the Programme should be based on a biennial resolution. Thus, the last report on the subject had been submitted to the Sixth Committee in 1973.² In the report currently before the Committee, the Secretary-General described the activities carried out during the following two years and made recommendations for the continuation of the Programme in 1976 and 1977.

11. Chapter II of the report gave an account of the activities carried out in 1974 and 1975 by the three principal bodies participating in the execution of the Programme, namely the United Nations, the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the United Nations Institute for Training and Research (UNITAR). Those activities did not differ greatly from those conducted in previous years. However, he wished to point out that in 1975, the United Nations Commission on International Trade Law (UNCITRAL) had for the first time held a symposium on the role of universities and research centres with respect to international trade law. It was also gratifying to note that UNESCO had been expanding its activities relating to the study of international law and that UNITAR had once

² A/9242 and Corr.1.

again made a considerable contribution to the Programme, in particular by providing administrative and financial assistance for the United Nations-UNITAR Fellowship Programme and by organizing regional training courses in Sierra Leone and Zaire. The Secretary-General wished to express his deep gratitude to UNESCO and UNITAR, and joined the Executive Director of UNITAR in expressing appreciation to the Governments of Sierra Leone and Zaire.

12. Chapter III contained the Secretary-General's recommendations concerning the execution of the Programme in 1976 and 1977. As described in paragraphs 64 and 65, the Secretary-General recommended no substantive change in the activities of the United Nations. However, UNESCO was expected to commence in 1977 a considerably expanded programme for the medium-term period 1977-1982, as described in paragraph 66. UNITAR would continue its cycle of regional meetings and in 1976 was expected to organize two training and refresher courses in Asia, one for West Asia and the other for other parts of Asia.

13. Chapter IV dealt with the administrative and financial implications of United Nations participation in the Programme, relevant information for 1974 and 1975 being given in paragraphs 71 to 74. In that connexion, he wished to thank the Governments which in those years had helped to finance the Programme by making voluntary contributions. The Governments of Argentina, Austria, Iran and Yugoslavia had contributed for both 1974 and 1975, while the Governments of Australia, Cambodia, Cyprus, Iraq, Kenya, the Philippines, Thailand and Togo had contributed for either 1974 or 1975. In addition, several Governments had made contributions to the financing of the International Law Seminar held at Geneva, and the UNCITRAL symposium on the role of universities and research centres with respect to international trade law. Contributions to the Seminar had been received from the Governments of Denmark, Finland, the Federal Republic of Germany, Israel, Norway, the Netherlands and Sweden, and contributions to the symposium had been received from the Governments of Austria, the Federal Republic of Germany, Norway and Sweden. The Secretary-General wished to express his sincere thanks to all those Governments.

14. For the biennium 1976-1977, a sum of \$176,000 was included in the proposed programme budget to pay for fellowships and travel costs for participants in the regional training courses to be organized by UNITAR during that period. The high cost was a result of increased costs and the estimated high rate of inflation.

15. Chapter V gave an account of the meetings of the Advisory Committee on the Programme held in 1974 and 1975. The Secretary-General was most grateful to that Committee for its assistance. The Advisory Committee had endorsed the Secretary-General's recommendations regarding the execution of the Programme in 1976-1977, and those recommendations were now submitted to the General Assembly for its approval. He recalled that the term of office of the current members of the Advisory Committee expired at the end of 1975 and drew the attention of the members of the Committee to the note by the Secretary-General (A/C.6/438).

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)

16. The CHAIRMAN announced that Bulgaria and Lesotho had become sponsors of draft resolution A/C.6/L.1021.

17. Mr. ABUL-KHEIR (Egypt), introducing draft resolution A/C.6/L.1021 on behalf of the sponsors, said that they attached particular importance to paragraph 8. They thought it essential for UNCITRAL to take account of developments in international economic relations and considered that if United Nations organs did not participate in the implementation of the resolutions of the sixth and seventh special sessions of the General Assembly those resolutions would remain a dead letter. He hoped that the Sixth Committee would adopt the draft resolution by consensus.

AGENDA ITEM 108

Report of the International Law Commission on the work of its twenty-seventh session (*continued*)** (A/10010, A/C.6/L.1024)

18. The CHAIRMAN announced that El Salvador had become a sponsor of draft resolution A/C.6/L.1024.

AGENDA ITEM 109

Succession of States in respect of treaties: report of the Secretary-General (*continued*) (A/10198 and Add.1-5, A/9610/Rev.1***, A/C.6/L.1019, A/C.6/L.1022/Rev.1, A/C.6/L.1023/Rev.1)

19. The CHAIRMAN invited the representative of Mali to introduce the amendments to draft resolution A/C.6/L.1019 contained in document A/C.6/L.1023/Rev.1.

