

the members of the Council condemned the USSR for sending its armed forces into the territory of one of its allies, as the records of the Security Council showed.

37. Her delegation was sincere and serious on the question of Charter review and revision. She stated that suggestions such as expanding the power of the General Assembly, restricting the power of the Security Council, changing the composition of the Security Council and limiting or abolishing the veto right deserved serious consideration. The Soviet delegation, however, did not dare to face up to the reality and the just demands of the great majority of Member States.

38. Mr. KOLESNIK (Union of Soviet Socialist Republics) observed that lies and slander aimed at the world's first socialist country had formerly been an expression of the importance of the bourgeoisie and its desire to recapture power from the workers. In the present case, slander was nothing new and served as a weapon of the clique in Peking, which was hypocritically trying to rank itself among the countries of the third world—a pretense that was both comical and repulsive. Those who wished to know where the truth lay should recall the words Cervantes gave to one

of his heroes: "If a dog barks, that means we are on the right track."

39. Mrs. HO Li-liang (China) said that the Soviet representative had had to resort to slander, which showed that the Soviet delegation was aware of its guilt and afraid of the truth. A review of the Charter was in keeping with the aspirations of the people, and the establishment of the *Ad Hoc* Committee was a first step. However the Soviet delegation might attempt to oppose the just demands of a large group of countries, it would not succeed, and the hegemony of the great Powers, which ran counter to history, was doomed to failure.

#### 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)**

40. The CHAIRMAN informed the Committee that Liberia should be added to the list of sponsors of draft resolution A/C.6/L.1019.

*The meeting rose at 5.15 p.m.*

## 1570th meeting

Thursday, 20 November 1975, at 10.55 a.m.

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

A/C.6/SR.1570

### *Tribute to the memory of Generalissimo Francisco Franco, Head of State of Spain*

1. The CHAIRMAN expressed regret at the death of Generalissimo Francisco Franco, Head of the Spanish State, who had passed away the previous night after a long illness. On behalf of the Sixth Committee and himself, he requested the Spanish delegation to convey the Committee's deepest regrets and condolences to the immediate family of Generalissimo Franco and to the Government and people of Spain.

*On the proposal of the Chairman, the members of the Committee observed a minute of silence in tribute to the memory of Generalissimo Franco, Head of State of Spain.*

2. Mr. FUENTES IBAÑEZ (Bolivia), speaking on behalf of the Latin American Group by delegation of its Chairman, expressed the Group's deep regret on the sad occasion of the death of Generalissimo Franco, who would be recorded in the history of the last 50 years as one of the great leaders in international politics. He hoped that the Spanish representative would convey his delegation's deepest regrets and condolences to the people and Government of Spain.

3. Mr. PEDAUYE (Spain) thanked the Chairman of the Committee and the Chairman of the Latin American group

for their expressions of sympathy on the death of Generalissimo Franco.

#### 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)**

4. Mr. MANYANG D'AWOL (Sudan) said that, as the Charter of the United Nations reflected the highest ideals and aspirations of the international community, any attempt to review that instrument should be made with a view to avoiding any weakening of its fundamental principles and purposes, in which his delegation strongly believed. Yet, institutions, like men, grew and became obsolete and change was imperative if there was to be a new international order based on justice. What was to be challenged was not the weighted power of some States, which was

inherent in the Charter, so much as the wanton exercise of such power.

5. His country was dissatisfied with the deplorable abuses perpetrated by some States in exercising the veto. It was intolerable for the veto to be used to support suppression and racial discrimination, as had been done the previous year when some Powers had exercised the veto in favour of South Africa. While not wishing to remove the veto, which was a historical fact, the majority of the Members of the United Nations today would have had something different to say had they participated in the San Francisco Conference of 1945. Other countries had not been heard because they were under colonial domination, but that did not mean that their views should now remain unheard. To check and balance the use of the veto in the Security Council, more weight should be given to the General Assembly resolutions, which should be effectively applied by Member States. Some provisions of the Charter had become out-dated: for example, the Articles dealing with the Trusteeship Council should be restructured and the reference to an "enemy state" in Article 53 should not be retained. In addition, the International Court of Justice should be given more influence and States should resort to it more frequently for the settlement of disputes. States might gain greater confidence in the Court if it had more power or if its very slow procedures were changed. The maintenance of international peace and security was of paramount importance and the concept of peace should be broadened to provide universal solutions in keeping with the demands of the international community. The new structure of the Charter should also take into account the economic restructuring necessary to meet world economic needs.

6. His delegation believed that the *Ad Hoc* Committee on the Charter of the United Nations had a serious function to fulfil and would therefore support the extension of its mandate.

7. Mr. HOLLAI (Hungary) said that his delegation had carefully studied the report of the *Ad Hoc* Committee on the Charter of the United Nations (A/10033), as well as the observations received by the Secretary-General from Governments pursuant to General Assembly resolution 3349 (XXIX). The Hungarian Government's observations were to be found in document A/10113/Add.1, which brought up to date its previous position on the subject submitted to the twenty-seventh session.<sup>1</sup>

8. The report of the *Ad Hoc* Committee and the discussion in the Sixth Committee during the current session had clearly revealed a fundamental divergence of opinion on the necessity of carrying out a review of the Charter. That was the most important argument against, and an insurmountable obstacle to the realization of, a revision of the Charter. His delegation had attentively studied all the arguments put forward by various Member States in favour of reviewing the Charter and was still ready to listen to any argument prompted by a desire to strengthen the role of the United Nations in fulfilling the lofty purposes enshrined in the Charter. At the same time, however, it sincerely hoped that its own arguments would be listened to.

9. The Charter was not perfect, being a work of man and reflecting the historical circumstances surrounding its adoption. The contradictions of international relations were the product of objective conditions determining the development of the international situation or sometimes the product of subjective decision-making by the individual States concerned. There were a number of contradictions within the framework of inter-State relations and inevitable imperfections in certain social or economic systems or in the domestic policies of a number of countries. One could not expect to eliminate the evils of international life or even substantially limit their effects by including new provisions in the Charter or deleting some of the existing ones. For centuries proposals had been put forward for the establishment of lasting peace in the world, but they had not been adopted because of the lack of consent by the States concerned. Instead of devising new provisions for the Charter, States ought to do their best, if necessary by using radical and unorthodox methods, to fulfil the aims and purposes already embodied in the Charter.

10. The ability of the United Nations to adapt itself to changing conditions and requirements was acknowledged by the majority of its Members. That adaptation had largely been the result of evolving practice and not formal revision of the Charter. His delegation admitted that in the course of the evolution of practice and the constant interpretation of the provisions of the Charter by various organs, there had been several cases in which the solution had not corresponded to the letter and spirit of the Charter. The blame lay not with the Charter, however, but with those Members of the Organization responsible for the adoption of a given decision. His delegation was convinced that despite the changes that had taken place in the world, the Charter unquestionably allowed the United Nations to perform its noble tasks. Moreover, the Charter was flexible enough to allow for a progressive development of United Nations activities. That was shown by the rapid expansion of United Nations activities in the economic field and in the field of decolonization. It could not be denied that the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples had contributed substantially to the elimination of colonial domination.

11. No particular difficulty had arisen from the desuetude of certain obsolete provisions of the Charter. As the United Kingdom representative had rightly pointed out, in the *Ad Hoc* Committee, disuse had its own constitutional effect (*ibid.*, p. 96). Any attempt to remove from the Charter those provisions which had fallen into disuse might prove dangerous in setting off a possible chain reaction of other substantial amendments.