20. Mr. MAÏGA (Mali) explained that the sponsors of the amendments wished to delete the last part of the second preambular paragraph, following the words "including comments and observations . . .", because they considered that the International Law Commission (ILC) had finished its work on the draft articles on the succession of States in respect of treaties and that another body, for example a conference of plenipotentiaries, should now deal with the question. For the same reason, they wished to delete those paragraphs in the operative part of the draft resolution, which provided that the draft articles should be referred back to ILC. Furthermore, on reading chapter II of the report of ILC (see A/9610/Rev.1), they had felt that ILC had not taken a decision on the proposals mentioned in paragraph 75 of its report, not because of lack of time, but because no common position had emerged within ILC which would have enabled it to accept the proposals. It would be for the conference of plenipotentiaries to solve

* Resumed from 1572nd meeting.

** Resumed from the 1550th meeting.

*** Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 10.

the problem. After reading out the new operative part which was being proposed, he stressed that following consultations the sponsors of the original amendments (A/C.6/L.1023) had decided to revise them by adding to the end of paragraph 3 the words "and to embody the results of its work in an international convention and such other instruments as it may deem appropriate".

21. He expressed the hope that at the thirty-first session, the Sixth Committee would decide on the date and venue for a conference of plenipotentiaries to examine and adopt an appropriate legal instrument concerning succession of States in respect of treaties.

The meeting rose at 4.30 p.m.

1575th meeting

Wednesday, 26 November 1975, at 3.20 p.m.

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

A/C.6/SR.1575

AGENDA ITEMS 114 AND 70

Respect for human rights in armed conflicts: report of the Secretary-General (*continued*)* (A/10195 and Corr.1 and Add.1, A/C.6/L.1025)

Human rights in armed conflicts: protection of journalists engaged in dangerous missions in areas of armed conflict (*continued*)* (A/10147, A/C.6/L.1025)

1. Mr. MAÏGA (Mali), introducing draft resolution A/C.6/L.1025 on behalf of the sponsors, said it was a follow-up to the second session of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, which had been held at Geneva from 3 February to 18 April 1975 and was the subject of a report of the Secretary-General (A/10195 and Corr.1 and Add.1). The preamble to the draft resolution stressed the basic progress made at the second session. Whereas the Diplomatic Conference had adopted only five articles at its first session, it had adopted almost 70 at its second session, i.e. almost half of the articles submitted to it. In the last preambular paragraph the General Assembly took note of a resolution recently submitted to it in draft form by the First Committee with the symbol A/C.1/L.728, which invited the Diplomatic Conference to continue its consideration of the use of specific conventional weapons in its search for agreement for humanitarian reasons on possible rules prohibiting or restricting the use of such weapons.

2. Reviewing the operative part of the draft resolution, he stressed the need for measures to promote on a universal basis the dissemination of and instruction in the rules of international humanitarian law applicable in armed conflicts, to which operative paragraph 2 called attention. Because of the complexity of the rules applicable in that field, it would be necessary, as some representatives had pointed out at the Diplomatic Conference, for each soldier to be also a lawyer. The question of the protection of journalists engaged in dangerous professional missions in areas of armed conflict had first been studied by the Third Committee, then referred to the Diplomatic Conference by the General Assembly by its resolution 3058 (XXVIII); it

was only at its second session that the Diplomatic Conference had considered the question and adopted a number of provisions. As indicated in operative paragraph 4 of the draft resolution, the Conference intended to complete its work on the subject during its next session.

3. He expressed the hope that the spirit of co-operation and solidarity which had prevailed thus far during the deliberations of the Diplomatic Conference would be maintained.

4. Mr. HAGARD (Sweden) stressed the substantive progress made by the Diplomatic Conference at its second session, especially with respect to the rules on the protection of the civilian population against the effects of hostilities. His Government considered it particularly important to prohibit area bombardment and attacks on crops and food, essential to the survival of the civilian population, or on works and installations containing dangerous forces, such as nuclear generating stations. His Government appreciated the results obtained with regard to the protection of wounded, sick and shipwrecked persons. The agreement reached on the appointment of "Protecting Powers" and their "substitute" should prove to be an important instrument for the better implementation of humanitarian law.

5. At the second session of the Diplomatic Conference, long negotiations had been devoted to the problem of the field of application of the draft of Protocol II relating to non-international armed conflicts. The consensus text that had finally emerged (see A/10195 and Corr.1, annex I) was a proof of the prevailing spirit of compromise and co-operation among delegations. In fact, the protection of victims of non-international conflicts was as important as the protection of victims of international conflicts.

6. However, various substantive questions remained to be solved at the third session of the Diplomatic Conference which would also require co-operation among delegations. In that connexion, he mentioned the extension of prisoner of war status to guerilla fighters, criminal liability for breaches of the Protocol and the establishment of an impartial inquiry commission to examine violations of the Conventions and the Protocol. In that regard, efforts must be made to induce compliance with obligations under international humanitarian instruments. The International

* Resumed from the 1572nd meeting.