12. His delegation had been gratified to witness in recent years the emergence of the policy of détente and the sincere efforts of various groups of States to foster friendly relations and co-operation. However, détente and co-operation were not irreversible and, while some of the old contradictions were about to disappear, new ones had emerged. In 1945 the unanimity of the great Powers had been the major driving force behind the creation of the United Nations; in 1975 such unanimity was no longer present. Owing to the exceptional circumstances of the Second World War, the other original Members of the United Nations had been compelled to exercise a remark-

<sup>1</sup> See A/8746/Add.1.

able degree of restraint in spelling out their respective national positions, but that restraint had now yielded to a vigorous assertion of national interests and to the proliferation of various proposals which were at times diametrically opposed to one another. Accordingly, his delegation believed that the time was not ripe to undertake a general review of the Charter.

13. Those who were against the review of the Charter were often accused of taking an allegedly conservative position of defending the *status quo* of a so-called bygone era. It would be wrong to consider his own delegation and many others having similar views to be wedded to conservatism and the *status quo*. The truth was quite the opposite. His delegation was in favour of making the United Nations a more effective instrument for the maintenance of international peace and security. The United Nations could play an important role in building a universal collective security system closely interdependent and interacting with regional organizations and in expanding bilateral relations and co-operation among States in the political, economic, social and cultural fields. His delegation also advocated the principle of unanimity of the permanent members of the Security Council, which bore the greatest responsibility for the maintenance of world peace and the avoidance of thermonuclear war. Progress in the field of disarmament was of vital importance. The United Nations had a role to play in that regard, together with other bilateral and multilateral forums. Both old and new hotbeds of international tension should be eliminated, and the existing framework of the Charter provided ample scope for asserting the role of the United Nations in that field. Within the framework of the existing Charter provisions, the United Nations could and should contribute more effectively to the economic advancement of the developing countries and the establishment of international economic relations on new and more equitable foundations. Colonialism, racism, *apartheid* and all other forms of racial discrimination must be finally and completely eliminated. His delegation favoured streamlining the United Nations, updating its methods and combating bureaucratic inefficiency. Proposals such as those set forth in the report of the Group of Experts on the Structure of the United Nations System<sup>2</sup> should be studied carefully. Last but not least, the progressive development and codification of international law would have an important impact on inter-State relations and on United Nations activities.

14. As his Government had stated in paragraph 6 of its reply to the Secretary-General, it was firmly convinced that the attention of the United Nations should not be focused on a review of the Charter but on the elimination of existing hotbeds of international tension, on furthering the policy of détente and on efforts to make détente irreversible, and his country had faith in the provisions of the Charter and it was convinced that efforts aimed at reviewing it would only weaken the role played by the Organization in the maintenance of peace and security.

15. Mr. SANDERS (Guyana) observed that the question of the need for Charter review was not part of the mandate of the *Ad Hoc* Committee. In establishing the *Ad Hoc* Committee, the General Assembly had already decided, in

resolution 3349 (XXIX), that there was such a need and had, in paragraphs 1 and 5 of the resolution, established certain tasks for the *Ad Hoc* Committee. The first session of the *Ad Hoc* Committee had been taken up with a general exchange of views and the *Ad Hoc* Committee had ultimately been unable to fulfil its mandate. There were numerous reasons for that failure: August was perhaps not the best month for meetings; a general atmosphere of confrontation and suspicion had prevailed; and representatives had shown extreme caution and uncertainty as to how to proceed at that early stage. Too large a part of the general debate had been taken up by an irrelevant discussion on the question whether it was necessary to review the Charter, despite the fact that the General Assembly had already decided that question in the affirmative.

16. In the view of his delegation, it was far too early to decide whether the *Ad Hoc* Committee had been successful or not. Many other committees had had slow beginnings but had been able, with patience and goodwill, to reach generally acceptable solutions, even on problems where the starting positions seemed quite irreconcilable. His delegation urged that the Sixth Committee should recommend the renewal by the General Assembly of the mandate of the *Ad Hoc* Committee so that it would be able to meet for at least one more session.

17. It was important for the *Ad Hoc* Committee to find a way of escaping from stalemate and confrontation. It could, for instance, concentrate its initial efforts on common ground, such as proposals and suggestions for the more effective functioning of the United Nations that might not require amendments to the Charter. Such suggestions could be found in the written observations of States, in the statements in the general debate and in the letter recently submitted by Romania (A/C.6/437).

18. With regard to possible recommendations and guidelines on methods of work for the *Ad Hoc* Committee, he found merit in the suggestions of Mexico contained in annex II to the *Ad Hoc* Committee's report. Another method of work had been suggested by the representative of Madagascar at the previous meeting, namely that the *Ad Hoc* Committee examine the Charter and review it article by article, without proceeding to any revision.

19. His delegation did not share the fears of those delegations which felt that a review of the Charter was undesirable and dangerous. He did not believe that the majority of Members of the Organization, the smaller States, would "cut the bough on which they were standing". His delegation would support any resolution recommending that the *Ad Hoc* Committee meet again at a convenient time for at least another session and that its mandate be broadened to encompass a study of proposals for the strengthening of the role and functions of the United Nations. It would likewise not object to any increase in the membership of the *Ad Hoc* Committee.

20. Mr. PHUMAPHI (Botswana) said that the controversial question of the review of the Charter was a very delicate one that had to be handled with the greatest care. An answer could however be found in the Charter itself by reading its provisions to establish the intention of the founders of the Organization. His delegation was of the

<sup>2</sup> See A/AC.62/9.

view that, when the Charter had been drafted, it had been expected that there would some day be a need for change in its provisions, as could be confirmed by Articles 108 and 109. Review of the Charter should not be undertaken just for its own sake but should be a response to the existence of conditions militating in favour of change. His delegation felt that certain considerations which had been valid in 1945 and were responsible for the original form of the Charter were no longer applicable. Certain Members had for instance been designated as permanent members of the Security Council and given veto power on the basis of their contribution to victory in the Second World War; that criterion had been appropriate in its time but now a more appropriate formula should be developed which better reflected current realities and the aspirations of the world community. The permanent members of the Security Council had become polarized into power blocs which tended to agree on very few occasions. Their veto power had been abused to frustrate the realization of the very objectives which the United Nations had set itself to achieve, such as international peace. The non-aligned countries were concerned that the United Nations should not be allowed to degenerate into a forum for quarrels between power blocs while international peace was being violated.

21. The fears of those opposing review of the Charter were unfounded and reflected largely a fear of the unknown. Review of the Charter was not being advocated because the document had proved to be completely useless. Much had been achieved under the Charter in its existing form. A review was being sought in an effort at least to identify the defects preventing the maximum achievement of the objectives envisaged by the Charter. Everyone admitted that the Charter was not perfect, but some States refused to co-operate with advocates of improvement of the Charter, apparently because they were afraid that removal of the Charter's imperfections might reduce their power and place them on an equal footing with other Members of the Organization. That lack of co-operation was an example of the refusal of States to co-operate or compromise referred to by many representatives and was another of the many reasons why the Charter should be reviewed. It was also important to keep in mind that, while review of the Charter would be a major step towards strengthening the role of the United Nations, Member States would still, of course, be expected to abide by the provisions of the Charter.

22. Mr. RASSOLKO (Byelorussian Soviet Socialist Republic) said that his delegation emphatically rejected any attempt to revise the Charter under any pretext and affirmed, as stated in his Government's letter to the Secretary-General (see A/10108), that only by following the principles and purposes of the Charter could the noble goals of the United Nations and the strengthening of peace and security be achieved. There had previously been two exhaustive reports on the question of Charter review<sup>3</sup> and the current report of the *Ad Hoc* Committee showed again that there was a fundamental divergence of opinion on the necessity of carrying out a review of the Charter and that, as a consequence, the *Ad Hoc* Committee had achieved nothing useful. The majority of States, in their written

comments on the matter, had expressed opposition or uncertainty on the question of review. The lack of a general desire on the part of States for a review gave the *Ad Hoc* Committee no basis for undertaking any such action and confirmed that its creation had been a hasty and an unconsidered decision, contrary to the interests of the United Nations.

23. Some members of the *Ad Hoc* Committee had tried to create an artificial atmosphere of urgency, attempting to guide that Committee into areas beyond its competence. He welcomed the statement by the representative of Italy to the *Ad Hoc* Committee (see A/10033, p. 48) warning against hasty and unconsidered measures. It should be remembered that the fact that some States had advanced proposals for reviewing the Charter was not of itself proof of the need for a review.

24. Some representatives favouring review had referred to the passage of time since the founding of the United Nations, the lack of Charter review in that 30-year period and the increase in United Nations membership. They should recall that the changes in the world during the past 30 years had taken place through the mediation of the Charter, which confirmed its viability and effectiveness. The increase in membership was proof of the worth of the Charter to which all Members had pledged their adherence upon admission. It was not true that the interests of developing countries were insufficiently represented in the existing structure of the United Nations, for those countries were members of all main bodies of the Organization and played a major role in its decision-making process. With the active participation of developing and socialist countries, the United Nations had taken a significant number of useful decisions in recent years.

25. Some proponents of Charter review had objected to the principle of unanimity of the permanent members of the Security Council. His delegation felt that that principle was a vital instrument for the maintenance of peace and security and the adoption of decisions, based on agreement of Member States, with respect to the main problems of the contemporary world. It was necessary to understand that the United Nations was unthinkable without that principle under the existing conditions of two coexisting differing social systems. The principle of unanimity had many times allowed the United Nations to avoid taking hasty decisions which could have led to serious consequences for the cause of peace. That principle was the foundation of the whole Organization and prevented the possible use of the Security Council in the narrow interests of Governments or groups of Governments or in the cause of disunity and non-co-operation. The Soviet Union, as a permanent member of the Security Council, had many times used the right of veto in the interests of peoples struggling for their freedom and national independence and in defence of national liberation movements and the legal interests and rights of small States. The revision of that principle would destroy the Organization.

26. His country, like all socialist countries, had always stood for the improvement of the effectiveness of the United Nations but wished to draw attention to the danger of proposals which allegedly sought to increase the effectiveness and strengthen the role of the Organization. The

<sup>3</sup> A/AC.175/L.2 and Corr.1 and A/AC.175/L.3 and Corr.1 and Add.1.

Organization and its Charter possessed great strength and authority, as was shown by the numerous important documents on vital social, economic and political questions which had been adopted. In the Final Act of the Conference on Security and Co-operation in Europe the signatory States had reaffirmed their adherence to the principles and purposes of the Charter and declared their active support of the Organization.

27. Under existing conditions, when a clear trend towards the reduction of international tensions could be seen and the United Nations had begun to solve the problems foreseen by the Charter more effectively, the principles and purposes of the Charter should be reaffirmed, not attacked, and States should rededicate themselves to carrying out their Charter obligations. It was not the fault of the Charter that certain useful United Nations decisions had remained unimplemented. The fault was rather that some Member States had failed to carry out their Charter obligations and were in effect violating its principles and purposes.

28. His delegation most emphatically opposed the review of the Charter, convinced that such a review posed a serious threat to the existence of the United Nations, and for that reason opposed the renewal of the mandate of the *Ad Hoc* Committee, whose activities would adversely affect the climate of trust between States and hinder the normal activities of the United Nations.

29. Mr. DONORABAYE (Chad) said that because of profound changes in the life of the people of Chad, his country had been unable to make a timely response to the invitation of the General Assembly in resolution 3349 (XXIX), paragraph 2. It adhered, however, to the position of principle on the important question of Charter review which had been expanded by the Minister for Foreign Affairs and Co-operation of Chad in his statement at the 2359th plenary meeting of the General Assembly on 24 September 1975.

30. Like many other delegations, his delegation believed that certain outmoded provisions of the Charter should be replaced by new provisions which were consistent with the realities of contemporary international life. The fundamental purpose of the United Nations was the maintenance of international peace and security in order to avoid the horrors of war and work in that area should not be monopolized by the great Powers. Solutions to international problems of general interest, whether economic or social, should be sought by all countries, regardless of their size. That was the only way in which the United Nations could correct certain past errors and become an effective instrument for maintaining and consolidating international peace and security, development and co-operation among States. His delegation would undertake as a matter of urgency to make known in detail, to the Secretary-General at a later time its observations and proposals.

31. The *Ad Hoc* Committee had done useful work despite the divergences which had emerged at its first session. His delegation was glad to see the interest which the question of Charter review had aroused and would support a draft resolution extending the mandate of the *Ad Hoc* Committee.

32. Mr. ANWAR SANI (Indonesia) said it was highly significant that the item on the report of the *Ad Hoc* Committee was being considered during the thirtieth anniversary session of the United Nations, since during those 30 years the international setting in which the Charter had been drafted had undergone fundamental changes. They included the emergence of newly independent States, which had created greater awareness of the need for a more democratic decision-making process in the United Nations, based on the principle of sovereign equality recognized in the Charter; important changes in the political field; an ever-widening gap between rich and poor; and the growing scarcity of resources, which had created greater interdependence in international relations and an increasing need for global solutions. It was also noteworthy that the main concern of the international community was no longer merely international peace and security, as in the immediate post-war era, but extended to international justice and welfare.

33. Because of those changes, he agreed with those who believed that in certain areas the Charter was no longer able to meet the needs of the international community. At the same time, his delegation adhered to the purposes and principles of the Charter, which had served and would continue to serve as the basis for international relations.

34. It was gratifying to see that at the twenty-ninth session of the General Assembly the views of Members on the Charter had taken the form of positive action with the adoption of resolution 3349 (XXIX). The fact that that resolution had had the support of the majority of Member States indicated the need to take concrete steps towards Charter review.

35. However, the *Ad Hoc* Committee had been established over the strong objection of some State Members, for well-known reasons, and it was regrettable that that negative attitude had continued in the work of the *Ad Hoc* Committee itself. That had, in a way, hampered its effectiveness. But the *Ad Hoc* Committee had not failed. Its mandate had been complex and politically controversial and it had had to work in an unjustified atmosphere of mistrust and suspicion, which had delayed the start of a meaningful exchange of views, even though many State Members that were in favour of Charter review had taken the initiative of promoting such an exchange. In those circumstances, it was unrealistic to expect that the *Ad Hoc* Committee could complete its work in a single short session and the past session should therefore be regarded as a first useful step towards realization of its mandate.

36. The *Ad Hoc* Committee had been a useful forum for Member States to make specific proposals, as indicated in annex I to the report. His delegation had submitted to the *Ad Hoc* Committee, in general terms, some proposals for limiting application of the principle of unanimity in the Security Council, institutionalizing peace-keeping operations by interposition and increasing the attractiveness of procedures for the peaceful settlement of disputes by broadening the options available under Article 33 of the Charter.

37. The positive aspects of the *Ad Hoc* Committee's work should not be overlooked, and that Committee's mandate

should be renewed, with a more realistic time-table which would enable it to pursue its work. It was unrealistic to expect it to complete its work in one or two more sessions. The first order of business of the *Ad Hoc* Committee should be the establishment of an efficient method of work so that more "dialogues of the deaf" could be avoided. It would be useful if unrealistic arguments that a review of the Charter was not desirable were replaced by frank and useful discussions exploring the least controversial areas with a view to reaching an understanding, if not a consensus, on ways of making necessary improvements. That could be done more effectively if the *Ad Hoc* Committee set up one or more working groups. In that regard, it would be appropriate for it to consider seriously the proposals made by Mexico, as they appeared in annex II to the report. Because of the importance of the work of the *Ad Hoc* Committee and the need for consistency, that Committee should prepare for the General Assembly another substantive report reflecting the major trends of its discussions.

38. His delegation hoped that understanding and co-operation in the *Ad Hoc* Committee would start immediately. The current serious effort in that direction should be noted with appreciation and encouragement. He wished to remind the Committee, in conclusion, that Charter review did not necessarily imply Charter revision.

39. Mr. ALVAREZ PIFANO (Venezuela) said that his delegation wished to reiterate that it was interested in studying the possibility of amending the Charter, for two reasons. First, complex changes had occurred since the adoption of the Charter, including the emergence of third world countries as significant participants in the search for peace and security and social changes which led those countries to seek active participation in international political decisions. Those changes made it necessary to adapt earlier legal instruments and serious consideration should therefore be given to the possibility of revising the Charter so that it would meet the needs of modern times.

40. Secondly, many countries considered the question of Charter review highly important and wished to have the opportunity to express their opinions on that subject, either with a view to increasing the ability of the United Nations to achieve its goals or to drafting a revised instrument which would permit the attainment of more ambitious goals. The United Nations had to face important restructuring problems for its tasks were becoming ever more complex and would require more and more dynamism and creativity. There was a need for new solutions to settle conflicts and for firm definitions to guide the conduct of States large and small in areas of major interest which exceeded the scope of the normal internal political order.

41. However, the review of the Charter could not be undertaken as if it were an inoperative instrument. It would be a very serious error to underestimate how much the United Nations had done in 30 years for world peace and a no less serious error to ask the United Nations for more than it could feasibly give. His delegation was therefore prepared to co-operate in making revisions of the Charter which would improve the functioning of the Organization and would win the widest possible acceptance.

42. A profound restructuring of the United Nations system was needed as soon as possible, with a view to

making it better organized and more responsive. As a third world country, Venezuela attached particular importance to instruments for effective action in favour of developing countries, such as the United Nations Conference on Trade and Development. Any reform in that area should be aimed at strengthening and perfecting such instruments so that they could more effectively meet the needs of the new international economic order. That was the only way of achieving a proper balance among all parties concerned.

43. His delegation, which had supported the establishment of the *Ad Hoc* Committee, noted with satisfaction that that Committee had begun its work with a clear concept of the importance of its mandate. The prudent way in which it had conducted its debate showed that many of the fears caused by its establishment had been unfounded. It had in no way damaged the prestige of the United Nations or discredited any provisions of the Charter. Indeed, there had been no more of a political confrontation than would be aroused by a debate on any other important item.

44. The *Ad Hoc* Committee should therefore continue its work in the forthcoming year, in a session of appropriate length, and should establish general guidelines for its work. His delegation consequently supported the Mexican proposal (see A/10033, annex II) that two subcommittees should be established, one to examine proposals for amending the Charter and the other to examine proposals for increasing the ability of the United Nations without amending the Charter.

45. He mentioned a number of important steps taken by the United Nations in the field of international peace and security which constituted the basis for the desired world structure. The co-operation of the large countries was indispensable in that area, as was absolute respect for the sovereignty of the developing countries over their renewable and non-renewable natural resources. Third world countries were convinced that any action which infringed upon that principle of sovereignty would also endanger international security.

46. He also mentioned a number of activities undertaken in the Latin American region, which showed that international security was an idea to which all countries were committed and which would guarantee the rights of all. Venezuela, which had always fought for its sovereignty and respect of the sovereignty of other countries, firmly believed that the United Nations during its 30-year history had made very fruitful efforts to harmonize relations in an increasingly interdependent world.

47. Mr. SIMANI (Kenya) said that his delegation, as a member of the *Ad Hoc* Committee, regretted that owing to polarization of positions the Committee had been unable to accomplish any of its tasks. Nevertheless, given goodwill and understanding the *Ad Hoc* Committee could succeed and he therefore appealed to the Sixth Committee to consider seriously the need to extend the *Ad Hoc* Committee's mandate.

48. His delegation's position concerning Charter review had been fully set forth at the twenty-ninth session<sup>4</sup> and in

<sup>4</sup> See A/9739.

the statement made by the Kenyan Minister of Foreign Affairs at the 2362nd plenary meeting of the General Assembly on 25 September 1975. For the reasons given in that statement, his delegation believed a review of the Charter was not only timely but imperative and it totally rejected the argument advanced by some that the Charter was a sacrosanct document which had stood the test of time and could not be reviewed without jeopardizing the existence of the Organization. That argument was disproved by the fact that there had already been far-reaching amendments of the Charter which had not disrupted the smooth functioning of the Organization, namely the enlargement of the Security Council and the Economic and Social Council.

49. Even if the Charter had been a perfect instrument when it was drafted, it could not, in view of the radical transformation of the international scene, remain immutable and still meet the interests of Member States. That had been foreseen by the founders of the Organization, who had provided for Charter review in Article 109. His delegation had therefore strongly supported the establishment of the *Ad Hoc* Committee. It did not advocate wholesale revision of the Charter, but a review of its working methods, which could only be done systematically if the work was entrusted to such a committee. It would therefore continue to support the *Ad Hoc* Committee in the hope that all States would adopt a realistic attitude which would help to make the Charter more responsive to the interests of the international community as a whole.

50. Because any amendment to the Charter required the support of two thirds of the members of the General Assembly and of all permanent members of the Security Council, the fears that Charter review would lead to the majority imposing its will on a minority, compromising the vital interests of some, were grossly exaggerated. In any case, those arguments could equally well be reversed.

51. His delegation would support all efforts to facilitate the work of the *Ad Hoc* Committee and believed that its mandate should be extended. It had noted with interest the proposals and suggestions made in connexion with agenda item 29, which had the effect of facilitating the *Ad Hoc* Committee's work. To the extent that those proposals and suggestions came within that Committee's mandate, his delegation would support referring them to that Committee for consideration. It would not object to the possibility of enlarging the membership of the *Ad Hoc* Committee by a small number of States, including Romania.

52. Mr. BENITEZ (Uruguay) said that his delegation attached particular importance to agenda item 113. As a peace-loving country, Uruguay had closely followed the progress of international law, aware that only if its norms and principles were respected could future generations be guaranteed peace and security. Although not a member of the *Ad Hoc* Committee, Uruguay had followed its work closely and had sponsored resolutions on the item.

53. The Charter was the work of man, and therefore not perfect. For that reason its drafters had included Chapter XVIII, setting up formal machinery for its amendment.

54. Those who systematically opposed revision often spoke of a political agreement embodied in the Charter which they feared could not be touched without altering the balance which had given rise to that instrument. It was indeed essential to preserve the political agreement, but the substance of that agreement was the purposes and principles of the Charter, not the institutional structure or organs created by the Charter. As stated by Mr. Eduardo Jiménez de Aréchaga, the Uruguayan jurist who was currently a member of the International Court of Justice, the Charter, like the constitutions of States, contained a dogmatic and an organic part, one embodying basic purposes and principles and the other dealing with the organs which served to accomplish those purposes. It was the dogmatic part of the Charter, setting forth basic principles and purposes, which was the subject of true political agreement, and those principles and purposes should be maintained. However, no such immutable political agreement existed as to the organic part of the Charter. Great changes had occurred in the past 30 years and amendments to the organic part might help the United Nations perform its duties more effectively. In particular, the references in the Charter to historical conditions which no longer existed were meaningless. The realities of the current world could not be ignored and if they were not included in the machinery of the United Nations, or if there was no earnest attempt to include them, the United Nations would become obsolete. As the Uruguayan Minister for External Affairs had observed in his statement to the 2360th plenary meeting of the General Assembly on 24 September 1975, institutional reforms were needed to co-ordinate efforts in favour of the neediest countries. It was in that spirit that his delegation intended to sponsor draft resolutions extending the mandate of the *Ad Hoc* Committee, so that it could continue its highly important work.

*The meeting rose at 1 p.m.*